



Ministry of  
Agriculture

**Regulating the  
Siting and Size of Residential Uses  
In the ALR**

**DISCUSSION PAPER AND MINISTER'S BYLAW STANDARD**

**September, 2011**

**Prepared by:  
Sustainable Agriculture Management Branch**



## **Executive Summary**

This discussion paper was prepared by the BC Ministry of Agriculture (AGRI) and outlines a set of criteria that can be used by local governments to regulate siting and size of residential uses in the Agricultural Land Reserve (ALR).

Local governments have extensive rules and regulations for size and placement of buildings on lots in the urban area. Some zones have requirements related to landscaping and the final appearance of the urban lot.

The Agricultural Land Reserve (ALR) is a provincial zone in which agriculture is the priority use. However, local governments regulate residential uses and have typically not specified size and placement requirements for these uses within the ALR. The expansion of the urban population seeking a rural atmosphere on the outskirts of settlements, and desire for recreational homes has contributed to increasing residential uses in the ALR instead of farm-oriented residential use.

This paper does not address the circumstances under which an additional farm residence is justified. It is focused on the siting and size of residential uses, not whether they are permitted.

With limited or no local government bylaw regulation on residence size and placement, residences in the ALR might be built in a way that has long-term negative impacts on the agricultural potential of the specific lot and the surrounding lots.

The criteria for regulating siting and size of residential uses in the ALR reflect analysis by AGRI and Agricultural Land Commission (ALC) staff, current approaches being taken by local governments, feedback from stakeholders, and a web-based survey. The Minister's Bylaw Standard is intended to assist local governments in addressing the siting and size of residential uses in the ALR in order to preserve the long term agricultural potential of the land.

## Table of Contents

Executive Summary .....	iii
Table of Contents .....	iv
Introduction.....	1
Part 1 - Criteria Development Process.....	2
1. Purpose & Goals.....	2
2. Scope .....	2
3. Stakeholders .....	3
4. Objectives of the Process .....	3
5. Methods to Develop the Criteria .....	3
5.1 Key Steps.....	3
5.2 Process .....	3
Part 2 – Background.....	5
6. Context .....	5
7. Residential impacts on farming .....	7
7.1 Siting Residential Uses.....	7
7.2 Size of Farm Residential Footprint .....	11
7.3 Size of Farm Residence .....	12
Part 3 – Current Policies and Regulations .....	13
8. Provincial Policy .....	13
8.1 Agricultural Land Commission (ALC).....	13
8.2 BC Ministry of Agriculture (AGRI) .....	13
9 BC Local Government Policy .....	13
10 Implementation Issues.....	16
Part 4 – Residential Uses in the ALR – Siting and Size Criteria.....	17
11 Options for reducing residential impacts .....	17
11.1 Siting of Farm Residential Uses.....	17
11.2 Size of Farm Residential Footprint .....	17
11.3 Size of Farm Residence (House Size).....	18
12. Definitions.....	18
13. Criteria .....	20
14. Discussion – pros and cons of the criteria.....	22
Appendix A – Setback Variances for Farm Residential Footprint Siting.....	23
Resources .....	26

## Introduction

This discussion paper outlines a set of criteria for regulating siting and size of residential uses in the Agricultural Land Reserve (ALR). It serves as a guide to local governments and the agriculture industry to ensure local government zoning criteria effectively deal with the issue of residential uses.

The criteria presented here reflect public and key stakeholder feedback, analysis undertaken by Ministry of Agriculture (AGRI) and Agriculture Land Commission (ALC) staff, as well as current approaches being used by local governments to regulate residential uses in the Agricultural Land Reserve (ALR). These criteria address the residential requirements of the agriculture industry while minimizing the impact of residential uses on farming in farming areas, both now and in the future. The criteria can be modified by local governments to be made more restrictive, to meet local agricultural needs and reflect local conditions. It is important to note that although these criteria have been developed with a focus on the ALR. Local governments may choose to be less restrictive in areas outside the ALR, in part to encourage the largest residential uses to be located outside the ALR.

Before the criteria are presented, the criteria development process is outlined, background on the issue is provided and current policy, guidelines and regulations are described. Key words are included in the definitions section. Note that all residences in the ALR are defined as farm residences whether or not there is farming on the parcel<sup>1</sup>.

This paper does not address the circumstances under which an additional farm residence is justified. It is focused on the siting and size of residential uses, not whether they are permitted. Several stakeholders commented on the need for a Bylaw Standard on permitted residential uses in the ALR and this will be considered for future Minister's Bylaw Standard development.

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<sup>1</sup> Refer to the definition for *Principal Farm Residence* in the definitions section.

## Part 1 - Criteria Development Process

The intent of this process was to develop criteria that can be used by local governments to establish land use policy or regulations to address siting and size of residential uses in the ALR. The consultation with stakeholders lead to these criteria which, if approved by the Minister, will become a Minister's Bylaw Standard and will be incorporated into the [\*Guide for Bylaw Development in Farming Areas\*](#).<sup>2,3</sup>

### 1. Purpose & Goals

The purpose of establishing the criteria is to minimize the impact of residential uses on the current and future farming capability<sup>4</sup> of land in the ALR while not unduly limiting the residential needs of farmers. These criteria:

1. do not restrict agricultural activities;
2. direct the largest residential uses in a community to non-farming areas;
3. minimize the impact of residential uses on farm practices and farming potential in farming areas;
4. minimize loss and/or fragmentation of farmland due to residential uses; and
5. minimize the impact of residential uses on increasing costs of farmland.

### 2. Scope

While there are many issues associated with residential uses in farming areas, the criteria considered in this paper only address the land use issues of regulating the size and location of residential uses in the ALR. The paper does not address housing for relatives, additional housing for full time farm employees or permitted uses with respect to housing in the ALR.<sup>5</sup> The criteria attempts to provide guidance and options to local governments to regulate residential development in the ALR and avoid the tendency to locate the largest residential uses in the ALR.

The greatest residential development pressure on farmland generally occurs in the South Coastal / East Vancouver Island and Thompson / Shuswap / Okanagan regions of the province, where the majority of British Columbians live. Other less-populated areas also have significant residential development pressure such as the Peace River area from oil and gas development, Southeastern BC and other areas that serve as vacation destinations for Canadians and foreigners. While this Minister's Bylaw Standard is focused on the ALR, local governments may also wish to consider less restrictive criteria for areas outside the ALR to encourage residential development there instead of the ALR.

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<sup>2</sup> Under the *Local Government Act* (Part 26, Division 8, Section 916), the Minister responsible for the *Farm Practices Protection (Right to Farm) Act* can develop bylaw standards to guide the development of zoning and farm bylaws. The development of provincial standards is intended to promote consistency in the regulation of, and planning for, farming. However, provision has been made under Section 916 (3) to allow the standards to differ between communities, if necessary, to respond to BC's diverse farming industry and land base.

<sup>3</sup> Information hyperlinked in the text is also referenced in the Resources section at the end of the document.

<sup>4</sup> Farming capability of a parcel involves much more than just soil capability. There are many examples such as poultry farms and greenhouses which are not soil based. To obtain the full benefit of the *BC Farm Practices Protection (Right to Farm) Act*, they must be located in the ALR.

<sup>5</sup> The Ministry of Agriculture has an existing Minister's Bylaw Standard on Temporary Farm Worker Housing, which is available at: [http://www.al.gov.bc.ca/resmgmt/sf/publications/800221-1\\_Temp\\_Farm\\_Worker\\_Housing\\_Mar09.pdf](http://www.al.gov.bc.ca/resmgmt/sf/publications/800221-1_Temp_Farm_Worker_Housing_Mar09.pdf)

### **3. Stakeholders**

The following groups were involved in the criteria development process:

- Ministry of Agriculture (AGRI) staff;
- Agricultural Land Commission (ALC) staff;
- Strengthening Farming Directors Committee<sup>6</sup>;
- Agriculture industry;
- Local governments and their Agricultural Advisory Committees; and the
- Real estate industry.

### **4. Objectives of the Process**

The objectives of the criteria development process were to:

- create a set of criteria for review by stakeholders;
- consult with stakeholders; and
- revise the criteria based on stakeholders' responses to develop a Minister's Bylaw Standard that local governments can adapt and apply as policy or regulation.

### **5. Methods to Develop the Criteria**

#### **5.1 Key Steps**

Four key steps were undertaken to develop the criteria:

1. review relevant literature including AGRI and ALC policies;
2. review and compare local government regulations and policies;
3. consult with AGRI staff, ALC staff, and external stakeholders; and
4. consult with the public through a web based survey.

