FARMWORKER HOUSING ORDINANCE BACKGROUND REPORT

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING
HOUSING SECTION

JULY 2009

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INTRODUCTION

The following report provides the background information for proposed amendments to Title 22 to: define farmworker or agricultural employee; remove "farm labor camp"; permit farmworker housing in compliance with the provisions of the Employee Housing Act; and create a new Part 23 in Chapter 22.52 to include development standards and enforcement requirements for farmworker housing. By clarifying and codifying the requirements of the Employee Housing Act, which creates transparency for both County staff and persons interested in providing this type of housing, the County will ensure that its provisions for farmworker housing comply with the State Law.

Orchards in the Antelope Valley, near Littlerock.
(Unincorporated Los Angeles County)

The purpose of the proposed amendments is to implement the Los Angeles County Housing Element, which requires the creation of adequate housing opportunities for farmworkers living and working in the unincorporated areas.

The following sections of this report provide an overview of active agricultural uses in the unincorporated areas of Los Angeles County—particularly in the Antelope Valley, Santa Clarita Valley and the Santa Monica Mountains—and the consequent need for farmworker housing. The implementation of the farmworker housing ordinance will ensure that Los Angeles County is in compliance with the Housing Element and the Employee Housing Act, and contribute to addressing the needs of growers and agricultural employees who live and work in the unincorporated areas.

HOUSING ELEMENT

Third Revision (1998-2005)

During the update of the Third Revision of the Housing Element, the staff determined that farmworkers faced many challenges in securing safe and affordable housing in Los Angeles County. This need was emphasized in a letter dated March 8, 2001 to the Department of Regional Planning from California Rural Legal Assistance, Inc., a legal advocacy organization (Appendix A).

The Third Revision of the Housing Element identifies a program—*Program 43: Farmworker Housing Assistance Program*—to plan for and encourage adequate housing opportunities for farmworkers. The program consists of a three-part strategy: Zoning Ordinance Revision; Outreach and Implementation; Outreach and Assistance to Non-Profit Builders of Farmworker Housing.

The first part of the program describes the preparation of an ordinance to amend Title 22 to allow farmworker housing through a Director's Review, subject to certain standards and requirements. It also defines the terms "farmworker" and "farmworker housing." The program describes farmworker housing to be permitted in zones A-1 and A-2, subject the following requirements:

- Minimum lot size of at least 10 acres in the case of prime agricultural land, or 40 acres in size in the case of land that is not prime agricultural land;
- Reserved for "farmworkers," as defined by either the U.S. Department of Agricultural (USDA) Rural Development Administration, or by the California Department of Housing and Community Development (HCD);

- Housing type should be either row housing or multi-family housing, or some form of group quarters.

The other two parts of Program 43, Outreach and Implementation and Outreach and Assistance to Non-Profit Builders of Farmworker Housing, are envisioned to be implemented concurrently with the preparation of the ordinance, and primarily through outreach efforts, such as targeting major growers and groups that work with the County's farmworker population, and providing assistance to developers of farmworker housing throughout the entitlement process, as needed.

Fourth Revision (2008-2014)

The Fourth Revision of the Housing Element analyzes the housing needs of persons with special needs, including agricultural workers. Citing 2000 Census data, the Housing Element states that there are approximately 7,700 (0.2% of the population) agricultural workers living in Los Angeles County as a whole. In the unincorporated areas, there are 1,192 agricultural workers, which make up 0.3% of the unincorporated County's population. The Housing Element also includes a progress report on the implementation of *Program 43: Farmworker Housing Assistance Program* from the Third Revision of the Housing Element (Appendix F of the Housing Element).

FARMWORKER HOUSING ISSUES

TEMPORARY/SEASONAL EMPLOYEE HOUSING VS. PERMANENT EMPLOYEE HOUSING

The housing needs of unaccompanied migrant farmworkers differ vastly from the permanent housing needs of farmworkers and their households. Unaccompanied migrant farmworkers are transitory and follow harvests, and are in need of seasonal housing. Migrant farmworkers may be faced with few options for safe, adequate, and seasonal housing, including housing that offers short-term leases. Based on the staff's interviews with stakeholders, some migrant farmworkers in Los Angeles County camp out in the fields during harvests. Currently, only one major grower in the unincorporated area provides barrack-style group living quarters for farmworkers.

Onsite, permanent farmworker housing for families in the Antelope Valley. (City of Lancaster, Los Angeles County)

Permanent housing options may also be out of reach for farmworkers and their households. Interviews with local growers and service providers suggest that most permanent farmworkers live close to where they work, or in a nearby local jurisdiction, such as Kern County, where there may be more affordable housing options.

HOUSING FOR FARMWORKERS BEYOND THE EMPLOYEE HOUSING ACT

The Employee Housing Act is one of many vehicles for addressing the need for farmworker housing. For example, some affordable housing developers specialize in the development of affordable housing for farmworkers and their households that may not be subject to the Employee Housing Act. These projects often utilize grants, subsidies and financing options offered by the State of California Department of Housing and Community Development and the U.S. Department of Agriculture (USDA) for farmworkers. In addition, various regulatory incentives are available to developers of affordable housing, which include housing for farmworkers, through the County's Density Bonus Ordinance. Affordable housing developers interested in creating housing for farmworkers and other very low income populations can utilize these incentives.

OVERVIEW OF STATE REQUIREMENTS AND PROVISIONS

The Government Code 51220-51222 identifies farmworkers as the lowest average wage earners in the State, and acknowledges efforts to address the need for farmworker housing as part of the effort to preserve agricultural land as an important public interest.

EMPLOYEE HOUSING ACT (HEALTH AND SAFETY CODE SECTION 17000-17062.5)

The Employee Housing Act enables the California Department of Housing and Community Development (HCD) to be the primary enforcement agency for employee housing.[1]

For the purposes of zoning and land use, Section 17021.5 of the Health and Safety Code considers farmworker housing for five, but no more than six farmworkers as a single-family structure and as a residential land use. In addition, Section 17021.6 considers farmworker housing consisting of no more than 36 beds in group living quarters or 12 units or spaces[2] for farmworkers and their households as an agricultural land use. With the exception of these two sections, the Employee Housing Act defers all other zoning requirements, local fire zones, property lines and water and sewer to local jurisdictions.

Rows of carrots in the Antelope Valley, east of Lancaster. (Unincorporated Los Angeles County)

Employee housing can be described as a portion or unit of any housing accommodation or structure that is occupied on a temporary, seasonal, or permanent basis by a total of five or more farmworkers, whether or not such an accommodation or structure is maintained in connection with any work or workplace.[3]

The housing accommodations can be temporary (not operated on the same site annually and established for one operation and then removed), seasonal (occupied for no more than 180 days in a calendar year) or permanent (occupied more than 180 days).

Housing accommodations include conventional and non-conventional structures and are not limited to: living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, and travel trailers. In addition, they can be maintained in one or more buildings or one or more sites, and on or offsite.

Employee Housing Eligibility Criteria

Per the Employee Housing Act, housing accommodations meet the definition of employee housing if the following factors exist:

- The housing is provided by the employer;

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[1] Local jurisdictions can opt to act as their own enforcement agency.

[2] For the purposes of employee housing, the term “space” means an area used to accommodate a recreational vehicle, tent, maintenance-of-way car or other non-conventional structure used for housing farmworkers.

[3] § 610. Definition of “labor camp,” Title 25, CA Code of Regulations. For the purpose of the Employee Housing Act, “employee housing” means the same as “labor camp.”

- The housing is maintained in connection with any work or place where work is being performed;
- The housing consists of any living quarters, dwelling, boarding house, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations;
- The housing is maintained in one or more buildings or one or more sites; and
- The housing is provided to at least five employees.[4]

In addition, employee housing also includes housing accommodations occupied by five or more agricultural employees of any agricultural employer(s) for:

- Temporary or seasonal residency, or
- Permanent residency, if the housing is a mobilehome, manufactured home, travel trailer, or recreational vehicle.[5]

Lastly, employee housing does not include a hotel, motel, inn, tourist hotel, multifamily dwelling, or single-family housing if <u>all</u> of the following factors exist:

- The housing is offered to nonagricultural employees on the same terms that it is offered to agricultural employees;
- None of the occupants are employed by the owner of the property;
- None of the occupants have rent deducted from their wages;
- The owner or property manager is not an agricultural employer;
- Negotiation of the terms of occupancy is conducted between the property owner/managers and the occupant; and
- The occupants are not required to live in the housing as a condition of employment.[6]

Additional Regulations

The California Code of Regulations, Title 25; the California Building Standards Code, Title 24; the State Housing Law, Part 1.5; the Special Occupancy Parks Act, Part 2.3; and/or the Mobilehome Parks Act, Part 2.1 set forth specific provisions for employee housing to regulate the construction of housing, maintenance of grounds, buildings, sleeping space and facilities, sanitation, and heating, and the construction of mobilehome and recreational vehicle lots. As shown in Table 1, the laws and regulations governing employee housing depend on the housing type; however, all employee housing must comply with the Employee Housing Act and the Employee Housing Regulations.

Carrot harvest, Antelope Valley. (Unincorporated Los Angeles County)

The Mobilehome Parks Act and the Special Occupancy Parks Act specify that employee housing, which has obtained permits to operate from HCD and meets the requirements of Section 17021.6 of the Health and Safety Code, and is comprised of two or more lots or units held out for lease or rent or provided as a term or condition of employment, shall not be deemed a mobilehome park or recreational vehicle park for the purposes of the requirement to obtain annual permits and pay associated fees.

