

# Establishing Agricultural Worker Housing

## Introduction

Providing on-site housing for agricultural workers is a win-win for farm/ranch operators and their employees. With the high cost of living in the Bay Area, ag workers may have a hard time affording to live near the operation where they are employed. Commuting may not be feasible when the job requires early or irregular hours and potentially being available at a moment's notice to deal with sick livestock or failures in irrigation or other systems. For the farm/ranch owner, building housing into an employee's compensation can help attract and retain good workers.



This packet outlines some of the questions you should ask yourself as you embark on construction of ag worker housing. It also details the documents you will need to submit to Marin County and the relevant standards to comply with.

Building agricultural worker housing can be a straightforward process, but it typically involves working with several county agencies and possibly even state or federal agencies. For help with any of the information in this packet, contact the Agricultural Ombudsman at the Marin County office of UC Cooperative Extension: 415-473-4204.

## **QUICK-START GUIDE - This list summarizes the 5 major steps in getting an ag worker housing project permitted in Marin County**

### **1. Consult with County Planning Division:**

- Check the zoning of your property and applicable land use rules (also available [online](#))
- Bring basic site plan\* showing:
  - Proposed housing
  - Existing structures
  - Property lines
  - Basic topography including streams and ponds
  - Access road to proposed housing
  - Location of septic system
  - Location of water supply
- Describe the type of structure (house, mobile home, RV, etc.). This may influence the permits required.

### **2. Consult with County Environmental Health Services (EHS) Division:**

- Check size/capacity of current septic and water systems on file.

### **3. Submit [building permit application](#) to County Building & Safety (B&S) Division as well as [Use Permit and/or Coastal Permit application](#) if necessary (see “Documents and Standards” section at the end for more details)**

- Include an [Ag Production & Stewardship Plan](#)

### **4. Consult County Fire Protection Bureau (FPB)**

- Confirm necessary amount of water storage for fire protection
- Submit a set of plans to the Fire Marshall for completion of the [Fire Jurisdiction Transmittal Form](#) (including the permit tracking number received in step 3 above)

### **5. (If appropriate) Make applications to CA Department of Housing & Community Development (HCD)**

- Permit to Operate (HCD204)
- HCD Benefits Status Form
- Request for Inspection (HCD207)

\* [www.marinmap.org](http://www.marinmap.org) is a good resource for generating site-specific maps

## Considerations When Planning Agricultural Worker Housing:

The following list will help explain the important information and criteria that are relevant to getting permits to construct ag worker housing:

**Zoning:** How is your land zoned? In lands zoned A2, A3-A60 and ARP, ag worker housing for 12 or fewer employees is a permitted use, provided the housing is in support of the primary agricultural land use. In Coastal zoned properties (eg C-APZ, C-ARP, C-RA and C-A60-2), the project will be subject to additional scrutiny. Depending on the size of development and category of land use that applies to your property, you may need a Use Permit, a Coastal Permit, or both, and the project could be subject to Design Review. Additionally, if the proposed housing location is within a FEMA designated special flood hazard area (SFHA), you will need to engineer the structure to comply with Title 23.09 Floodplain Management. Marin County Planning Division can give you details on your zoning and Department of Public Works (DPW) can help you determine whether you're in a FEMA designated SFHA ([www.marinmap.org](http://www.marinmap.org) has this information, too).

**Land Use:** Is the primary land use of your property commercial agriculture (as opposed to, say, residential use)? Is the housing you are building clearly linked to and in support of a legitimate ag enterprise? You will need to demonstrate all of this to the county in your completed [Ag Production & Stewardship Plan](#) which is submitted along with your [building permit application](#) to the Building & Safety Division.

**Site Plan:** Generally, any development on agricultural lands needs to be clustered so as to minimize the conversion of productive land to built structures. This cluster should constitute no more than 5% of the total land area. A detailed site plan should be included with your permit applications. Marin County Building & Safety Department provides guidelines for putting together a site plan [here](#).

**Protective Easements:** Do you have protective easements on your land with a private entity like Marin Agricultural Land Trust, or a public agreement such as a Williamson Act or Farmland Security Zone contract? If so, you should confirm with the relevant entity that the construction of additional dwelling units doesn't violate the terms of your easement/contract.

