



City of Richmond

Report to Committee

To Council - Jun 26, 2006

To: Planning Committee
From: Terry Crowe
Manager, Policy Planning
Re: **Amendments to the Official Community Plan and Zoning and Development Bylaw 5300 to Address Seasonal Farm Labour Accommodation**

To Planning - Jun 20, 2006
Date: May 29, 2006

File: *12-8000-20-8039/8074*

Staff Recommendation

That, as per the report dated May 29, 2006 from the Manager of Policy Planning:

1. Official Community Plan Amendment Bylaw 8074, proposing text amendments to Schedule 1 of Official Community Plan Bylaw 7100 to include policies that address the permitting of Seasonal Farm Labour Accommodation to enhance agricultural viability in the City of Richmond, be introduced and given first reading.
2. That Bylaw No. 8074 having been considered in conjunction with:
 - The City's Financial Plan and Capital Program; and
 - The Greater Vancouver Regional District Solid Waste and Liquid Management Plans;
 is hereby deemed to be consistent with said program and plans, in accordance with Section 882(3)(a) of the Local Government Act.
3. That Bylaw No. 8074, having been considered in accordance with the Council Policy on Consultation During OCP Development, is hereby deemed not to require further consultation.
4. Bylaw No. 8039, to amend Zoning and Development Bylaw 5300, to establish special regulations to permit Seasonal Farm Labour Accommodation, on a limited, site specific basis, on lands zoned Agricultural District (AG1), be introduced and given first reading.

Terry Crowe
Manager, Policy Planning

FOR ORIGINATING DIVISION USE ONLY					
ROUTED TO:		CONCURRENCE		CONCURRENCE OF GENERAL MANAGER	
Law		Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		<i>me Crowe</i>	
REVIEWED BY TAG		YES	NO	REVIEWED BY CAO	
		<input type="checkbox"/>	<input type="checkbox"/>	YES	NO
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Staff Report

Origin

The City of Richmond's Agricultural Advisory Committee (AAC) has requested the City to examine options to permit temporary accommodation for seasonal farm labour on agriculturally designated properties within Richmond to improve agricultural viability.

Report Synopsis

1. Provides a summary of the research conducted on the existing policies, regulatory framework and examples from surrounding municipalities.
2. Proposes to establish the necessary Official Community Plan (OCP) and Zoning and Development Bylaw framework to manage seasonal farm labour accommodation.
3. Proposes to establish the necessary regulations and provisions to process specific rezoning applications when submitted.

Background

This report is an initiative to remove constraints to agriculture and improve agricultural viability. When rezoning applications are submitted and processed and if approved by Council, each specific seasonal farm labour accommodation will then be permitted, on a site specific basis by:

- Specifying its location and period of applicability in the Agricultural District (AG1) zone;
- Registering the necessary legal documentation on the property;
- Processing and issuing a building permit, to ensure that applicable Building Code and bylaw concerns are resolved; and
- Carrying out the necessary property use inspections periodically to ensure compliance with conditions.

This approach enables Council to be proactive and carefully manage each application according to the established provisions identified in the OCP.

Findings Of Fact

Existing Agricultural District (AG1) Zone

The AG1 zone does not currently allow for any accessory residential uses for the purpose of occupation by temporary, seasonal farm labour. Currently, the AG1 zone permits:

- A principal one-family dwelling; and
- For lots that meet a minimum size (i.e., 19.769 ac), an additional dwelling for occupation by a **full-time** agricultural worker employed on the property is permitted.

Neither of these residential uses permits seasonal accommodation for temporary farm labour.

British Columbia Seasonal Agricultural Work Program

Human Resources and Skills Development Canada (HRSDC) have developed a program to allow migrant farm labour from abroad (i.e., Mexico/Caribbean) to work in B.C. (British Columbia Seasonal Agricultural Worker Program – BC SAWP). This program outlines certain conditions that must be met by the employer and employee in order to qualify for the program. The initiation of the BC SAWP is driving the demand for seasonal farm labour accommodation throughout agricultural areas in the Lower Mainland. Although this program is creating a strong demand for seasonal housing, the proposed OCP and Zoning amendments accommodate all seasonal workers, regardless of their origin.

City Policies and Studies

Official Community Plan (OCP) and Agricultural Viability Strategy (AVS)

The City's OCP contains a number of objectives and policies to maintain and enhance the viability of agriculture in Richmond. This includes supporting farm activities and ensuring that City policies and bylaws are consistent with Provincial legislation relating to permitted residential uses that support the operation of the farm. Richmond's AVS (adopted by Council in May, 2003) also contains recommendations and policies to ensure that City regulations are continually monitored to ensure their effectiveness in supporting agricultural viability.

The OCP does not currently contain any specific guidelines or policies regarding seasonal farm labour accommodation.

