



County of San Mateo Planning & Building Department
Agricultural Advisory Committee

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Brenda Bonner BJ Burns Robert Cevasco
Louie Figone Marilyn Johnson Teresa Kurtak
Peter Marchi Doniga Markegard Robert Marsh
April Vargas

MEETING PACKET

Date: Monday, August 11, 2014
Time: 7:30 p.m.
Place: San Mateo County Farm Bureau Office
765 Main Street, Half Moon Bay, California

AGENDA

1. **Call to Order**
 2. **Member Roll Call**
 3. **Guest Roll Call**
 4. **Discussion Item:** Recent Williamson Act Update
 5. **Action Item:** Proposed Improvements to the Farm Labor Housing Permit Review and Renewal Process
 6. Consideration of the Action Minutes for the July 14, 2014, regular meeting
 7. Public Announcements/Comments
 8. **Adjournment**
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ROLL SHEET – August 11, 2014

Agricultural Advisory Committee Attendance 2013-2014

	2013						2014						
	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug
VOTING MEMBERS													
Brenda Bonner	X	M	X	X	M	M	M	M	X	E	E	X	
BJ Burns	X	E	X	X	E	E	E	E	X	X	X	X	
Robert Cevasco	E	E		X	E	E	E	E	E	X	X		
Louie Figone	X	T	X	X	T	T	T	T	X	X	X	X	
Marilyn Johnson	X	I	X		I	I	I	I	X	X			
Teresa Kurtak	X	N			N	N	N	N	X	X	E	X	
Peter Marchi	X	G	X	X	G	G	G	G	X	X	X	X	
Doniga Markegard	X		X						E	X		X	
Robert Marsh	X	C	X	X	C	C	C	C	X	X	X	X	
April Vargas	X	A	X		A	A	A	A		X	X		
Vacant		N			N	N	N	N					
NON-VOTING MEMBERS													
Natural Resource Conservation Staff		C			C	C	C	C					
San Mateo County Agricultural Commissioner	X	E	X	X	E	E	E	E	X	E	X	E	
Farm Bureau Executive Director	X	L	X	X	L	L	L	L	X	E	E	X	
San Mateo County Planning Staff	X	E	X	X	E	E	E	E	X	X	X	X	
UC Co-Op Extension Representative		D		X	D	D	D	D	X				

**COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT**

DATE: August 4, 2014

TO: Agricultural Advisory Committee (AAC)
FROM: Planning Staff
SUBJECT: Proposed Improvements to the Farm Labor Housing Permit Review and Renewal Process

County File Number: PLN 2014-00150

PROPOSAL

The Planning and Building Department is proposing to update the permit review and renewal procedures for farm labor housing (FLH) in order to streamline the process and reduce application costs, while maintaining compliance with relevant policies and regulations.

SUGGESTED MOTION

That staff submit the FLH Policy revisions, with edits or additional information where appropriate and applicable, to the Planning Commission for their consideration and adoption.

BACKGROUND

At the ACC's last meeting of July 14, 2014, staff submitted permit review and renewal procedures for farm labor housing (FLH) in order to streamline the process, while maintaining compliance with relevant policies and regulations. After the Committee's discussion around several issues, it was agreed that staff would submit an updated summary of the proposed policy revisions for one last review before submitting the policy revisions to the Planning Commission for adoption.

SUMMARY OF ISSUES AND COMMENTS

Understanding that the previous Certificate of Need process as associated with the Certificate of Need Committee is eliminated from the FLH application process, the following issues occupied the greater part of the meeting's discussion, with the attached Table summarizing staff's latest proposal based on those comments.

- FLH Income Qualifications

This was, by far, the most critical issue discussed. While the current policy mandates that a qualified farm laborer derives more than 20 hours per week average employment from on-site agricultural operations, a “*Certification of Farm Labor Housing Eligibility*” application form (to be consolidated with a revised FLH application form) states “annual renewal inspections are required to ensure that those individuals or families who occupy a farm labor housing unit earn at least half their income through farm labor operations in San Mateo County”.