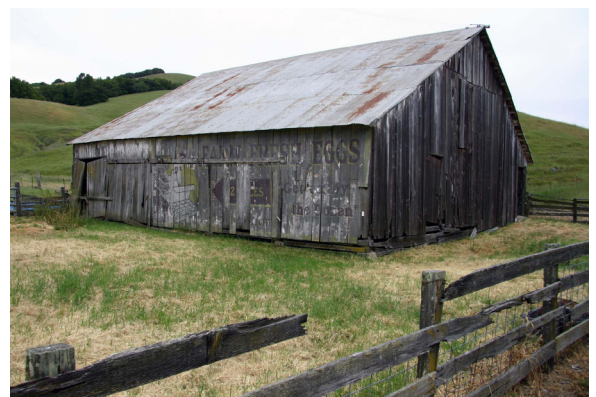
**Septic:** Is your current septic system sized to support additional residences? Septic capacity must be matched to occupancy, and officials use the number of bedrooms to determine the appropriate size of a septic system (the calculation usually assumes two people per bedroom). Your current septic system may already be at the maximum designed capacity. Expanding an existing septic system or installing a new system involves a fair bit of investigation and site review. Consider hiring a licensed septic consultant to assess the existing system and advise you on the findings and possible options.

There may be permit information on file with Environmental Health Services for older septic systems. These systems may not be up to contemporary code but could be tested to determine whether or not they qualify for continued use including additional load from a new residence. Systems without permit information on file will likely need to be replaced with a code-conforming system that meets the new design capacity.

### A GUIDE TO RELEVANT AGENCIES

For your project, you can expect to work with some or all of the following [live links can be found on the online version of this document on the Grown in Marin website at [www.growninmarin.org](http://www.growninmarin.org)]:

- [Marin County Dept. of Public Works](#) (DPW)
- [Marin County Planning Division](#)
- [Marin County Environmental Health Services Division](#) (EHS)
- [Marin County Building & Safety Division](#) (B&S)
- [Marin County Fire Prevention Bureau](#)
- [CA State Department of Housing & Community Development](#) (HCD)



**Water:** The domestic water system in use on site must be sized according to the number of dwelling units. Whether you use a well or a spring, adding housing to your property may require amending your Domestic Water System Permit and/or increasing your water storage or number of sources. The chart in *Table 1* below shows how the water system should be sized. Consult with Marin County EHS to determine the size/status of your current water supply. [This page](#) discusses the type and timing of tests for domestic water systems.

*Note: there is a short period of time during the summer when your system's capacity and flow must be tested, so plan accordingly.*

**Table 1**

	Sustained Yield			Storage
	Pumped Source Gal/Min	Gal/3-day	Gravity Source Gal/Min	
<b>1 Residence</b>	1	2160	0.50	1,000
<b>2 Residences</b>	2	4320	1.00	2,500
<b>3 Residences</b>	3	6480	1.50	4,000
<b>4 Residences</b>	4	8640	2.00	5,000



Wells that predate county records or were installed without a permit will need to be brought up to date through 3rd party tests of water quality and a site inspection by EHS to verify general condition of the well.

If you are not connected to municipal water, the fire department will also require that you have additional water stored for fire protection. General guidelines are that every 1-2 residences require an additional 3000 gallons on top of the EHS requirement. For exact amounts, consult with the Fire Marshall at 415-473-6566.

All new residences in Marin are required to include automatic sprinkler systems for fire protection. This includes manufactured homes. Renovations and/or additions to an existing residence which add or affect 50% or more of the existing floor area also trigger a requirement for the addition of sprinklers.

**Choice of Housing:** In addition to traditional site-built structures for single-family or multi-unit dwellings, farms and ranches may also provide manufactured homes, mobilehomes, factory-built homes or even RV's to house their workers (See [CA Health & Safety Code, §18000](#) for definitions of each). Manufactured homes and mobilehomes typically come with certifying documents that demonstrate to the county that all systems have been built according to code and probably represent the most straightforward path to establishing housing on your ranch. These documents must be included with your construction permit application to the Building & Safety Division.

