

COUNTY OF SANTA CRUZ

PLANNING DEPARTMENT

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August 8, 2019

AGENDA DATE: August 15, 2019

Agricultural Policy Advisory Commission
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

Members of the Commission:

SUBJECT: Public hearing to consider amendments to Santa Cruz County General Plan/Local Coastal Program (LCP) and County Code related to agricultural employee housing and provide recommendations to the Board of Supervisors. The proposed amendments constitute an LCP amendment (LCPA) and are subject to Coastal Commission review and certification after adoption by the County.

Recommended Action(s):

Staff recommends that the Commission:

- a) Hold a public hearing on the proposed agricultural employee housing amendments to the General Plan/LCP and Chapters 13.10 and 16.50 of the Santa Cruz County Code (SCCC) as shown in Exhibits A and B to this report; and
- b) Recommend that the Board of Supervisors adopt the agricultural employee housing amendments in substantially the form provided in Exhibits A and B, after completion of CEQA review.

Executive Summary:

On June 12, 2018 and June 11, 2019, the Board of Supervisors provided direction to Planning staff regarding preparation of amendments to County land use policies and zoning codes related to farmworker housing in agricultural zones and workforce housing on public facility and school sites. This Workforce Housing Policy Amendments project ("Project") consists of amendments to the General Plan/LCP and SCCC to establish affordable workforce housing and school employee housing as public/quasi-public uses permitted on land designated and/or zoned for public facilities; and to clarify that qualified agricultural employee housing projects are an agricultural use permitted on land zoned for agriculture consistent with state law, clarify existing codes for small farmworker housing projects, and establish a new discretionary review process and development reserve for development of a limited number of affordable farmworker housing projects by qualified non-profit housing developers on qualifying agricultural parcels.

Since the proposed amendments to public facility codes and policies are generally outside the Commission's purview, this report focuses on the amendments related to farmworker housing, attached and summarized in this report.

Following the Commission's review and recommendation, the Project will be considered by the Housing Advisory Commission and Planning Commission in September, and by the Board of Supervisors after the Planning Commission public hearing and recommendation. The recommendation of this Commission will be forwarded to the Board prior to its hearing on this matter.

Background:

There is a documented need for safe and affordable housing for farmworkers in Santa Cruz County. Program 2.11 of the Housing Element of the General Plan/LCP directs staff to "Collaborate with the County Agriculture Commissioner and other interested parties to promote housing for agricultural employees by convening stakeholders, including property owners, lessee farmers, agricultural employees, agricultural product processors, and affordable housing developers to discuss strategies for producing this type of housing." This directive led to County participation in the 2018 Farmworker Housing Study and Action Plan for the Salinas Valley and Pájaro Valley (see link provided in Exhibit D).

On June 11, 2019, the Board of Supervisors considered a farmworker housing strategy informed by the findings of the 2018 Farmworker Housing Study. That strategy included preparation of these proposed amendments related to farmworker housing, along with programmatic goals related to farmworker housing (see link in Exhibit E). The Board action included endorsing goals and actions that would increase farmworker housing supply within the unincorporated area; and directing staff to undertake activities that support increased farmworker housing supply. One of the goals was to establish a goal of 200 units of affordable family housing and an additional target of 300 units of on-farm housing, some of which could be seasonal. The directive built upon the earlier direction provided to staff in June 2018 to update policies on workforce housing more broadly, including housing in public facilities zones, as described in the Negative Declaration.

The County Operational Plan for 2019-2021, adopted by the Board of Supervisors, also features goals related to farmworker housing, including Objective #130: By June 2021, Planning will identify at least two potential sites and initiate affordable year-round farmworker housing projects (Operational Plan, p. 44). This objective is included within a strategy to "modernize land use policies and reduce barriers to support affordable housing creation."

Analysis:

Existing State and County Policies and Regulations on Farmworker Housing

State: Various state laws aim to protect the viability of agriculture and preserve agricultural lands. The California Employee Housing Act ("EHA"), codified in California Health and Safety Code sections 17000-17062.5¹, recognizes that an adequate supply of decent, safe and sanitary housing for farmworkers is critical to the ongoing viability of commercial agriculture, and preempts any local regulations in conflict with its provisions. The EHA regulates farmworker housing that meets certain criteria ("EHA Projects"), summarized generally as housing accommodations that:

- Are provided by a farm employer for farmworkers they employ, or
- In rural areas only: are provided by any party, such as labor contractors, for farmworkers employed by any farmer; and
- Provide housing for at least five farmworkers per site; and

¹ [CA Employee Housing Act](#)

- Do not exceed 12 dwelling units, mobile homes/RVs, or spaces for mobile homes/RVs per site, or 36 beds per site if in group quarters; and
- Are in agricultural zones; and
- Are subject to annual licensing and monitoring by the State Department of Housing and Community Development (HCD) or a local enforcement agency.

The Environmental Health Services (EHS) Division of the County Health Services Agency serves as the local enforcement agency for EHA Projects. More detail on the EHA and its implementation by state and local agencies is provided in Exhibit F. The EHA requires local agencies to consider EHA Projects an agricultural use rather than a residential use, and to facilitate an adequate supply of farmworker housing ("employee housing"):

The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local needs. This section shall apply equally to any charter city, general law city, county, city and county, district and any other local public entity.²

County: County regulations and policies are also strongly protective of local agriculture and agricultural lands, based largely on passage of Measure J in 1978. County policies related to farmworker housing are located in several chapters of the General Plan/LCP, including the Land Use, Housing, Conservation and Open Space Elements. The Housing Element of the General Plan/LCP describes local farmworker housing needs and includes objectives related to farmworker housing.³ Housing Element Programs 2.11, 5.10, and 5.11 include objectives related to both affordable farmworker housing and EHA Projects.

County codes related to farmworker housing are primarily in sections 13.10.312(B), Agricultural Uses Chart; 13.10.631 Agricultural Employee Housing; 13.10.700, Definitions; and 16.10.095, Agricultural Buffer Setbacks.

Summary of Proposed Amendments to Agricultural Employee Housing Regulations

This Project would amend sections of the SCCC and General Plan/LCP to achieve three goals related to development of farmworker housing on land in agricultural zones: Agriculture (A), Commercial Agriculture (CA), and, to the extent not in conflict with other laws or preservation contracts, Agricultural Preserve (AP), as follows:

- A. Consistency with EHA:** Improve consistency of current County policies and codes with EHA provisions for development of EHA Projects, as described above, on agricultural parcels. In accordance with EHA Section 17021.6, the amendments clarify that EHA Projects are considered an agricultural use, not a residential use, and provides a permitting path that does not exceed the level of review or discretion required of other agricultural uses in the same zone. To achieve this goal, the amendments designate EHA Projects as a principally permitted use in the A, CA and AP zones and require an Administrative Site Development Permit (Level III outside the Coastal Zone or Level V in the Coastal Zone), which requires site plan review, and all applicable ministerial permits (building, fire, water, sanitation, and EHA Licensing) and applicable CEQA review. The amendments also clarify that, as an agricultural use on agricultural properties, EHA Projects are not subject to the Agricultural Buffer Setback policies in 16.10.095, although they are subject to applicable state setbacks described in the California Code of Regulations and applicable

² CA Health and Safety Code 17021.5(e) and 17021.6(e)

³ 2015 Housing Element, pp. 4-55 to 4-57, 4-111, 4-124 to 128, available online at:

<http://www.sccopanning.com/Portals/2/County/Planning/housing/Housing%20Element%20Approved%204.28.16%20for%20web.pdf>

provisions of the SCCC. Worker protections under state and federal law, administered by the State Department of Industrial Relations (DIR), also apply to protect occupants of EHA Projects.

- B. Clarify Requirements for Small Farmworker Housing Projects:** Clarify and consolidate code language, mainly in the Agricultural Uses Chart, to reduce redundancy and clarify permitting requirements, particularly for small farmworker housing projects of 1 to 4 units, and for seasonal and temporary projects, consistent with the EHA. Improve code provisions for monitoring and enforcement of applicable occupancy and health and safety standards for permitted farmworker housing projects to prevent fraud and abuse and address safety concerns.
- C. Affordable Rental Farmworker Housing (ARFH) Projects:** The proposed amendments to the General Plan would establish a development reserve to allow up to 200 new affordable farmworker housing dwelling units within agricultural zones, outside of the Coastal Zone, in the unincorporated areas of southern Santa Cruz County (Pájaro Valley – see map in Exhibit A). The purpose of these amendments is to address the goal to develop a permitting path for ARFH projects, which are those developed by qualified non-profit affordable housing providers as multi-family rental housing, subject to 55-year or longer affordability restrictions. These projects would not be allowed within environmentally sensitive habitats, or in fault zones, flood zones, or high wildfire risk areas. Other detailed siting criteria to protect resources and ensure occupant safety is included in the proposed amendments to the SCCC (Exhibit A). Staff anticipates that no more than 4 to 5 ARFH projects would be permitted before the 200-unit cap is reached, as these projects usually range from 40 to 60 units per project. This project size is driven by funding and cost parameters of available financing programs, such as the Joe Serna, Jr. Farmworker Housing Program, and state and federal Low-Income Housing Tax Credits. Affordable projects are usually designed to provide housing for farmworker families, although a small number of studio or one-bedroom units may be included in a project. Group quarters (dormitories) are not allowed under this policy, consistent with the requirements of most of the funding programs.

