

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

DATE: September 1, 2016

TO: Zoning Hearing Officer

FROM: Planning Staff

SUBJECT: Consideration of a Use Permit renewal, pursuant to Section 6500 of the San Mateo County Zoning Regulations, to allow the continued use of three mobile homes and one house for Farm Labor Housing located at 1001 Ranch Road, in the unincorporated Pescadero area of San Mateo County.

County File Number: PLN 1999-00458 (Geoffrey Allen/Fogline Nursery)

PROPOSAL

The applicant requests the renewal of the subject Use Permit to allow the continued use of one mobile home to be used as Farm Labor Housing to house one farm worker.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit renewal, County File Number PLN 1999-00458, by making the required findings and adopting the conditions of approval listed in Attachment A.

BACKGROUND AND STATUS OF FARM LABOR FACILITIES AND ELIGIBILITY

Report Prepared By: Rob Bartoli, Project Planner, Telephone 650/363-1857

Owner/Applicant: Geoffrey Allen/Fogline Nursery

Location: 1001 Ranch Rd., Pescadero

APN: 089-110-180

Zoning	Timberland Preserve Zone - Coastal Zone/Coastal Development (TPZ-CZ/CD)
Parcel Size	80 Acres
Permit's Last Approval at Hearing and Last Permit Expiration	September 18, 1997 September 18, 2002

Total Number of FLH Units	4
Mobile Home or Permanent Housing	3 mobile homes; 1 house
Number of Laborers	4
Farming activity on same parcel(s) as FLH? If not or additional, list APN(s) and Owner(s)	Yes
Type of Farming	Annual/perennial plants and poinsettias
Farm Laborers' Responsibilities	All phases of care and maintenance of plants, from seeds and cuttings to finished products
Owner/Applicant's assertion that farm laborers (on average) derive 20+ hours per week and earn 1/2 their income from agricultural activity	Yes (confirmed by applicant)
Existing Agricultural Development	Greenhouses, outdoor growing, office/lunch building, FLH trailers and FLH house
Existing Non-Agricultural Development	Owner's residence (former barn)
Domestic Water Source	Well
Sewage Disposal	Septic
Regulated by the Environmental Health Division as Employee Housing (5+ workers)	No
Recommended Permit Term	5 years

On October 8, 2014, the Planning Commission adopted revised "Farm Labor Housing (FLH) Application Process and Procedures," after extensive review by and input from the Agricultural Advisory Committee (AAC). In 2012, critical issues had arisen leading up to the need for these changes.

The first was that by 2012, staff had a backlog of 45 FLH applications in various, delayed states of review (some pending amendments, resolution of violations or renewal). At that time, with Supervisor Horsley's support, Planning staff sent surveys to nearly all FLH applicants/owners. The survey responses clarified for staff those FLH operations that: (a) had not proposed any changes (thus qualifying for renewal), (b) cited more FLH units (or less) than the respective FLH files had upon our last review (likely requiring a FLH permit amendment), or (c) no longer were active, due to the cessation of the supporting farming operation or other factors (requiring eventual follow-up to ensure that temporary or permanent FLH units were either removed or otherwise permitted with the required permits).

As a result of these issues, and upon a thorough review of the 45 cited FLH cases, 13 of those operations had responded back to Planning that neither the need for nor number of FLH units had changed on their respective properties. With the Certificate of Need Committee and actions since removed from the FLH application permitting process, the AAC's review assessed whether or not there is or remains (as in the case with renewals) the justifiable need and qualification for continuance of the FLH

operation. The AAC recommended approval of all 13 FLH cases (including this case) over the course of two meetings, on April 13, 2015 and May 11, 2015.

DISCUSSION

A. KEY ISSUES

1. Conformance with the General Plan

Staff has determined that this Use Permit Renewal is in compliance with the applicable policies of the General Plan's Soil Resources, Vegetative, Water, Fish and Wildlife Resources, Rural Land Use Policies, and Visual Quality components.