Proposed Amendments to the OCP and AG1 Zoning District

A summary of proposed revisions to the OCP is included in **Attachment 1**. A summary of proposed amendments to the Zoning and Development Bylaw 5300 are contained in **Attachment 2**. This regulatory framework provides certainty to the agricultural sector, City staff and Council when considering seasonal farm labour accommodation. Further discussion on the approach and regulations are contained in the following sections of this staff report.

Provincial Legislation

Agricultural Land Commission Act (ALCA)

The ALCA does not set a limit on the number of residences on a farm parcel; however, the Act identifies that additional residences must be necessary for farm use. The Agricultural Land Commission has published a policy (**Attachment 3**) to clarify the permitted residential uses on a parcel regulated by the ALCA. The policy outlines that local governments, when considering the necessity of additional residences for the purpose of accommodating farm labour, should take into account the size and type of farm operation and its classification under the BC Assessment Act.

The ALCA allows local governments to approve additional residences on one parcel of land without an application (non-farm use) to the Agricultural Land Commission (ALC), so long as they are deemed necessary to the farm operation. If there is doubt as to the legitimacy of additional residences, staff can consult with the ALC and, in some situations, may recommend an application to the Commission.

Consultation During OCP Development

Staff from the ALC and Ministry of Agriculture and Lands have been involved throughout the process of OCP development and proposed changes to the Zoning and Development Bylaw to address seasonal farm labour accommodation. The forum for this consultation has occurred in meetings of the AAC where the approach, general provisions and specific regulations have been reviewed and discussed by both voting members of the AAC and Community Advisory Members. Representatives from the ALC and Ministry of Agriculture and Lands are sitting Community Advisory Members of the AAC.

The OCP Bylaw Preparation Consultation Policy has been adhered to based on the work and discussions done in conjunction with representatives from the ALC and Ministry of Agriculture and Lands through regular meetings of the AAC.

Research & Analysis

Case Studies – Pitt Meadows/Langley Township/Abbotsford

Staff conducted a review of surrounding municipalities that include seasonal farm labour accommodation as a permitted use. Langley Township, Pitt Meadows and Abbotsford all have a variety of regulations and different approaches to permit seasonal farm labour accommodation. A detailed summary of each municipality's regulations and approach is contained in **Attachment 4**. Some common elements in the cases reviewed are:

- ❑ Seasonal /temporary farm labour accommodation is an outright permitted use in an agricultural zone (No rezoning required as the use is already included in the zone);
- ❑ Seasonal /temporary farm labour accommodation is attached to a "lot";
- ❑ Minimum lot sizes are established (between 5-10 acres);
- ❑ Must be accessory to the agricultural use or farm operation;
- ❑ Applicable dates of occupancy are specified (April 1st – November 30th); and
- ❑ Limited incorporation into city-wide planning documents (i.e. Official Community Plans).

Options

Major Concerns

The major concerns for Richmond in allowing seasonal farm labour accommodation are:

- ❑ Proving that they are a necessity;
- ❑ Ensuring that they do not evolve into a permanent, non-farm residence;
- ❑ Ensuring that no further subdivision is allowed for the seasonal farm labour accommodation building;
- ❑ Ensuring that the accommodation buildings are removed immediately, when they are no longer needed; and
- ❑ Ensure that regulations meet the needs of the agricultural sectors in Richmond.

Options – OCP Approach

It is proposed that overall objectives and policies will be placed in the OCP to establish policies and broad criteria for seasonal farm labour accommodation.

Options – Zoning Approach

Amendments to the Zoning and Development Bylaw 5300 work in conjunction with the OCP and contain more detailed regulations. Based on a review of the major concerns identified in the previous section and approaches from other municipalities, staff examined two options to amending the AG1 zoning district.

1. **Option 1** is based on including seasonal farm labour accommodation as an outright permitted use in the AG1 zoning district. This option does not require rezoning, but requires a building permit.
2. **Option 1 (Recommended)** is based on permitting seasonal farm labour accommodation as a permitted use on a site specific basis. This option involves a rezoning (involving a staff review and Council approval) prior to applying to the City for the necessary building permits for the accommodation buildings. This allows for careful monitoring by Council.

Option 1 – Define and permit as an outright use in the existing AG1 zone

- ❑ This approach is similar to how other municipalities have handled this issue.
- ❑ Allows it as an outright permitted use, therefore limited staff review can be conducted as a rezoning application would not be required.
- ❑ Planning staff and Council would be unable to review the legitimacy of a seasonal farm labour accommodation, to determine the necessity of the use to the farm operation.
- ❑ As a vast majority of land in Richmond designated for agriculture in the ALR is zoned AG1, too many parcels may be permitted to allow seasonal farm labour accommodation on such a widespread basis. Allowing such a change on a widespread basis may result in the construction of buildings that are not utilized for housing seasonal labour and overall abuse of this provision in the zone.
- ❑ As no rezoning application would be required, there is limited ability to attach legal conditions and agreements to control the use, as property owners would only need to go through the building permit process to place structures and buildings on the property.

