

## What We Heard from Consultations with Local Governments and Public Feedback on Residential Flexibility

### Background

In February 2019, the Province brought Bill 52, *Agricultural Land Commission Amendment Act, 2018* into force to better protect Agricultural Land Reserve (ALR) land for farming purposes. Following this legislative change and a 2019 Bill that included further changes to the *Agricultural Land Commission Act* (ALCA), the Ministry of Agriculture (the Ministry) undertook further [public engagement](#) in order to provide an opportunity for ALR landowners and stakeholders to express their concerns and views regarding: residential uses of ALR land, economic diversification, and new and young farmers.

From the engagement process, the Ministry heard that more options for small additional residences were needed. This work is a priority and the Ministry responded to stakeholder concerns by publishing a [Policy Intentions Paper: Residential Flexibility in the ALR](#), which outlines options under consideration for small additional residences that continue to maintain the core policy objectives of the ALCA. The core policy objectives include the preservation of land for agriculture and encouraging the use of land for agriculture.

Local and First Nation governments are key partners in determining land uses on the ALR. For that reason the Ministry policy analysis for the additional residences being contemplated maintains the ability of a local government to be more restrictive than the possible future provincial regulation.

The policy intentions paper invited individuals or associations to provide their feedback for policy consideration. Along with this public feedback, 191 local governments were invited to engage with the Ministry and assist in further developing and finalizing the policy option ideas outlined in the policy intentions paper. Of the 191 local governments invited to participate in the engagement, 153 have ALR in their jurisdictions. The invitation went out by email to local government staff through the Chief Administrative Officer or the equivalent individual and was referenced in the UBCM website through their newsletter, *The Compass*.

A total of 29 local governments participated in the engagement by conference call and or email as follows:

- 26 local governments at the staff level,
- 3 local governments at the elected official and or committee level and,
- 9 local governments at the staff and elected official and or committee level.<sup>1</sup>

A telephone invitation was also extended to the applicable First Nation Government, however input was not provided.

Of the responses received, there were cases where more than one local government provide the same or similar answers and the term some local governments was used to capture their response. There

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<sup>1</sup> The committee level may include one or more of the following types of committee: Agricultural Advisory Committee, Agricultural and Advisory Committee, Agricultural Development Committee, institute or similar committee type.

were also cases where only one local government generally provided a particular response or suggestion and that response was framed as statement or suggestion for purposes of this document.

The Ministry is working with the Agricultural Land Reserve Technical Review Committee made up of members from the Ministry of Agriculture, Agricultural Land Commission, Ministry of Municipal Affairs and Housing, and Union of BC Municipalities to refine the options put forward in the policy intentions paper.

### **Interpretive Notes**

**Speculation** For the purposes of this document, ‘speculation’ means that the potential to have an additional residence may incentivize a real estate speculator to purchase agricultural land for its residential potential instead of using the land for farming.

**Services and Servicing Costs** For purposes of this document, ‘services’ and ‘servicing costs’ relates to one or more of the following: water, septic fields, sewer, lights, and roads.

**Farm Residential Footprint** For purposes of this document, we use the term “farm residential footprint” instead of the term “homeplate”. Some feedback from local governments used the term “homeplate”. We use the term “farm residential footprint” in this document because it is defined in the Guide for Bylaw Development in Farming Areas, also known as the Minister’s Bylaw Standards (MBS). The MBS defines farm residential footprint as the portion of lot that includes the principal farm residence, additional farm residences and its accessory farm residential facilities. “Homeplate” refers to the same concept and has been used in past discussions about whether such a concept could be brought into the ALR regulations.

**Guest House, Carriage House, Garden Suite** For purposes of this document the terms guest house, carriage house, garden suite relates to a *dwelling unit* that may stand-alone or be within or above another structure.

### **Key Themes – local governments**

Key themes were selected based on being noted more than two times and by multiple regions across the province. Key themes that emerged from the engagement with local governments include the following suggestions:

- Keep everything clear, simple and easy to interpret;
- Have options for an additional residence type as some people may not want to have their only additional house options for an aging parent limited to living in manufactured homes;
- Keep the number of additional residences allowed on ALR land to a minimal number;
- Support for the policy directions set out in the policy intentions paper;
- Align additional residence requirements with BC Building Code requirements where possible;
- Place the additional residence in a manner that minimizes the impact on useable farm land;
- The additional residence may increase speculation;
- Tie the additional residence to farming; and,
- Consider needs for servicing and fire protection.

The local governments shared the above concepts with the understanding that if the Province is going to change policy, that the Province please consider these ideas as they will help the local governments with implementation in their communities.

### Overview of Responses

The Ministry provided local governments with a list of questions in advance to support discussion. The following gives an overview of local governments’ responses to each question.

