

Agricultural Land Commission Act

Residential use of agricultural land

20.1 (1) Unless permitted under section 20.2, 25 or 45 or the regulations, an owner of agricultural land who constructs, alters or uses a residential structure on the agricultural land must comply with all of the following:

- (a) the agricultural land may have no more than one residence per parcel;
- (b) the total floor area of a principal residence must be 500 m² or less;
- (c) the residential structure must be sized, sited and used, in accordance with all applicable regulations.

(2) An owner may apply

- (a) to the commission for permission under section 25 for a non-adhering residential use, or
- (b) in the manner set out in the regulations for a variation of or exemption from a regulation with respect to size or siting.

Agricultural Land Reserve Use Regulations

Part 4 – Residential Uses - Division 2 – Additional Residences

Pre-existing residential structures constructed before February 22, 2019

34.1 (1) The use of agricultural land for an additional residence that is a pre-existing residential structure is permitted if

- (a) the residence is constructed in accordance with all applicable enactments, and
- (b) on February 22, 2019, the size, siting and use of the residence complied with section 3 (1) (b) (ii) or (b.1) (ii) or (iii) of the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, B.C. Reg. 171/2002, as it read on February 21, 2019.

(2) The size and siting of a residence permitted under this section must not be altered unless one of the following applies:

- (a) the alteration is permitted under section 25 or 45 of the Act;
- (b) in the case of a manufactured home, the alteration does not increase the size of the manufactured home;
- (b) in the case of residence that is not a manufactured home, the alteration does not increase the total area occupied by all residences and other residential structures, roads and service lines, and all agricultural land between them.

[en. B.C. Reg. 190/2021, s. 4.]

Additional residences constructed after December 30, 2021

- 34.3** (1) The use of agricultural land for an additional residence for which construction begins after December 30, 2021 is permitted on a parcel if all of the following conditions are met:
- (a) at the time that construction begins, the parcel has located on it only one residence, whether or not a secondary suite is located in the residence as permitted under section 31;
 - (b) neither residence will be attached to, nor be part of, the other residence;
 - (c) one of the following applies to the residences, as constructed:
 - (i) if the parcel is 40 ha or less, there will be
 - (A) one residence, the total floor area of which is 500 m² or less, and
 - (B) one residence, the total floor area of which is 90 m² or less;
 - (ii) if the parcel is more than 40 ha, there will be
 - (A) one residence, the total floor area of which is any size permitted under the Act, and
 - (B) one residence, the total floor area of which is 186 m² or less.
- (2) The size of a residence permitted under this section must not be altered unless one of the following applies:
- (a) the alteration is permitted under section 25 or 45 of the Act;
 - (b) the alteration does not increase the size of the residence beyond the size permitted under subsection (1) (c).
- (3) Nothing in this section prevents the granting of permission, under section 25 or 45 of the Act, for additional residences to be constructed after the additional residence permitted under this section.

[en. B.C. Reg. 190/2021, s. 4.]