FARM/AGRICULTURAL EMPLOYEE HOUSING APPLICATION PROCEDURES FOR AUTHORIZATION

FARM/AGRICULTURAL EMPLOYEE HOUSING APPLICATION PROCEDURES

Establishing employee housing for twelve or fewer employees and their families requires a building permit, any associated permits that might normally be required for the construction or placement of a single-family dwelling or mobilehome, and a recorded document certifying that at least one family member who will occupy each housing unit is a farmworker as defined in the County's Zoning Ordinance (see next paragraph) if not applying under the Farmworker Housing Fee Waiver Program. If applying under the Fee Waiver Program, see Pre-Application Process Step 3 below.

The San Diego County Zoning Ordinance defines a Farm Employee as:

Any person who derives more than half of their total livelihood in the service of another person as an employee engaged in farming in any of its branches, including cultivation and tilling of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities, the raising of livestock, bees, fur-bearing animals, or poultry, and the preparation of farm products for market and delivery to storage or to market or to carriers for transportation to market. "Farm Employee" does not include the owner or lessee of a particular property, or a person engaged in construction, alteration, painting, or repair of a structure, logging, or land surveying. "Farm Employee" may include a person engaged in brush or timber clearing, land grading or leveling when such activity is being carried out in preparation for farming.

Agricultural employee housing is permitted in rural areas in the A70 and A72 zones. Agricultural employee housing is allowed in the S80, S88, S90 and S92 zones and in the A70 and A72 zones in non-rural areas with the issuance of an Administrative Permit (see Page 5 for a list of rural and non-rural areas). Applicants should follow the **Pre-Application Process and Application Building Permit Process** described on the next page.

In addition, certain fees/deposits may be waived under the Farmworker Housing Fee Waiver Program for projects meeting certain conditions. Summarized, the conditions are that: 1) There is a verified active agricultural enterprise on the property where the housing is located; 2) the housing is not subject to an active code violation; 3) the applicant has entered into an agreement with the Department of Housing and Community Development; and 4) the building permit must be filed during one of the program periods (see "Pre-Application Process on Page 2 for a list of required forms).

Please carefully read all of the information in this guide and the forms required for the application package. An accurate and complete application will reduce delays in processing.

DPLU#390 (03/04)

BUILDING PERMIT PRE-APPLICATION PROCESS

1. **Department of Environmental Health (DEH) – 5201 Ruffin Rd., San Diego**

   Contact DEH at (858) 565-5173 to discuss proposed method of sewage disposal. If the project will not be connected to a sewer, a subsurface system may be required.

2. **Department of Agriculture, Weights and Measures (AWM) – County Operations, Center, Bldg. 3, 5555 Overland Ave., San Diego**

   Contact AWM at (858) 694-2382, for information concerning obtaining a **Verification of Agricultural Operation**. The completed and signed Agricultural Enterprises form must be submitted with your application package.

3. **Department of Housing and Community Development (HCD) – 3989 Ruffin Rd., San Diego. Note:** This step applies only when you are requesting your permit under the Farmworker Housing Fee Waiver Program.

   Contact HCD at (858) 694-4823, for information concerning the contractual agreement. A signed copy of the agreement is necessary in order to file your building permit and be eligible for a waiver of the fees.

APPLICATION PROCESS – BUILDING PERMIT

A building permit must be obtained for either the construction of a building for the housing or the installation of a mobile or manufactured home. Inquire at the Zoning Information Counter first to make sure that the proposed building site meets zone and density requirements.

Prior to issuance of a building permit, non-fee waiver applicants will be required to sign and record the DPLU Farm Employee Housing Agreement. You may be required to provide proof of farm employment by furnishing a copy of IRS form #943 or other proof of employment. It is the responsibility of the property owner where the housing is sited to provide this documentation whether or not the farm employee is employed at that site.

1. Department of Planning & Land Use – 5201 Ruffin Rd.

Submit **completed** application package to Building Permit Counter. Application Package:

i. Building Permit Application Form……DPLU #291
ii. Mobilehome Installation Information Form, if applicable……DPLU #55
iii. **Three (3)** copies of a plot plan……DPLU #90A
iv. Agricultural Enterprises and Consumer Disclosure (from AWM)…….No Form No.
v. HCD Farm Employee Housing agreement (if fee waiver)…….No Form No.
vi. DPLU Farm Employee Housing Agreement (if not fee waiver)……No Form No.
vii. Fees……..…Variable

The Building Permit Counter staff will check for active code enforcement action on the subject property if applying under the Fee Waiver Program. It is the responsibility of the owner of the property where the housing is proposed to be located to provide all required documentation.

2. Department of Environmental Health – 5201 Ruffin Rd.

If the project is not to be served by a public sewer service, submittal of a preliminary septic layout with DEH at the time the Building Permit application is submitted is required. The Building Permit cannot be approved until the septic system is deemed satisfactory by DEH. DEH may require an on-site inspection. DEH may require a well sample if water is supplied by a new or existing well.

