



Sonoma County Planning Commission STAFF REPORT

FILE: ZCE24-0009
DATE: July 10, 2025
TIME: At or after 1 PM
STAFF: Eric Gage, Project Planner

A Board of Supervisors hearing on the project will be held at a later date and will be noticed at that time.

SUMMARY

Applicant: County of Sonoma
Supervisory District(s): All
Description: Amendments to Sonoma County Code Chapters 26 (Zoning Code), 30, 40A, and 40D needed for compliance with the California Employee Housing Act, and to implement Subprogram 15g of the 2023-2031 Housing Element to update threshold criteria for agricultural employee housing.
CEQA Review: Exempt under CEQA Guidelines Sections 15183 and 15378

RECOMMENDATION

Permit Sonoma recommends that the Planning Commission:

1. Accept the staff report and presentation;
2. Open and close the public hearing to accept public comments;
3. Adopt a resolution recommending that the Board of Supervisors amend Sonoma County Code Chapters 26 (Zoning Code), 30, 40A, and 40D text for consistency with the California Employee Housing Act and to implement Subprogram 15g of the 2023-2031 Housing Element as shown in Exhibit A.

EXECUTIVE SUMMARY

The Sonoma County 2023-2031 Housing Element includes a Housing Action Plan comprised of implementation programs that must be completed during the 8-year planning cycle. Subprogram 15g directs staff to modify Section 26-24-040(B)(1) of the Zoning Code to reduce the acreage and agricultural activity thresholds to qualify for agricultural employee housing units. County staff conducted stakeholder engagement to inform the threshold update, coordinating surveys and focus groups with agricultural member organizations including Sonoma County chapters of the Farm Bureau and Community Alliance with Family Farmers. The proposed Zoning Code revisions also include updates needed for consistency with the California Employee Housing Act. Proposed revisions to definitions and development standards for the use categories of agricultural employee



housing and farmworker housing ensure that state-regulated employee housing is treated as an agricultural use, as required by Health and Safety Code Section 17021.6(b). Permit Sonoma recommends that the Planning Commission consider the proposed amendments to Sonoma County Code and adopt a resolution recommending that the Board of Supervisors adopt the amendments to Sonoma County Code to implement Housing Element subprogram 15g and maintain consistency with state law.

To clearly distinguish between county-permitted housing and state-permitted housing, the proposed code revisions include referring to state-permitted housing exclusively as “agricultural employee housing” and county-permitted housing as “farmworker housing.” This change in terminology better aligns with the language in state law and improves consistency and clarity throughout the County Code.

PROJECT DESCRIPTION

Subprogram 15g of the adopted 2023-2031 Housing Element directs updates to the County Code to reduce acreage and agricultural activity thresholds to qualify for onsite agricultural employee housing units for full-time workers. The subprogram also directs staff to revise the zoning code as needed for consistency with the California Employee Housing Act (Health and Safety Code §17000 et seq.).

To implement subprogram 15g and ensure County Code consistency with state law, Permit Sonoma proposes an ordinance that will update use tables, definitions, and standards for various types of locally-permitted and state-regulated agricultural employee housing, consolidate code sections for ease of use and clarity, and update the qualifying thresholds for locally-permitted agricultural employee housing.

To clearly distinguish between county-permitted and state-regulated housing for agricultural employees, the proposed code revisions include referring to state-permitted housing exclusively as “agricultural employee housing” and county-permitted housing as “farmworker housing.” This change in terminology better aligns with the language in state law and improves consistency and clarity throughout the County Code.

The proposed ordinance includes the following amendments to Sonoma County Code:

- Amendments to Chapter 26 (Zoning Regulations) to update definitions, use tables, development standards and threshold criteria.
- Amendments to Chapter 30 (Agriculture) to update defined terms.
- Amendments to Chapter 40A (Kincade Fire Disaster Recovery) to update defined terms.
- Amendments to Chapter 40D (Glass Incident Disaster Recovery) to update defined terms.

