



## SUMMARY REPORT

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**Agenda Date:** 10/7/2025

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**To:** Sonoma County Board of Supervisors

**Department or Agency Name(s):** Permit Sonoma

**Staff Name and Phone Number:** Scott Orr, Interim Director (707) 565-1754, Eric Gage, Project Planner (707) 565-1391

**Vote Requirement:** Majority

**Supervisory District(s):** Countywide

**Title:**

10:20 A.M. Agricultural Employee Housing Zoning Code Update

**Recommended Action:**

Conduct a public hearing and adopt an ordinance amending Sonoma County Code Chapters 26 (Zoning Code), 30, 40A, and 40D text for consistency with the California Employee Housing Act and to reduce qualifying thresholds for certain types of agricultural employee housing to implement Subprogram 15g of the 2023-2031 Housing Element, and finding the project exempt from the California Environmental Quality Act (CEQA) under CEQA Guidelines Sections 15183 and 15378.

**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 Sonoma County Code (Zoning Code) to reduce the acreage and agricultural activity thresholds to qualify for agricultural employee housing units, to review development standards for agricultural uses and, if necessary, amend the Zoning Code to comply with the Employee Housing Act. The proposed Zoning Code revisions include updates to enhance consistency with the California Employee Housing Act (EHA). Proposed revisions to definitions and development standards for the use categories of agricultural employee housing and farmworker housing ensure that state-permitted employee housing is treated as an agricultural use, as required by California Health and Safety Code Section 17021.6(b). Additionally, 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.

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.

To effectuate these proposed changes, Permit Sonoma recommends that the Board consider the proposed amendments to Sonoma County Code Chapters 26 (Zoning Code), 30, 40A, and 40D and adopt an ordinance amending the County Code to implement Housing Element Subprogram 15g and maintain consistency with

state law.

**Discussion:*****Background***

The Board of Supervisors adopted the Housing Element in 2023 to facilitate and encourage housing development over the 8-year planning period. Subprogram 15g of the adopted 2023-2031 Housing Element directs updates to the Sonoma County Code (Zoning Code) to reduce acreage and agricultural production thresholds to qualify for onsite farmworker units (currently called “agricultural employee housing units”) for full-time workers. These threshold criteria are cumulative, and a farm can qualify for multiple dwelling units under this provision. From 2000 to 2024, the average annual number of units permitted under this provision has been 6 units per year. Over time the annual number of permits issued has declined. In the last decade, the average annual number of units permitted under this provision decreased to 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).

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.). The primary change is to treat agricultural employee housing units as an agricultural use instead of a residential use for the purpose of zoning, as required by Health and Safety Code Section 17021.6(b). To ensure County Code consistency with state law, updates are proposed to use tables, definitions, and standards for various types of locally-permitted and state-permitted agricultural employee housing, and consolidation of code sections for ease of use and clarity.

***Stakeholder Engagement***

Permit Sonoma staff began engaging with the agricultural community in 2022 during the Housing Element update. A community advisory committee was created that included a representative of Community Alliance with Family Farmers (CAFF) to ensure interests of the agricultural community were represented throughout the policy development process. Staff also held a Spanish-language focus group with agricultural employees and another in English. Feedback from these sessions highlighted agricultural employee challenges, including high costs to apply for housing, lack of access to credit, racial and linguistic discrimination, hazardous and overcrowded living conditions, and fear of landlord retaliation.

Farmers and other subject matter experts provided direct input into the proposed code update to reduce qualifying thresholds for farmworker units. Stakeholder engagement for the project was conducted from August 2024 to May 2025. In coordination with the County Department of Agriculture/Weights & Measures (AWM) and the Economic Development Collaborative (EDC), staff consulted with member organizations including the Farm Bureau, the Community Alliance with Family Farmers, and the University of California Cooperative Extension (UCCE).

Feedback from participants confirmed the trend toward smaller farms and diversification of crops driven by the high cost of land. Feedback also revealed the great variability in labor needs depending on different farming practices. Participants identified the need to add new crop categories not currently represented in the existing acreage and agricultural production thresholds, including vegetable crops and cut flowers. Several farmers noted that farms that diversify their production may not have sufficient acreage of any one

agricultural product to meet the qualifying threshold. The increasing number of smaller farms also cannot meet thresholds requiring several acres of plantings. To support diversified farming and intensive farming on smaller parcels, participants supported a threshold based on gross sales revenue for farms that are too small to qualify under existing production thresholds. Public engagement activities are summarized in Table 1 below.

Table 1, Public Engagement

Housing Element Public Engagement	
02/09/2022	Spanish-language Farmworker Focus Group
02/15/2022	Family Farmer Focus Group
Zoning Code Update Public Engagement	
08/06/2024	Initial meeting with AWM
08/16/2024	Meeting with EDC, AWM, Farm Bureau, Sonoma County Vintners
08/28/2024	AWM conducted farmer survey
03/21/2025	Draft thresholds online survey published
03/26/2025	CAFF member focus group

### ***Proposed Code Amendments***

#### **Farmworker Housing Thresholds**

The proposed revisions to the criteria thresholds are depicted below in strikethrough and underline. The full code revisions related to this housing type are shown in the Ordinance (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.

- a. At least ~~fifty (50)~~ thirty (30) dairy cows, dairy sheep, or dairy goats.
- b. At least ~~twenty (20)~~ ten (10) acres of grapes, apples, pears, prunes, or other orchard crop.
- c. At least ~~twenty thousand (20,000)~~ fifteen thousand (15,000) broilers, fifteen thousand (15,000) egg-layers or three thousand (3,000) turkeys.
- d. At least ~~one hundred (100)~~ fifty (50) non-dairy sheep, goats, replacement heifers, beef cattle, or hogs.
- e. At least thirty (30) mature horses.
- f. 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,
- g. ~~Any other agricultural use which the director determines to be of the same approximate agricultural value and intensity as paragraphs (a) through (f) of this section.~~
- h. At least two (2) acres of vegetable, row crops and/or cut flowers,
- i. 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.

