

AgRefresh

STAGE 3 REPORT | EXCERPT TEMPORARY FARM WORKER HOUSING

Photo: www.designcorps.org (James Sweeney rendering)



2.6 Temporary Farm Worker Housing

Support adaptable temporary farm worker housing

Local labour to support agricultural operations in Abbotsford is in limited supply, resulting in farmers seeking labour from other countries and other parts of Canada - this creates a need to house temporary workers.

In late 2018, Bill 52, 2018 introduced the requirement for ALC approval of all new temporary farm worker housing. In light of this legislation change and on-going demand for temporary labour, it is important to effectively facilitate this important need.

2.6.1 Decision Makers

Approval of temporary farm worker housing in the ALR:

Council	Council considers the ALC application (forward or refuse)
ALC	ALC approves or refuses the farm worker housing

2.6.2 What we heard in Stage 3

'Early Ideas' explored through Stage 3 engagement

- Only allow temporary buildings, or conversion of an existing building
- Establish a maximum 'residential footprint' and building setback
- Limit to one lot per farm operation and only on land owned by farmer
- Require an Agrologist report to demonstrate the housing need
- Expand to allow all fruit operations (not just berries)

Stage 3 engagement feedback highlights*

- 61% of respondents agreed/somewhat agreed with the early ideas
- Some desire for permanent buildings
- Need for higher quality housing
- Higher labour needs for intensive farm operations

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

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(James Sweeney rendering)

2.6.3 Draft Recommendations

A SNAPSHOT

Zoning Bylaw Highlights

- Permit temporary farm worker housing accessory to agriculture
- Only permit on a lot with a single detached dwelling
- Only permit on a lot in the ALR and with 'farm status'
- Require ALC approval
- Only permit on a lot owned by the farmer/applicant
- Minimum 3.8 ha lot size
- Only permit removable pre-fabricated manufactured buildings or reuse of an existing structure
- Limit height to 2 storeys for pre-fabricated manufactured buildings and 3 storeys for a permanent building (i.e., conversion of a house)
- Permit the use for a broader range of farm types
- Regulate housing density by number of housed workers, with more flexibility for intensive farm uses, such as greenhouse operations.
- Regulate the size of permitted floor area in relation to lot size and the number of housed workers.
- Establish base zoning permissions for all properties and require rezoning for more intensive proposals
- Require amenity space
- Limit occupancy by any individual worker to 10 months a year
- Require removal of manufactured buildings if not used as authorized
- Remove requirements for annual statutory declaration, farm owner residency, and for a full time family employee to work on the farm
- Defer consideration of residential siting and footprint (home plate), pending further Provincial review.

OCP Policy Highlights

- Consideration of new permanent buildings in unique farming circumstances

Council Policy Highlights

- Adopt new Council Policy to guide consideration of applications:
 - » involving new permanent buildings (not manufactured removable buildings);
 - » proposing more Temporary Farm Worker Sleeping Units than permitted in the Zoning Bylaw

DRAFT POLICY AND REGULATION UPDATES

Existing (Zoning)	Accessory to an Agricultural Use Only permit accessory to an agricultural use on the lot.
Update (Zoning)	Require a Principal Farm House on the lot Only permit on a lot with a single detached dwelling. The Zoning Bylaw currently requires the owner of the farm operation to be a resident on the lot. To improve flexibility, the proposed approach simply requires a principal single detached dwelling on the lot, broadening occupancy options for the main farm house to serve unique farm needs (i.e., a permanent full-time employee could reside in the main farm house).
Existing (Zoning)	Farm Status and within the ALR The lot must be within the Agricultural Land Reserve and classified as “farm” under the <i>Assessment Act</i> .
Existing (Zoning)	Minimum Lot Size 3.8 ha minimum lot size.
Ministry Alignment*	
New (Zoning)	Land Ownership The lot must be owned by the farmer or corporation employing the housed temporary farm worker(s).
Ministry Alignment*	
Update (Zoning)	Modernized Definitions New definitions are proposed for the following terms to support implementation and clarity (see Appendix B):
Ministry Alignment	<ul style="list-style-type: none">• Temporary Farm Worker• Temporary Farm Worker Housing• Temporary Farm Worker Housing Space• Temporary Farm Worker Housing Floor Area

* Ministry Bylaw Standard adapted to local context

New
(Zoning)

Ministry
Alignment*

Maximum Number of Worker Spaces (beds)

Allow accommodation for up to 40 temporary farm workers per farm operation (one or more lots), with increased flexibility for greenhouse operations and farms with processing.

