

Cariboo Regional District

File No. _____

JAN 23 2025

January 13, 2025

Chair Margo Wagner
Cariboo Regional District
180 North 3rd Avenue, Suite D
Williams Lake, BC V2G 2A4

Referred To _____

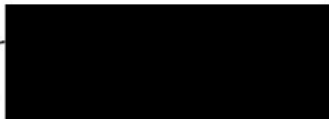
Dear Chair Wagner:

Re: Response to 2024 Resolution

Please find attached a response from the Agricultural Land Commission to resolution 2024-NR69 put forward by your local government and endorsed at the 2024 UBCM Convention.

I trust this information will be of assistance to you. Please feel free to contact Jamee Justason, UBCM Resolutions and Policy Analyst with any questions. Email: jjustason@ubcm.ca

Sincerely,



Councillor Trish Mandewo
UBCM President

Enclosure

**2024 NR69 Agricultural Land Commission Notice of Intent
Requirements for Ancillary Residential Structures**

Cariboo RD

Whereas the Agricultural Land Commission (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:

Therefore be it resolved that UBCM 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 be it further resolved 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 judgment.

Convention Decision: Endorsed

Other Response

Agricultural Land Commission

The Commission is an arm's length administrative body appointed by the provincial government to administer and enforce the legislation governing the agricultural land reserve. Whether a particular activity complies with the ALCA and its regulations is a question that falls within the Commission's mandate to consider, and the Commission posts a variety of policies and information bulletins to provide guidance to stakeholders about how the legislative regime should be interpreted and applied.

Under s. 20.3 of the ALCA, a person must not remove soil from, or place fill on agricultural land unless it is either approved by the ALC (via a notice of intent or soil or fill use application) or is for a use expressly permitted fill by regulation. The only residential structure of any kind permitted fill placement under section 35, subject to certain thresholds, is a principal residence.

The placement of fill, including aggregate and other structural materials, is not permitted for the construction of any other residential structure in the ALR, including accessory residential structures, without approval by the ALC under section 20.3 of the ALCA.

Having been appointed to uphold and administer the ALC Act and its regulations, the Commission cannot "cease" requiring approval for the placement of fill for structures and activities not expressly permitted fill in section 35 of the ALR Regulation. The Commission has also witnessed firsthand the tremendous pressure that exists to "overbuild" accessory residential structures in the ALR for non-farm use (both commercial and residential) that the Commission believes is contributing to the notion that the ALR is 'open for non-farm development'.

To try and minimize impacts to farmland and assist stakeholders with their submission to the Commission, the ALC prepared guidelines for the size, siting and design of typical accessory residential structures in the ALR it considers. The Commission shared these "Accessory Residential Use Structures in the ALR Guidelines" via email with local governments and posted them on the ALC's website in February 2024.

Local government bylaws that regulate the size, siting and footprint of residential development, including accessory residential uses, in the ALR would also help clarify for the public the priority placed on farming in the ALR and limit the extent of residential development on farmland.

The Commission would welcome an opportunity to work with local governments on the regulation of these uses in the ALR.