

## ORDINANCE NO. 10003 (NEW SERIES)

### AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO FARM EMPLOYEE HOUSING AND FARM LABOR CAMPS, REF: POD 08-003

The Board of Supervisors of the County of San Diego ordains as follows:

**Section 1.** The Board of Supervisors finds and determines that the following amendments of the Zoning Ordinance to add, clarify or correct minor provisions concerning the regulation of farm employee housing and farm labor camps are necessary to ensure consistency with the mandates of the state's Employee Housing Act and are reasonable and necessary for the public health, safety, convenience, and welfare and are consistent with the General Plan.

**Section 2.** Section 1110, DEFINITIONS (A) of the San Diego County Zoning Ordinance is amended to add the definition of the term "Agriculture" to read as follows:

Agriculture: Shall mean the production of goods such as food, fibers or feed by the systematic growing and harvesting of plants, animals and other life forms. Typical forms of agriculture include cultivation of land and raising of livestock.

**Section 3.** Section 1110, DEFINITIONS (C) of the San Diego County Zoning Ordinance is amended to add the definition of the term "Commercial Agriculture" to read as follows:

Commercial Agriculture: Shall mean a routine and ongoing enterprise associated with a farm, grove, dairy, or other agricultural business, and shall include:

1. The cultivation and tillage of soil; crop rotation; fallowing for agricultural purposes; the production, cultivation, growing, replanting and harvesting of any agricultural commodity including viticulture, vermiculture, apiculture, or horticulture;
2. The raising of livestock, bees, fur bearing animals, fish or poultry, and dairying for sale;
3. Any practices performed by a farmer on a farm as incident to or in conjunction with those farming or grove operations, including the preparation for market, delivery to storage or to market, or delivery to carriers for transportation to market; and
4. Ordinary pasture maintenance and renovation and dry land farming operations consistent with rangeland management and soil disturbance activities.

All such activities must be consistent with the economics of commercial agricultural operations and other similar agricultural activities. Commercial Agriculture does not include crops or agriculture for personal consumption.

**Section 4.** Section 1110, DEFINITIONS (F) of the San Diego County Zoning Ordinance is amended to revise the definition of the term "Farm Employee" to read as follows:

Farm Employee: A person who derives more than half of their total livelihood in the service of another person as an employee engaged in active commercial agriculture. "Farm Employee" does not include the owner or lessee of a particular property, or a person engaged in construction, alteration, painting, or repair of a structure, logging, or land surveying. "Farm Employee" may

include a person engaged in brush or timber clearing, land grading or leveling when such activity is being carried out in preparation for farming.

**Section 5.** Section 1110, DEFINITIONS (F) of the San Diego County Zoning Ordinance is amended to revise the definition of the term “Farm Employee Housing” to read as follows:

Farm Employee Housing: A living unit or units for farm employees and their families consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household. This is an accessory use to active Commercial Agriculture, subject to Section 6156.u. Farm Employee Housing is not subject to Density Regulations.

**Section 6.** Section 1110, DEFINITIONS (F) of the San Diego County Zoning Ordinance is amended to add the definition of the term “Farm Labor Camp” to read as follows:

Farm Labor Camp: A living unit or units used for housing by 13 or more Farm Employees and their families or with 37 or more beds in a group quarters. This is an agricultural use, as a part of active commercial agriculture, subject to Section 1750 and Section 6906. A Farm Labor Camp is not subject to Density Regulations.

**Section 7.** Section 1110, DEFINITIONS (L) of the San Diego County Zoning Ordinance is amended to add the definition of the term “Livestock” to read as follows:

Livestock: An animal raised for food or other products. Typical examples include cattle, poultry and pigs. Animals raised for pleasure, exhibition or racing shall not be considered livestock.

**Section 8.** Section 1205 of the San Diego County Zoning Ordinance is amended to read as follows:

1205 LISTING OF USE CLASSIFICATIONS.

All uses are hereby classified into the following use types, which are described in Section 1250 through Section 1899, inclusive. See Section 1215 for classification of combinations of uses resembling different types. The names of these use types start with capital letters throughout the Zoning Ordinance.

a. Residential Use Types.

Family Residential  
Group Residential  
Mobilehome Residential

(b through d.: no change)

e. Agricultural Use Types.

