

SSIAA - Farm Housing Committee - Literature Review

Key Activity		Description	Due Date
WORK PLAN - SECTION 1- Literature Review - review, summary key and relevant information			
a	SSI-specific information	OCP, Islands Trust staff memos, ING Produce Study (housing needs identification)	
b	ALC requirements	Review ALC Act and Regulations, housing policy interpretation/guidance notices and housing chapters in ALC Handbook.	
c	Other communities' experiences	Saanich, Pitt Meadows, Abbotsford, Delta, Richmond	
d	Contacts		
e	Report		

REPORT - LITERATURE REVIEW (DRAFT 1)			
A SSI-specific information			
1	OCP	OCP objectives support farming, protection of land and necessary water supplies, the ALC and "Right to Farm" Acts, limits on non-farm use, and B.6.2.1.5 "to accommodate a level and type of residential use on agricultural land that reflects the business needs of farm operations and is consistent with objectives for island populations". OCP policies allow campgrounds on agricultural land, and B.6.2.2.7 "on the advise of the AAC, the LTC should continue to support local farming by: a) addressing the need for additional housing on agricultural land, b) permitting appropriate farm uses as defined by the ALR Act & Regulations, g) considering changes to the LUB, based on the objectives of the AFP and in consultation with the ALC and Ministry Agriculture and Lands to permit additional dwellings for farm workers, and h) considering changes to the LUB to further support agri-tourism.	
2	LUB	For A1 and A2 zones, plus any other zones in the ALR, the LUB allows one single family dwelling (SFD) and one additional dwelling provided it is:1) a mobile home as per ALC general order #1622/83 (see below), b) a secondary suite maximum 85 square metres (914.9 sq.ft.) as per ALC, or c) farm workers dwelling approved by the ALC. Allows home based business which may be B&B or boarding house. A1 zones and non-A1 zones in the ALR are also permitted campgrounds 'accessory to a commercial farm business' (subject to Schedule F [<i>what is this?</i>], with limits to 10% for self-contained RVs) and seasonal cottages of 56 sq. metres (602.7 sq.ft.) on lots of 1.2 ha (2.97 ac) for temporary accommodation.	

3	Islands Trust nemo 26-Jan-2009 Brodie Porter to George Ehring.	Trust staff interpretation of ALC regulation for housing farm workers and relationship with OCP and LUB. All housing options permitted by the ALC must also be permitted by LTC bylaw. TLC bylaws must confirm whether farm worker dwellings are permitted, and the maximum number per parcel. LTC should either adopt guidelines for housing that qualifies as farm worker housing, or if there is doubt seek approval from the ALC. <u>OCP</u> speaks generally to the need for additional housing, with provisions to protect the ecological integrity of the land and LT farming potential. It supports the business needs of farming, and "seek to support provision of housing for farm workers as part of the consultation process," [<i>not sure what this means</i>], and based upon objectives in AFP. Agri-tourism housing could support WOOFERs. <u>LUB</u> allows one farm workers dwelling in addition to one SFD if approved by the ALC as non-farm use. It does not allow for more than one farmworker dwelling, nor provide guidelines for LTC to approve without ALC approval. Allows 'other' [?] forms of agri-tourism accommodation and temporary accommodation with ALC approval. B&B is permitted without ALC approval.
4	Islands Trust nemo 27-Jan-2009 Brodie Porter to George Ehring.	Opportunities for farm worker housing outside ALR (A1 or A2) where ALC regulations do not apply. Agricultural use is permitted in 2 Forestry and 10 Rural zones, but only RU1 permits additional dwellings (1/8 ha) that could house farm workers or be rented to non-farm workers to supplement farm income. Seasonal cottages are permitted in one F zone and 7 R zones, but use is limited to temporary accommodation 'in conjunction with recreation'. Some zones allow the main dwelling or cottage to be used as a boarding house or B&B (on a temporary basis and in conjunction with recreation). The bylaw does not permit paid farm worker occupancy, but as the concept of agri-toursim develops, farm work vacations may be permitted.
5	AFP (housing needs)	Jan 2008 AFP, one of the 'Additional Strategies for a Sustainable Agricultural Future' is to "Address the farm housing issue". "There is a need for more affordable housing on Salt Spring for farm labourers and new farmers. Current land use regulations limit the construction of permanent, on-farm housing and prevent farmers from offering long-term, good quality housing to farm labourers. Affordable on-site housing would help farmers recruit potential farm workers." "In its policy proposals for agriculture to the Salt Spring Island OCP review process, the Area Farm Plan Steering Committee recommended that opportunities be provided to increase housing availability for farm workers and others who augment family farm income. It suggested that the Island Trust establish guidelines and criteria to assist in the determination of dwellings "necessary for farm use" on farmland located outside of the ALR and to assist the ALC with the determination of legitimate need for lands located within the ALR."
6	ING Produce Study (housing needs)	November 2005 Study (P. Reichert). Key Finding #4 - "Sixty percent of the commercial produce farmers involved in this study expressed an interest in increasing their vegetable and fruit production...also identified several obstacles that affect the feasibility of expansion....1) Shortage of farm labour - challenge is to find workers with basic knowledge of farming and the skills to work independently...associated is the lack of affordable housing on the island for the workers to live in."
B ALC requirements		
1	ALC Act	Section 18 (a) (ii). States local government "may not (ii) approve more than one residence on a parcel of land unless the additional residences are necessary for farm use.". Section 22(1) "Commission may decide applications made under various sections of the Act and grant or refuse permission and may impose conditions".