#### **5.2 Process**

Current policies and regulations of AGRI and the ALC addressing both residential uses and agricultural uses within the ALR were reviewed in the development of the criteria. Local government bylaws and initiatives dealing with residential uses in farming areas were also reviewed. This information was then considered by a committee comprised of AGRI and ALC staff who worked together to draft criteria (Part 4 of this document) for a Minister's Bylaw Standard to guide local government bylaw development.

Draft criteria and a discussion paper were published in January 2011. Local governments, the agriculture industry, and real estate industry were invited to review the discussion paper and to provide feedback by April 15, 2011. A web-based survey was developed to receive public input from June 1 to July 14, 2011. Awareness of the on-line survey was created through contact with the stakeholders and numerous public media releases which resulted in significant radio and newspaper coverage in many

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<sup>6</sup> This committee meets regularly to discuss issues of common interest in planning for agriculture and farm practices protection. The committee is comprised of directors from the Ministry of Agriculture Sustainable Agricultural Management Branch, Policy and Industry Competitiveness Branch, and Innovation and Governance Branch; and a director from the Agricultural Land Commission, BC Farm Industry Review Board, and the Ministry of Community Sport and Cultural Development.

parts of the province. The stakeholder and public input has been received and incorporated into this document and forwarded to the AGRI Executive and the Minister for final approval. If approved, the criteria will be incorporated into the [\*Guide for Bylaw Development in Farming Areas\*](#). The finalized information will be distributed to local governments and posted to the AGRI website.



## Part 2 – Background

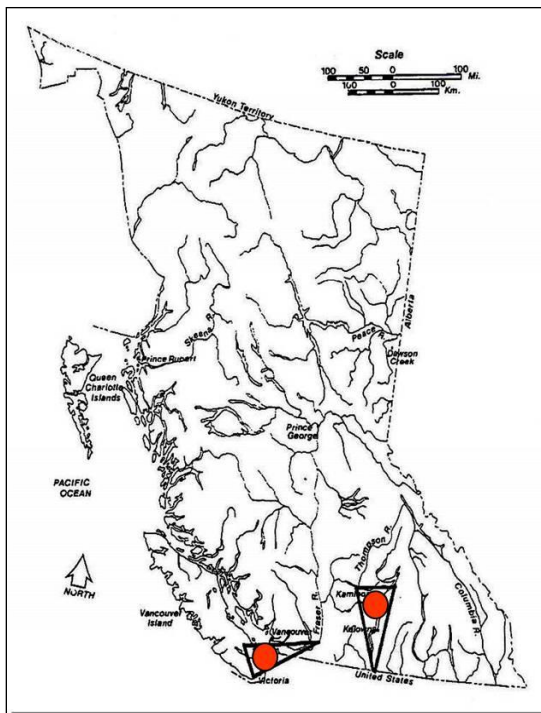
### 6. Context

“In British Columbia land designated in the ALR may be owned by farmers and non-farmers. As a result, a growing phenomenon, particularly in close proximity to urban centres, is the use of agricultural land for “country living” for urban and expatriate urban residents. Characteristically, the residential unit is large and there is only modest or no agricultural use of the land. The result is a strong potential for destabilizing farm communities.”

This quote is from the 1998 document entitled [\*Planning for Agriculture\*](#) published by the BC Provincial Agricultural Land Commission. The publication suggests both siting and size restrictions for residential uses in the ALR.

British Columbia is one of the most urbanized provinces in Canada. The challenging geography of BC has also concentrated our population and farming into two areas (two triangles) of the province. One is centred on the Thompson / Shuswap / Okanagan area and the other in the southwest corner of the province. Over 80% of the population and over 80% of BC’s gross farm receipts are generated in these two areas which is less than 3% of the land base (Figure 1).<sup>7</sup> This trend is increasing. For example, between the 2001 and 2006 agricultural census, over 85% of the increase in population and 66% of the increase in the farm gate receipts occurred in the southwestern triangle. The concentration of population and farming in the same areas increases the development pressure on farmland and increases the likelihood of farm practice complaints.

**Figure 1. Concentration of population and farming into two triangles**

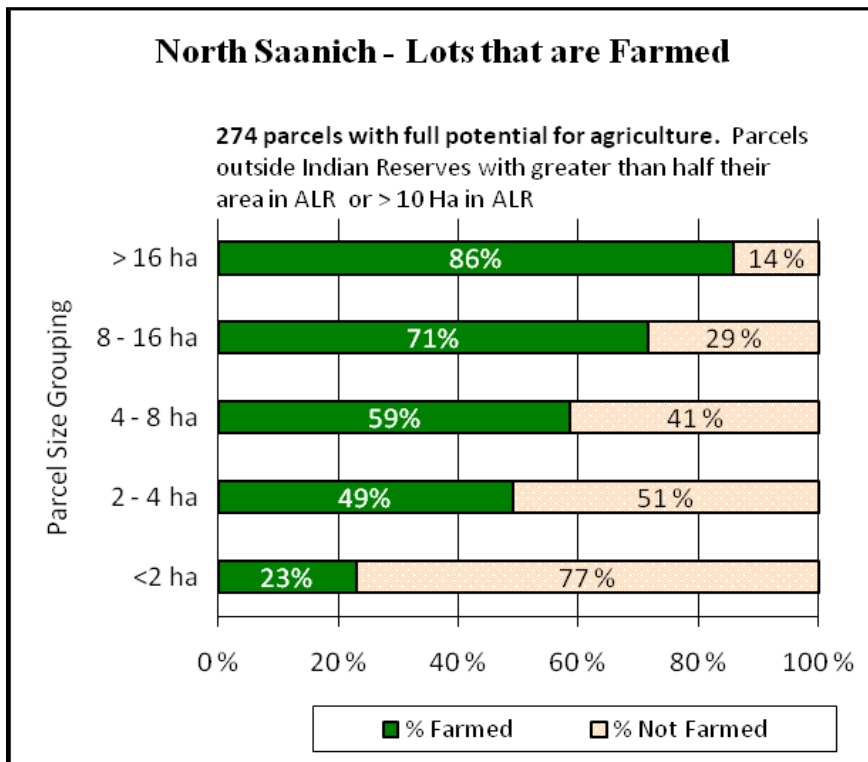


*The interior triangle is from Osoyoos to Sicamous to Kamloops. The southwest triangle is from Hope to Parksville to Victoria.*

<sup>7</sup> Source: Statistics Canada; Census of Agriculture, 2006, and population Census 2006.

The land in these two triangles is highly parcelized. While small lots can be useful for farming, larger lots have a broader range of agricultural opportunities. In climates where a diverse range of agriculture can be practiced, a healthy mix of parcel sizes promotes a full range of agriculture in a community. However, agricultural land use inventories (ALUIs) undertaken by AGRI have shown that many areas of BC are heavily parcelized and have an oversupply of small lots which are underutilized for farming. The ALUIs have shown that the smaller the lot, the less likely it will be farmed. Many of the lots that are not farmed are used for residences. Figure 2 shows the relationship between lot size and farming activity in North Saanich. The amount of farming activity increases with lot size. A similar pattern occurs in other farming areas near urban centres.

**Figure 2. Farming activity in North Saanich**



The residential impacts on farming are generally greater with smaller parcels due to the increased lot coverage and reduced separation distances between farms and neighbouring residences. The large number of small lots located in the ALR within the two triangles and potentially other areas of the province results in a significant number of non-farm residents in farm areas. Experience suggests that these residents may have little or no interest in farming and can actively impede farm development and operations by complaining about typical farm odour, noise and dust. In B.C., farmers make up only 1.5% of the population and as a result farmers are a minority even in the ALR where they may be outnumbered by as much as five to one.

## 7. Residential impacts on farming

There are several ways that residential uses affect farming. In particular, the siting and size of the residential uses are of concern.

### 7.1 Siting Residential Uses

The siting of residential uses on agricultural land can negatively affect long-term agricultural potential. Residential uses can alienate arable land and can restrict the placement of future farm buildings, confined livestock areas, and make the cropping and the utilization of machinery more difficult and inefficient (Figure 3).