Under state law and the County Code, the Planning Commission has purview over recommending modifications to Chapter 26 (Zoning Regulations), and the Board of Supervisors holds final approval authority. While included for context and consistency, the additional amended chapters included in the materials for this Planning Commission meeting are under the sole authority of the Board of Supervisors, and ordinances amending these chapters require a first and second reading.

BACKGROUND

Housing for Agricultural Employees in Sonoma County



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US Department of Agriculture survey data illustrates a longstanding trend of more farmworkers becoming permanent residents, working year-round rather than seasonally. In 2022, the survey data showed that for the first time the majority of county farmworkers were employed for over 150 days of the year. The rising cost of housing then becomes a factor in the ongoing viability of small-scale farming. To retain experienced workers, farmers must be able to provide housing on-site or pay higher wages for farmworkers to afford housing elsewhere.

Farmworkers have limited income to afford rising housing costs. Statewide survey data developed through UC Merced showed that farmworkers' average annual income is 50% or less of the County area median income, \$52,850 annually. The UC Merced data also reveals that farmworkers experience substandard housing conditions at relatively high rates, and a greater risk of health hazards in the home. Farmworker housing is usually overcrowded, with people sharing bedrooms and sleeping in living spaces. Due to all these factors, the County's adopted Housing Element directs staff to reduce thresholds for agricultural employee housing.

Housing Element – Housing Action Plan

The Board of Supervisors adopted the Housing Element at a public hearing on August 22, 2023. The 2023-2031 Housing Element update will facilitate and encourage housing development over the 8-year planning period. The adopted Housing Element update includes a Housing Action Plan consisting of 100 implementation actions across 32 programs to address the housing issues, barriers, and inconsistencies with state housing law that were identified through staff analysis, public outreach and demographic analysis. The first of multiple implementation items was approved by the Board of Supervisors on December 5, 2023. A subsequent General Plan consistency item was approved by the Board on December 3, 2024.

The Housing Action Plan includes several implementation programs to support farmworker housing needs, in addition to reducing thresholds for full-time, onsite agricultural employee housing. The implementation programs support ongoing waivers of impact fees for farmworker housing, technical assistance and priority processing for farmworker housing applicants with the goal of constructing 30 units for farmworkers in the Housing Element cycle. Other implementation programs include rezoning for affordable housing including farmworkers, incentivizing senior housing and aging in place for retired farmworkers, and code enforcement to address unsafe housing conditions for farmworkers.

DISCUSSION

Reduced Thresholds for Farmworker Housing

Housing Element subprogram 15g of the Housing Action Plan directs staff to, "Modify Section 26-24-040(B)(1) of the Zoning Code to reduce acreage and agricultural activity thresholds to qualify for agricultural employee housing units. Review the development standards for agricultural uses and, if necessary, amend the Zoning Code to comply with the Employee Housing Act." The referenced code section provides for a full-time, on-site farmworker housing unit for each instance of threshold criteria being met. For example, one farmworker housing unit may be permitted for every 50 dairy cows, 20 acres of grapes, etc. These threshold criteria are cumulative, and a farm can qualify for multiple dwelling units under this provision. Since 2000, the average annual number of units permitted under this provision was 6 units per year. In the last decade, the average annual number of units permitted under this provision was 4 units per year. These units count toward the County's progress in meeting state-mandated housing needs for low-income households under the Regional Housing Needs Allocation (RHNA).



Stakeholder Engagement

Farmers and other subject matter experts provided direct input into the threshold update. Stakeholder engagement for the project was conducted from fall of 2024 to May 2025. Planning staff engaged farmers in coordination with the County's Agricultural Commissioner's Office and the Economic Development Board (EDB). Staff consulted with member organizations including the Farm Bureau, the Community Alliance with Family Farmers (CAFF), and the UC Cooperative Extension. County staff conducted surveys and focus groups to evaluate business trends in the agricultural sector, and to assess labor and housing needs.