First, regardless of which criteria is used, it was agreed that: 1) a farm laborer’s income need not be restricted to the property where the person lives, as long as their work occurs within unincorporated San Mateo County, and 2) only the primary farm laborer’s income would be considered; his/her spouse or family members’ additional income would not be considered.

However, regarding the ‘20 Hours/Week’ versus the ‘1/2 Income’ criteria, discussion focused on: 1) laborers whose tenure was seasonal (thus potentially limiting income qualifications, either by not meeting the minimum or that the laborer, still occupying the housing, earns non-farm related income during the off-season) but would still need or want to occupy the housing, 2) laborers who were strictly seasonal depending on the farming operation needs, where they’d only occupy the housing unit for their duration of work arrangement, but the unit would remain as available housing for the next incoming worker, 3) the required financial documentation necessary for new FLH applications versus renewed or amended applications, 4) where the ability to confirm such eligibility is difficult for new applications and/or new farming operations, there needs to either be a more stringent income requirement to meet or a requirement that the application be brought back to the AAC for review in some reasonable time frame, and 5) the need to ensure that FLH units were not being used by individuals who either no longer met the income requirements (even if they did upon the initial application), or that units once established for qualified workers were housing individuals who had no association with the farming operation for which the units were initially established. In such cases, it was important that such violations be abated within a reasonable time period.

Staff recommends that both the ‘20 Hours/Week’ and the ‘1/2 Income’ eligibility requirements be applied. Based on the applicant’s submitted documentation and farm operation description, the AAC could (as an option): 1) consider one or the other income requirement, and 2) recommend that select applicants return in one year for a review of the operation and the degree to which the agreed-upon income qualifications are being met, including what documentation they would expect to be submitted.

- FLH Approval Terms

While the AAC was generally supportive of longer terms (e.g. 10-years), there was discussion around new FLH applications where income qualifications relative to the proposed type of farm operation were tentative or whose income qualifications

could not be confirmed relative to the documentation submitted and/or the associated farm operation, or where past violations or other compliance issues have occurred or remain unresolved.

Staff recommends that upon their initial review of such applications, the AAC can recommend terms whereby (as stated in the previous topic) the FLH application be brought back to them for an Administrative Review in one year, or in any case, that an administrative review occur or a shorter permit renewal term occur.

Where such issues as cited above do not exist or pose a problem, and where such FLH operations are also reviewed annually by the County Environmental Health Division (under their Employee Housing permits), staff recommends that FLH approval terms be for a period of 10 years.

- Alternative Types of Housing Types & Options. There was some discussion around various options for the types of FLH units that might be considered beyond the traditional mobile home, both for short and long term housing quality purposes, enduring structural and maintenance issues, environmental and sustainability issues. Such alternative housing types were also tethered to what could be allowed relative to alternative septic and domestic water systems.

While permanent FLH units may be considered (be they traditional 'stick-built' or of State-approved modular construction), any alternative housing types (as well as supporting infrastructure) will be limited to what County Building, Fire Authority and Environmental Health (including State) regulations and codes allow. If any such requirements change in the future, new housing options may be considered.

- FLH Application Forms

While there was agreement that the plans accompanying a FLH application needed to meet minimum standards (i.e. what a site plan needed to show), it was suggested that adding, for instance, a site plan example to the FLH Policy and/or application package would be helpful to inform applicants graphically just what such a plan should look like and include. As staff modifies the FLH application forms, such an example can be added for clarification.

Regarding the application forms themselves, staff will be revising the forms to consolidate all information about the proposed or current farm operation, the farm laborers and the applicable income requirements (e.g. required documentation and verification). Prior to issuance of revised application forms, staff will submit application drafts to the AAC for their review and comments.

- Status of Pending FLH Applications

Most of the pending FLH applications represent farming and housing operations that have neither changed nor been modified. Of most of those, the owner or applicant has already previously submitted applications, albeit of an older or

slightly modified format. In such cases, staff will not ask that the applications be replaced with revised forms. Those, as well as all, pending applications will be brought to the AAC for consideration as is required. Any pending FLH applications that are still incomplete or that involve past violations or other issues to correct may be subject to revised applications. While these applications will take longer to sort out, they will also be brought to the AAC for consideration and recommendation.