1. Is there a lot of pressure in your jurisdiction for residential development in areas zoned for agriculture? If yes, do you feel that your local or First Nation government has the necessary tools and resources to manage this pressure?
  - **Pressure** Level of pressure varies. Some local governments may experience significant pressure for additional residences on agricultural land while others indicate no pressure. Lack of affordable housing creates pressure to use farmland for residential purposes. Pressure exists to place additional residence on small plots of land.
  - **Tools and Resources** Local governments noted that tools to deal with pressure for residential development on agricultural land include zoning, planning inspection and official community plans. Enforcement related to improper residential uses (e.g. cost of removal) can be expensive as it may need a court injunction.
  
2. Prior to Bill 52, approximately how many requests per year did your local or First Nation government receive for additional residences (e.g. include how many for manufactured homes, garden suites, guest house, carriage suite, accommodation above an existing building on the farm) on ALR parcels?
  - **Request** Varies – numbers range from 0 to more than 70 (in the last four years), some do not track the information. Many were in the lower range.
  - **Servicing Costs** Sometimes additional residences are not permitted as they would need to be fully serviced (e.g. water, roads) and it would cost millions to bring the services to the additional residences so not feasible.
  
3. Since Bill 52 came into force in February 2019, how many non-adhering residential use applications has your local or First Nation government received?
  - **Non-Adhering Applications** Varies – numbers range from 0 to 170. Many were in the lower range.
  
4. Please share whether your existing local government bylaws and First Nation government laws currently allow these additional residences on the ALR and whether you think your community might be supportive of allowing them in the future. Please rank these options in terms of what you think your community will support.

Additional Residence option	Allowed in Current Bylaws or law (Yes / No)	Community support (Yes / No)	Rank Options (#)
Manufactured home			

Garden suite, Guest house, or Carriage suite			
Adding a new accommodation above an existing building on a farm			
Permitting a new permanent residence to be constructed in addition to a manufactured home that is the principal residence			

- **Types of additional residences allowed** Comments ranged from a community that may support all four types to currently not permitting any of these additional residence options.
  - For new accommodation above an existing building, comments ranged from not allowing a new accommodation above an existing building on a farm to allowing. If the new accommodation is allowed it would need to comply with the BC Building Code which can be difficult to do.
  - Some local governments allow for manufactured homes.
5. Of the types of additional residences outlined in the policy paper, which types would your local or First Nation government find the most difficult to regulate within ALR parcels in your jurisdiction? Please share why.
- **Accommodation above an existing building** on a farm because of the costs to bring it up to the residential building code, concerns with fire code and the dwelling unit can go unnoticed.
  - The accommodation above an existing building on a farm could affect viable farm land (i.e. creation of new driveway on active farmland to access the new residence).
  - Suggestion to define, existing farm building, so that it includes a constructed by date so that ensure it is existing and not a new building subsequently converted through an additional permit.
  - **Public Consultation** Change, at a local level, to allow additional residence may need public consultation and changes to the official community plan.
  - **Units within a building** Suites within a building can be easily expanded without the knowledge of the local government.
  - **Limit number of additional residences** Suggestion to allow only one residence unless the second residence is for farm help.
6. If future changes to the ALRUR permit certain types of residences by regulation, would your local or First Nation government choose to prohibit those additional residences in the ALR in your jurisdiction? Please share why.
- **Additional Residences** Most indicated that they would not prohibit. Some local governments noted that they may prohibit or limit additional residences. Some local governments already prohibit one or more types of additional residences. May need to restrict further based on lot size and level of service available to the property. Preference expressed for not changing the current legislation with respect to additional residences.
7. Have you had problems permitting a new permanent residence to be constructed in addition to a manufactured home that was the principal residence (i.e., the manufactured home was the only

residence on the parcel, and somebody wished to build a second, permanent residence on the parcel)? Please explain.

