35.42.135 Farmworker Housing

- A. **Purpose.** As stated in Government Code Section 65580(a), the State Legislature has declared that the availability of housing, including farmworker housing, is of vital statewide importance. Furthermore, California Health and Safety Code Section 17000, *et seq.*, known as the Employee Housing Act, includes regulations that require local jurisdictions to allow the development of farmworker housing provided such housing complies with the Employee Housing Act. Therefore, the purpose of this Section is to promote the development of, and establish development standards for, farmworker housing consistent with this legislative declaration and in compliance with the California Health and Safety Code.
- B. **Applicability.** The standards of this Section shall apply to the development of Farmworker Employee Housing as that use is defined in Section 35.500.020 (Definition of Specialized Terms and Phrases) and as may be allowed in compliance with the approval of the applicable permit identified in Chapter 35.422 (Resource Protection Zones), Chapter 35.423 (Residential Zones) and Chapter 35.424 (Commercial Zones).

C. Farmworker housing requirements.

- 1. **State regulations.** All farmworker housing shall also comply, where applicable, with all of the following:
 - a. California Health and Safety Code Section 17000 through 17062.5, also known as the Employee Housing Act.
 - b. California Health and Safety Code Section 18200 *et seq.,* also known as the California Mobilehome Parks Act.
 - c. California Health and Safety Code Section 18860 *et seq.*, also known as the California Special Occupancy Parks Act.
- 2. Farmworker housing may be developed and/or maintained for the purpose of providing permanent, seasonal or temporary employee housing for farmworkers.
- 3. Farmworker housing may be allowed, but not required, to be:
 - a. Developed or provided by the employer(s) of the farmworker; and/or
 - b. Located on the same property where the qualifying farm work is being performed.
- 4. If farmworker housing is developed and/or provided by a person or entity other than the farmworker's employer, the farmworker housing shall consist only of:
 - a. Seasonal or temporary farmworker housing, or
 - b. A manufactured home, mobilehome, travel trailer, or recreational vehicle, if such housing is intended to be permanent (i.e., permanent employee housing).
- 5. Prior to the approval of a Building Permit for a farmworker housing complex, the applicant shall submit all required information to, and obtain all applicable approvals from, the following County departments:
 - a. Fire Department.
 - b. Planning and Development Department.
 - c. Public Health Department.
 - d. Public Works Department.
- 6. Within 30 days after obtaining the appropriate permit from the California Department of Housing and Community Development (HCD) to operate farmworker housing, and annually thereafter, the applicant shall submit a completed verification form to the Director describing all of the following:

- a. The farmworker housing, including the number of units, spaces or beds.
- b. The number and employment status of the residents of the farmworker housing, and any other employment information regarding the residents required by the Director.
- c. Proof that the HCD permit for the farmworker housing is current and valid.
- D. **Development standards.** All farmworker housing shall comply with all of the following development standards unless otherwise indicated.
 - 1. Allowed farmworker housing complex housing types. The following housing types may be permitted in farmworker housing complexes in compliance with the required permit(s) specified in the applicable allowed land uses and permit requirements table in Division 35.2 (Montecito Zones and Allowable Land Uses).
 - a. **Resource Protection zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the RMZ zone.
 - b. Residential zones.
 - (1) **R-1/E-1 and R-2 zones.** All housing types allowed in compliance with California Health and Safety Code Sections 17000 through 17062.5 may be permitted in the R-1/E-1 zones.
 - (2) DR zone. The following housing types may be permitted as a farmworker housing complex in the DR zone in compliance with the required permit(s) as specified in Table 2-4 (Allowed Land Uses and Permit Requirements for Residential Zones) in Section 35.423.030 (Residential Zones Allowable Land Uses):
 - (a) Dwelling, multiple.
 - (b) A two-family dwelling.
 - (c) Multiple detached single-family units on one lot subject to any applicable requirements of the Subdivision Map Act, Government Code Section 66410 *et seq*.
 - (d) Farmworker housing complexes other than those housing types listed in Subsections D.1.b.(2)(a) through D.1.b.(2)(c), above, subject to the approval of a Conditional Use Permit in compliance with Section 35.472.060 (Conditional Use Permits).
 - 2. **Farmworker dwelling unit density requirements.** Development of a farmworker dwelling unit shall be in compliance with the dwelling unit density requirements of the applicable zone. If there is an existing single-family dwelling located on a lot, then a farmworker dwelling unit shall not be allowed in addition to the existing single-family dwelling unless additional single-family dwelling units are allowed in compliance with the applicable dwelling unit density requirement.
 - 3. **Parking.** The following requirements shall apply to all farmworker housing in addition to all other applicable parking requirements in this Development Code that would normally apply to the use and location in which the farmworker housing is proposed. In the case of a conflict between the standards of this Subsection D.3 and other applicable parking requirements of this Development Code, the standards of this Subsection D.3 shall prevail.
 - a. Parking spaces for farmworker dwelling units and farmworker housing complexes may be uncovered and may be located in a tandem arrangement.
 - b. Any living quarters such as a manufactured home, mobilehome, recreational vehicle, tent, travel trailer, or other housing accommodation designed for use by a single family or household shall be

considered a one-family dwelling for determining the parking requirement in compliance with Table 3-4 (Residential Parking Standards).

- c. A farmworker housing complex consisting of any group living quarters, such as barracks or a bunkhouse, shall provide one parking space for every four beds in the complex.
- d. Parking requirements for employees as listed in Table 3-4 (Residential Parking Standards) is not required to be provided.
- E. **Covenant and agreement.** Within 30 days after approval of an application for farmworker housing, the applicant shall record with the County Recorder a covenant that runs with the lot on which the farmworker housing is located and is for the benefit of the County, declaring that:
 - 1. The farmworker housing will continuously be maintained in compliance with this Section 35.442.105 (Farmworker Housing) and all other applicable sections of the Development Code;
 - 2. The applicant will obtain and maintain, for as long as the farmworker housing is operated, the appropriate permit(s) from California Department of Housing and Community Development pursuant to the Employee Housing Act and the regulations promulgated thereunder;
 - 3. The improvements required by the County Fire Department, the Planning and Development Department, the Public Health Department, and the Public Works Department, related to the farmworker housing shall be constructed and/or installed, and continuously maintained by the applicant;
 - 4. The applicant will submit the annual verification form to the Director as required by Subsection 35.442.105.C.6; and
 - 5. Any violation of the covenant and agreement required by this section shall be subject to the enforcement procedures of Chapter 35.498 (Enforcement and Penalties).