[4] Health and Safety Code Section 17008 (a)
[5] Health and Safety Code Section 17008 (b)
[6] Health and Safety Code Section 17008 (b) (1) (E)

Table 1. Housing Types and Corresponding Laws, Regulations, and Permit Procedures

Type	Laws and Regulations	Local Permits	State Permits
Conventional structures	Local regulations	Applicants must obtain permits from Regional Planning, Public Works, Fire, and Public Health (Environmental Health)	HCD issues permit to operate employee housing
Mobilehomes and manufactured housing (two or more on one lot)	CA Mobilehome Parks Act and Regulations	HCD requires an approval in concept from Regional Planning, Public Works, Fire, and Public Health (Environmental Health)	Upon consent from local agencies, HCD issues permit to construct and permit to operate *
Non-conventional structures (two or more on one lot), such as tents, recreational vehicles, and travel trailers	CA Special Occupancy Parks Act and Regulations	HCD requires an approval in concept from Regional Planning, Public Works, Fire, and Public Health (Environmental Health)	Upon consent from local agencies, HCD issues permit to construct and permit to operate *

* If a local agency is inappropriately withholding approval, HCD will issue the permit to construct and permit to operate.

OTHER RELATED STATE LAWS

Government Code 65580-65589.5 (Housing Element Law)

The Housing Element Law requires an analysis of housing needs specific to special needs populations, including farmworkers (Government Code Section 65583 (a)(7)). In addition, the Housing Element Law requires an inventory of sites suitable for residential development, including housing for farmworkers (Government Code 65583(a)(3)). Where the sites inventory does not identify adequate sites to accommodate housing for farmworkers, the program shall provide sufficient sites to meet the need with zoning that permits farmworker housing use by right (Government Code 65583(c)(1)(C)).

The Housing Element Law also states that local jurisdictions cannot disapprove a housing development project or impose conditions that render a project infeasible for low-income individuals, including farmworkers, without providing written findings based on substantial evidence on specified provisions, including that the development project is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project (Government Code Section 65589.5).

Labor Code 1140.4

“Agriculture” is defined broadly in the Labor Code to include all types of practices that occur on a farm, including the cultivation and harvesting of crops and the raising of livestock. Furthermore, an “agricultural employee” is defined as an individual who engages in any farming practice.

Public Resources Code 21159.21 – 21159.22 (CEQA)

The California Environmental Quality Act (CEQA) provides statutory exemptions for agricultural employee housing that meet specific environmental and affordability requirements. In order to be exempt from project-level environmental review under CEQA, agricultural employee housing projects must meet the environmental exemption requirements outlined in Sections 21159.21 and 21159.22. Projects cannot be located on wetlands or within floodplains. Additionally, projects for agricultural employees must be reserved for families of very low, lower and moderate incomes for at least 15 years.

Table 2. Timeline of California State Bills Related to Employee Housing

1913	California legislature created the Commission of Immigration and Housing. After an uprising on a farmworker camp, the Commission determined the cause was related to substandard living conditions.
1915	The Labor Camp Act established sanitation requirements for farm labor camps.
1937	Provisions of the Labor Camp Act were included in the newly established California Labor Code.
1965	Legislature repealed the Labor Camp Act and enacted the Employee Housing Act.
1965	Enforcement of the Employee Housing Act was transferred from the Department of Industrial Relations to the Department of Housing and Community Development.
1977	California Code of Regulations defined “seasonal” and “permanent housing” labor camps.
1984	SB 458 added Health and Safety Code Section 17008 expanding the definition of farm labor camps.
1984	SB 459 amended Health and Safety Code Section 17060, which increased fines for violators of the Employee Housing Act.
1986	SB 2164 created Health and Safety Code Section 17056, which directed the Department of Housing and Community Development to survey the state for illegal labor camps.
1992	AB 3526, The Farm Labor Housing Protection Act: -Legislation reclassified the term “Labor Camp” to “Employee Housing” -Added Health and Safety Code Section 17021.5, which provides that employee housing occupied by 6 or fewer employees in a single family structure shall be treated as a family dwelling of the same type in the same zone. -Added Health and Safety Code Section 17021.6, which provides that housing for 12 or fewer employees shall be designated as an agricultural land use. -Both 17021.5 and 17021.6 exempt certain types of farmworker housing from the conditional use permit process in zones that allow single family residential uses and agricultural uses.
1994	AB 3735 added Health and Safety Code Section 17021.7, which requires mobilehomes and recreational vehicles used for employee housing to comply with the provisions of the Mobilehome Parks Act.
1995	SB 305 amended Health and Safety Code Section 17021.6 to include a provision that penalizes owners of employee housing that fail to maintain a permit to operate the housing for at least 10 consecutive years. Penalties are monetary and include the collection of previously waived fees by the local entity.
2002	SB 1721 amended the provisions of Section 65589.5 of the Government Code, which require local jurisdictions to provide written findings when disapproving or conditionally approving housing development projects for very low-, low-, and moderate-income households, to now include farmworker housing. This bill also broadened the Anti-NIMBY law to include a provision that local jurisdictions cannot disapprove, or impose conditions that make infeasible a farmworker housing project without making specified findings.
2006	SB 286 amended Section 17021.6 to state that employee housing consisting of no more than 12 units or spaces for use by a single household shall be considered an agricultural land use. SB1802 amended Section 17021.6 and increased the maximum number of beds in group quarters from 12 to 36.

OVERVIEW OF CURRENT REGULATORY PROVISIONS IN LOS ANGELES COUNTY

LOS ANGELES COUNTY CODE TITLE 22 – PLANNING AND ZONING

Currently, the zoning code allows "farm labor camps" with a conditional use permit in zones A-2 and A-2-H, but does not include a definition for "farm labor camps." As shown in Table 3, related uses, such as caretaker residences, caretaker mobile homes, and living quarters for servants or guests, are permitted with a conditional use permit in zones A-1, A-2 and A-2-H. "Caretaker" is defined as a person residing on the premises of an employer and who is receiving meaningful compensation to assume the primary responsibility for the necessary repair maintenance, supervision or security of the real or personal property of the employer that is located on the same or contiguous lots or parcels of land. When provided as an accessory to a single family residence (quarters do not have kitchen facilities and the employer is the owner of the residence), living quarters for guests or servants are permitted in zones A-1, A-2 and A-2-H. These quarters can be rented to four or fewer residents.

Table 3. Related Uses in Title 22

Zone		Permitted Use		Use Subject to Permit
R-1 Single Family Residence		-Residence, single family. *— [Accessory to SFR) Detached living quarters on the same premises as, and not less than 20 feet from a single-family residence for the use of temporary guests or servants of the occupants of such residence provided:* *1. That such quarters have no kitchen or kitchen facilities;* *2. That such quarters are not rented or otherwise used as a separate dwelling;* *3. That such quarters are established on a lot or parcel of land that does not contain a second unit; and* *4. That such quarters are established on a lot or parcel of land having not less than one and one-half times the required area, except that said quarters may be established on any lot or parcel of land containing 10,000 square feet or more.* *— [Accessory to SFR] Living quarters for servants employed in and by the occupants of a single-family residence, attached to such residence, if no additional kitchen or kitchen facilities or equipment or cooking facilities or equipment are established or maintained in such attached servants' quarters.*		-Crops, field, tree, bush, berry and row, including nursery stock.
R-2 Two Family Residence		Same as R-1		-Crops, field, tree, bush, berry and row, including nursery stock.
R-3 Unlimited Multiple Residence		Same as R-1		-Crops, field, tree, bush, berry and row, including nursery stock.
R-4 Unlimited Residence		Same as R-1		-Crops, field, tree, bush, berry and row, including nursery stock.
R-A Residential-Agricultural		Same as R-1 -Crops, field, tree, bush, berry and row, including nursery stock, excluding roadside stands, retail sale from the premises, or advertising signs.		

A-1 Light Agricultural		Same as R-1 -Crops, field, tree, bush, berry and row, including nursery stock. -Light agricultural uses specified in (B) and (C) of 22.24.070.		*— Living quarters for persons employed by and deriving a major portion of their income on the premises, if occupied by such persons and their immediate families* *— Mobile homes for use by caretaker* *— Residence, caretaker's; a conditional use permit may be granted for a caretaker's residence even though the number of existing residences on the lot or parcel of land is the maximum number permitted by Part 2 of Chapter 22.52.*
A-2 Heavy Agricultural Zone		Same as R-1 -Crops, field, tree, bush, berry and row, including nursery stock. -Heavy agricultural uses specified in (B) and (C) of 22.24.120.		*— Living quarters for persons employed by and deriving a major portion of their income on the premises, if occupied by such persons and their immediate families.* — Farm labor camps. *— Mobile homes for use by caretaker* *— Residence, caretaker's; a conditional use permit may be granted for a caretaker's residence even though the number of existing residences on the lot or parcel of land is the maximum number permitted by Part 2 of Chapter 22.52.*
A-2-H Heavy Agriculture Including Hog Ranches		Same as A-2, plus the following additional agricultural uses specified in (B) of 22.24.200.		Same as A-2
C-1 Limited Commercial		-Crops, field, tree, bush, berry and row, including nursery stock; and -Greenhouses.		-Residence, single family. *— Residences, caretaker, for use by a caretaker or supervisor and his immediate family where continuous supervision is required.*
C-2 Neighborhood Commercial		Same as C-1.		Same as C-1
C-3 Unlimited Commercial		Same as C-1.		Same as C-1
C-M Commercial Manufacturing		Same as C-1.		Same as C-1
C-R Commercial Recreational		Same as C-1, plus the additional agricultural uses specified in (B) of 22.28.290.		*— Living quarters for persons employed and deriving a major portion of their income on the premises, if occupied by such persons and their immediate families.* *— Mobile homes for use by a caretaker and his immediate family, in accordance with Part 6 of Chapter 22.52.* *— Residences, caretaker, for use by a caretaker or supervisor and his immediate family where continuous supervision is required.*
M-1 Light Manufacturing		Same as A-1 and C-M, plus the additional uses specified in (B) of 22.32.040 and except for the prohibited uses specified in (A) of 22.32.040.		Same as A-1 and C-M, plus the additional uses specified in 22.32.070.
M-1 ½ Restricted Heavy Manufacturing		Any uses, except for those uses specified as: prohibited in 22.32.100, accessory in 22.32.110, subject to a director's review in 22.32.120, and subject to permits in 22.32.130.		
M-2 Heavy Manufacturing		Any uses, except for those uses specified as: prohibited in 22.32.160, accessory in 22.32.170, subject to a director's review in 22.32.180, and subject to permits in 22.32.190.		Subject to the specification of 22.32.190 the following agricultural uses: -Dairies; -Fish processing; -Livestock feed yards; -Meat packing plants; and -Hog ranches.
M-4 Unlimited Manufacturing		Same as M-2.		Same as M-2, except dairies; fish processing; livestock feed yards; and meat packing plants

				only require a CUP where the use is located within 300 feet of a public school, public park or a residential or A-1 Zone
M-3 Unclassified		Any uses, except for those uses specified as: prohibited in 22.32.220; subject to a director's review in 22.32.230; and subject to permits in 22.32.240.		Same as M-2.
M-2 ½ Aircraft Heavy Industrial		None.		Any uses not prohibited in M-4, nor listed as permitted in 22.32.170, accessory in 22.32.280, and subject to a director's review and approval in 22.32.290.

