

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. T-096 -381

AN ORDINANCE AMENDING THE ZONING PROVISIONS OF THE ORDINANCE
CODE OF FRESNO COUNTY TO ADDRESS PROGRAMS IDENTIFIED IN PROGRAM 10 OF
THE FIFTH CYCLE HOUSING ELEMENT, RECENT LITIGATION, AND HEALTH AND
SAFETY CODE SECTIONS 17008, 17021.5, 17021.6 AND 17021.8 FOR EMPLOYEE AND
FARMWORKER HOUSING BY AMENDING THE TEXT OF SECTIONS 803.6, 816.1, 817.1,
855-O.2 and 855-O.3.

The Board of Supervisors of the County of Fresno ordains as follows:

SECTION 1. The Ordinance Code of the County of Fresno is hereby amended by
modifying or adding text to Sections 803.6, 816.1, 817.1, 855-O.2 and 855-O.3, relating
specifically to Employee and Farmworker housing through Amendment to Text No. 381 thereof
to read as set forth in Exhibit 1 attached hereto and incorporated herein by reference.

SECTION 2. This Ordinance shall take effect and be in force thirty (30) days from and
after its passage.

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1 THE FOREGOING was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno the 17th day of May, 2022, to wit:

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4 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

5 NOES: None

6 ABSENT: None

7 ABSTAINED: None



8 Brian Pacheco, Chairman of the Board of
9 Supervisors of the County of Fresno

10 **ATTEST:**
11 Bernice E. Seidel
12 Clerk of the Board of Supervisors
13 County of Fresno, State of California


14 By 
15 Deputy

EXHIBIT 1

SECTION 803.6 - SPECIFIC DEFINITIONS GROUP F.

(Amended by Ord. 490.133 adopted 6-7-77, Amended by Ord. adopted - - 22)

EMPLOYEE HOUSING shall mean housing meeting the definition provided by California Health and Safety Code Section 17008, and as may be amended. Employee Housing providing accommodations for six or fewer employees shall be deemed a single-family structure and a residential use of the property by a single household per the requirements of Section 17021.5 of the California Health and Safety Code. (Added by Ord. T-803-371 adopted 12-8-15; Amended by Ord. T- - adopted - -2022)

FARMWORKER HOUSING, TEMPORARY shall mean temporary residential accommodations (e.g., licensed travel trailers or recreational vehicles) provided for the shelter needs of individuals and families hired to meet the short-term needs (not to exceed 90 consecutive days) of an on-site bona fide commercial agricultural/farming operation (or off-site operations owned or managed by the same agricultural operation), provided for five or more temporary farm employees. Temporary Farm Labor Housing is permitted in the A-E and A-L districts. The Special Standards of Section 855-O shall apply. (Added by Ord. T-803-371 adopted 12-8-15; Amended by Ord. T- - adopted - -2022)

FARMWORKER HOUSING COMPLEX shall mean any employee housing that: 1) contains a maximum of 36 beds if the housing consists of group living quarters and is occupied by employees and their households; or 2) contains a maximum of 12 residential units occupied by employees and their households. A Farmworker Housing Complex is considered an agricultural land use. A Farmworker Housing Complex is permitted in any zone district which permits agricultural land uses. The Special Standards of Section 855-O shall apply including a listing of applicable agricultural zone districts. (Added by Ord. T-803-371 adopted 12-8-15; Amended by Ord. T- - adopted - -2022)

SECTION 816

"AE" EXCLUSIVE AGRICULTURAL DISTRICT

SECTION 816.1 - USES PERMITTED

H. [Reserved] Amended by Ord. T- - adopted - -2022)

SECTION 817

"AL" LIMITED AGRICULTURAL DISTRICT

P. [Reserved] Amended by Ord. T- - adopted - -2022)

Q. [Reserved] Amended by Ord. T- - adopted - -2022)

SECTION 855
PROPERTY DEVELOPMENT STANDARDS

SECTION 855-O. PROPERTY DEVELOPMENT STANDARDS – SPECIAL STANDARDS OF PRACTICE AND REGULATIONS TO IMPLEMENT THE FRESNO COUNTY HOUSING ELEMENT
(Added by Ord. T-803-371 adopted 12-8-15 Amended by Ord. T-094-380 adopted 11-24-20)

2. Farmworker Housing, Temporary

This Section provides use and development regulations for Temporary Farmworker Housing in compliance with State law and as defined in Section 803.7 (Specific Definitions – Group F). Temporary Farmworker Housing shall be allowed solely in the AE and AL Zone Districts and consist of temporary residential accommodations (travel trailers or licensed recreational vehicles) to provide for shelter for individuals and families for short-term periods (not to exceed 90 consecutive days). Temporary housing in this manner must be sited on a bona fide commercial agricultural/farming operation (or off-site operations owned or managed by the same agricultural operation) and limited to twelve individual units at a density that meets the requirements of the Fresno County Local Area Management Plan (LAMP) for properties served by individual septic systems including any available variance provisions.

3. Farmworker Housing Complexes

This Section provides use and development regulations for Farmworker Housing Complexes in compliance with State law and as defined in Section 803.7 (Specific Definitions – Group F). Employee housing for employees and their households consisting of up to thirty-six (36) beds in a group quarters or up to twelve (12) units or spaces designed for use by a single family or household shall be allowed subject to the provisions of this Section. Every person, or agent or officer thereof, constructing, operating, or maintaining a Farmworker Housing Complex shall comply with the requirements of this Section and all applicable health, safety and building codes and standards.