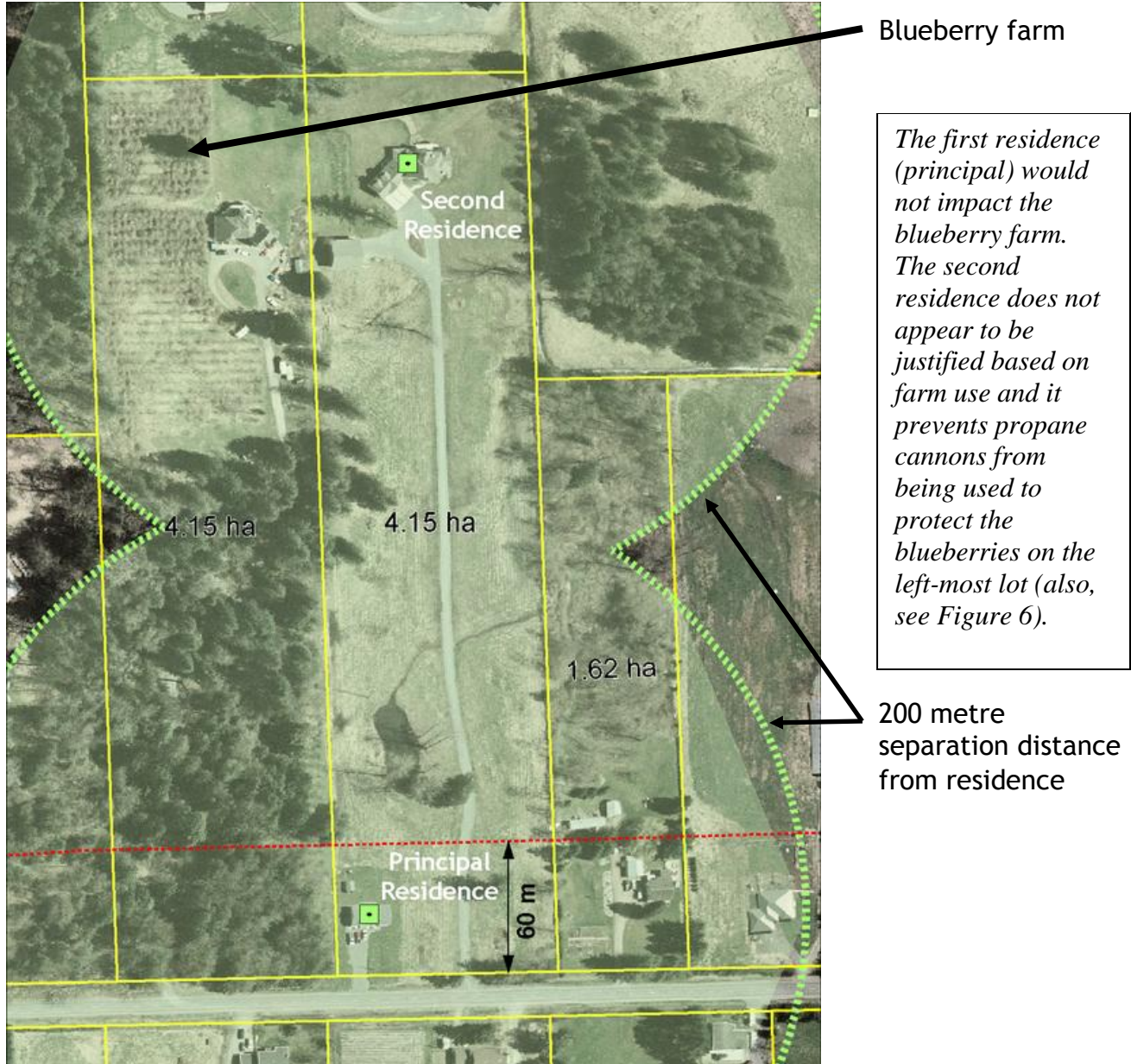
**Figure 3. Lot developed for residential uses**



*The upper lot (2 ha) was developed as a rural estate without regard to the existing poultry barns on the neighbouring lot. Note the location of the initial residence at the front of the upper lot. The second residence was not built in close proximity to the initial residence. There does not appear to be any agricultural justification for the second house.*

Homes sited deep into a lot can affect the long-term agricultural potential of the property and of neighbouring properties by limiting their use for some commodities or by making it more difficult and often more expensive for existing and future farmers to expand their operations. Houses placed in the middle or back of agricultural properties require lengthy driveways, consuming even more agricultural land. Traditionally, farmers clustered their homes near the roadway, but currently there appears to be a trend towards building bigger houses more distant from the road frontage (Figures 3, 4 and 6). Figure 3 shows a residential development that will have many significant impacts on agriculture because the large house at the back of the lot is close to the barns next door. It will increase the likelihood of farm practice complaints against the neighbouring farm. It has covered a substantial footprint with the second residence and the house size and footprint will increase the parcel cost for prospective farmers.



**Figure 4. Location of residential uses impacting neighbouring farms**

Generally, farm areas are subdivided into rectangular parcels (Figure 5) with the narrow edge facing the road access. In these cases, locating the residential uses adjacent to the road provides greater separation between residences and farm buildings and farm practices carried out on the remainder of the parcels. Separation distance is a standard tool used in zoning bylaws to improve compatibility of adjacent land uses.

**Figure 5. Rural area with various levels of subdivision**

*Shallow lots along a road do not promote farming.*

*Keeping houses at the front of lots leaves open areas at the rear for farming.*

[The British Columbia Farm Industry Review Board](#) (FIRB) is responsible for adjudicating farm practice complaints under the *Farm Practices Protection (Right to Farm) Act*. Farmers following “normal farm practice” are protected from nuisance actions regarding disturbances such as odour, noise and dust. FIRB has observed that many complaints could be avoided with more sensitive siting of farm and residential buildings. FIRB states that it is normal farm practice for farmers to show reasonable consideration for their neighbours.

To obtain the full benefit of the FPPA, farmers must locate in the ALR. As a result the ALR has become the provincial agriculture zone for all agriculture, both soil-based and non-soil based. Non-soil based agriculture represents more than one quarter of BC’s farm gate receipts and includes poultry, greenhouses and mushrooms. Some of these types of operations are not permitted outside the ALR and if they did locate outside the ALR they would not receive the full benefit of FPPA protection and may be impacted by local government bylaws related to nuisance.

Various stakeholders have mentioned concerns about siting restrictions due to the soil characteristics of a given farm parcel. Specifically, many people have said that residential uses should not be located on the best soils on a farm parcel. However, for some types of farms, soil capability is not important. When the siting of residential uses is considered in the context of farm practice protection, particularly where the land is heavily parcelized, soil quality becomes less of a concern than ensuring that nearby farm operations are protected from nuisance actions.

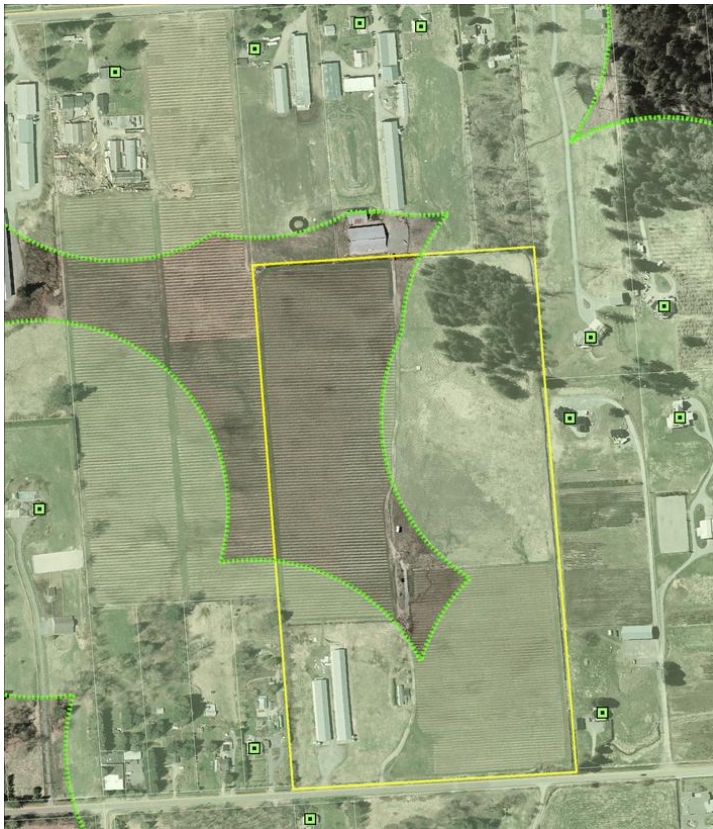


As a result of FIRB cases, a workshop with local governments, the agriculture industry, FIRB and AGRI was organized to discuss the siting issue further. Subsequently, AGRI developed two factsheets focused on the siting and management of [poultry](#) and [dairy](#) barns.<sup>8</sup>

These factsheets provide farmers who are planning new buildings with factors to consider, particularly with respect to their neighbours, to avoid farm practice complaints through appropriate siting and management of their farm buildings. The same concepts can be extended to confined livestock areas and other types of livestock and farm buildings.

