



The Corporation of the District of Central Saanich

REGULAR COUNCIL REPORT

For the Regular Council meeting on December 02, 2019

To: Jarret Matanowitsch
Director of Planning and
Building Services

File: 6430-03 Farm Worker Accommodation

From: Ivo Van der Kamp
Planner

Priority: <input type="checkbox"/> Strategic <input checked="" type="checkbox"/> Operational
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Date: **November 26, 2019**

Re: **OCP and LUB Amendments - Farm Worker Accommodation**

RECOMMENDATION:

That Council forward the draft Official Community Plan Amendment Bylaw No. 1973 and draft Land Use Bylaw Amendment Bylaw No. 1974 to the Agricultural Land Commission for approval.

BACKGROUND:

Council identified Farm Worker Accommodation as a Strategic Priority for 2018, with a goal to support the farming community. The farming industry identified farm worker accommodation as a need to be addressed. Farmers indicated that it is difficult to house farm workers in the area due to the cost of housing.

Staff brought forward reports to the Agricultural Advisory Commission on October 4, 2018 and to the Committee of the Whole on November 13, 2018 with respect to Farm Worker Accommodation. On November 19, 2018, Council endorsed the proposed consultation process, which consisted of consultation with the farming community in the form of an online survey and an open house.

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Re: OCP and LUB Amendments - Farm Worker Accommodation

The project was adjusted in early 2019 to reflect new residential use regulations in the Agricultural Land Reserve (ALR), which came into effect February 22, 2019. The most substantial change with respect to this project is that now all applications for farm worker accommodation require approval by the Agricultural Land Commission (ALC).

DISCUSSION:

The Farm Worker Accommodation project has as goal of guiding farmers through a more streamlined process to establish farm worker accommodation. Originally, this was to be achieved by obtaining ALC approval on Temporary Use Permit (TUP) guidelines for farm worker accommodation, so that for future TUP applications, ALC approval would not be required. However, due to the changes made to ALC regulations in February 2019, now all applications for farm worker accommodation require approval by the ALC.

With the above noted limitations, the purpose of including the guidelines at this time is to provide clear direction to applicants and to increase the likelihood of approval by the ALC. In addition to an ALC application, the District would require applicants to apply for a TUP, and bring both applications to Council for consideration. The guidelines would assist farmers by outlining Council and ALC expectations for farm worker accommodation.

Official Community Plan

The Official Community Plan (OCP) would also require amending to include new TUP guidelines for farm worker accommodation. A draft amendment bylaw is attached to this report. The new section on TUP's would establish all lands designated as 'Agricultural' and 'Rural' on Schedule A - Land Use Plan of the OCP as TUP areas.

Community Consultation

Consultation with the farming community was undertaken by way of an online survey and an open house. From May 13th to June 15th, 2019, farmers and residents could review draft guidelines on the District's website and provide comments. An agricultural open house was held on May 28th and invitations were sent out to all property owners of lands within the ALR. Approximately 50 survey responses were received in total and the results are attached to this report. Based on the results of the public consultation, the guidelines were revised and inserted into a draft OCP amendment bylaw.

Referrals

The draft OCP amendment bylaw was referred to the Peninsula and Area Agricultural Commission (PAAC) for comment. In addition, ALC staff and Ministry of Agriculture (MOA) staff were asked to undertake a preliminary review of the draft bylaw. Based on the responses, the draft bylaw had some minor amendments.

Draft OCP Amendment Bylaw

The draft bylaw attached to this report and presented to Council is based on best practices, community consultation, as well as the referral responses received from PAAC, MOA and ALC. The following provides an overview of some changes that were made to the draft bylaw based on the referral responses and public comments received:

- under Designation, including lands that are designated 'Rural' on the Land Use Plan in the OCP. This would allow for farmers on land outside of the ALR to apply for farm worker accommodation;
- also under Designation, the addition of a section stating that, for lands within the ALR, ALC approval is required prior to Council issuing a TUP;
- the minimum lot size for which a TUP may be considered has been set at 2 hectares. This number lies in between the recommendation from the MOA and ALC of 4 hectares, and the results from the survey which suggested between 0.8 hectares and 2 hectares. Based on the number of small farms in the District, the current size of 2 hectares is supported by staff;
- the TUP guidelines focus on temporary buildings, without a basement, to allow for easier removal in the future. This approach is supported by ALC staff. However, applications for permanent structures may still be made;
- the OCP will be updated to include a definition of 'farm worker' that outlines the minimum hours of work needed to be considered a farm worker. Staff suggest including a requirement of a minimum of 1,400 hours per calendar year (35 weeks of 40 hours). This would take into consideration the seasonality of the various farm tasks. The hours could include work on one or more farms located on the Saanich Peninsula;

Proof of Need

Applicants will be required to demonstrate the need for farm workers as well as the need to have farm workers live on the farm. The District's draft Development Applications Procedure Bylaw allows the Director of Planning and Building Services to ask for a Farm Business Plan and/or a report by an agrologist to support an application. Other information that will be requested is: rationale, description of the farm worker accommodation, the acres in production, any livestock, the number of workers employed (seasonal or year round), the hours of employment per week, and proof of employment. Together, this information will help to show that the farm has a need for farm workers and that there is a need for the farm worker(s) to live on the farm.