- **Permitting of a new permanent residence** Generally, has not been a problem. A few noted that it was an issue. A local government asked if it could be addressed at the provincial level.
8. In the context of policy work generally, how can the Ministry improve any specific definitions that may be needed for small secondary residences?
- **Simplicity** Keep simple, straight forward and easy to interpret, ensure terminology does not conflict with what the local government uses.
  - **Floor area and definitions** Clearly define floor area restrictions intended to limit the size of the dwelling, don't regulate who occupies the building, define maximum floor area with some kind of scale, for manufactured homes use specific code through CSA, don't define building type just allow second house with so many m<sup>2</sup>.
  - Creation of a specific definition for what qualifies as a secondary residence with specific definitions of key terms would help minimize varying interpretations.
  - Questioned whether a deck/porch/balcony count towards floor area for garden suite, guest house or carriage suite. Request for a definition that would outline the difference between a garden suite, guest house, carriage suite and accommodation above an existing building.
  - **Farm Use** Tie the use back to farming. Suggested that additional residences be for agricultural purposes (e.g. staff accommodation, family members).
  - **Use of farm land** Factor in a maximum separation from principal dwelling so they have to keep it close to the house, no second driveway to service second house, add anything that lessens impacts for farming.
  - **Basements** Questioned whether basements that are rented become another secondary residence.
  - **Other** Observation was made that it is going to be challenging to have a provincial definition and these kinds of things have been left to local government to define and determine (ensure provincial definitions do not in conflict with local government definitions).
9. In the context of the policy work we are completing how would you define each type of additional residence if you had the opportunity? Would you restrict further?
- **Definitions** Suggestions included using one definition for additional residence that limits the floor area to 800 to 1000 square feet, define garden suite, carriage site or guest house as secondary dwelling, don't define by type of secondary residence, define maximum size, go with so many square feet that also include decks and porches. For garden suite, guest house or carriage suite, definition should include maximum size permitted and number of stories.
  - Suggestion to set maximum floor area for additional residence between 90 to 100 m<sup>2</sup> for a detached garden suite, upper floor coach house and residential use of an existing building.
  - **Simplicity** Keep simple, use clear definitions and ensure the definitions do not conflict with the BC Building Code.
  - **Basements** In the north, a four-foot foundation is needed due to the permafrost, questioned if the options could include a basement.
  - **Use of farm land** Minimize impact on ALR land, place additional residence on sections of land that are not good for farming, place close to the road, keep residences close together.

- Concept of additional residence above a building on a farm does not match the purpose of farm residential footprint.
10. Has your local or First Nation government made any bylaw or law amendments related to residential uses in the ALR since Bill 52 came into force and effect in February 2019?
- **Bylaw or law amendments** Most local governments said no and a few said yes.
11. Do you have any other bylaws or laws that regulate manufactured homes, garden suites, guest houses or carriage suites (i.e. the options in the policy paper)?
- **Bylaws that regulate additional residences** Some local governments referenced their zoning bylaws.
12. If so, how do you define each type of residence and does the bylaw or law include information on % of site coverage, size (in meters), siting and total floor area (in m<sup>2</sup>)?
- **Bylaw definitions** Some of the local governments provided information contained in their bylaws. The bylaws may include information on the dwelling unit, maximum floor area and parcel coverage.
13. Are there other types of additional small residences that your local or First Nation governments define that you would like to tell us about that should be considered? If you have others, what size, siting and maximum floor area is recommended?
- **Other types of additional residences** Concept of tiny homes was raised, and it was noted that there building code challenges related to the use of a tiny home for a permanent dwelling.
  - Clarify that all forms of secondary small residences are required to meet the BC Building Code. If permit “tiny homes” as a “small secondary residence”, then it should be made clear that they must meet BC Building Code.
  - Idea of a Yurt was put forward for consideration as farm worker housing or seasonal housing as it has low impact on the land.
  - Suggestion to keep things at a single-family home on ALR lands.
  - Ensure that the secondary residence not be used as a short-term rental.
  - Concern raised with respect to sewage.
  - Consider residential options that support multiple family operations and the 90m<sup>2</sup> may not be large enough to accommodate this.
14. In order to permit any of the residential changes under consideration, would your organization need to amend or create a bylaw or a law? Please share why your local or First Nations government may choose to do this. If yes, please list the bylaws or laws that would be amended.
- **Need to amend bylaws** Some said no and others said yes. Some noted that the Official Community Plan may need to be amended and changes to this plan could require significant public engagement.

- **Servicing costs** Comment made with respect to servicing cost (e.g. additional residences cannot be constructed without needed services and the cost of bringing service to the ALR land is very high).

15. Future changes made to the ALRUR may permit certain types of additional residences by regulation. The amount of time that local and First Nation governments needs to amend/create the bylaws or laws may depend on the level of changes made to the ALRUR.

a) Based on your experience, what is the minimum amount of time required by your local or First Nation government to amend/create new bylaws or laws?

- **Time needed for bylaw changes** For many the time ranged from 2 to 12 months. For one local government, the length of time could be more like one and half to two years or more when the process of updating the Official Community Plan and other requirements are factored in. Cost associated with making changes and staff time were mentioned as things that could be significant.
- **Speculation** of land could increase, and over the long-term additional residence would increase the cost of the land and non farmers would purchase land for rental reasons.

b) If changes are made to the ALRUR, would your local or First Nation government need to create new processes or prepare change management tools for staff or the public applicants?