Separation distances are applied to farm practices as well as farm buildings. Currently, normal farm practice for the use of audible bird scare devices in [South Coastal BC](#) includes separation distances between devices and residences.<sup>9</sup> Figures 4 and 6 show an example of how residence location can impact propane cannon use. Similarly, wind machines for frost control should be separated from residences as well. Some environmental regulations require setbacks to residences. For example, the Open Burning Smoke Control Regulation currently requires separation of 100 metres between the fire site and residences, and the Ministry of Environment is proposing to increase this distance to 500 metres. Farmers who burn crop debris as part of disease management are limited by the placement of neighbouring residences.

**Figure 6. Propane cannons to be setback 200 m from neighbouring residences in South Coastal BC**



*The parcel outlined in yellow is a blueberry farm and the square green dots show neighbouring residences. The green arcs and shaded areas show the 200 metre separation distance between houses and cannons required in order to use a propane cannon in South Coastal BC.*

*The neighbouring residences prevent the use of propane cannons on the majority of the parcel outlined in yellow.*

<sup>8</sup> Web links to these factsheets are within the text above; they are listed under ‘Resources’ at the end of this discussion paper.

<sup>9</sup> See the Farm Practice Factsheet South Coastal BC Wildlife Damage Control at [http://www.agf.gov.bc.ca/resmgmt/fppa/refguide/activity/870218-59\\_Wildlife\\_Damage\\_South\\_BC.pdf](http://www.agf.gov.bc.ca/resmgmt/fppa/refguide/activity/870218-59_Wildlife_Damage_South_BC.pdf) for more information.

Separation distance is identified in the Ministry's [Guide to Edge Planning](#) as a tool that can be used on the farm side and urban side of the ALR boundary to improve land use compatibility with shared responsibility.

In the same way in which measures have been taken to control the siting, design, and management of farm buildings and operations to reduce negative impacts; measures can also be taken to protect farming which is a priority use in the ALR, by regulating residential development to minimize the impact on farming. Siting residential uses near the roads on parcels is one of the most important ways to minimize the impact of residential uses on farming in the ALR. The development of a Minister's Bylaw Standard to guide local government bylaw development on the siting and size of residential uses in the ALR is designed to complement the *Guide to Edge Planning* and farm building standards, which require farmers to consider their neighbours when siting and managing their farm operations.

## 7.2 Size of Farm Residential Footprint

When homes are built in rural or farming areas, they may include extensive *accessory farm residential facilities*<sup>10</sup>, which are often larger than those commonly found in front or back yards in urban areas. Examples include parking areas, pools, tennis courts, multi-car garages, decorative landscaping, and gardening greenhouses. These *accessory farm residential facilities* often sprawl around the house(s), alienating productive farmland and making it difficult to manoeuvre farm equipment in some parts of the lot.

Together the residence and the *accessory farm residential facilities* make up the *farm residential footprint*. *Farm residential footprints* alienate land from farming (Figure 7) so it is best to keep them small.

**Figure 7. Large farm residential footprint**



*The property in the ALR has a residence and residential footprint which is much larger than is possible in the neighbouring urban area.*

<sup>10</sup> Definitions are provided in Part 4 for words that are italicized in text (other than publication titles or names of legislation).

In urban areas, the urban lot size and zoning regulations dictate the residential footprint size. In most rural and ALR areas, there are few, if any restrictions on residential footprint. The lack of restrictions tends to attract large residential footprints to rural and farming areas. In some communities, most of the rural areas are located in the ALR. By restricting the *farm residential footprint* in the ALR so that it is commensurate with suburban areas local governments can avoid directing the largest residential uses in their communities onto farmland.

### 7.3 Size of Farm Residence

In addition to alienating farmland, large and expensive residences and *accessory farm residential facilities* can significantly increase the value of the property making it less affordable for farmers and less likely to be farmed. Table 1 uses industry averages for typical land values and standard house construction costs to illustrate this point.<sup>11</sup> Small parcels are affected more by expensive residential uses than larger parcels. In addition, the residents of large and valuable residences can also be intolerant of disturbances from farm practices on neighbouring parcels.

**Table 1. House size and land value impacts**

Scenarios		House Size (sq ft)	House Value (avg \$150/sf)	Parcel Size (ac)	Parcel Value (avg \$100,000/ac)	Total Value (land & house)	Avg Value per Acre (include house value)
5 ac parcel	small house	2,500	\$ 375,000	5.0	\$ 500,000	\$ 875,000	\$ 175,000
	medium house	5,000	\$ 750,000	5.0	\$ 500,000	\$ 1,250,000	\$ 250,000
	large house	7,500	\$ 1,125,000	5.0	\$ 500,000	\$ 1,675,000	\$ 325,000
	very large house	15,000	\$ 2,250,000	5.0	\$ 500,000	\$ 2,750,000	\$ 550,000
10 ac parcel	small house	2,500	\$ 375,000	10.0	\$ 1,000,000	\$ 1,375,000	\$ 137,500
	medium house	5,000	\$ 750,000	10.0	\$ 1,000,000	\$ 1,750,000	\$ 175,000
	large house	7,500	\$ 1,125,000	10.0	\$ 1,000,000	\$ 2,125,000	\$ 212,500
	very large house	15,000	\$ 2,250,000	10.0	\$ 1,000,000	\$ 3,250,000	\$ 325,000
20 ac parcel	small house	2,500	\$ 375,000	20.0	\$ 2,000,000	\$ 2,375,000	\$ 118,750
	medium house	5,000	\$ 750,000	20.0	\$ 2,000,000	\$ 2,750,000	\$ 137,500
	large house	7,500	\$ 1,125,000	20.0	\$ 2,000,000	\$ 3,125,000	\$ 156,250
	very large house	15,000	\$ 2,250,000	20.0	\$ 2,000,000	\$ 4,250,000	\$ 212,500

Source: Metro Vancouver (March 2011)

<sup>11</sup> Metro Vancouver , March 2011.



## Part 3 – Current Policies and Regulations

### 8. Provincial Policy

This section summarizes the current ALC and AGRI policies related to residential uses in the ALR.

#### 8.1 Agricultural Land Commission (ALC)

Section 18 of the *Agricultural Land Commission Act* indicates that local governments may not approve more than one residence on a parcel of land unless the additional residences are necessary for farm use. This statute provides general direction to local government, but does not specify the threshold or intensity of farm uses necessary to qualify for additional residences, nor does it reference the size or siting of residences.

Section 3(1) of the *Agricultural Land Reserve Use, Subdivision and Procedure Regulation*, references one single family dwelling per land registry parcel within the ALR, and permits a secondary suite within a single family dwelling and one *manufactured home* up to 9 metres in width for use by the owner's *immediate family*. Local governments have the ability to prohibit and/or regulate these uses including additional residences that are necessary for farm use including additional residences that are necessary for farm use. The ALC does not currently regulate the size of these residences but it can impose siting and size requirements on additional residences that require its approval. An ALC policy [\(#19\)](#) sets a maximum of 2,000 m<sup>2</sup> for fill also sets a threshold for a residential footprint.

#### 8.2 BC Ministry of Agriculture (AGRI)

The BC Ministry of Agriculture does not currently have policy, guidelines or standards for residential uses in the ALR. This discussion paper will be used to consider establishing a standard under section 916 of the *Local Government Act*. That section states that the Minister of Agriculture may establish, publish and distribute standards in relation to farming areas for guidance of local governments in the preparation of bylaws.

The Minister's Bylaw Standard established in March of 2009 for "[Temporary Farm Worker Housing in the ALR](#)" incorporated the concept of residential uses by referencing home plate (*farm residential footprint*). The Minister of Agriculture also approved a Delta Farm Bylaw in 2006 regulating residential uses under section 917 of the *Local Government Act*, while noting that the Ministry would consider establishing a Minister's Bylaw Standard.