Horticulture; Cultivation  
Horticulture: Storage  
Tree Crops  
Row and Field Crops  
Animal Raising  
Animal Waste Processing  
Packing and Processing: Limited  
Packing and Processing: General  
Packing and Processing: Support  
Packing and Processing: Winery  
Packing and Processing: Boutique Winery  
Packing and Processing: Wholesale Limited Winery

Agricultural Equipment Storage  
Farm Labor Camp

(f.: no change)

**Section 9.** Section 1275 of the San Diego County Zoning Ordinance is repealed.

**Section 10.** Section 1750 is added to the San Diego County Zoning Ordinance to read as follows:

1750 FARM LABOR CAMP.

The Farm Labor Camp use type refers to the occupancy by 13 or more Farm Employees and their families of a living unit or units or 37 or more beds in a group quarters, without regard to duration. A Farm Labor Camp is allowed exclusively in association with the performance of commercial agricultural labor.

**Section 11.** Section 2184 of the San Diego County Zoning Ordinance is amended to read as follows:

2184 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the RR Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities  
Small Schools

b. Commercial Use Types.

Cottage Industries (see Section 6920)

c. Agricultural Use Types

Farm Labor Camps

**Section 12.** Section 2704 of the San Diego County Zoning Ordinance is amended to read as follows:

2704 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the A70 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Law Enforcement Services  
Minor Impact Utilities  
Small Schools

b. Agricultural Use Types

Farm Labor Camps

**Section 13.** Section 2724 of the San Diego County Zoning Ordinance is amended to read as follows:

2724 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the A72 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities  
Small Schools

b. Agricultural Use Types

Farm Labor Camps

**Section 14.** Section 2804 of the San Diego County Zoning Ordinance is amended to read as follows:

2804 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the S80 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities  
Small Schools

b. Agricultural Use Types

Farm Labor Camps

**Section 15.** Section 2874 of the San Diego County Zoning Ordinance is amended to read as follows:

2874 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the S87 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Law Enforcement Services  
Lodge, Fraternal and Civic Assembly (within existing buildings)  
Minor Impact Utilities  
Small Schools

b. Agricultural Use Types

Farm Labor Camps

c. Expansion of any existing use type located on the property.

**Section 16.** Section 2884 of the San Diego County Zoning Ordinance is amended to read as follows:

2884 USES SUBJECT TO A MINOR USE PERMIT.

Until a Specific Plan applicable to the property is adopted, the following use types are allowed by the S88 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Law Enforcement Services.  
Minor Impact Utilities

b. Agricultural Use Types

Farm Labor Camps

**Section 17.** Section 2904 of the San Diego County Zoning Ordinance is amended to read as follows:

2904 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the S90 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Law Enforcement Services  
Minor Impact Utilities  
Small Schools

b. Agricultural Use Types

Farm Labor Camps

**Section 18.** Section 2925 of the San Diego County Zoning Ordinance is amended to read as follows:

2925 USES SUBJECT TO A MINOR USE PERMIT.

The following use types are allowed by the S92 Use Regulations upon issuance of a Minor Use Permit.

a. Civic Use Types.

Minor Impact Utilities  
Small Schools

b. Agricultural Use Types

Farm Labor Camps

**Section 19.** Section 2990 of the San Diego County Zoning Ordinance is amended to read as follows:

2990 USE MATRIX.

The Director shall prepare and cause to be inserted in copies of the Zoning Ordinance, an official Use Matrix which expresses in graphic form the Use Regulations contained in Sections 2100 through 2989, inclusive.

**Section 20.** Section 4120 of the San Diego County Zoning Ordinance is amended to read as follows:

4120 EXCEPTIONS TO DENSITY REGULATIONS.  
The following are exceptions to the Density Regulations:

- a. Farm Employee Housing. Farm Employee Housing is not subject to Density Regulations.
- b. Farm Labor Camps. Dwelling units built pursuant to a use permit to accommodate a farm labor camp are not subject to Density Regulations.
- c. No change.
- d. No change.
- e. No change.