- a. A Farmworker Housing Complex shall be allowed as provided in Section 17021.6 of the Health and Safety Code, in any of the following zone districts that permit agricultural land uses: R-A, R-1-A, R-R, R-1-AH, R-1-EH, AE, AL, RE and O.
- b. A Farmworker Housing Complex shall permit the occupancy of employees, regardless of the industry or work performed, where the housing accommodations qualify as employee housing as defined in Section 17008 of the California Health and Safety Code and shall also permit occupancy of employees and the employees' household.
- c. A Farmworker Housing Complex provided by the employer and maintained in connection with the work or place where work is being performed must comply with all provisions of Section 17008(a) of the California Health and Safety Code.
- d. A Farmworker Housing Complex not maintained in connection with any workplace and provided by someone other than an agricultural employer must comply with all provisions of Section 17008(b) of the California Health and Safety Code, except the requirement that the housing accommodations must be located in a rural area.
- e. The minimum parcel size and number of units or beds to establish a Farmworker Housing Complex shall be as follows:

Table 1 – Section 855-O Individual Units or Spaces	
Without Urban Services (Community Sewer and Water)	
Zone District	Number of Units/Spaces
R-A	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-R	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
A-E	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
A-L	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-E	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
O	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-1-A	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-1-AH	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-1-E	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
R-1-EH	One (1) unit or space per the minimum parcel size allotted by the LAMP up to twelve (12) units or spaces per parcel
With Urban Services (Access to Community Sewer and Water)	
Zone District	Number of Units/Spaces
R-A	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-R	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
A-E	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
A-L	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-E	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot

O	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-1-A	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-1-AH	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-1-E	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot
R-1-EH	One (1) unit or space per every 2,175 square feet of lot area up to twelve (12) units or spaces per lot

Table 2 – Section 855-O Group Quarters without Urban Services (Community Water and Sewer)	
Without Urban Services (Community Sewer and Water)	
Zone District	Number of Units/Spaces
R-A	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-R	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
A-E	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
A-L	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-E	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
O	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-1-A	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel

R-1-AH	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-1-E	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
R-1-EH	Six (6) beds per the minimum parcel size allotted by the LAMP with one (1) additional bed for every additional acre of parcel size up to a maximum of thirty-six (36) beds per parcel
With Urban Services (Access to Community Sewer and Water)	
Zone District	Number of Units/Spaces
R-A	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-R	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
A-E	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
A-L	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-E	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
O	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-1-A	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-1-AH	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-1-E	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot
R-1-EH	Six (6) beds for the first 2,175 square feet of lot area, with one additional bed allotted for every additional 1,000 square feet of available lot area up to a maximum of thirty-six (36) beds per lot

- f. In addition to applicable state law regarding the operation and safety of employee housing, Farmworker Housing Complexes must meet the following minimum County standards, and as authorized by Section 17021.8(e) of the California Health and Safety Code:
- (1) Building Height - The provisions of the underlying zone district shall apply.
 - (2) Yards - The provisions of the underlying zone district shall apply.
 - (3) Space Between Buildings - The provisions of the underlying zone district shall apply, except that no animal or fowl pen, coop, stable, barn or corral shall be located within forty (40) feet of any dwelling or other building used for human habitation.
 - (4) Off-Street Parking for Farmworker Housing Complexes based on individual units (12 units maximum per parcel) - There shall be at least one (1) designated parking space for every dwelling unit. Spaces must be marked and maintained in a dust-free manner with surfacing such as gravel or other material as approved by the Director of the Department of Public Works and Planning. These spaces shall be on the same lot with the main building which they are intended to serve and located to the rear of the required front yard.
 - (5) Off-Street Parking for Farmworker Housing Complexes based on dormitory beds (36 beds maximum per parcel) – The parking standards of 855-I – Rooming Houses, Lodging Houses, Clubs and Fraternity and Sorority Houses shall apply.
 - (6) All Farmworker Housing Complexes not connected to community sewer or water shall meet the minimum on-site County separation requirements for well and septic systems and the Fresno County adopted LAMP requirements including any available variance provisions.
 - (7) All units constructed shall meet the minimum required building and safety code requirements.
- g. Conversion - The housing units shall not be converted to any other use unless the conversion is approved by the County of Fresno. Any conversion shall be subject to the applicable zoning ordinance standards at the time of the conversion.
- h. The Planning Commission may authorize additional beds or units or a combination of group quarters and units or spaces designed for use by a single family or household beyond the limits set in this section through the conditional use permit process, based on the Commission's ability to making specific findings as outlined in Section 873.
- i. [Reserved]
- j. Permanent units or spaces designed for use by a single family or household and Farmworker Housing Complexes require the completion of a Farmworker Housing verification form prior to building permit application submittal. The verification form shall include information regarding the housing type, number of dwelling units or beds, estimated length of occupancy, estimated maximum number of occupants, anticipated occupants' employment information, or other information that established

that the accommodations are to be maintained in connection with any work or place where work is performed and proof that a permit to operate from the California Department of Housing and Community Development (HDC) has been obtained and maintained.

4. Eligible Agricultural Employee Housing Development

An Eligible Agricultural Employee Housing Development defined in and that satisfies the requirements of Section 17021.8 of the California Health and Safety Code, and as may be amended, is allowed in any of the following zone districts that permit agricultural land uses R-A, R-1-A, R-R, R-1-A, R-1-AH, R-1-E, R-1-EH, AE, AL, RE and O. An Eligible Agricultural Employee Housing Development is subject to the minimum County standards identified in Section 855-O(e).

(Amended by Ord. T- - adopted - -2022)

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