



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE 6/16/2020	(3) CONTACT/PHONE Brian Pedrotti, Supervising Planner / (805) 788-2788		
(4) SUBJECT Hearing to consider adoption of a resolution amending Title 22 and Title 23 of the County Code and the Coastal Framework for Planning Table "O" (LRP2017-00002) to amend and replace the Farm Support Quarters Ordinance with a new ordinance on Agricultural Worker Housing that reduces regulatory barriers and streamlines the permitting of agricultural worker housing; exempt from CEQA. All Districts.				
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Adopt the resolution to amend Title 22 and 23 of the County Code and Coastal Framework for Planning Table "O"; and 2. Waive the reading of the ordinance if adopted. 				
(6) FUNDING SOURCE(S) Department of Planning and Building Budget	(7) CURRENT YEAR FINANCIAL IMPACT \$0.00	(8) ANNUAL FINANCIAL IMPACT \$0.00	(9) BUDGETED? Yes	
(10) AGENDA PLACEMENT { } Consent { } Presentation {x} Hearing (Time Est. <u>30 mins</u>) { } Board Business (Time Est. <u> </u>)				
(11) EXECUTED DOCUMENTS {x} Resolutions { } Contracts {x} Ordinances { } N/A				
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) N/A			(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: { } 4/5th's Vote Required {x} N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? Yes	(16) AGENDA ITEM HISTORY {x} N/A Date <u>8/21/18</u>		
(17) ADMINISTRATIVE OFFICE REVIEW Zachary A. Lute				
(18) SUPERVISOR DISTRICT(S) All Districts				



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Planning and Building / Brian Pedrotti, Supervising Planner

VIA: Airlin Singewald, Division Manager

DATE: June 16, 2020

SUBJECT: Hearing to consider adoption of a resolution amending Title 22 and Title 23 of the County Code and the Coastal Framework for Planning Table "O" (LRP2017-00002) to amend and replace the Farm Support Quarters Ordinance with a new ordinance on Agricultural Worker Housing that reduces regulatory barriers and streamlines the permitting of agricultural worker housing; exempt from CEQA. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Adopt the resolution to amend Title 22 and 23 of the County Code and Coastal Framework for Planning Table "O"; and
2. Waive the reading of the ordinance if adopted.

DISCUSSION

Background

The proposed ordinance amendments would remove barriers for developing agricultural worker housing. Agricultural worker housing is generally defined as residential dwellings, including mobile homes, or group quarters, such as dormitories or bunk houses and mess halls, occupied by employees of agricultural or ranching operations and the spouses and children of those employees. The County has an existing ordinance that governs agricultural worker housing (currently called "farm support quarters") for both inland and coastal areas. These ordinances generally regulate allowance of agricultural worker housing based on the land use category, size of parcel, and amount of agricultural operation that exists on the subject property or within a five-mile radius. The number of workers or residential units allowed is determined through the existing agricultural use.

The State of California ("State") Employee Housing Act encourages employers and builders to work with local jurisdictions to balance the need to construct safe, high-quality, affordable agricultural worker housing with the

concerns of local communities. A provision of the Employee Housing Act provides that employee housing that meets specified requirements is deemed an agricultural land use and prohibits a local government from requiring a conditional use permit, zoning variance, or other zoning clearance for that employee housing. The Employee Housing Act requires local agencies to allow for up to 12 single-family agricultural worker housing dwellings, or up to 36 beds in a group quarter, with a ministerial (non-discretionary) approval process. To that end, the proposed ordinance amendments will comply with the Employee Housing Act by allowing a ministerial approval of up to 12 single-family agricultural worker housing dwellings, or up to 36 beds in a group quarter, provided the project meets specified criteria including density limitations based on agricultural use.

Current Ordinance, State Law, Proposed Amendments

The intent of the proposed ordinance amendments is to streamline the approval of agricultural worker housing by easing restrictions and lowering the permit requirements consistent with State law. Proposed projects consisting of more than 12 agricultural worker dwellings, or 36 beds in a group quarter, would be allowable subject to a discretionary permit.