- **Process changes** Some said no, could depend on level of changes and others said yes. Examples of what may need to change included internal procedures, applications guidelines, and website information.
- **Costs** Financial considerations were mentioned in relation to completing local level public consultations.

c) If changes are made to the ALRUR, would suggested bylaw wording be helpful to create a new, or amend an existing bylaw or law?

- **Need for bylaw wording** Some said yes and some said no. Suggestion to do by region, and to make clear if the wording is a guidance document or strict regulation to adhere to.

### Manufactured Homes

a) Would it be helpful if a regulation permitting manufactured home as an additional residence included the following specifications?

- **Permanent** Once a manufactured home is placed it is generally a permanent fixture.
1. Limiting the foundation type to a concrete slab, concrete pile (as indicated in the ALC policy [L-25](#)) and surface pier foundation systems and no basement.
- **BC Building Code** Ensure that details comply with the BC building code.
2. Restricting them to the Canadian Standards Association (CSA) Z240 and (CSA) A277 Manufactured home series (as indicated in ALC policy L-25).

- **BC Building Code** Ensure that details comply with the BC building code.
  - **Standard Changes** Comment was made that references to specific existing standards can become obsolete as those standards are updated or changed.
3. Restricting them to a maximum of 9 m wide and 22.86 m long (as indicated in ALC policy L-25) or floor area of approximately 200 m<sup>2</sup>.
- **Length and Width** Suggestion to use maximum floor size rather than length and width, or round to 23 meters, not use measurement to two decimal points. Note made that manufactured home could be wider than 9 meters. Specify if 200m<sup>2</sup> includes driveway.
- b) Are there any additional restrictions or considerations you would like (use meters and m<sup>2</sup>)?
- **Certification** A manufactured home could lose certification if deck not done by professional builder. Suggests discouraging decks.
  - Regulation to clarify what manufactured home is (e.g. use the CSA).
  - **Services needed** Additional residences need investment in septic field and water.
  - **Limiting additional residence types** Note made that it does not seem fair that parents that farmed all their life and are retiring are limited to living in a manufactured home.
  - Prefer maximum number of square feet and need to consider what goes with it (i.e. garage, porch etc.) and whether these are included in the total square feet.
  - No need to limit the foundation type.
  - **BC Building Code** Ensure that any concrete slab requirements comply / reflect building code.
  - Ensure the manufacture home complies with the BC Building Code.
  - Ensure foundation requirements reflect BC Building Code.
  - **Permafrost and basements** Areas with permafrost need to dig 4 down four feet and asked if would allow a basement.
  - **Flood plain** areas need to lift manufactured home up 1.5 meters and need to anchor to the ground.
  - **Permanent** Addition of basement makes the manufactured home permanent.
  - **Accessory structures** Requested additional information on the permissibility of accessory structures. Are decks, porches (covered & uncovered), attached gazebos permitted in addition to the dwelling unit? If yes, is there a maximum size.
  - **CSA series** Noted that the CSA series A277 series can be larger than the others so may need parameters on it. The CSA A277 could be two stories.
  - **Tiny homes** Challenge is that because tiny homes are under a certain number of square feet, it difficult to meet BC building code requirements.
  - **Use of farm land** Suggestion that manufactured home be located on same farm residential footprint as the principal residence so that farm land is preserved.
  - Too much flexibility in permitting manufactured homes and other secondary residences on small properties that do not actively farm and is likely to increase urban/rural conflict and is likely to not contribute to future farming operations.
  - **Secondary suites** Manufactured homes should not be converted to allow for secondary suites (basement) and or any additions.



- **Other** Suggestion that second dwelling have size restrictions and that it could be site built or built off site (e.g. manufactured home).

#### **Garden suite aka Guest house aka Carriage suite**

a) Would it be helpful if a regulation permitting a form of detached additional dwelling (commonly referred to as Garden suite aka Guest house aka Carriage suite) as an additional residence included the following restrictions or specifications?

- Defining them as a detached additional residence no larger than 90 m<sup>2</sup>.
  - **Definitions** Suggestion for more generic language (e.g. small detached dwelling) and move away from the garden house/guest house/carriage house terminology.
  - Some were okay with 90 m<sup>2</sup>. Comments included whether it could be bigger to make space more liveable, changed to approximately 200m<sup>2</sup> so that it is the same size as the manufactured home being contemplated.

b) Are there any additional restrictions or considerations you would like (use meters and m<sup>2</sup>)?

