

January 13, 2025

Chair Lara Beckett
Fraser-Fort George Regional District
155 George Street
Prince George, BC V2L 1P8



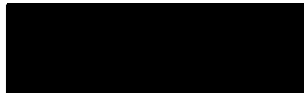
Dear Chair Beckett:

Re: Response to 2024 Resolution

Please find attached a response from the Agricultural Land Commission to resolution 2024-NR31 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

Whereas the BC Building Code contains a definition for floor area, and floor area measures the total inside space of a building;

And whereas the Agricultural Land Commission has resolved on a definition of "total floor area for principal residences" and "total floor area of an additional 90m² or 186m² residence" that is not consistent with the BC Building Code:

Therefore be it resolved that UBCM lobby the Agricultural Land Commission to adopt the definition of floor area within the BC Building Code Regulations for buildings in the Agriculture Land Reserve.

Convention Decision: Endorsed

Other Response

Agricultural Land Commission

The ALC is an administrative tribunal, independent of the Provincial Government, dedicated to preserving the province's agricultural land base and encouraging farming in BC and is the body appointed to administer and interpret the Agricultural Land Commission Act (ALCA) and its regulations.

Section 20.1 of the ALCA and s. 34.3 of the ALR Use Regulation restricts the size of a residence permitted in the ALR based on the "total floor area" of the structure. To administer the legislation, the ALC adopted a definition for total floor area based on the Ministry of Agriculture and Food's Guide for Bylaw Development in Farming Areas (the "Ministry's Bylaw Standard") defined as "the total combined area of all floors contained with the exterior walls of farm residence excluding cellars with a ceiling height less than 1.95 metres and attached garages and carports to a maximum of 42 square metres" with one exception, the Commission's definition also excludes basements more than 50% below grade from the calculation of total floor area.

The BC Building Code (the "Code") does not define "total floor area" but does include a definition for "floor area" defined as the "space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits, vertical service spaces, and their enclosing assemblies." While this isn't a definition of total floor area it does speak to the how the space on each floor/ storey between the exterior walls of a structure is determinative in the calculation of total floor area in much the same manner as the Commission's and Ministry's Bylaw Standard definition.

In a follow-up meeting with Regional District of Fraser Fort George (the "FFGRD"), they clarified their resolution was a request for the Commission to use "Building Area" defined in the BC Building Code as "the greatest horizontal area [footprint] of a building above grade within the outside surface of exterior walls or within the outside surface of exterior walls and the centre line of firewalls" to regulate housing the ALR. They also expressed concern that the basement exemption permits someone to have a larger house than someone who builds at grade.

As an administrative tribunal, the ALC does not "hold the pen" on the development of Provincial legislation and the legislative requirement is for residence size to be calculated based on "total floor area". Local governments have the authority to regulate and be more restrictive in their determinations of total floor area, but the Commission is open to engaging with local governments on the issue of whether basements should continue to be excluded from the Commission's calculation of the total floor area or any other factors relating to the calculation of interest to local governments.