

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 items help to serve as a guide for farm owners wishing to use an existing additional farm house on 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.

A. Where an existing additional farm house is proposed to house workers and **physical alterations are proposed**, the following submissions are required for building permit and land use review:

- Completed Building Permit Application
- Completed Schedule 2 - Owner’s Undertaking
- Completed Schedule 3 – Owner’s Authorization (if applicant is not the owner of the property)
- Form H - Soil Contamination Review
- 2 copies of a site plan with the following information included:
  - Legal description and civic address of parcel
  - Dimensions of parcel
  - Dimensions and locations of existing/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
  - 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)
- 2 copies of Construction Plans including:
  - Floor plans
  - Building elevations
  - Cross section(s)





## 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:

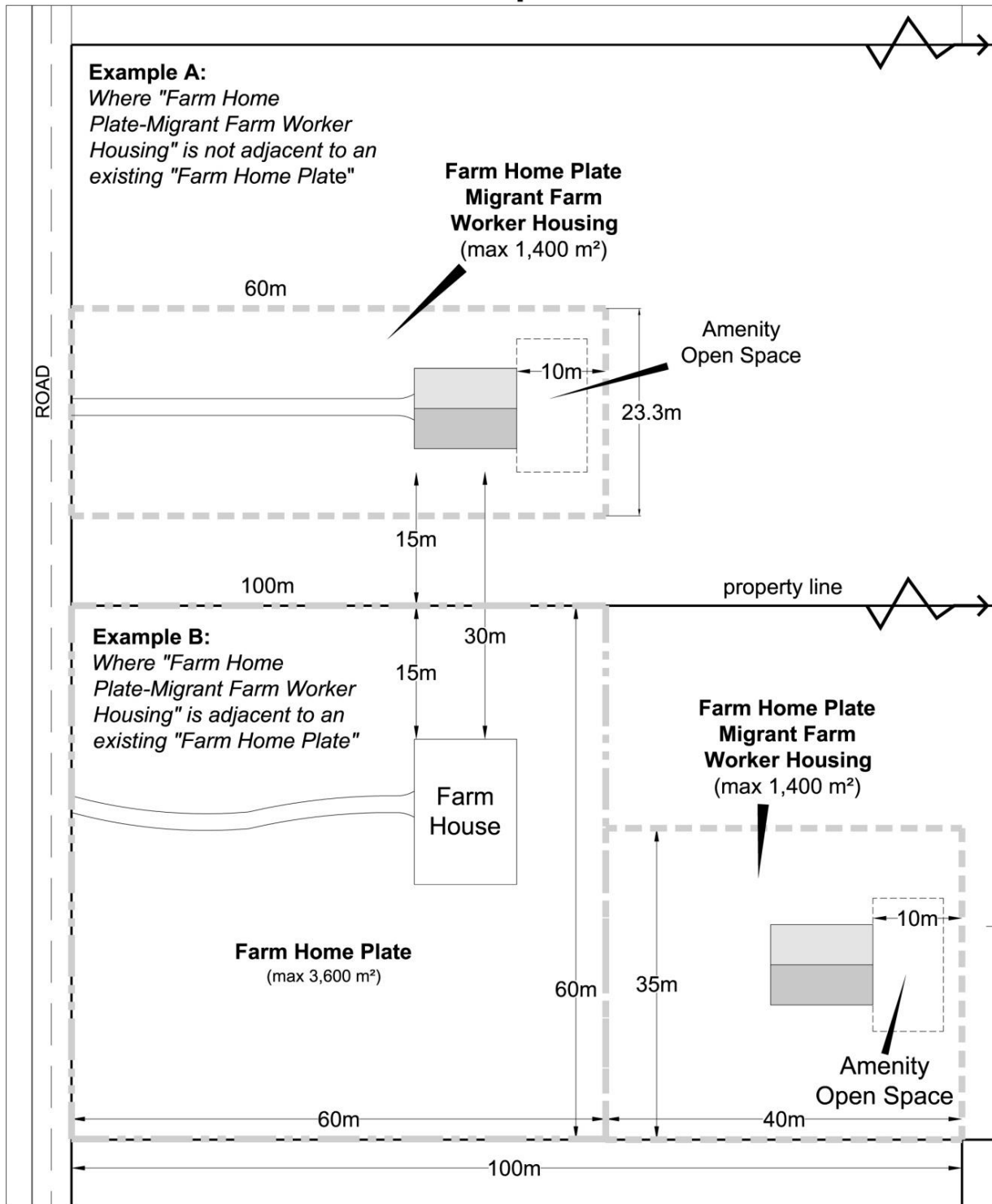
- Attached or detached garages for storage of a vehicle used by migrant farm workers residing at that location
- Decorative landscaping
- Attached or detached household greenhouse or sunroom
- Storage sheds or recreational buildings for uses solely by migrant farm workers residing at that location
-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

In order to comply with the requirements of Delta Zoning Bylaw No. 7600, 2017, the owner of the property is required to register a restrictive covenant on the title to the lot 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 31st 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 31st 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 31st 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, in order to comply with the requirements of Delta Zoning Bylaw No. 7600, 2017, 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 housing has been inspected by an inspector recommended by the Western Agriculture Labour Initiative (W.A.L.I.) and certified as being in compliance with the “Guidelines for the Provision of Housing for Seasonal Agricultural Workers in BC” as amended or replaced from time to time.
- 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. An updated statutory declaration is required every year thereafter to ensure that the housing is being used in compliance with Delta’s Zoning Bylaw.