	2 ALC Regulations	Agricultural Land Reserve Use, Subdivision and Procedure Regulation. No limits on number of additional dwellings, but must be necessary for farm use. Section 3(1)(a) permits accommodation for agri-tourism on a farm if (i) has farm status, (ii) limited to 10 sleeping units of seasonal campsites, cabins or short-term use of bedrooms including B&B, and (iii) total developed area < 5% of parcel. B&B is defined as not more than 4 bedrooms for short-term tourist accommodation. Section 3(1)(b) permits other residential uses "...unless otherwise prohibited by local government bylaw:... b) for each parcel (i) one secondary suite within a single family dwelling, and (ii) one manufactured home, up to 9 m in width, for use by a member of the owner's immediate family;" Section 1(1) defines immediate family as a) parents, grandparents and great grandparents, b) spouse, parents of spouse and step parents of spouse, (c) brothers and sisters, and (d) children or stepchildren, grandchildren and great grandchildren."
	3 General Orders	Temporary mobile homes #1622/83. One MH as secondary dwelling if no more than one SFD already, if for a relative or a person paid to work on the farm. MH must not be on a permanent foundation with a basement, removed in 90 days after no longer used as permitted and land rehabilitated for agriculture. Additions to MH 24 sq.m. maximum.
	4 ALC policy interpretation guidance notices (Act)	ALC Policy #9 "Additional Residences for Farm Use" interprets Act Section 18 (a) (II). Local government must be convinced that there is a legitimate need for additional residences for farm help. One criteria should be farm classification by BC Assessment, and should consider the "size and type of operations and other relevant factors". Suggests local government (as 'permitting officer') could seek advice and direction of Ministry of Agriculture and ALC. LUB should not necessarily be basis for determining need for farm help. Automatically permitting a second residence based on parcel size is not appropriate. Some local governments have detailed guidelines with thresholds for different types of operations specified to assist in evaluating the legitimacy of a request. <i>[does this imply that LTC can approve if ALC is satisfied with criteria?]</i>
	5 ALC policy interpretation guidance notices (Regulation)	ALC Policy #8 "Permitted Uses in the ALR: Residential Use" interprets Regulation Section 3(1)(b). Permits secondary dwelling within a SFD, with no limits on who occupies the suite. One manufactured home may be used for immediate family (as defined by the Regulation). If the mobile home is no longer occupied by immediate family, it is no longer a permitted use and must be either removed or used for non-residential use.