### 9 BC Local Government Policy

A few local governments have addressed residential uses in the ALR. In a report to their Agriculture Committee, Metro Vancouver indicates that only Richmond and Delta have controls in place for house siting on agricultural lands through provisions in their zoning bylaws.<sup>12</sup> Pitt Meadows, Surrey and Abbotsford have considered zoning bylaw amendments. Other local governments around the province have also indicated that they have implemented some provisions and/or are in the process of reviewing the issue. This section reviews the approaches of several local governments.

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<sup>12</sup> Metro Vancouver, March 2011.

### Delta

Delta regulates residential uses through zoning the location and size of farm home plates (*farm residential footprints*), as well as maximum farm house size, depending on the size of the property.

Delta permits two different types or sizes of farm home plates: 3,600 m<sup>2</sup> (38,750 sq ft) farm home plate with a farm house, and 5,000 m<sup>2</sup> (53, 819 sq ft) farm home plate with a farm house and additional farm house.

The maximum farm house floor area for properties less than 8 hectares (20 acres) is 300 m<sup>2</sup> (3,552 sq ft), and for properties 8 hectares or greater is 465 m<sup>2</sup> (5,005sq ft). The maximum area for an additional farmhouse is 180m<sup>2</sup> (1,937 sq ft) on a lot of less than 8 hectares, or 233 m<sup>2</sup> (2,507 sq ft) on a lot of 8 hectares or greater. The maximum depth to the rear of a farm home plate is 60 metres (197 ft) from the road or front property line. Where a farm home plate and farm home plate with migrant farm worker housing are adjoining and located on the same lot, their permitted maximum combined depth is 100 metres (328 ft). The back of the house must be 10 metres within the footprint effectively locating the residence within 50 metres of the roadway.

The Delta regulations for housing and home plates on farmland have been in place since 2006 and have been successful in controlling housing construction, with occasional requests for variances to make modest adjustments to the location of the farm home plates. Variance requests are considered by Delta Council based on their merit and some minor variances have been granted.

### Richmond

Richmond permits a house on agricultural land to be located no further than 50 metres from the road or property line, with no *farm residential footprint* or no direct house size limit. The maximum building separation for an accessory structure/building to the house is 50 metres.

The Richmond zoning has been in place since 1989, with general acceptance by landowners about its application. There have been relatively few variance requests. A recent initiative to extend the maximum setback to include accessory buildings was reversed after meeting resistance from the community.

### Pitt Meadows

In 2008-2009, Pitt Meadows proposed an amendment to their zoning bylaw to limit residential footprint sizes and siting on agricultural lands. This proposal generated significant opposition and the bylaw was ultimately abandoned by the City.

### Abbotsford

In 2009, Abbotsford developed a draft farm residential footprint bylaw. The draft bylaw generated opposition and the bylaw was tabled. The Abbotsford Agriculture Strategy includes an action item on farm residential uses.

Surrey

In 2010, Surrey conducted a public consultation process regarding possible house and residential footprint restrictions for agricultural lands. This proposal considered a limit on the size of the principal and secondary houses, and size and location of the residential footprint. This proposal generated opposition by local citizens and the initiative was deferred.

Table 2 summarizes the Richmond and Delta bylaws and the proposed bylaws of Abbotsford, Pitt Meadows and Surrey.

**Table 2. Summary of existing and proposed residential use bylaws in the ALR**

Municipality	Residential Footprint Size	Maximum Setback	Total Floor Area of House
<b>Richmond</b>	<input type="checkbox"/> N/A	50 m to rear of house	<input type="checkbox"/> N/A
<b>Delta (Bylaw)</b>	<input type="checkbox"/> Home plate <sup>a</sup> for one farm house: 3,600 m <sup>2</sup> <input type="checkbox"/> Home plate for a farm house and additional dwelling: 5,000 m <sup>2</sup>	50 m from road to rear of house, and 60 m to rear of farm home plate	<input type="checkbox"/> On a lot less than 8 ha: <ul style="list-style-type: none"> <li>• Principal 330 m<sup>2</sup></li> <li>• Second 180 m<sup>2</sup></li> </ul> <input type="checkbox"/> On a lot greater than 8 ha: <ul style="list-style-type: none"> <li>• Principal 465 m<sup>2</sup></li> <li>• Second 233 m<sup>2</sup></li> </ul>
<b>Abbotsford (Draft Bylaw)</b>	<input type="checkbox"/> Total Farm Home plate: 2,250 m <sup>2</sup> <input type="checkbox"/> Home plate for principal dwelling: 1,600 m <sup>2</sup> <input type="checkbox"/> Home plate for second dwelling: 650 m <sup>2</sup>	60 m from road	<input type="checkbox"/> Principal dwelling: 800 m <sup>2</sup> <input type="checkbox"/> Second dwelling: 325 m <sup>2</sup>
<b>Pitt Meadows (AAC Recom Bylaw)</b>	<input type="checkbox"/> 0.36 ha	Home plate touching road	<input type="checkbox"/> 600 m <sup>2</sup> on a lot less than 5 ha <input type="checkbox"/> 1,080 m <sup>2</sup> on a lot greater than 5 ha
<b>Surrey (Draft Bylaw)</b>	<input type="checkbox"/> 4,000 m <sup>2</sup> with one side along dedicated road	60 m from road	<input type="checkbox"/> Lots less than 4 ha: one 325 m <sup>2</sup> dwelling <input type="checkbox"/> Lots between 4 and 8 ha: one dwelling 425 m <sup>2</sup> or one 325 m <sup>2</sup> dwelling and one 177 m <sup>2</sup> dwelling <input type="checkbox"/> Lots greater than 8 ha: one 650 m <sup>2</sup> dwelling or one 465 m <sup>2</sup> dwelling and one 232 m <sup>2</sup> dwelling

<sup>a</sup>Delta's home plate is equivalent to a *farm residential footprint*.

## 10 Implementation Issues

If a local government adopts a Minister's Bylaw Standard on the siting and size of residential uses in the ALR, they will likely need to consider:

- the impact of their policy bylaw on existing homes, or grandfathering;
- the insurance implications for new and existing farm parcel owners; and
- how to handle variance requests.

The *Local Government Act* allows a non-conforming grandfather provision for the continuance of a non-conforming use if not discontinued for a period exceeding six months. The house or structure can be rebuilt as long as damages do not exceed 75% of its value above the foundation, otherwise it must conform to the current regulations. Local governments are familiar with legally non-conforming structures.

Legally non-conforming status is something to be considered when purchasing insurance for residential uses. There are appropriate insurance policies to provide the desired level/type of insurance coverage. Notifying the insurance agent of the legally non-conforming status is advised to ensure the proper coverage is included in the insurance policy.

Local governments also have Board of Variance or Development Variance Permit procedures to address circumstances where the siting restrictions cannot be met due to steep slopes, riparian areas, easements, hazardous areas etc. See Appendix A for recommendations on ways local government can address variance requests.

## Part 4 – Residential Uses in the ALR – Siting and Size Criteria

This part outlines criteria for the regulation of residential uses in the ALR. The purpose and goals from Part 1 served as a foundation for creating the criteria. Information from the consultation process helped build the criteria along with AGRI and ALC staff input, which served to add a broad-based perspective. These criteria are recommended for use by local governments in their zoning or land use bylaws. It is acknowledged that different communities have different circumstances. The criteria are designed to avoid directing the largest residential uses to the ALR and provide guidance for local government bylaw development. Please see Appendix A for recommendations concerning variance.

### 11 Options for reducing residential impacts

Three options have been identified for addressing residential impacts. These are:

- regulating the siting of residential uses,
- restricting the size of the *farm residential footprint*, and
- restricting the size of the farm residence.

Regulating the siting of farm residential uses is likely the simplest, most effective method of limiting the negative impacts of residential uses on farming in the ALR. As mentioned in section 7.1, requiring residential development to be located adjacent to the road frontage, in most cases, provides the most protection for agricultural areas, by reducing potential conflicts between farm and residential uses – improving farm efficiency. Residential development can also make the use of farm equipment and farm management more difficult and inefficient on that lot.

Restricting the size of the *farm residential footprint* has a greater impact on the alienation of farmland than the actual residence size and is the second most important criteria. While limiting the size of the residence does have a significant benefit in reducing the impact on farmland prices, it is considered to be of lesser importance compared to the siting of residential uses and the size of the *farm residential footprint*.

#### 11.1 Siting of Farm Residential Uses

The siting of residential uses involves both siting of the farm residence as well as the *accessory farm residential facilities*. Generally, a simple maximum setback from the roadway is used together with the minimum setbacks to the lot lines already in a local government's zoning bylaw. It is recommended that the setback for the *farm residential footprint* be larger than that for the farm residence to allow for a backyard and to avoid farming right up to the back wall of the residence. The maximum setback for the farm residence would be measured to the back wall (farthest from the road frontage). If a property has more than one lot line with road frontage, then the setbacks would be measured from one road frontage only, at the owner's choice.

