

AgRefresh

STAGE 3 REPORT | EXCERPT
FULL-TIME FARM
WORKER RESIDENCE





2.5 Full-Time Farm Worker Residence

Ensure appropriate residential footprint and number of homes

In some cases, a farm may need an employee to live on-site full-time and year-round to support the agricultural operation. The Zoning Bylaw currently permits this use, however, legislation introduced under Bill 52, 2018 now requires ALC approval for these residences.

In consideration of enhanced Provincial oversight to assess ‘farm need’, draft Zoning Bylaw amendments and proposed procedure aims to improve efficiency and clarity for regulating this use.

2.5.1 Decision Makers

Approval of a second residence for a full time farm employee in ALR:

Council	Council considers the ALC application (forward or refuse)
ALC	ALC approves or refuses the second residence

2.5.2 What we heard in Stage 3

‘Early Ideas’ explored through Stage 3 engagement

- Only allow as a temporary building or conversion of an existing building/house
- Limit the floor area of the residence to 300 m²
- Require a minimum lot size of 4.0 ha and permit a maximum of 2 full-time farm worker residences per lot
- Remove requirements for the farm owner to live on the same lot and an adult family member to work full-time on the farm
- Require ALC approval

Stage 3 engagement feedback highlights*

- 72% of respondents agreed/somewhat agreed with the early ideas
- Desire to permit permanent structures
- Farmer should live on the same parcel
- Manage building size
- Don’t allow this type of dwelling

*A full summary of Stage 3 engagement material and feedback is available in the “Stage 3 Winter 2017-18 Engagement Results” report.

2.5.3 Draft Recommendations

A SNAPSHOT

Zoning Bylaw Highlights

- Permit accessory to agriculture on a lot
- Lot must be in the ALR and have 'farm status'
- Land must be owned or leased by the farm operation or farm business employing the resident farm worker
- ALC approval required
- Permit as a permanent dwelling or manufactured home
- Limit gross floor area to 300 m² (3,230 ft²) and height to 3 storeys
- Permit a maximum of one per lot (in addition to principle residence)
- Remove existing requirements for:
 - » the farm owner to live in the main farm house on the lot
 - » a family member to work full-time on the farm
 - » annual statutory declaration of occupancy
- Defer consideration of residential siting and footprint (home plate), pending further Provincial review on this topic.

Policy and Procedure

- Explore a standing Council resolution to forward Non-Adhering Residential Use applications to the ALC that meet all provisions of the Zoning Bylaw and the minimum farm operation thresholds in a new Council Policy (Appendix C).
- Covenant all lots used to justify the 'farm need' for the residence, prohibiting any further full time farm worker residences.

DRAFT POLICY AND REGULATION UPDATES

Revised
(Zoning)

Modernized Definition

"Full-Time Farm Worker Residence" means a Dwelling Unit used solely for the purpose of housing permanent employees paid to work full time on a Farm Operation, as necessary for the agricultural labour needs of the Farm Operation.

Existing
(Zoning)

Accessory to an Agricultural Use

Only permit accessory to an agricultural use on the lot.

Existing
(Zoning)

Farm Status and within the ALR

The lot must be within the Agricultural Land Reserve and classified as "farm" under the *Assessment Act*.