- **Size Differentials** Questioned why would allow a manufactured home at 200m<sup>2</sup> and limit this one to 90m<sup>2</sup>. Could tailor the smaller 90m<sup>2</sup> additional residence to a smaller parcel so that a smaller amount of lot is used.
- People may choose manufactured home because it is bigger.
- **Servicing** Suggestion that the regulation refers to proper servicing for water and sewer.
- Consider distance from fire hydrant.
- **Use of farm land** Potentially tie additional residence to farming, place the residence in a way that minimizes the use of farmland and consider use of farm residential footprint.
- Suggestion to not provide a siting requirement and instead look that the secondary residence is placed where it the land is not suitable for farming, flexibility to choose where the secondary residence goes, porches and deck could make space livable.
- Continue to apply criteria that requires farm owner to demonstrate requirement of the residence for farm use.
- Locate additional residence close to principal residence to discourage short term vacation rentals, consider slightly larger size to improve livability – slightly larger size may decrease demand for farm housing.
- Consider using farm residential footprint to minimize impact on ALR land.
- Additional considerations for additional residence could include size of property, type of farming operation, farm classification status, maximizing use of property for agricultural purposes and available services. Suggestion that second permanent residences need to be justified (i.e., should only be supported for farm help, farm partners or family members that are involved in the overall farming operations and only for properties that are large enough to be productive in agriculture).
- **Flood plains** For areas with flood plain issues a stick build may not be feasible and carriage home above garage would alleviate flood plain issue.
- **Definitions** Suggestion to not define secondary residence by term.
- Suggestion to distinguish between garden suites and guest house and carriage suites in order to provide clarity and avoid misinterpretation.
- Clarify whether area includes garages attached storage rooms.

- Define garden suite/guest house/carriage suite, define 90m<sup>2</sup> (i.e. does it relate to floor area, lot coverage, number of stories). Clarify if single story ground-oriented home, because of flood plain garden suites may not be feasible.
- Note that 90m<sup>2</sup> okay and will likely become short term rentals.
- **Options for additional residence types** Garden suite is good as may not want to have parent living in a manufactured home.

### Accommodation above an Existing Building

- a) Would it be helpful if a regulation permitting an additional residence built above an existing building on the ALR parcel include the following restrictions or specifications:
- Limiting the additional residence above an existing building to one level and not to exceed size of the building above which it is located provided the structure does not exceed 500m<sup>2</sup>.
  - **BC Building Code** Building would need to meet the BC Building code.
  - **Size of Structure** If allow this, suggested that simply allow second residence.
  - Responses included that 500m<sup>2</sup> could be okay and that 500m<sup>2</sup> seems excessive given the others are approximately 90 m<sup>2</sup> and 200m<sup>2</sup>.
  - **Definitions** Define difference between accommodation above an existing building, garden suite, guest house or carriage suite and clearly define what one level is (e.g. can the hot water tank go on another floor).
  - **Use of farm land** If implemented, place restrictions on height, setbacks and farm use for the rest of the building as could create a loophole that would allow people to get around local governments' building setback or farm residential footprint rules by allowing a dwelling in an existing building that is set back far from the road. This loophole could prevent efficient farming practices.
- b) The previous regulation, allowed an accommodation on top of an existing building. Was that useful, what were the problems with it and what could be made better from the perspective of local and First Nation governments?
- **Services and BC Building Code** Question raised on whether these buildings would meet septic field and requirements and building code requirements.
  - **Term existing** Clarify the term "existing". If the intent is to restrict opportunity to long-existing farm structures, without increasing the total footprint of structures on the land, then use a "constructed by" date. Otherwise a person may build a new building and then seek to build accommodation above the newly existing building.
- c) Are there certain types of buildings that you would allow to have an additional residence added above them? If yes, are there any health authority limitations to providing accommodations above any specific buildings (e.g. over a farm building)?
- **BC Building Code** Need to meet BC Building Code and costly to bring up to code.
  - **Potential restrictions** Considerations with septic and there could be restrictions on dwelling above barn, depending ventilation or breed of animal. Above garage or repair shop okay.
- d) Would your local or First Nation government allow the additional residence to be built within an existing secondary story of that building (e.g. a barn); on top of a one-story building; or both?