Housekeeping Amendments

The proposed amendment will also ensure that the TUP guidelines are consistently regulated through the OCP only, as opposed to both OCP and Land Use Bylaw (LUB), as is currently the case. All regulations regarding TUP's will be inserted into the OCP. This includes sections 36A Temporary Use Permits and 38(1) Agriculture: A1 (5), which currently reside in the LUB. However, Section 38(1) Agriculture: A-1, item (4) will remain in the LUB as this section includes regulations pertaining to Temporary Farm Camping Uses, such as setback requirements. References to

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individual properties such as in Section 36A can be removed as they fall within the new designated areas of the OCP.

Process

Should Council direct staff to proceed with the amendment bylaws, the bylaws would be sent to the ALC for approval. ALC regulations require that an amendment bylaw that relates to ALR lands be sent to the ALC for approval prior to first reading of the bylaw. Once approved by the ALC, staff would bring the amendment bylaw to Council for consideration of bylaw readings and a public hearing.

CONCLUSION:

The District has developed OCP guidelines for Temporary Use Permits for farm worker accommodation. Two amendment bylaws have been drafted, based on the results of public consultation and various referral responses. Staff recommend that Council support the draft bylaws in principle and send the bylaws to the ALC for approval.

Respectfully Submitted

Ivo Van der Kamp
Planner

ATTACHMENTS:

- Survey Results
- ALC Staff Comments
- PAAC Comments
- Draft OCP Amendment Bylaw No. 1973
- Draft LUB Amendment Bylaw No. 1974

***Endorsed by:
Jarret Matanowitsch,
Director of Planning and Building Services***

***I concur with the recommendation contained in
this report
Liz Cornwell
Deputy Chief Administrative Officer***

Survey Results

Agricultural Open House - May 28th, 2019

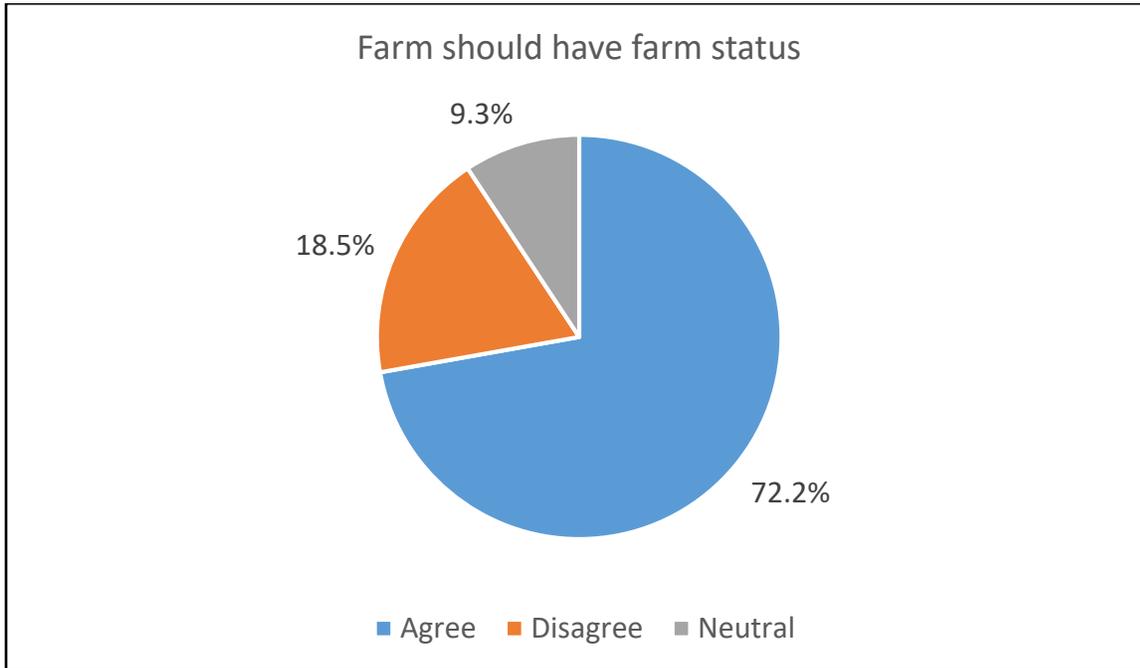
and

Online Survey - May 13th to June 15th, 2019

July 2019

District of Central Saanich

1. The subject farm would require FARM STATUS and the application shall include a copy of the farm's BC Assessment notice as confirmation.