Additional Requirements

1. **Grading.** Any fill over a foot in depth will require a compaction report by a registered civil engineer certifying the fill is compacted to a minimum of 90 percent. If more than 200 cubic yards of earth will be moved or if a cut or fill depth exceeds five feet, a grading permit is required. Contact the Department of Public Works (DPW), (858) 694-3267 (5201 Ruffin Road, San Diego) about obtaining a grading permit. If you are brushing or moving less than 200 cubic yards of earth, check with the Zoning Information County (858) 565-5981 (5201 Ruffin Road) about the need for a brushing/clearing permit. Before building permit may be issued, any required compaction report must be submitted or, in the case of a grading permit, rough grading approval must be obtained.

2. **Drainage.** At application submittal, the Building Permit Counter staff will check whether flood control fees are required. If so, the applicant will be referred to the Flood Control Counter (858) 694-3267, Department of Public Works, 5201 Ruffin Road). Flood Control Counter staff will determine the amount of drainage fees required to be paid by the project applicant at the time of the issuance of the building permit. The Drainage Fee Form (DPW #381) must be completed and signed by the Flood Control Counter staff. After being signed, the form should be returned to the Building Permit Counter either before or at the time the building permit is issued.

3. **Fire.** Early coordination with the fire district that serves your area is strongly encouraged regarding fees and costs you may incur for fire protection requirements. These requirements for employee housing may have significant additional costs associated with fire hydrants, sprinkling systems, water storage tanks and/or other local regulations.

   A fire mitigation form is required prior to issuance of a building permit. The fire mitigation form (DPLU #308A) will be provided by the Building Permit Counter at the time you submit your plans for plan check. The fire mitigation letter should be taken to the fire district to be signed by a fire district official indicating the amount of fire mitigation fees required to be paid by the project applicant at the time of issuance of the building permit. After the fire letter has been signed, it should be returned to the Building Permit Counter before or at the time the building permit is issued.

4. **Water.** If the property is not served by a public water system, contact DEH at (858) 565-5173 (5201 Ruffin Road) regarding fees and regulations for the installation and use of a well. If the property is to be served by a public water system, a public water system letter is required before issuance of a building permit. The public water system letter (DPLU #510) will be provided by the Building Permit Counter at the time you submit your plans for plan check. The water letter should be taken to the water district to be signed by a water district official indicating that water service will be provided to the subject property. After the water letter is signed, it should be returned to the Building Permit Counter before or at the time the building permit is issued.

5. **Sewer.** A public sewer service letter is required before issuance of a building permit if the project is not going to be served by an on-site septic system. The sewer service letter (DPLU #510) will be provided by the Building Permit Counter at the time you submit your plans for plan check. The sewer service letter should be taken to the sewer service agency to be signed by the agency official indicating that sewer service will be provided to the subject parcel. After the sewer service letter is signed, it should be returned to the Building Permit Counter before or at the time the building permit is issued.

6. **Schools.** A school letter is required before issuance of a building permit. The school letter (DPLU #510) will be provided by the Building Permit Counter at the time you submit your plans for plan check. The school letter should be taken to the school district(s) to be signed by a school official indicating that any required school fees have been paid. After the school letter is signed, it should be returned to the Building Permit Counter before or at the time the building permit is issued.

RURAL AND NON-RURAL AREAS OF THE COUNTY

The following is a list of Planning and Subregional Areas in San Diego County that are considered to be rural and non-rural as defined by the State Department of Housing and Community Development criteria developed pursuant to Health and Safety Code Section 50101. In the A70 and A72 zones, rural areas may have farm employee housing for up to 12 farmworkers and their families. In the S80, S88, S90 and S92 zones, farm employee housing is permitted in rural areas with the issuance of an Administrative Permit. Areas not defined as "rural" are permitted farm employee housing in the A70, A72, S80, S88, S90 and S92 zones with the issuance of an Administrative Permit.

RURAL PLANNING AND SUBREGIONAL AREAS

- Central Mountain
- Desert
- Fallbrook
- Jamul-Dulzura
- Julian
- Mountain Empire
- North Mountain
- Pala-Pauma
- Pendleton/De Luz
- Rainbow
- Ramona
- Valley Center

NON-RURAL PLANNING AND SUBREGIONAL AREAS

- Alpine
- Bonsall
- Crest-Dehesa
- Lakeside
- North County Metro
- Otay
- Pepper Drive/Bostonia
- San Dieguito
- Spring Valley
- Sweetwater
- Twin Oaks
- Valle de Oro

EXCERPTS FROM THE CALIFORNIA HEALTH AND SAFETY CODE CONCERNING EMPLOYEE HOUSING

17021.6 Agricultural land use designation; treatment of employee housing; definition

(b) Any employee housing providing accommodations for 12 or fewer employees shall be deemed an agricultural land use designation for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any way from an agricultural use. No conditional use permit, zoning variance or other zoning clearance shall be required of employee housing that serves 12 or fewer employees that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in an agricultural zone shall include agricultural employees who do not work on the property where the employee housing is located.

(c) Except as otherwise provided in this part, employee housing that serves 12 or fewer employees shall not be subject to any business taxes, local registration fees, use permit fees or other fees to which other agricultural businesses in the same zone are not likewise subject. Nothing in this subdivision shall be construed to forbid the imposition of local property taxes, fees for water services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments to which other agricultural activities in the same zone are likewise subject.