- **BC Building Code** Reference was made for the need to meet building code.
- e) What is the preferred limit to the maximum number of stories (residential and non-residential)?
- **Maximum number of stories** Up to 3 stories for some local governments. May need to ask fire department to determine how many stories their ladders accommodate. Some places may have building height restrictions based on fire safety.
- f) Are there any additional restrictions or considerations you would like (use meters and m<sup>2</sup>)?
- **Number of units** Prefers maximum of 2 units. Large farming operations can always go to the ALC for additional secondary residences.
  - **Clarity and Simplicity** Keep simple, no need to specify if above a second building.
  - Simplify. You can build X square metres of structures within X square metres of space.
  - Clarify whether or not accessory structures (external stairs, balconies, etc.) are permissible if they extend beyond the existing building footprint.
  - **Services** Sewage may need second septic field.
  - **Fire safety** Ensure fire protection capabilities.
  - **Use of farm land** Consider removing the references to 'above' and 'existing' in order to allow for greater flexibility for this 'small secondary residence' type to be incorporated into new construction and be located in the most suitable portion of the farm building.
  - These types of residences should be located within reasonable proximity to the principal farm residence.
  - Goes against farm residential footprint concept (could build a building on a farm just to get residential accommodation, or accommodation above a farm building could extend residential uses beyond the farm residential footprint).
  - Consider total cumulative area for residential uses on a property is (to a maximum number of residences) as way to restrict the impact to agricultural land without overly restricting the specific type of housing.
  - **Other** Residential use above a building on a farm hard to manage.

16. How many additional residences within an ALR parcel would your local or First Nation government likely allow? Please share, based on your experience, the preferred number.

- **Number of additional residences** Preference for a low number. Could depend on the parcel size.
- **Servicing and fire safety** Level of service and need for fire safety.
- **Speculation** Initiative will drive up speculation of farm land. Additional residences could increase potential that owners seek to subdivide parcels in the future. Preference that the ALR parcels not be divided.
- **Use of additional residence** Suggestion to not get into the details that a manufactured home is for immediate family or farm help as it is not possible to enforce.
- **Downloading decision** If this is allowed, it places a lot of pressure on the Council.
- **Farm Use** May limit to those that need the additional residence for farm labour or family.
- Justify additional residence based on level of agricultural activity on the property and being necessary for farm use.

17. Are there any general size, siting and total floor area parameters your local or First Nation government would recommend?

- **Total floor area** A maximum floor area of 92m<sup>2</sup> is recommended for a second dwelling.
- Clearly define size as a footprint or floor area for both manufactured homes and carriage homes. Outline if footprint includes building roof overhang, roof pilings, decks etc.
- Keep simple. Comment that highly prescriptive dwelling forms leads to debate.
- Suggestion to keep secondary residence floor area between 800 to 1,000 square feet.
- Some local governments have farm residential footprints already in place.
- **Defer decision** Suggestion that local government make the decisions.

a) In relation to the options under consideration, what type of structures would you consider necessary for an additional residence (e.g. driveway, front steps, added on exterior porch, garage etc.)? Would you wish to see those necessary structures permitted by regulation?

- **Necessary structures** Some noted it would be good permit front steps, porch, deck and garage for a secondary residence through regulation. The second residence could use same driveway as the primary residence.
- Suggestion to limit floor area and all the decks etc. that would fit in that area.
- Clearly specify what is permissible (e.g. the following should be permissible – external stairs, porch, balcony, deck, detached storage shed and garage). Clarify if the local government can impose restrictions.
- Suggestion to not regulate as they do not take up a lot of space on large parcels.
- Need for sufficient parking for the additional bedrooms and need for emergency access.
- Allow garage. Question on whether the additional residence needs to be on the same farm residential footprint as the principal residence. Some would not want the additional residence on the same farm residential footprint as the principal residence.
- Front steps or other minor features are necessary for additional residences and noted that structures such as porches and detached/attached garages which utilize land which could otherwise be farmed may be unnecessary.
- Maximum size or general size restrictions would be helpful.
- **Total floor area** Allow local governments to calculate total floor area based on their zoning bylaws.

b) Do your local or First Nation government bylaws or laws mention structures that are ancillary to additional residences? Please describe.

- **Ancillary structures** May not have regulations that address decks and porches that are attached to secondary residences as these items are considered part of the residence.
- Possible that hard surfaces for parcel coverage are not counted, just count the buildings.
- Some local governments have farm residential footprint.
- Suggestion for more restrictions around siting, lot coverage of accessory structures.
- **Compliance and Enforcement** Questioned what resources are available for compliance, concerns with ability to enforce provincial regulations.

18. Of the types of additional residences and concepts (size, siting, total floor area) under consideration what are the drawbacks your local or First Nation government envisions?