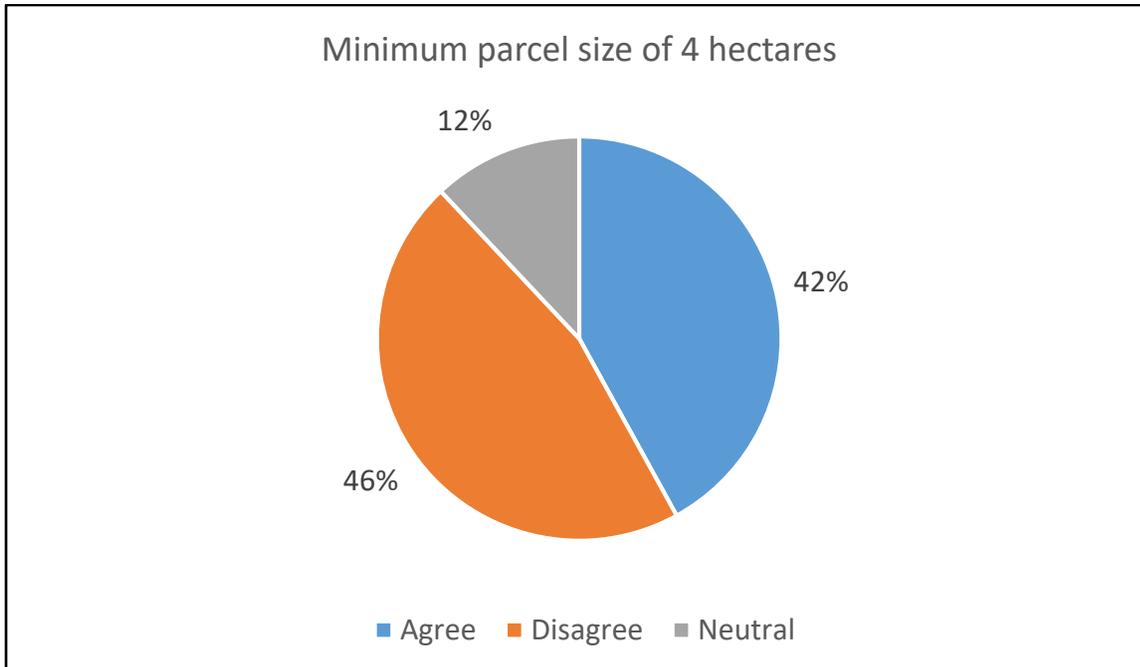


54 responses in total

72% of respondents supports including a guideline that a property must be classified as a 'farm' under the BC Assessment Act in order to be eligible for Temporary Farm Worker Accommodation.

Concerns with including this guideline were related to smaller farms. These farms can be highly productive but may not be able to meet the higher income threshold than required for larger farms. Also, changes in BC Assessment status would need to be prompt.

2. The minimum farm size for Temporary Farm Worker Accommodations would be 4 hectares (10 acres), however Council could consider applications for farm worker accommodation on lots less than 4 hectares through the Temporary Use Permit (TUP) process.

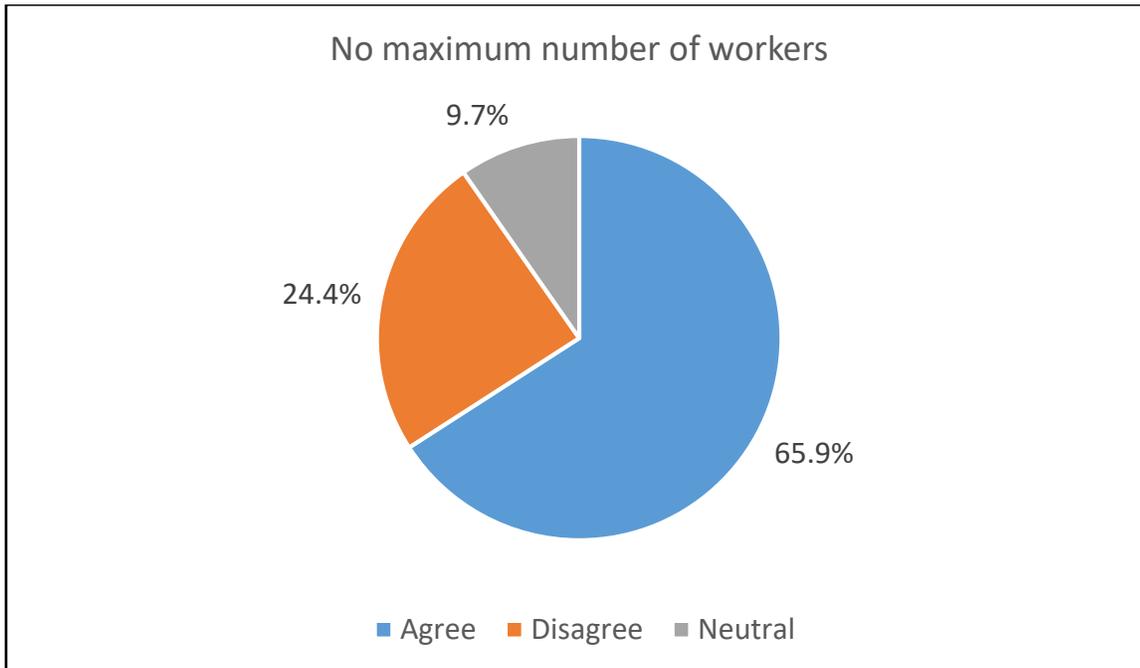


50 responses in total

46% of respondents did not agree with including a minimum parcel size of 4 hectares (10 acres) in order to be eligible for Temporary Farm Worker Accommodation. However, 42% of respondents did support including this as a guideline.