Greenhouse operations or farms with product processing may house up to 60 workers, based on the following criteria:

- 1 worker housing space (bed) is permitted for every 1,000 m² of greenhouse or processing floor area; and
- all worker housing spaces (beds) must be on the same lot as the greenhouse or processing buildings used for the calculation

Proponents wanting to exceed the above limits can apply for site specific zoning permission for a higher capacity housing facility (rezoning).

New
(Zoning)

Ministry
Alignment

Floor Area: Context and Background

The Zoning Bylaw currently regulates Temporary Farm Worker Housing with basic floor area maximums:

- up to 200 m² for small farms
- up to 300 m² for larger farms (40 ha+)

Existing regulations do not scale the permitted building size to the number of workers.

Minister's Bylaw Standards

As a 'regulated community' Abbotsford must consider the Minister's Bylaw Standards for temporary farm worker housing. The standards aim to scale worker housing to the number of 'needed' workers and to size the facilities based on the communal nature of the farm worker accommodation.

The Minister's Bylaw Standards identify a maximum floor area of 15 m² per Temporary Farm Worker, which roughly translates to 10 m² of "useable" space per worker when shared washrooms, laundry, storage and mechanical areas are excluded.

This approach aims to accommodate a farm's labour needs, while minimizing the impact on agricultural land and preventing oversized units that might be used for unauthorized housing (i.e., rental units).

* Ministry Bylaw Standard adapted to local context

Floor Area: Recommendations**A. Maximum Floor Area per Worker**

Consistent with the Minister's Bylaw Standards, permit up to 15 m² of building floor area per temporary farm worker space (bed). This would allow:

- 40 workers x 15 m² = 600 m² (6,458 m²) per farm operation; or
- 60 workers x 15 m² = 900 m² (9,687 ft²) for greenhouses

This approach is more flexible and allows notably larger facility size than existing zoning. However, the approval process now involves ALC oversight and assessment of 'farm need' for each application.

Given the option to convert existing buildings, it is possible that some proponents will request a variance to the 15 m² limit to accommodate unique situations.

B. Minimum Floor Area per Worker

For liveability, require at least 7.4 m² (80 ft²) of floor area per worker (not counting washrooms, storage, laundry, and mechanical areas), consistent with the BC Temporary Foreign Agriculture Worker Housing Inspection Housing Guide (WALI).

New
(Zoning)

Limit the Floor Area by Lot Size

Limit the allowable temporary farm worker housing floor area in relation to lot size. Allow up to:

- 300 m² (3,230 ft²) on a lot less than 8 ha in area
- 600 m² (6,458 ft²) on a lot 8 ha or larger in area
- 900 m² (9,687 ft²) for greenhouse operations, where the housing is on the same lot as the greenhouse floor area

This means that a farm requiring 300 to 600 m² would need a lot over 8 ha, or must split the housing between two farm operation lots that are at least 3.8 ha in area.

New
(Zoning)

Ministry
Alignment

Amenity Space Standards

Require the following minimum standards per worker:

- 1.25 m² of common indoor lounge amenity area, to a maximum requirement of 50 m²
- 2 m² of common outdoor amenity area

Update
(Zoning)

Farm Operation Types

Broaden permissions for this use to fruit, vegetable, tree nut, mushroom, floriculture, mushroom, and nursery farm operations. Current City regulations limit this use to berry and vegetable operations.

Other farm commodities may be considered through a Development Variance Permit application.

