



**Date:** June 27, 2022

**To:** Mayor and Council

**Author:** Richard Wyma, Director of Community and Development Services

**RE:** Kingsville Temporary Farm Worker Housing Study – Final Report and Recommendations

**Report No.:** CaDS 08-22

---

## **RECOMMENDED ACTION**

1. That Administration **BE DIRECTED** to prepare Official Plan Amendments and Zoning By-Law Amendments to:
  - a) Create a new definition of “Temporary Farm Worker Dwelling Unit” (“TFWDU”), with three sub-categories being:
    - a. Small (4 or less temporary farm workers)
    - b. Medium (5 to 9 temporary farm workers)
    - c. Large (10 and more temporary farm workers)
  - b) Allow Small TFWDUs in all agricultural areas and (urban) residential areas, both on the farm and off the farm;
  - c) Allow Medium TFWDUs in agricultural areas, both on the farm and off the farm;
  - d) Allow Large TFWDUs in agricultural areas, only on the farm where workers are employed;
  - e) Require all new TFWDUs located on the farm where workers are employed to provide additional amenity spaces for workers and separation from operational facilities;
  - f) Require all TFWDUs to be licensed by the Town at \$150 per TFWDU per annum; and,

- g) The maximum number of persons in a TFWDU is determined by the lower of the limit set by:
- a. The Windsor Essex County Health Unit
  - b. The Kingsville Fire Department / Fire Code
  - c. 28 sq.m (300 sq.ft.) per person of liveable completed space

## **BACKGROUND**

On August 16, 2021, Kingsville Council directed Administration to undertake a review of land use planning policies related to off-site Temporary Farm Worker (TFW) housing (i.e. housing on land and in buildings/structures not situated on the very lands where farm workers are employed).

At the same meeting, Council also passed an Interim Control By-law to restrict TFW housing off-site from agricultural lands where farm workers are employed. This By-law remains in effect until August 15, 2022 to provide time for Administration to complete the study.

In October 2021, Administration published a Request for Proposal to undertake the study. On November, 2021 Council approved the award of the TFW Housing Study to WSP Canada and SHS Consulting.

## **DISCUSSION**

WSP Canada and SHS Consulting have now completed the Study. In keeping with the RFP, the preparation of the final report has included:

- Documentation of local context for TFW housing in Kingsville
- Neighbourhood audit which involved street-level observations of TFW housing throughout Kingsville (representing urban, rural, purpose built bunkhouses and renovated homes)
- Consultation and engagement sessions with Industry including third party providers of TFW housing, agencies representing workers, and community
- A review of all relevant policies, statutes, regulations or programs at the Federal, County and Town level
- A scan of best practices and varying approaches to TFW housing in Ontario, as well as British Columbia and parts of the United States which have similar TFW contexts
- A summary of options for approaching TFW housing in Kingsville from a land use perspective; and
- Recommendations for the implementation of these options.

### Options Analysis

The Project Team identified several areas that the Town of Kingsville can address to streamline the provision of TFW housing, clarify where and how that housing is to be

built, and ensure that housing is safe, healthy and comfortable for residents. This includes consideration of:

- Location of Housing options: on-site only, on-site and off-site in Agricultural Areas; and on-site and off-site in Agricultural/Residential/Commercially zoned lands
- Definitions and approach to converted dwellings for TFW housing use in Official Plan and Zoning By-law – Defining TFW housing as Boarding/Rooming House, defining off-site TFW housing, or creating a new definition for all on-site and off-site TFW housing
- Inspections and licencing – enact annual licensing of all TFW housing to coordinate WECHU, Fire, Building and Planning department reviews and potential to integrate with federal and provincial requirements
- Health and safety considerations through site planning – on-site housing, and in particular connected housing, limits access to amenities and increases exposure to work-related odours, sounds and fumes from operations. Through the OP and ZBL, and enacted through site plan control, new on-site housing could require separation from agricultural operations, mitigate impacts of operations on existing housing.
- Amenity space for workers - require provision of amenity spaces, or contributions from growers to town facilities (e.g. Arena, soccer pitches, etc.).

### Report Recommendations

Based on their research, review and consultations/engagements; WSP identifies four recommendations related to: definition/location, compatibility and separation, amenity spaces, and licensing as generally described below (and more fully described in the report).

