



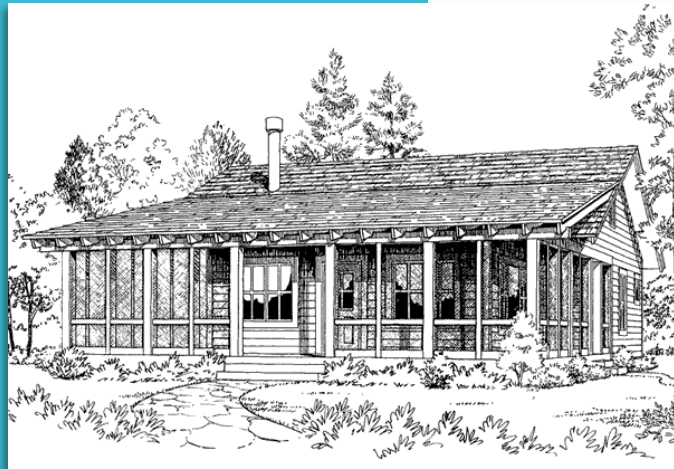
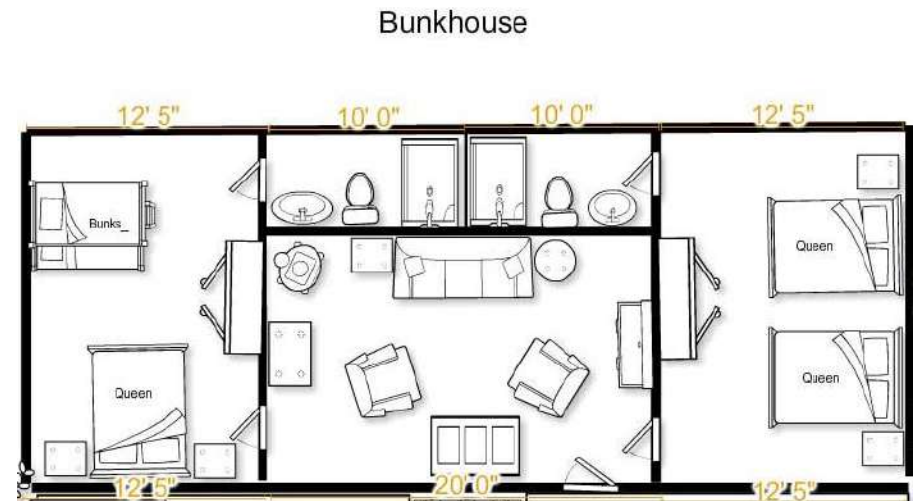
Island County Housing Code Audit

Meredith Penny | Senior Planner

Whidbey Growers Association

March 2, 2020

Farm Worker Housing





Research

Other Jurisdictions

Staff Reviewed Farm Worker Housing Standards From

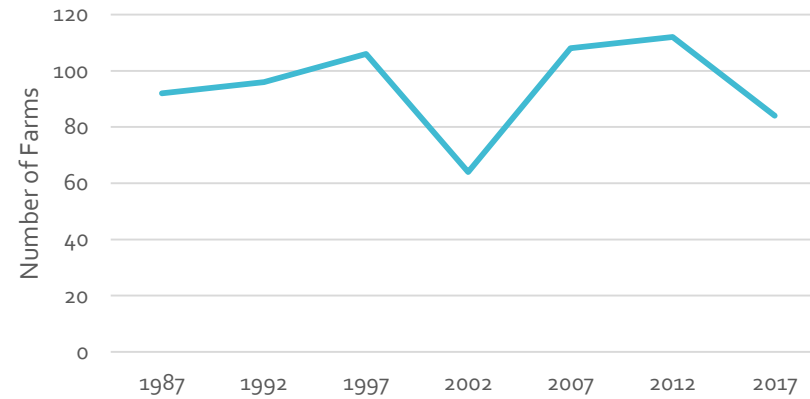
- Yakima County
- San Juan County
- Kitsap County
- Snohomish County
- Chelan County

Feedback from Local Farmers

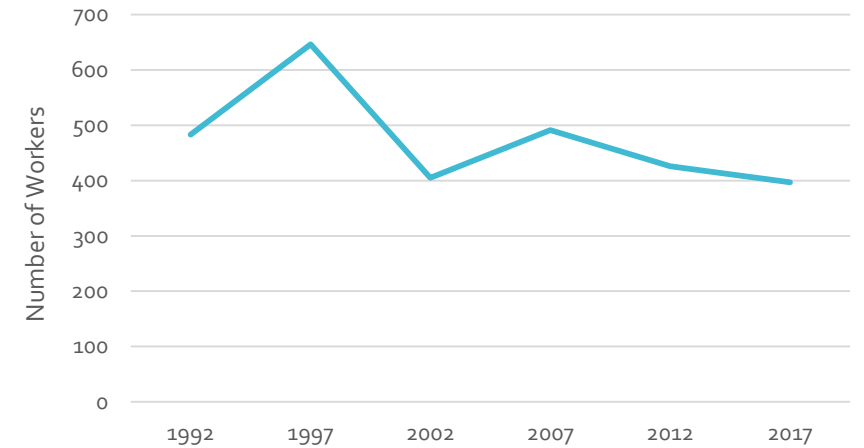
- Intensive agriculture (row crops or lettuce which can be grown in hoop houses year round) would require more people
- 10 acre farm at the height of the season might require 3-4 people
- Smaller farms and CSA's tend to need seasonal workers and interns
- Larger farms that only do hay or cattle may hire 1-2 people as a permanent position
- Many farms may rely on family rather than hired work
 - helpful to have an additional single family home on property
 - to pass the farm down to the next generation
 - a guest cottage might not be big enough for a family