Concerns were related to the potential reduction of overall food production by excluding smaller farms from the option of adding farm worker accommodation. Small farms can be utilized for food production and can be intensively farmed, therefore, would also have a potential need for farm worker accommodation. Other options for minimum parcel sized mentioned were 0.8 hectares (2 acres) and 2 hectares (5 acres).

3. There is no maximum number of workers per farm.



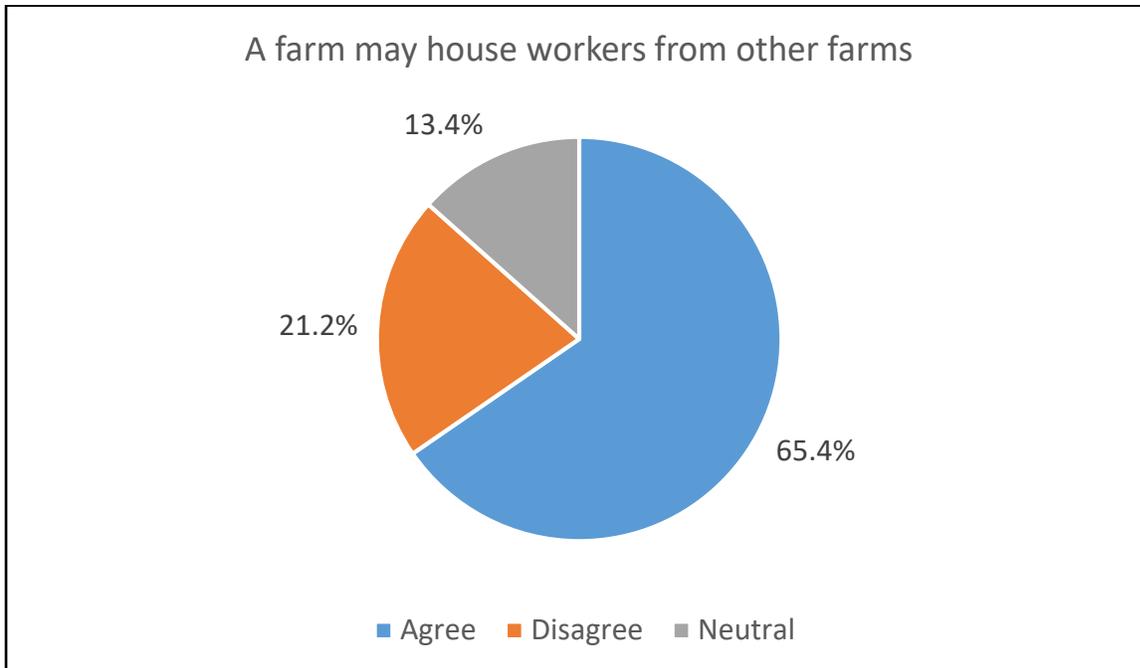
41 responses in total

Almost two thirds of respondents was in support of not setting a maximum number of workers per farm.

Comments in support stated that the land size or nature of the farming operation should not matter. Housing should be placed on non-arable land.

Concerns voiced with respect to not setting a maximum number of workers per farm had to do with density and the impact on septic, noise and overall health and safety conditions for the workers.

4. **The Temporary Farm Worker Accommodations can be used to house farm workers employed on other farm operations provided a statutory declaration is filed with the local government. (Note: Using new or existing buildings on agricultural land to provide Temporary Farm Worker Housing for multiple farms rather than each having its own housing, will help to reduce fragmentation of agricultural land and reduce the residential impact of multiple farm worker housing.) Subject to the applicant providing a written agreement between the farms describing the housing arrangements, Council would review the agreement when deliberating on issuing the Temporary Use Permit.**