Proposed amendments to the SCCC provide further detail on the discretionary permit process for development of ARFH Projects pursuant to the development reserve described above. These projects do not qualify as EHA Projects because they are larger than the maximum EHA project size of 12 units, among other reasons. Because the affordable projects do not qualify for the permitting provisions of Section 17021.6 of the EHA, the County has greater flexibility to establish discretionary review policies and standards for these projects than it does for the EHA Projects. The proposed amendments require Level VII discretionary review for these projects, and they would be subject to CEQA review.

Sections Amended

The following SCCC sections and General Plan/LCP policies related to farmworker housing are proposed for amendment, as shown in Exhibits A and B:

- SCCC:
 - 13.10.312(B): Agricultural Uses Chart;
 - 13.10.631: Agricultural Employee Housing;
 - 16.50.095: Agricultural Buffer Setbacks

Description: Amendments to several existing code sections that address farmworker housing, to achieve the objectives described in A – C above.

- General Plan/LCP
 - Land Use Element: Planning Framework, beginning on p. 2-2;
 - Conservation and Open Space Element: Objective 5.13, Commercial Agricultural Land, and Objective 5.14, Non-Commercial Agricultural Land;
 - Parks, Recreation, and Public Facilities Element: Objective 7.20, Sanitation Facilities within Rural Services Line, and Objective 7.21, Sanitation Facilities within Rural Areas

Description: Updates to achieve the farmworker housing objectives described above, including creation of the development reserve for a limited number of affordable rental farmworker housing (ARFH) projects, and to maintain consistency with the amended SCCC sections.

Conclusion:

The proposed amendments address the needs of local farmers for local workers to sustain the viability of commercial agriculture within the County, and the needs of farmworkers for safe, affordable, and available housing. The severe shortage of adequate farmworker housing impacts farmworkers, their families, and local communities, as farmworkers are forced to compete with other households for limited available housing, as described in the 2018 Farmworker Housing Study. The proposed amendments maintain consistency with County policies protective of agricultural lands and support the viability of commercial agriculture, while improving consistency with the EHA related to local review and permitting of EHA Projects, and allowing development of a limited number of affordable rental farmworker housing projects in appropriate areas subject to a high level of discretionary and environmental review.

Submitted by:

Suzanne Isé, Principal Planner
Julie Conway, Housing Manager

Recommended by:

Kathleen Molloy, Planning Director

Exhibits:

- A. Proposed Amendments to SCCC Sections 13.10.631, 13.10.312(b), and 16.10.095 regarding Agricultural Employee Housing
- B. Proposed Amendments to General Plan/LCP related to Agricultural Employee Housing

Links Only:

- C. [2018 Farmworker Housing Study and Action Plan](#)
- D. [June 11, 2019 Memorandum to Board of Supervisors on Farmworker Housing](#)
- E. [HCD Employee Housing Facility Inspection Booklet](#)

Exhibit "A"

AGRICULTURAL EMPLOYEE HOUSING
PROPOSED AMENDMENTS TO SANTA CRUZ COUNTY CODE

SECTION I

13.10.312(C) Agricultural Uses Chart

Section 13.10.312(C), Agricultural Uses Chart, is hereby amended to read as follows:

| USE | CA | A | AP |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|------------|
| Agricultural activities: crops and livestock | | | |
| Agricultural custom work occupations subject to the provisions of SCCC 13.10.638 | P/4 | P/4 | P/4 |
| <u>Agricultural Employee Housing (subject to SCCC 13.10.631)</u> | | | |
| ***** | | | |
| <u>Outside the Coastal Zone:</u> | | | |
| <u>Agricultural Employee (Farmworker) Housing Projects providing housing for 5 or more Farmworkers ("EHA Projects"). See 13.10.631 for definition of all capitalized terms. EHA Projects include the following project types:</u> | | | |
| -- <u>Employer-Provided Farmworker Housing Project:</u> | <u>P/3</u> | <u>P/3</u> | <u>P/3</u> |
| • <u>5 to 36 beds in group quarters designed for single adult farmworkers, or</u> | | | |
| • <u>5 to 12 dwelling units, mobile homes, recreational vehicles (RV), or mobile home/RV spaces, each designed for occupancy by at least one farmworker and his/her household.</u> | | | |
| -- <u>Rural Farmworker Housing Project (rural areas only):</u> | <u>P/3</u> | <u>P/3</u> | <u>P/3</u> |
| • <u>5 to 36 beds or 5 to 12 units for Seasonal or Temporary Occupancy, or</u> | | | |
| • <u>up to 12 mobile homes, manufactured homes, travel trailers, RVs for permanent occupancy.</u> | | | |
| -- <u>Small Farmworker Housing Project: 1 to 4 dwelling units or mobile homes housing at least 5 farmworkers and Licensed by Enforcement Agency.</u> | <u>P/3</u> | <u>P/3</u> | <u>P/3</u> |
| <u>Within the Coastal Zone:</u> | | | |
| -- <u>EHA Project (of any type listed above)</u> | <u>P/5</u> | <u>P/5</u> | <u>P/5</u> |
| <u>EHA Projects may consist of Seasonal or Temporary farmworker housing (also known as farmworker camp or labor camp). All EHA</u> | | | |

| USE | CA | A | AP |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|------------|------------|
| <u>Projects are subject to SCCC 13.10.631 and CA Health and Safety Code §17008 and §17021.6</u> | | | |
| <u>Small Farmworker Housing Project not subject to EHA:</u> | | | |
| <u>1 to 4 dwelling units housing no more than 4 farmworkers total, at least one per dwelling unit, subject to SCCC 13.10.631</u> | | | |
| <u>Inside Coastal Zone</u> | <u>5</u> | <u>5</u> | <u>5</u> |
| <u>Outside Coastal Zone</u> | <u>P/3</u> | <u>P/3</u> | <u>P/3</u> |
| <u>Affordable Rental Farmworker Housing Project pursuant to Development Reserve and SCCC 13.10.631 (see 13.10.631 for map of eligible areas)</u> | | | |
| <u>Inside Coastal Zone</u> | <u>--</u> | <u>--</u> | <u>--</u> |
| <u>Outside Coastal Zone</u> | <u>7</u> | <u>7</u> | <u>7</u> |
| Agricultural support facilities for processing, packing, drying, storage and refrigeration of produce above a total aggregate size of 2,000 square feet or 100 square feet per acre on-site** (whichever is greater) subject to the provisions of SCCC 13.10.632 . Maximum aggregate size of such facilities shall be 50,000 square feet. Inside the Coastal Zone agricultural support facilities greater than 2,000 square feet shall be processed at Level V and shall not be considered a principal permitted use | | | |
| Up to and including a maximum aggregate of 2,000 square feet or 100 square feet per acre on-site** (whichever is greater) | 3 | 3 | 3 |
| Greater than an aggregate of 2,000 square feet or 100 square feet per acre on-site** (whichever is greater) | 4 | 4 | 4 |
| Agricultural service establishments subject to the provisions of SCCC 13.10.633 (see SCCC 13.10.700 -A definition) | — | 5 | — |
| Apiculture (beekeeping) | P | P | P |
| Aquaculture and aquacultural facilities | 5 | 5 | 5 |
| Biomedical livestock operations (subject to SCCC 13.10.647) | 5 | 5 | — |

| USE | CA | A | AP |
|--------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|-----------|
| Berry and other vine crops | P | P | P |
| Commercial dairying, subject to the provisions of SCCC 16.22.060 | BP3 | 5 | BP3 |
| Field crops, including hay, grain, seed, and turf crops | P | P | P |
| Livestock raising for food, fiber or animal production, including rabbits and other small animals under 100 per acre | P | P | P |
| Livestock raising involving hog farming or small animals over 100 per acre, subject to the provisions of SCCC 16.22.060 | BP3 | 5 | BP3 |
| Nursery crops limited to open field grown ornamental plants, flowers and Christmas trees | P | P | P |
| Nursery crops, outdoor container grown, covering an area of one acre or less | P | P | P |
| Nursery crops, outdoor container grown, covering an area larger than one acre | 5 | 5 | 5 |
| Orchards, including fruit tree and nut crops | P | P | P |
| Poultry and other fowl raising, including egg production, under 100 birds per acre (see also "Barn" below) | P | P | P |
| Poultry and other fowl raising involving more than 100 birds per acre | P | 5 | P |
| Row crops, including fruit and vegetable raising | P | P | P |
| Agricultural Support and Related Facilities | | | |
| Accessory dwelling unit, subject to the provisions of SCCC 13.10.681 | | | — |
| Outside the Coastal Zone | 4 | BP | — |
| Inside the Coastal Zone | 5 | BP | — |
| Barns, corrals, or pens used for animal husbandry, subject to the provisions of SCCC 16.22.060 | BP3 | BP3 | BP3 |

