

 <p>Agricultural Land Commission Act</p>	<p style="text-align: right;">Policy L-18 October 2016</p> <p style="text-align: center;">ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE: RESIDENTIAL USES IN THE ALR – ZONE 2</p>
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This policy is intended to assist in the interpretation of the [Agricultural Land Commission Act, 2002](#), including amendments as of September 2014, (the “ALCA”) and BC Regulation 171/2002 ([Agricultural Land Reserve Use, Subdivision and Procedure Regulation](#)), including amendments as of August 2016, (the “Regulation”). In case of ambiguity or inconsistency, the ALCA and Regulation will govern.

REFERENCE:

Agricultural Land Reserve Use, Subdivision and Procedure Regulation (BC Regulation 171/2002), Sections 3(1)(b.1) and Section 1(1)

3(1) *The following non-farm uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw or, for lands located in an agricultural land reserve that are treaty settlement lands, by a law of the applicable treaty first nation government:*

(b.1) *for a parcel located in Zone 2,*

(i) *one secondary suite in a single family dwelling,*

(ii) *either*

(A) *one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family, or*

(B) *accommodation that is constructed above an existing building on the farm and that has only a single level, and*

(iii) *a second single family dwelling, but only if the parcel is at least 50 ha in size and if the total area occupied by all residences and other residential structures, roads and service lines, and all land between them, is 4 000 m² or less;*

1(1) *In this regulation:*

“immediate family” *means, with respect to an owner, the owner’s*

(a) *parents, grandparents and great grandparents,*

(b) *spouse, parents of spouse and stepparents of spouse,*

(c) *brothers and sisters, and*

(d) *children or stepchildren, grandchildren and great grandchildren;*

Agricultural Land Commission Act S.B.C 2002 c. 36, Section 4.2:

4.2 *The following zones are established:*

(a) *Zone 1, consisting of the Island Panel Region, the Okanagan Panel Region and the South Coast Panel Region.*

(b) *Zone 2, consisting of all geographic areas of British Columbia not in Zone 1.*

Note - The Panel Regions are described in more detail in the Schedule to the ALCA and on the Agricultural Land Commission website

Agricultural Land Commission Act S.B.C 2002 c. 36, Section 18(a):

- 18 *Unless permitted under this Act,*
- (a) *a local government, a first nation government or an authority, or a board or other agency established by a local government, a first nation government or an authority, or a person or agency that enters into an agreement under the [Local Services Act](#) may not*
- (i) *permit non-farm use of agricultural land or permit a building to be erected on the land except for farm use, or*
- (ii) *approve more than one residence on a parcel of land unless the additional residences are necessary for farm use,*

INTERPRETATION:

Subject to applicable local government bylaws, one single family residential dwelling is allowed on land in the Agricultural Land Reserve (the "ALR"). This residence is considered a single family dwelling and referred to as the "single family dwelling" in this policy. A local government may approve one single family dwelling.

The Regulation permits, unless otherwise prohibited by a local government bylaw, a secondary suite for residential purposes, wholly contained within the single family dwelling on a parcel in the ALR. The secondary suite does not need to be occupied by immediate family.

The Regulation provides for one manufactured home, in addition to the single family dwelling, on a parcel in the ALR. The manufactured home may only be occupied by the property owner's immediate family.

The maximum width of manufactured home is 9 metres, (commonly known as a 'double-wide').

If the manufactured home is no longer occupied by member of the property owner's immediate family, it is not a permitted non-farm use in the ALR and must be removed from the parcel. If it remains, the manufactured home must not be used for residential purposes except by the owner's immediate family.

An alternative to a manufactured home, is an accommodation that is less than 90m² and only a single level constructed above an existing building on a farm. In order to add an accommodation to an existing building, the parcel on which the structure is located must be operated as a farm and classified as a "farm" under the [Assessment Act](#). There is no restriction on who can occupy this additionally constructed dwelling (family, renter, farm workers); however, the accommodation must be consistent with the definition below.

Note - The Regulation does not permit both a manufactured home and accommodation constructed above an existing building on the farm.

In addition to the above and **only in Zone 2**, a second stand-alone single family dwelling may be constructed on a parcel of land in the ALR that is at least 50 hectares in accordance with section 3(1)(b.1)(iii) of the Regulation. The total area occupied by all residences and any other residential structures on the parcel (regardless of how the residence was authorized), must be 4,000 m² or less. The restriction of 4,000 m² or less is only imposed when a second single family dwelling is proposed. It does not apply to the first single family dwelling on its own. If the first single family residence, either alone or in combination with any other permitted residence on the parcel would exceed 4,000 m², a second single family dwelling is not permitted.

Note - Where a local government zoning bylaw is in place, any use outlined herein must also be specifically permitted by that bylaw.

TERMS:

secondary suite means an area set aside for residential use, within the footprint of a single family dwelling, and secondary or ancillary to the residential use of that single family dwelling.

manufactured home means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential use by a single family. The structure normally conforms to the CSA Z240 series standards of the Canadian Standards Association for manufactured homes built on concrete pile or surface pier foundation systems.

accommodation means a single residential unit that may have more than one bedroom, but does not have more than one kitchen, and does not serve as the residence for more than one person or family.

other residential structures means roads, driveways, service lines, parking areas, pools, tennis courts, landscaped area, garages, septic fields or dugouts, and any other use reasonably considered ancillary to a single family dwelling.

existing building means a building approved and constructed, or under construction, in accordance with the *ALCA* and Regulation

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