2. Compliance with Zoning TPZ-CZ/CD Regulations

The Farm Labor Housing Permit is located on a parcel zoned TPZ-CZ/CD, where farm labor housing (considered "Residential housing" under Section 6953.1 - Compatible Uses) is allowed with a Use Permit. This case is a Renewal of the initial Use Permit last approved in 1997, having expired in 2002. No additional FLH units have been added or are proposed, there is no intensification of the ongoing FLH facilities or supporting uses or infrastructure and there are no pending zoning or building violations. As such, the ongoing and unchanged FLH facilities do not constitute new "Minor Development" (Section 6967), and thus does not require a "Minor Development Permit" (Section 6968). That said, the project continues to comply with the "Development Design Criteria" cited in Sections 6973 through 6975. Staff has determined that the application is in compliance with the TPZ-CZ/CD Regulations.

3. Compliance with Use Permit Findings

While Section 6953.1 (Compatible Use") of the TPZ-CZ regulations do not specifically acknowledge Farm Labor Housing as a use, it is considered to fall under "Residential Housing" (Section 6953.1(j.)). As such, the long-time practice has been to require a Use Permit, pursuant to Section 6500 of the Zoning Regulations. Since FLH facility requires a Use Permit, the required findings are those as mandated in the Use Permit regulations. That finding states: "That this project is necessary for the public health, safety, convenience or welfare". Staff concludes this finding can be made because: (a) this permit renewal involves no intensification or expansion of the FLH use, (b) there are no pending violations from any reviewing department or agency, (c) there remains a critical need to continue to provide safe and adequate housing for farm laborers on this property, and (d) this permit ensures that the FLH unit continues to be reviewed by all applicable agencies to ensure compliance with their respective codes and regulations.

4. Compliance with Local Coastal Program (LCP) Policies

Given that the application is a Use Permit renewal to allow the FLH facilities to continue (with the same caveat of no issues as cited above), staff has determined that the Use Permit Renewal is in compliance with applicable policies of the LCP's Agricultural, Sensitive Habitats, and Visual Resources components.

5. Agricultural Advisory Committee Review

While the AAC typically reviews all FLH projects due to their PAD permit requirement, the revised FLH policy cited earlier in this report mandates that the AAC review all such new or renewal permits where associated with FLH facilities, regardless of the project's zoning district designation. That said, at its April 13 2015 and May 11, 2015 meetings, the AAC recommended approval of this project on the basis that it will have no negative impact to the surrounding agricultural uses on the property and that the Farm Labor Housing unit complies with the those criteria of the revised FLH Application and Process policy.

B. COMPLIANCE WITH CONDITIONS OF THE LAST FLH APPROVAL

The applicant is also proposing to renew the existing Farm Labor Housing Permit granted in 1997. The conditions of approval are identified below with staff's discussion on compliance and a recommendation to retain/not retain each condition. Subsequently, staff also recommends additional conditions identified below.

1997 Conditions of Approval

- *An administrative review for compliance with conditions shall be applied for yearly, by June 4, 1998. To facility this review, Planning staff will notify the applicant annually and the applicant shall annually submit documentation to the Planning Division verify the occupants of the farm labor housing are farm laborers.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, but modified to Condition No. 2. This permit shall be valid for a period of five (5) years from the date of final approval. Renewal of the Farm Labor Housing Permit shall be applied for six (6) months prior to expiration to the Planning and Building Department. The applicant shall submit documentation for the Farm Labor Housing unit, to the satisfaction of the Community Development Director, at the time of renewal, which demonstrates that the occupant has a minimum of 20 hours of employment per week on this project site, or other Planning and Building

Department approved farm property. This documentation shall include signed statements from the occupant and any other relevant documentation, which the Community Development Director deems necessary. Failure to submit such documentation may result in a public hearing to consider revocation of this permit.

- *The mobile homes shall be occupied by farm laborers and their family members only.*

Compliance with Condition? Yes, Per the Farm Labor Housing Survey submitted by the applicant, the existing unit is currently used by one farm workers and their dependents.