Note: Related uses in italics.

Table 4 outlines the history of the Los Angeles County Zoning Code as it relates to farmworker and employee housing.

Table 4. History of Employee Housing in the Los Angeles County Code

1929	No agricultural zones were established yet with the County's first zoning ordinance (Ord. 1494)
1932	The first agricultural zone was established (as Zone R-5); both single-family and multi-family housing were permitted in R-5, provided they must be at least 50 feet from the street or highway.
1938	Zone R-5 was changed to Zone A-1; Zone A-2 was introduced. Both zones were now restricted to only single-family residences.
1951	The provision "Living quarters for persons employed on the premises, if occupied only by such persons and their immediate families" were added to Zones A-1, A-2, C-R, and R-R and M zones. This provision was permitted by right in such zones. (Ord. 5812, 10-19-51)
1956	The provision "A person shall not use any premises in Zone M-1½ (also Zones M-2 and M-4) for: dwellings, <u>except</u> one dwelling on the same lot or parcel of land which is legally being used so as to require the continuous supervision of a caretaker or superintendent and his immediate family, and <u>except</u> dwellings on the same premises which are legally being used for agricultural purposes, which dwellings are occupied only by persons employed on the same premises, and their immediate families." (Ord. 6942, 6-22-56) This provision was permitted by right in such industrial zones.
1960	This 1956 provision was added to Zone M-1. (Ord. 7821, 8-5-60)
1971	The entire Zoning Ordinance was re-done, adding director's review and conditional use permits for each zone. "Farm labor camps" were added to Zone A-2, subject to a conditional use permit, and the on-premise living quarters for employees and their families were now subject to a conditional use permit in both agricultural zones but remained by right in Zone M-1 and higher. (Ord. 10,366 11-5-71)
1989	Support (employee) housing was listed as a use type in the Santa Catalina Island Specific Plan, which includes the Two Harbors Resort Village District and the Avalon Canyon Resort and Recreation District. Employee housing was subjected to additional permits pursuant to the requirements of the Two Harbors Resort Village District. Employee housing consisting of single-family and two-family residences was listed as a principal permitted use and employee housing consisting of apartments or mobile homes was subject to a director's review and approval in the Avalon Canyon Resort and Recreation District. Specific development standards were also outlined for employee housing in the Avalon Canyon Resort and Recreation District. (Ord. 89-0148 § 1 (part), 1989).

Countywide General Plan/Community, Area, and Local Coastal Plans (Adopted)

In the Countywide General Plan, Antelope Valley Area General Plan and Santa Clarita Valley Area Plan, which include land with active agricultural uses, farmworker housing is not directly addressed. In addition, although farmworker housing is not specifically addressed in the Santa Catalina Island Local Coastal Plan (LCP), the LCP does outline policies that include the provision and expansion of "support" (employee) housing.

NEEDS ASSESSMENT

With low wages and very high housing costs in Los Angeles County, farmworkers are one group among many who are designated as having a "special need" for affordable and appropriate housing by the State of California.[7] The variability of seasonal changes, technological advances in agriculture, along with increasing international market competition have led to fewer days of work per year for the County's agricultural employees. The 2006 American Community Survey estimates that the average yearly pretax wage for workers in the farming industry is about $15,888. As Figure 1 illustrates, this was the lowest of all the 2-digit Standard Occupational Classification (SOC) categories. The California Employment Development Department reported that the 2006 first quarter median hourly wage for farmworkers and laborers in crop production, nurseries, and greenhouses was $8.57.[8]

Camping in the fields, Antelope Valley in August. (Unincorporated Los Angeles County)

According to 2006 California Employment Development Department (EDD) data, the number of agricultural workers in Los Angeles County, as a whole, decreased 45% from 13,700 in 1990 to 7,600 in 2006.[9] Student enrollment in the Los Angeles County Office of Education Migrant Education Program, which helps children of migrant farmworkers with academic and health needs, also declined by 53% from 18,278 in the 2004-2005 school year to 8,522 in the 2007-2008 school year.[10]

According to the USDA in 2007, commercial farm operators in Los Angeles County reported employing 5,133 workers, which is down from 7,393 in 2002. Of the 5,133 workers, most (70%) work more than 150 days out of the year, and a vast majority (80%) work on farms with more than 10 workers. The average payroll reported per employee was approximately $18,000. For farms that employ workers for fewer than 150 days per year, the average per worker payroll was about $6,221. In other words, the farmworkers employed for less than 150 days per year received, on average, approximately $6,221 for their work.[11]

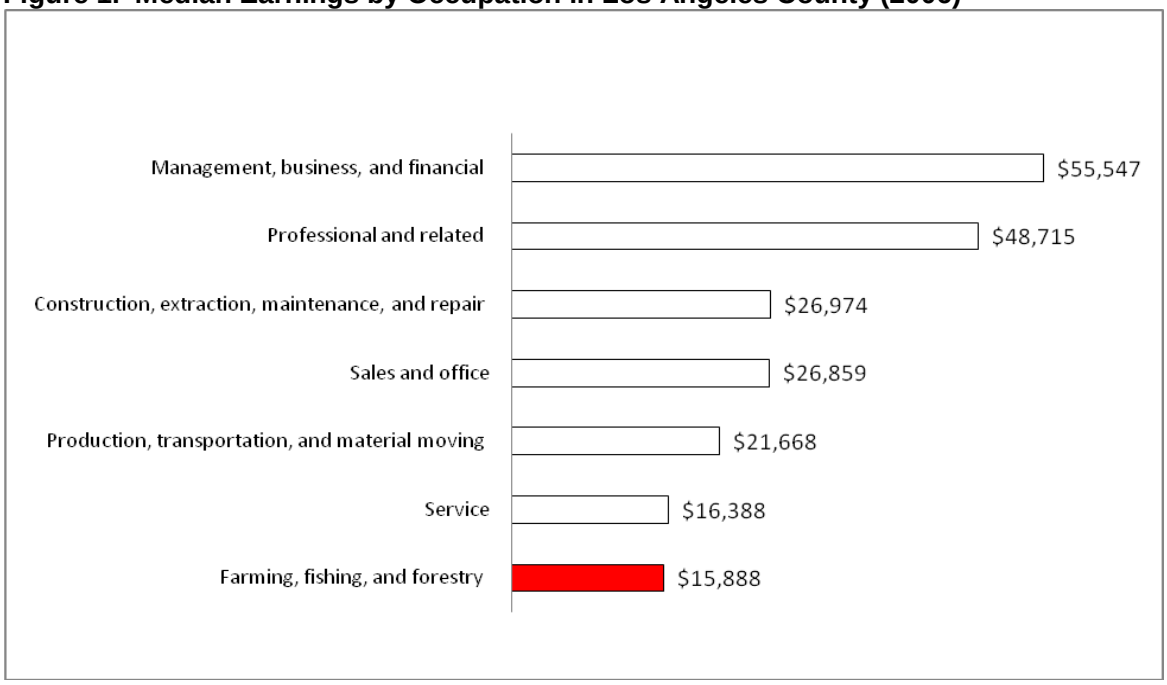
Table 5. Hired Farm Labor by Days Worked, Los Angeles County 2002 & 2007

	2002	2007	Change
150 days or more	4,777	3,627	(1,150)
Less than 150 days	2,616	1,506	(1,110)
Total	7,393	5,133	(2,260)

Source: U.S. Department of Agriculture, National Agricultural Statistic Service (NASS), 2002 & 2007.

[7] Housing Element Law, Government Code Section 65583 (a)(7).
[8] State of California Employment Development Department, 2006 Farmworker Employment and Wage Data. Geography: Los Angeles-Long Beach-Glendale MD, Counties: Los Angeles
[9] California Employment Development Department.
[10] Los Angeles County Office of Education, Migrant Education Program. Data on student enrollment.
[11] U.S. Department of Agriculture, National Agricultural Statistic Service (NASS), 2007.

Figure 1. Median Earnings by Occupation in Los Angeles County (2006)



Source: U.S. Census Bureau, 2006 American Community Survey. Table B24011.

STAFF OBSERVATIONS

The following information is based on recent observations made by the Housing Section staff; interviews with affordable housing developers, farmworker advocates and farm owners/operators; reports from the Los Angeles County Farm Bureau; and site visits to known major active agricultural areas in the unincorporated Los Angeles County.

Antelope Valley

The Antelope Valley houses at least two major producers of onions and carrots. These two operators own land in and outside of the unincorporated areas. One operator farms 6,000 acres of carrots, while another farms onions on approximately 4,500 acres. Collectively, these farms employ nearly 150 full-time permanent employees. During the harvest months of September and October, the need for seasonal agricultural employees to manually harvest onions increases significantly to an additional 500-600 workers. The carrot producer also requires an additional 48 agricultural employees during the harvest.

Onion harvest, Calandri Farms (City of Lancaster, Los Angeles County)

The Antelope Valley is also home to both large and small fruit groves. In the community of Littlerock, one large grower plants 800 acres of cherries, apricots, peaches, nectarines, and plums. Fruit groves, as well as vineyards, are also located within the communities of Acton, Leona Valley, and Lake Hughes. According to an orchard owner in Littlerock, the need for

seasonal agricultural employees increases during the harvests season, which for some crops begins in July or August and ends in October.

Vineyard in the Santa Monica Mountains. (Unincorporated Los Angeles County)

According to multiple interviews with community members, legal advocates, growers and farmworkers, many unaccompanied migrant farmworkers camp in open fields or in the desert during the harvest.