Most importantly, if you are planning to install a manufactured or mobile home, you must decide whether you intend to classify the home as “real property” i.e. an improvement recorded on the deed as an additional residence OR as “chattel”. In a chattel installation, the mobilehome is classified as personal property, much like a boat or RV and, as such, has a different set of tax implications for the owner. These two paths also have implications for which type of foundation is acceptable. In order to be recorded as real property, manufactured or mobilehomes must be installed on an approved foundation system which could mean a pre-fabricated system of piers and straps approved by the state department of Housing & Community Development (HCD) or it could be a poured concrete foundation designed specifically for your site by an engineer. The documents accompanying such foundation systems must also include information showing that the foundation is well-matched to the conditions at your building site such as Seismic Design Category, Wind Load Classification, WUI status, soil type, and or location within a FEMA flood hazard area. Chattel installations have no formal requirement for a foundation system but must be installed according to the documentation that comes from the home manufacturer and employ a state-approved tie-down system that secures the home to the ground.

RVs may also be used for ag worker housing. Those that are constructed after June 15, 1976 must display a label indicating compliance with the Federal Mobile Home Construction and Safety Standards and comply with

[CCR Title 25, Housing & Community Development](#). Use of a non-permanent structure as ag worker housing may also require a Temporary Use Permit from the Marin County Planning Division (Development Code 22.32.023).

**Number of Units:** If you are providing accommodation for 5 or more employees, you must also apply for a [Permit to Operate](#) (including [HCD State Benefits Status Form](#)) with the [California Department of Housing & Community Development](#). This 5-or-more threshold applies to all kinds of housing, and even hookups for employee-owned RVs or mobile homes. Generally, housing units that are scattered across multiple parcels, even if owned by a single employer, are not combined for the purposes of meeting this threshold. Employees’ family members also are not counted towards the 5-or-more threshold. Annual fees for the HCD’s Permit to Operate are based on the number of employees being housed and range from \$235 upwards. An HCD inspection will take place on all new accommodations prior to move-in and may occur as often as 1 time per year thereafter. To secure this initial inspection, farms and ranches must attach [Form HCD 207](#) to their application for the Permit to Operate.

NOTE: Dairies providing “permanent, single-family employee housing” [[HSC §17010\(d\)](#)] for 5 or more permanent, year-round employees are exempted from the HCD’s requirement for a Permit to Operate, but they must file for this exemption with HCD. To get the exemption form, and for any other questions related to the Permit to Operate, call the HCD’s Northern Area Office at 916-255-2501.

**Road Access to New Ag Worker Housing Unit:**

DPW’s Land Use Division checks to ensure that the driveway leading to the new unit will allow emergency services to safely reach the building in case of a problem. *Table 2* shows key access-related standards for driveways. If access to proposed housing does not comply with [relevant code](#) (“Roads” and “Driveways” sections), Marin Fire Protection Bureau will have to grant special approval.

*Table 2*

Feature	Standard
Width at narrowest point	12 feet
Slope at steepest point	<a href="#">25%</a>
Intersection with public road	Radiused and well-maintained
Stream/creek crossings	<a href="#">Bridges built to code</a>

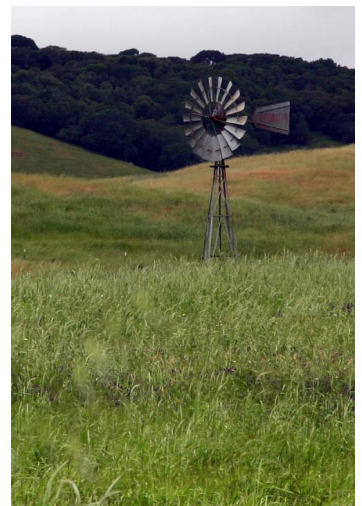
**Additional Documentation:** DPW/Land Use Division will want to verify that stormwater runoff from the new structure is managed appropriately. Include in your packet a detail of the gutters and how rainwater will be captured and directed away from the home. Foundation documents should show how soil slopes away from the foundation. If the home is more than 2500ft<sup>2</sup>, show that rainwater will be directed away from surface waters and towards areas where water can infiltrate into surrounding soil.