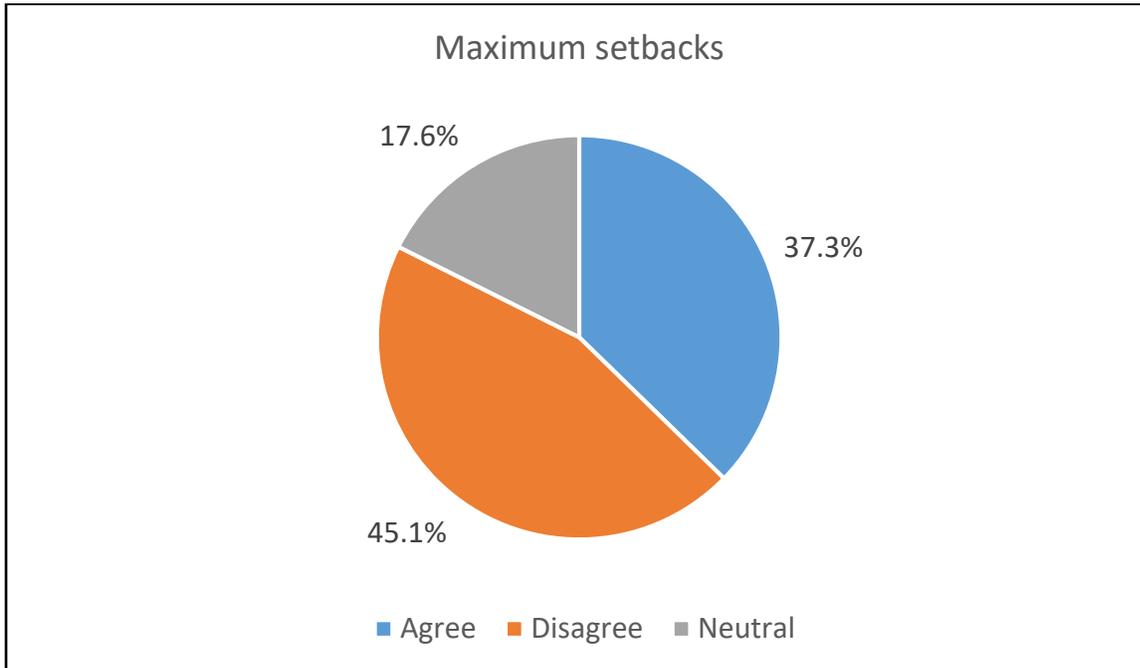
52 responses in total

65% of respondents were in support of allowing farms to house farm workers from other farms, subject to conditions.

Respondents commented that farm workers can be either residents or non-residents, Canadian or foreign. And that farms can own or lease land that does not physically connect, although the overall scale of the operation may warrant accommodation for farm workers.

One respondent suggested that an agreement between farms should not need Council involvement, another suggested that routine checks for compliance should be required to ensure the agreements are valid.

5. The **MAXIMUM** setbacks for new Temporary Farm Worker Accommodations are 15 metres from the primary residence and 60 metres from an existing road or other access. In the case where the 15 and 60 metre setbacks cannot be met simultaneously, then the **MAXIMUM** 15 metre setback from the principal farm residence must be met (unless otherwise approved by Council). Any request for deviations from the setbacks should be accompanied by a rationale from the applicant stating as to why the deviations are needed.

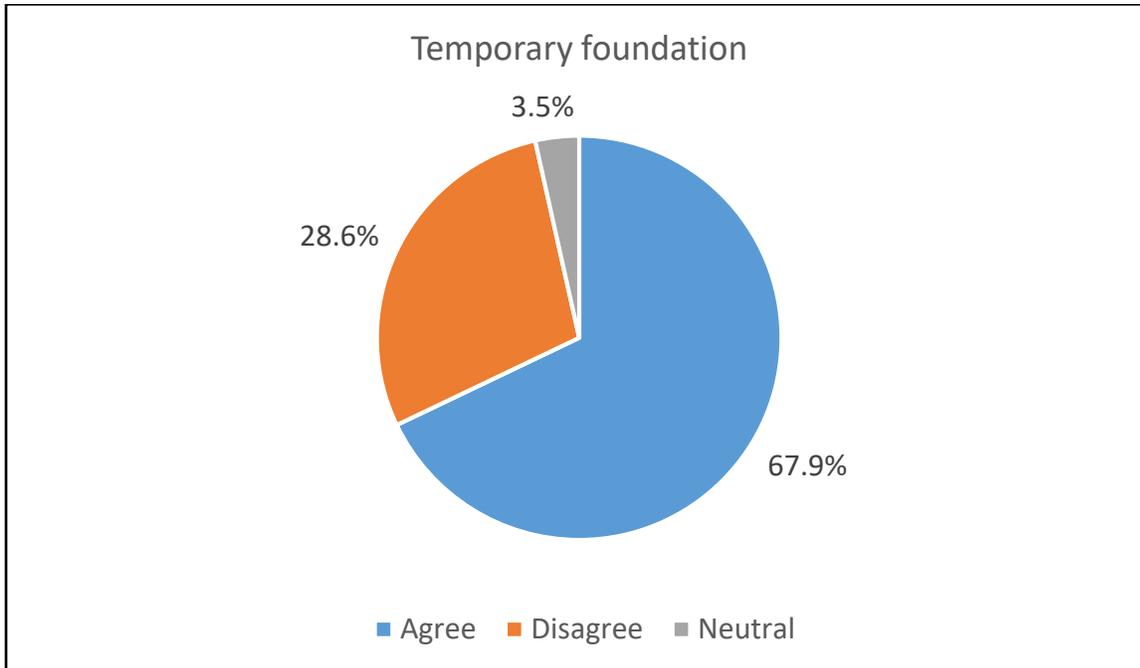


51 responses in total

45% of respondents disagreed with setting maximum setbacks for farm worker accommodation, whereas 37% supported the guideline.

Some respondents felt the 60 metre maximum was too much and should be less, others felt that the setbacks were too restrictive. Many noted that the location of the accommodation should be dependent on the type of soils and not on setbacks. Farmers would know their soils and locate the accommodation on less arable land. It was suggested that side and rear yard setbacks also be included.

