

Design and Construction Guidelines for an Additional Residence Permitted under Section 34.3 of the ALR Use Regulation

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Section 34.3 of the Agricultural Land Reserve ("ALR") Use Regulation permits the construction of one additional residence per parcel in the ALR, subject to specific conditions and other requirements relating to parcel size and the total floor area.

The placement of fill (including structural aggregate) for an additional residence, even where the additional residence is permitted under section 34.3 and regardless of the volume of fill, requires authorization from the Agricultural Land Commission ("ALC").¹ Under section 20.3 of the *Agricultural Land Commission Act* ("ALCA"), a person seeking to place fill must submit a notice of intent ("NOI").

This document provides guidance for the construction of permitted additional residences in the Agricultural Land Reserve ("ALR"), including additional residences permitted under the Agricultural Land Reserve Use Regulation ("ALR Use Regulation"), and additional residences 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. NOI Considerations

General

In order for an additional residence for which the placement of fill is sought to be approved, the following conditions must be met:

- the parcel contains only one existing residence;
 - the proposed additional residence will be detached from the existing residence;
- and,

¹ Section 35 of the ALR Use Regulation permits the placement of fill without that authorization if it is for the construction or maintenance of a principal residence, which is not the case here

- the proposed additional residence complies with the total floor area limits prescribed by s. 34.3 of the ALR Use Regulation:
 - for Properties 40 hectares (ha) or less: a maximum total floor area of 90 m² (969 ft²)
 - Properties greater than 40 ha: a maximum total floor area of 186 m² (2,002 ft²)

Total Floor Area Calculation

The maximum total floor area for an additional residence means the total area of all floors measured to the inner surface of the exterior walls, including:

- All living areas on all floor levels, including basements with a vertical height of more than 1.8 metres.
- Stairways and hallways
- Attached garages and carports (except if the garage is for the principal residence – see the Carriage House section below)
- Enclosed porches and sunrooms
- Interior storage areas
- Mechanical rooms within the building envelope

The total floor area calculation does not include:

- Open decks and patios
- Exterior stairs
- Crawl spaces with a vertical height less than 1.8 metres

See Glossary section of [ALC Information Bulletin 05 - Residential Uses in the ALR](#) for a full list of definitions.

Siting Considerations

Under Section 6 of the ALCA the Commission must give priority to protecting and enhancing the size, integrity and continuity of the ALR and its use for farming when performing any of its duties under the Act.

To ensure consistency with this mandate and support the preservation of agricultural land within the Agricultural Land Reserve (ALR), the ALC CEO or their delegate will consider the following factors when reviewing Notices of Intent (NOI) for fill placement associated with the construction of a proposed additional residence:

- Clustering residential structures to minimize land fragmentation and maintain large, contiguous areas for agricultural use.

- Utilizing existing driveways and access points to reduce further disruption to the land base.
- Maintaining agricultural connectivity across the parcel to support ongoing and future farming activities.
- Preserving arable land by avoiding placement of fill on productive soils and areas suitable for cultivation.

2. Mixed Use Buildings/Special Circumstances

The design of a mixed-use building (i.e., residential and farm use or residential and other accessory residential use) where only a portion of the structure is proposed for use as a residence does not avoid the need to comply with the residential requirements in the Agricultural Land Commission Act (“ALCA”) and its regulations.

A proposed ‘combined’ residential and other use structure requires approval of the Commission through a Non-Adhering Residential Use (NARU) application, with the exception of a carriage house as described in the special circumstances below.

Refer to the Housing in the ALR section of the ALC website for more information about NARU application considerations (specifically Information Bulletin 05 and Policy L-26).

Carriage Houses

Where a detached additional residence is proposed on the second storey above a one storey garage (i.e., a “carriage house”), the garage will not counted towards the total floor area for the additional residence if:

- the garage is for the storage/parking of vehicles for the principal residence;
- the total floor area of the garage on the first storey is no greater than the maximum allowable total floor area of the additional residence on the second storey (i.e., 90 m² for parcels 40 ha or less or 186 m² for parcels greater than 40 ha);
- the garage is one large space accessed by garage doors;
- there is no internal connection between the garage and the additional residence (i.e., the garage must not be intended for the additional residence); and,
- the carriage house is clustered close to the principal residence.

Carriage House Example:



For more information on carriage houses, refer to [ALC Information Bulletin 05 – Residences in the ALR](#).

3. Local Government Requirements

A local government should not issue a building permit for an additional residence unless:

- that additional residence is permitted under the ALCA (whether under section 34.3 of the ALR Use Regulation or otherwise by the ALC); and
- the ALC has authorized the placement of fill for that construction, whether through the NOI process or on application.

Local governments retain the authority to:

- Prohibit additional residences in the ALR (refer to [Housing in the ALR](#))
- Impose more restrictive size or siting requirements
- Require specific permits or approvals
- Regulate the form and character of additional residences

A decision on an NOI does not limit local governments' authority and in no way compels the local government to issue a building permit.