| USE | CA | A | AP |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|
| Caretaker's quarters, permanent, <u>(see Agricultural Employee Housing: Small Project, above)</u> subject to the provisions of SCCC 13.10.631 | 5 | 5 | 5 |
| Child care homes, small family (must be in conjunction with residential use) (see SCCC 13.10.700 -C definition) | P | P | P |
| Commercial boarding of animals, subject to the provisions of SCCC 13.10.641 (B) | P/5 | P/5 | P/5 |
| Consumer harvesting, on-site** | P | P | P |
| Dwelling unit, one detached single-family per parcel, subject to the provisions of SCCC 13.10.314 | | | |
| Inside the Coastal Zone (requires APAC review in the CA and AP Zone Districts) | 5 | BP3 | 5 |
| Outside the Coastal Zone | BP3 | BP3 | BP3 |
| Dwelling unit, one detached single-family for the owner, lessee or an employee of the owner or lessee of the land, not to exceed one dwelling unit for each 40 acres of total site area, subject to the provisions of SCCC 13.10.314 | - | - | - |
| Inside the Coastal Zone | — | — | 5 |
| Outside the Coastal Zone | — | — | 3 |
| Dwelling unit, one detached single-family per parcel, 5,000 square feet or larger, exclusive of accessory structure(s) associated with the residential use, but specifically excluding barn or similar accessory structures subject to the provisions of SCCC 13.10.314 and 13.10.325 | 5 | 5 | 5 |
| Dwelling units, accessory to the main dwelling used as agricultural caretakers' quarters subject to SCCC 13.10.631 | | | |
| 1—4 units | 5 | 5 | 5 |
| 5—19 units | 6 | 6 | 6 |
| 20+ units | 7 | 7 | 7 |

| USE | CA | A | AP |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|----------------|
| Dwelling units, dwelling groups subject to the provisions of SCCC 13.10.313 (E), 13.10.313 (F) and 13.10.314 | | | |
| 2—4 units | 5 | 5 | 5 |
| 5—19 units | 6 | 6 | 6 |
| 20+ units | 7 | 7 | 7 |
| Energy facilities, community, subject to the provisions of SCCC 13.10.661 and 13.10.700 -E (definition) | 5 | 5 | 5 |
| Facilities for fish and wildlife enhancement and preservation | P | P | P |
| Farm worker housing (see Agricultural Employee Housing, above) subject to SCCC 13.10.631 (see caretaker's housing, mobile homes and travel trailers, farm worker quarters and camps) | 3—7 | 3—7 | 3—7 |
| Farm outbuildings and other agricultural accessory structures for storage or equipment with or without a single room containing lavatory facilities | BP3 | BP3 | BP3 |
| Fences, subject to the provisions of SCCC 13.10.525 | P/3/5 | P/3/5 | P/3/5 |
| Fire protection facilities | — | 5 | — |
| Flood control works, including channel rectification and alteration; dams, canals and aqueducts of any public water project | 5 | 5 | 5 |
| Foster homes for seven or fewer children, not including those of the proprietary family (see SCCC 13.10.700 -F definition) | P | P | P |
| Foster homes for eight or more children, not including those of the proprietary family (see SCCC 13.10.700 -F definition) | 5 | 5 | 5 |
| Fuel storage tanks and pumps | BP2 | BP2 | BP2 |
| Greenhouse structures, as accessory structures, under 500 square feet in area | BP2 | BP2 | BP2 |
| Greenhouse structures, outside the Coastal Zone, subject to the provisions of SCCC 13.10.636 (A) | | | |
| 500—20,000 square feet | 3 | 4 | 3 |

| USE | CA | A | AP |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|--------|--------|
| Over 20,000 square feet | 4 | 4 | 4 |
| Greenhouse structures soil dependent****, inside the Coastal Zone, subject to the provisions of SCCC 13.10.636 (A) and 13.20.073 | | | |
| 500—20,000 square feet | 3 | 3 | 3 |
| Over 20,000 square feet | P/4 | P/4 | P/4 |
| Greenhouses, improvements and expansions up to 10,000 square feet in area, inside the Coastal Zone, subject to the provisions of SCCC 13.10.636 (A) and 13.20.073 | BP3 | 4 | BP3 |
| Greenhouses, all others in the Coastal Zone | | | |
| Up to 20,000 square feet | P/5 | P/5 | P/5 |
| Greater than 20,000 square feet | 5 | 5 | 5 |
| Greenhouse replacement, reconstruction or structural alteration, pursuant to SCCC 13.10.636 (B) and (C) | BP3 | BP3 | BP3 |
| Habitable accessory structure when incidental to a residential use and not for agricultural purposes, subject to the provisions of SCCC 13.10.611 | BP/4/5 | BP/4/5 | BP/4/5 |
| Nonhabitable accessory structure when incidental to a residential use and not for agricultural purposes (subject to the provisions of SCCC 13.10.313 (A) and 13.10.611) | BP/4/5 | BP/4/5 | BP/4/5 |
| Home occupations subject to the provisions of SCCC 13.10.613 | P/5 | P/5 | P/5 |
| Hosted rentals, subject to SCCC 13.10.690 | 1P | 1P | 1P |
| Kennels, commercial or private, for five or more dogs or cats over the age of four months subject to the provisions of SCCC 13.10.323 | 5 | 5 | 5 |
| Farm worker camps subject to the provisions of SCCC 13.10.631 | - | - | - |
| 1—4 units | 5 | 5 | 5 |
| 5—19 units | 6 | 6 | 6 |

| USE | CA | A | AP |
|------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|-----|
| 20+ units | 7 | 7 | 7 |
| Lumber mills | — | 5 | — |
| Manufactured homes, as farm labor housing, subject to the provisions of SCCC 13.10.631 | - | - | - |
| 1—4 units | 5 | 5 | 5 |
| 5—19 units | 6 | 6 | 6 |
| 20+ units | 7 | 7 | 7 |
| Manufactured home, as a single-family dwelling unit, subject to the provisions of SCCC 13.10.682 | | | |
| Inside the Coastal Zone | 5 | 5 | 5 |
| Outside the Coastal Zone | BP3 | BP3 | BP3 |
| Manufactured homes, for temporary occupancy as a caretaker's or watchman's quarters subject to the provisions of SCCC 13.10.631 | 3 | 3 | 3 |
| Mushroom farms and other agriculture within structures, subject to the provisions of SCCC 13.10.634 | | | |

[CONTENT OF THE AGRICULTURAL USES CHART AFTER THIS POINT IS NOT PROPOSED FOR AMENDMENT. THAT CONTENT NOT INCLUDED IN THIS REPORT DUE TO ITS LENGTH.]

New footnote to be added to "KEY" of Agricultural Uses Chart:

***** For the purposes of farmworker housing only, P/# means that the use is principally permitted, with the number after it referring to the process for a required Administrative Site Development Permit.

SECTION II

13.10.631 Farm worker/caretaker housing—Mobile homes, farm worker quarters and farm worker camps.

Section 13.10.631 is hereby repealed in its entirety and replaced with the following:

13.10.631 Farm worker housing

A. Purposes. The purposes of regulations for farm worker housing are:

- (1) To recognize farmworker housing as an agricultural land use necessary for commercial agricultural operations, and
- (2) To permit and encourage a sufficient supply of housing for agricultural employees ("Farmworker Housing") to meet the needs of local growers and farmworkers and to address County goals related to farmworker housing; and
- (3) To comply with the California Employee Housing Act ("the Act" or "EHA"), as defined below, related to local regulation and permitting of employee housing, as defined in the Act, for farmworkers; and
- (4) To provide clear development standards and permitting procedures for the development of farmworker housing projects of up to twelve dwelling units, mobile homes, or recreational vehicle spaces, or five to thirty-six beds in group quarters, including permanent, temporary, or seasonal farmworker housing projects, consistent with Section 17021.6 of the Act ("EHA Projects"); and
- (5) To clarify development standards and permitting procedures for the development of small agricultural employee housing projects of one to four dwelling units or mobile home/trailer spaces ("Small Farmworker Housing Projects"), including permanent, temporary, or seasonal farmworker housing projects as defined in the Act; and
- (6) To codify review procedures and development standards for utilization of the Development Reserve ("DR") established in the General Plan to allow development of up to 200 units of affordable rental housing for farmworker households ("Affordable Farmworker Housing Projects") on qualifying sites within unincorporated South County, as defined herein; and
- (7) To provide clear provisions for monitoring and enforcement of applicable occupancy standards, licensing requirements, and health and safety codes for farmworker housing projects, to ensure the housing is occupied by farmworker households, and that the housing and associated infrastructure meets health and safety codes; and
- (8) To prevent the conversion of agricultural land to non-agricultural uses, while allowing development of farmworker housing needed for farming operations to thrive.