Option 2 – Rezone as a site specific permitted use (RECOMMENDED)

- ❑ This approach allows the necessary changes to be incorporated in the AG1 zone to allow seasonal farm labour accommodation on a site-specific basis, thus requiring a rezoning application to approve the use.
- ❑ Applications can be reviewed by staff and Council to determine if seasonal farm labour accommodation is necessary to the functioning of the farm operation on a case by case basis, as outlined in ALC policies for allowing additional residences for farm help.
- ❑ Legal provisions can be placed on a property through a rezoning application to ensure that conditions are met based on City requirements.
- ❑ Specific requirements and dates of applicability can be implemented based on the nature of the farm operation (e.g. greenhouse versus cranberry operation) and site specific conditions.
- ❑ Each farm operator wanting to construct or place buildings on agricultural land for use for seasonal farm labour accommodation will be required to go through a statutory rezoning process involving a Public Hearing and Council review.
- ❑ **Option 2** is considerably more cautious and comprehensive than **Option 1**. However, given the potential negative impacts of adding additional residential buildings on agricultural land, staff feel that site specific rezoning applications is the best approach to regulate the use.

Analysis

The following sections clarify the proposed regulations and criteria built into the approval framework to ensure the legitimacy of seasonal farm labour accommodation, thus minimizing potential abuses that may occur.

Farm Operation

To assist in managing seasonal farm labour accommodation, the term “Farm Operation” is introduced, as follows:

“Farm Operation” means the cumulative total of land which:

- ❑ is an area of land comprised of one or more lots;
- ❑ is classified as ‘Farm’ under the *British Columbia Assessment Act*;
- ❑ is located in the City of Richmond and is in the ALR;
- ❑ is formed and managed as a single farm; and
- ❑ has agriculture as its principal use.

The above criteria is incorporated into the definition of a “Farm Operation”. Staff will utilize these criteria during the review of each rezoning application. A statutory declaration will also be required to be submitted by the property owner/farm operator to confirm conformity to the definition of a “Farm Operation”. Only one seasonal farm labour accommodation building (located on one lot) is permitted per “Farm Operation”.

Zoning and Land Use Enforcement

To minimize potential abuses of sites that have received approval for seasonal farm labour accommodation, inspections are to be conducted by Community Bylaws and Building Approvals staff to ensure:

- ❑ That buildings are inspected in accordance with the necessary building permit and approval process.
- ❑ That buildings are occupied by temporary farm labour only during the period specified.
- ❑ That buildings are not occupied during any other portion of the year.

Inspections by Community Bylaws staff will be conducted on buildings approved for accommodation by seasonal farm labour. The timing of inspections will be dictated by the dates of seasonal farm labour occupation identified for each farm operation and the availability of staff to conduct the inspection.

Seasonal Farm Labour Accommodation – New Buildings

The addition of residential buildings on farm land contained within the ALR is a concern as the increase in number of buildings decreases the total amount of land available to farm and can prevent its reinstatement for agricultural purposes over the long term. To manage this concern, only manufactured dwellings, designed and constructed for transportation to and from a site (to facilitate ease of removal) and containing the necessary living, sleeping, sanitary and cooking facilities are proposed to be permitted. This can either be composed of an individual module or multiple modules that, when joined, contain all the necessary components that make-up a dwelling unit.

The benefits of limiting seasonal farm labour accommodations to manufactured dwellings are:

- ❑ Buildings are designed to be self-contained and easily removed with limited impact on agricultural land.
- ❑ Manufactured dwellings are efficient at providing the necessary components of a dwelling unit without requiring a large building area.
- ❑ Manufactured dwellings are permitted through the Building Approvals/Permitting process where applicable Building Code issues, service connections and bylaw requirements are met.
- ❑ Manufactured dwellings can be situated on temporary foundations, to minimize impacts on agricultural land, so long as the temporary footings are designed by a certified professional and approved through the Building Approvals/Permitting process.
- ❑ AAC members have indicated a preference for manufactured dwellings for the purpose of housing seasonal farm labour.

Seasonal Farm Labour Accommodation – Lots with Existing Dwellings

In some situations, there may be instances where an agricultural parcel has two or more existing single-family dwellings on the property and rezoning applications are submitted to request seasonal farm labour accommodation to occupy one of the dwellings. The current provision in the AG1 zoning district only allows one full-time agricultural worker to occupy an existing dwelling and does not make provisions for occupation by seasonal agricultural workers.

Proposed revisions to the Zoning & Development Bylaw manage this scenario by permitting it through a site-specific rezoning application. Only one of the existing single-family dwellings is permitted to be utilized for accommodation by seasonal farm labour. All regulations contained in the proposed special provisions section for seasonal farm labour accommodation in the AG1 zoning district will apply to existing dwellings permitted for occupation by seasonal farm labour (i.e., dates of occupancy, Building Code requirements).

A proposal to use an existing dwelling for seasonal farm labour accommodation must be rezoned to be permitted, but is justified as there would be minimal impact on the agricultural land as no new buildings are required.