#### 11.2 Size of Farm Residential Footprint

Three general approaches have been identified for limiting the size of the *farm residential footprint*:

1. Establish *farm residential footprint* size commensurate with urban lot areas. At present, density provisions in most land use bylaws related to lot size. Because lots are generally larger in rural areas larger residences can generally be built in such areas. Accordingly

- the largest residential uses in a community are commonly directed to the ALR. Bearing in mind that the priority use in the ALR is farming, permitted residential development should be no larger than that permitted in zones specifically set aside for residential development. The maximum farm residential footprint in the ALR should be less than or, at least, not more than that permitted in other zones in the community where the primary use is residential. However in some communities, the urban area lot sizes are much smaller than what would be considered appropriate in rural areas. There may not be significant rural areas outside the ALR to serve as an alternative to locating in the ALR. In this case, placing a cap on residential footprint size in the ALR will place limits on the development of country estates on farmland even if the cap is larger than the lots sizes typically available in urban areas.
2. Establish *farm residential footprint* size as a percentage of the lot size (within limits). Many local governments limit house size in urban areas using lot coverage. In rural areas, local governments have used lot coverage to limit the area covered by farm buildings. The same approach could be used to restrict *farm residential footprints*, although limits will be required to ensure a minimum sized footprint is possible on very small parcels and a maximum sized footprint is imposed on very large parcels so that the impacts on farming are minimized. Another option would be to set footprints based on parcel size, for example, smaller footprints on parcels less than 8 hectares.
  3. Set a specific *farm residential footprint*. Setting a single footprint size would provide greater consistency between communities and across the province.

### 11.3 Size of Farm Residence (House Size)

The same three approaches described for *farm residential footprint* could be applied to house size.

## 12. Definitions

The following definitions are provided to clarify the meaning of certain words that are used in the criteria. The definitions are drawn or adapted from the *Farm Practices Protection (Right to Farm) Act*, *Guide for Bylaw Development in Farming Areas*, *BC Assessment Act*, and various local government bylaws.

#### **Accessory Farm Residential Facilities**

The following buildings, structures or improvements associated with a *principal farm residence* or *additional farm residence* on a farm:

1. attached or detached garage or carport
2. driveways to residences
3. decorative landscaping
4. attached or detached household greenhouse or sunroom
5. residential-related workshop, tool, and storage sheds
6. artificial ponds not serving farm drainage or irrigation needs, or aquaculture use
7. residential-related recreation areas such as, but not limited to, swimming pools and tennis courts.

#### **Additional Farm Residence**

A building on a farm used as a house or residence by:

1. A full-time employee of the farm and his/her spouse and children or;
2. A member of the lot owner's *immediate family*;
3. *Temporary farm worker(s)*.

<b>Farm Residential Footprint</b>	means the portion of a lot that includes a <i>principal farm residence</i> <i>additional farm residence</i> , and its <i>accessory farm residential facilities</i> .
<b>Floor Area- Farm Residence(s)</b>	The total combined area of all floors contained within the exterior walls of all farm residences on a lot, including outdoor and indoor household greenhouses and sunrooms, but excluding cellar with a ceiling height less than 1.95 metres and attached or detached garages or carports to a maximum of 42 square metres for a farm residence.
<b>Immediate Family</b>	means, with respect to an owner, the owner's (a) parent, grandparent, and great grandparents, (b) spouse, parents of spouse and stepparents of spouse, (c) brothers and sisters, and (d) children or stepchildren, grandchildren and great grandchildren.
<b>Lot Line - Front<sup>13</sup></b>	means the cumulative lines common to the lot on an abutting <i>street</i> but not a <i>lane</i> .
<b>Lot Line - Exterior<sup>14</sup></b>	means a <i>lot line</i> , not being a <i>front</i> or <i>rear lot line</i> , that is common with a <i>street</i>
<b>Manufactured Home</b>	means a transportable prefabricated structure, whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another and to be used for residential purposes. The structure normally conforms to a standard required by the National Building Code of Canada.
<b>Principal Farm Residence</b>	means the main building used to accommodate a resident in the ALR but does not include an <i>additional farm residence</i> or <i>Temporary Farm Worker Housing</i> .
<b>Street</b>	Means a road allowance of 10.0 metres or more in width.
<b>Temporary Farm Worker(s)</b>	means an individual or individuals who carry out agricultural work on a temporary, seasonal basis on a <i>farm operation</i> and are registered with a federal government temporary worker program <sup>15</sup> .
<b>Temporary Farm Worker Housing</b>	means accommodation that is used solely for the purpose of providing cooking, sanitary, and sleeping facilities to temporarily house <i>temporary farm worker(s)</i> on a farm operation as necessary for the agricultural labour needs of a farm operation or other farms, if permitted.
<b>Temporary Farm Worker Housing space</b>	Means the area for housing one Temporary Farm Worker

<sup>13</sup> Definition is taken from the “*Guide for Bylaw Development in Farming Areas*” and the words in italics are also defined there.

<sup>14</sup> Same as above.

<sup>15</sup> Local governments may choose to broaden this definition by deleting “and are registered with a federal government temporary worker program”. Doing so may make it more difficult to ensure that the housing occupant is a farmworker.

### 13. Criteria

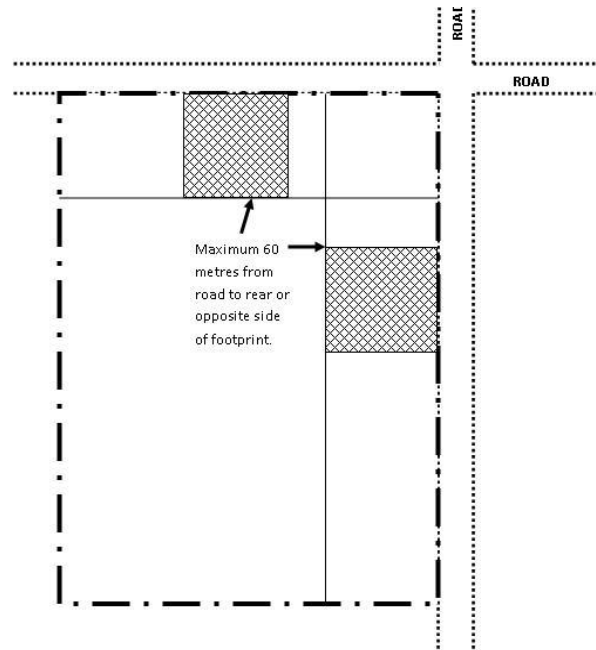
These criteria are recommended as the minimum level of regulation by a local government. Local governments can choose to be more restrictive of residential uses in the ALR. Local governments may choose to be less restrictive in areas outside the ALR, in part to encourage the largest residential uses to be located outside the ALR.

#### 1. Maximum Road Setbacks (Siting)<sup>16</sup>

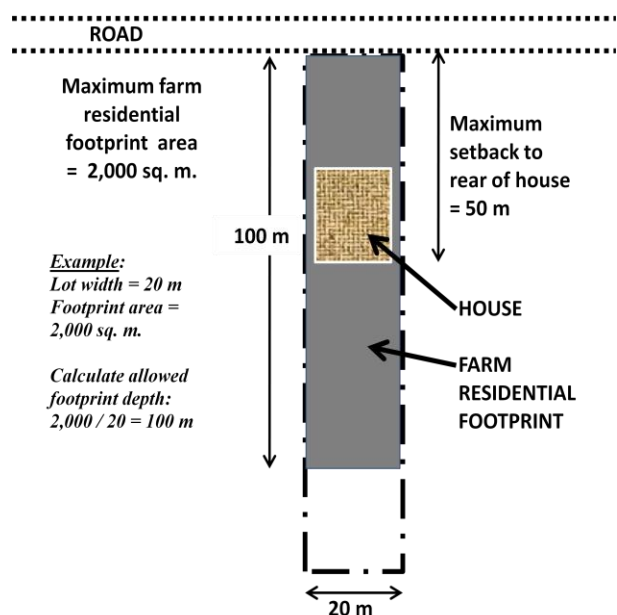
The *farm residential footprint* is to be located close to the *street* (public road), either at the front (*front lot line*) or the side (*exterior lot line*), if it is a corner lot.