B. Applicability. This section applies to farmworker housing projects proposed in the Commercial Agriculture (CA), Agricultural Preserve (AP), and Agriculture (A) zone districts. In the event of any conflicts between Chapter 13.10 and the Act with respect to Employee Housing, as defined below, the Act, as it may be amended, shall prevail. This is declaratory of existing law. Notwithstanding other provisions of this code, nothing in this section shall be deemed to eliminate already existing farm worker housing currently allowed by law, nor to prohibit rehabilitation of such existing farm worker housing so long as such rehabilitation complies with all applicable State and County health, safety, fire, housing, and construction codes.

C. Definitions.

For the purposes of this section, the following words and phrases shall be defined as set forth in this section 13.10.631 and as further defined in the Act, where indicated. In the event of any conflict between the definitions in this section and definitions of the same or similar terms in 13.10.700, the definitions herein shall prevail.

“Affordable Rental Farmworker Housing Project” (“ARFH Project”) or “Affordable Project” means a subsidized, rent-restricted, multi-family rental housing development of more than 12 units developed by a non-profit housing provider for lower-income farmworker households, pursuant to the Development Reserve established in the General Plan, and subsection 13.10.631(G).

“Agricultural Employee” means an employee engaged in agriculture, which includes farming in all its branches, including but not limited to the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, furbearing animals, or poultry, and any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market, as further defined in CA Labor Code §1140.4(b). “Agricultural Employee” also means farm worker, farmworker, or farm laborer. “Agricultural Employee” does not include persons engaged in household domestic service, or certain employees of religious or charitable entities listed in §17005(b) and (c) of the Act. Farmworkers earn their primary income through permanent or seasonal agricultural labor.

“Agricultural Employer” means one engaged in an agriculture who employs employees, as further defined in Labor Code §1140.4(c).

“EHA Project” means a proposal to develop to a project to provide housing for at least five farmworkers, pursuant to §17021.6 of the Act, including any of the following project types defined below: an Employer-Provided Farmworker Housing Project or Rural Farmworker Housing Project consisting of no more than 12 dwelling units or other housing accommodations designed for occupancy by a household, or up to 36 beds if the project consists of group quarters, or a Small Farmworker Housing Project.

“Employee Housing” as used in this section 13.10.631 means housing for at least five employees as further defined §17008 of the Act and means the same as “labor camp” as that term may be used in various State of California laws.

“Employee Housing Act” or “EHA” or “Act” means California Health and Safety Code §17000-17062.5, as may be amended by the State of California from time to time.

“Employer-Provided Farmworker Housing” means housing accommodations described in §17008(a) of the Act for five or more farmworkers by their employer and maintained in connection with any work or place where work is being performed, whether or not rent is involved.

“Enforcement Agency” or “Local Enforcement Agency” means the Environmental Health Division of the Health Services Agency of the County of Santa Cruz (“EHS”), which is authorized to enforce the Act within Santa Cruz County. In the event the County ceases to be the local enforcement agency, the State of California Department of Housing and Community Development (HCD) would be the Enforcement Agency.

“Farmworker” means an Agricultural Employee, as defined above.

“Farmworker Housing” means Employee Housing for agricultural employees, or any other type of farmworker housing project authorized by this Section 13.10.631.

“HCD” means the California Department of Housing and Community Development, or its successor agency.

“Housing accommodations” as used in reference to EHA Projects, means any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, maintained in one or more buildings or one or more sites, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.

“License” means a permit to operate Employee Housing issued by the Enforcement Agency pursuant to §17030-17039 of the Act.

“Rural Farmworker Housing” means housing accommodations as described in §17008(b) of the Act which are: located in an agricultural zone, and in a rural area as defined in CA Health and Safety Code §50101; provided by someone other than an agricultural employer; and provided for five or more farmworkers of any agricultural employer(s) for any of the following purposes:

- (1) Temporary or seasonal occupancy, as defined herein.
- (2) Permanent occupancy, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle.
- (3) Permanent occupancy, if the housing accommodation consists of one or more existing, conventionally built (i.e., subject to State Housing Code – Health and Safety Code Sections 17910-17998.3, also known as “stick-built”) structure(s) on the site that are at least 30 years old, and at least 51 percent of the dwelling units or 51 percent of the beds in group quarters in the existing structure(s), are occupied by farmworkers.

“Seasonal Occupancy” or “seasonal employee housing” means farmworker housing which is operated annually on the same site and which is occupied for not more than 180 days in any calendar year, as further defined in §17010(b) of the Act.

“Single-Family Farmworker Housing” means any housing accommodations occupied by no more than six farmworkers for which the owner/operator has obtained or seeks a License pursuant to §17021.5 of the Act, which allows such projects to be deemed a single-family dwelling and a residential use of the property.

“Small Farmworker Housing Project” or “Small Project” means a farmworker housing project of one to four dwelling units, each to be occupied exclusively by farmworker(s) or a farmworker family, including any existing or proposed caretaker’s unit. The four-unit limit for this project type does not include any existing or proposed primary residence and/or accessory dwelling unit on the same parcel.

“Temporary Occupancy” or “Temporary employee housing” means farmworker housing which is not operated on the same site annually, and which is established for one operation and then removed, as further defined in §17010(a) of the Act.

D. EHA Projects

This section applies to farmworker housing projects that provide housing for at least five farmworkers and are proposed pursuant to §17021.6 of the Act (“EHA Projects”). Eligible project types include Employer-Provided Farmworker Housing or Rural Farmworker Housing projects, as defined above, of up to twelve dwelling units or up to 36 beds in group quarters (dormitory-style housing); or a Small Project, as defined above, that provides housing for at least five farmworkers. EHA Projects may be for Seasonal or Temporary Residency, as defined above. EHA Projects shall not include any proposed land division (i.e., parcel map, subdivision map or condominium map) for the purposes of creating a separate parcel for the EHA Project or EHA units.

(1) Required Permits and Approvals.

(a) Site Development Permit. In the CA, AP and A zone districts, EHA Projects proposed pursuant to this Section D are considered an agricultural use and require an Administrative Site Development Permit (Level III) from the Planning Department. Conditions of approval may be imposed by the Director to ensure compliance with the performance standards of this section and with the Act.

(b) Water and Sanitation Permits. EHA Projects not connected to community sewer or water shall obtain required County permits for proposed well water and/or septic systems. EHA Projects on well water that meet the definition of a Public Drinking Water System shall comply with State Water Resources Control Board standards.

(c) Building Permits. EHA Projects shall obtain building permits or other required permits, depending on type of housing accommodations proposed for the project. For EHA Projects consisting of two to four mobile or manufactured homes (not on a permanent foundation system) or recreational vehicles, or spaces for two to four mobile homes or recreational vehicles (a “trailer park”), HCD is the permitting agency. For EHA Projects of five to twelve spaces, mobile homes, or recreational vehicles, the County is the permitting agency.

(d) Recorded Covenant. The site development permit shall include a condition of approval for the property owner to record a farmworker housing covenant with the County to provide constructive notice of and ensure owner’s compliance with the requirements of this section 13.10.631 of the SCCC, the Act, and their License.

(e) License. EHA Projects shall obtain and maintain a License to operate the proposed farmworker housing from the Enforcement Agency pursuant to §17030-

17039 of the Act. The Enforcement Agency in the County is the Department of Environmental Health.

- (i) Applicants shall apply for the License at least 45 days before initial occupancy, after the Site Development Permit and any required building or other ministerial permits have been obtained for the project. The application form is available from the Enforcement Agency and requires applicant to provide all information listed in §17032 of the Act.
- (ii) Applicant shall submit a letter requesting a modification to the License whenever there is a change in any of the information provided on the License application form, such as a reduction or increase in the number of units or beds occupied by farmworkers, or any other information on the form.
- (iii) Licenses are issued for a one-year period and subject to annual monitoring by the Enforcement Agency. Applicant shall submit a letter each year requesting an annual renewal of the License for as long as the housing continues to be operated as employee housing.
- (iv) Any operator of an EHA Project that fails to obtain or maintain the required License for the project shall be subject to the penalties of §17037 of the Act, including in some cases a requirement to pay double or ten times the applicable licensing fees.
- (f) Certificate of Non-operation. If the EHA Project ceases to be occupied by farmworkers, the operator shall submit a letter certifying non-operation to the Enforcement Agency within 30 days, noting the date on which the housing ceased to be occupied, consistent with §17037.5 of the Act. The Certification of Non-Operation shall be submitted to the Enforcement Agency annually for two years following discontinuation of the use of any area or structure on the property identified in operator's License as farmworker housing. The Certification shall attest under penalty of perjury that the farmworker housing has been destroyed, or is no longer owned and operated, or has not been and shall not be occupied by five or more employees during the calendar year. Operator shall send a copy of the Certification of Non-operation to the County Planning Department concurrently with delivery to the Enforcement Agency.
 - (i) If a Certification of Non-Operation is filed within ten years of issuance of the initial certificate of occupancy for the EHA Project, the provisions of §17021.6(f) may be invoked by County for recovery of any waivers of impact fees, taxes or costs that may have been associated with the initial permitting of the EHA Project.
 - (ii) Filing of a Certification of Non-Operation shall be considered a conversion to another use. The EHA Project shall not be converted to any other use unless the conversion is approved in advance by the County through the Planning Department. Any conversion shall be subject to all applicable County codes (zoning, building, fire, etc.) and permitting requirements at the time of the conversion. Development initially permitted as an EHA Project and then converted without prior County approval will not be "grandfathered in" or

considered legal non-conforming structures for uses other than farmworker housing.

