



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chairs and Members Planning Committee
COMMITTEE DATE:	March 22, 2022
SUBJECT/REPORT NO:	Farm Labour Residence Discussion Paper (CI-22-E) (PED22002) (Wards 9, 10, 11, 12, 13 and 15) (Outstanding Business List Item)
WARD(S) AFFECTED:	Wards 9, 10, 11, 12, 13 and 15
PREPARED BY:	Aminu Bello (905) 546-2424 Ext. 5264
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Farm Labour Residence Discussion Paper, attached as Appendix “A” to Report PED22002, be **RECEIVED**;
- (b) That staff be directed and authorized to undertake public and stakeholder consult on the Farm Labour Residence Discussion Paper in Q2, 2022;
- (c) That staff report back to Planning Committee summarizing input from the public and stakeholder consult with recommended amendments to the Rural Hamilton Official Plan and Zoning By-law 05-200 in 2022;
- (d) That Item 21(L) respecting delegations respecting the Official Plan's Farm Labour House Policy be considered complete and removed from the Planning Committee's Outstanding Business List.

EXECUTIVE SUMMARY

On May 4, 2021, Planning Committee directed staff to explore options to update the City's Farm Labour Residence policies and zoning regulations within the Rural Hamilton

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Official Plan (RHOP) and Zoning By-law 05-200 and report back to Planning Committee.

As defined under the RHOP, a Farm Labour Residence (FLR) means secondary accommodations provided for full-time farm labour where the size and nature of the farm operation requires additional employment in the form of either of the following:

- (a) An accessory apartment attached to and forming part of the principal farm residence; or,
- (b) An accessory detached dwelling of temporary construction, such as a mobile home or bunk house located in close proximity to the farm cluster.

In other municipal jurisdictions, FLRs are also known as farm help dwellings, accessory farm residences, farm help houses, seasonal farm work housing, accessory seasonal employee residential uses. Generally, a FLR is temporary form of housing to accommodate farm workers regularly employed at a farm operation. Increased market demand for Agri-Food both locally and internationally has driven growth in the agriculture sector resulting in changing needs for FLRs and the nature of farming operations.

RHOP Policy D.2.1.1.6 permits a maximum of one farm labour residence in the form of an accessory detached temporary dwelling (mobile home or bunk house) or attached to the principal residence (accessory apartment) without a Zoning By-law Amendment.

The FLR Discussion Paper attached as Appendix “A” to Report PED22002 provides a summary of current FLR policies, zoning regulations, and municipal comparisons to inform recommendations for expanded as-of-right permissions for the development of FLRs within the rural area. The FLR discussion paper intends to explore options to reduce development barriers for FLRs and support additional opportunities for agricultural producers seeking to accommodate farm labourers on-site.

Planning staff have identified potential policy changes and zoning regulation modifications to improve flexibility for FLR development for public consultation and feedback. The identified FLR options are centred on four key issues:

- Number of FLRs permitted per lot;
- Size of temporary detached structures;
- Built form (i.e. non-permanent structures); and,
- Separate private servicing from the principal dwelling.

Proposed updates to FLR policies and the zoning regulations will require public and stakeholder feedback prior to further consideration of any amendments to the RHOP

and Zoning By-law 05-200. The objective of the public and stakeholders consult is to consider feedback to determine whether the FLR options are flexible to accommodate farming operational needs and address any public concerns. Staff are seeking direction to gather input on the FLR Discussion Paper through public and stakeholder consultation to take place before Q2, 2022.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

At the May 4, 2021 Planning Committee meeting (Item 9.2), two delegates from the farm community expressed challenges encountered with the City’s FLR policies that prohibit the development of a second FLR to support greenhouse operations. The delegates expressed a need for multiple FLRs containing independent private servicing from the existing principal residence. Staff were directed by Planning Committee to undertake a FLR policy/zoning review.

In response to the delegations, Planning Committee advised staff to work separately with the delegates to find a solution on their FLR Application.

On May 12, 2021, the City adopted housekeeping amendments to Zoning Bylaw 05-200 that included changes to the By-law relating to FLR. Specifically, the changes were to update the Farm Labour Residence definition, add a new clause to describe permitted built forms and delete a clause related to Farm Labour Residence in the form of an accessory apartment not exceeding 25% of the gross floor area of the principal farm Dwelling. The housekeeping amendments were part of the Secondary Dwelling Unit (SDU) regulations that were recently introduced across the Hamilton urban area. The housekeeping amendments introduced permissions for SDUs internal to the principal dwelling within most of Rural Hamilton.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Plans

The Provincial Policy Statement (PPS) 2020 and the Greenbelt Plan 2017 include farm labour residences as part of agriculture uses definition provided the associated on-farm buildings and structures constitutes accommodation for full-time farm labour when the size and nature of the operation requires additional employment.

Niagara Escarpment Plan (2017)

The Niagara Escarpment Plan (NEP) builds upon the by the Provincial Policy Statement and provides additional land use planning policies for preservation of the Niagara Escarpment. The NEP land use designations and policies prevails over the RHOP. A RHOP amendment may proceed without amending the NEP provided the proposed development is not conflict with the NEP or does not involve an Escarpment Natural Area. NEP policies supersede the authority of Zoning By-law 05-200.

The NEP permits temporary dwelling unit(s) accessory to agriculture for farm labour subject to general criteria set out in Part 2.8.5 of the NEP.