6	Housing chapters in ALC Handbook.	Chapter 2) additional homes for farm help and Chapter 3) siting and size of dwellings. <u>Farm Help</u> : If local approval authority has "any degree of doubt with respect to a dwelling being needed for farm use..." ALC approval is required. <i>[does this imply that LTC can approve without any ALC input to application or evaluation criteria?]</i> . Act is province wide and cover locations far from population centres (where several homes may be required) to locations such as Lower Mainland and Okanagan (legitimacy of need for housing, with reasonable housing alternatives available nearby). Determining "necessary to farm use" is difficult for approving authorities, who sometimes have limited agricultural experience. BC's agricultural diversity complicates this further. Lists suggestions to help determine need - applicant to provided detailed information about the farm, evaluate consistency with LUB, evaluate siting problems related to health (eg sewer), farm tax assessment, sufficient farming activity for another full-time worker if owner works off-farm (e.g. not part-time or hobby farming), consult with Ministry Agriculture, ALC staff, agricultural advisory committee, farmers' institute or other farm group, ALC Act override any LUB that allows further dwellings than needed, BP should not be issued if farm operation does not justify need, if any doubt application to ALC is required. <u>Siting and Sizing</u> : Residences take land out of agricultural production and in sensitive siting can cause long-term hard to agricultural usefulness. Lengthy driveways consume more land, make management difficult. Siting regulations should provide distance separation with adjoining agricultural uses, and proposes maximum and minimum set-backs. Suggest mechanism to discourage 'mega' or 'estate' homes occupied by non-farmers.
7	ALC Handbook Policy Development considerations	Principles & Points for consideration - one lot/one home should be basic principle, unnecessary provision of housing can have negative effect on land and agricultural use, justifiable need for housing for farm help in some circumstances, <u>need to establish criteria</u> , operational criteria should be commodity sensitive and require full-time employment of at least 1.5 persons, consider minimum lot sizes under which additional housing is not permitted, application to ALC made where proposal is outside existing provisions, residual zoning powers of local government not be usurped (i.e. when zoning more restrictive than ALC). <u>Considerations for criteria development</u> may include land base of operations, farm receipts or capital value of operations, care of livestock, size/type/complexity of operation, need during farm development, proximity to urban areas, agricultural areas of predominantly small parcels, possible negative impacts (promotion of subdivision, increased land values, future non-farm associated uses), need for bonding or annual inspections.
C Other communities' experiences		
1	Central Saanich	In response to a difficult application for farm dwellings, in 2005 City Council passed a motion that "consideration of the adoption by the District of detailed guidelines as a basis for determining the legitimacy of requests for additional dwellings for farm help be referred to a future Committee Meeting for further discussion". This remains to be resolved; planner responsible uses Ministry of Agriculture discussion paper on guidelines/criteria for guidance (to be further explored in Section 2 - Options for Criteria, Ministry of Agriculture Guidance).
2	Pitt Meadows AAC recommendations June-2008	Concern that 'estate' homes are a growing trend, destabilizing farming communities, increasing land prices, and increasing potential for land use conflict. Planner recommend zoning regulations to limit maximum house size based on parcel size, include all impervious surfaces in coverage calculations. AAC members feel placement more important than size, and caution against affecting ability to provide full-time worker housing, 'owners of monster homes...are biggest complainers about farm practices'. Siting should be based on non-farmable land locations (e.g. corner generally best), should establish list of criteria for profession agrologist to report on. Currently permits accessory full-time employee housing for all properties with farm status (allowed even with small amount of farming). Possible policy directions-require farm house for employees to be on same 'home plate' as principle residence, permitting only housing on lots > 4 ha, require agrologist report that justifies need. AAC rejects parcel size criteria (intensive operations).

3	Abbotsford zoning bylaw (<i>draft, current status unknown</i>)	Abbotsford uses a 'criteria' based method to consider legitimacy of need for additional farm worker dwellings, called 'Accessory Full-Time Employee Residential Use' (ACFTRU). Only permitted in ALR, must have farm status as per BC Assessment, limited to one dwelling per farm operation, provided total number of dwellings (excluding seasonal housing) does not exceed two dwellings. If farm > 40 ha, two ACFTRU dwellings permitted. Restrictive covenant registered on title if farm operation on 2 lots, preventing additional dwelling(s) on second lot. If one or more lots leased and owner resides on same lot, mobile home permitted for adult member of family working full-time on farm, but to be removed if/when lot no longer forms part of farm operation (agreement secured by covenant registered on title). Statutory declaration must be signed and deposited with City. Evaluation criteria similar to Ministry of Agriculture "Minimum Established Levels of Operation Guidelines" which propose minimum levels of operation of various farm types / crop types (e.g. minimum 6 ha for apple orchards, 200 calves for beef operations, etc.) Ministry of Agriculture to be further explored in Section 2 - Options for Criteria, Ministry of Agriculture Guidance).
4	Delta	Requires Professional Agrologist report to evaluate need for housing, and have established guidelines for report. Allows housing for retired member of family who worked full-time on farm or full-time employee. Requires that additional housing is net benefit to operation and siting does not negatively affect operation. Requires application to ALC, with Agrologist report attached. P.Ag. report to describe in detail established level of farm operation, detailed agricultural rationale for need for full-time farm employee living on site, assessment of the impacts on the operation. Detailed checklist provided for farm and operation (including size, type, yields, labour requirements, other activities, details on labour), rational (residents involvement in operation, adequacy of existing residence, reasons required, proximity to other housing options, impact and benefits to operations, description of proposed housing).
5	Richmond	2006 AAC worked with staff on options for <u>temporary accommodation for seasonal farm labour</u> . Concerns include need, risk of becoming permanent, potential for further sub-division of accommodation buildings, removal of buildings when no longer needed, must meet needs of agricultural sector. Zoning option recommended is permitting on site-specific basis (as opposed to right in ag zones), allowing for Council monitoring, determination of necessity to function of farm, allows legal provisions to ensure conditions met, seasonal/dates can be imposed, requires process and public hearing. To minimize abuse, staff inspections for building permit process, buildings occupied by farm labour only during permitted period, not occupied at other times. Only mobile buildings permitted. City sewer or sewage holding tanks only to minimize negative impact on farm land required for large septic fields (tanks also more cost effective than fields). Statutory declaration that accommodation for seasonal labour only, dates of occupation, compliance with all regulations, building removed when no longer required at the cost of the owner, and permitting City inspections. OCP Bylaw 7100, Amendment Bylaw 8074.
D Contacts		
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