



**Agricultural Land Commission**  
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October 26, 2005

Reply to the attention of Ron Wallace

Kris and Birte Sorensen  
1230 Hodges Road  
Parksville, BC V9P 2B5

Dear Sir/Madam:

**Re: Application #S-32395-3  
Lot A, District Lot 19 & 83, Nanoose District Plan 13475**

Further to your letter dated 4<sup>th</sup> July 2005, the Commission, acting under section 33 of the *Agricultural Land Commission Act*, has reconsidered the above noted application.

It is your request that the original log-house be kept on your property as a second dwelling while you build a new house to live in.

The Commission, by Resolution #560/2005, did not support this request as it felt any additional dwellings would have to meet its regulations for farm use (see attached policy on additional dwellings).

The intent of the Act is to preserve and protect agricultural lands and farm communities in the long-term and the Commission truly felt that your application was not in keeping with this mandate.

The land referred to in the application will continue to be subject to the provisions of the *Agricultural Land Commission Act* and regulations.

Yours truly,


PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:

Erik Karlsen, Chair

cc Regional District of Nanaimo (#9806)

RW/lv/Encl.  
32395d4

 <b>Agricultural Land Commission Act</b>	<p style="text-align: right;"><b>Policy #9</b> <b>March 2003</b></p> <p style="text-align: center;"><b>ADDITIONAL RESIDENCES FOR FARM USE</b></p>
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*This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.*

**REFERENCE:**

Agricultural Land Commission Act, 2002, Section 18

- 18     *Unless permitted by this Act, the regulations or the terms imposed in an order of the commission,*  
           *(a) a local government, or an authority, a board or another agency established by it or a person*  
           *or an agency that enters into an agreement under the Local Services Act may not*  
           *(ii) approve more than one residence on a parcel of land unless the additional*  
           *residences are necessary for farm use*

**INTERPRETATION:**

The Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation do not set a limit on the number of additional residences for farm help per parcel, but all residences must be necessary for farm use. However, see Section 3 (10 (b) of the Regulation which permits a 'manufactured home' for family members of the owner. This Section also permits a secondary suite within a residence. See Commission Policy "Permitted Uses in the ALR: Residential Uses".

Local government must be convinced that there is a legitimate need for an additional residence for farm help. One criteria is that the parcel should have 'farm' classification under the *Assessment Act*. In coming to a determination, a local government should consider the size and type of farm operation and other relevant factors. To help determine the need and evaluate the size and type of farm operation, a permitting officer may wish to obtain advice and direction from staff of:

- a) the Ministry of Agriculture, Food and Fisheries
- b) the Agricultural Land Commission.

Local government bylaws should not necessarily be the basis for making a determination about the necessity for farm help. Some bylaws may automatically permit a second residence on a specified size of parcel in the ALR. This is not an appropriate determination under the Act and should not be used as the basis for issuing a building permit for an additional residence for farm help. Some local governments have adopted detailed guidelines as a basis for determining legitimacy of a request for additional residences for farm help, in which a threshold for different types of agricultural operations is specified. In these instances, it may be appropriate to consider these as factors in interpreting Section 18 of the Act.

If there is any doubt with respect to need, an application under Section 20 (3) of the Act for permission for a non-farm use is required.