Recommend to Retain? Yes, but modified to Condition No. 3: The units shall be occupied by farm workers and their dependents only.

- *A new operator, a change in operations, or a proposed increase in the number of units requires that the applicant (or new operators) shall apply for and receive a new Certificate of Need if the units will be continued to be utilized.*

Compliance with Condition? Yes.

Recommend to Retain? No. The Certificate of Need is no longer a requirement for Farm Labor Housing.

- *At the time of termination of the use permit for farm labor housing, all mobile homes and supporting utilities shall be removed from the temporary home site and the applicant shall submit in writing to the Planning Director that the mobile homes have been removed.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, but modify to Condition 4: In the event that the farming operations justifying the FLH units ceases or if the FLH development is proposed to be enlarged or significantly changed, it shall be the owner's/applicant's responsibility to notify the County by letter of such change, and applying for the necessary permits to demolish the structure or use it for another permitted use. Accordingly, such notice shall identify the owner's/applicant's intention to either remove the FLH units (and associated infrastructure) or otherwise convert such improvements to that allowed by zoning district regulations. In either case, building permits and associated inspections by the Building Inspection Section and the Environmental Health Division shall be required to ensure that all structures have been removed, infrastructure properly abandoned or that such converted development complies with all applicable regulations.

- *The mobile homes shall be maintained to meet the basic State Housing and Health Code requirements for habitation.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, see Condition Nos. 5 and 7.

- *The mobile homes shall meet all requirements of the Environmental Health Division regarding domestic water supply and on-site sewage disposal.*

Compliance with Condition? Yes.

Recommend to Retain? No, the applicant has fulfilled this condition to the satisfaction of the Department of Environmental Health.

- *Upon next renewal, a health and safety inspection should be conducted.*

Compliance with Condition? Yes.

Recommend to Retain? No. While this FLH facility is not considered an Employee Housing Facility (which requires annual inspections by the Environmental Health Division), this permit's next renewal will be routed to the Environmental Health Division for review and comments.

- *The applicant must obtain an Employee Housing Permit to operate the mobile homes to serve the nine employees.*

Compliance with Condition? Yes.

Recommend to Retain? No, as there are only four farm labors on the property and no permit from the Environmental Health Division are required.

Recommended Additional Conditions of Approval

Staff recommends the addition and modification of conditions of approval as included in Attachment A.

C. ENVIRONMENTAL REVIEW

The renewal of the Farm Labor Housing Permit is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1; Existing Facilities); the operation of existing private facility, involving negligible or no expansion of existing (FLH) use.

ATTACHMENTS

- A. Recommended Findings and Conditions of Approval
- B. Vicinity Map
- C. Site Plan

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County of San Mateo
Planning and Building Department

RECOMMENDED FINDINGS AND CONDITIONS OF APPROVAL

Permit or Project File Number: PLN 1999-00458 Hearing Date: September 1, 2016

Prepared By: Rob Bartoli, Project Planner For Adoption By: Zoning Hearing Officer

RECOMMENDED FINDINGS

Regarding the Environmental Review, Find:

1. That this project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Class 1; Existing Facilities); the operation of existing private facility, involving negligible or no expansion of existing Farm Labor Housing (FLH) use.

Regarding the Use Permit, Find:

2. That the ongoing Farm Labor Housing facility is consistent with the revised "Farm Labor Housing Application Process and Procedures."
3. That the establishment, maintenance, and conduct of the proposed use will not, under the circumstances of the particular case, be detrimental to the public welfare or injurious to property or improvements in the surrounding area.
4. That the continued operation and location of the farm labor housing facility is consistent with applicable requirements of the Timberland Preserve Zone-Coastal Zone/Coastal Development (TPZ-CZ/CD) regulations.

RECOMMENDED CONDITIONS OF APPROVAL

Current Planning Section

1. This approval applies only to the proposal as described in this report and materials submitted for review and approval by the Zoning Hearing Officer at the September 1, 2016 meeting. The Community Development Director may approve minor revisions or modifications to the project if they are found to be consistent with the intent of and in substantial conformance with this approval.