Santa Monica Mountains

The Santa Monica Mountains area houses two large vineyards that collectively grow 95 acres of grapes and 60 acres of avocadoes. According to one vineyard operator, their vineyard employs a handful of permanent employees, but as many as 40 additional seasonal employees are needed during the September and October harvest.

Santa Clarita Valley

The major crops grown in the Santa Clarita Valley are located near the border of Ventura County, which has a thriving agricultural industry and a large number of agricultural employees. Along CA-126, west of the City of Santa Clarita, there are a myriad of agricultural uses, including irrigated row crops and alfalfa hay. In addition, there is one large vineyard in the Santa Clarita Valley that cultivates 70 acres of grapes used for making wine. This vineyard employs 13 full-time and 10 part-time agricultural workers year-round.

Vineyard in the Santa Clarita Valley. (Unincorporated Los Angeles County)

CASE HISTORY

As of 1980, only two conditional use permit cases have been submitted and approved for employee housing for agricultural employees.[12] One of these developments is the 24-room dormitory, which currently provides housing for migrant workers on a farm in the Antelope Valley. The other development, which was located on a duck farm in Avocado Heights that is no longer in operation, consisted of eight mobile homes for employees.

There are also numerous conditional use permit submittals for caretaker units, although it is difficult to determine whether the caretaker unit is for agricultural employees, or for grounds keepers, horse ranch employees or non-agricultural workers. In addition, the case history does not account for non-conforming uses that may be providing farmworker housing. In reviewing the case history, since the early 1980s, 139 caretaker units were approved by Regional Planning. Twenty-one of these caretaker units or similar uses, including “servant quarters” were approved between August 2004 and November of 2007.

[12] Based on a review of case history of employee housing in KIVA and C-TRACK, the DRP’s case tracking systems.

DISTRIBUTION OF AGRICULTURAL USES AND AGRICULTURAL ZONES

Table 6 outlines the amount of land that is zoned for agriculture[13] within a handful of selected unincorporated communities, and the amount of State designated farmland[14] in these communities. As Table 6 shows, the Antelope Valley contains the vast majority of agriculturally zoned land, as well as State designated farmland, in the unincorporated areas.

Peach harvest in the Antelope Valley community of Littlerock. (Unincorporated Los Angeles County)

It is important to note that this data does not translate into the amount of land that is actively being farmed, as it is difficult to pinpoint the total acreage of active agricultural land uses in unincorporated Los Angeles County. Currently, many agriculturally zoned sites, which were traditionally created to permit a wide-range of agricultural uses, house single-family residential uses. In addition, some of the State designated farmland data includes land that has been irrigated for agricultural production in the last four years; however, that land may not be irrigated in the present. Furthermore, the State designated farmland categories are not meant to be regulatory tools, but rather serve as an inventory of agricultural resources in the County. For more information on these categories see Appendix H.

Table 6. State Designated Farmland and Agricultural Zoning in Selected Communities

Unincorporated Community	Farmland Designated by the State (acres)	% of Farmland Designated by the State	Zoned for Agriculture (acres)	% of Zoned Acres
Antelope Valley	165,142	73.33%	525,366	75.07%
Santa Clarita Valley	59,737	26.52%	114,051	16.30%
Malibu Coastal Zone	235	0.10%	47,899	6.84%
Santa Monica Mountains	103	0.05%	12,530	1.79%
Total	**225,217**	100.00%	**699,846**	100.00%

Source: Los Angeles County, Department of Regional Planning, GIS Section

[13] Zoning classifications in this table include: A-1 (Light Agricultural Zone), A-2 (Heavy Agricultural Zone), and A-2-H (Heavy Agricultural including Hog Ranches).

[14] There are various types of farmland that are designated and mapped by the State Department of Conservation through its Farmland Mapping and Monitoring Program. Table 4 includes the following categories: Prime Farmland, Farmland of Statewide Importance, Unique Farmland, Farmland of Local Importance, and Grazing Land.

CONCLUSION

The proposed ordinance is an important first step in addressing the need for farmworker housing in Los Angeles County, as outlined in this report. The proposed ordinance ensures that the County's provisions for farmworker housing are consistent with the State law, clarifies and codifies the requirements of the Employee Housing Act, and aims to streamline the land use permitting process for those interested in providing housing for farmworkers. It is important to note that a number of factors—such as the decline of the agricultural industry, and the financial and administrative challenges of providing farmworker housing—suggest that without additional resources, farmworker housing is not likely to occur with significant frequency.

APPENDICES

APPENDIX A: MARCH 8, 2001 LETTER FROM CALIFORNIA RURAL LEGAL ASSISTANCE

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Modesto
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San Luis Obispo
Santa Maria
Santa Rosa
Stockton

Via facsimile
(213) 626-0434

March 8, 2001

Los Angeles County
Department of Regional Planning
James E. Hartl, Director of Planning
320 West Temple Street, Room 170
Los Angeles, CA 90012

Re: October 25, 2000 Revised Draft Housing Element (1998 - 2005) ("Revised Draft") and January 4, 2001 Response to HCD Review of Draft Housing Element ("Response")

Dear Mr. Hartl:

The California Affordable Housing Law Project, San Fernando Valley Neighborhood Legal Services and California Rural Legal Assistance submit the following comments on the Revised Draft and the Response. Our offices represent low income persons and families who live or work in or in proximity to the County of Los Angeles and who are currently in need of affordable housing. These comments are in addition to comments we submitted on October 24, 2000 to the Los Angeles County Regional Planning Commission. Many of the October 24, 2000 comments are still applicable to the Response.

The Revised Draft and the Response are inadequate with regards to the inventory of land and analysis of zoning and public facilities required by Government Code § 65583(a)(3). The Response fails to identify, inventory and analyze sufficient sites to accommodate the Southern California Association of Governments' (SCAG) five year Regional Housing Needs Allocation (RHNA), in particular for new construction needs for very low and low income households. Exhibit 5-10, Ch. 5 Pg. 15 indicates that the vacant sites approved for residential development would produce 110 and 141 units of housing affordable to very low income households and low income households respectively. There is no explanation of what "approved for residential development" means. There is no statement that the sites contain appropriate zoning (including necessary densities - elsewhere in the Response, 25 units per acre is described as the density necessary for the market to produce low income housing- Ch.5Pg.12); whether the sites are or will be provided with sewer and water; the slope and topography and whether there are any

environmental barriers to development. All of this information should be included. In any event, the summary of vacant sites in Exhibit 5-10 obviously falls far short of indicating parcels where the RHNA numbers of 8,752 very low income and 7,460 low income new construction housing units needed can be constructed. On sites listed in Exhibit 5-12 of the Response, *Vacant Land with Approved Projects*, the number of units affordable to households in the very low income category total 28 and the number of units affordable to households in the low income category total 113, compared to 2,627 units affordable to households in the moderate income category and 18,399 units affordable to households in the above moderate income category.(Ch. 5, Pgs 14-1 through 14-4) The Response points to Exhibit 5-11 of the Revised Draft (p.5-11, p.5-12) and Exhibit 5-9 (Ch.5 Pg.12) of the Response, as the answer to the shortfall in vacant land acreage available to meet the RHNA very low income and low income numbers. Those exhibits describe what the Revised Draft and Response call "underdeveloped" land, where it is asserted 27,330 units of housing at multifamily densities could be developed. As we commented in our October 24, 2000 letter, much of this purported site availability would require the *demolition* of existing units. There is no analysis of the feasibility or likelihood of this occurring, and furthermore, the number of exiting units demolished would itself result in an increase in the County's overall need for housing. Program 44,of the Response , *Identify Sites for Multi-family Housing* (Ch.9 Pg.66) indicates that the County will identify adequate sites to meet the quantified objectives for new housing set forth in Chapter 7. While this is certainly a positive effort by the County to meet the housing needs of very low and low income households, it does not relieve the County from its obligation to include a complete land inventory which demonstrates how RHNA numbers will be accommodated during the planning period. The objectives of Chapter 7 are new housing units construction, (1,220 very low income and 815 low income), numbers far below the RHNA numbers. Furthermore, the implementation schedule is too long, given the relatively low numbers of the objectives, when compared to the RHNA numbers for lower income households new construction need during this planning period.

2. The Revised Draft and the Response fail to sufficiently analyze the numbers of farmworkers in Los Angeles County, the incomes of those farmworkers, the respective numbers of farmworkers who are permanent and who are migrant farmworkers, the unmet housing needs of farmworkers (permanent and migrant) and to adequately describe how the unmet housing needs of farmworkers (permanent and migrant) will be met. The Revised Draft does not indicate the source of its statement that the "majority of county farm workers are permanently employed farm workers", it mentions the Agricultural Commissioner as an information source. (Ch.3 Pg.10) If the Agricultural Commissioner has surveyed the farmworker population, the document containing the survey information should be named. The Revised Draft indicates that 25% of the 6.900 farmworkers in the County consist of households with two farmworkers and that 50 percent of the remaining workers are single individuals. The source for this data should be named. The Revised Draft assumes a need for 3,500 housing units on a temporary or permanent basis to meet the needs of farmworkers. The source of this assumption should be listed. The

Revised Draft does not indicate how many of these 3,500 housing units exist and the conditions and affordability of what units do exist. The Revised Draft indicates that "the Community Development Commission administers a wide array of housing programs that can potentially assist in the provision of affordable housing for farm workers, including funding for acquisition, construction, rehabilitation, and rental assistance." (Ch. 3 Pg.11) There is no statement as to the numbers of units for farmworkers that could be developed through these programs or where the land is upon which new units could be built. The Response indicates that the County will identify sites where housing for permanent and migrant farmworkers is allowed. (p. 16 of the Attachment) Program 43, of the Response, *Farmworker Housing Ordinance Implementation Program*, describes regulations only for farm laborer group quarters, and these would not be allowable "by right" but rather with a conditional use permit. There is no discussion of how the housing needs for new construction for farmworker families would be accommodated. State law indicates that where a need for farmworker housing has been identified by a jurisdiction, its Housing Element should identify zones where housing for permanent and for migrant farmworkers is allowed. Where adequate farmworker sites have not been identified, jurisdictions must allow farmworker housing "by right". (see State of California, Department of Housing and Community Development, Housing Element Questions and Answers, September 2000, Q 45, p. 35) Current estimates by the Employment Development Department of the State of California indicate that the annual average income of farmworkers is less than $12,000. The Revised Draft relies on dated data (1990) to set forth what the median income for a household is in the County ($38, 900) . Very low income is defined as 50 % of median income, which is $19, 450. Farmworkers' incomes are less than very low income, even using dated data. Given that the median income of the County is more likely at this point to be $10,000. higher than $38,900, farmworker incomes are likely to be even that much lower than what is defined as very low income. This is an extremely important factor which should be included in the County's discussion of what type of housing is needed for farmworkers and what land and what programs exist to meet that need.