**Section 21.** Subsection u. of Section 6156 of the San Diego County Zoning Ordinance is amended to read as follows:

- u. Farm Employee Housing. In the RR, A70, A72, S80, S87, S88, S90, and S92 Use Regulations, farm employee housing is an allowed accessory use to Commercial Agriculture on the same parcel on which the housing is located or on another parcel under the same ownership, provided that:
  1. The number of living units is reasonably related to the number of farm employees required for commercial agriculture on the parcel on which the farm employee housing is located and, where applicable, on other land owned or leased and farmed by the applicant.
  2. Consideration shall be given to surrounding land uses when determining the location, size and design of Farm Employee Housing.
  3. Farm employee housing shall be occupied only by farm employees (and their families) engaged in Commercial Agricultural labor, and shall not be otherwise occupied or rented.
  4. If Commercial Agriculture is not in progress at the time of application for an Administrative Permit, the Permit shall be conditioned to require review to ensure that bona-fide commercial agriculture commences within a reasonable time.
  5. Farm employee housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months following the date of occupancy on the building permit issued for the farm employee housing.
  6. Contract. For any application for farm employee housing which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval issuance of the Administrative Permit, the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall have been approved by the Board of Supervisors.
  7. On an annual basis, the property owner must file a certificate with the Director of the Department of Planning and Land Use stating that the commercial

agricultural operation is still taking place on the property and that the tenants are employed as farm employees and thereby renew the agricultural certificate for the farm employee housing. Failure to file the certificate will be interpreted as indicating the commercial agriculture has ceased operation and may be the basis for building permit revocation.

8. **Contract.** Prior to the issuance of a Building Permit, the property owner shall enter into a contract with the County agreeing to specific terms and conditions limiting farm employee housing to bona-fide farm employees and their families in conjunction with on-going agricultural operations. The form of the contract shall have been approved by the Board of Supervisors.
9. **Evidence of Commercial Agriculture.** Prior to submittal of the Building Permit application for Farm Employee Housing the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Land Use of an active Commercial Agricultural Operation.
10. In the RS, RD, RM, RV, RU, RMH, RRO, RC, C32, C34, C35, C36, C37, C38, C40, C42, C44, C46, M50, M52, M54, M58, S82, S86, and S94 Use Regulations, farm employee housing is allowed upon issuance of an Administrative Permit, provided that it complies with the provisions of 6156 u. 1 through 8, and before an Administrative Permit may be granted or modified, it shall be found:
  - a. That the location, size, design, and operating characteristics of the proposed use will be compatible with adjacent uses, residents, buildings, or structures, with consideration given to:
    - 1) Harmony in scale, bulk and coverage;
    - 2) The availability of public facilities, services and utilities;
    - 3) The harmful effect, if any, upon desirable neighborhood character;
    - 4) The generation of traffic and the capacity and physical character of surrounding streets;
    - 5) The suitability of the site for the type and intensity of use or development which is proposed; and to
    - 6) Any other relevant impact of the proposed use.
  - b. That the impacts, as described in paragraph "a" of this section, and the location of the proposed use will be consistent with the San Diego County General Plan.
  - c. That the requirements of the California Environmental Quality Act have been complied with.
  - d. That notice shall be given to owners of property within 300 feet of the exterior boundaries of the legal lot with the proposed farm employee housing and a minimum of 20 different owners pursuant to Section 7060.c. No hearing is required unless requested by the applicant or other affected person pursuant to Section 7060.d.

**Section 22.** Section 6906 of the San Diego County Zoning Ordinance is amended to read as follows:

- a. For any application for a Minor Use Permit for a farm labor camp which is subject to the waiver of fees pursuant to Section 7602.d.5, prior to the approval of the Minor Use Permit the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall be approved by the Board of Supervisors.
- b. Farm labor camp housing shall be removed or converted to another allowed use at such time as the commercial agriculture to which it relates ceases operation for more than twelve consecutive months following the date of occupancy on the building permit issued for the farm labor camp housing.
- c. For any application for a Minor Use Permit for a farm labor camp which is subject to the waiver of fees pursuant to Section 7602 d.7, prior to the submittal of the Minor Use Permit application the property owner shall enter into a contract with the County agreeing to specific rental terms and conditions which make low cost housing available to farm employees and will allow for periodic inspections of the housing by County employees. The form of the contract shall be approved by the Board of Supervisors.
- d. Prior to submitting an application for a building permit for a farm labor camp project, the property owner shall enter into a contract with the County agreeing to specific terms and conditions. The form of the contract shall have been approved by the Board of Supervisors.
- e. Evidence of Commercial Agriculture. Prior to approval of the Minor Use Permit for a Farm Labor Camp the property owner shall provide appropriate evidence to the satisfaction of the Director of Planning and Land Use of an active Commercial Agricultural Operation.
- f. On an annual basis, the property owner shall file a certificate with the Director of Planning and Land Use stating that the Commercial Agricultural operation to which the housing is related is still active and that the tenants are employed as Farm Employees. Failure to file the certificate will indicate the Commercial Agriculture has ceased.