Agricultural Census Data

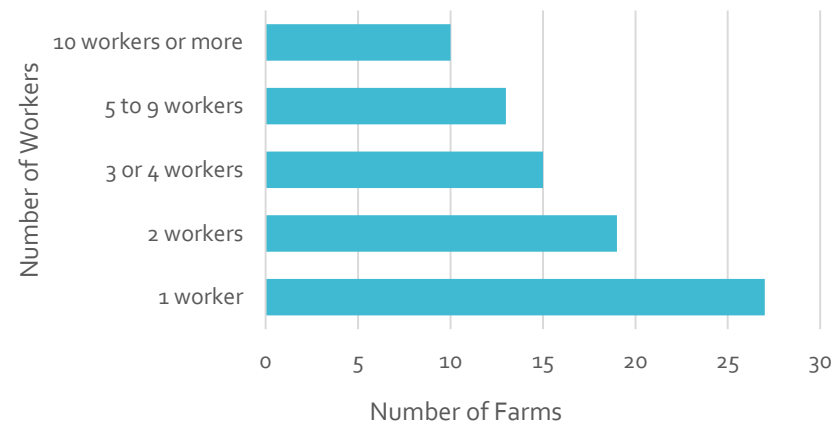
Number of Farms that Hired Workers



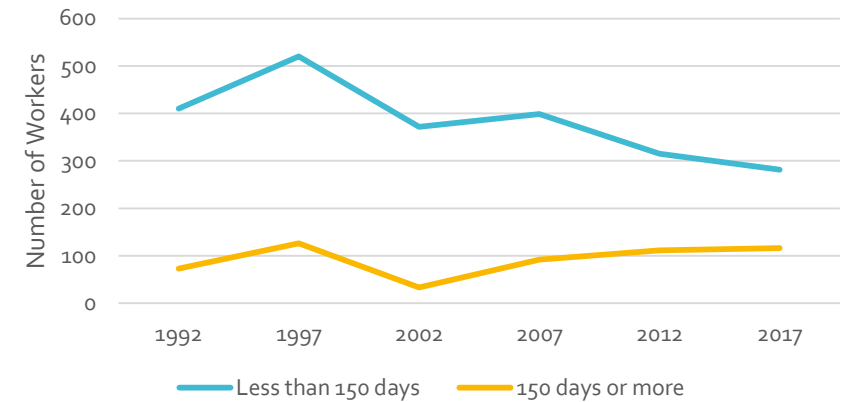
Total Workers Hired by Island County Farms



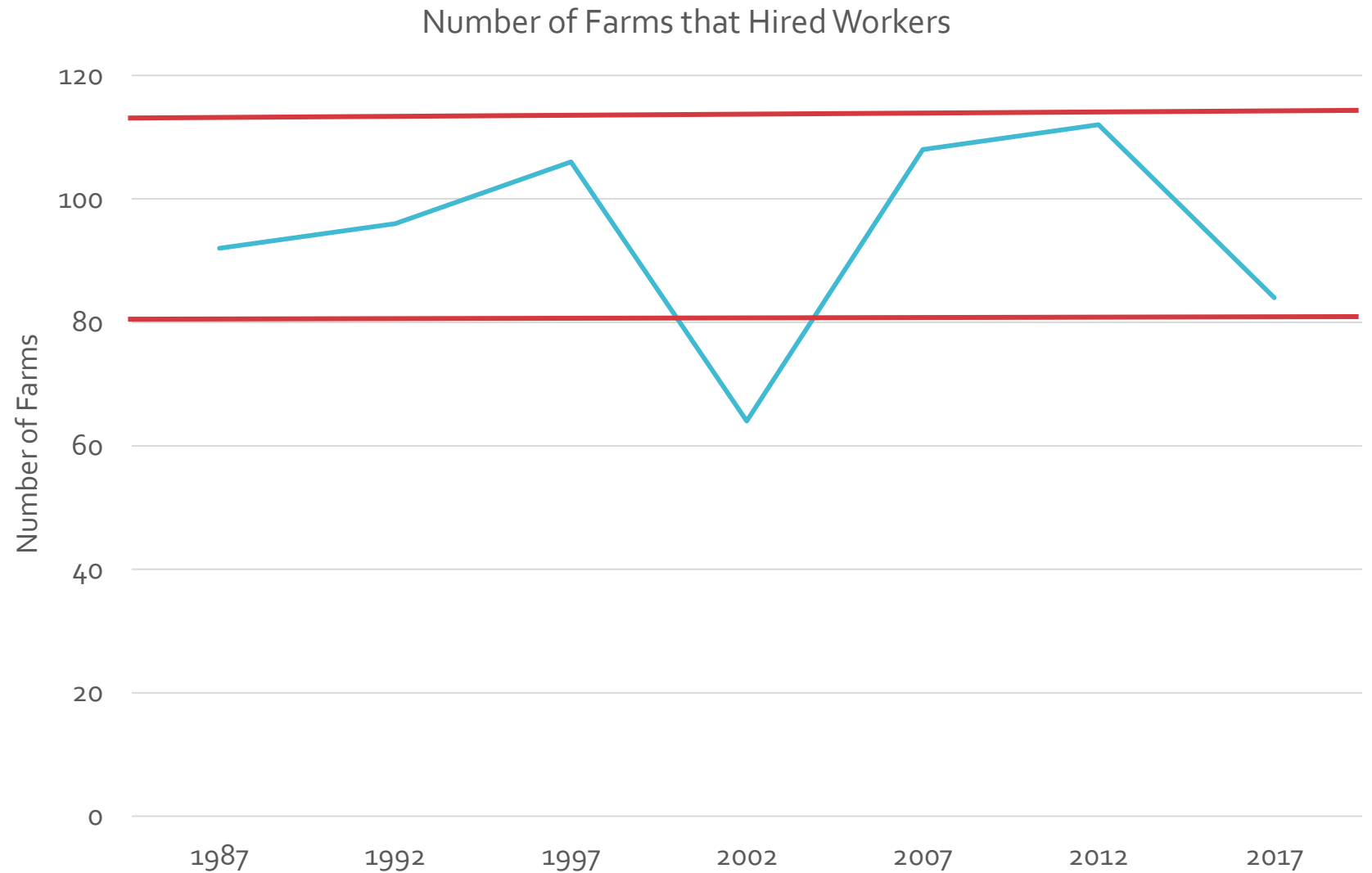
Number of Workers Hired by Farms in 2017



