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## LARGE SCALE COUNTRY RESIDENTIAL DEVELOPMENTS (for Determining Minimum Distance Separation)

Operational Policy 2018-1

Agricultural Operation Practices Act  
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## 1. Introduction

Approval officers must establish whether land zoned as country residential should be considered a large scale country residential development (LSCR), in order to calculate the required minimum distance separation (MDS). AOPA, its regulations, the *Municipal Government Act*, and municipal by-laws do not define LSCR, and there does not appear to be a generally accepted notion of what “large-scale” means in the context of country residential zoning or in analogous contexts. Approval officers have therefore made case-by-case judgements as to whether groups of country residences are considered large-scale. These discretionary judgements have generally been based on a range of factors.

This ad hoc approach can lead to inconsistent decision-making across the province and does not provide clarity for prospective CFO developers, municipalities, or the general public. For these reasons, the NRCB has established policy guidance for approval officer decisions that involve country residential developments.

As with all NRCB policies, approval officers have discretion to modify this policy when its strict application would be manifestly unfair, or in other necessary and appropriate circumstances.

## 2. MDS category 2 and 4 odour objectives

Under section 3 of the Standards and Administration Regulation, an approval officer may not issue or amend an approval, registration, or authorization unless the proposed development meets the MDS requirements set out in section 3 and in Schedule 1 of the regulation.

The Standards and Administration Regulation provides a formula for calculating the MDS, based on several variables. One of these variables is called the “odour objective.” Schedule 1, section 4 requires approval officers to pick one of four possible numeric odour objective “factors” to use in the MDS formula. Each odour objective factor corresponds to a land zoning category. The land zoning categories and odour objectives are:

- a) Category 1 - residences on land zoned for agricultural purposes (e.g., farmstead, acreage residences), odour objective factor 41.04
- b) Category 2 - residences on land zoned for non-agricultural purposes (e.g., **country residential** [emphasis added], rural commercial businesses), odour objective factor 54.72
- c) Category 3 - residences on land zoned for high use recreational or commercial purposes, odour objective factor 68.40
- d) Category 4 - residences on land zoned for **large-scale country residential** [emphasis added], rural hamlet, village, town or city, odour objective factor 109.44

The odour objective factor number increases from category 1 to 4. Under the MDS formula, the larger the odour objective factor number, the larger the required MDS (all other parts of the MDS formula being equal). This is based on the notion that different land use zoning areas have different tolerances for nuisances from confined feeding operations.

“Country residential” zoning appears in both category 2 and 4. However, category 4 applies only to large-scale country residential zoning. According to this provision, the odour objective factor for large-scale country residential areas (category 4) is twice that for category 2 country residential areas. This means that the MDS for a residence on land zoned as category 4 is two times the distance for a residence on land zoned as category 2 for the same sized CFO.

### 3. Defining “large-scale” country residential developments based on category 4 land uses

The category 4 odour objective is for land zoned large-scale country residential, as well as for “rural hamlet, village, town or city.” Since LSCR is listed with these four other land use types, their common characteristics could help define LSCR.

These four land uses are all defined in the *Municipal Government Act* (see ss. 59, 77, 80, 81, 82 and 89). Under that act, the four land uses all have defined boundaries and official names, and a majority of buildings on parcels of land that are smaller than 1,850 square metres. However, none of these characteristics help determine “large scale.” The land parcel size is also unhelpful because most dwellings classified as country residences are on parcels that are larger than 1,850 square metres.

However, the four land uses—rural hamlet, village, town or city—clearly represent a range of population densities. Under the *Municipal Government Act*, hamlets must have at least five buildings used as dwellings. The act sets the minimum populations for villages, towns and cities as 300, 1,000 and 10,000, respectively.

The category 4 odour objective lists these four land use types from smallest to largest. LSCR appears *before* the four other land uses. This suggests that LSCR was meant to be at the lowest end of the scale, in terms of population size.

That said, the listing order, and the population sizes for the other four land uses, do not provide a clear guide for the size of an LSCR. Rural hamlets have at least five buildings used as dwellings, but no population threshold. (In practice, Alberta has very few registered hamlets that have only five residential lots or residences.) It is unclear how LSCR could be defined as having *fewer* than five dwellings, without reading the “large-scale” part out of the term large-scale country residential.

Finally, geographic scope (such as section boundaries) is not addressed by category 4 and cannot be used to determine whether country residential clusters are “large-scale.”

The only guidance afforded by the other category 4 land uses is the implication that LSCR was meant to be at the lower end of the land uses, in terms of population. The NRCB believes that the LSCR threshold should be close to that of rural hamlets.