**EMPLOYEE HOUSING AS A PART OF COMPENSATION**

You may credit the value of lodging towards your minimum wage requirements provided that you outline the exchange in a voluntary written agreement between you and the employee(s). For farms employing 25 or fewer people, the amount you can credit towards the minimum wage obligation cannot exceed (see table below):

Lodging	2018
Room Occupied (single occupancy): Not more than...	\$49.38/week
Room Shared: Not more than...	\$40.76/week
Apartment: 2/3 of ordinary rental value and in no event more than...	\$593.05/week
Where a couple is employed by the owner: 2/3 of ordinary rental value and in no event more than...	\$877.26/week

The value of the housing is not considered taxable income and can be excluded from the employee’s withholdings for income tax, social security, etc. if the housing is furnished “for the employer’s convenience, on the employer’s premises, and as a condition of employment.” [[IRS Publication 15](#)]. Similarly, you can exclude the value of the housing from an employee’s wages as long as you meet the same 3 criteria.



## ***Establishing Agricultural Worker Housing - Documents and Standards***

The list below details the necessary steps to take as well as information and documents that you will need to assemble for submission as part of your application to Marin County Community Development Agency. These documents are organized by project element: Site, Structure, Foundation, Waste/Water, and Fire.

**NOTE:** *This list presumes that you have already consulted the Planning Division regarding the overall fit between this project and your property's zoning and allowed use, and that your [Ag Production & Stewardship Plan](#) is complete.*

*For simplicity's sake, this checklist is written specifically for installation of a manufactured or mobile home. (See [CA Health & Safety Code, §18000](#) to understand the difference between the two.) A site-built home would require additional documentation.*

### **SITE**

#### **Site Plan**

- Name & Address of operation, including APN (parcel) number
- Location of proposed building(s)
- Location of existing buildings, utility connections
  - If any utilities are accessed via easement, must have formal documentation
- Distances between the proposed building(s) and:
  - Existing buildings
  - Public roads and driveway(s)
  - Well head and septic (if appropriate)
  - Property lines
  - Streams on or adjacent to the property
- Site access for emergency services:
  - Width of driveway at narrowest place (min. 12ft)
  - Grade at steepest place (max. 18% unless paved, up to 25%)
  - Existence of turnouts (if driveway exceeds 150ft)
  - Driveway material (gravel, asphalt, packed earth, etc.)
  - Creek/stream crossings built to code? (Bridges built with permit should be on file at the Dept. of Public Works)
  - Condition of driveway at public road (good condition? Radiused properly?)

#### **Site Analysis**

- Wind load classification (consult engineer)
- Seismic Design Category (consult engineer)
- Soil type (consult engineer)
- Within FEMA Flood Hazard Zone? (check [www.marinmap.org](http://www.marinmap.org))
- Within Wildland Urban Interface (WUI)? (check [www.marinmap.org](http://www.marinmap.org))

#### **Drainage/Runoff**

- Include details of roofline/downspouts showing rain capture and direction away from structure
- Include details showing slope of land away from foundation
- If new structure exceeds 2500ft<sup>2</sup>, include details showing runoff being directed away from surface waters to ground where it can be absorbed

### **STRUCTURE**

#### **Building & Safety Construction Permit Application**

- See [B&S Construction Permit Application](#)
- Specify whether this is a real property installation or unrecorded chattel installation

#### **HUD-certified packet from home manufacturer**

- HUD and/or state HCD stamp on packet must be valid
- Home design must be in compliance with property's Wildland Urban Interface (WUI) classification
- Home design must have fire sprinklers: throughout

#### **Include drawings for stairs, porch or additional decking not included with home from manufacturer**

*Note: If any of these are intended to attach to the home itself, the drawings must first be submitted to Housing & Community Development, and the approval letter from HCD must be included in the application to Marin County B&S.*

## FOUNDATION

### **Option #1: State-approved pre-fabricated foundation system**

- Provide foundation drawings from the manufacturer – must have valid HCD stamp (dated within last two years).
- Provide documentation verifying compatibility of system with site conditions (WUI, soil type, GEMA flood zone, Seismic Design Category, Wind Load Classification, etc.).
- On lands designated by CalFire as a State Responsibility Area (SRA) or Wildland-Urban Interface (WUI) the foundation system plan must include some form of skirting around the perimeter of the house to prevent embers from getting under it.