(g) Environmental Review. EHA Projects are subject to environmental review ("CEQA"). The Public Resources Code provides some exemptions to CEQA that may apply to certain types of farmworker housing defined herein.

(2) Development Standards and Criteria.

EHA Projects shall comply with development standards of the CA, AP and A zone districts applicable to agricultural uses as provided in 13.10.313, as well as the additional standards and criteria provided below. In the event of any conflict between 13.10.313 and the standards and criteria provided in this section, those in this section 13.10.631 shall prevail.

(a) Density limitations. EHA Projects proposed in agricultural zones are considered an agricultural use pursuant to the Act and as such are not subject to the residential density limitations set forth in the General Plan or Zoning Code.

(b) Unit Size. The maximum habitable floor area for a dwelling unit intended for occupancy by a single farmworker household (individual farmworker or farmworker family) in an EHA Project shall not exceed the following, measured in square feet (SF):

| <u>Unit Size</u> | <u>Maximum Habitable Floor Area *</u> |
|----------------------------|---------------------------------------|
| <u>Studio or 1 bedroom</u> | <u>640 SF</u> |
| <u>2 bedrooms</u> | <u>800 SF</u> |
| <u>3 bedrooms</u> | <u>1,200 SF</u> |
| <u>4 or more bedrooms</u> | <u>1,400 SF</u> |

** Defined in 13.10.700-H*

(c) Group Quarters. Structures designed as group quarters or dormitories shall provide at least 50 square feet of habitable area per bed (per occupant) within the dormitory structure.

(d) Height. Structures shall be limited to a height of 28 feet.

(e) Parking. EHA Projects shall comply with the parking standards in SCCC 13.10.552 – 13.10.554, except that the minimum number of spaces per unit or per bed in an EHA Project shall be as set forth below:

| <u>Unit Size</u> | <u>Minimum Parking Spaces required</u> |
|----------------------------|----------------------------------------|
| <u>Studio or 1-bedroom</u> | <u>1</u> |
| <u>2 or 3 bedrooms</u> | <u>2</u> |
| <u>4 or more bedrooms</u> | <u>2.5</u> |
| <u>Group Quarters</u> | <u>.5 per bed</u> |

(i) Parking Exceptions. The Director may approve a reduction in required parking spaces without a variance, if the applicant provides evidence to the Director's satisfaction that fewer parking spaces than otherwise required by this section will be adequate for EHA Project, such as where transit service or alternative transportation is available or is provided by the operator.

(ii) Alternate surfacing materials (e.g., base rock or gravel) may be allowed for parking areas and/or accessways to the EHA, if the Director finds that the alternate surfacing materials will help to preserve agricultural land, and the surfacing will be installed and maintained in a manner that will prevent erosion and will provide adequate drainage, and such alternate is acceptable to other involved reviewing agencies (i.e., fire district, Public Works).

(f) Siting. EHA Projects shall be sited on the parcel, to the extent feasible, to avoid placing units or structures on prime agricultural land or other productive soils, and to avoid or minimize exposure of occupants to hazards associated with agricultural operations on the site or adjacent properties. EHA projects are not subject to County Code Section 16.50.095, Agricultural buffer setbacks.

(i) Minimize disturbance. To the extent feasible, EHA Projects shall be sited on the least viable portion of the parcel or in such a way as to disturb the least amount of productive farmland. Depending on site conditions, this may be achieved by siting the EHA Project near existing development on the site, using existing site access, and minimizing the use of paving materials or other impervious surfacing to the minimum necessary to accommodate the EHA Project.

(ii) Buffers. To the extent feasible, housing accommodations shall be sited at least 50 feet from any active agricultural operations on the subject parcel, including areas subject to machine cultivation or pesticide application. If such distances are not feasible, buffering techniques, such as fencing, screening with vegetation, or other techniques may be used to provide a buffer between farmworker housing and farming operations, subject to Department approval. Housing accommodations shall not be located within 75 feet of any livestock barns, pens or similar quarters of livestock or poultry, consistent with State regulations.

(3) Enforcement.

(a) Violation of any conditions of approval of a License, the Act, or any County permit or approval of an EHA Project shall be considered a violation of the Santa Cruz County Code, subject to enforcement in accordance with SCCC Chapter 19.01, which may include fines, civil penalties, abatement of the use, conversion of the housing units to non-habitable structures, or removal of the structures. Any operator found to be leasing EHA units or beds in a licensed EHA Project to occupants other than farmworkers or farmworker families shall be deemed in violation of the County Code pursuant to this section.

(b) EHA Projects are subject to the enforcement provisions of the Act (§17050-17062). Violations of the relevant use, occupancy, or maintenance requirements, or conditions of the License, are considered a public nuisance under the Act, and subject to abatement if not made to conform. The Enforcement Agency may pursue all enforcement actions authorized under the Act to investigate and/or abate violations.

E. Single-Family Farmworker Housing

Single-Family Farmworker Housing projects as defined in Section C may, at the applicant's option, be proposed pursuant to §17021.5 of the Act, in which case they are deemed a residential use and subject to the same permitting requirements and development standards that apply to a single-family dwelling proposed in the applicable zone, rather than being deemed an agricultural use pursuant to Section D above. All Single-Family Farmworker Housing Projects that provide housing for at least five farmworkers shall obtain a License from the Enforcement Agency pursuant to the Act.

F. Small Farmworker Housing Projects

A Small Farmworker Housing Project of one to four farmworker dwelling units per parcel, in addition to any primary residence and accessory dwelling unit that may exist on the site, shall be processed as follows:

(1) Applicability of the Act.

(a) Small Farmworker Housing Projects proposed to provide housing for at least five individual farmworkers (i.e., at least one farmworker unit will house more than one individual farmworker per unit) are considered an EHA Project and may be approved pursuant to Section D on a parcel in an agricultural zoning district, subject to all provisions of Section D and the Act, including the requirement to obtain a License.

(b) Small Farmworker Projects proposed to provide housing for four or fewer individual farmworkers (at least one farmworker per proposed unit, not to exceed four farmworkers total in the project) are not an EHA Project and not subject to the Act. Such projects may be approved in agricultural zones outside the Coastal Zone with an Administrative Site Development Permit (Level III) pursuant to all requirements of Section D above, except for the requirement to obtain or maintain a License. In lieu of a License, such projects shall be subject to annual monitoring by the Planning Department to verify the owner's compliance with the recorded farmworker housing covenant and project conditions of approval. If, upon monitoring or in response to a complaint, any dwelling unit in such project is determined to be non-compliant with the occupancy requirements set forth in the farmworker housing covenant, after reasonable notice and opportunity to correct the violation as set forth in County Code, the project permit may be revoked and the unit(s) subject to enforcement pursuant to SCCC Chapter 19.01, possibly including abatement of the structures.

G. Affordable Rental Farmworker Housing

This subsection provides a discretionary land use approval process for Affordable Rental Farmworker Housing projects as defined above (AFH Project or ARFH Project) which exceed the maximum size of an EHA Project and are not subject to the requirements of the Act.

(1) Development Reserve. A Development Reserve for affordable farmworker housing (ARFH Projects) has been established by the County General Plan. This Reserve allows the County to approve development of up to 200 units of affordable farmworker housing within qualifying unincorporated areas of the Pájaro Valley, outside of the Coastal Zone, as a conditional use in CA and A agricultural zones. The units authorized by this Reserve shall be made available on a first-come, first-served basis to qualified affordable housing providers as set forth below.

(2) Qualified Affordable Housing Developers. In order to apply for a conditional use permit and a development permit pursuant to this section, project applicants shall meet the following criteria:

(a) Project sponsor (developer) and/or site owner is a 501(c)(3) nonprofit housing development organization and/or public agency;

(b) Project will be funded in full or part by public subsidies and/or low-income housing tax credits, or is being developed on land provided by the County or other public or non-profit agency for development of affordable rental farmworker housing;

(c) All rental units in the project, except any property manager's units, will be subject to an affordability restriction of at least 55 years and a requirement that the units be occupied only by farmworkers and/or farmworker families, as defined above or as may be defined by the project financing source(s). In the case of any conflict, the stricter definition shall prevail.

(3) Site Location Criteria. Sites proposed for an ARFH Project shall meet the following site location criteria ("qualifying areas"):

(a) The land is located within the unincorporated areas of the Pájaro Valley within Santa Cruz County (see Figure 13.10.631-1, below), and is in the CA, AP, or A zoning district;

(b) The development site, defined as the proposed development envelope of the project, not the entire agricultural parcel on which it is proposed, is not within any of the following zones or areas:

(i) A coastal zone, as defined in Division 20 (commencing with Section 30000) of the Public Resources Code.

