

ORDINANCE NO. 3418

AN ORDINANCE AMENDING TITLE 23 OF THE SAN LUIS OBISPO COUNTY CODE, THE COASTAL ZONE LAND USE ORDINANCE, BY AMENDING VARIOUS SECTIONS REGARDING AGRICULTURAL WORKER DWELLINGS

The Board of Supervisors of the County of San Luis Obispo, State of California ordains as follows:

SECTION 1: Chapter 11, Section 23.11.030 (Definitions of Land Uses, And Specialized Terms and Phrases) of Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

Agricultural Worker Dwellings (land use). Residential dwellings, including manufactured homes, or group quarters, such as dormitories or bunkhouses and mess halls, occupied by (1) employees of agricultural or ranching operations and (2) the spouses and children of those employees.

SECTION 2: Chapter 8, Section 23.08.167 (Residential Uses in the Agriculture Category) of Title 23 of the San Luis Obispo County Code, is hereby amended to read as follows:

23.08.167 - Residential Uses In The Agriculture And Rural Lands Land Use Categories

In the Agriculture and Rural Lands land use categories primary dwellings and agricultural worker dwellings are allowed, subject to the standards of this section. Such dwellings may include manufactured homes, subject to the standards in Section 23.08.163 (Individual Manufactured homes), in addition to the standards of this Section.

A. Limitation on dwelling location - prime soils. Primary dwellings and agricultural worker dwellings shall not be located on prime agricultural soils unless there is no other building site on the ownership that is all of the following:

- (1) On other than prime soils;
- (2) Less than 20 percent in slope;
- (3) Not within a designated Flood Hazard Combining Designation.

B. Primary dwelling.: Except as otherwise provided by subsection A above, a parcel in the Agriculture and Rural Lands land use categories may be used-as follows:

- (1) **Permit requirements:** Plot Plan approval. Agricultural worker dwellings are subject to the provisions of subsections C of this section (Agricultural Worker Dwellings).
- (2) **Density.:** The maximum number of primary dwellings on a legal parcel shall not exceed the number of dwellings specified in the following table-Dwellings on a legal parcel in addition to those specified in the following table shall satisfy all provisions of subsections C-of this section for agricultural worker dwellings and Section 23.08.169 for accessory dwellings.

C. Agricultural Worker Dwelling-This subsection provides standards for the application and development of agricultural worker dwellings. Agricultural worker dwellings are categorized into

two forms: (1) single-family dwellings, including manufactured homes, and (2) group quarters.

(1) Limitations on use. Agricultural worker dwellings are allowable in the Agriculture (AG) and Rural Lands (RL) land use categories and shall be in direct support of existing agricultural activities. Agricultural worker dwellings in the form of single-family dwellings, including manufactured homes, shall be located on parcels owned or leased by the owner of the supported agricultural activities.

(2) Permit requirement: The required permit shall be obtained prior to the establishment of agricultural worker dwellings, as specified in the following table.

Number of Agricultural Worker Dwelling Units or Beds	Permit Required
Up to 12 single-family dwellings (including manufactured homes) or Up to 36 beds in group quarters	Zoning Review
More than 12 single-family dwellings (including manufactured homes) or more than 36 beds in group quarters	Minor Use Permit
Exceeds the maximum density or capacity specified in the “Maximum Density and Capacity of Agricultural Worker Dwellings” table in this Subsection	Minor Use Permit
<p>Note: A Minor Use Permit or Conditional Use Permit is required if otherwise specified in Planning Area Standards (Article 9) or other applicable provision of this Title.</p>	

(3) Application content.: The application shall include explanation and documentation of the need for agricultural worker dwellings. The magnitude of existing agricultural activities to be directly supported by the proposed agricultural worker dwellings must be described, as well as the number of agricultural workers necessary to conduct the agricultural operations.

(4) Criteria for approval.: The applicant shall demonstrate that the number of agricultural workers for which agricultural worker dwellings is proposed is consistent with the “Maximum Density and Capacity of Agricultural Worker Dwellings” in this subsection, or that a greater number of farm support quarters is necessary to support the existing agricultural activity

(5) Status of residents.: Occupancy of agricultural worker dwellings is limited to the employees of agricultural or ranching operations and the spouses and children of those Agricultural worker dwellings are not to be rented or leased to individuals other than agricultural workers and their spouses and children. An agreement between the property owner and the county limiting occupancy to agricultural workers and their spouses and children shall be executed and recorded prior to building permit issuance.

6) Density. The maximum allowable density and capacity of agricultural worker dwellings shall be as follows, unless authorized by a Minor Use Permit or Conditional Use Permit:

Agricultural Land Use	Maximum Density of Single-Family Dwellings, Including Manufactured Homes ¹ , As Agricultural Worker Dwelling
Irrigated row crops, specialty crops, orchards, and vineyards	One unit per 20 acres of crops
Irrigated pasture and alfalfa	One unit per 30 acres of crops
Dry farm orchards, vineyards, beans and specialty field crops, grain and hay	One unit per 40 acres of crops
Grazing	One unit per 320 acres of grazing land
Nurseries	One unit per acre of propagating greenhouse or three acres of field-grown plant materials
Animal hospitals and veterinary facilities	One unit per facility
Beef and dairy feedlots	One unit per 50 dairy cows or one unit per 100 beef cattle
Fowl and poultry ranches	One unit per 20,000 broiler chickens, or one unit per 15,000 egg laying hens, or one unit per 3,000 turkeys
Hog ranches	One unit per 50 hogs
Horse ranches and equestrian facilities	One unit per 15 brood mares, or one unit per 30 horse boarding stalls, or one unit per riding school or exhibition facility
Kennels	One unit per 40 dog pens or cages