2. This permit shall be valid for a period of five (5) years from the date of final approval. Renewal of the Use Permit to allow continuance of the FLH facility shall be applied for six (6) months prior to expiration to the Planning and Building Department. Such use permit renewal or amendment shall include adequate documentation which demonstrates that the FLH worker(s) each derive more than 20 hours per week average employment from on- or off-site agricultural operations (within San Mateo County) and earn at least half their income from agriculturally-related work. This documentation shall, minimally be in the form of a signed statement from the property owner or permit applicant, and shall be reviewed by the Agricultural Advisory Committee. Failure to submit such documentation may result in a public hearing to consider revocation of this permit.
3. The units shall be occupied by farm workers and their dependents only.
4. In the event that the farming operations justifying the FLH units ceases or if the FLH development is proposed to be enlarged or significantly changed, it shall be the owner's/applicant's responsibility to notify the County by letter of such change, and applying for the necessary permits to demolish the structure or use it for another permitted use. Accordingly, such notice shall identify the owner's/ applicant's intention to either remove the FLH units (and associated infrastructure) or otherwise convert such improvements to that allowed by zoning district regulations. In either case, building permits and associated inspections by the Building Inspection Section and the Environmental Health Division shall be required to ensure that all structures have been removed, infrastructure properly abandoned or that such converted development complies with all applicable regulations.
5. The mobile homes shall be maintained to meet the basic State Housing and Health Code requirements for habitation.
6. In the case of proposed changes to permitted FLH, the owner/applicant shall submit a written description of the proposed change to the Planning Department, and if the change is considered significant by the Community Development Director, submit a complete permit amendment application.

Environmental Health Division

7. The applicant shall maintain the unit and ancillary support facilities and infrastructure in a manner satisfactory to and in compliance with all regulations of the County Environmental Health Division.

Building Inspection Section

8. The applicant shall maintain the unit and ancillary support facilities and infrastructure in a manner satisfactory to and in compliance with all regulations of the County Building Inspection Section. Any additions or changes, even if deemed a

“minor revision or modification” to the FLH operation as cited in Condition No. 1, may require a building permit and are, in any case, subject to all applicable Building Code requirements.

Coastside Fire Protection District/Cal-Fire

8. The applicant shall maintain around and adjacent to buildings, a fuel break/ firebreak made by removing and clearing away flammable vegetation for a distance of not less than 30 feet from each side thereof.
9. The applicant shall maintain the unit and ancillary support facilities and infrastructure in a manner satisfactory to and in compliance with all regulations of the County Fire Authority.