(ii) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

- (iii) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178 of the Government Code, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179 of the Government Code, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.
- (iv) A hazardous waste site that is listed pursuant to Section 65962.5 of the Government Code or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
- (v) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2 of the Government Code.
- (vi) Within a flood plain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.
- (vii) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.
- (viii) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.
- (ix) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and

Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(x) Lands under conservation easement, unless the easement allows or can be amended to allow farmworker housing; each easement contains its applicable restrictions.

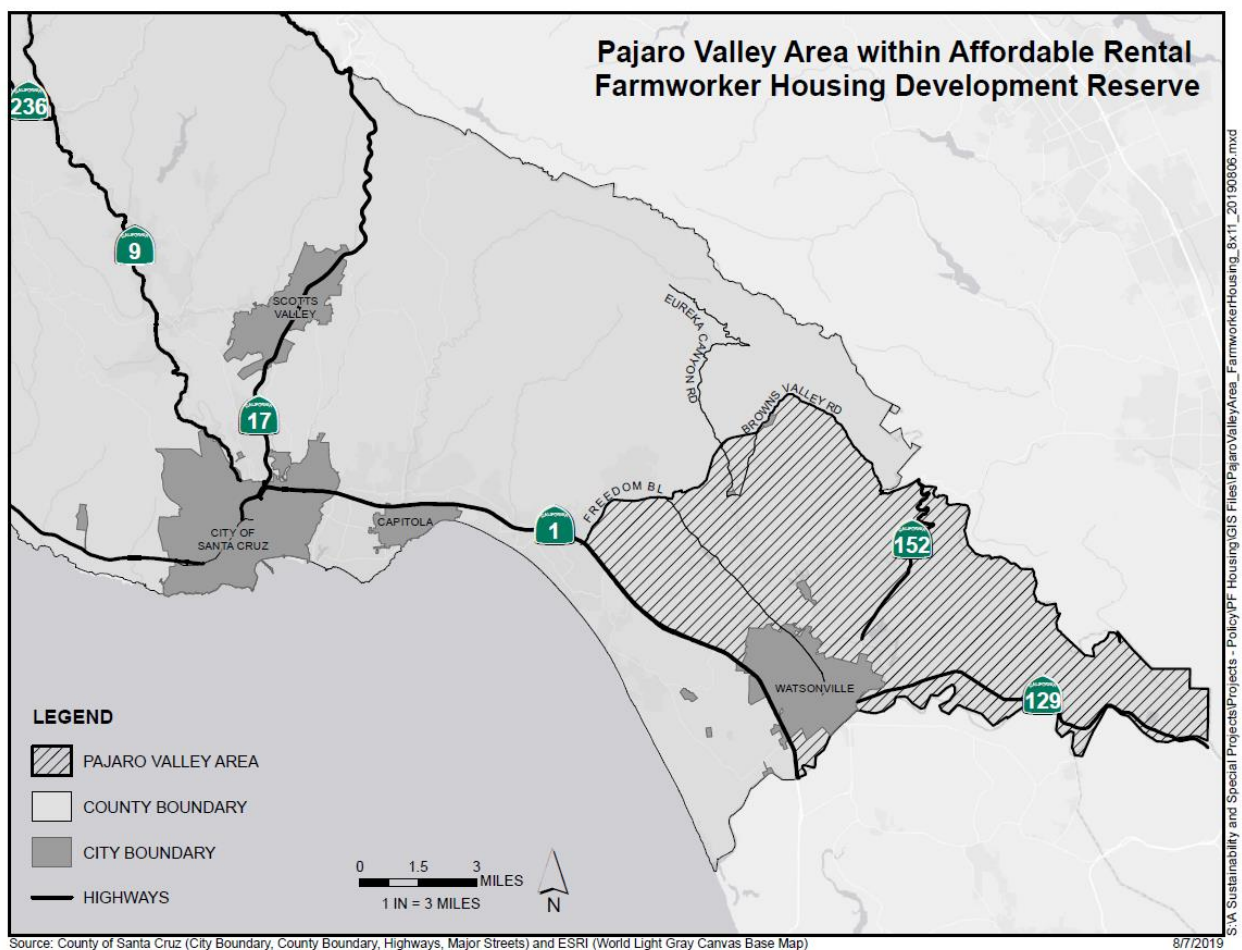
(c) The development shall not be allowed if it would require the demolition of a historic structure that is listed on a national, state, or local historic register.

(d) The site meets the siting criteria of the proposed financing source(s) for the project, including proximity to community amenities such as schools, shopping, and transit service.

Figure 13.10.631-1

Map of Unincorporated Area of Pájaro Valley within Development Reserve

(See 13.10.631(G)(3)(a), above)



A higher resolution map is available upon request from the Planning Department.

(4) Discretionary Approval. Projects proposed pursuant to this section are not subject to the Act and not required to obtain a License, but are required to obtain a discretionary conditional use permit and a site development permit (Level VII) from the County, with review by the Agricultural Policy Advisory Committee, Planning Commission, and approval by the Board of Supervisors.

(a) Application Procedures:

(i) Reservation for Units pursuant to Development Reserve. In order to provide for orderly review and consideration of applications and to avoid duplication of effort for the same remaining unit capacity in the reserve, Project sponsor (developer) shall submit a written request for a reservation of the desired number of ARFH units to the Planning Department (Department) with evidence of sponsor's qualifications as an Affordable Rental Housing Developer pursuant to this subsection (G) and evidence of property ownership, or if sponsor is not the property owner, evidence of site control such as a ground lease, or a letter of interest from the current owner of the proposed project site, and designation of developer as an agent of the owner. Upon review by the Department to determine that the Sponsor is eligible and site is eligible for an ARFH Project pursuant to this subsection, the Department will issue the Sponsor a reservation letter for the requested number of units, or for the number of units remaining in the Development Reserve, whichever is less. This reservation will preclude any other Sponsor from reserving these same units for a period of up to nine months, to allow the Sponsor adequate time to submit a complete application for the required land use approvals for the proposed project. Once the Sponsor's application has been deemed complete by the Department, the reservation shall be extended by three years, or until any earlier date on which sponsor's ARFH project has been either approved or denied by the County, including applicable appeal periods. At the end of this reservation period, if the project was not approved, or if a lesser number of units was approved than the number reserved, the reservation for any unused units shall expire and become null and void, and other sponsors may request a reservation for those units. The Department Director shall be authorized to extend the three year expiration date for good cause.

(ii) All applications for permit approval of an ARFH project shall include the Department's reservation letter for at least the number of units proposed in the ARFH Project as evidence that sufficient capacity remains in the Development Reserve for the proposed project, in order to be deemed complete. The ARFH Project application shall otherwise meet all application requirements and follow all required Level VII procedures as set forth in the Zoning Code.

(iii) Site Plan. Applications for an ARFH Project shall include a site plan to define the proposed Site Area, interior circulation patterns within the ARFH Project's site area, exterior site access through the remaining portion of the agricultural parcel to the first public road, fire access, infrastructure improvements, common area location and amenities, and location of other existing development on the parcel(s) on which the Project is proposed.

(5) ARFH Projects are deemed an agricultural land use and are not subject to the residential density limitations of the zoning code or General Plan.

(6) ARFH Projects are subject to CEQA review and may be considered for any exemptions available in the Public Resources Code that are applicable to the proposed project.

(7) Development Standards

ARFH Projects shall comply with the development standards below. For the purpose of this section, "site area" shall be defined as that portion of the property designated on the proposed site plan to be the development envelope for the ARFH Project and to be controlled by the Sponsor upon completion of the project, and not the entire agricultural parcel(s) on which the project is proposed to be located. The site area of an ARFH Project shall be at least one acre and not more than five acres, unless an exception to this requirement is granted as part of the development permit for reasons such as unusual topography or the need for a lengthy access road across the parcel. ARFH Projects shall comply with development standards of the CA, AP and A zone districts applicable to agricultural uses as provided in 13.10.313, as well as the additional standards and criteria provided below.

(a) Density limitations. ARFH Projects proposed in agricultural zones may be developed at a density of up to thirty units per acre contained within the proposed site area.

(b) Unit Size. The maximum habitable floor area for a dwelling unit in an ARFH Project shall not exceed the following, measured in square feet (SF), unless the guidelines of a proposed public funding source of the project require a slightly larger unit size, in which case the requirements of that funding source shall prevail:

| <u>Unit Size</u> | <u>Maximum Floor Area</u> |
|----------------------------|---------------------------|
| <u>Studio or 1 bedroom</u> | <u>640 SF</u> |
| <u>2 bedrooms</u> | <u>800 SF</u> |
| <u>3 bedrooms</u> | <u>1,200 SF</u> |
| <u>4 or more bedrooms</u> | <u>1,400 SF</u> |

(c) Height. Structures shall be limited to a height of 35 feet measured from the preconstruction natural grade and up to three stories, exclusive of subsurface parking. Modifications of these standards may be approved based on unique site and design factors and/or feasibility constraints or requirements associated with the project's proposed public sector funding sources.

(d) Parking. ARFH Projects shall comply with the parking standards and exception procedures provided in 13.10.631(D)(2)(e).