On-Site Sewage Disposal

Sewage disposal is regulated in the City's Building Regulation Bylaw 7230 and B.C. Sewerage System Regulation. For agricultural areas not serviced by a City sanitary sewer system, a proper sewage disposal system (i.e., septic field) is preferred as it represents the most effective means of dealing with sewage effluent. Sewage holding tanks are only permitted in very specific circumstances and are often an interim measure. The agricultural community has indicated a preference for a sewage holding tank system. Based on a review by the Building Approvals Department, sewage holding tanks can be considered for new buildings (manufactured dwellings) intended to be occupied by seasonal farm labour for the following reasons:

- ❑ Sewage disposal systems (septic fields) often require large amounts of land to implement an adequate field, which can have a negative impact on farming as more land is removed from potential farming;
- ❑ Manufactured dwellings are meant to be portable, facilitating ease of removal in the event that accommodation for seasonal farm labour is no longer required. A sewage holding

tank represents an acceptable means to deal with effluent disposal, while also recognizing the temporary nature of seasonal buildings;

- Sewage holding tanks are required to be design by authorized persons and adhere to all permitting requirements (i.e., authorized design, confirmation of hauling contract) contained in the City's Building Regulation Bylaw 7230; and
- The agricultural community has identified sewage holding tanks as a cost effective and preferred means to deal with effluent disposal as compared to more expensive, permanent septic field systems.

Legal Requirements

As a condition of each site-specific rezoning application to permit seasonal farm labour accommodation, the following legal requirements must be submitted to the City:

- A statutory declaration to confirm:
 - The total size of the farm operation;
 - That all lots included in the farm operation have agriculture as their principal use;
 - All lots are formed and managed as a single farm operation.
- A restrictive covenant outlining:
 - That the farmer/property owner is proposing to locate a seasonal farm labour accommodation use for occupation by seasonal farm labour only.
 - The dates of occupation.
 - That the seasonal farm labour accommodation use shall comply with all regulations outlined in relevant sections of the Zoning and Development Bylaw 5300.
 - That the seasonal farm labour accommodation building shall be removed if it no longer meets the requirements outlined in the Zoning and Development Bylaw 5300 or is no longer required for accommodation of seasonal farm labour. All costs of removal and restoration of land shall be covered by the property owner.
 - That the farm operator/property owner shall permit the City to inspect buildings used for seasonal farm labour accommodation, upon due notice.

Implementation

Based on the approach recommended in Option 2, a four tiered implementation strategy is proposed to manage seasonal farm labour accommodation:

1. Amendments to the OCP to establish a process and rationale for allowing seasonal farm labour accommodation (refer to **Attachment 1**).
2. Amendments to the Zoning and Development Bylaw 5300 to ensure that definitions, requirements and regulatory mechanisms are in place (a summary table of the proposed amendments is contained in **Attachment 2**).
3. Site specific rezoning applications are processed in accordance with OCP objectives and provisions outlined in the amended AG1 zone. A public hearing is required as part of this process.
4. Processing of a necessary Building Permit application.

Discussion

The following information clarifies the seasonal use of the building:

- ***Does a seasonal farm labour accommodation building need to be removed from the site each year when not being utilized?***

If seasonal farm labour is required on an ongoing, annual basis, buildings utilized for seasonal farm labour can remain during the 'off-season'. However, the building cannot be utilized for any means of accommodation during this time period.

- ***Can a non-seasonal farm labourer (or any other individual) occupy a seasonal farm labour accommodation building?***

No – seasonal farm labour accommodation buildings can only be occupied by seasonal farm labour that is necessary to the functioning farm operation.

Conclusion

In consultation with the AAC, Agricultural Land Commission and BC Ministry of Agriculture and Lands, staff are proposing text amendments to the Official Community Plan Bylaw 7100 and Zoning and Development Bylaw 5300, to achieve the following:

- A series of OCP policies and guidelines to inform and outline the approach for managing accommodation for seasonal farm labour.
- Zoning bylaw changes to the existing AG1 zone, establishing a regulatory framework to permit seasonal farm labour accommodation.
- Regulations and criteria to ensure the legitimacy of seasonal farm labour accommodations and which avoid the negative effects of such uses.
- Assisting in agricultural viability by allowing farm operators the ability to employ and accommodate seasonal farm labour.
- Limit and mitigate any potential negative implications to the City or impacts on agricultural land.



