

Section 20.1 of the *Agricultural Land Commission Act* states that agricultural land may have no more than one residence per parcel. An owner may, however, apply to the Agricultural Land Commission for permission to have a “non-adhering use.”

An application for a non-adhering use which would allow an Additional Farm House (Migrant Farm Worker Housing) must be submitted to the Agricultural Land Commission and subsequently, to the City of Delta. The Agricultural Land Commission will not consider the application unless it receives notice of City Council’s approval to forward it to the Agricultural Land Commission for consideration.

An application for an Additional Farm House/non-adhering use must also be supported by a report prepared by a Professional Agrologist to be retained by the City of Delta and paid for by the applicant.

The following checklist will help to serve as a guide for building permit applicants wishing to move pre-manufactured buildings onto their property to house “migrant farm workers” (as defined in Delta Zoning Bylaw No. 7600, 2017). It represents only minimum application requirements. Depending on the nature of the application and project specifications, the City of Delta may require more information.

All buildings exceeding 600 square meters in building area, or exceeding 3 storeys in building height that contain a residential occupancy, are defined as a “COMPLEX BUILDING” under Delta Building and Plumbing Bylaw 6060. Additional requirements apply. Please contact the Building Division for more information.

- Completed Building Permit Application Form
- Completed Schedule 2, Owner’s Undertaking
- Completed Schedule 3 (if applicant is not the owner of the property)
- Form H - Soil Contamination Review
- 2 lot grading and site servicing plans with the following information included:
  - Legal description and civic address of parcel
  - Dimensions of parcel
  - Dimensions and locations of existing and proposed buildings and farm operations on the parcel
  - Location of Farm Home Plate: Migrant Farm Worker Housing (see Attachment A)
  - Location of Amenity Space
  - Setbacks from proposed building and all accessory facilities to all property lines
  - Setbacks from proposed building and all accessory facilities to natural boundary of any water or water course, including ditches
  - Location of nearest fire hydrant, and distance of hydrant from proposed building
  - Size, location, and depth of existing and/or proposed service connections
  - Locations of and dimensions of all rights-of-way and easements over property
  - Location and dimension of existing/new parking and driveway access (if new driveway access is proposed over a ditch, show culverts)
  - Existing and finished ground levels to G.S.C datum
  - Proposed retaining structures
  - Storm water drainage
  - Proposed main floor elevation relative to G.S.C. datum, the underside of the floor system is required to be at a minimum elevation of 2.9m.
  - Septic tank and field or other wastewater treatment location (if applicable)



- 2 sets of Construction Plans including a:
  - Site plan
  - Foundation plan\*
  - Floor plan(s)\*
  - Building elevations\*
  - Cross section(s) and details\*

\*For CAN/CSA-Z240 MH Series, "Mobile Homes," support and anchorage details are required as well as construction plans for stairs, landings and decks.
- Completed Schedule B for:
  - Structural (if required)
  - Geotechnical
- Proof of professional liability insurance is required for each registered professional
- A soils report from a Geotechnical Engineer
- 2 copies of detailed plumbing drawings are required for proposed housing consisting of more than 2 attached dwelling units
- Confirmation of filing with Fraser Health Authority for septic (where hook-up to municipal system is not available)
- Fill Plan (one set signed and sealed by a registered professional engineer), if more than 0.3 m of fill is proposed
- 2 sets of landscape drawings showing plant types, sizes, planting method and location on property. If landscape screening is required (in lieu of 30 m setback from nearest dwelling unit on another lot)
- Non-refundable building permit application fee
- Non-refundable deposit of \$500.00 for preparation and registration of covenant as noted in Attachment B



## ATTACHMENT A

Farm Home Plate: Migrant Farm Worker Housing

### Definition:

The “Farm Home Plate: Migrant Farm Worker Housing” is the portion of the property including the migrant farm worker housing, “Amenity Open Space” and accessory buildings used solely by “Migrant Farm Workers” for recreation or storage of their personal items. Accessory facilities include:

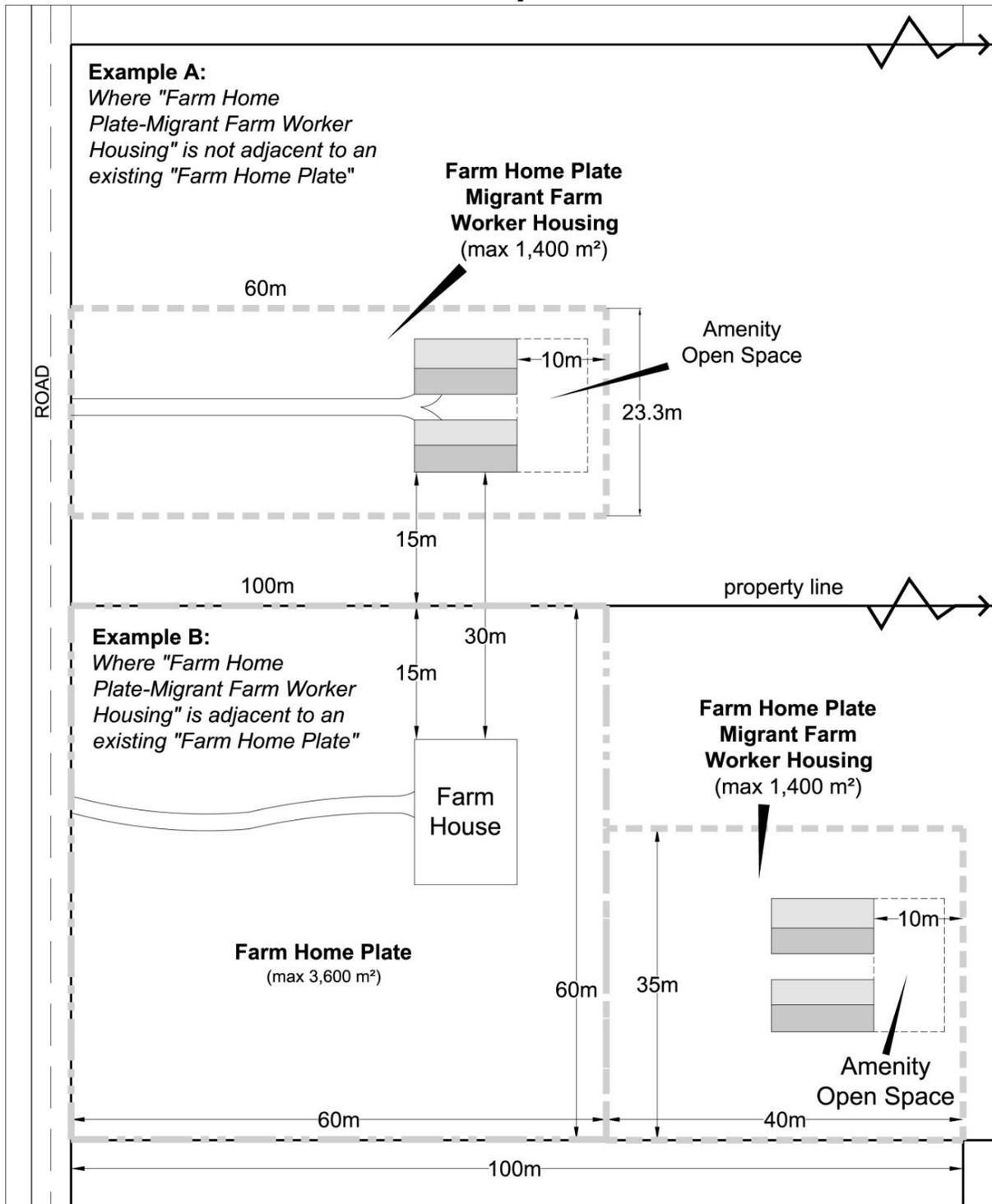
- Attached or detached garages for storage of a vehicle used by migrant farm workers residing at that location
- Decorative landscaping
- Attached or detached household greenhouse or sunroom
- Storage sheds or recreational buildings for uses solely by migrant farm workers residing at that location
- Artificial pond not serving farm drainage or irrigation needs
- Residential related recreation facilities e.g. Swimming pools and tennis courts