Definition/Location - Delete existing definitions for bunkhouse and seasonal worker housing and introduce a new Temporary Foreign Worker Dwelling Unit (TFWDU) and permit:

- Small – for use by 4 or fewer temporary farm workers, to be permitted in all residential areas (rural and urban) and agricultural areas as of right
  - Medium – for use by 5 to 9 temporary farm workers, to be permitted off-site in all rural residential areas and agricultural areas through a re-zoning, and on site as of right.
  - Large – for use by 10 or more temporary farm workers, to be permitted off-site in agricultural areas through a re-zoning and on site as of right
- Compatibility and Separation – require that TFWDU's on-site and off-site in agricultural areas be set back 20m from any building that is part of an agricultural operation used for storage, packing or shipping, mechanical or noise generating facilities. A TFWDU must be the sole use in the building in which it is located
  - Amenities – require TFWDU's to include indoor and outdoor amenity spaces at a rate of 8m<sup>2</sup> per worker per unit, of which:
    - 2.5m<sup>2</sup> per worker per unit be provided as indoor amenity space

- 4m<sup>2</sup> per worker per unit be provided as outdoor amenity space
- Licensing – Enact a licensing by-law for all TFWDUs which would require evidence of permits and approvals from Kingsville Fire Services, Windsor Essex County Health Unit, and Kingsville Planning and Building Services as may be required.

### Next Steps

On Council direction, Administration will work with WSP to draft Official Plan and Zoning By-Law Amendments, and initiate statutory public notice requirements. Administration will ensure the proposed amendments are shared with farmers, workers, and the community, as well as agencies and the County of Essex as the approval authority. The OPA and ZBA will be presented at a Public Meeting of Council in August 2022 for final adoption by Council. On final adoption, the OPA and ZBA will be forwarded to the County of Essex for final approval.

The goal is to have any OPA and ZBA be approved by the County prior to August 15, 2022; however, should additional time be required, Council may extend the Interim Control By-law for up to one more year.

### **FINANCIAL CONSIDERATIONS**

Introduction of a licensing regime would require significant time commitment from town staff, though removal of ad hoc inspections would also bring around better planning and resourcing of inspections. Fees associated with licensing would be designed to recover costs associated with staffing and IT/overhead associated with licensing.

### **ENVIRONMENTAL CONSIDERATIONS**

Outcomes of the study could lead to improved worker health and additional amenity spaces for workers on farms

### **CONSULTATIONS**

Extensive consultation has taken place in the development of the Study. This has included consultation with:

- Kingsville Technical Advisory Committee – Planning, Building, Fire, Engineering and Infrastructure, Legal Services
- Windsor Essex Health Unit
- Industry
- Third party housing providers
- Agencies representing workers (including Consulado du Mexico en Leamington, South Essex Community Council)
- Community
- County of Essex

PREPARED BY:



---

Richard Wyma, CSLA  
**Director of Community and Development Services**

REVIEWED BY:



---

John Norton  
**Chief Administrative Officer**

## **LINK TO STRATEGIC PLAN**

Promote the betterment, self-image and attitude of the community.

To promote a safe community.

Support growth of the business community.

Manage residential growth through sustainable planning.

Manage growth through sustainable planning.

### Link to Council 2021-2022 Priorities

- ☒ COVID-19 and the health and safety of the community
- ☐ Customer Service: Training, Technology, Staff, Review Standards/Level of service
- ☒ Housing: Affordability (lot sizes, developer incentives, second dwellings, density, etc.)
- ☐ Greenhouse: lights & dark sky, odours (site plan compliance, bylaws, other tools)
- ☐ Programming Increase: Youth and Seniors
- ☐ A development plan for Downtown Kingsville / Main Street
- ☐ Financial savings: Schools closings, Migration Hall
- ☐ Economic Development: strengthen tourism/hospitality
- ☐ COVID - economic recovery
- ☐ Communications: Strategy – Policy (social media), Website refresh and other tools, Public engagement

☒ Housing: Migrant Worker Housing – Inspections (Building/Fire), regulate, reduce, or increase

☐ Committees / Boards: Review and Report

☐ Policy Update: Procedural Bylaw

☐ Economic Development: diversify the economy, create local jobs, industrial, Cottam

☐ Infrastructure (non-Municipal): Union Water expansion & governance

☐ Infrastructure (Municipal): Asset Management Plan update, the infrastructure funding deficit

☐ No direct link to Council priorities