Kevin Eng
Planner 1
(4626)

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Summary Table

Amendments to Official Community Plan Bylaw 5300

OCP Bylaw 7100 – Section 2.1: Agriculture

Add the following guidelines and policies to the new section titled "**Seasonal Farm Labour Accommodation**"

- ❑ Seasonal farm labour accommodation is a method of improving agricultural viability in Richmond, where it complies with objectives and regulations in the OCP, Agricultural Viability Strategy, Zoning & Development Bylaw 5300, provisions identified by Council and Agricultural Land Commission Act.
- ❑ Seasonal farm labour accommodation, as an additional residential use, can be considered so long as the accommodation is accessory to the principal agricultural purpose and helps to support a farm operation.
- ❑ Seasonal farm labour accommodation can only be permitted through the processing and Council approval of a site-specific rezoning application. If approval is granted, the use of seasonal farm labour accommodation buildings will be required to adhere to all regulations contained in the Zoning & Development Bylaw 5300 and conditions identified in the rezoning application and building permit.
- ❑ New buildings to be situated on agricultural land for the purpose of seasonal farm labour accommodation must take the form of manufactured dwellings, which are designed in such a manner to be transported to and from a site and contain the necessary living, cooking, sanitary and sleeping facilities for use by seasonal farm labour.
- ❑ For agriculturally designated lots that contain two or more single-family dwellings, occupation of one of the existing single-family residential dwellings for the purpose of seasonal farm labour accommodation can be considered so long as all the requirements identified in the Zoning & Development Bylaw are followed.
- ❑ Buildings used for seasonal farm labour accommodation cannot be used as permanent non-farm residences, under any circumstances, as it would be contrary to the City's OCP and AVS as well as provisions contained in the Agricultural Land Commission Act.
- ❑ The area of land on which a building used for seasonal farm labour accommodation is placed cannot be subdivided.
- ❑ Legal documentation (restrictive covenants, statutory declarations) may be required as part of each rezoning application to confirm the use of a structure, dates of occupation, composition of farm operation and additional conditions of City consent.
- ❑ Seasonal farm labour accommodation buildings must be removed and land reinstated to its original condition by the property owner if they are no longer required for the purpose of accommodating seasonal farm labour on an annual, seasonal basis or are no longer in compliance with the regulations contained in Zoning & Development Bylaw 5300.

**Summary Table – Amendments
To Zoning and Development Bylaw 5300 and Agricultural District (AG1) Zoning District**

Zoning and Development Bylaw 5300 - Definitions
<p>Definitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> Farm Operation means an area of land which: <ul style="list-style-type: none"> – Is comprised of one or more lots, – Is classified as 'Farm' under the <i>British Columbia Assessment Act</i>, – Is located in the City of Richmond, – Forms and is managed as a single farm, and – Has agriculture as its principal use. <input type="checkbox"/> Manufactured Dwelling means a building constructed in an enclosed factory environment intended to be located in a place other than its manufacture and designed for transport to and from a site and for ease of removal and can take the form of a: <ul style="list-style-type: none"> ○ Mobile home, whereby one building module provides the necessary components that constitute a dwelling unit and complies with all applicable City regulations; or ○ Modular home, whereby multiple building modules, when combined, form the necessary components that constitute a dwelling unit and comply with all applicable City regulations. <input type="checkbox"/> Seasonal Farm Labour – means agricultural work carried out by individuals employed on a temporary, seasonal basis on a Farm Operation <input type="checkbox"/> Seasonal Farm Labour Accommodation – means a building used solely for the purpose of providing cooking, sanitary and sleeping facilities to accommodate Seasonal Farm Labour on a Farm Operation as necessary for its agricultural purpose for a period no greater than 10 consecutive months in any 12 month period. A new building used for the Seasonal Farm Labour Accommodation must take the form of a manufactured dwelling designed and constructed to be transported on site and removed when no longer required.
Agricultural District (AG1) - Amendments
<p>Site Specific Use</p> <ul style="list-style-type: none"> <input type="checkbox"/> Include Seasonal Farm Labour Accommodation as a site specific use. <input type="checkbox"/> Properties will be added under this permitted use as rezoning applications are processed. <input type="checkbox"/> Dates of occupation will be identified for each rezoning and property based on the needs of the particular agricultural sector and farm operation.
Special Provisions
<p>Designations</p> <ul style="list-style-type: none"> <input type="checkbox"/> Located in the City of Richmond and within the ALR. <input type="checkbox"/> OCP designation for Agriculture. <input type="checkbox"/> "Farm" classification under the <i>B.C. Assessment Act</i>.
<p>Farm Operation Size and Configuration</p> <ul style="list-style-type: none"> <input type="checkbox"/> Minimum size of 20 acres (8.09 ha) cumulative for all lots contained in the Farm Operation. <input type="checkbox"/> Lots are not required to be contiguous. <input type="checkbox"/> The Seasonal Farm Labour Accommodation must be located on the same lot as a One-Family Dwelling. <input type="checkbox"/> One Seasonal Farm Labour Accommodation is permitted per Farm Operation. <input type="checkbox"/> Maximum floor area for Seasonal Farm Labour Accommodation – 300 m² (3,229 ft²). <input type="checkbox"/> Minimum floor area per occupant – 10 m² (108 ft²). <input type="checkbox"/> A maximum of 30 Seasonal Farm Labour occupants per Seasonal Farm Labour Accommodation is permitted. <input type="checkbox"/> Seasonal Farm Labour Accommodation buildings shall be considered dwellings with all regulations relating to density, minimum and maximum setbacks and height to apply.

