

 <p>Agricultural Land Commission Act</p>	<p style="text-align: right;">Policy L-19 January 2016</p> <p style="text-align: center;">ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE: UTILITY SERVICES WITHIN AN EXISTING RIGHT-OF-WAY IN THE ALR</p>
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This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act](#), 2002, including amendments as of September 2014, (the “ALCA”) and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of August 2016, (the “Regulation”). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.

REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Regulation 171/2002), Section 3(l) and Section 6.

Section 3 (1) The following non-farm uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:

- (l) force mains, trunk sewers, gas pipelines and water lines within an existing dedicated right of way*

Section 6 Unless permitted under sections 2 and 3, a person must file an application under section 34 (6) of the Act directly with the office of the commission and in a form acceptable to the commission for any of the following uses:

- (a) widening of an existing road right of way;*
- (b) construction of a road within an existing right of way;*
- (c) dedication of a right of way or construction of any of the following:*
 - (i) a new or existing road or railway;*
 - (ii) a new or existing recreational trail;*
 - (iii) a utility corridor use;*
 - (iv) a sewer or water line other than for ancillary utility connections;*
 - (v) a forest service road under the [Forest Act](#);*
- (d) the new use of an existing right of way for a recreational trail.*

INTERPRETATION:

It is the policy of the Agricultural Land Commission (“the Commission”) that utility services, including water and drainage pipes, electrical transmission lines, gas lines, sewer lines and telecommunication lines within an existing legally established road which has been improved by grading or surfacing (gravel or pavement) and which is available for public use are considered part of services normally occupying a road and do not require an application to the Commission.

However, if the existing road is not in use and unimproved (ie. a ‘paper road’), approval of the Commission is required to install the utilities.

Upgrading and replacement of existing utilities within an existing right-of-way does not require approval of the Commission.

Unless defined in this policy, terms used herein will have the meanings given to them in the *ALCA* or the Regulation.