Farm Workers in Island County by Days Worked

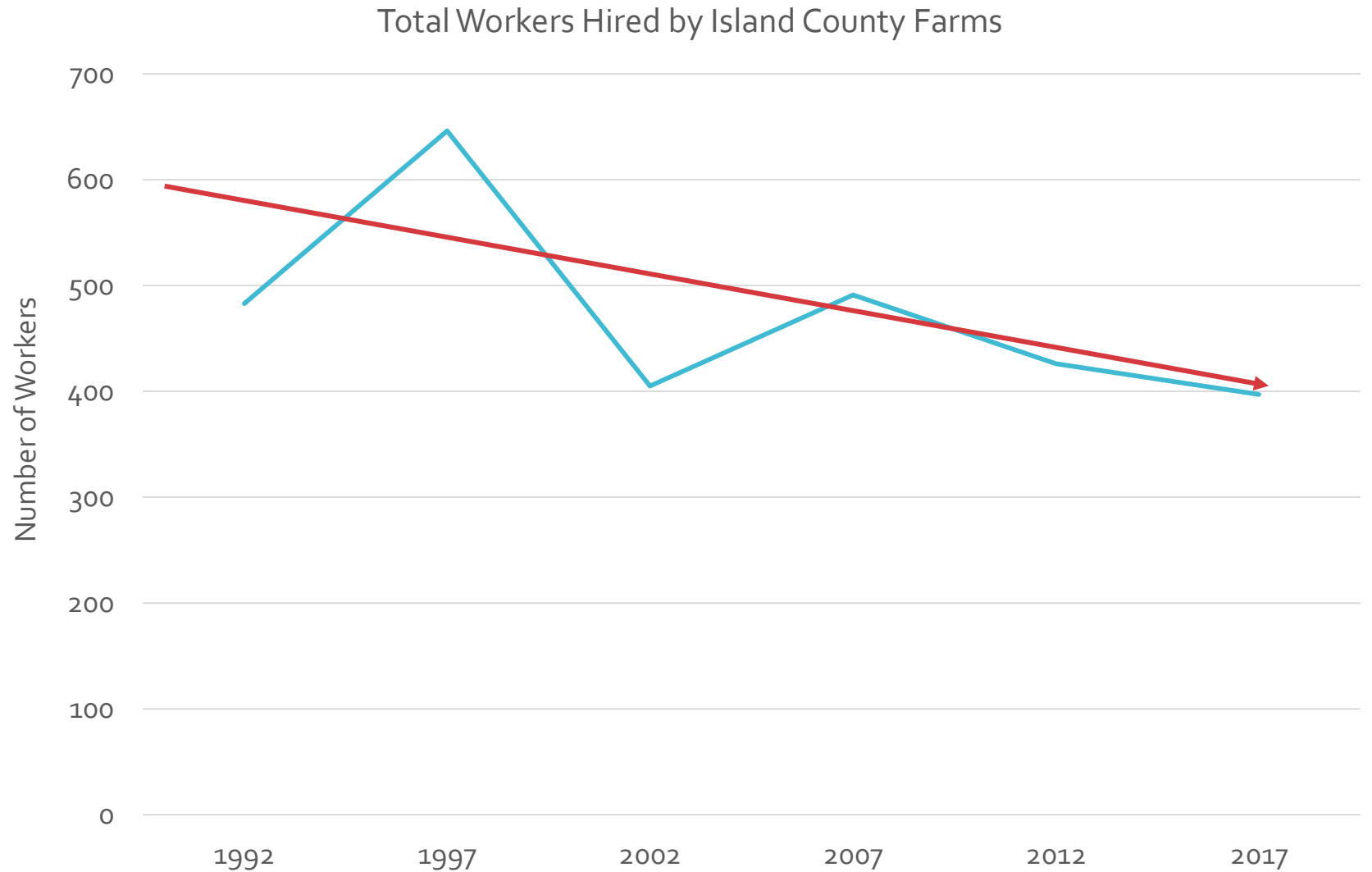


Agricultural Census Data



The number of farms that hire workers in Island County has generally hovered between 110 and 80 farms since 1987.