Thank you for your consideration of these comments. Please do not hesitate to call if you have questions.

Sincerely,
CALIFORNIA RURAL LEGAL ASSISTANCE

Eileen McCarthy

Eileen McCarthy
Staff Attorney

cc: Camila Cleary, California Department of Housing and Community Development

APPENDIX B: AGRICULTURAL ECONOMY IN LOS ANGELES COUNTY

According to the U.S. Department of Commerce in 2005, the agricultural industry in Los Angeles County grossed over $300 million dollars, with a net income of over $42 million. Over 97% of that income was reported in from crops. The majority (65%) of value is in nursery products, such as ornamental trees and indoor plants.

Figure 2 illustrates the changes in acres farmed of selected commodities in Los Angeles County between 1998 and 2006. Although there has been a recent decline in vegetable crops[15], field crops[16] are on the upswing and fruit and nut crops,[17] as well as nursery products have remained fairly steady. From a peak of 25,342 acres in 2002, the total acreage of these commodities has decreased every year.

Figure 2. Total Acreage Farmed of Selected Commodities* in LA County (1998-2006)

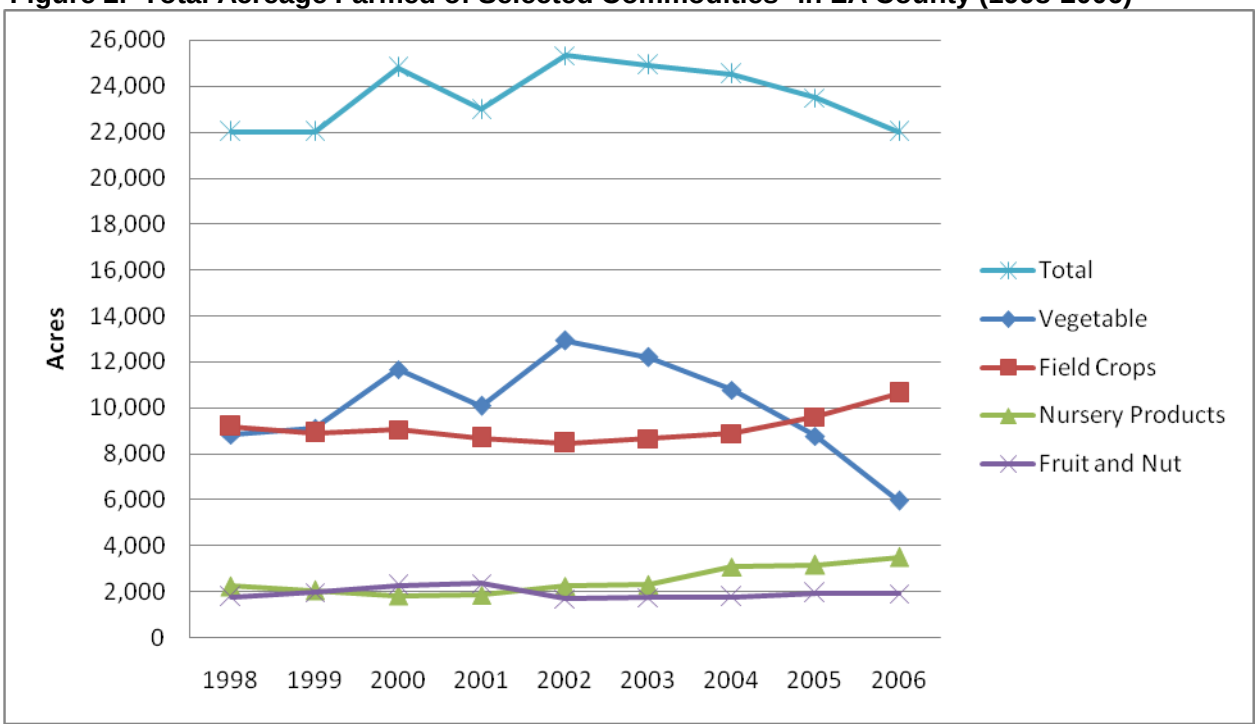


*Figure does not include the following commodities: cut flowers and decoratives, livestock production, apiary, and forest products.
Source: Los Angeles County Crops and Livestock Reports, 1998-2006.

As shown in Table 7, there are 1,734 farms in Los Angeles County, up from 1,543 in 2002. Despite this increase, the total area of all farmland decreased by nearly 3,000 acres between 2002 and 2007. The average farm size also decreased from approximately 72 acres to 63 acres. In addition, the number of farms with cropland increased from 839 to 940; however, the acreage of these farms decreased by 1,773. Despite a decrease in the number of farms with harvested cropland, the acreage of these farms increased by 1,796. Of these farms, the acreage of harvested hay and

[15] Vegetable crops include root vegetables, herbs, table greens, vine crops, and other miscellaneous crops.
[16] Field crops include alfalfa hay, grain hay, and other miscellaneous crops.
[17] Fruits and nut crops include strawberries, avocados, cherries, apples, grapes, orchards fruit, and other miscellaneous crops.

silage (forage) and vegetable crops increased, while the amount of harvested orchards decreased by 810 acres.

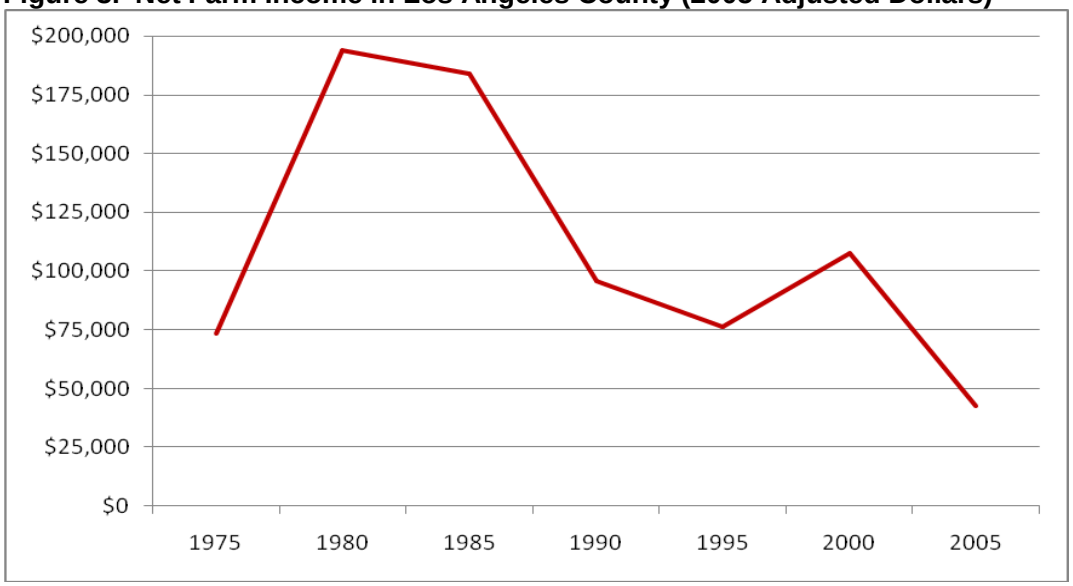
Table 7. Summary of Los Angeles County's Active Agricultural Land Uses (2002 & 2007)

	Number of Farms			Acres of Farmland		
	2002	2007	Change	2002	2007	Change
Total Farms	1,543	1,734	191	111,458	108,463	(2,995)
Farms with Cropland	839	940	101	50,931	49,158	(1,773)
Farms with Harvested Cropland	707	632	(75)	24,033	25,829	1,796
*Forage**	39	37	(2)	8,653	8,770	117
Vegetable	58	68	10	7,079	12,902	5,823
Orchards	314	317	3	2,764	1,954	(810)

*Land used for all hay and all haylage, grass silage, and greenchop.
Source: U.S. Department of Agriculture, National Agricultural Statistic Service (NASS), 2002 and 2007.

Although the staff focused on documenting active cropland during its field visits to the Antelope Valley, Santa Clarita Valley, and Santa Monica Mountains, there remains a significant amount of farmland in Los Angeles County that is used for agricultural uses other than crops. These uses could include dairies, rangeland, and farms raising livestock and poultry.

Figure 3. Net Farm Income in Los Angeles County (2005 Adjusted Dollars)



Source: U.S. Department of Commerce, Bureau of Economic Analysis, http://www.bea.gov/regional/reis/default.cfm?series=ancillary

Many factors have contributed to the decline in the County's agricultural base, as seen in Figure 3. The increasing costs of production, along with international competition have hindered agriculture across the U.S. In Los Angeles County, other factors, such as the price of land and policies to permit non-agricultural uses on farmland are also significant issues. Additionally, farm operators must adjust to longer and drier summers, with harvests occurring earlier in the year.

APPENDIX C: STUDENT ENROLLMENT IN MIGRANT EDUCATION PROGRAM

The Los Angeles County Office of Education's Migrant Education Program works to support the educational and health needs of children and youth of migrant farmworkers. Specifically, the program provides free health services, including medical, dental, and vision; helps prepare children for kindergarten and young people for college; and offers assistance in reading, writing, mathematics, and language. Table 8 shows data on the student enrollment in the Los Angeles County Migrant Education Program, which can provide insight into the potential needs of farmworkers and their households. Between the 2004-2005 and 2007-2008 school years, student enrollment decreased by 9,756 (or 53%).

