

**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 Sections 6905 and 6500.a of the San Mateo County Zoning Regulations, to allow the continued use of one mobile home for Farm Labor Housing located at 3215-3217 Bear Gulch Road, in the unincorporated Woodside area of San Mateo County.

County File Number: PLN 1999-00329 (Lorri and Randolph Rhodes)

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. Since the renewal permit includes no new development or intensification of use, a Coastal Development Permit is not required.

RECOMMENDATION

That the Zoning Hearing Officer approve the Use Permit renewal, County File Number PLN 1999-00329, 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: Lorri and Randolph Rhodes

Location: 3215-3217 Bear Gulch Road, Woodside

APN: 081-170-060

Zoning	Resource Management-Coastal Zone (RM-CZ)
Parcel Size	79.9 Acres
Permit's Last Approval at Hearing and Last Permit Expiration	March 7, 1996 February 1, 2001

Total Number of FLH Units Mobile Home or Permanent Housing	1 Mobile Home
Number of Laborers	1
Farming activity on same parcel(s) as FLH? If not or additional, list APN(s) and Owner(s)	Yes
Type of Farming	30-40 cattle; 100 pigeons, 35 chickens
Farm Laborers' Responsibilities	All animal feeding, water source management, cattle management and birthing, monitoring, facility repairs
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)
Existing Agricultural Development	Barn, water tank, FLH trailer
Existing Non-Agricultural Development	Owner's residence
Domestic Water Source	Spring/creek
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 for the FLH operation 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 (RM-CZ) Regulations

The Farm Labor Housing Permit is located on a parcel zoned RM-CZ, where Farm Labor Housing is allowed with a Use Permit pursuant to Section 6905(c) of the RM-CZ zoning regulations. This case is a Renewal of the initial Use Permit last approved in 1996, having expired in 2001. 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, staff has determined that the application is in compliance with the RM-CZ zoning regulations. Since this is consideration of a Use Permit as required by the RM-CZ District, and not a PAD Permit, specific review by the AAC was not necessary.

3. Compliance with Use Permit Findings

Since FLH requires a Use Permit, the required findings are those as mandated by Section 6500 of the Use Permit regulations. That finding states: "That this project is necessary for the public health, safety, convenience or welfare." Staff concludes that 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 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 (even where a PAD Permit is not required). That said, at its April 13, 2015 and May 11, 2005 meetings, the Agricultural Advisory Committee 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 1996. 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.

1996 Conditions of Approval

- *The caretaker's unit shall be for a 5-year period and shall be subject to renewal on February 1, 2001.*

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 unit shall be occupied by the caretaker and his/her family 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.

- *If the cattle ranch is abandoned, the mobile home is required to be removed from the property within 90 days from the cessation of the need for the caretaker's facility.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, but modified to Condition No. 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 home shall meet all requirements of the Employee Housing Act which will be enforced by the Environmental Health at the building permit stage and any subsequent Environmental Health inspections.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, but modify to Condition 7: The applicant shall maintain the unit in a manner satisfactory to the Environmental Health Division.

- *The mobile home shall not be located on a permanent foundation and shall be painted an earth-tone color to blend in with the surroundings.*

Compliance with Condition? Yes.

Recommend to Retain? Yes, see Condition No. 5.

- *Applicant shall submit plans and obtain a building permit for the proposed unit. The unit and basic entry stairs are exempted from permit fees.*

However, any decks or other proposed structures including but not limited to, awnings, carports, etc., will require permit fees.

Compliance with Condition? Yes.

Recommend to Retain? No, the applicant has fulfilled this condition to the satisfaction of the Building Inspection Section.

- *The applicant shall obtain the required permit prior to consecution of the septic system and meet all requirements of Environmental Health.*

Compliance with Condition? Yes.

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

Recommended Additional Conditions of Approval

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

C. ENVIRONMENTAL REVIEW

The renewal of the Use 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 1999-00329 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 this project is necessary for public health, safety, convenience or welfare, in that it provides necessary, code compliant and safe housing for farm laborers, pursuant to Section 6500(e) of the County Zoning Regulations.
3. That, pursuant to Section 6500.3(a) of the County Zoning Regulations, this project's: (a) density use does not exceed that permitted under Local Coastal Program (LCP) Policy 1.8(b); (b) permitted water use does not exceed that provided for under "priority uses" in LCP Policy 1.8(c); and (c) use is limited to a "single-family residence," which the FLH unit is considered.
4. That the ongoing Farm Labor Housing facility is consistent with the revised "Farm Labor Housing Application Process and Procedures."

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 for 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 home shall not be located on a permanent foundation and shall be painted an earth-tone color to blend in with the surroundings.
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

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.
10. The applicant shall maintain around and adjacent to the mobile home and 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.

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San Mateo County Zoning Hearing Officer Meeting

Owner/Applicant: _____ Attachment: _____
 File Numbers: _____