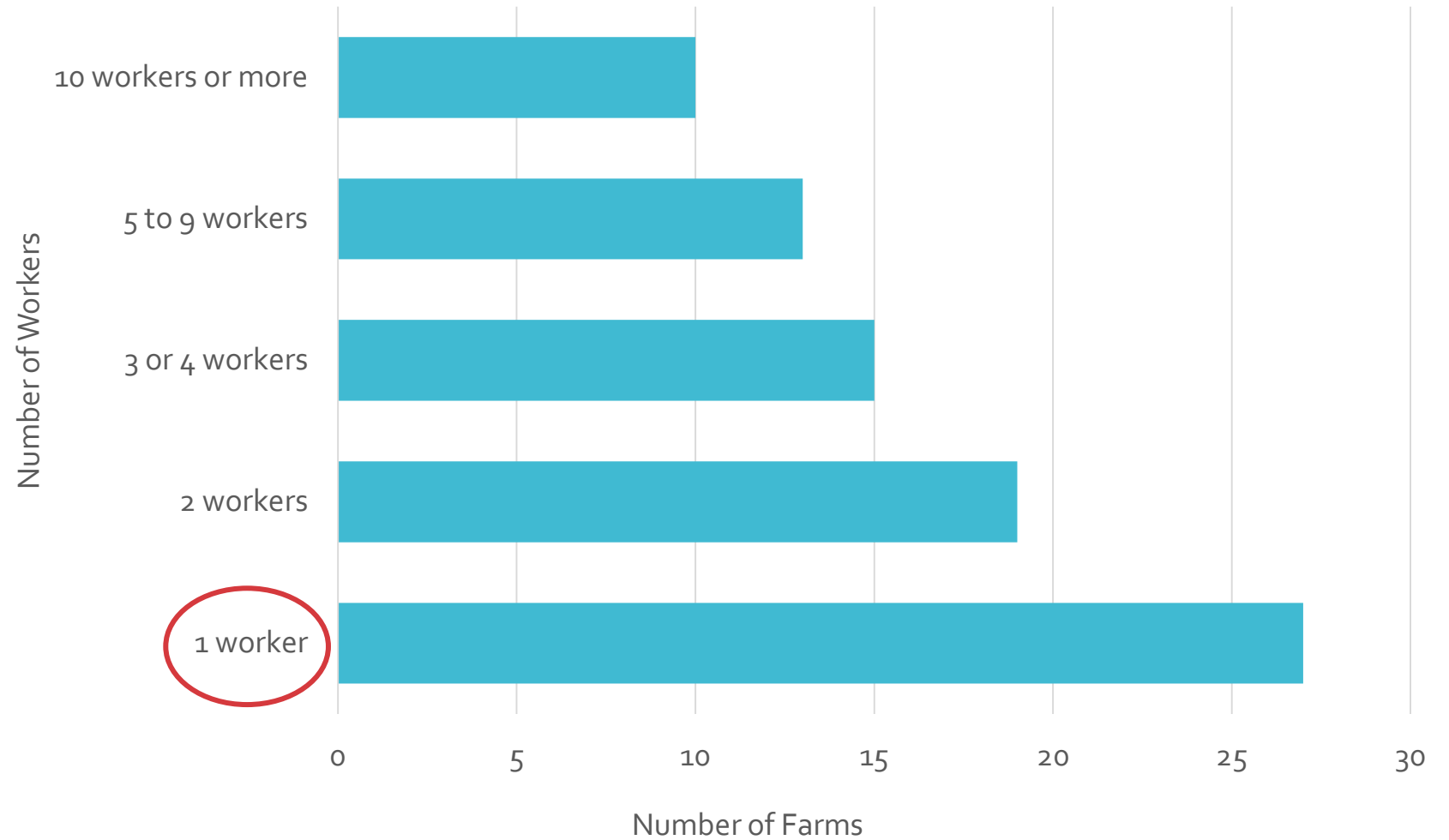
Agricultural Census Data



The total number of workers hired by farms in Island County has declined from its peak of 600 workers in 1997 to 400 workers in 2017