- **Subdivision of farm land** While manageable, concern that more dwellings may negatively impact agricultural potential and may encourage subdivision of the land. Could add something to limit subdivision if qualify for an additional residence.
- Concern that secondary residence encourages subdivision – suggest adding something to limit subdivision if get a secondary residence.
- **Cost of ARL land** Too many residences make farmland expensive and out of reach for farmers.
- Agricultural land becomes even less affordable for farmers given increased assessed value when the number of additional farm housing units increases.
- **Need for Services** While more residential development on rural land may create more demand for urban services (paved roads, lights, sewer), allowing one additional residence per parcel could be okay.
- Existing well / septic field may need to be resized for the additional dwelling.
- Suggestion to place the additional residence close to the principal residence so that only use one septic field.
- **Size Differential** Why are some of the additional residences proposed larger in size than the others?
- **More Options** Concerns with manufactured home being the only option for a retiring farmer. Need additional options.
- **Floodplains** For floodplain areas an accommodation above a building on a farm would be suitable.
- **Revenue** May receive pressure from ALR landowners for secondary residence as they may want the rental revenue and not intend to farm.
- **Short term rentals** Could create issue with short term rentals.
- **Other** Concern that if additional residences are not used as permitted then the initial complaints fall to local government, staff time and expense associated with bylaw changes.
- **Total Floor Area** The definition of floor area is too subjective to be used to determine the maximum size of a secondary residence as basements, attics, unconditioned space, areas used for parking, mechanical rooms, etc. may or may not be included within the total floor area calculation based on individual municipalities definitions. Each of those spaces (i.e. basements, attics, etc.) have individual definitions which vary among local governments. The measurement of floor area can be challenged if not specifically defined (for example, are measurements to be taken to the interior of the wall or exterior of the wall).
- **Size of additional residence** Noted that lot coverage may be a more suitable option to regulate the size of a secondary residence as it reflects the amount of land which is being used for residential purposes.

19. What measures are available to local and First Nation governments to ensure compliance?

a) What if any criteria could be included in the ALRUR to support enforcement?

- **Compliance and Enforcement** Court order can be used, however it is expensive. Rely on complaints. Appreciate increased ALC enforcement. A fine or financial deterrent could be useful.

- Noted that can't rely on enforcement to manage changes, enforcement needs to be measurable – measure item not how it is used, concerns with short term rentals if the additional residences are on ALR parcels that do not have farm class.
- Note made that if things are not clear it becomes open to interpretation and not easy to enforce. Can have covenant to remove if no longer used for the purpose it was put there for in the first place.
- Large daily fines.
- Use building permit application, zoning and building bylaws, bylaw enforcement.

20. Would your local or First Nation government consider one or more of the following constraints helpful:

- a) Requiring the location of the small secondary residence to be 'in proximity' of the principal residence. If so, what restrictions or parameters related to the proximity of the additional residence to the principle residence would be helpful?
- **Proximity** Some were in favour of proximity other were not.
  - Proximity may be good in theory not good in practice. Prefer to have flexibility on the placement because one standard would not work in all cases.
  - Proximity could reduce issues with short term rental.
  - For large parcels a maximum separation may be more appropriate than containment within a specific area.
  - Instead of term "proximity" use a clear measure of farm residential footprint in meters so that not open for debate.
  - With farm residential footprint, proximity is not an issue.
  - **Use of farm land** Suggest placing the additional residence in an area that does not impact land use.
  - Suggest requiring secondary dwelling not exceed a specific distance from principle dwelling to reduce land area used for non agricultural purposes.
  - **Size of Additional Residence** Need to be clear on size of the additional residence.
  - **Servicing** Consider servicing issues.
  - **Defer decision** Suggestion to let the local government determine.
- b) Specifying that an additional residence (permitted by regulation) can only be added to an ALR on a parcel that is greater than a certain number of hectares. If so, what number of hectares would you recommend?
- **Number of hectares** Suggestions included no size restriction, other suggestions included less than a hectare to 8 hectares.
  - Need for additional residences can be as applicable for small intensively farmed parcels as it is for large operations.
  - Farmers may have more than one parcel and may need more than one home so makes sense to put 2 houses in small lot.
  - **Farming / farm use** Permitting of additional residence be conditional on being required for the operation of the farm rather than the size of the farm.
  - If additional housing is required, ensure it is needed for farming.

c) What other constraints would be considered helpful?

- **Parcel size and floor area** Minimum parcel size and maximum floor area for the secondary dwelling would be sufficient.
- If limit the secondary residence to a percentage of the parcel size, then would limit the non farm use of small parcels.
- Use building footprint instead of floor area.
- **Cost of farm land** Note was made that the value of land made up of a small parcel increases when a second residence is added.
- **Farm use** Suggestion to tie additional residences to farm use.
- Potential for increased rural/urban conflict is of concern in allowing additional homes on small acreages that are not likely to be actively farmed. Secondary residences should only be supported for farm help, farm partners or family members that are involved in the overall farming operation and only for property that are large enough to be productive in agriculture.
- **Health regulations** Ensure compliance with health regulations.
- **Driveway and Servicing** Shared driveway. Not allowing second connections for water services for cottages or carriage houses. Have to be served by principal residence.
- Ideally same service lines, same driveway. May need an additional septic field, unless they add on the existing one, which may not be ideal.
- **Proximity** Comments ranged from supporting idea of maximum separation to noting that with large parcels there's no need to have residences within a proximity of each other.