6. **Accommodation for Temporary Farm Workers could be a manufactured home (double wide mobile) installed on a temporary foundation. Conversion of an existing building may also be considered, as long as the building could comply with the BC Building Code for residential use.**

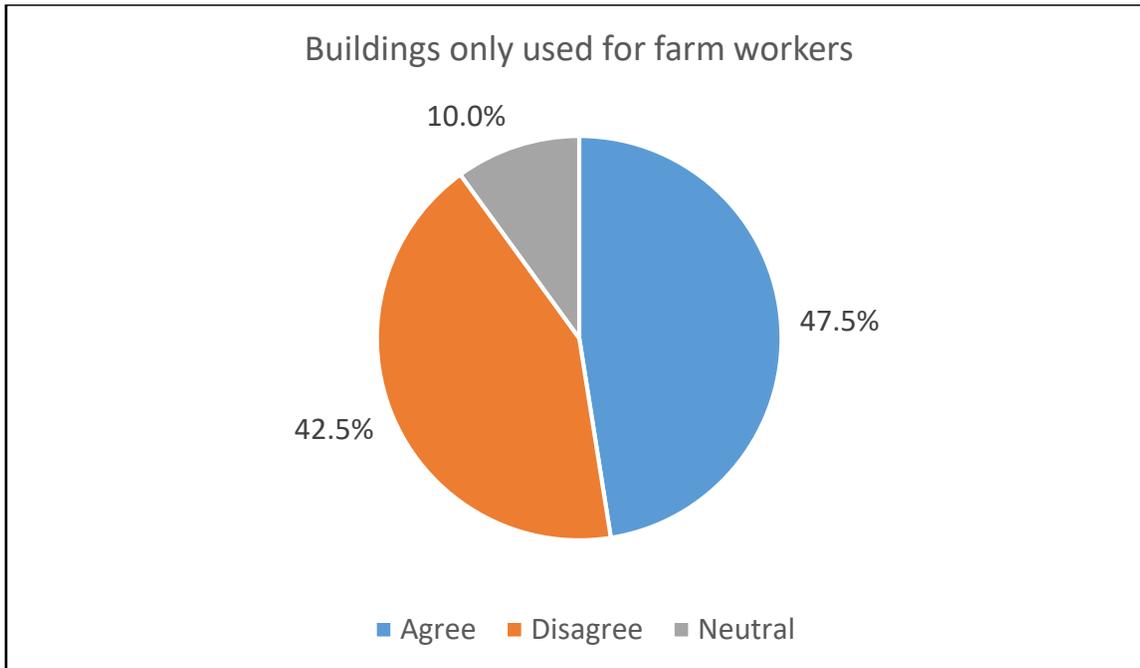


56 responses in total

More than two-thirds of respondents were in favour of including guidelines that would focus on buildings with temporary foundations and without basements.

Concerns related to the use of temporary buildings were related to the appearance of manufactured homes and financing. Some felt that tiny homes should be permitted as well as they are a good size for one or two people and look nicer. It was mentioned that it was harder to get a mortgage for a home on a temporary foundation and a big expense for a temporary building. It was also suggested that basements should be permitted as this would result in a smaller footprint and could house more workers. Some felt that this guideline was not necessary as the Temporary Use Permit would hold farmers accountable.

7. The buildings shall only be used for the housing of farm workers.

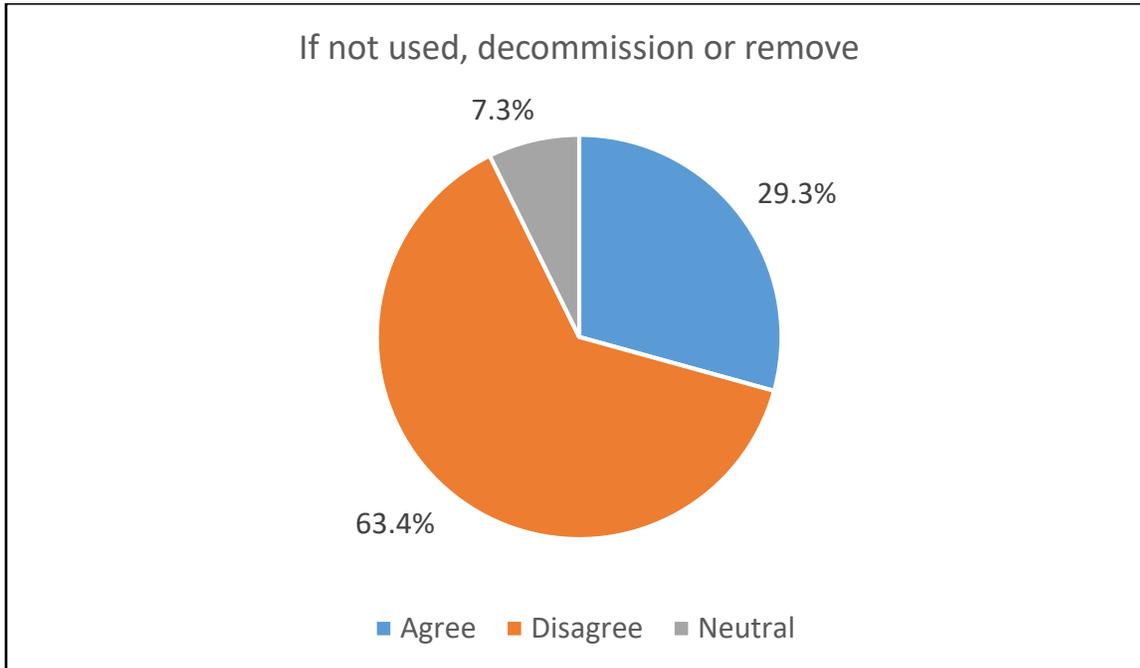


40 responses in total

Close to half of respondents agreed with adding this guideline, however, 42.5% disagreed.