(Zoning)	<p>Minimum Lot Size</p> <p>AgRefresh is no longer exploring a minimum lot size requirement, acknowledging that some smaller farm lots may be intensively farmed and the review process involves ALC assessment of farm need.</p>
New (Zoning)	<p>Land Ownership</p> <p>The lot must be owned or leased by the farm business employing the resident full-time farm worker.</p>
Existing (Zoning)	<p>Building Type</p> <p>Permit as a permanent building or a manufactured home (e.g., Z240 or A277).</p>
New (Zoning)	<p>Building Height</p> <p>Limit height to three storeys.</p>
New (Zoning)	<p>Maximum Size</p> <p>Limit the residence to a maximum gross floor area of 300 m² (3,230 ft²), excluding the basement, as defined in the Zoning Bylaw.</p>
Ministry Alignment*	<p>If an existing building is proposed for conversion and exceeds the maximum permitted floor area, the building must be altered to remove the excess floor area, or a variance must be approved by Council.</p> <p>Alterations or additions to an existing Full-Time Farm Worker Residence will only be permitted to the extent authorized by the ALC and as permitted in the Zoning Bylaw, whichever is more restrictive.</p>
Update (Zoning)	<p>Number of Residences</p> <p>Permit one Full-Time Farm Worker Residence per lot.</p> <p>The Zoning Bylaw currently permits up to two Full-Time Farm Worker Residences on a lot for farm operations over 40 ha (can be multiple lots). However, this allowance caps the total dwellings units on all farm operation lots to a maximum of three, and is subject to several complicated conditions.</p> <p>AgRefresh proposes to use rezoning to evaluate proposals for more than one Full-Time Farm Worker Residence on a lot. This facilitates an adaptable approach that considers the unique needs of a farm and draws on ALC and Ministry of Agriculture expertise to evaluate the ‘farm need’.</p>

* Ministry Bylaw Standard adapted to City Zoning Bylaw

New
(Policy)

Level of Farm Operation

Relocate and update the "minimum established level of farm operation" table from the Zoning Bylaw to a new Council Policy for Agricultural Areas (Appendix C)

Policy thresholds will support Council consideration of 'farm need' for ALC applications, while acknowledging consideration for other unique farm circumstances or practices not identified in the table. See Part 2, Division 2 of Appendix C for details.

This policy and table provide a key supporting role for the procedural recommendation below.

New
(Zoning)

Agricultural Land Commission (ALC) Approval

As per the *Agricultural Land Commission Act*, an additional residence for farm help requires ALC approval.

New
(Procedure)

Draft Recommended Procedure

The following approach is recommended to support efficient processing of ALC Non-Adhering Residential Use applications:

1. That Council consider a Standing Resolution to forward, with support, all Full-Time Farm Worker Residence applications:
 - (a) compliant with the Zoning Bylaw; and
 - (b) consistent with the "minimum level of operation" thresholds set out in the Council Policy for Agricultural Areas (Appendix C); and
 - (c) subject to registration of a restrictive covenant, prohibiting any additional Full Time Farm Worker Housing, on the title of all lots used to meet the "minimum level of operation" (see below).
2. That Council review and evaluate all other applications case-by-case, with the input of the Agriculture Advisory Committee.
3. That Council reaffirm this approach with any change to Council and at a recurring time interval.

ALC
Alignment

New
(Policy)

Restrictive Covenant - Other Farm Operation Lots

Include a Council Policy provision requiring a restrictive covenant on any lot used to meet the 'level of farm operation' thresholds, and/or any lot used to justify the 'farm need' as part of the ALC application process.

The restrictive covenant shall prohibit any further Full Time Farm Worker Residences on those lots.

Update
(Zoning)

Restrictive Covenant - Use of the Residence

Remove the requirement for a restrictive covenant on the title of the lot stating that the residence shall only be used as a Full Time Farm Worker Residence.

This regulation will be enforced through compliance with the Zoning Bylaw and ALC approvals.

Defer
(Zoning)

Residential Siting and Footprint (home plate)

Similar to principal residence, defer new City regulation pending Ministry work.

Remove
(Zoning)

Owner Resident & Family Employee Requirements

Remove the requirements for the farm owner to live on the lot and for an adult member of the owners immediate family to work full time on the farm operation.

This would allow the principal residence to be occupied by another full-time farm worker, or other similar circumstance.

Remove
(Zoning)

Statutory Declaration Requirement

Remove the requirement for a property owner to file an annual statutory declaration confirming that the accommodation is occupied by a Full Time Farm Worker.