(7) Sale of agricultural worker dwellings: The site of agricultural worker dwellings shall not be separated from contiguous property in the same ownership by sale or land division, unless a Development Plan has been prior approved, with the Planning Commission making the findings in Section 23.02.034(C)(4) (Development Plan approval or disapproval – Required findings) and the following findings-

- (i) The proposed reduction of the total acreage of the ownership will not affect its continuing use as a productive agricultural unit; and
- (ii) The proposed reduction of the ownership size will not encourage population increases in the surrounding area incompatible with continuing agricultural operations.

(8) Parking.: Off-street parking shall be provided as specified in the following table-

Dwelling Type	Minimum Off-Street Parking
Single-family dwellings (including manufactured homes) as agricultural worker dwellings	One space per unit
Group quarters as agricultural worker dwellings	One space per four beds
Note: Parking areas shall be screened from public view by buildings, fences, landscaping, or terrain features.	

(9) **Manufactured homes.** The use of a manufactured home as an agricultural worker dwelling shall satisfy the standards of Section 23.08.163 (Individual Manufactured homes), in addition to the requirements of this Section.

(10) **Group quarter requirements.** The use of group quarter facilities, such as dormitories or bunkhouses and mess halls, as agricultural worker dwellings shall be subject to the following additional standards:

(i) **Minimum site area.** Twenty acres for group quarters.

(ii) **Minimum setbacks.** Group quarters as agricultural worker dwellings shall provide setbacks from the following features as specified:

(a) Property line – 60 feet;

(b) Property line adjacent to street – 50 feet;

(c) Barns, pens, or other facilities for livestock or poultry – 75 feet;

(d) Structures other than barns, pens, or other facilities for livestock or poultry 40 feet; and

(e) Centerline of streams shown on USGS Topographic Maps with blue lines – 100 feet.

(iii) **Allowable accessory uses.** The following uses, if included specifically as part of a ministerial review permit, may be allowed as an accessory use for residents of group quarters. Such accessory uses shall be located in a single common building or in a permitted outdoor location, and may not be advertised to the general public:

(a) Food service for residents of the agricultural worker dwellings; and

(b) Laundry facilities for residents of the agricultural worker dwellings.

- (11) **Amenities.** Agricultural worker dwellings developed for more than 12 persons shall provide recreation facilities and open space, proportional to the amount and type of agricultural worker dwellings to be provided. The facilities shall include appropriate recreational areas, such as children play equipment, baseball, basketball, soccer, or horseshoe pitching facilities.
- (12) **Clustered units.** Where an ownership of multiple, legally-created lots of record is entitled to multiple dwellings in compliance with this Section, the owner may group the dwellings on a single lot of the ownership, rather than on each of the various lots entitled to the dwellings, provided that the clustering is approved in conjunction with the application to establish agricultural worker dwellings. An agreement, prepared by County Counsel, shall be executed and recorded to the County's satisfaction prior to the issuance of a construction permit.
- (13) **Federal and State requirements.** Any agricultural worker dwellings accommodating six or more agricultural employees (not necessarily all employed by the owner of the agricultural worker dwellings) shall also comply with applicable state and federal laws and regulations regarding construction, operation, and occupants of the dwellings. The applicable laws and regulations include, but are not limited to, Part 20, Section 654 of the Code of Federal Regulations (20 CFR 654) and Section 17010 et. seq. of the California Health and Safety Code, copies of which are available at the County Department of Planning and Building.

SECTION 3: Title 23 of the San Luis Obispo County Code, is hereby amended to replace all references to "farmworker support quarters" with "agricultural worker housing".

SECTION 4: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 5: Before the expiration of 15 days after the adoption of this ordinance by the San Luis Obispo County Board of Supervisors, it shall be published once in a newspaper of general circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

SECTION 6: This Ordinance shall become effective thirty (30) days after its enactment by the Board of Supervisors.

SECTION 7: This ordinance shall become operative immediately only upon certification of the Amendments by the California Coastal Commission, as may be certified with suggested modifications by the Coastal Commission and accepted and agreed to by the Board of Supervisors.

SECTION 8: This project is covered under the general rule that the California Environmental Quality Act (CEQA) applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA.

The proposed amendments to the Land Use Ordinance help to implement the provisions of the State Employee Housing Act (Sections 17020 – 17024) by removing barriers to the creation of agricultural worker housing. 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.

SECTION 9: In accordance with Government Code Section 25131, after reading the title of this Ordinance, further reading of the Ordinance in full is waived.


RECOMMENDED at a hearing meeting of the San Luis Obispo County Planning Commission held on the 7th April, 2020, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the 16th day of June, 2020, by the following roll call to vote, to wit:

AYES: Supervisors Debbie Arnold, Chairperson Lynn Compton and John Peschong

NOES: Supervisor Bruce S. Gibson

ABSENT: Supervisor Adam Hill

ABSTAINING: None



Lynn Compton
Chairman of the Board of Supervisors
San Luis Obispo County, State of California

ATTEST:

WADE HORTON
Ex-Officio Clerk of the Board of Supervisors
San Luis Obispo County, State of California

By: T'ana Christiansen Deputy Clerk