

# Necessary Farm Use Structures in the ALR Guidelines

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This document provides guidance for the construction, maintenance or operation of structures necessary for a farm use in the Agricultural Land Reserve (“ALR”), including structures necessary for a farm use permitted under the Agricultural Land Reserve Use Regulation (“ALR Use Regulation”), and structures being considered by the Agricultural Land Commission (“ALC”) as part of an application or Notice of Intent for the placement of fill for a structure.

## 1. Structures Necessary for a Farm Use

Section 5 of the ALR Use Regulation permits a structure, other than a residential structure, that is necessary for a farm use (“necessary farm use structure”). Under the *Agricultural Land Commission Act* (“ALCA”), a “farm use” is an occupation or use of agricultural land for farming land, plants, mushrooms, truffles or animals; a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*; or an activity designated as a farm use in the ALR Use Regulation. Section 5 of the ALR Use Regulation provides that a necessary farm use structure also includes a greenhouse, a structure for use in an intensive livestock operation or mushroom production, or an aquaculture facility.

A farm use, by definition in the ALCA, does not include a residential use or a soil or fill use.

A necessary farm use structure may not be prohibited by local government bylaw or First Nation law; however, it may be regulated.

In considering whether a structure is necessary for a farm use, the meaning of the closely related term “farm building” is informative. Section 1.2.1.2 of the National Farm Building Code (1995) defines a farm building as a “building or part thereof which does not contain a residential occupancy and which is associated with and located on land devoted to the practice of farming and used essentially for the housing of equipment or livestock, or the production, storage, or processing of agricultural and horticultural produce or feeds”.

## 2. Farm Structure Necessity

A necessary farm use structure must be demonstrated to be required for farm use on a property, or planned farm use. The structures must be commensurate with the level of farm use occurring on, or planned for, the property. Therefore, landowners may be required to provide supporting rationale, documentation, or evidence to their local

government, First Nation government, or the ALC respecting the necessity for structures to support farm use on the property such as the following:

- Evidence the property is assessed as Class 9 - Farm under the *BC Assessment Act*, or that an application for a developing farm has been submitted for new operations.
- Rationale for the proposed necessary farm use structure including its proposed use, location, and size.

### **3. Necessary Farm Use Structure Design**

Necessary farm use structures in the ALR should generally be designed with regard to:

- Compliance with the National Farm Building Code of Canada (1995) whenever possible.
- Exterior and interior designs consistent with farm use. In particular, necessary farm use structures should include:
  - Exterior design and materials that are consistent with farm use (see Figures).
  - Interior layout that is functional for a farm use such as high ceilings, large open interior spaces, door clearance for farm equipment (see Figures).
  - Single-story only (mezzanine acceptable) unless a farm use need is demonstrated.
  - If necessary, bathrooms limited to a maximum of two plumbing fixtures (i.e. sink and toilet), unless the need for an additional fixture such as a shower is demonstrated for specific farm purposes such as “shower-in, shower-out” for biosecurity requirements, etc.
- Necessary farm use structures should not be designed to include, or be easily converted to; residential, accessory residential uses, or non-farm uses; or include excessive storage areas not justified for farm use. Necessary farm use structures should be commensurate with the size and scale of the agricultural operation.

The submission of detailed building plans may be required by the local government, First Nation government, or ALC to confirm the structure's total floor area and to assess the layout of the proposed structure.

**Examples of structures designed for a necessary farm use***Figure 1. Livestock barn**Figure 2. Farm machinery storage***4. Fill Requirements for Necessary Farm Use Structures**

The ALR Use Regulation permits a certain amount of fill to be placed for the construction of a necessary farm use structure without ALC review. For greater clarity, “fill” means any material brought onto ALR land other than materials exempted by regulation and includes aggregate or other structural fill materials necessary to facilitate construction of a necessary farm use structure. For more information, see [ALC Information Bulletin 07: Soil or Fill Uses in the ALR](#).

**Permitted Placement of Fill or Removal of Soil Without ALC Authorization**

Deposition of fill or removal of soil to facilitate the construction or maintenance of a structure necessary for a farm use is permitted if the following criteria are met:

- The total area from which soil is removed, or on which fill is placed, does not exceed a 1,000 m<sup>2</sup> area; and
- In a floodplain, the resulting elevation level is consistent with the minimum elevation level established under all applicable local government enactments and First Nation government laws, if any, respecting flood protection in the floodplain ([section 35\(a\) of the ALR Use Regulation](#)).

**Placement of Fill or Removal of Soil Requiring ALC Authorization**

Authorization or approval from the ALC is required for any of the following:

- To place fill or remove soil for the construction of a farm use structure or a principal residence that involves more than 1,000 m<sup>2</sup> of fill placement or soil removal; or
- To place fill or remove soil, whatever the affected area, for the construction of a structure other than a farm use structure or principal residence, such as a building that includes a residential use, accessory residential use, or a non-farm use.