



**Agricultural Land
Commission Act**

Policy L-07

January 2016

**ACTIVITIES DESIGNATED AS A PERMITTED NON-FARM USE:
HOME OCCUPATION USE IN THE ALR**

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 Reg. 171/2002), Section 3(1)(c).

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:*

- (c) *a home occupation use, that is accessory to a dwelling, of not more than 100 m² or such other area as specified in a local government bylaw for the area in which the parcel is located.*

INTERPRETATION:

The 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 m². Alternatively the 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 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 ALC 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 Regulation.