In the Fall of 2021, the Niagara Escarpment Commission (NEC) staff completed a review and analysis of the NEP agricultural policies, which included dwelling unit's accessory to agriculture. An amendment to the current NEP policies is not anticipated, but NEC staff have recommended the Commission direct staff to develop Policy Guidelines.

Rural Hamilton Official Plan

Policy 2.1.1.6 the RHOP permits a FLR on the same lot as a primary farm use provided that the following conditions are met:

- The need for additional on-site farm labour is justified;
- A maximum of one FLR per lot;
- FLR is serviced by the same private sewer and water system as the primary residence; and,
- FLR removed once no longer required for farm help.

Additionally, RHOP policy 2.1.1.7 of the RHOP does not permit lot severances for a FLR.

Zoning By-law 05-200

A FLR is permitted under the Agricultural (A1), Rural (A2) and Extractive Industrial (M12) Zones provided it is accessory to an agricultural use. The agricultural regulations under the respective zones prescribe the following regulations:

- Maximum of one FLR per lot, located within 30 metres of the farm dwelling;
- 10.5m maximum building height;
- Shared driveway access to the farm dwelling;
- Minimum 65.06m², up to a maximum 116.2m² for any temporary detached dwelling; and,
- Minimum 65.06 m² or 8.36m² per resident for any temporary bunk house (whichever is greater).

A more detailed policy and zoning review is included in the FLR Discussion Paper attached as Appendix “A” to Report PED22002.

RELEVANT CONSULTATION

Staff within the Building Division, Hamilton Water (Source Water Protection) and Development Planning, Heritage and Design were consulted to identify any interpretation and/or implementation issues with the alternatives provided under the FLR Discussion Paper.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. Summary of Other Municipal Approaches

A scan of best practices in other municipalities was undertaken to assess Official Plan policies and zoning regulations implemented in other jurisdictions.

Planning staff have identified similar requirements across the reviewed municipalities being:

- Provisions for a maximum of one FLR per lot to be located in proximity to the primary residence;
- Temporary construction, where the FLR is removed once no longer required for the farm operation; and,
- General provisions that FLRs have adequate servicing (no reference to shared servicing required between the primary dwelling).

2. FLR Discussion Paper – Summary

The discussion paper includes an evaluation by Planning staff based on limitations with current RHOP policies and zoning regulations based on the following five key issues:

- Number of FLRs per lot;
- FLR size (i.e. Gross Floor Area);
- Built Form (temporary construction);
- Servicing; and,
- Amendments for consistency with SDUs.

Each of the key issues present several alternatives for consideration that were evaluated based on their advantages and disadvantages, which then informed the following preliminary options for further consultation:

- Permit more than one Farm Labour Residence per lot up to a maximum aggregate gross floor area of 420m² combined for all temporary detached dwellings on an agricultural parcel;
- Increase the maximum gross floor area from 116.2m² to 200m² for an individual Farm Labour Residence;
- A Farm Labour Residence must be a temporary dwelling (i.e. mobile home, bunk house, etc.). Permanent structures will not be permitted as-of-right; and,
- Permit Farm Labour Residences to contain separate servicing from the principal residence to the satisfaction of the City.

The options for further consultation were derived by an evaluation of best practices from municipalities across Ontario and British Columbia, in conjunction with a review of development trends of Farm Help House Applications received by Planning staff.

3. Relationship to Rural SDUs Study

A separate study of Detached SDUs in the Rural Area is currently being undertaken by Planning and Public Works staff. The study intends to assess potential sustainable servicing impacts that detached SDUs may have in the Rural Area such as ground water protection, wastewater/sewage disposal and lot size requirements. Many of the same servicing considerations pertain to FLR to ensure long-term sustainability of the private servicing (i.e. well and septic system).

This report identifies the following alternatives for consideration to ensure compatibility with forthcoming rural Detached SDU changes:

- Removal of any references to accessory apartments within the FLR RHOP policies as internal SDUs are the equivalent permitted use; and,
- Consideration of prohibiting development of a Detached SDU where an approved FLR exists to reduce development pressures for multiple accessory residential built forms on agricultural land.

These considerations will be reviewed further through the Rural Detached Study following the completion of the review of potential servicing impacts in the rural area.

4. Next Steps

The following external stakeholders and agencies will be consulted in Q2, 2022 to inform the Final Discussion Paper:

- Engage Hamilton;
- Agricultural and Rural Affairs Committee;
- Ontario Federation of Agriculture (OFA);
- Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA); and,
- Other interested parties.

Feedback from the stakeholder consultation will support a Final Report to Planning Committee in 2022. In response to the stakeholder feedback, Planning staff will recommend potential RHOP policies changes and technical changes to the zone provisions in Zoning By-law 05-200.

ALTERNATIVES FOR CONSIDERATION

Alternative issues were presented for consideration, but not part of planning staff's recommendations, which include:

- Maintain status quo – permit a maximum of one FLR per lot. Any subsequent FLRs on the same lot require a Zoning Bylaw Amendment;
- Permit a maximum of three FLRs per lot, where the second and third temporary detached dwellings must take the form of a mobile home;
- As-of right permission for a permanent FLR for greenhouse operations only; and,
- Eliminate the maximum gross floor area requirement from FLR zoning regulations.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state-of-the-art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Farm Labour Residence Discussion Paper

AB:sd