- The maximum setback from the *front lot line* to the rear or opposite side of the *farm residential footprint* is 60 metres, and
- The maximum setback from the *front lot line* to the rear of the *principal farm residence* or *additional farm residence* is 50 metres to allow for a 10 metre deep back yard.
- Lots narrower than 33 metres are exempted from the 60 metre maximum setback (for the farm residential footprint) from the front lot line, however, the footprint must fill the front of the lot to a maximum of 2000 m<sup>2</sup> (refer to Figure 9). There is no exemption for the 50 metre maximum setback for the residence.
- Lots greater than 60 hectares<sup>17</sup> are exempted from the maximum road setbacks for the residence and the *farm residential footprint*.

**Figure 8. Maximum road setbacks**



**Figure 9. Footprint on narrow lot**



<sup>16</sup> In cases where a property owner cannot meet the maximum road setbacks due to parcel configuration, steep slopes, access to utilities etc, an appeal to the relevant local government's Board of Variance could be made or an application can be made for a Development Variance Permit to Council. Use or density changes would require a rezoning application. Suggested criteria for variance are in Appendix A.

<sup>17</sup> This exemption recognizes that large lot sizes minimize farm practice issues and the area is likely to be very rural.



## 2. Farm Residential Footprint Size<sup>18</sup>

The maximum size of the *farm residential footprint* is the lesser of a footprint commensurate with urban areas or:

- a) 2,000 m<sup>2</sup>; plus
  - a. 1000 m<sup>2</sup> for each *additional farm residence* where permitted; plus
  - b. 35 m<sup>2</sup> for each *temporary farm worker housing space* where permitted.

## 3. Maximum Floor Area-Farm Residences

The Minister's Bylaw Standard does not include size restrictions for the floor area-farm residences. However, the following is offered as a suggestion where local governments wish to include these restrictions in their bylaws.

The maximum *floor area-farm residence(s)* is the lesser of a floor area commensurate with urban areas or:

- a) 500 m<sup>2</sup> for *principal farm residence*;
- b) 300 m<sup>2</sup> for each *additional farm residence* where permitted; and
- c) 15 m<sup>2</sup> for each *temporary farm worker housing space* where permitted<sup>19</sup>.

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<sup>18</sup> The *farm residential footprint size* is considered density and would require a rezoning application to vary.

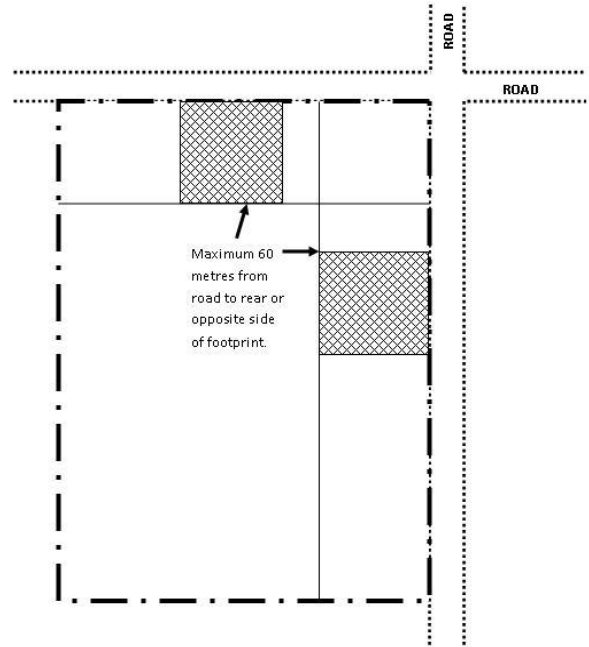
<sup>19</sup> Federal programs allow 10 m<sup>2</sup> of useable floor area which excluded washrooms, laundry, mechanical and storage rooms.

## 14. Discussion – pros and cons of the criteria

Criteria	Pros	Cons
<b>Maximum road setback to the rear of – farm residence and farm residential footprint</b>	<ul style="list-style-type: none"> <li>Houses are clustered near the access roadway</li> <li>Allows farm buildings and operations greater flexibility on the rest of the property</li> <li>Minimizes farm practice complaints</li> <li>Limits the area used by driveways</li> <li>Narrow parcels, one of the most common issues, is exempted from the footprint setback provision (while requiring the footprint to be located at the front of the lot) reducing the need for a variance.</li> </ul>	<ul style="list-style-type: none"> <li>There are many justifiable reasons for this restriction to be varied</li> <li>Variance will increase effort and cost for both the local government and farmer</li> </ul>
<b>Farm Residential Footprint Size</b>	<ul style="list-style-type: none"> <li>Reduces loss and/or fragmentation of agricultural land by limiting the size of the footprint and indirectly limiting the size of <i>residences</i> and <i>accessory farm residential facilities</i></li> <li>Meets the needs of typical farm operations</li> <li>Helps to discourage the spread of large residences into agricultural areas</li> </ul>	<ul style="list-style-type: none"> <li>The footprint size for a <i>principal farm residence</i> is 3 to 4 times larger than a good sized urban lot (550 m<sup>2</sup> = 6,000 sq ft or a 60 ft by 100 ft lot)</li> <li>This footprint size may still result in the largest residential uses in a community being directed into the ALR, if there are no urban or non-ALR lots of similar or larger size</li> </ul>
<b>Footprint does not include septic fields</b>	<ul style="list-style-type: none"> <li>Allows for large septic fields required in some areas to be outside the footprint</li> </ul>	<ul style="list-style-type: none"> <li>Septic fields outside the footprints may impact farming operations further</li> </ul>
<b>Suggested Criteria (Not part of the Minister's Bylaw Standard)</b>		
<b>Maximum Floor Area- Farm Residence(s)</b>	<ul style="list-style-type: none"> <li>Reduces the investment in residences and minimizes the increase to the cost of farmland</li> </ul>	<ul style="list-style-type: none"> <li>There is a great deal of variation in what is considered an appropriate house size</li> <li>The proposed house size limit is about twice the 2010 average as reported by the Canadian Home Builders Association (232 m<sup>2</sup>) which still allows large houses in the ALR</li> </ul>

## Appendix A – Setback Variances for Farm Residential Footprint Siting

Some properties may have anomalies which prevent the farm residential footprint from being located according to the standard location criteria above. This section describes accepted variances for local governments to utilize when necessary. It mentions several reasons for requesting a variance which may have merit, depending on the circumstances. It also mentions reasons which may be proposed but which have no merit from an agricultural perspective.



### A. Reasons for variance which may have merit

#### 1. Cluster farm residential use(s) with farm buildings

A farmer may want to have his house close to the farm buildings for the efficiency or security of operations – e.g., to tend dairy cows or to watch over valuable equipment. Such a request for a setback variance must be accompanied by a farm management plan that describes the farm personnel's functions in the operation. The farm residential footprint should be no larger than if located close to the road.

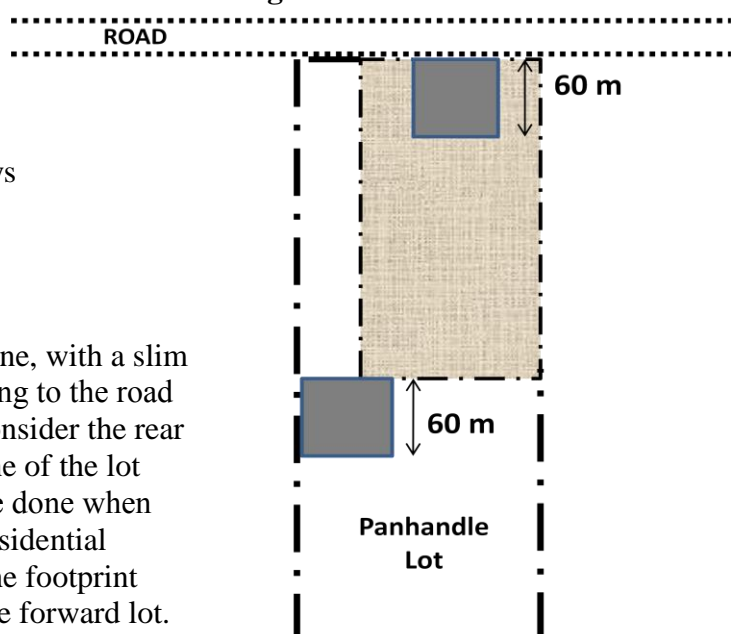
#### 2. Septic disposal system

The septic tank and disposal field are not part of the footprint. If the ground conditions dictate that they cannot be situated behind or beside the footprint, the location of the footprint can be adjusted somewhat, but always with the goal of using a minimum farm land area.