Table 8. Los Angeles County Migrant Education Program Student Enrollment

School Year	Total Enrollment	Change in Enrollment	Percent Change
2004-2005	18,278	-	-
2005-2006	14,574	(3,704)	-20.26%
2006-2007	9,956	(4,618)	-31.69%
2007-2008	8,522	(1,434)	-14.40%

Source: Los Angeles County Office of Education, Migrant Education Program.

APPENDIX D: FARMWORKER HOUSING REGULATIONS AND INITIATIVES IN OTHER LOCAL JURISDICTIONS

CITY OF VENTURA

The City of Ventura's special residential regulations address onsite farmworker housing. Per these regulations, only sites that have operational agricultural uses can establish farm employee housing. No more than 12 units can be located on a 40 acre parcel of land and parcels larger than 40 acres can have an additional 3 units per each additional 10 acres. Farmworker housing projects must also meet the setback requirements, which are provided in Table 9. Units within these projects are restricted to farmworkers and their families.[18] Farmworker housing is permitted with a use permit.[19]

Table 9. Setback Requirements for Detached Dwelling Units, City of Ventura

	Minimum Setback
Front setback	20 feet
Rear setback	20 feet
Side setbacks (attached buildings considered part of required setback)	10 feet
Any other building or structure	75 feet

Source: City of Ventura Ordinance Code, Sec. 24.435.030.

NAPA COUNTY

Napa County outlines specific regulations for both permanent and seasonal housing types. Permanent structures must be located on a parcel of at least 40 acres in size, while seasonal housing is allowed on a minimum of 20 acres. No more than 10 units (besides permitted farm labor camps) are permitted on one parcel. In addition, farmworker housing units cannot exceed 1,200 square feet in size. All farmworker units must be deed-restricted and the owner of the land must validate all tenants' employment. Validation of employment must occur annually through the Planning Department.[20]

The County also allows various types of farm labor camps, ranging from permanent single-family dwelling units to temporary trailers that are occupied a maximum of 120 days out of the year. Farm labor camps must meet the farmworker housing regulations, as well as additional development standards pertaining to parking and lighting. Permanent farm labor camps, as well as permanent structures must provide landscaping around the entire perimeter. Seasonal farm labor camps must meet the permanent farm labor camp standards and standards specific to seasonal housing. For example, seasonal camps may contain up to 20 units per acre or 60 beds, whichever is less.[21]

Unless exempt, both farmworker housing and farm labor camps are permitted with a discretionary use permit within agricultural preserve and agricultural watershed districts. Exempt projects include any projects that fall under the definition of employee housing in the California Health and Safety Code. Furthermore, the Napa County Code stipulates that the Employee Housing Act supersedes any local zoning regulations.[22]

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[18] City of Ventura Ordinance Code, Sec. 24.435.030.
[19] City of Ventura Ordinance Code, Sec. 24.270.
[20] Napa County Code, 18.104.300.
[21] Napa County Code, 18.104.310.
[22] Napa County Code, 18.104.295.

SAN DIEGO COUNTY

San Diego County permits farm employee housing, as an accessory use, for up to four farm employees and their families through an administrative permit in zones that permit agricultural and residential land uses. For parcels four acres or less in size, a total of two dwelling units, including the primary dwelling, are permitted. For parcels greater than four acres in size, three dwelling units are permitted.[23] In addition, farm employee housing must be located on the same parcel as the agricultural operation and a certificate must be submitted annually by the applicant to confirm the continued operation of the agricultural use and employment of the tenants.[24]

Although San Diego County has regulations for farm employee housing, the Department of Planning and Land Use is currently in the process of updating its provisions for farmworker housing to ensure compliance with the Employee Housing Act. Based on conversations with the planning staff, they are working closely with their local chapter of the Farm Bureau and collaborating with other county departments, including the Department of Agriculture, Weights and Measures, which verifies the active agricultural use as part of the farmworker housing permit process.

SANTA CRUZ COUNTY

Through the Farmworker Housing Production program, which is outlined in their 2000-2007 Housing Element, Santa Cruz County is currently updating the farmworker housing provisions in its zoning code to be in compliance with the Employee Housing Act.

SONOMA COUNTY

Sonoma County's agricultural preserve districts permit both seasonal and year-round employee housing that meet the specified development standards. These uses are permitted on both agricultural and rural land use designations.[25]

For seasonal housing, parcels must be at least 1.5 acres with restrictions on parcels less than 10 acres. For projects located on parcels less than 10 acres, no more than 19 individuals may be housed.[26]

For year-round farmworker housing, parcels must be at least 10 acres; however, there are exceptions for smaller parcels. Year-round farmworker housing can house up to and no more than 38 individuals at any time.[27]

Both seasonal and year-round farmworker housing must be located outside of floodplains and with access to roads. In addition, off-street parking in the amount of one space per four individuals is required. Although the parking does not need to be covered, it cannot be located within a scenic corridor without adequate screening. Farmworker housing must also meet the minimum setback requirements, as shown in Table 10, and be no greater than two stories in height.[28]

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[23] San Diego County Zoning Code, Sec. 4120.f.
[24] San Diego County Zoning Code, Sec. 6156.u.
[25] Sonoma County Zoning Code, Sec. 26-12-010.
[26] Sonoma County Zoning Code, Sec. 26-88-010(l)
[27] Sonoma County Zoning Code, Sec 26-88-010(o)
[28] Sonoma County Zoning Code, Sec. 26-88-010.

Table 10. Setback Requirements for Seasonal and Year-Round Farmworker Housing, Sonoma County

	Seasonal Farmworker Housing Minimum Setback	Year-round Farmworker Housing Minimum Setback
Center of roadway	55 feet	55 feet
Property line	60 feet	60 feet
Any other structure	40 feet	40 feet
Watering troughs, feed troughs and accessory buildings	40 feet	40 feet
Barns, pens or similar quarters of livestock or poultry	75 feet	75 feet
Adjacent residential districts	N/A	500 feet

Source: Sonoma County Zoning Code, Article 88

VENTURA COUNTY

Ventura County's Non-Coastal Zoning Ordinance outlines specific development standards for both onsite and offsite housing for farmworkers and their families. Farmworker dwelling units are permitted through a ministerial zoning clearance in Ventura County's Open Space, Agricultural Exclusive, Rural Agriculture, and Timberland Preserve zones. Ventura County processes applications for onsite[29] housing projects and allows up to four (4) dwelling units based on the standards outlined below through a ministerial procedure. In addition to the density standards, the size of farmworker housing units must not exceed 1,800 square feet. These units must be set aside for full-time agricultural employees and their families. If farmworker tenants retire, they can continue to occupy the unit. The Ventura County Code requires annual verification from the property owner that the tenant is a valid employee.

Table 11. Standards for Ministerial Farmworker and Animal Caretaker Dwelling Units, Ventura County

Agricultural Land Use	Farmworker and Animal Caretaker Dwelling Units
Greenhouses and hothouses	One unit per 100,000 sq. ft. of propagating greenhouse
Horse ranches and equestrian facilities	One unit per 10 brood mares, or one unit per 25 equines, where a stall exists for each animal
Irrigated row crops, specialty crops, orchards, vineyards and field-grown plan materials	One unit per 40 acres in crops
Irrigated pasture, field crops, grain and hay	One unit per 40 acres in crops

Source: Ventura County Code, Sec. 8107-26.

The Ventura County Code also outlines specific development standards for offsite housing, specifically identified as "farmworker housing complexes." According to the Code, farmworker housing complexes are defined as "a residential facility where the dwelling units are rented to, or sleeping quarters in a dormitory are occupied by, persons who are principally employed within the County of Ventura for activities associated with crops and orchard production, and all uses listed there under. Members of the farmworker's household, if any, may also occupy said dwelling unit. As per the Ventura County Code, farmworker housing complexes address the need for temporary dormitory-style living quarters for migrants, as well as permanent offsite rental housing for farmworkers and their families. Farmworker housing complexes are allowed through a discretionary procedure. These units require a planned development permit approved by the Planning

[29] Farmworker dwelling units may either be located on the same lot on which the occupant is working or on other land that is under the same ownership or lease as the subject lot.

Commission, which is more streamlined a conditional use permit. Although the planned development permit process is discretionary, the project must be approved if it meets the regulatory requirements.[30] The use is permitted in the Open Space and Agricultural Exclusive zones.[31]

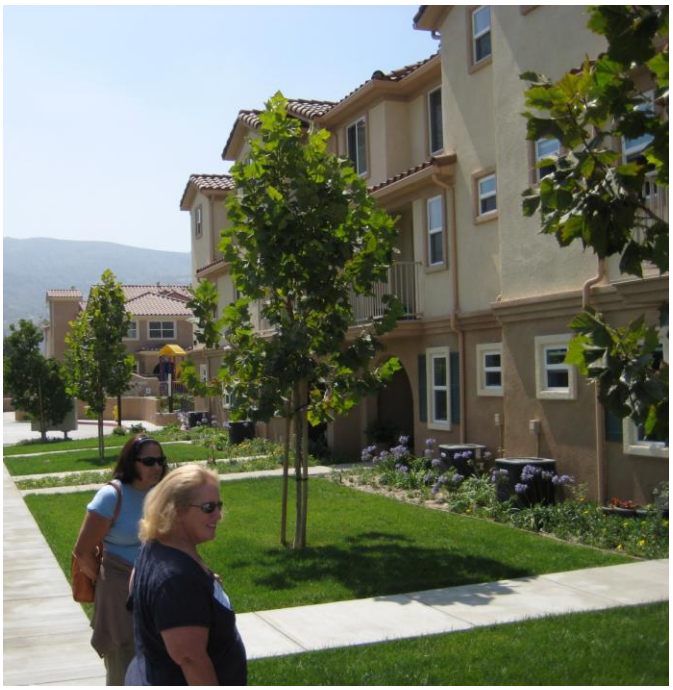
[30] Ventura County, Farmworker Housing Study, 2002.
[31] Ventura County Code, Sec. 8107-41.