**Section 23.** Subsection d. of Section 7602 of the San Diego County Zoning Ordinance is amended to read as follows:

- d. Waived. The application fee is waived for:
  1. Group Care uses with an occupancy of not more than 14 persons and Family Day Care Homes for Children.
  2. Animal Raising Projects pursuant to Section 3115.
  3. Modification of a Major Use Permit for an existing mobilehome park pursuant to Section 6549 a. provided the Director determines that the necessary discretionary action for said modification can occur concurrently with the related tentative subdivision map.
  4. Major Use Permit for an existing mobilehome park not established pursuant to the Mobilehome Park Regulations pursuant to Section 6549 b. provided the Director determines that the necessary discretionary action for said Major Use Permit can occur concurrently with the related tentative subdivision map.



5. As funding is available, a Minor Use Permit for a farm labor camp, or Administrative Permit for farm employee housing, for which a complete application was filed between July 13, 1990 and January 13, 1991 pursuant to Ordinance No. 7768 (N.S.) or was filed between April 5, 1991 and October 5, 1991, pursuant to Ordinance No. 7875 (N.S.) or was filed between October 31, 1991 and July 15, 1992, pursuant to Ordinance No. 8086 (N.S.), or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9643 (N.S.), or was filed between July 1, 2009 and June 30, 2014 pursuant to Ordinance No.\_\_\_\_\_.
6. As funding is available, an application for a Building Permit for farm employee housing including plan check fees for which: (i) the Agricultural Commissioner has issued a certificate of active agricultural enterprise; (ii) the housing is not the subject of an active code enforcement action; (iii) the applicant has entered into the contract required by Section 6156 u. 5. of The Zoning Ordinance; and (iv) a complete application was filed between July 16, 1992 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.) or was filed between July 30, 1993, and June 30, 1994, pursuant to Ordinance No 8271 (N.S.), or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance 8574 (N.S.), or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9012 (N.S.) or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9643 (N.S).,or was filed between July 1, 2009 and June 30, 2014 pursuant to Ordinance No.\_\_\_\_\_.

Costs shall include Parks and Recreation Department fees, planning and environmental review fees. Costs associated with review by staff of the Departments of Environmental Health and Public Works shall be waived in their entirety.

7. As funding is available, waive up to the first \$2,000 of costs expended by staff within the Department of Planning and Land Use to process any single Minor Use Permit for a farm labor camp which: (i) is not subject of an active code enforcement action; (ii) the applicant has entered into the contract required by Section 6906.c of The Zoning Ordinance; and (iii) a complete application was filed between July 16, 1992 and June 30, 1993, pursuant to Ordinance No. 8086 (N.S.) or was filed between July 30, 1993 and June 30, 1994, pursuant to Ordinance No. 8271 (N.S.), or was filed between September 2, 1994 and June 30, 1995, pursuant to Ordinance No. 8436 (N.S.); or was filed between September 15, 1995 and June 30, 1998 pursuant to Ordinance No. 8574 (N.S.) or was filed between May 14, 1999 and June 30, 2004 pursuant to Ordinance No. 9012 (N.S.) or was filed between July 1, 2004 and June 30, 2009 pursuant to Ordinance No. 9643 (N.S.) or was filed between July 1, 2009 and June 30, 2014 pursuant to Ordinance No.\_\_\_\_\_.
8. Appeals by any County citizen advisory body of any land use decision, provided such body is authorized to review and make recommendations pertaining to such decisions pursuant to this Ordinance. The decision to file an appeal must be approved by a majority of the group's authorized membership. If no group meeting is scheduled prior to the end of the appeal period, the Chair of the group may file the appeal or must file the appeal if so directed by petition of a majority of the group's membership. The decision to appeal shall then be confirmed by a majority of the group's authorized membership at their next meeting. Failure to achieve a majority vote in favor of appeal shall require the group to withdraw the appeal.
9. A Site Plan filed pursuant to the Community Design Review Area regulations (Section 5750 et seq.) that is a) within the I-15 Corridor (as defined in the County General

Plan), and b) for review of a single dwelling on an existing legal lot or for buildings or structures accessory to such a dwelling.

**Section 24.** This ordinance shall take effect and be in force thirty days after its passage, and before the expiration of fifteen days after its passage, a summary hereof shall be published once with the names of the members of this Board voting for and against it in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

PASSED, APPROVED AND ADOPTED by the Board of Supervisors of the County of San Diego this 5<sup>th</sup> day of August, 2009.