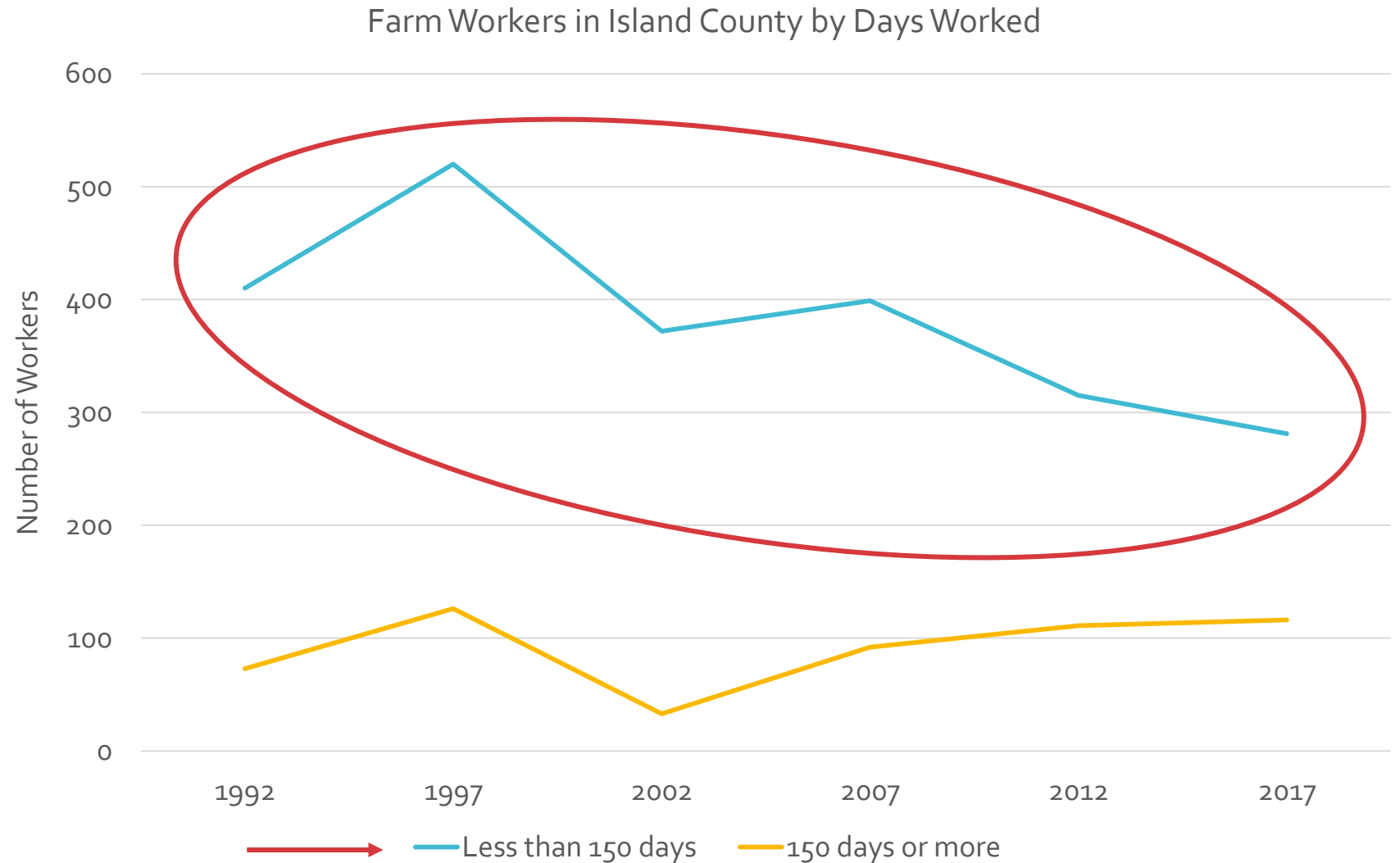
Agricultural Census Data

Number of Workers Hired by Farms in 2017



Of the farms that hired workers in 2017, the majority only hired one worker.

Agricultural Census Data



Between 1992 and 2017, the majority of workers in Island County were hired for less than 150 days.



Background

Current Provisions in ICC for Farm Worker Housing

- ICC defines farm housing as:
 - “residential structures which are required for farm operators, employees, or family members of the operator or owner who are employed on the farm. These structures may be mobile homes, dormitories, or single-family dwellings. One (1) of the adults living in the home must make over fifty (50) percent of his or her gross income from the farming operation or be a caretaker of the farm.”
- Permitted use in the Rural Agriculture and Commercial Agriculture zones
- Current code lacks specifics, about how much, what parcel size, square footage etc.



Proposed Changes

Revised Definition

- **Farm worker housing** means residential structures which are needed ~~required~~ for farm operators, employees, interns, and ~~or accompanied~~ family members. Farm worker housing includes seasonal-duration farm worker housing, temporary farm worker units, farm caretaker dwellings, and housing for farm operation workers. In addition to other types of agriculture, farm worker housing may be permitted for use by wineries and cideries for the purposes of cultivating, maintaining, and harvesting associated vineyards and orchards, as well as the processing of those agricultural products. ~~of the operator or owner who are employed on the farm. These structures may be mobile homes, dormitories, or single-family dwellings. One (1) of the adults living in the home must make over fifty (50) percent of his or her gross income from the farming operation or be a caretaker of the farm.~~

Categorize Farm Worker Housing into Four Categories

1. Seasonal Duration Farm Worker Housing (Reviewed by Washington State Department of Health)



Categorize Farm Worker Housing into Four Categories

2. Temporary Farm Worker Unit



Categorize Farm Worker Housing into Four Categories

3. Farm Caretaker Dwelling



Categorize
Farm Worker
Housing into
Four
Categories

4. Housing for Farm Operation Workers





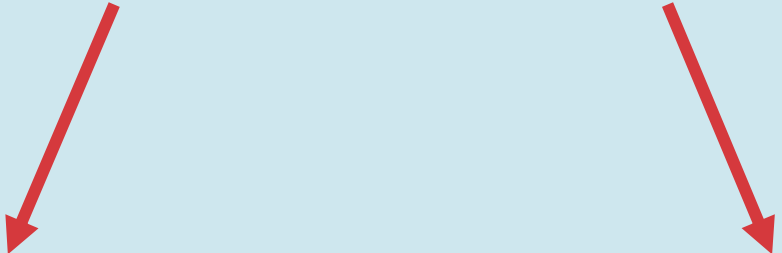
Seasonal Duration Farm Worker Housing (Reviewed by Washington State Department of Health)

Regulatory Context

- From the state's perspective, migrant farmworker housing and temporary worker housing are the same thing
- Temporary worker means a person employed intermittently and not residing year-round at the same site
- The legislature made temporary worker housing a permitted use on rural worksites
 - This overrides local zoning regulations
 - Local review is limited to height, setback, and road access
- The State Department of Health must license Temporary Worker Housing when any of the following is provided:
 - Housing for 10 or more occupants or five or more dwelling units.
 - Housing or facilities built using the temporary worker housing construction standards (Chapter 246-359 WAC).
 - Any number of tents for any number of occupants.
- Temporary Worker Housing provided for 9 or less occupants or four or fewer dwelling units, the State Department of Health would only be involved if the operator elects to comply with chapter 246-359 WAC, Temporary Worker Housing Construction Standards



Seasonal Duration Farm Worker Housing (Reviewed by Washington State Department of Health)

<p>10 or more occupants or 5 or more dwelling units</p>	<p>9 or less occupants or 4 or fewer dwelling units</p>	
<p>Licensed by WA State Department of Health (DOH) Local review limited to building height, setbacks, and access requirements</p>	<p>Option to comply with Chapter 246-359 WAC, Temporary Worker Housing Construction Standards</p> 	
	<p>If opts for the Temporary Worker Housing Construction Standards, then DOH would conduct review and licensing. local review would be limited to building height, setback, and access requirements</p>	<p>If elect not to have the project processed by DOH, then need to comply with one of the other categories of farm worker housing provided under Island County Code</p>



Temporary Farm Worker Unit

A temporary permit may be issued pursuant to ICC 17.03.200 for a farm worker or intern to occupy a recreational vehicle (RV), travel trailer, park model home, or tiny home on wheels on the farm where he or she works, subject to conditions

- Parcels 5 acres or greater in size
- Permit valid up to 180 days
- Renewed once per year
- Operating farm
- Does not count towards density
- Stamped with WA L&I insignia
- Provided with water and electrical power, and means to properly dispose of sewage
- 150 square feet – 600 square feet
- One per parcel
- Use natural site features to assist in screening the vehicle



Farm Caretaker Dwelling

Where farm workers are needed to assist in the operation of a farm, a manufactured home may be placed upon a Rural, Rural Agriculture, or Commercial Agriculture zoned parcel, for occupancy by the individual and their family subject to the following limitations.

- Parcels 20 acres or greater in size
- Permit valid for one year
- May be renewed yearly
- Operating farm
- Does not count towards density
- Must be removed 45 days after the unit has ceased to be used
- Meet health requirements for water and sewage disposal
- Use natural site features to assist in screening the dwelling and character must be similar to other existing ag buildings on site



Housing for Farm Operation Workers

Each of these options is referred to as one FOW unit

Single-family dwelling

Manufactured home

Congregate Housing – no more than five bedrooms

Parcels 40-59 acres

Max 2 FOW units

Parcels 60 acres or greater

Max 3 FOW units

- Does not count towards the density
- Owned and maintained by operation/organization with binding commitment to long-term maintenance and operation of the units
- Deed restriction required
- Each FOW unit limit to max 2,000sqft
- Use natural site features to screen units and character shall be similar to existing ag buildings on site



Housing for Farm Operation Workers

- The FOW unit(s) may be considered for use by another farm within Island County if there is a signed agreement between the property owner and the farm making use of the FOW units
- If the FOW unit(s) are permitted and constructed, and later no longer needed the property owner can choose one of the following options:
 - Apply for a permit to repurpose the FOW unit(s) to an allowed use in the relevant zone (e.g. Bed and Breakfast); or
 - Subdivide the property and turn the FOW unit(s) into a single family home if the minimum parcel sizes and allowable densities can be met; or
 - The FOW unit(s) may be considered for use by another farm within Island County if there is a signed agreement between the property owner and the farm making use of the FOW units.



Next Steps

Timeline

- Draft code has been reviewed by the Planning Commission during their workshops
- Will potentially have a few more outreach meetings on Camano Island
- Will then bring the draft to work sessions with the Board of County Commissioners
- Aiming for September/August adoption

Thank you!
Any questions?

Meredith Penny
Senior Planner
360-678-7807

Project Page:
https://www.islandcountywa.gov/Planning/Pages/WP19_Housing.aspx

Email Comments to: CompPlan@islandcountywa.gov

DRAFT FARM WORKER HOUSING CODE 3-2-2020

FF. Farm Worker Housing. Farm worker housing may be allowed in the Rural, Rural Agriculture, and Commercial Agriculture zones, subject to the following criteria.

<u>Type of Farm Worker Housing</u>	<u>Seasonal-Duration Farm Worker Housing (Reviewed by Washington State Department of Health [DOH])</u>	<u>Temporary Farm Worker Unit</u>	<u>Farm Caretaker Dwelling</u>	<u>Housing for Farm Operation Workers</u>
<u>Zones Allowed</u>	<u>No specific zone established, must be on a "rural worksite" in accordance with RCW 70.114A.050</u>	<u>R</u> <u>RA</u> <u>CA</u>	<u>R</u> <u>RA</u> <u>CA</u>	<u>R</u> <u>RA</u> <u>CA</u>
<u>Acreage Limitations</u>	<u>No acreage limitations</u>	<u>Parcels 5 acres or greater in size</u>	<u>Parcels 20 acres or greater in size</u>	<u>Parcels 40 acres or greater in size</u>
<u>Number, Type of Units, and Other Standards</u>	<p><u>Projects with 10 or more occupants including accompanied family members or five or more dwelling units requires licensing by the Washington DOH and local review is limited to building height, setback, and access requirements per RCW 70.114A.050.</u></p> <p><u>Projects with 9 or less occupants including accompanied family members or four or less dwelling units, have the option to comply with Chapter 246-359 WAC, Temporary Worker Housing Construction Standards. If the operator elects to not have the project processed by the Washington DOH, the project would then need to comply with one of the other categories of farm worker housing provided under Island County Code.</u></p>	<u>One RV, trailer, park model home, or tiny home on wheels stamped with an L&I insignia may be placed on a farm for 180 days</u>	<u>One manufactured home may be placed on a parcel in addition to the primary single family dwelling</u>	<p><u>Can be a single family dwelling/manufactured home or can be congregate housing (dormitory, bunkhouse) with no more than five bedrooms.</u></p> <p><u>The units must be owned and maintained by an agricultural operation which evidences the need for farm laborers.</u></p> <p><u>Parcels 40-59 acres in size may have up to farm 2 units in addition to the primary single family dwelling.</u></p> <p><u>Parcels 60 acres or greater in size may have up to 3 farm units in addition to the primary single family dwelling.</u></p>
<u>Decision Type</u>	<u>Type I</u>	<u>Type I</u>	<u>Type I</u>	<u>Type II</u>

2019 Housing Code Audit – List of Proposed Code Changes

11/13/19

PHASE 1 CODE CHANGES

Section of Code	Proposal
Accessory Dwelling Units and Guest Cottages	
ICC 17.03.035 ICC 17.03.040 ICC 17.03.180.I	Adjust terminology for “Accessory Living Quarters” to “Attached ADU” and “Guest Cottage” to “Detached ADU”
ICC 17.03.180.I	Allow both one attached and one detached ADU per parcel in the rural areas and in Rural Residential
ICC 17.03.180.I	Get rid of minimum lot size restriction for detached ADUs in Rural Residential
ICC 17.03.180.I	Remove owner occupied requirement for accessory living quarters
ICC 17.03.180.I	Allow ADUs in Planned Residential Developments
ICC 17.03.040	Clarify in the definition of duplex that an ADU is not a duplex
ICC 17.03.180.I	Clarify that an internal door is not required in attached ADUs
ICC 17.03.180.I	Provide requirements for attached ADUs that help distinguish them from duplexes
ICC 17.03.180.I	Adjust size limitations for attached (800sqft -> 1,000sqft) and detached ADUs (1,000sqft -> 1,200sqft)
Camping and RV Parks	
ICC 17.03.180.T.4	Separate the standards for RV-only parks from other campgrounds
ICC 17.03.180.T.4	Remove maximum parcel size requirement and replace with maximum number of spaces
ICC 17.03.180.T.4	Clarify for campgrounds that include tent camping, that a manager is required but does not have to live onsite
ICC 17.03.180.T.4	Encourage preservation of existing trees and allow them to count towards up to fifty (50) percent of open space requirements
ICC 17.03.180.T.4	Clarify what central comfort stations are (showers, bathrooms, laundry facilities)
ICC 17.03.180.T.4	For RV-only campgrounds provide for: <ul style="list-style-type: none"> -slightly higher densities of spaces (3/acre -> 8/acre) -require 5% set aside useable common open space -allow for longer stays (120days -> 180days) -allow for central community and commercial services -require an onsite resident manager
Rural Residential	
ICC 17.03.035 ICC 17.03.180.GG	Provide for cottage housing as an allowed use in Rural Residential and allow it to exceed the max density if units are 1,200sqft or less

2019 Housing Code Audit – List of Proposed Code Changes

11/13/19

ICC 17.03.035 ICC 17.03.040 ICC 17.03.180.HH	Provide for boarding homes as an allowed use in Rural Residential. -five (5) bedrooms -ten (10) boarders -common kitchen facility -minimum 30 day stays -responsible manager -yearly permit renewal and inspection
ICC 17.03.040	Allow duplexes, count as one dwelling unit in for density purposes Rural Residential, if individual units are 1,200qsft or less
ICC 17.03.035 ICC 17.03.180.O	Allow for mobile/manufactured home parks in RR -change terminology from park to communities -parcels 5-10 acres -smaller perimeter buffer -smaller spaces per unit -greater density of 3 dwellings per acre -smaller percentage of the site for open space
Mixed Use RAIDs	
17.03.120 17.03.130 17.03.135 17.03.140	Use feet instead of stories for height requirements. Increase height in Rural Village from 30ft to 40ft. Increase height in Camano Gateway Village from 35ft to 40ft Increase height in Rural Service from 25ft to 30ft
17.03.135	Remove minimum lot size and maximum residential density in Camano Gateway Village and allow it to revert to Health Department standards consistent with Rural Center zone
17.03.180.S	Adjust impervious surface ratio for Camano Gateway Village to 80% to match Rural Center Adjust building coverage from 50% to 55% so that the same amount as Rural Center can be achieved if used with a green roof
ICC 17.03.130 ICC 17.03.135 ICC 17.03.140	Allow stand-alone multifamily in all mixed use RAIDs
ICC 17.03.130	Prohibit single family development in the Rural Village zone

2019 Housing Code Audit – List of Proposed Code Changes

11/13/19

ICC 17.03.035	Allow triplexes and fourplexes in mixed use RAIDs
Mobile/Manufactured Homes	
ICC 17.03.180.N	Allow HUD approved manufactured homes are parcels less than 2.5 acres in the Rural zone
Review Process	
ICC 16.06 ICC 16.17	Allow up to nine lots to be reviewed as a short plat/short subdivision in the Freeland NMUGA as provided for under state law
RCW 58.17.095 RCW 58.17.100	Allow the final decision on long plats to be approved by administrative personnel
ICC 16.06.050	Not included in 11/14/19 draft. Still working out whether state law provides for this to be done as a ministerial decision or if it must be administrative. Ministerial is a Type I decision and would help streamline the process, administrative would not improve the process because it is a Type II and would require a public comment period.
Farm Worker Housing	
ICC 17.03.180.FF	Provide clear standards for farm worker housing. -Seasonal-Duration Farm Worker Housing (Reviewed by Washington State DOH) -Temporary Farm Worker Unit -Farm Caretaker Dwelling -Housing for Farm Operation Workers

PHASE 2 CODE CHANGES

Section of Code	Proposal
SEPA	
WAC-197-11-800(d) ICC 16.14C.180	Raise SEPA thresholds to max allowed by state law. Instead of triggering SEPA at four single family units, it can be raised to a maximum of 20 and instead of four multifamily residential units, it can be 25.
Cluster Development	
ICC 17.03.180.E	Review and revise cluster development regulations to provide more clarity. Potentially rework program into a point-based system.



Accessory Living Quarters and Guest Cottages



Internal

Accessory Living Quarters

Separate living quarters contained within the primary residence

Permitted Zones

Rural Rural Residential Rural Agriculture Rural Forest Commercial Agriculture

Requirements and Standards

- Only one (1) accessory living quarters per single family dwelling unit
- Only one (1) accessory living quarters or guest cottage per single family dwelling unit
- No home occupation or home industry for the residents of the accessory living quarters
- Maximum 800 square feet
- Accessory living quarters may be created through:
 - Internal conversion within an existing single family dwelling
 - The addition of new square footage to the existing single family dwelling
 - Inclusion in the development plans for, or as part of, the construction of a new single-family dwelling unit.
- Must be located within an owner occupied primary residence
- Subject to applicable Health Department standards for water and sewage disposal.

Image credit: City of Saint Paul, MN

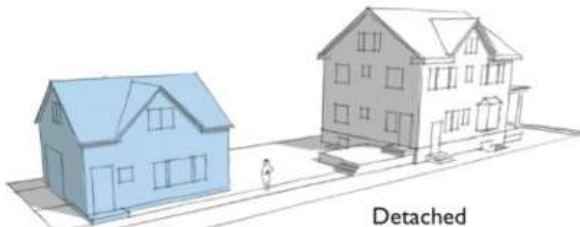


Image credit: City of Saint Paul, MN

Guest Cottages

A detached accessory dwelling unit, situated on the same parcel as a single family dwelling, which does not exceed 1,000 square feet in gross floor area, shares a common driveway with the single family dwelling.

Permitted Zones

Rural Agriculture Rural Forest Commercial Agriculture

Rural Rural Residential on lots greater than 1 acre in size

Requirements and Standards

- Only one (1) guest cottage or accessory living quarters per single family dwelling unit
- No more than one (1) guest cottage permit per person, per year
- Maximum 1,000 square feet of gross floor area or 20% of the gross floor area of the single family dwelling, whichever is larger, but not to exceed 2,500 square feet
- Must share a common driveway with the single family dwelling to which it is an accessory dwelling
- No home occupation or home industry shall be permitted for the residents of the guest cottage
- Subject to applicable Health Department standards for water and sewage disposal
- Shall comply with applicable building, fire, and health and safety codes
- Cannot be segregated or separately sold, transferred, given, or otherwise conveyed unless the lot is of sufficient size to meet base density
- No more than thirty-five (35) building permits for guest cottages shall be issued by the county each calendar year