Based on staff’s research, input from stakeholder groups, and community outreach and involvement, Table 1 below summarizes the most substantive proposed amendments to Titles 22 and 23 and provides a comparison to the current ordinance and the language of the State legislation.

TABLE 1: COMPARISON OF THE CURRENT ORDINANCE, STATE LAW, AND PROPOSED AMENDMENTS			
Note: The following is a summary of the proposed amendments and does not reflect the entirety of the ordinance. For more detail, please refer to the respective documents.			
	Current Ordinance	Employee Housing Act (State Law)	Proposed Amendments
Land Use Categories Where Agricultural Worker Dwellings are Allowed	Agriculture (AG) Rural Lands (RL)	Discretion of local government	Agriculture (AG) Rural Lands (RL)
Minimum Site Area for Group Quarters	20 Acres	Discretion of local government	5 Acres
Maximum Distance from Group Quarters to Supported Agricultural Operation	5 Miles	Discretion of local government	Eliminate distance requirement

Ministerial Review for Single-Family Dwellings as Agricultural Worker Dwellings	4 dwellings allowed before a Minor Use Permit is required	12 dwellings allowed before a Minor Use Permit is required	12 dwellings allowed before a Minor Use Permit is required
Ministerial Review for Group Quarters as Agricultural Worker Dwellings	20 beds allowed before a Minor Use Permit is required	36 beds allowed before a Minor Use Permit is required	36 beds allowed before a Minor Use Permit is required
Status of Residents	Agricultural Workers of Supported Agricultural Operation, including their Spouse and Children	Any Agricultural Worker, including their Spouse and Children	Any Agricultural Worker, including their Spouse and Children

Based on Table 1 above, future development of agricultural worker housing would be processed primarily based on the number of units proposed. For example, a proposal for 10 agricultural worker housing units (such as single-family homes or mobile homes on property within the Agricultural land use category) would be processed with a Zoning Clearance, as long as it qualified for the required on-site agricultural use, such as 200 acres of irrigated row crop or 400 acres of orchard. A proposal for 50 agricultural worker housing beds in a group quarter in the Rural Lands land use category would be processed with a Minor Use Permit, as long as the property was a minimum of 5 acres, and the applicant was able to provide documentation regarding the magnitude of the agricultural operation that justified the number of agricultural workers.

Residential development on agricultural parcels is generally limited to one primary dwelling per parcel or two primary dwellings (for parcels of at least 20 acres in size). Any additional dwellings must qualify as agricultural worker housing. The existing ordinance contains a “density table” with limitations on the number of group quarters beds or agricultural worker dwellings based on agricultural use. For example, one agricultural worker dwelling is allowed per 20 acres of irrigated row crops and one group quarter bed is allowed for every acre of irrigated row crops. The proposed ordinance would retain this density limit for individual agricultural worker units but would eliminate this requirement for group quarters housing. For agricultural worker dwelling units, this category of housing must be located on the property where the agricultural use exists. Thus, the density table for individual units properly justifies the number of units allowed on-site to the agricultural use on-site. For group quarters, the proposed ordinance allows the agricultural use that justifies the number of beds to be located off-site, which is intended to reflect the reality of how agricultural workers, and particularly H-2A Visa workers who will be the primary user of group quarters, move in a regional manner to help harvest crops throughout the county. The Planning Commission recommended that due to these factors, as well as the complication of review and enforcement, that group quarters not be tied with a density factor to group quarters. Rather, the number of group quarters proposed for any given project would be justified

through the documentation from the applicant that demonstrates the need based on the magnitude of agricultural activities to be directly supported by the units.

Planning Commission Recommendations

The following Planning Commission recommendations have been incorporated into the revised draft ordinance. The staff report for the Planning Commission hearing, which includes discussion on public outreach, has been attached for reference (Attachment 9). As described above, the Planning Commission recommended eliminating the “density table” for agricultural group quarters housing.

The Planning Commission also directed staff to research whether a limitation can be placed on use of agricultural worker dwellings in “Very High Fire” areas. Since the time of the Planning Commission meeting, this same issue came up with the use of Accessory Dwelling Units in “Very High Fire” areas. It was determined that the use could not be singled out and prohibited in the very high fire areas when other residential uses are allowed in these areas. Staff determines that a similar approach should apply to agricultural worker housing.