### California Employee Housing Act

The Housing Action Plan also directs staff to update the County Code for compliance with the California Employee Housing Act (EHA). Employee housing regulated under the EHA requires an annual Permit to Operate from the California Department of Housing and Community Development (HCD). Specific to agricultural employee housing, the EHA requires that state-permitted agricultural employee housing be deemed an agricultural use and shall only be subject to the permitting requirements for agricultural land uses in the same zone. State-permitted agricultural employee housing may consist of up to 36 beds in group quarters or 12 units designed for use by a single family or household. Design and development standards for employee housing must be objective as defined by state law.

Currently, 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. The County remains the authority over zoning and may apply objective development standards to state-permitted agricultural employee housing provided they do not conflict with any provision of the EHA. 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 state-permitted agricultural employee housing. Ongoing annual compliance verification and enforcement of the Employee Housing Act is the responsibility of 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. Agricultural cultivation is allowed by right in all County zoning districts except in Timber Production, Industrial Park, Public Facilities, and most Commercial Zones. 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)

### ***Planning Commission Review***

The Planning Commission reviewed the item on July 10, 2025. The Commission directed staff to review options for monitoring and enforcement to ensure compliance with requirements of Farmworker Housing units permitted by the County.

Staff's recommended policy approach is to create an administrative procedure for the farm operator to report annually on compliance with qualifying agricultural thresholds or qualifying gross sales income. Creating a form for farm operators to complete on an annual basis is simple to implement and could be monitored by existing staff at regular intervals. If the agricultural use ended and no qualifying agricultural use were proposed to replace it, the recorded covenant gives the County authority to collect impact fees, and redesignate the dwelling unit as a non-conforming residence or allow conversion to another permitted use consistent with the County code. Staff will also expand the annual report of residential permitting to State agencies to include a count of Farmworker dwelling units.

The Planning Commission recommended approval of the proposed ordinance (by a 3-1 vote, with one abstention; Resolution No. 25-05), including staff's policy recommendation to create an annual reporting requirement at a continued hearing on July 31, 2025.

### ***Environmental Review***

The proposed amendments to the County zoning regulations to reduce agricultural thresholds implementing Housing Element Subprogram 15g are deemed exempt from the California Environmental Quality Act (CEQA) under Section 15183 of the CEQA Guidelines. In the Consistency Findings report (Attachment 3), staff 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 must comply with local objective standards for permit issuance but is considered and approved ministerially. 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 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 consistent with the General Plan, as the General Plan directs staff to make the revisions. The proposed revisions are further 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. Nevertheless, the amendments are consistent with

General Plan policies in the Land Use, Agricultural Resources, and Housing Elements identified above to support the development of housing for farm employees. Design and development standards are revised to make them objective in compliance with state law.

**Strategic Plan:**

This item implements the programs of the adopted Housing Element and directly supports the County's Five-year Strategic Plan and is aligned with the objectives of Goal 3 of the Healthy and Safe Communities pillar to increase affordable housing development near public transportation and easy access to services in collaboration with cities.

**Racial Equity:**

**Was this item identified as an opportunity to apply the Racial Equity Toolkit?**

Yes

The County of Sonoma is committed to equitable community outcomes. A Racial Equity Toolkit Analysis was completed for the item, included as Attachment 4.

**Prior Board Actions:**

[December 3, 2024 <https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=7036318&GUID=EE095D7D-9891-4E34-9729-9A43D1492145&Options=&Search=>](https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=7036318&GUID=EE095D7D-9891-4E34-9729-9A43D1492145&Options=&Search=>) - Board of Supervisors adopted Resolution No. 24-0502 to resolve inconsistencies with the Housing Element and the General Plan.

[December 5, 2023 <https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6437914&GUID=857F14EC-AFF9-4419-B098-F8A3691521E0&Options=&Search=>](https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6437914&GUID=857F14EC-AFF9-4419-B098-F8A3691521E0&Options=&Search=>) - Board of Supervisors adopted Resolution No. 23-0579 and Ordinance Nos. 6457 and 6458 as part of Housing Action Plan Implementation Round 1, amending the County Zoning Code text, and amending the General Plan Land Use and Official Zoning Database for new inventory sites.

[August 22, 2023 <https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6318630&GUID=F5D1AA7F-A015-4A1B-BB05-697866F7AE02&Options=&Search=>](https://sonoma-county.legistar.com/LegislationDetail.aspx?ID=6318630&GUID=F5D1AA7F-A015-4A1B-BB05-697866F7AE02&Options=&Search=>) - Board of Supervisors adopted the Housing Element by Resolutions Nos. 23-0428 and 23-0429, and Ordinances Nos. 6444 and 6445.

**FISCAL SUMMARY**

**Narrative Explanation of Fiscal Impacts:**

N/A

**Narrative Explanation of Staffing Impacts (If Required):**

N/A

**Attachments:**

Attachment 1: Draft Ordinance and Exhibit A

Attachment 2: Planning Commission Staff Report, dated July 10, 2025

Attachment 3: CEQA 15183 Exemption

Attachment 4: Planning Commission Resolution No. 25-05

Attachment 5: Racial Equity Toolkit Analysis

Attachment 6: PowerPoint Presentation

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**Agenda Date:** 10/7/2025

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**Related Items “On File” with the Clerk of the Board:**

N/A