- 08/06/2024: Agricultural Commissioner scoping meeting
- 08/16/2024: Group call with EDB, Farm Bureau, Sonoma County Vintners, Agricultural Commissioner
- 08/28/2024: Agricultural Commissioner farmer survey
- 03/21/2025: Draft thresholds survey published
- 03/26/2025: CAFF member focus group

Feedback from participants confirmed the trend toward smaller farms and diversification of crops driven by high cost of land. Feedback also revealed the great variability in labor needs depending on different farming practices and methods of cultivation. Labor needs are not necessarily determined by the size of the farm. Participants identified the need to add new crop categories not currently represented in the existing thresholds including vegetable crops and cut flowers. To support intensive and diversified farming, participants supported a threshold based on gross income for farms that are too small to qualify under production thresholds.

The proposed revisions to the criteria thresholds are depicted below in strikeout and underline. The full code revisions related to this housing type, which include renaming the use from "full-time agricultural employee housing" to "farmworker housing," are shown in Exhibit A to the Resolution (Attachment 1).

Number of Units Allowed. One (1) dwelling unit for full-time farmworkers is allowed for each of the following agricultural uses conducted on the site.

- At least ~~fifty (50)~~ thirty (30) dairy cows, dairy sheep, or dairy goats.
- At least ~~twenty (20)~~ ten (10) acres of grapes, apples, pears, prunes, or other orchard crop.
- At least ~~twenty thousand (20,000)~~ fifteen thousand (15,000) broilers, fifteen thousand (15,000) egg-layers or three thousand (3,000) turkeys.
- At least ~~one hundred (100)~~ fifty (50) non-dairy sheep, goats, replacement heifers, beef cattle, or hogs.
- At least thirty (30) mature horses.
- Wholesale nurseries with a minimum of either ~~one (1)~~ one-half (0.5) acre of propagating greenhouse or outdoor containers or ~~three (3)~~ one (1) acre of field-grown plant materials,
- At least two (2) acres of vegetable, row crops and/or cut flowers,
- If none of the above thresholds can be met individually, a farmworker dwelling may be allowed for \$120,000 inflation-adjusted gross sales of agricultural products as reported on tax rolls or other verified documentation. On January 1st of each year beginning in 2026, the gross sales threshold shall be adjusted by Permit Sonoma by an amount equivalent to the percentage change in the Consumer

Price Index, or other industry-specific index at the discretion of Permit Sonoma, for the preceding twelve (12) month period.

- i. ~~Any other agricultural use which the director determines to be of the same approximate agricultural value and intensity as paragraphs (a) through (g) of this section.~~

California Employee Housing Act

In addition to the revisions to criteria thresholds for full-time, onsite farmworker housing, the Housing Action Plan directs the County to update County Code to maintain compliance with the California Employee Housing Act. The California Employee Housing Act (EHA) regulates employee housing that is maintained in connection with any work or place where work is being performed, whether or not rent is involved. Employee housing regulated under the EHA requires a Permit to Operate from the California Department of Housing and Community Development (HCD). Specific to employee housing for agricultural employees, the EHA requires that state-regulated agricultural employee housing consisting of no more than 36 beds or 12 units be deemed an agricultural use, and shall only be subject to permitting requirements that other agricultural activities in the same zone are subject to. Design and development standards for employee housing must be objective as defined by state law.

Currently, existing County farmworker housing allowances and agricultural employee housing regulated by the state, where allowed, are approved ministerially in the unincorporated County. No changes to the type or level of permitting required are proposed to allow for these housing types. The County remains the authority over zoning and may apply objective development standards to state-regulated agricultural employee housing provided they do not conflict with any provision of the DEHA. Changes to subjective standards are proposed to make them objective, consistent with state law. The County will continue to issue building permits and other construction related permits, including for access, sanitation, or water, for new and renovated structures that will be used for agricultural employee housing. Ongoing annual compliance verification and enforcement would be the responsibility of the state HCD.