### Registering Additional Residences

21. The policy paper suggests registering additional residences:

- a) Would registering additional residences with the ALC be utilized by your local government?
- **Purpose** Need to understand value in registration. Clarification on what the registration would mean.
  - **May already exist in some format** Note made that a local government has their own tracking software. Could be something that BC Assessment already has.
  - **Other** Could be an issue for those that don't have building permits.
  - Support if there is agreement for joint enforcement with the ALC and local government.
- b) Could [agricultural land use inventories](#) be an alternative to registering individual residences?
- **Use of ALUI** Some said yes others said no.
  - Value of the ALUI is in the second time it is done so that can see what has changed. If change what is measured and recorded in the second update, then will make it harder to compare over the previous time.
  - **Limitations** Surveys done from road and it is not possible to see everything.
- c) Are there other options that could be considered?
- **May already exist** Suggestion to check with BC Assessment.
  - Some LG have own records through the permit process.
  - Note made that yellow sheet tracks building permit data.
  - **Purpose** Need to understand purpose of registration.

- **Other** Consider providing business licencing authority to track rentals.

22. Please provide any further comments you wish to address here.

- **Simplify** Make the regulations simple and easy to administer.
- **Additional residence** Farm labour difficult to find and a small home would help with that and with flexibility so that have practical options for young people that want to farm.
- Ideal to have secondary residence so that retired farmer can live there comfortably and have it be a size where a family can live comfortably. The secondary residence could also be source of revenue to help the farm survive.
- If need to allow aging in place, then government needs to define secondary suites and limit size of secondary suites given changes to the BC building code.
- **Pressure to subdivide** Pressure to develop ALR land that is surrounded by non ALR land that is serviced.
- **Speculation** Farm owners may want to provide housing for their relatives or farm workers because housing in urban areas is too expensive and this may erode the agricultural land base while driving up prices of farmland even higher. Proposed changes may increase speculation.
- **Farm Use** Manufactured home can be removed, however, a permanent residential structure and supporting infrastructure is permanent and increases value of the land forever. Removing the requirement that the secondary dwelling be linked to the farm could put the objective to encourage farming at risk.
- Minimize footprint to reduce the use of farmable land.
- Extend policy so that 500 m<sup>2</sup> includes all residences so to limit the increasing costs of farmland.
- A number of local governments support concept of tying the additional residence to farming / family member.
- **Registry of additional residences** Registration of secondary residences with ARL should be done in a way that does not add burden to local government.
- **Density** Allowing a secondary suite and an additional residence increases density.
- **Definition of existing** For accommodation above an existing building, need to define existing.
- **Proximity** Residential footprint of the additional dwelling should be next to principal dwelling and close to road to minimize impacts on farmland.
- **Policy direction** A number of local governments wrote to express support for the policy directions set out in the policy intentions paper.
- **Manufactured Homes** Request that the secondary home be a permanent structure not a manufactured home.

### **Public Engagement with Individuals or Associations on Residential Flexibility Policy Intentions Paper**

In all, the Ministry received a total of 257 email responses from individuals and associations. Generally the key themes and associated sub-themes received to June 22, 2020 included the following:

- **Flexibility and creativity in farm business options:** Many suggest that the tough realities of farming make other incomes streams necessary to support on farm production and make a farm more resilient to tough economic conditions. Most respondents here self identified as farmers.
  - o *Rental property:* The ability to have rental properties is seen as a way to assist in this.



- *Restaurants/cafes/bakeries*: Respondents strongly maintained that these establishments significantly enhance their business and bring people to the farm that otherwise wouldn't come and allows them to fetch a higher price for their products. It is key component of agritourism.
- **Flexibility in use of homes**: Most respondents that mentioned this believe that it is desirable to have more flexibility in use of residences. Far fewer here self identified as farmers.
  - *Two dwelling allowed in regulation*: Respondents wanted the ability to build two dwellings without an ALC application
  - *Tiny homes, stick build options*: Respondents wanted to be afforded the opportunity to build different kinds of secondary dwellings in regulation and specific about their dislike of manufactured homes.
- **Better Definitions and no "one size fits all" policy**: Some respondents articulated the need for better definitions and policy that varied according to regions and need. It was suggested that since agricultural needs and challenges differ by region a policy that applies to all will be ineffective.

### **Next Steps**

We are in the process of compiling and analyzing all the information that has been gathered through the feedback from local governments, individuals and associations. The Ministry will work through the Agricultural Land Reserve Technical Review Committee and use the information gathered to inform the policy and recommendations that are put forward for decision. The Ministry thanks all those that took the time to provide feedback in this process.