NEXT STEPS

With the AAC's final comments in hand, staff will submit the draft FLH Policy Revisions to the Planning Commission for their consideration and adoption, tentatively scheduled for October 8, 2014. All ACC members will receive a copy of the PC agenda and staff report.

ATTACHMENT

Table Summarizing FLH Policy Revisions

	New FLH Permit		Amend FLH Permit	Renew FLH Permit
	Current Process	Proposed	Proposed	Proposed
FLH Income Eligibility Reqts.	Policy states that farm laborer must work average 20 hrs/wk, while FLH Eligibility form requires that at least ½ their income be derived from farm operations.	20 hrs/min (no averaging) during active seasons/ production, <u>and</u> ½ their annual income. <u>Option:</u> Upon review of submitted info & operation, AAC determines that applicant qualifies for one or other criteria .	Same as for new permit. If the amendment includes additional farm laborers, they would be held to the revised eligibility requirements.	Same as for new permit.
FLH Application Submittal; Plans & Application Forms	Completed FLH & CDP application forms (which included a separate <i>Certification of FLH Eligibility</i> form for review by Certificate of Need Committee). Site plan showing all development & uses on parcel & access, including proposed new units, wells, water tanks, tanks, septic features; FLH unit elevations & floor plans.	No changes, except that application forms will be simplified, consolidating the <i>Eligibility</i> form info (which will ask the applicant to declare & confirm that the FLH Eligibility reqts., as determined above, are met). While no change to plan reqts., policy or application package will include an example to clarify what acceptable plans must show.	May be same as for new permit, depending on degree of type of amendment. Since it's incumbent on the applicant to propose an amendment (unless it's required to rectify code violations), such a proposal would be reviewed by the Planning Director. If review is warranted by the AAC, they may also require additional information.	Same as for new permit.
Agency Referrals	Referred to Building, Env. Health, Fire, Public Works.	Add Co. Ag Commissioner & Agriculture Ombudsman to initial referrals.	Same as for new permit, depending on scope or type of amendment.	Same as for new permit.
Review by Certificate of Need Committee	Required	Review dropped.	Review dropped	Review dropped
Review by Ag Advisory Committee (AAC)	Required	Required	Required, unless the Planning Director determines that amendment is minor (no intensification of development, additional FLH units or change to farming operation). ACC can be informed of such minor modifications.	Required
Permit Approval Terms	Terms have ranged from 2-5 yrs, with required annual or bi-annual admin. reviews.	10-yr terms with FLH operations that also require annual Employee Housing permits thru Env. Health. 5-yr terms for all others. Shorter terms & admin. reviews would only be required where recommended by AAC or as otherwise warranted by need to confirm income qualifications, farm operation, past performance or violations.	Same as new permits, except where warranted - depending upon degree of modification or change to farming operation.	Same as for new permit.
Permanent Housing	All proposals for permanent FLH units must go to Planning Commission (PC) for decision.	Such proposals may instead be considered by Zoning Hearing Officer, whose decision is still appealable to the PC (& to Coastal Commission).	Same as for new permit.	Same as for new permit.



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Meeting Minutes
Regular Meeting July 14, 2014

1. Call to Order

Robert Marsh, Committee Chairman, called the Regular Meeting of the Agricultural Advisory Committee (AAC) to order at 7:30 p.m. at the San Mateo County Farm Bureau Conference Room in Half Moon Bay, California.

2. Member Roll Call

Robert Marsh, AAC Chairman, called the roll. A quorum (a majority of the voting members) was present, as follows:

Regular Voting Members Present

Brenda Bonner
BJ Burns
Louie Figone
Teresa Kurtak
Peter Marchi
Doniga Markegard
Robert Marsh

Regular Voting Members Absent

Robert Cevalasco
Marilyn Johnson
April Vargas

Nonvoting Members Present

Steven Rosen
Bill Gass

Nonvoting Members Absent

Virginia Lj Bolshakova
Bill Gass
Jim Howard

3. Guest Roll Call

Guests Present

Kerry Burke
Lorraine Burns

Dave Holbrook
Elena Kusick
Erik Markegard
Brett Melone
Sarah Rosendahl
Dante Silvestri

4. Election of Officers (7:31)

Louie Figone nominated Bob Marsh as chairman and BJ Burns as vice chairman. Peter Marchi seconded the motion. The motion passed unanimously.

5. Action Item: Proposed Improvements to the Farm Labor Housing Permit Review and Renewal Process (7:34)

- 7:34 Dave Holbrook of the Planning Department and Sarah Rosendahl of Don Horsley's office opened the discussion of the proposal. Updates to the policy can be done administratively by the Planning Commission.
The current proposal would eliminate the Certificate of Need Committee as redundant to the agency referral process.
It would reduce paperwork to a single form.
It would include a guide to preparing adequate plans.
It would eliminate the Certificate of Feasibility as redundant to review by Environmental Health.
It would reassign permit review to the Zoning Hearing Officer.
It would lengthen time between permit expirations and possible allow self-renewal.
- 7:57 Dave Holbrook addressed the procedure for addressing violations of permits and unpermitted farm labor housing.
- 8:02 Dave Holbrook discussed how the changes to the policy would not affect Environmental Health's separate review.
- 8:06 The AAC discussed the definition of a farm laborer qualifying for farm labor housing.
- 8:09 Dave Holbrook responded to a question, stating that the Planning Commission is scheduled to review the new policy on August 27, if the AAC would make a recommendation that evening.
- 8:11 Dave Holbrook addressed the issue of unpaid, full-time farm labor, such as interns. Discretionary review of applications allows interpretation and flexibility. Sarah Rosendahl pointed out that the AAC would review the legitimacy of all applications.

- 8:16 Teresa Kurtak said that simplification and improvement are necessary, that sample plans should be included with the forms, and that the policy should address or define temporary and permanent farm labor housing situations.
- 8:26 Peter Marchi said that duration of tenancy should not be specified. Some farm workers are migrants and move at irregular intervals.
- 8:32 BJ Burns questioned whether different rules should apply to short-term workers and long term residents, and whether the minimum number of hours worked in agriculture should be increased. The AAC discussed whether the standard should be hours per week or portion of income earned during residency.
- 8:40 The AAC discussed what information is reasonable to expect from initial and renewal applicants and what information shows that the farm labor housing units are legitimate. Topics included whether specific names should be provided, whether renewal should be done through self-certification, and the uncertainty of tenure for agricultural laborers.
- 9:13 Sarah Rosendahl discussed the origin of this initiative to update the policy.
- 9:18 Discussion of the item closed with Dave Holbrook offering to return along with a representative of the Environmental Health Department.

6. Public Announcements/Comments

- 9:18 Bob Marsh pointed out that the format of the staff report is confusing. It asks:
- 1. Will the proposal have any negative effect on surrounding agricultural uses? If so, can any conditions of approval be recommended to minimize any such impact?*
 - 2. What position do you recommend that the Planning Department staff take with respect to the application for this project?*
- And then lists the project's Key Issues, which describe the project.
- 9:20 The AAC asked to amend a Williamson Act Refresher to cover the following questions:
How are contracts changed?
Why are there different contracts?
How many special contracts are there?
How does agritourism work on contracted parcels?
How does commercial recreation work on contracted parcels?

9:25 Robert Marsh noted that the Cystic Fibrosis ride caused a traffic jam and litter.

9:26 Robert Marsh discussed coastal access trails, poor signage, and trespassers.

9:30 Dave Holbrook addressed a discussion of fences for agriculture. Overheight fences are allowed with a Coastal Development Permit exclusion for agriculture provided they are not in violation of LCP Policies.

6. Adjournment (9:33)