APPENDIX E: EXAMPLES OF FARMWORKER HOUSING

Onsite employee housing with groves in the background. (Limoneira Farms, Ventura County, CA)

Affordable housing for farmworkers and their families. (Ventura County, CA)

Onsite employee housing. (Limoneira Farms, Ventura County, CA)



Affordable housing for farmworkers and their families, west of downtown Santa Paula. (Ventura County, CA)

Single-family, owner-occupied affordable housing for farmworkers and their families, Piru. (Ventura County, CA)

Seasonal employee housing, Andrus Island. (Sacramento County, CA)
Source: http://www.hcd.ca.gov/codes/eh/2006StatisticalSummaryEH.pdf

Barrack-style permanent and seasonal employee housing. (Santa Cruz, CA)
Source: http://www.hcd.ca.gov/codes/eh/2006StatisticalSummaryEH.pdf

Barrack-style employee housing.
Source: http://www.hcd.ca.gov/codes/eh/EMPLOYEEHOUSINGOPERATORBOOKLET-1.pdf

APPENDIX F: SUMMARY OF OUTREACH EFFORTS

COMMUNITY OUTREACH MEETINGS

The Housing Section staff held two community outreach meetings, one in Val Verde on September 10, 2008, and the other in Palmdale at the Farm Bureau on September 17, 2008. The purpose of these meetings was to bring multiple stakeholders together, including farmworkers, growers, as well as advocates and other interested parties, to discuss farmworker housing needs in the unincorporated areas. The staff gave a brief presentation on the proposed ordinance, the Employee Housing Act, background research, and the existing housing needs of farmworkers in unincorporated Los Angeles County.

Unfortunately, these meetings were not well-attended. A representative of the 5th District Board Office and a representative from the State Department of Housing and Community Development (HCD) attended the meeting in Val Verde. Despite the poor turnout, those in attendance had a fruitful discussion on the State's role in monitoring and enforcing employee housing.

At the meeting in Palmdale, a local grower and a recruiter for the Los Angeles County Migrant Education Program shared important perspectives on the needs of growers and farmworkers, alike. The local grower noted the importance of providing flexibility in the land use permitting process, as the provision of housing allows farmers to attract a quality labor force. He also noted the importance of working with the Farm Bureau board.

LOS ANGELES COUNTY OFFICE OF EDUCATION, MIGRANT EDUCATION PROGRAM

On September 10, 2008, the Housing Section staff presented to the Regional Parent Advisory Council. The Regional Parent Advisory Council is comprised of migrant farmworkers who reside in Los Angeles County. At the meeting, the staff explained the purpose of the proposed ordinance and encouraged the members of the council to participate in the community meetings. The staff also handed out a farmworker housing needs survey (see attached).

ASSOCIATION OF RURAL TOWN COUNCILS (ARTC)

The Housing Section staff also attended the ARTC meeting on September 25, 2008. The staff provided the members with an overview of the County's findings and background research, and the Employee Housing Act. The ARTC raised two main concerns: 1) the removal of the conditional use permit for projects that comply with the Employee Housing Act; and 2) the enforcement of these projects by HCD. The staff incorporated two specific mechanisms, a covenant and agreement and a farmworker housing verification form, into the proposed ordinance to address concerns regarding enforcement and monitoring.

Departamento De Planificación Regional del Condado de Los Ángeles

CUESTIONARIO RELACIONADO A LAS NECESIDADES DE VIVIENDA DE TRABAJADORES DE CAMPO

NECESITAMOS SU AYUDA. El Departamento de Planificación Regional del Condado de Los Ángeles está trabajando para aparejar las necesidades de vivienda de trabajadores de campo y sus familias. Buscamos su entrada como un partido afectado para proporcionar al Condado con una evaluación más exacta de las necesidades de vivienda en las áreas no incorporadas del Condado de Los Ángeles.

Por favor conteste las preguntas siguientes:

1. ¿Es usted un trabajador de campo? ☐ Si ☐ No
   a. Si sí, es su empleo: ☐ Estacional ☐ Permanente

2. ¿Cuál es su situación de vivienda al momento?

   ☐ Sin hogar (permanece en un refugio,campamento en el campo) ☐ Dormitorio
   ☐ Remolque ☐ Apartamento
   ☐ Mobilehome ☐ Otro:_____

3. Con quién vive:

   ☐ Familia / Amigos
   ☐ Otros Trabajadores de Campo
   ☐ Compañeros de apartamento (que no sean trabajadores de campo)
   ☐ Vivo solo

4. ¿Basado en sus ingresos actuales, qué puede usted pagar por una vivienda al mes? _____

5. ¿Le proporciona su empleador con ayuda para albergar? ¿Si eso es el caso, en qué manera?

   _____

   _____

6. Por favor recomiende cualquier organización o cultivador que podría proporcionar al Condado con información adicional relacionada a las necesidades de vivienda de trabajadores de campo en el Condado de Los Ángeles.

   _____

   _____

7. Utilice por favor esta sección para proporcionar cualquier otra información que podría proporcionar al Condado con información de las necesidades de vivienda de los trabajadores de campo en el Condado de Los Ángeles.

   _____

   _____

OPCIONAL: Si usted quiere ver los resultados de este cuestionario y/o si usted quiere participar, proporcione su información de contacto:

_____

_____

_____

Envíe su respuesta por correo a: LA County Department of Regional Planning
Attn. Housing Section
320 West Temple Street
Los Angeles, CA 90012

Envíe su respuesta por email a: housing@planning.lacounty.gov

Envíe su respuesta por fax a: 213/ 626-0434

Departamento De Planificación Regional del Condado de Los Ángeles · Sección de Viviendas
Teléfono: 213/ 974-6425 · **Email:** housing@planning.lacounty.gov
Sitio de Internet: http://planning.lacounty.gov/housing

Los Angeles County Department of Regional Planning

FARMWORKER HOUSING NEEDS SURVEY

WE NEED YOUR HELP. The Los Angeles County Department of Regional Planning is currently working to address the housing needs of farmworkers and their families. We are seeking your input as a **major stakeholder** to provide the County with a more accurate assessment of the housing needs in the unincorporated areas of Los Angeles County.

Please answer the following questions:

1. Are you a farmworker? ☐ Yes ☐ No
   a. If yes, is your employment: ☐ Seasonal ☐ Permanent

2. What is your current living situation?

   ☐ Homeless (stay at a shelter, camp in field)
   ☐ Trailer
   ☐ Mobilehome
   ☐ Dormitory
   ☐ Apartment
   ☐ Other:_____

3. Do you live with:

   ☐ Family / Friends
   ☐ Co-Workers / Farmworkers
   ☐ Roommates (other than co-workers)
   ☐ I live alone

4. Based on your current income, what can you afford to pay for housing per month?_____

5. Does your employer provide you with housing assistance? If so, in what way?_____
_____
_____

6. Please recommend any organizations or growers who could provide the County with additional insight into the housing needs of farmworkers in Los Angeles County._____
_____

7. Please use this section to provide any other information that could provide the County with insight into the housing needs of farmworkers Los Angeles County._____
_____

OPTIONAL: If you would like to see the results of this survey and/or if you would like to get involved, please provide your contact information: _____
_____
_____

Mail responses to: LA County Department of Regional Planning
Attn. Housing Section
320 West Temple Street
Los Angeles, CA 90012

Email responses to: housing@planning.lacounty.gov

Fax responses to: 213/ 626-0434

Los Angeles County Department of Regional Planning
Phone: 213/ 974-6425 · **Email:** housing@planning.lacounty.gov
Website: http://planning.lacounty.gov/housing

LOS ANGELES COUNTY
DEPARTMENT OF REGIONAL PLANNING

WHO WE ARE The Los Angeles County Department of Regional Planning regulates land uses and oversees the long-range planning activities for the unincorporated communities of Los Angeles County. The Department's Housing Section helps to create opportunities for the preservation, development and improvement of housing in the unincorporated areas.

WE NEED YOUR HELP The Housing Section is currently working to address the housing needs of farmworkers and their families. **WE ARE SEEKING YOUR INPUT** as a **MAJOR STAKEHOLDER** to provide the County with a more accurate assessment of active agricultural uses, and associated housing needs, in the unincorporated areas.

Your input will help inform two projects that the Department of Regional Planning is currently working on:

Farmworker Housing Ordinance

Although agricultural production in Los Angeles County has continually declined over the years, farming continues to exist in some of the rural unincorporated areas of Los Angeles County. Considering the very high housing costs that exist in Los Angeles County, farmworkers may have difficulties finding safe and affordable housing. To address this issue, the Department of Regional Planning is working on amending the zoning code (Title 22 of the Los Angeles County Code) to provide clear standards for the development of housing for farmworkers and their families.

Town & Country - Antelope Valley Area Plan Update

Town & Country is an effort by the Los Angeles County Department of Regional Planning to update the Antelope Valley Area Plan. The results of the attached survey will inform Regional Planning staff on existing agricultural operations, as well as the challenges that these operations face in the unincorporated communities of the Antelope Valley. For more information, please visit the Town & County website: http://planning.lacounty.gov/tnc.

FOR MORE INFORMATION: planning.lacounty.gov/housing.htm | housing@planning.lacounty.gov | 213/ 974-6425

Los Angeles County Department of Regional Planning

Agricultural Production and Farm Labor Survey

The Los Angeles County Department of Regional Planning is currently studying the housing needs of farmworkers in the unincorporated areas of Los Angeles County. We are seeking your input as a major stakeholder to provide the County with a more accurate assessment of active agricultural uses in the unincorporated areas and their corresponding housing needs.