Limitations

- Must adhere to relevant components of the BC Building Code and the City's Building Regulation Bylaw (7230).
- An approved Seasonal Farm Labour Accommodation building is subject to inspections by the City during any 12 month period to ensure occupation is in compliance with the regulations contained in this zoning district.
- A building used for Seasonal Farm Labour Accommodation does not need to be removed during the 'off-season' if required on an ongoing, annual basis for the agricultural purpose of the Farm Operation
- Buildings are to be removed and land restored to its original state if seasonal farm labour is no longer required or deemed necessary for the operation of the Farm Operation.
- Costs of removal of the Seasonal Farm Labour Accommodation building and restoration of land to its original state are to be the responsibility of the property owner.

Provisions for Existing Dwellings


- A lot that contains two or more existing dwellings may be permitted to use only one dwelling for the purpose of Seasonal Farm Labour Accommodation.
- Rezoning approval on a site specific basis to permit an existing dwelling to be used for Seasonal Farm Labour Accommodation is required.
- An existing dwelling used for Seasonal Farm Labour Accommodation must adhere to all relevant provisions and regulations contained in Section 221 Agricultural District (AG1).

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 <p>Agricultural Land Commission Act</p>	<p style="text-align: right;">Policy #9 March 2003</p> <p style="text-align: center;">ADDITIONAL RESIDENCES FOR FARM USE</p>
<p><i>This policy provides advice to assist in the interpretation of the Agricultural Land Commission Act, 2002 and Regulation. In case of ambiguity or inconsistency, the Act and Regulation will govern.</i></p>	

REFERENCE:

Agricultural Land Commission Act, 2002, Section 18

- 18** *Unless permitted by this Act, the regulations or the terms imposed in an order of the commission,*
- (a) a local government, or an authority, a board or another agency established by it or a person or an agency that enters into an agreement under the Local Services Act may not*
 - (ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use*

INTERPRETATION:

The Act and Agricultural Land Reserve Use, Subdivision and Procedure Regulation do not set a limit on the number of additional residences for farm help per parcel, but all residences must be necessary for farm use. However, see Section 3 (1) (b) of the Regulation which permits a 'manufactured home' for family members of the owner. This Section also permits a secondary suite within a residence. See Commission Policy "Permitted Uses in the ALR: Residential Uses".

Local government must be convinced that there is a legitimate need for an additional residence for farm help. One criteria is that the parcel should have 'farm' classification under the *Assessment Act*. In coming to a determination, a local government should consider the size and type of farm operation and other relevant factors. To help determine the need and evaluate the size and type of farm operation, a permitting officer may wish to obtain advice and direction from staff of:

- a) the Ministry of Agriculture, Food and Fisheries
- b) the Agricultural Land Commission.

Local government bylaws should not necessarily be the basis for making a determination about the necessity for farm help. Some bylaws may automatically permit a second residence on a specified size of parcel in the ALR. This is not an appropriate determination under the Act and should not be used as the basis for issuing a building permit for an additional residence for farm help. Some local governments have adopted detailed guidelines as a basis for determining legitimacy of a request for additional residences for farm help, in which a threshold for different types of agricultural operations is specified. In these instances, it may be appropriate to consider these as factors in interpreting Section 18 of the Act.

If there is any doubt with respect to need, an application under Section 20 (3) of the Act for permission for a non-farm use is required.