Comments were mixed in response to this guideline. Some felt that once approved, buildings should be used for accommodation regardless of user, as otherwise they may sit empty for periods of the year (off-season). Others felt it should be based on the need for farm workers only and that they should not be used for rental. Some respondents asked for clarity if family members would be considered farm workers.

8. If not used for a period of two consecutive years, the buildings shall be removed or decommissioned.



41 responses in total

The majority of respondents were not in favour of this guideline.

Having to remove a building was seen as wasteful, a financial burden on the farmer and the 2 years not enough time to sell a farm. The farmer should be permitted to use the building as rental accommodation or for other purposes if no longer needed for farm workers.



Agricultural Land Commission
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Burnaby, British Columbia V5G 4K6
Tel: 604 660-7000 | Fax: 604 660-7033
www.alc.gov.bc.ca

October 17, 2019

Reply to the attention of Gordon Bednard
ALC Planning Review: 46695

Ivo van der Kamp
Planner – Corporation of the District of Central Saanich
Delivered Electronically

Re: Draft Farmworker Accommodation Bylaw - 2019

Thank you for forwarding a copy of the Draft Farm Worker Accommodation Guidelines (the “Guidelines”) for review and comment by the Agricultural Land Commission (ALC). ALC Staff recalls the presentation made by the District at the PAAC meeting on September 12, 2019, and the discussion which followed.

The following comments are provided to help ensure that the Guidelines are consistent with the purposes of the Agricultural Land Commission Act (ALCA), the Agricultural Land Reserve General Regulation, (the “General Regulation”), the Agricultural Land Reserve Use Regulation (the “Use Regulation”), and any decisions of the ALC.

According to Agricultural Land Commission mapping, the proposed Guidelines potentially affect 2900 ha of Agricultural Land Reserve (ALR).

First and foremost, it is not clear in the proposed Guidelines that local government approval for non-farm activities in the ALR would require prior approval of the Agricultural Land Commission (ALC) either through the ALC Act, Regulations or an Order of the ALC. A statement to this effect should be inserted in Section 11.10.1 as section b).

In Section 11.10.3 the following comments, concerns and suggestions apply:

- a) 0.8 ha sets a very low threshold for the amount of farming which may qualify a property for non-farm activities. Secondary housing and attendant infrastructure, for example, on such small properties would take up a considerable portion of the lot, potentially jeopardizing agricultural production.
- b) How will it be determined that a farm operation is “legitimate”?
- c) The ALC appreciates that this section recognizes that any non-farm activity must be supportive to farm operations and not become the primary activity or business on the property.
- d) Monitoring/enforcement of non-farm activities will be needed.
- e) As above. Depending on how the District reacts to potential complaints of neighbours (esp. farms).
- f) Add “- for example by the loss of farm status” to 11.10.3 f)i. following the word agriculture
- g) If the property is in the ALR, and the compost is produced in the course of agricultural activities on the property without off-farm inputs (therefore a farm product), sales of the compost would be allowed under ALC Regulations and a local government may not restrict such activities. This

issue may also be affected by the Organic Matter Recycling Regulation. If the sales are considered a non-farm use by the ALC, a local government can restrict the activity.

In Section 11.10.4 the following comments, concerns and suggestions apply:

- a) The ALC assumes both ALR and non-ALR lands are intended to be captured in this section.
- b) Again, this is a very low threshold to be considered for farm worker accommodation. The District may require a measure of caution when considering the legitimate need for farm worker accommodation on smaller lots.
- c) The ALC appreciates the District's sensitivity to siting as a means of limiting the impact of additional housing on productive farmland.
- d) Again, the ALC appreciates that the District recognizes variations in the need for farm worker housing based on crop, land ownership, and other factors encourages a concern that the accommodation be genuinely temporary in nature.
- e) This section would benefit by the inclusion of some measure of the terms of employment (1/2 time, full time?), as well as the owner's involvement in the operation of the farm. There should be a demonstrated need for help on the farm and an explanation of why it is necessary for the farm help to actually live on the farm as opposed to commuting to work.
- f) This provision may appear to open the door for a housing project. In addition to meeting the guidelines, there must be some provision for contingencies if the "other" farms are sold or go out of production. What then happens to the housing?
- g) It is the ALC's experience that it is all too easy to re-commission a dwelling without approvals. It is suggested that buildings for farm worker accommodation should be easily removable and that should be the result if they are not being used as per the guidelines.

The ALC strives to provide a detailed response to all referrals affecting the ALR; however, you are advised that the lack of a specific response by the ALC to any draft provisions cannot in any way be construed as confirmation regarding the consistency of the submission with the ALCA, the Regulations, or any Orders of the Commission.