### Siting Requirements for Migrant Farm Worker Housing:

- Maximum area of a “Farm Home Plate: Migrant Farm Worker Housing” is 1,400 m<sup>2</sup>
- All accessory residential facilities should be included within this area
- Maximum depth for a “Farm Home Plate: Migrant Farm Worker Housing”, where it does not adjoin a “Farm Home Plate” is 60 m measured from a dedicated and constructed road
- Where a “Farm Home Plate: Migrant Farm Worker Housing” and “Farm Home Plate” are adjoining and located on the same ‘lot’, their maximum combined depth is 100 m measured from a dedicated and constructed road
- One boundary of a Farm Home Plate, Migrant Farm Worker Housing, must be located at a property line fronting on a road from which vehicular access is obtained
- The rear face of the Migrant Farm Worker Housing must not be less than 10 m from the rear of the Farm Home Plate, Migrant Farm Worker Housing
- Minimum Migrant Farm Worker Housing setback from:
  - Front Lot Line: - 6 m
  - All Other Lot Lines: - 15 m
  - A Dwelling Unit On Another Lot: - 30 m  
(or landscape screening in lieu of 30 m separation)



## Farm Home Plate - Migrant Farm Worker Housing Examples



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## ATTACHMENT B

For All Migrant Farm Worker Housing Applications:

Before a Building Permit can be issued, the owner of the property is required to register a restrictive covenant on the title of the property stating that:

- The accommodation shall only be used for the accommodation of full-time 'Migrant Farm Workers' hired through the Federal programs specified in this bylaw, as amended or replaced from time to time.
- The accommodation shall only be used during the periods of time approved by the Federal program under which the workers are hired.
- The 'Dwelling, Manufactured Home' used for 'Migrant Farm Worker Housing' shall be removed, at the owner's expense, by December 31<sup>st</sup> of the second year following the year when the most recent statutory declaration was submitted.
- An 'Additional Farm House' used for 'Migrant Farm Worker Housing' shall be removed or converted to a non-residential use, at the owner's expense, by December 31<sup>st</sup> of the second year following the year when the most recent statutory declaration was submitted.
- A minimum financial security, equal to the cost to remove a 'Dwelling, Manufactured Home' or to demolish or convert an 'Additional Farm House' as the case may be, shall be provided to Delta. This security may be drawn upon by the City should the owner fail to remove, demolish or convert the 'Migrant Farm Worker Housing' as required in this bylaw by December 31<sup>st</sup> of the second year following the year when the most recent statutory declaration was submitted.
- A new estimated cost prepared by a qualified contractor to remove, demolish or convert as appropriate, the 'Migrant Farm Worker Housing' shall be provided to Delta every five years and the financial security deposited with Delta adjusted accordingly.
- If the security is not sufficient to cover the costs incurred by the City, the Owners shall pay the balance owing to the City. If the balance is not paid, the City shall be authorized to recover the amount of the invoice, from the Lands in the same manner as it would be able to collect unpaid municipal taxes.
- The operator of the 'farm' shall indemnify and save Delta harmless for any loss or damage suffered as a result of Delta exercising any rights or enforcing any obligations in the covenant.

Please note that, prior to issuance of an Occupancy Permit for migrant farm worker housing and every year thereafter, the operator of the 'farm' shall deposit a statutory declaration with the City of Delta verifying:

- The dates of proposed occupancy.
- The number of 'Migrant Farm Workers' approved for that farm in an employment confirmation provided through the Federal Migrant Agriculture Farm Worker Program or Pilot Project for Occupations Requiring Lower Levels of Formal Training, as amended or replaced from time to time.
- That the housing complies with all applicable Delta regulations.
- That the 'Migrant Farm Worker Housing' is covered by insurance for the dwelling.



That the 'Migrant Farm Worker Housing' shall be occupied only by workers hired through the Federal Migrant Agricultural Farm Worker Program or the Pilot Project for Occupations Requiring Lower Levels of Formal Training.

Documentation shall be provided to support the statements made in the statutory declaration.

For further application requirements and information, please click on the hyperlinks:

[Land Use and Development Application Form](#)

[Building Permit Application Form](#)

[Schedule 2](#)

[Schedule 3](#)

[Form H](#)