<p>New (Zoning)</p>	<p>Building Type</p> <p>Limit new temporary farm worker housing to:</p> <ol style="list-style-type: none"> pre-fabricated manufactured buildings (i.e., CSA Z240 or A277), on a non-permanent foundation; or conversion of an existing permanent building that is at least 5 years old (from date of authorization to occupy); with a maximum of one conversion per lot; <p>New permanent structures will only be considered through rezoning.</p> <p>Existing authorized permanent buildings for temporary farm worker housing will be considered non-conforming and require rezoning for any future alteration that increases the floor area or building siting.</p> <p>Building conversions that do not meet the proposed per-worker size maximum may require alteration to reduce the floor area or configuration.</p>
<p>Ministry Alignment</p>	
<p>Updated (Zoning)</p>	<p>Duration of Occupancy</p> <p>Current practice is to restrict the use of temporary farm worker housing to 10 specific months per year through covenant and statutory declaration (e.g., February to November). Stakeholder input has suggested that some farm operation types, such as greenhouses, can have a year round need for workers with different skills that are only in residence for part of the year.</p> <p>Draft Recommendation</p> <p>Update the definition of Temporary Farm Worker to limit residency of any individual farm worker to a maximum of 10 months in a calendar year.</p> <p>For clarity, this allows the housing to be used by the farm operation year round, but prohibits any individual worker from residing on the property for more than 10 months in a year.</p>
<p>Ministry Alignment*</p>	
<p>New (Zoning)</p>	<p>Residential Compatibility</p> <p>To support residential compatibility, buildings and structures for temporary farm worker housing are to be sited a minimum of 30 m from:</p> <ul style="list-style-type: none"> any building or structure containing livestock, aquaculture, manure, compost, or agricultural waste residential uses on a neighbouring lot

* Ministry Bylaw Standard adapted to local context

New
(Zoning)

Ministry
Alignment

Removal Requirement

Pre-fabricated manufactured building(s) must be removed from the lot if no longer used as permitted by the Zoning Bylaw or as authorized by the ALC.

New
Procedure

ALC
Alignment

Agricultural Land Commission (ALC) Approval

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

Draft Recommended Procedure

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

1. Follow the existing ALC application review process, involving AAC and Council review of all applications, for 6 to 12 months to familiarize Council with the new AgRefresh zoning allowances.
2. At the end of the trial period, consider a standing Council resolution to forward, with support, all Temporary Farm Worker Housing applications compliant with the Zoning Bylaw, with a recommendation that:
 - (a) the ALC consider a restrictive covenant on the title of all farm operation lots used to justify the farm need for the proposed residence(s), prohibiting the construction of additional Temporary Farm Worker Housing.
3. Once the standing resolution is in place, Council will review and evaluate all applications not compliant with the Zoning Bylaw, supported by input from the Agriculture Advisory Committee.
4. That Council reaffirm this approach with any change to Council and at a specified time interval.

New
(OCP)

OCP Policy addressing permanent buildings

While new permanent buildings and structures for temporary farm worker housing are discouraged, site-specific rezoning applications for permanent temporary farm worker housing may be considered in unique circumstances where temporary manufactured buildings will not meet the operational needs of the farm.

New
(Policy)

Larger or Permanent Facilities

There may be unique farm needs or circumstances where a higher capacity facility or new permanent building(s) is requested.

A new Council Policy is recommended to outline the key factors that will be considered when reviewing rezoning proposals (Appendix C, Division 3). The Policy will supplement the advice of the Agricultural Advisory Committee, guide staff report content, and support Council decision making.

The policy notes that the City may consider:

- (a) farm operation details driving the demand or need for permanent or higher capacity housing facilities;
- (b) if the farm has been in operation for at least 5 years;
- (c) the proportion of required employees that will be working on the same lot as the proposed housing;
- (d) the demand for workers driven by other lots of the farm operation that could potentially be removed from the farm operation through property sale or lease termination;
- (e) the availability of other housing options to support the farm need;
- (f) the extent of other residential uses on the lot and on the other lots that make up the farm operation;
- (g) compatibility of the proposal with adjacent properties and proposed buffering or mitigation measures;
- (h) infrastructure and servicing demands and capacity;
- (i) the impact of the proposed development footprint and siting on productive farmland.

Defer
(Zoning)

Residential Siting and Footprint (home plate)

Similar to principal residence, defer new regulation on this topic pending Ministry work.

Remove
(Zoning)

Family Employee Requirement

Remove requirement for an adult member of the owners immediate family to work full time on the farm operation.

Remove
(Zoning)

Statutory Declaration and Covenant Requirements

Remove requirement for a covenant and annual statutory declaration. Permitted use and duration of occupancy are set out in the Zoning Bylaw, replacing the need for the covenant and statutory declaration.