### 4. Threshold for identifying large-scale country residential developments

The NRCB has concluded that a reasonable threshold for identifying an LSCR development is 10 or more adjacent lots, each zoned “country residential.”

In this context, lots are adjacent if they have a common boundary or if they are on either side of a road. The term “lot” refers to a land parcel delineated on a land title.

The diagrams below provide examples of how this threshold applies in practice.

Setting the minimum number of adjacent lots at 10 is somewhat arbitrary but is considered to be a reasonable number, and is close to the five dwelling minimum for rural hamlets. Rural hamlets would be expected to be at a higher density, based on the *Municipal Government Act* requirement that rural hamlet parcels of land must be less than 1,850 square metres.

The threshold of 10 adjacent large scale country residential lots is meant to provide guidance for approval officers when considering which odour objective to use for multi-lot country residential developments. As noted at the outset, approval officers have discretion, based on a consideration of all relevant factors, to modify this threshold when necessary and appropriate.

Figure 1: Example of large scale country residential comprised of a single development with more than 10 lots

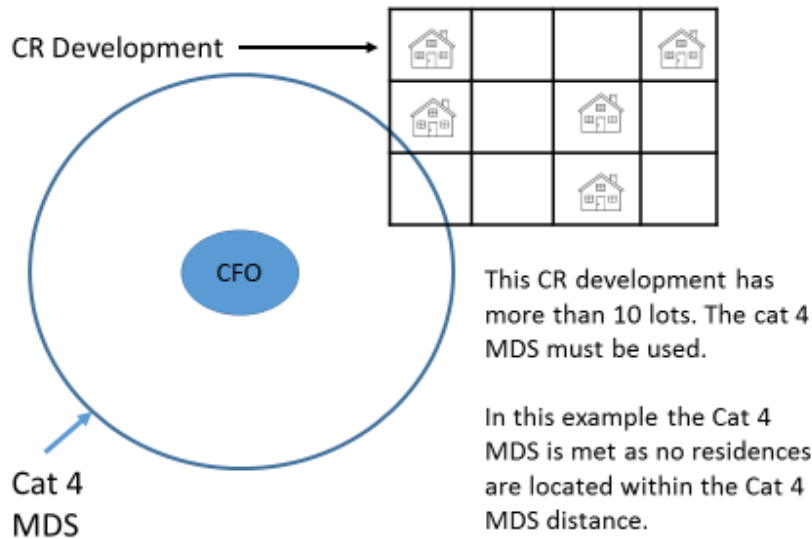
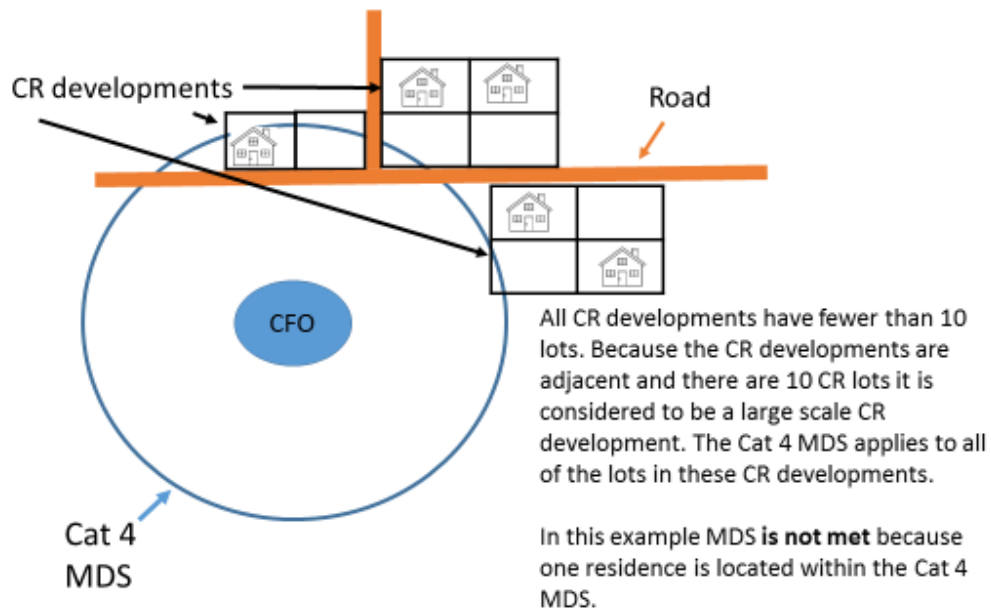


Figure 2: Example of large scale country residential comprised of several adjacent CR developments with a combined total of 10 lots



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