

Accessory Residential Use Structures in the ALR Guidelines

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This document provides guidance for the construction, maintenance, or operation of structures, other than residential structures, necessary for a residential use, including structures necessary for a residential 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 a Notice of Intent (“NOI”) for the placement of fill for a structure.

1. Fill Requirements for Accessory Residential Use Structures

The ALR Use Regulation does not provide for the placement of fill for the construction of any accessory structure. 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 an accessory structure. Therefore, for the construction of all accessory residential use structures regardless of the total floor area, the owner or person with a specified right of entry to the parcel must submit an NOI for related soil and fill/aggregate used in the construction.

2. Structures, Other Than Residential Structures, Necessary for a Residential Use

[Section 30 of the ALR Use Regulation](#) permits a structure, other than a residential structure, that is necessary for a residential use (an “accessory residential use structure”).

An accessory residential use structure cannot contain residential uses that would ordinarily be contained within a residential structure (e.g., sleeping area, recreational room, gym, spa, etc.). In other words, residential uses are to be wholly contained within a principal residence or an additional residence. Accessory residential use structures cannot be used to circumvent the size limits on principal or additional residences.

An accessory residential use structure for the purpose of section 30 of the ALR Use Regulation is one that is necessary to support the residential uses that are occurring in residential structures on the parcel. For example, an accessory residential use structure might be required to house a utility including water pumps, electrical, septic, and generators for the purposes of a residential use. The determination of whether any other

structure is necessary for a residential use rests with the Commission and will depend on the facts of each individual property.

Other residential use structures such as pools, tennis courts, basketball courts, fountains, and playgrounds are generally not considered to be necessary for residential uses except in exceptional circumstances where their size and siting presents little to no impact to arable land.

When considering an NOI to place fill for an accessory residential use structure, the ALC CEO or their delegate will give consideration to the size of the parcel, and the size and siting of the proposed structure, to minimize impacts to agricultural land.

3. Accessory Residential Use Structures

The ALC CEO considers the following reasonable accessory residential use structures for which the placement of fill can be considered through an NOI:

- Personal recreational vehicle storage (e.g., boat, RV, snowmobile, ATV)
- Residential related workshop
- Household greenhouse (not for farm use)
- Tool/garden shed

Placement of fill for a detached garage for the principal residence may also be considered if the Total Floor Area of the principal residence does not exceed the allowable Total Floor Area of 500 m² plus the 42m² attached garage.

Consistent with [ALC Information Bulletin 05 – Residences in the ALR](#), an additional residence can be constructed above a garage for the principal residence. Please refer to Information Bulletin 05 for more information on the Total Floor Area of a principal residence and an additional residence constructed above a garage.

4. Accessory Residential Use Structure Design

The following considerations relating to design and/or siting will be used by the ALC CEO or their delegate when considering an NOI for an accessory residential use structure in the ALR.

For workshops, recreational vehicle storage, or detached garages:

- on parcels 40 ha or less: a maximum total floor area of 90 m² or the size that the local government permits, whichever is more restrictive;
- on parcels over 40 ha: a maximum total floor area of 186 m² or the size that the local government permits, whichever is more restrictive;
- the structure is single storey;

- the interior layout of the workshop or recreational vehicle storage consists of one large interior space (no partition walls) and is accessed through large bay doors;
- the structure is clustered on the property with residential structures.

Local governments have the authority to be more restrictive and/or may prohibit accessory residential use structures. A decision on an NOI does not circumvent local government authority, and in no way compels the local government to issue a building permit.

Examples of structures designed for an accessory residential use:



Figure 1. 80 m² garage/workshop (on <40 ha)



Figure 2. 139 m² garage/RV storage (on >40 ha)

Photos courtesy of the Garage Plan Shop

For household greenhouse:

- constructed entirely of poly or glass with metal/poly/wood frame;
- used for the production of household foods; not residential uses (e.g. sunroom); and
- clustered on the property with residential structures.

Tool and gardens sheds should be small in nature and commensurate with the use.

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