ENVIRONMENTAL REVIEW

The ordinance revisions described herein are intended to be consistent with State law such that certain ag worker housing projects are ministerial and would not be subject to environmental review if they meet specific criteria. Ag worker housing projects that do not meet the criteria established by the ordinance would then be subject to environmental review per CEQA and any environmental issues would be addressed at that time. Therefore, these ordinance amendments are covered by the general rule that CEQA applies only to projects which have the potential to cause a significant effect on the environment. It can be seen with certainty that these ordinance amendments will not have a significant effect on the environment. The proposed amendments do not involve the addition of any new uses in the county or additional housing density that is not already currently allowed. The proposed amendments are intended to ensure compliance with the permitting requirements of the Employee Housing Act.

OTHER AGENCY INVOLVEMENT/IMPACT

The Department of Planning and Building (“Department”) referred the amendments to all applicable State and local responsible agencies, including the California Coastal Commission, Cal Fire, and the following County Departments: Public Works, Environmental Health, and the Building Division of the Department of Planning and Building. The Department also referred the amendments to all County Community Advisory Councils, hosted a public workshop to discuss agricultural worker housing, and worked with a stakeholder group, which included representation from industry groups, labor contractors, and other agriculture-related groups, to identify regulatory barriers and scope the amendments. In addition to the stakeholder group, staff met with other community organizations to provide presentations, including the California Women of Agriculture, SLO Farm Bureau, Agricultural Liaison Advisory Board (“ALAB”), and Agricultural Preserve Review Committee (“APRC”). The Planning Commission reviewed and recommended Board adoption of the ordinance amendments. In addition, County Counsel reviewed and approved the resolution and ordinance as to form and content.

BUSINESS IMPACT STATEMENT

Approval of these amendments will provide positive effects on the business clusters identified in the San Luis Obispo County Clusters of Opportunity Economic Strategy prepared by the Economic Vitality Corporation in 2010. The overall goal of the Agricultural Worker Housing Ordinance is to create incentives to build worker housing in agriculture areas that will support said agricultural operation(s). The proposed ordinance provides regulatory relief consistent with the intent of the California State Legislature. For this reason, the Building, Design and Construction Cluster should be positively affected by the proposed ordinance.

FINANCIAL CONSIDERATIONS

County initiated amendments are processed using funds in the current Department of Planning and Building's budget. The amendments are intended to streamline development of Agricultural Worker Housing and reduce construction costs consistent with the provisions of the State Employee Housing Act.

RESULTS

Approval of the attached resolution would amend Title 22 and Title 23 of the County Code and Coastal Framework for Planning Table "O" to streamline the permitting of agricultural worker housing in the unincorporated areas of the county.

The amendments to Title 22 of the County Code become effective 30 days after today's date (June 16, 2020).

The Coastal Zone amendments (Title 23 and Coastal Framework for Planning Table "O") will also require California Coastal Commission approval. The Department will submit the amendments to the Coastal Commission after final Board action. If the Coastal Commission approves and certifies the amendments, they will take effect immediately. If the Coastal Commission approves the amendments with suggested modifications, the Department will return to the Board for consideration and approval of the Coastal Commission's suggested modifications.

ATTACHMENTS

- Attachment 1 – PowerPoint Presentation
- Attachment 2 – Resolution with Exhibit A (LCP Amendment to Coastal Table "O")
- Attachment 3 – Amendments to Title 22 (Land Use Ordinance) - Edited
- Attachment 4 – Amendments to Title 22 (Land Use Ordinance) - Clean
- Attachment 5 – Amendments to Title 23 (Coastal Zone Land Use Ordinance) - Edited
- Attachment 6 – Amendments to Title 23 (Coastal Zone Land Use Ordinance) - Clean
- Attachment 7 – Planning Commission Letter
- Attachment 8 – Planning Commission Draft Minutes from November 14, 2019
- Attachment 9 – Staff Report for the November 14, 2019 Planning Commission Meeting
- Attachment 10 – Notice of Exemption