

## Adam Zack

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**From:** Faith Van De Putte (via Google Docs) <drive-shares-noreply@google.com>  
**Sent:** Wednesday, September 9, 2020 8:56 AM  
**To:** Adam Zack  
**Cc:** dbkane; mike; dalekroundy; steven@rockisland.com; cuhlir360; tim.planningcomm; sabernheim@gmail.com  
**Subject:** ARC Comments on Farmworker Housing Memo  
**Attachments:** clean draft bernheim suggestions to ARC Comments September 2020 Farm Worker Housing -.pdf

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clean draft bernheim suggestions to ARC Comments September 2020 Farm Worker Housing -



Hello,

Please find attached the ARC's responses to the Farmworker Housing Memo issued by SJCDCCD and questions posed by the planning commission during their discussion of the memo. I am happy to discuss our ideas or provide additional information as needed. Thank you so much for your engagement with farmworker housing and your support for agricultural viability in San Juan County.

David Kane requested that I cc members of the planning commission.

Thank you,

Faith Van De Putte

ARC coordinator

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## Memorandum

To: Adam Zack

From: Steve Bernheim, Chair, ARC  
Faith Van De Putte, Coordinator, ARC

Date: 9/9/2020

Subject: Comments on 8/7/2020 SJC Community Development Memo on Farmworker Housing

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On 1/28/2020 the Agricultural Resource Committee (ARC) submitted comments on the Housing element of the Comprehensive Plan, recommending adoption of two new policies to support agricultural viability through increasing access to farmworker housing:

*Policy 4: Increase the availability of seasonal rentals for workers. Support development of specific standards for locating seasonal and year-round worker housing such as dorms, bunkhouses, hostels, group homes, home shares, farm worker housing and other communal living arrangements.*

*Policy 5: Allow farmworker housing on ARL and RFF land designation properties where commercial agriculture is conducted, including, but not limited to those properties in agricultural open space tax programs .*

San Juan County Department of Community Development issued a memo on 8/7/2020 that made recommendations concerning:

1. Allowing farm worker accommodations on farms that do not participate in open space or current-use taxation programs
2. Temporary farm worker accommodations.
3. State farm worker housing

### **Farmworker Housing and CUFA**

Concerning allowing farmworker accommodations on farms that do not participate in open space or current-use taxation program the ARC agrees with the SJCD and recommends creating an alternative pathway that uncouples farmworker housing from enrollment in the Current Use Farm and Agricultural Lands defined in RCW 84.34.020 (“CUFA”) for two reasons. First, the CUFA requirement currently prohibits Land Bank and other trust owners from building farmworker housing on its agricultural lands because its lands are not eligible to enroll in CUFA; and secondly, the benefits of adding additional dedicated farmworker housing outweigh the drawbacks.

The ARC shares the concern that farmworker housing could be used as a loophole for increased density on agricultural lands and recommends the following strategies to safeguard that residences built as farmworker housing continue to be utilized as such:

- For farmworker housing built on parcels NOT enrolled in CUFA require a covenant be filed with the county that that building be used for farmworker housing for a five or ten year period, as evidenced by a recorded covenant. This strategy is used in Chelan and Yakima counties.
- Create a new option for farmworker housing utilizing the existing ADU regulations (in addition to the lottery system) for farmworker housing. If farmworker housing is categorized as an ADU (outside of the lottery system) it would be subject to size limits, be restricted from being used as a short term rental, and have separate guidelines on placement. For year-round farmworker housing, ARC recommends providing agricultural property owners the lottery-free ADU option, with the possibility of constructing two units of farmworker housing on parcels of 40 acres or more.

**Temporary Farm Worker Accommodations**

The ARC supports the clarification that temporary accommodations may be used for farmworker housing. The SJCD CD recommendation is to limit occupation of temporary accommodations to 180 days in a calendar year. Due to our mild climate, long growing season, use of season extension structures and diversified farms the ARC recommends that Temporary Farm Worker Accommodations be extended to 240 days. It would not be unusual for a farm to have seasonal employees or interns from March to November.

The ARC also supports creating the regulatory framework for the legal usage of Tiny Homes for year round habitation, including for year round farm worker housing.

**State Farm Worker Housing**

The ARC agrees with the recommendation that no changes need to be made to San Juan County Code in regard to WA state regulated Temporary Worker Housing. The need for education materials about this option for building farmworker housing is clear.

**Conclusion:**

ARC suggestions are outlined in the following table:

**Table: Allowed “Agricultural Employee” housing uses**

<b>Use</b>	<b>5 acres</b>	<b>10 acres</b>	<b>20 acres</b>	<b>40 acres</b>
State regulated “Temporary Worker	Per WA State Regulations			

Housing <sup>1</sup>				
Temporary Farm Worker Accommodations - 240 days use per year <sup>2</sup> .	1- Tiny house <sup>3</sup> , park model, trailer or RV	1-Tiny house, park model, trailer or RV	2-Tiny house, park model, trailer or RV	4-Tiny house, park model, trailer or RV
Year Round ADU Compliant Agricultural Employee housing <sup>4,5,6</sup>	1 Unit	1 Unit	1 Unit	2 units
Year Round Farmworker Accommodation <sup>7</sup>	Per SJCC 18.40.230(B)(2)	Per SJCC 18.40.230(B)(2)	Per SJCC 18.40.230(B)(2):	Per SJCC 18.40.230(B)(2):

<sup>1</sup> Per WA State Regulations. Must be a 'Rural Worksite'

<sup>2</sup> Growing Season is 6-7 months. Units may be stored on farm 365 days per year.

<sup>3</sup> The ARC also supports the use of Tiny Homes as year round residences and clarifying the legal pathway for that use.

<sup>4</sup> "Agricultural Employee" Housing would be exempt from ADU lottery, SJCC 18.40.240(G)(1)(b); farmworker ADU would not count as a residence in the multifamily definition.

<sup>5</sup> ADU-compliant structure should be located to minimize impact on farmland, preserve rural character, but could be located within 100' of any existing farm structure.

<sup>6</sup> Additional annual exemption from 18.40.240(G)(1).

<sup>7</sup> The ARC recommends keeping the existing SJCC 18.40.230(B)(2)

Thank you for taking these suggestions into consideration. We appreciate the work that you are doing to support agricultural viability in San Juan County.

Sincerely,

Faith Van De Putte  
ARC Coordinator

Steve Bernheim  
ARC Chair