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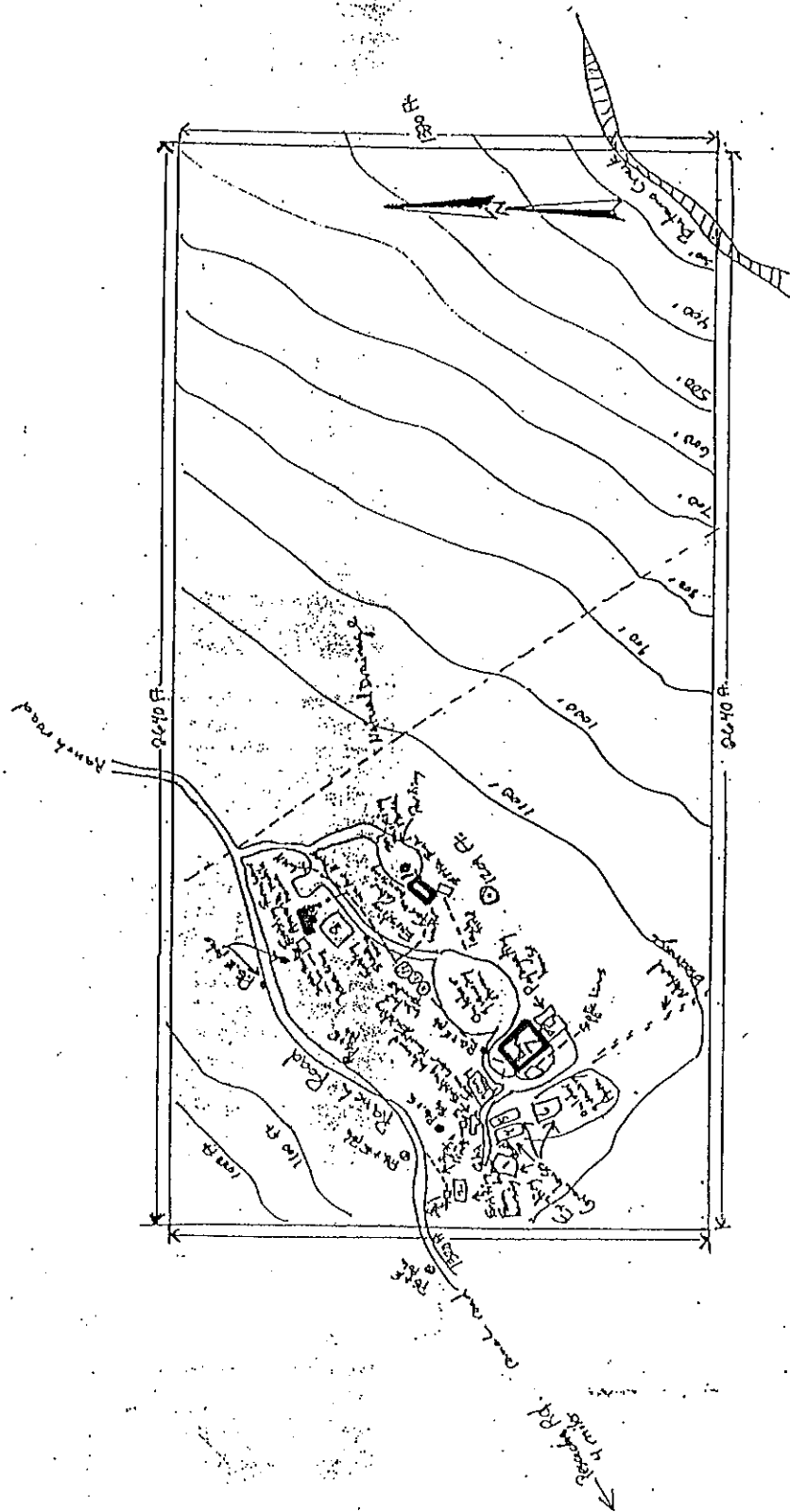
VICINITY MAP

San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____

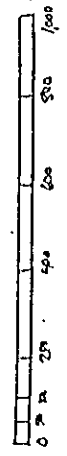
Attachment: _____

File Numbers: _____



Plot Plan

Geoff Allen - Fogline Nursery
 P.O. Box 2 / 101 Ranch Road, Pescadero
 Parcel # 089-110-110



Scale 1" = 200 Ft.

Plans Drawn by Geoff Allen

Structure	Dimensions	Distance to Property Line
1. Cold frame - Existing	40' x 60'	50' west 375' N
2. Existing Cabin - Farm labor housing	16' x 20'	50' west 375' N
3. Existing trailer - Farm labor housing	18' x 24'	60' west 375' N
4. Existing Cold frame	20' x 26'	170' west 385' N
5. Existing Cold frame	20' x 26'	150' west 400' N
6. Existing Cold frame	40' x 60'	180' west 530' N
7. Existing Barn - Farm labor Apartment upstairs 28' x 49'	28' x 49'	320' west 520' N
8. Existing Cold frame	40' x 60'	350' west 325' N
9. Existing trailer - Farm labor housing	14' x 58'	575' west 225' N
10. Existing trailer - Farm labor housing	10' x 40'	600' west 490' N
11. Water tanks	2 - 1000 gallon, 1 - 3500 gal	500' west 450' N



San Mateo County Zoning Hearing Officer Meeting

Applicant: Allen

Request:

Location: