

	<p style="text-align: center;"><b>ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE:</b></p> <p style="text-align: center;"><b>HOME OCCUPATION USE IN THE ALR</b></p>	<p style="text-align: center;"><b>POLICY L-07</b></p> <p style="text-align: center;">Amended April 2019 Amended April 2018 January 2016</p>
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*This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act, 2002](#), (the “ALCA”) and, BC Regulation 30/2019 ([Agricultural Land Reserve Use Regulation](#)), (the “Use Regulation”). In case of ambiguity or inconsistency, the ALCA and the Use Regulation will govern.*

**INTERPRETATION:**

The Use Regulation allows as a non-farm use a home occupation use on a legal parcel in the Agricultural Land Reserve (“ALR”), up to a maximum area of 100 m<sup>2</sup>. Alternatively, the Use Regulation provides for this use with the maximum floor area for the use established by a local government bylaw for the area in which the parcel is located. In other words, the local government bylaw requirement for the maximum floor area for home occupation use applies, where a bylaw is in place for land in the area in which the parcel is located. Local government bylaws may also regulate hours of operation, number of employees, parking, etc.

The home occupation use must be accessory to the residential or farm use of the property. The local government bylaw may determine whether the use is confined to a dwelling, accessory building or both, or whether limited outside areas may be used.

Additional local government requirements that are in force may also need to be met.

For home occupation use in the ALR, there is no requirement that the parcel has farm classification under the [Assessment Act](#).

Home occupation use may be more specifically defined and regulated in a local government bylaw. For Agricultural Land Commission (“the Commission”) purposes a home occupation use does not include the following facilities, where more than 8 persons or clients are served or accommodated at one time:

- ❖ Day care facilities
- ❖ Preschool or other educational facilities
- ❖ Group homes
- ❖ Health and community care facilities

Home occupation use does not include a restaurant or other food or beverage service facility of any size.

**TERMS:**

**home occupation** means a use that is accessory to a residential use of a property where a resident carries on a profession or occupation that is clearly incidental to the primary use of the land and, for Commission purposes, is entirely contained within a dwelling or a building accessory to a dwelling except for such businesses that require a small area of outside space from time to time.

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

## **REFERENCE:**

### **Agricultural Land Reserve Use Regulation (BC Reg. 30/2019), Section 24**

#### **Home occupation use**

*Section 24 (1) The use of agricultural land for a commercial or similar use within a structure is permitted, but may be prohibited as described in section 20, if all of the following conditions are met:*

- (a) the structure is accessory to and located on the same parcel as a residence;*
- (b) the structure occupies an area that does not exceed
  - (i) the limit specified in an applicable local government enactment or first nation government law, or*
  - (ii) if subparagraph (i) does not apply, 100 m<sup>2</sup>.**

*(2) The conditions set out in subsection (1) do not apply to a type of use referred to in any other provision of this regulation.*

### **Agricultural Land Commission Act, S.B.C. 2002, c. 36, Section 1.**

#### **Definitions**

Section 1(1)

*“agricultural land” means land that*

- (a) is included in the agricultural land reserve under section 15 (1.1), 17(3.1) or 45(1) of this Act, or*
- (b) was included under a former Act as agricultural land or land in an agricultural land reserve,*

*Unless the land has been excluded from the agricultural land reserve under this Act or from an agricultural land reserve under a former Act;*