(e) Siting. ARFH Projects shall be sited on the parcel, to the extent feasible, to avoid placing units or structures on prime agricultural land or other productive soils, and to avoid or minimize exposure of occupants to hazards associated with agricultural operations on the site or adjacent properties. ARFH projects are not subject to County Code Section 16.50.095, Agricultural buffer setbacks.

(i) Minimize disturbance. To the extent feasible, ARFH Projects shall be sited on the least viable portion of the original agricultural parcel or in such a way as to disturb the least amount of productive farmland. Depending on the site, this may be achieved by siting the ARFH Project near existing development on the parcel, using existing site access, and minimizing the use of paving materials or other impervious surfacing to the minimum necessary to accommodate the ARFH Project.

(ii) Buffers. Residential structures within an ARFH Project shall be sited at least 100 feet from any active agricultural operations on the subject parcel or adjacent parcels, including areas subject to machine cultivation or pesticide application, measured in a straight line from the exterior wall of the residential structure to the nearest cultivated crops or orchards or other areas subject to agricultural operations. If a 100' buffer is not feasible in one or more directions, upon a recommendation from the Agricultural Policy Advisory Commission, the approving body may approve a lesser distance provided that fencing, vegetative screening, HVAC systems, noise-mitigating windows, or other buffering techniques are used to mitigate any nuisance or health and safety hazards due to the agricultural operations that might impact the occupants of the ARFH Project. If any state laws, codes or requirements provide an alternate means of protecting the occupants from agricultural hazards likely to be present on the property, or otherwise preempt this requirement, such other requirement shall prevail. Housing structures shall not be located within 75 feet of any livestock barns, pens or similar quarters of livestock or poultry.

(f) Setbacks from Non-Agricultural Properties. If any portion of the site area of the ARFH Project abuts or is within 30 feet of any property that is zoned for residential or commercial uses, any structures within the ARFH Project shall be set back at least 20 feet from the property line of the adjoining non-agricultural parcel. If the adjoining property includes areas in active agricultural operations, the larger buffer required pursuant to (e) above, shall prevail. ARFH Projects shall be designed so to minimize excessive shading of any existing residential or commercial structures on an adjacent property, such as by stepping back upper stories if necessary. Applicant may provide a shading study to illustrate extent of shading caused by the proposed structures.

(g) Maintain standard riparian setback but eliminate 10-foot additional riparian construction buffer.

(h) Developments shall encourage energy and water efficiency, and environmentally sensitive design and building materials.

SECTION III

16.50.095 Agricultural buffer setbacks.

Subsections (F) and (G) of Section 16.50.095 shall be amended as follows:

(F) ~~Notwithstanding the provisions of subsection (B) of this section, fFarm worker housing, as an agricultural use, is not subject to this section 16.50.095, but is subject to the buffering provisions in 13.10.631. The presence of farmworker housing, which is an agricultural use, on an agricultural parcel does not exempt any proposed habitable development on any adjacent parcels from the requirement to provide an agricultural buffer along the edge of the development nearest the farmworker housing, pursuant to this section. evelopments located on Type 1, Type 2, or Type 3 commercial agricultural land shall provide a buffer between dwelling units habitable structures and outdoor areas designed for human use and areas engaged in agricultural production located on the same parcel as set forth in Section 13.10.631. Said buffer shall be 200 feet if feasible; and if a 200-foot buffer is not feasible, then the maximum buffering possible shall be provided, utilizing physical barriers, vegetative screening and other techniques as appropriate.~~

(G) Proposals to reduce the required 200-foot agricultural buffer setback for additions to existing residential construction (dwellings, habitable accessory structures and private recreational facilities not otherwise exempted by subsections (B)(1) or (F) of this section) ~~and for the placement of agricultural caretakers' mobile homes on agricultural parcels shall be processed as a Level 4 application by Planning Department staff as specified in Chapter 18.10 SCCC with the exception that:~~

- (1) A notice that an application to reduce the buffer setback has been made shall be given to all members of the Agricultural Policy Advisory Commission at least 10 calendar days prior to the issuance of a pending action on an agricultural buffer determination; and
- (2) Where a reduction in the buffer setback is proposed pursuant to this Chapter, the required notice of pending action shall be provided to the applicant, to all members of the Agricultural Policy Advisory Commission, to owners of commercial agricultural land within 300 feet of the project location, and to members of the Board of Supervisors, not less than 10 days prior to the issuance of the permit. There shall not be a minimum number of property owners required to be noticed; and
- (3) Buffer determinations made by Planning Department staff pursuant to this Chapter are appealable by any party directly to the Agricultural Policy Advisory Commission. Such appeals shall include a letter from the appellant explaining the reason for the appeal and the current administrative appeal processing fee.

Exhibit “B”

AGRICULTURAL EMPLOYEE HOUSING PROPOSED GENERAL PLAN/LCP AMENDMENTS

SECTION I

Chapter 2: Land Use

In Chapter 2: Land Use, under “Authority and Purpose,” in the “General Land Use Policies Planning Framework” section, on page 2-3, after the first sentence of paragraph 7 of this section, insert an asterisk and add the following footnote to read as follows:

In areas outside of the Urban Services Line and Rural Services Line, the “Rural Density Matrix” provides for parcel-specific determination of allowable densities based on the availability of services, environmental and site specific constraints, and resource protection factors required by the Growth Management System and the General Plan and LCP Land Use Plan.*

*Housing for school employees on school-owned sites with a Public/Institutional Facilities Land Use Designation is considered a quasi-public use and is not subject to the Rural Density Matrix. In addition, farmworker housing projects, as defined in Chapter 13.10 of the Zoning Code, proposed in agricultural zone districts, are considered an agricultural use and are not subject to the Rural Density Matrix.

SECTION II

Chapter 5: Conservation and Open Space

In Chapter 5 of the General Plan, “Conservation and Open Space,” under the Section titled “Agriculture,” Under Objective 5.13, “Commercial Agricultural Land,” Policies 5.13.5, 5.13.6, 5.13.24, and 5.13.30 are hereby amended to read, and Policy 5.13.6.2 is added to read, as follows:

5.13.5 Principal Permitted Uses on Commercial Agricultural (CA) Zoned Land

(LCP) Maintain a Commercial Agricultural (CA) Zone District for application to commercial agricultural lands that are intended to be maintained exclusively for long-term commercial agricultural uses. Allow principal permitted uses in the CA Zone District to include only agricultural pursuits for the commercial cultivation of plant crops, including food, flower, and fiber crops; ~~and~~ raising of animals including grazing and livestock production; and farmworker housing projects proposed pursuant to the California Employee Housing Act, (Health and Safety Code Sections 17000-17062.5) or (“EHA”) which provide housing for at least five farmworkers but do not exceed 36 beds in group quarters, or do not exceed 12 dwelling units or mobile homes, or other housing accommodations designed for occupancy by a household (“EHA Projects”); and, outside the coastal zone, timber harvesting operations and any Small Farmworker Housing Projects, as defined in County Code Chapter 13.10, proposed to provide housing for four or fewer farmworkers.

5.13.6. Conditional Uses on Commercial Agricultural (CA) Zoned Lands

(LCP) All conditional uses shall be subject to standards which specify siting and development criteria including: size, location and density. Allow conditional uses on CA zoned lands based upon the following conditions:

- (a) The use constitutes the principal agricultural use of the parcel; or
- (b) The use is ancillary, incidental, or accessory to the principal agricultural use of the parcel, including any Small Farmworker Housing Projects, as defined in County Code Chapter 13.10, proposed within the Coastal Zone to provide housing for four or fewer farmworkers; or
- (c) The use consists of an interim public use which does not impair long term agricultural viability, or consists of a permanent public use that will result in the production of recycled wastewater solely for agricultural irrigation, and that minimizes and offsets the loss of agricultural land resulting from facility construction (Amended by Res. 111-2006); or
- (d) The use consists of development of an Affordable Rental Farmworker Housing (ARFH) Project pursuant to the Development Reserve established in Policy 5.13.6.2 below and located outside of the Coastal Zone; and
- ~~(de)~~ The use is sited to avoid conflicts with principal agricultural activities in the area; and
- ~~(ef)~~ The use is sited to avoid, where possible, or otherwise minimize the removal of land from agricultural production.

5.13.6.1 Biomedical Livestock Operations *[No change to this policy. Full text not included here for brevity.]*

5.13.6.2 Development Reserve for Affordable Farmworker Housing Projects

For sites located outside of the Coastal Zone only, a Development Reserve is hereby established to allow development of no more than 200 total units of affordable, multi-family rental housing for farmworker households by qualified non-profit housing providers (“Affordable Farmworker Housing Projects” or “ARFH Projects”) within certain qualifying agricultural areas of unincorporated Pajaro Valley, as further set forth in Chapter 13.10 of the Zoning Code. The ARFH Projects may be allowed by the County as a conditional use on qualifying agricultural lands in CA or A zoning districts with a Level VII discretionary approval, subject to CEQA review. The total number of dwelling units in all ARFH projects approved pursuant to this Development Reserve, combined, shall not exceed two hundred (200) units. Each ARFH project is estimated to consist of approximately 40 to 60 multi-family dwelling units, therefore the capacity of this Development Reserve is expected to be sufficient for four to five ARFH projects in total. ARFH projects are not EHA Projects, as defined above.