If you have any questions about the above comments, please contact the undersigned at 604-660-7011 or by e-mail (Gordon.bednard@gov.bc.ca).

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION



Gordon Bednard, Regional Planner

46695m1



Peninsula & Area Agricultural Commission

**c/o Saanich Municipal Hall
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Telephone: (250) 475-1775 Fax: (250) 475-5440
Secretary: Isobel Hoffmann, isobel.hoffmann@saanich.ca
Co-Chairs: Jack Mar & Phil Christie**

October 9, 2019

Mr. Ivo van der Kamp, Planner
District of Central Saanich
1903 Mt. Newton Cross Road
Saanichton, BC V8M 2A9

Dear Mr. van der Kamp:

DRAFT BYLAW – FARM WORKER ACCOMMODATION

Thank you for your letter of September 9, 2019 and the draft guidelines for temporary farm worker accommodation. The Peninsula and Area Agricultural Commission discussed this issue at its meeting on September 12, 2019, and we thank you for attending the meeting and providing clarification. It was also helpful that Mr. Bednard from the ALC was present to provide input from the its perspective.

We appreciate the District identifying temporary farm worker accommodation as a priority in its 2019 Strategic Plan, and the thorough consultation that took place with the farm community, as well as gathering input from the local residents at an open house and through an on-line survey.

The only major concern that PAAC expressed related to how the District would ensure applications were legitimate. Questions raised included: Has it been determined how many hours each week a farmhand has to work to qualify for on-farm accommodation, and is there a limit to the number of farmhands allowed per site? As you will see from the attached minutes from the meeting, both you and Mr. Bednard explained how these concerns could be addressed.

The Commission noted that there will always be people who will try to circumvent the system but that shouldn't interfere with a legitimate farmer who needs help. Nor should the regulations be so restrictive that it will defeat the intent. It is almost impossible to get farm help these days, and if the workers are Canadian and have to leave the farm after a few months, where will they live? This is a different scenario to temporary foreign workers, and it raised another issue about the current housing shortage in the region. It was suggested that temporary farm worker accommodation should not be used to address the housing shortage situation.

The Commission is hopeful that if the District's model proves to be successful that other municipalities in the region and on the Island will follow your example. Thank you for taking the lead in this important issue that has been a long time coming.

Yours truly,

"Jack Mar and Phil Christie"

Jack Mar and Phil Christie, Co-Chairs
Peninsula & Area Agricultural Commission

cc: Gordon Bednard, ALC; Councillors Graham (C.Saanich), Smythe (N. Saanich), Brice (Saanich) and Robin Tunnicliffe, Metchosin

**Member Municipalities:
Saanich, Central Saanich, North Saanich, Metchosin**

Appendix “A”

11.10 Agricultural Temporary Use Permit Area

11.10.1 Designation

- a) All lands designated as Agricultural and Rural on Schedule A Land Use Plan are designated as Temporary Use Permit Area under section 492 of the Local Government Act.
- b) For lands within the Agricultural Land Reserve, approval of non-farm uses by the Agricultural Land Commission is required prior to District approval.

11.10.2 Justification

The District would like to meet the following objectives:

- To support the local farming community.
- To ensure the sustainability and economic viability of the farm community.
- To preserve lands with potential for agricultural production.

11.10.3 General Conditions for Non-Farm Uses

- a) Non-Farm Uses may be permitted by Temporary Use Permit on lots of at least 2 hectares located in the Agricultural Land Reserve.
- b) The property must be classified as a ‘farm’ under the BC Assessment Act (i.e. have farm status).
- c) The Non-Farm Use must support and/or diversify the farm operation.
- d) The Non-Farm Use must not limit or have a negative impact on the farm operation or the land.
- e) The Non-Farm Use must not negatively impact other farms or neighbouring properties.

- f) The owner of land in respect of which a Temporary Use Permit for Non-Farm Uses has been issued may put the land in question to the use described in the temporary use permit until:
 - i. such time as the principal use of the lot ceases to be agriculture, for example by the loss of farm status; or
 - ii. the date that the temporary use permit expires; or
 - iii. 3 years after the temporary use permit was issued, whichever occurs first.
- g) A Temporary Use Permit shall not be issued to permit the sale of agricultural compost.

11.10.4 Guidelines for Farm Worker Accommodation

The following temporary use permit guidelines shall apply:

- a) The property must be classified as a 'farm' under the BC Assessment Act (i.e. have farm status).
- b) The minimum size of the farming operation is 2 hectares.
- c) The accommodation shall be sited close to the access road or on the least arable soils. When determining location, consideration shall be given to the overall area of additional access roads and parking necessary to service the accommodation.
- d) The accommodation for farm workers shall be installed on a temporary foundation with no basement.
- e) The accommodation shall only be used for the housing of farm workers.
- f) An application shall include information that demonstrates the need for farm worker(s), as well as for the accommodation to be located on site.
- g) A farm may apply to provide accommodation for workers from other farms subject to the applicant providing a written agreement between the farms

describing the arrangements, and the other farm(s) meeting the applicable guidelines in this section.

- h) If not used for a period of two consecutive years, the accommodation shall be removed or decommissioned.