#### 3. 'Panhandle' lots

Occasionally, a lot is created behind another one, with a slim portion of the rear lot (the 'panhandle') reaching to the road to provide access. It is common practice to consider the rear lot line of the forward lot to be the front lot line of the lot behind (the 'panhandle lot'). The same can be done when measuring the maximum setback for a farm residential footprint - the maximum 60 metres depth of the footprint would be measured from the rear lot line of the forward lot.

Figure 10. A Panhandle Lot

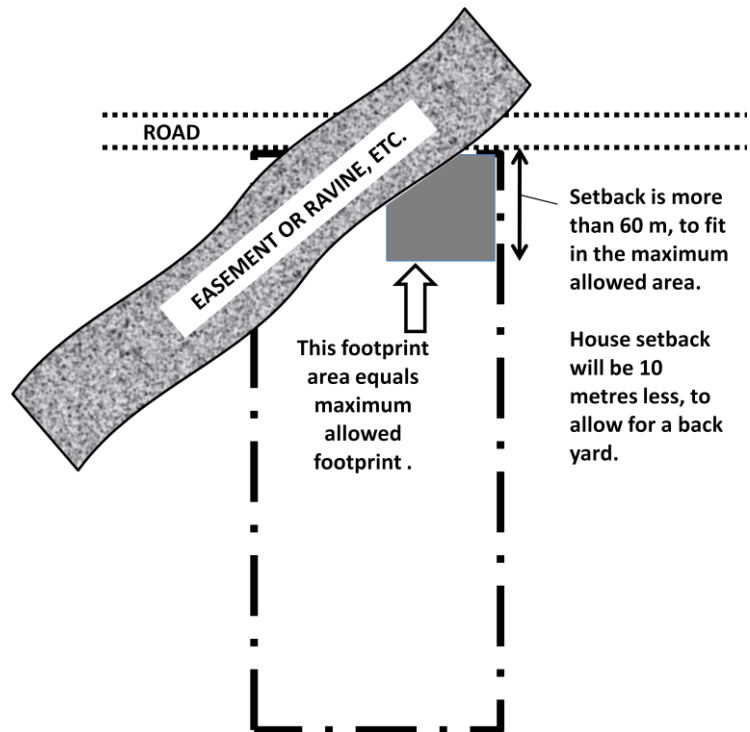


#### 4. Easements, steep slopes, or watercourses

If there is an easement for utilities (hydro lines, gas, cable, telephone, etc.), a steep slope, or a watercourse with riparian setbacks that cuts off part of the front of a lot, the *farm residential footprint* could take an irregular shape. That shape, or polygon, would fit into the space outside of the easement or other feature. The area of that polygon could be equal to the maximum area of the footprint, and because part of it may be narrow, the depth could be longer than the standard 60 metres.

To allow for a back yard for the house, the maximum setback of the rear of the house would be 10 metres less than the depth of the footprint – e.g., if the varied footprint depth is 85 metres, the distance to the back of the house should be no more than 75 metres. The house should still be located as close to the road frontage as practical.

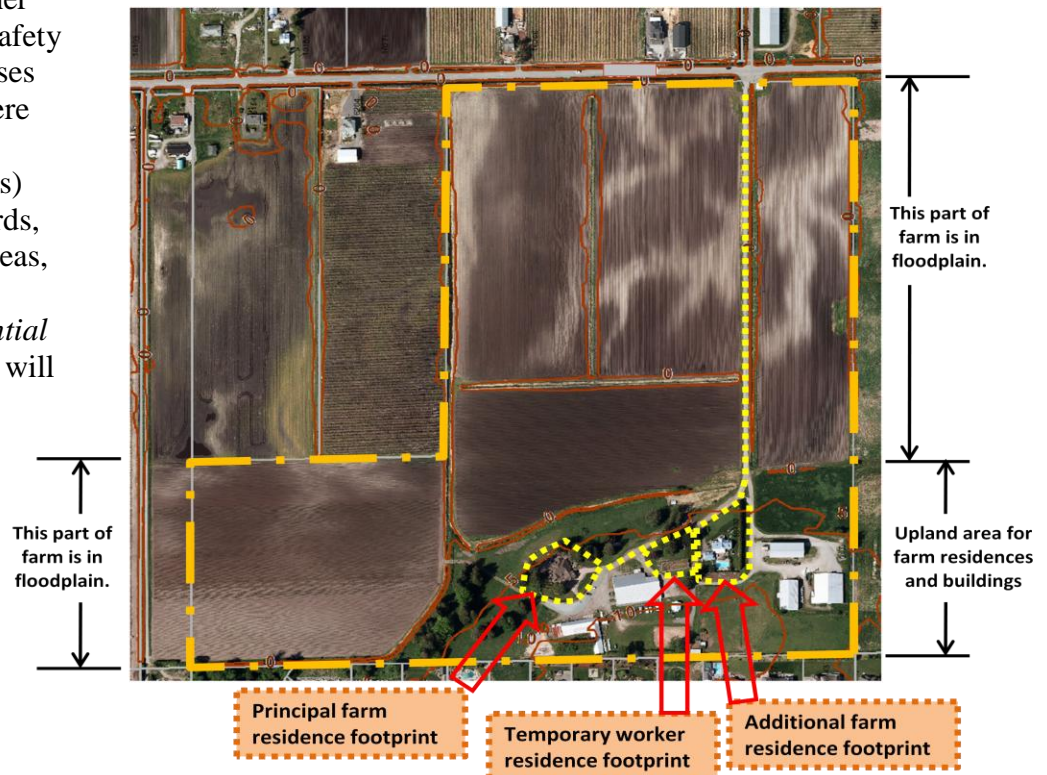
Figure 11. A Lot with an Easement, Ravine, etc.



#### 5. Floodplain or other hazardous area

There may be cases where the front portion of the property is in the floodplain or other hazardous area and, for safety reasons; the residential uses should be placed elsewhere on the lot. A report by appropriate professional(s) should describe the hazards, the recommended safe areas, and how the coverage of farmland by *farm residential footprints* and driveways will be kept to a minimum.

Figure 12. A Farm with Land within a Floodplain



**6. Parcels with private roads**

Where there is a private road giving access to a property, e.g., a shared road for bare land strata lots, it should be considered the same as a public road. The setback measurements to the rear of the footprint and the house should be taken from the private road's edge. If access is via an easement across neighbouring property, the setback measurements should be taken from the point where the easement intersects with the subject lot.

**7. Parcels affected by oil and gas industry**

Placement of an oil or gas rig on a farm can create the need for separation between the rig's operational area and the houses for safety, noise, and/or fumes. In such cases, the siting of a farm residential footprint should be adjusted, with the goal of minimizing the area for the footprint and the driveway(s) to it, and maximizing the area available for farming.

**B. Variance requests with no merit from an agriculture perspective****1. Agricultural capability of soils**

Section 7.1 of the discussion paper considers the siting of residential uses. The conclusion is that siting close to roadways at the front of a lot is considered more important than siting residential uses farther back on properties where there are poorer soils.

It is difficult to foresee a circumstance where the soil quality of the residential footprint was so significant that it justified the negative impact on farming potential of the neighbouring lots of moving the residential footprint farther back into the lot.

**2. Avoid cutting trees**

If there is a stand of trees which has some significance, it is not necessary to amend the *farm residential footprint* setback depth. The footprint does not need to be a rectangle or square and could take a flexible shape around the key trees. The design of the house and its grounds could incorporate key vegetation. If legislation or regulation protects vegetation, a variance approach similar to item A.4, "Easements, steep slopes, and watercourses", above could apply.

**3. Views and aesthetics; rock outcroppings**

Some farm properties may have a portion of land in the ALR and a portion which is outside of the ALR. The farmer may wish to relocate the *farm residential footprint* up on a viewpoint, or on a rock outcrop, or for other aesthetic reasons. For such purposes, the footprint should only be allowed to relocate away from the front of the lot onto the parts of a lot outside of the ALR, to avoid impacting farming opportunities on neighbouring lots.

**4. Avoid impacts on existing neighbouring farms**

Most effects on neighbouring farms are likely to occur if the residential uses are NOT at the front of the lot, by the road. Because neighbouring farming operations can change from farmer to farmer, year to year, it is best not to situate a *farm residential footprint* based on current activities on nearby lots.

## Resources

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