5.13.24 Agricultural Buffer Findings Required for Reduced Setbacks

(LCP) A 200-foot buffer setback is required between habitable development and commercial agricultural land (habitable development includes residential land uses or development farm labor housing, commercial or industrial establishments on commercial agricultural land, but does not include farmworker housing, which is an agricultural use), unless a lesser distance is established as set forth in the Agricultural Land Preservation and Protection ordinance. Any amendments to the language of the agricultural buffer ordinance shall require a finding demonstrating that agricultural lands shall be afforded equal or greater protection with the amended language.

5.13.30 Farmworker Labor Housing

Recognizing that farmworker housing is essential to the viability of local agriculture, and that there is a shortage of safe and affordable farmworker housing, allow EHA Projects, as defined in Policy 5.13.5, farm operations to locate farm labor housing within the Agriculture and eCommercial Agriculture areas zone districts as a principally permitted agricultural use, consistent with the EHA, subject to on unfarmable portions of the property, if available, sited so as not to create health problems from pesticides, herbicides and other adjacent agricultural activities, and with adequate buffering based on recommendations of the Agricultural Policy Advisory Commission. the permitting and enforcement provisions of the EHA, and administrative site plan review (Level III). Allow Affordable Rental Farmworker Housing Projects within CA and A zones as a conditional use pursuant to policies 5.13.6, 5.13.6.2, and the farmworker housing project requirements in Chapter 13.10 of the Zoning Code, but only up to a total of 200 units, within the Development Reserve established by Policy 5.13.6.2.

EHA Projects, and outside of the Coastal Zone only, ARFH Farmworker Housing Projects and Small Farmworker Projects, all as defined in Chapter 13.10, are exempt from the Rural Density Matrix and related provisions in Figure 2-2, Policies 5.5.6 (Land Division and Density Requirements in Water Supply Watersheds), 5.8.2 (Land Division and Density Requirements in Primary Groundwater Recharge Areas), and 5.8.9 (Development Densities

With Poor Groundwater Availability), which limit residential density or require a minimum amount of land area per dwelling unit.

In Chapter 5 of the General Plan, “Conservation and Open Space,” under the Section titled “Agriculture,” Under Objective 5.14, “Non-Commercial Agricultural Land,” Policies 5.14.1 and 5.14.10 are hereby amended to read as follows:

Objective 5.14 Non-Commercial Agricultural Land

5.14.1 Principal Permitted Uses Allowed on Non-Commercial Agricultural (A) Zoned Lands (Agricultural (LCP) Land Use Designation with Agricultural Zone District)

On land designated Agricultural on the General Plan and LCP Land Use Maps, but not Agricultural Resource on the Agricultural Resources Maps, allow the following range of uses based on parcel size.

- (a) On parcels 2.5 acres or smaller in size, allow one residence and accessory uses; agricultural uses including EHA Farmworker Housing Projects and, outside of the Coastal Zone, Small Farmworker Housing Projects; open space uses; recreational uses and community facilities where these uses can be shown to not conflict with any adjacent agricultural activity.
- (b) On parcels over 2.5 acres in size, allow a range of agricultural uses, including both commercial and non-commercial agricultural activities including EHA Farmworker Housing Projects and, outside of the Coastal Zone, Small Farmworker Housing Projects; one residence; publicly owned and operated landfill as an interim use; or other uses where these uses are consistent with the Coastal Act, and where these uses can be shown to not conflict with any adjacent agricultural activity.
- (c) Agricultural service establishments according to siting criteria for the location of such businesses. Siting criteria shall include the following: the business shall be compatible with the agricultural area and support farming operations in the area; potential business sites will not conflict with agricultural practices or residential uses; and potential business sites will afford maximum protection of agricultural production and resource values.

5.14.10 Conditional Uses Development on Non-Commercial Agricultural Land

Apply policies 5.13.9, 5.13.11 and 5.13.12 to discretionary development (conditional uses) proposed on non-commercial agricultural land. Allow Affordable Rental Farmworker Housing Projects outside the Coastal Zone, and Small Farmworker Housing Projects proposed inside the Coastal Zone as conditional uses on non-commercial agricultural land (“A” zoning districts) in the same manner as they are allowed on commercial agricultural land (“CA” zoning districts), as set forth in Objective 5.13 above and in Zoning Code Chapter 13.10.

Summary of Farmworker Housing Project Types (Figure 5-2)

| <u>Project Type</u> | <u>In CA, A, and AP Zoning Districts *</u> | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| | <u>Inside Coastal Zone</u> | <u>Outside Coastal Zone</u> |
| <u>Projects Housing Five or More Farmworkers (EHA Projects)</u> <u>Includes any of these project types:</u> <ul style="list-style-type: none"> • <u>Projects of 5 to 36 beds in group quarters</u> • <u>Projects of 5 to 12 dwelling units, mobile homes, or other housing accommodations</u> • <u>Small Projects of 1 to 4 dwelling units proposed to house at least 5 farmworkers</u> <u>EHA Projects may be seasonal, temporary, or permanent, as defined in the EHA</u> | <u>Principally Permitted Use pursuant to State Law (EHA), with:</u> <div> <u>Level V ASD Permit and EHA License</u> <u>**</u> </div> <div> <u>Level III ASD Permit and EHA License</u> </div> | |
| <u>Small Projects of 1 to 4 dwelling units proposed to house 4 or fewer farmworkers</u> | <u>Conditional Use</u> <u>Level V ASD Permit</u> | <u>Principally Permitted Use</u> <u>Level III ASD Permit</u> |
| <u>ARFH Projects</u> | <u>Not Allowed</u> | <u>Conditional Use</u> <u>Level VII Development Permit</u> |

** Note that while some projects may not require a conditional use permit, all projects require an Administrative Site Development (ASD) Permit to ensure appropriate review of siting, buffering and other characteristics.*

*** EHA License is the Permit to Operate an Employee Housing Facility issued by the County Environmental Health Department.*

SECTION III

Chapter 7: Parks, Recreation, and Public Facilities

In Chapter 7 of the General Plan, “Parks, Recreation and Public Facilities,” under the Section titled “Wastewater,” Under Objective 7.20 “Sanitation Facilities Within the Rural Services Line,” and Objective 7.21 “Sanitation Facilities in Rural Areas”, Policies 7.20.2, 7.21.5, and 7.21.6 are hereby amended to read as follows:

Objective 7.20 Sanitation Facilities Within the Rural Services Line

7.20.2 Rural Services Line Areas Without Community Sewage Disposal Systems [7.20.2]

(LCP) Require new development within the Rural Services Line to meet individual sewage disposal system standards set forth in the Sewage Disposal ordinance unless served by a community sewage disposal system as described in 7.20.1. Densities shall be calculated using suburban land use designation standards until a community sewage disposal system is provided, except that school employee housing on school-owned property and farmworker housing projects (all project types defined in County Code Chapter 13.10 except for Small Farmworker Housing Projects proposed in the Coastal Zone) in agricultural zones, as quasi-public or agricultural land uses, are not subject to the suburban residential density limit. Such projects, if located on a site with an individual septic system, are subject to Environmental Health approval of the proposed septic system.

Objective 7.21 Sanitation Facilities in Rural Areas

7.21.5 Community Sewage Disposal Systems Outside the Urban Service Line and

(LCP) Rural Services Line

Prohibit the use of community sewage disposal systems (including package sewer plants) outside the Urban Services Line and Rural Services Line except as follows:

- (a) Allow the continued operation of existing systems; and
- (b) Allow new systems in developed areas to correct existing disposal problems where individual sewage disposal systems are not suitable; and
- (c) Allow new systems to serve 100% affordable rental housing projects, EHA and ARFH Farmworker Housing Projects, as defined in County Code Chapter 13.10, and public facility/institutional uses such as schools, and to serve rental housing for school employee households on sites owned by a public or private school.

Allow systems under conditions (a), (b) and (c) only where approved by the Regional Water Quality Control Board, LAFCO, Public Works, Environmental Health Services; and where operated by a public agency or private contractor to a public agency or a school, or for farmworker housing where the property owner enters into a recorded agreement with the County to provide for ongoing maintenance of the community sewage disposal system.

7.21.6 Sanitary Service Connections Outside Urban Services Line and Rural Services Line

(LCP) Allow sewer service connections from community sewage disposal systems to areas outside the Urban Services Line or Rural Services Line and size line extensions only to serve the following:

- (a) ~~existing~~ public facilities/institutional uses such as schools, including school employee rental housing, or
- (b) EHA and ARFH farmworker housing projects permitted pursuant to Chapter 13.10 of the Zoning Code, or
- (~~b~~c) existing development which conforms to the General Plan land use designation, and which have failing septic systems not able to be repaired, or
- (~~e~~d) one existing dwelling unit per existing parcel of record which has a failing septic system not able to be repaired.

In no case shall such connections allow for additional residential density beyond that allowed by (a) – (d) above.