



**Date:** 22/02/2024

**To:** Chair and Directors, Cariboo Regional District Board

**And To:** Murray Daly, Chief Administrative Officer

**From:** Gerald Pinchbeck, Manager of Communications

**Date of Meeting:** Cariboo Regional District Board\_Mar01\_2024

**File:** 0400-60/2024/NCLGA

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## Short Summary:

ALC Notice of Intent Requirements for Ancillary Residential Structures

## Voting:

Corporate Vote - Unweighted

## Memorandum:

At the January 12, 2024 Board meeting, direction was given to staff to bring forward a draft resolution about the Agricultural Land Commission's requirements for notice of intent ("NOI") for the placement of fill for a structure to be filed for all ancillary residential structures. This interpretation has led to most property owners being required to file a notice of intent application with the ALC for ancillary structures, which causes significant permitting delays for structures which are permitted under the Cariboo Regional District's zoning bylaws.

The ALC's requirement is based on their interpretation of the [Agricultural Land Reserve Use Regulation](#) ("the Regulation") about how sections pertaining to soil fill and removal apply, along with what is considered as "necessary ancillary residential structures". The attached policy guidance document contains the ALC's reasoning on its interpretation of the Regulation.

For example, the ALC requires an NOI to be filed to consider permitting the construction of the following types of accessory buildings:

- Personal recreational vehicle storage;
- Residential related workshop;
- Household greenhouse (not for farm use); or
- Tool / garden shed.

These structures will only be considered by the ALC if the total area of all buildings does not exceed 500m<sup>2</sup> for the principal residence plus the 42m<sup>2</sup> for an attached garage. Further [interpretive guidance](#) from the ALC now prohibits ALC staff from considering an NOI for individual ancillary residential structures over 90 sq. m. (968 sq. ft.) in floor area for properties less than 40 ha. (98.8 ac.) in size. Should a resident require a larger structure, a full ALC

application is required, which generally takes in excess of one year for a final decision, with anticipated approvals uncertain.

Typical and reasonable uses of ALR lands, which are contemplated and accounted for inside the Cariboo Regional District's zoning bylaws, generally permit these types of structures to be built on ALR properties – subject to the ALC's regulatory requirements. As a direct result of the ALC's unilateral change to its interpretation of when NOI's are required for fill placement and what is "necessary" for an accessory residential use, building permit applications are significantly delayed while NOIs are filed with and considered by the ALC. This could create a further barrier to compliance with the CRD's building bylaws through added regulatory disincentives to compliance.

To address this, the Board could pursue further advocacy to bring attention to this issue and highlight the barriers introduced. Size limits established by regulation in a manner similar to those set out in a zoning bylaw would be clearer, more effective, and achieve the objectives of the ALC Act better than ALC interpretive and policy decisions, which are subject to judicial review challenges.

To do so, the Board could endorse the following motion and forward it for consideration at the upcoming NCLGA convention:

*WHEREAS the ALC has unilaterally changed their interpretation of the ALC regulation, requiring a notice of intent for the import of soil or fill onto properties and its subsequent approval prior to construction of any detached ancillary residential structure;*

*AND WHEREAS local governments are prohibited from issuing building permits prior to receipt of such approvals, creating an unnecessary regulatory burden on both land owners, local governments, and ALC staff for structures which are regulated through size restrictions in local government zoning bylaws;*

*NOW THEREFORE BE IT RESOLVED THAT the North Central Local Government Association and Union of BC Municipalities call on the Agricultural Land Commission to cease requiring notices of intent to be made under section 20.3 of the Agricultural Land Commission Act for residential ancillary buildings and structures on lands in the Agricultural Land Reserve;*

*AND FURTHER THAT any future requirements conform clearly with the Agricultural Land Commission Act and enabling Regulations, and changes to such requirements be done through legislative and regulatory amendments, not interpretive judgement.*

**Attachments:**

None.

**Financial Implications:**

None.

## Policy Implications:

None.

## Alignment with Strategic Plan:

- Infrastructure and Asset Management:** To establish a systematic, predictable approach to managing the regional district's assets and infrastructure that builds on current asset management data and condition assessments.
- Enhanced Communications and Engagement:** To build trust and credibility of the regional district by enhancing our communications and engagement with citizens, stakeholders, and volunteers.
- Effective and Responsive Land Use Planning and Development:** To ensure our land use planning and development is responsive to future growth and housing needs, anticipates risks and hazards associated with climate change and provides efficient and consistent processes for landowners and developers.
- Relationships with First Nations:** To foster a healthy and inclusive region by building and strengthening our relationships with First Nations and embracing the principles of reconciliation.

The requirement to file a notice of intent for soil fill use for every ancillary residential structure creates an unnecessary delay in permitting. This delay reduces the overall efficiency of land use and building permit applications filed with the regional district, despite most buildings being permitted under the CRD's zoning bylaws.

## CAO Comments:

[Click here to enter text.](#)

## Options:

1. Endorse the recommendation.
2. Endorse an alternate resolution.

## Recommendation:

That the following resolution be referred for consideration at the upcoming North Central Local Government Association Convention and Annual General Meeting:

WHEREAS the ALC has unilaterally changed their interpretation of the ALC regulation, requiring a notice of intent for the import of soil or fill onto properties and its subsequent approval prior to construction of any detached ancillary residential structure;

AND WHEREAS local governments are prohibited from issuing building permits prior to receipt of such approvals, creating an unnecessary regulatory burden on both land owners, local governments, and ALC staff for structures which are regulated through size restrictions in local government zoning bylaws;

NOW THEREFORE BE IT RESOLVED THAT the North Central Local Government Association and Union of BC Municipalities call on the Agricultural Land Commission to cease requiring notices of intent to be made under section 20.3 of the Agricultural Land Commission Act for residential ancillary buildings and structures on lands in the Agricultural Land Reserve;

AND FURTHER THAT any future requirements conform clearly with the Agricultural Land Commission Act and enabling Regulations, and changes to requirements be done through legislative and regulatory amendments, not interpretive judgement.