Municipal Case Studies – Seasonal /Temporary Farm Labour Accommodation

Langley Township	
Use and Definitions	<ul style="list-style-type: none"> <input type="checkbox"/> Termed "Temporary Farm Labourer Accommodation" that is permitted on farms requiring seasonal help. <input type="checkbox"/> Classified as a residential use permitted on a lot.
Lot Size	<input type="checkbox"/> Minimum lot size of 9.88 acres (4 ha) required.
Conditions and Restrictions	<ul style="list-style-type: none"> <input type="checkbox"/> Accommodations only to be occupied between April 1st - November 30th in any calendar year. <input type="checkbox"/> 10 seasonal labourers per 9.88 acres (to a maximum of 40 seasonal labourers).
Special Provisions and Requirements	<input type="checkbox"/> Maximum floor area is 10 m ² (108 ft ²) per occupant.
District of Pitt Meadows	
Use and Definitions	<ul style="list-style-type: none"> <input type="checkbox"/> Termed "Seasonal Farm Accommodation" that is permitted on farms requiring seasonal help. <input type="checkbox"/> Classified as an accessory residential use
Lot Size	<input type="checkbox"/> Minimum lot size of 4.94 acres (2 ha) required
Conditions and Restrictions	<ul style="list-style-type: none"> <input type="checkbox"/> Accommodations only to be occupied between April 1st - November 30th in any calendar year. <input type="checkbox"/> 10 seasonal labourers per 9.88 acres (to a maximum of 40 seasonal labourers).
Special Provisions and Requirements	<input type="checkbox"/> Maximum floor area is 10 m ² (107 ft ²) per occupant (generally half of which must be used for sleeping accommodations.)
Additional Comments	<input type="checkbox"/> District has specific building guidelines and inspection processes relating to housing for migrant farm workers.
City of Abbotsford	
Use and Definitions	<ul style="list-style-type: none"> <input type="checkbox"/> Termed "Accessory Seasonal Employee Residential Use", which must be accessory to an agricultural use of a farm operation. <input type="checkbox"/> Farm operation can consist of one or more lots. <input type="checkbox"/> Accommodation of full-time seasonal workers.
Lot Size	<input type="checkbox"/> Minimum lot size of 9.39 acres (3.8 ha) required.
Conditions and Restrictions	<ul style="list-style-type: none"> <input type="checkbox"/> Lot must be classified as "farm" under the B.C. Assessment Act and located within the Agricultural Land Reserve. <input type="checkbox"/> Maximum floor area of 200 m² (2,153 ft²) per farm operation permitted for seasonal employee residential use. <input type="checkbox"/> For farm operations greater than 99 acres (40 ha in size), a maximum floor area of 300 m² (3,229 ft²) can be considered.
Special Provisions and Requirements	<ul style="list-style-type: none"> <input type="checkbox"/> A seasonal employee residential use must be located on the same lot where the farm operation's owner resides. <input type="checkbox"/> Restrictive Covenants and Statutory Declarations to confirm: <ul style="list-style-type: none"> - Dates of occupation; - To be occupied only for seasonal farm labour; - Buildings will be removed if no longer required; and - Additional conditions of consent.



**Richmond Zoning and Development Bylaw 5300
Amendment Bylaw 8039**

The Council of the City of Richmond, in open meeting assembled, enacts as follows:

1. Richmond Zoning and Development Bylaw 5300 is amended by:
 - i. Adding the following new definitions to Section 104 Definitions:

“FARM OPERATION

“Farm Operation” means an area of land classified as ‘Farm’ under the *British Columbia Assessment Act* and located in the City of Richmond, which may consist of one or more **lots**, which forms and is managed as a single farm for the principal purpose of **agriculture**.

MANUFACTURED DWELLING

“Manufactured Dwelling” means a **building** constructed in an enclosed factory environment intended to be located in a place other than where it is manufactured and designed for transport to and from a site and for ease of removal and can take the form of a:

- (i) Mobile home, whereby one **building** module provides the necessary components that constitute a **dwelling unit** and complies with all applicable City regulations; or
- (ii) Modular home, whereby multiple **building** modules, when combined, form the necessary components that constitute a **dwelling unit** and comply with all applicable City regulations.

SEASONAL FARM LABOUR

“Seasonal Farm Labour” means agricultural work carried out by individuals employed on a temporary, seasonal basis on a **Farm Operation**.

SEASONAL FARM LABOUR ACCOMMODATION

“Seasonal Farm Labour Accommodation” means a **building** used solely for the purpose of providing living, cooking, sanitary and sleeping facilities to accommodate **Seasonal Farm Labour** on a **Farm Operation** as necessary for its agricultural purpose for a period of no longer than 10 consecutive months in any 12 month period.

A new **building** used for **Seasonal Farm Labour Accommodation** must take the form of a **Manufactured Dwelling.**”

- ii. Adding the following after 7471 No. 6 Road to Section 221.1 in the Permitted Uses – Site Specific section of the Agricultural District (AG1):

“**Seasonal Farm Labour Accommodation** within the specified dates, provided that it is necessary and accessory to **Agriculture** and subject to the special provisions contained in Section 221.7, in the case of:”

- iii. Adding a new section following after Section 221.6 in the Agricultural District (AG1):

“221.7 SEASONAL FARM LABOUR ACCOMMODATION – SPECIAL PROVISIONS

.01 **Seasonal Farm Labour Accommodation** shall only be permitted on:

- (a) A **lot** located in the Agricultural Land Reserve in the City of Richmond;
- (b) A **lot** designated for ‘Agriculture’ in the General Land Use Map contained in the City of Richmond’s Official Community Plan (Bylaw 7100); and
- (c) A **lot** classified as ‘Farm’ under the *British Columbia Assessment Act*.

.02 The following provisions must be met in order to permit **Seasonal Farm Labour Accommodation**:

- (a) Minimum **Farm Operation** size of 20 acres (8.09 ha);
- (b) The **Seasonal Farm Labour Accommodation** must be located on the same **lot** as an existing **One-Family Dwelling**;
- (c) Only one **Seasonal Farm Labour Accommodation** is permitted per **Farm Operation**;
- (d) A **building** used for **Seasonal Farm Labour Accommodation** shall not exceed 300 m² (3,229 ft²);
- (e) A maximum of 30 **Seasonal Farm Labour** occupants per **Seasonal Farm Labour Accommodation** is permitted;
- (f) Minimum floor area per occupant is to be 10 m² (108 ft²); and
- (g) A **building** used for **Seasonal Farm Labour Accommodation** shall be considered a dwelling with all regulations relating to density, minimum and maximum setbacks and height to apply.