The proposed revisions to Sonoma County Code Chapter 26 (Zoning Regulations) would consolidate code sections and update requirements and standards governing four existing categories of agricultural employee housing for compliance with the EHA. All four existing categories of housing will fall under the general use category of “agricultural employee housing” and will be permitted as by right uses (i.e. ministerial) in all zones where agricultural production is allowed, upon obtaining local building permits and with the approval of a Permit to Operate issued by HCD. Requirements for applicants to file affidavits with Permit Sonoma for employee housing will be removed because they are duplicative of required covenants. No zoning permit will be required. The four agricultural employee housing categories include:

- Caretaker dwellings (currently provided for in Zoning Code Section 26-24-030)
- Seasonal agricultural employee housing (currently provided for in Zoning Code 26-24-050)
- Temporary camps (currently provided for in Zoning Code Section 26-24-060)
- Year-round or extended seasonal agricultural employee housing (currently provided for in Zoning Code Section 26-24-070)

These proposed code revisions do not affect the Zoning Code provisions for farm family dwelling units and full-time agricultural employee dwelling units (proposed to be renamed as farmworker housing units), both of which



will remain as county-permitted options for housing on the same site as an agricultural use. As proposed, farmworker housing units will not be allowed on parcels with existing agricultural employee dwelling units to avoid overconcentration.

Environmental Review

The proposed amendments to the County zoning regulations to implement Housing Element subprogram 15g are deemed exempt under Section 15183 of the CEQA Guidelines. In the 15183 Draft Consistency Findings attached to the staff report, staff has determined that the proposed revisions are consistent with the development density analyzed in the General Plan 2020 environmental impact report (EIR). Further, there are no project-specific impacts associated with the text changes to the County Code. There are no project impacts that were not analyzed in the General Plan 2020 EIR, and there is no substantive new information that would result in more severe impacts than were previously analyzed.

Other proposed amendments to the County Code are necessary to address the requirements of the California Employee Housing Act (Health and Safety Code §17000 et seq.). The Employee Housing Act precludes the County from holding discretionary permitting authority for agricultural employee housing where agricultural uses are allowed ministerially. Agricultural employee housing regulated by the State Department of Housing and Community Development (HCD) must comply with local objective standards for issuance, but is considered ministerial. Therefore, the County Code revisions pertaining to Employee Housing Act permitting are administrative updates that will not result in a direct or indirect change to the environment and are therefore not a project subject to CEQA impact analysis pursuant to Section 15378 of the CEQA Guidelines.

General Plan Consistency

The proposed amendments to the County Code that implement the programs of the adopted Housing Element are explicitly consistent with the General Plan, as the General Plan directs staff to make the revisions. The proposed revisions are consistent with policies of the Agricultural Resources Element that support and encourage organic farming practices, agricultural diversification, and farmworker housing development. The revisions are consistent with the Land Use Element policies that support housing development for farm employees. The proposed revisions are also consistent with the state mandate to affirmatively further fair housing by removing obstacles to low-income housing production.

The proposed amendments to the zoning code necessary for compliance with the California Employee Housing Act (Health and Safety Code §17000 et seq.) supersede the County's authority and do not require a determination of consistency with the General Plan. Design and development standards are revised to make them objective in compliance with state law.

RECOMMENDATION

Permit Sonoma recommends that the Planning Commission:

1. Accept the staff report and presentation;
2. Open and close the public hearing to accept public comments;



3. Adopt a resolution recommending that the Board of Supervisors amend Sonoma County Code Chapters 26 (Zoning Code), 30, 40A, and 40D text for consistency with the California Employee Housing Act and to implement Subprogram 15g of the 2023-2031 Housing Element as shown in Exhibit A.

ATTACHMENTS

1. Attachment 1 - Draft Planning Commission Resolution
 - a. Exhibit A – Draft General Plan Land Use Element Amendments
 - b. Exhibit B – CEQA Section 15183 Statutory Exemption