The Department will compile the results of the surveys. If you would like a copy of the results, or to get involved, please provide your contact information at the end of this survey. If you have any questions about this survey, please contact Gretchen Siemers or Anne Russett of the Department of Regional Planning's Housing Section at (213) 974-6425. *Please return your completed survey by Thursday, July 24, 2008 in the postage-paid envelope provided.*

1. Do you own agricultural land or operate a farm in unincorporated Los Angeles County?

   ☐ Yes ☐ No

   If no, what is the existing use of any unincorporated land you own that is zoned for agriculture? *Please skip to QUESTION 11.*

   ☐ Vacant
   ☐ Single-family residence
   ☐ Other use(s), please specify:_____

   If yes, what agricultural uses? *Please check all that apply.*

   ☐ Nursery crops ☐ Orchard fruit ☐ Strawberries
   ☐ Grapes ☐ Onions ☐ Root vegetables
   ☐ Herbs ☐ Vine crops ☐ Hay
   ☐ Nuts ☐ Apiary ☐ Livestock
   ☐ Dairy ☐ Other crops or uses, please specify:_____

2. Based on your answer to Question 1, please identify the crop(s) and the month(s) in which it is harvested._____
   _____

3. How many acres do you/your company farm in unincorporated Los Angeles County?_____

4. What type of challenges to agricultural production do you currently face? *Please check all that apply.*

   ☐ None ☐ Water cost/availability
   ☐ Market competitors ☐ Declining demand for crops being produced
   ☐ Not enough farm laborers ☐ Lack of agricultural lands
   ☐ Transportation of crops ☐ Other challenge(s), please specify:_____

5. How do you anticipate using your land in the next 10 years? *Please check all that apply.*

   ☐ Continue farming
   ☐ Sell property as a farm use
   ☐ Sell property for housing development
   ☐ Other use(s), please specify:_____

6. During the farm's peak season, how many farm laborers are employed on the farm?_____

   Of these employees, how many are:
   Full-time, permanent farm laborers_____
   Part-time, permanent farm laborers_____
   Part-time, seasonal laborers_____

   Of these employees, how many live:
   Alone_____
   With other farm laborers_____
   With children_____
   With spouse/partner & children_____

7. What is the average **(hourly / daily / weekly)** wage of your farm labor employees? *Please circle one and provide that wage below.*

   Full-time, permanent farm laborers $_____
   Part-time, permanent farm laborers $_____
   Part-time, seasonal laborers $_____

8. Do you provide employee housing for farm laborers and/or their families? ☐ Yes ☐ No

   If no, *please skip to QUESTION 9*.

   If yes, what type of housing do you provide? *Please check and answer all that apply.*

   Permanent, seasonal housing (i.e. dormitory-style):
   ☐ On-site ☐ Off-site How many beds?_____
   Permanent, year-round housing (i.e. multi- or single-family):
   ☐ On-site ☐ Off-site How many units?_____
   Temporary, seasonal housing (i.e. trailers):
   ☐ On-site ☐ Off-site How many units?_____

9. If you do NOT provide employee housing for farm laborers and their families, how many of your employees:

   Rent housing:
   Within 30 miles of the farm_____
   Greater than 30 miles away from the farm_____
   Own a home:
   Within 30 miles of the farm_____
   Greater than 30 miles away from the farm_____
   Have no housing (i.e. camp in the desert, live in cars, with friends, in a shelter or a motel)_____
   Housing arrangement unknown_____

10. Do you/your company provide farm laborers with transportation to and from work? ☐ Yes ☐ No

    If no, about what percentage of farm laborers travel to work by:

    Car (alone)_____%
    Carpools_____%
    Bicycle_____%
    Foot_____%
    Bus or other public transit_____%

11. If you do NOT provide employee housing for farm laborers and their families, what is the main reason why you do not? *Please check all that apply.*

    ☐ There is not a need
    ☐ Not financially feasible
    ☐ The permitting process is too costly
    ☐ The permitting process is too onerous
    ☐ Other reason(s), please specify:_____

12. In general, is there a need for more farmworker housing in your community? ☐ Yes ☐ No

    If no, why not?_____

    If yes, what type of farmworker housing is needed? *Please check all that apply.*

    ☐ Permanent, seasonal housing (i.e. dormitory-style)
    ☐ Permanent, year-round housing (i.e. multi- or single-family)
    ☐ Temporary, seasonal housing (i.e. trailers)

13. In your opinion, what would help facilitate the development of privately-owned farmworker housing in unincorporated Los Angeles County?_____

    _____

14. Over the next 10 years, do you feel that the opportunities for agricultural production will **(thrive / remain stable / decline)** in the unincorporated areas of Los Angeles County? *Please circle one.*

While we have tried to reach all those involved in agricultural production, if you find that we have missed an important player or organization with this survey, please let us know by providing their contact information below.

_____ _____ _____
_____ _____ _____
_____ _____ _____
_____ _____ _____

Please provide your contact information (optional): _____
_____
_____
_____

☐ I would like to provide input on the farmworker housing ordinance.
☐ I would like to know more about the Antelope Valley Area Plan Update – Town & Country.
☐ I would like to see the results of this survey.

THANK YOU FOR COMPLETING THIS SURVEY.

Please return your completed survey by Thursday, July 24, 2008 in the postage-paid envelope provided.

APPENDIX G: SURVEY RESULTS

Surveys sent: 258
Surveys returned (undeliverable): 19
Surveys completed: 37
Response rate: 15.48%

- Out of the 37 survey respondents, 23 or 62.2% indicated that they either own agricultural land or operate a farm in unincorporated Los Angeles County.

- Of the crops produced, eight of the respondents grow hay, seven root vegetables, four grapes, four orchards fruit, and three onions. Other crops produced include pistachios, strawberries, and lilacs.

Crop Type	Number of Farmers/Growers
Hay	8
Root Vegetables	7
Grapes	4
Orchard Fruit	4
Onions	3
Livestock	2
Nuts	1
Strawberries	1
Lilacs	1

- The total land farmed by all survey respondents equals 23,653 acres.

- Water cost and availability is the most common challenge to agricultural production cited by the survey respondents.

- Seventeen or 63% of the survey respondents indicated that they plan to continue farming in the next 10 years. Eight respondents (three of which do not actively farm the land) indicated that they plan to sell their land for housing development.

- The combined total of peak seasonal employees, of the 15 survey respondents that answered the question, is 736. Ten survey respondents provided the breakdown by employee type. As the chart below shows, nearly 70% of the employee base is part-time seasonal workers.

Breakdown by Employee Type	Number of Workers	% of Total
Full-time permanent	124	16.64%
Part-time permanent	101	13.56%
Part-time seasonal	520	69.80%
Total	**745**	**100.00%**

- Ten survey respondents provided wage information, and of those respondents, five provided hourly-wage information. The chart below shows the average hourly wage by employee type. Furthermore, the lowest hourly-wage reported is $8.00 (the State minimum) for part-time seasonal employees and the highest is $12.00 for full-time permanent employees.

Farm Labor Employee Type	Average Hourly Wage
Full-time permanent	$10.24
Part-time permanent	$9.18
Part-time seasonal	$9.33

- Of the 18 respondents that answered the question, four provide some type of employee housing. These operators provide a combined total of 29 units of onsite, permanent, year-round housing, and zero units of temporary or permanent seasonal housing.

- As for the 14 respondents that do not provide employee housing, 10 indicated that there is not a need, four stated that it is not financially feasible, five cited high permitting fees, and four believe the permitting process is too onerous.

- Of the 17 survey respondents who answered the question regarding farmworker housing need, eight respondents stated that there is a need for more farmworker housing in their community, while nine stated that there is no need.

- Regarding the state of agriculture in Los Angeles County, 54% (13) of the survey respondents believe that agricultural production will decline in the next 10 years. Thirty-three percent (eight) believe agriculture will remain stable, while 12.5% (three) are optimistic that agricultural production will thrive.

APPENDIX H: IMPORTANT FARMLAND MAP CATEGORIES

Through the State Department of Conservation's Farmland Mapping and Monitoring Program, important farmland throughout the State is classified, or rated, by analyzing the quality of the soil, irrigation status, and current land use, and mapped.

The following are definitions[32] for five of these important farmland map categories:

Prime Farmland
Farmland with the best combination of physical and chemical features able to sustain long term agricultural production. This land has the soil quality, growing season, and moisture supply needed to produce sustained high yields. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Farmland of Statewide Importance
Farmland similar to Prime Farmland, but with minor shortcomings, such as greater slopes or less ability to store soil moisture. Land must have been used for irrigated agricultural production at some time during the four years prior to the mapping date.

Unique Farmland
Farmland of lesser quality soils used for the production of the state's leading agricultural crops. This land is usually irrigated, but may include non-irrigated orchards or vineyards as found in some climatic zones in California. Land must have been cropped at some time during the four years prior to the mapping date.

Farmland of Local Importance
Land of importance to the local agricultural economy as determined by each county's board of supervisors and a local advisory committee.

Grazing Land
Land on which the existing vegetation is suited to the grazing of livestock.

[32] Definitions were obtained from the State of California Department of Conservation.
http://www.conservation.ca.gov/dlrp/fmmp/mccu/Pages/map_categories.aspx

APPENDIX I: RESOURCES

Model Unit to Help Meet the Need for Farmworker Housing, Patricia Harrison & Gary Johnston
http://are.berkeley.edu/APMP/pubs/lmd/html/wintspring_97/LMD.6.1.housing.html

Environmental Health Policy and California's Farm Labor Housing, UC Davis, May 2007
http://johnmuir.ucdavis.edu/pdflibrary/whitepapers/FarmLaborHousing.pdf

Migrant and Seasonal Farmworker Enumeration Profiles Study, California, Alice C. Larson, September 2000
http://www.ncfh.org/enumeration/PDF2%20California.pdf

Farmworker Housing Study, Ventura County, August 2002
http://www.ventura.org/RMA/planning/pdf/studies/fwh_study.pdf

State Department of Housing and Community Development, Employee Housing
http://www.hcd.ca.gov/codes/eh/

Employee Housing Act, Health and Safety Code 17000-17062
http://www.hcd.ca.gov/codes/eh/ehstatutes.htm

State Department of Conservation, Farmland Mapping & Monitoring Program
http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx

Los Angeles County Office of Education, Migrant Education
http://www.lacoe.edu/orgs/287/index.cfm

County of Los Angeles Agricultural Commissioner/Weights & Measures
http://acwm.co.la.ca.us/

Los Angeles County Crop and Livestock Reports
http://www.lacfb.org/reports.html

Los Angeles County Farm Bureau
http://www.lacfb.org/