.03 Limitations

- (a) A **building** used for **Seasonal Farm Labour Accommodation** must adhere to all relevant components of the British Columbia Building Code and the City of Richmond's Building Regulation (Bylaw 7230);
- (b) A **Lot** that contains a **building** used for **Seasonal Farm Labour Accommodation** is subject to inspections by the City during any 12 month period to ensure that occupation is in compliance with the regulations contained in this zoning district;
- (c) A **building** used for **Seasonal Farm Labour Accommodation** does not need to be removed when not occupied by **Seasonal Farm Labour** if the use is required on an ongoing, annual basis for the agricultural purpose of the **Farm Operation**;
- (d) If **Seasonal Farm Labour Accommodation** is no longer required for the **Farm Operation**, all buildings used for **Seasonal Farm Labour Accommodation** must be removed and the land restored to its original state; and
- (e) Costs of removal of the **Seasonal Farm Labour Accommodation building** and restoration of land to its original state are to be the responsibility of the property owner.

.04 Provisions for lots containing two or more existing dwellings

- (a) A **lot** that contains two or more existing dwellings may be permitted to use only one dwelling for the purpose of **Seasonal Farm Labour Accommodation**;
- (b) Rezoning approval on a site specific basis to permit an existing dwelling to be used for **Seasonal Farm Labour Accommodation** is required; and
- (c) An existing dwelling used for **Seasonal Farm Labour Accommodation** must adhere to all relevant provisions and regulations contained in Section 221 Agricultural District (AG1)."

2. This Bylaw may be cited as "**Richmond Zoning and Development Bylaw 5300, Amendment Bylaw 8039**".

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

JUN 26 2006



MAYOR

CORPORATE OFFICER



**Richmond Official Community Plan Bylaw 7100
Amendment Bylaw 8074
(Seasonal Farm Labour Accommodation)**

The Council of the City of Richmond, in an open meeting assembled, enacts as follows:

1. Richmond Official Community Plan Bylaw 7100, Schedule 1, is amended by adding the following policies in Section 2.1 Agriculture under a new heading:

“Seasonal Farm Labour Accommodation

- i) Seasonal farm labour accommodation is a method of improving agricultural viability in Richmond, where it complies with the objectives, policies and regulations in the OCP, Agricultural Viability Strategy, Zoning & Development Bylaw, Building Bylaw and the provisions identified by Council and Agricultural Land Commission Act;
- j) Seasonal farm labour accommodation, as an additional residential use, may be considered so long as the accommodation is accessory to the principal agricultural purpose and helps to support a farm operation in the Agricultural Land Reserve;
- k) Seasonal farm labour accommodation can only be permitted through the processing and Council approval of a site-specific rezoning application. If approval is granted, the use of seasonal farm labour accommodation buildings will be required to meet all regulations contained in the City’s Zoning & Development Bylaw, Building Regulation Bylaw and conditions identified in the rezoning application;
- l) New buildings to be situated on agricultural land for the purpose of seasonal farm labour accommodation must take the form of “manufactured dwellings”, which are designed in such a manner to be transported to and from a site and contain the necessary living, cooking, sanitary and sleeping facilities for use by seasonal farm labour;
- m) For agriculturally designated lots that contain two or more single-family dwellings, the occupation of one of the existing single-family residential dwellings for the purpose of seasonal farm labour accommodation can be considered, as long as all the requirements identified in the Zoning & Development Bylaw and Building Bylaw are followed;
- n) Buildings used for seasonal farm labour accommodation cannot be used as permanent non-farm residences, under any circumstances, as it would be contrary to the City’s

OCP and Agricultural Viability Strategy as well as provisions contained in the Agricultural Land Commission Act;

- o) The area of land on which a building used for seasonal farm labour accommodation is placed cannot be subdivided;
 - p) Legal documentation is required as part of each rezoning application to confirm the use of a structure, dates of occupation, composition of farm operation and additional conditions of City consent; and
 - q) Seasonal farm labour accommodation buildings must be removed and land reinstated to its original condition by the property owner if they are no longer required for the purpose of accommodating seasonal farm labour on an annual, seasonal basis or are no longer in compliance with the regulations contained in the Zoning & Development Bylaw and Building Regulation Bylaw.”
2. This Bylaw is cited as “**Richmond Official Community Plan Bylaw 7100, Amendment Bylaw 8074**”.

FIRST READING

PUBLIC HEARING

SECOND READING

THIRD READING

ADOPTED

JUN 26 2006

CITY OF RICHMOND
APPROVED for content by originating dept.
<i>[Signature]</i>
APPROVED By Manager or Solicitor
<i>[Signature]</i>

MAYOR

CORPORATE OFFICER