### **Option #2: Site-engineered concrete foundation**

- Provide full engineering drawings including reference to site compatibility as well as compatibility with the installation instructions included in the mobilehome packet from the manufacturer.
- On lands designated by CalFire as a State Responsibility Area (SRA) or Wildland-Urban Interface (WUI), if engineered foundation does not include a full perimeter wall, some form of skirting must be included around the perimeter of the house to prevent fire from getting under it.

### **Option #3: Chattel Installation (classified as personal property, not real property)**

- Engineering application for [Construction Permit](#), clearly identify the project as a manufactured or mobile home for installation as chattel.
- Provide a description of piers or other method for supporting the home (cinder block, etc.) – this does not require an engineer's stamp.
- Installation instructions from home manufacturer (including schematic showing appropriate location for supports).
- Documentation of tie-down method – pre-manufactured, approved systems should be available through your home manufacturer/dealer.

## WASTE/WATER

### Septic

- **Option #1: Your existing septic system has a permit on file at EHS**
  - Class 1 system – can it accommodate additional residence? If not, evaluate if it is possible to augment the septic tank and disposal field.
  - Class 2 or 3 system – must be performance-tested and pass the test. Can it accommodate additional residence with augmentation to the septic tank and disposal field?
- **Option #2: Your existing septic has no EHS documentation on file** – see Option #3
- **Option #3: New septic to be installed** – Follow [EHS protocol](#) for Septic Services and/or Permit Application

### Domestic Water

- **Option #1: Your existing well/spring is on file at EHS** - the following may allow you to amend the Domestic Water Permit on file
  - Professional test of [flow & quantity](#) (test taken during dry season) to verify sufficient water for the additional residence
  - Storage – is there enough storage onsite to accommodate the additional residence, including fire-fighting?
- **Option #2: Your existing well/spring has no EHS documentation on file** - you will need to complete the application for a Domestic Water Permit
  - Professional test of water quality and quantity – must be sufficient to secure well permit and support all residences on site
  - EHS inspects general condition of well – must meet basic standards to secure well permit
- **Option #3: Install new well/spring** – Follow [EHS protocol](#) for the drilling of a new well and application for a Domestic Water Permit

## FIRE

All Building Permits must be approved by Marin Fire Marshall. Submit one set of plans and [Fire Jurisdiction Transmittal Form](#) to Fire Marshall after submitting building permit packet to Marin County Building & Safety.

## **A Note About Fees**

Fees associated with securing the necessary permits to construct ag worker housing vary widely depending on the scale and complexity of the project as well as how your land is zoned.

There is not currently an exemption from local fees explicitly set aside for ag worker housing, but if your housing will be occupied by low-income individuals or families, you can apply for a fee waiver with Department of Public Works that amounts to 1% of the estimated value of the project (on projects with value >\$10,000). Simply include in your packet a letter to DPW detailing the use of the structure for housing agricultural workers essential to your ag business and request a waiver for the “Roadway Impact Fee”. No deed restriction is required.

The Affordable Housing Section of Marin County Planning may be able to help you secure additional funding for the project. Contact them at 415-473-6269.

## ***Further Info Can Be Found At:***

- California Health & Safety Code commencing with Section 17000.  
[See: <https://leginfo.ca.gov/faces/codesTOCSelected.xhtml?tocCode=HSC>]
- California Code of Regulations, Title 25, commencing with Section 600.  
[See: [https://govt.westlaw.com/calregs/Index?transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Index?transitionType=Default&contextData=(sc.Default))]
- [California Guide to Labor Laws for Small Farms](#), California Farmlink & National Center for Appropriate Technology, 2013
- California Dept. of Housing & Community Development, Employee Housing Program.  
[See: <http://hcd.ca.gov/building-standards/employee-housing/index.shtml>]



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*Prepared by Vince Trotter, David Lewis, and Bonnie Nielsen. July 2018. Live links can be found on the online version of this document on the [Grown in Marin Factsheets webpage](#). More information about growing your operation is available at the Grown in Marin website under Resources for Farmers at [growninmarin.org](http://growninmarin.org), or by calling the UCCE Farm Advisor's office at (415) 473-4204.*