

Frequently Asked Questions Concerning Verification of Agriculture for Farmworker Housing Permit

The permitting process for farmworker housing (FWH) involves multiple county departments. The San Diego County Department of Planning and Development Services (PDS) is the primary county department in the process. The Department of Agriculture, Weights and Measures (AWM) assists in the permitting process by verifying active commercial agricultural operations for those who are pursuing FWH.

Q. Where do I start the process for seeking a building permit for farm worker Housing?

A. Since FWH is only permitted in areas with certain zoning specifications, the process begins with the Zoning Department at PDS. Visit the Zoning Department <http://www.sdcounty.ca.gov/pds/index.html> to obtain all preliminary information. After you complete your initial visit with Zoning, they will refer you to AWM for verification of agriculture.

Q. What qualifies as "agriculture" for the verification of agriculture?

A. To qualify for agricultural verification, you need to be producing an agricultural product commercially (selling your product). You will need to produce documentation to show that you receive an income from selling your product to others. Agricultural production as a hobby or for educational purposes such as 4H or FFA does not qualify as commercial agricultural production.

Agriculture includes the production, cultivation, growing, replanting, and harvesting of crops used for food or fiber, in addition to vermiculture, apiculture, horticulture, the raising of livestock, fur bearing animals, fish or poultry, and dairying.

Q. I have horses; can I qualify for verification of agriculture?

A. If you have sufficient income from breeding horses, you may qualify for verification of agriculture. If your income is derived from the boarding of horses only, you cannot qualify for verification of agriculture. This is because when you breed horse you are producing what the federal government considers an agricultural commodity. If you are boarding horses your income is derived by providing a service to others, not producing a commodity.

Q. Is there a certain level of income needed to qualify as a commercial agricultural operation?

A. Yes. Because the San Diego County Zoning Ordinance defines a farm employee (farmworker) as “any person who derives more than half of their total livelihood in the service of another person as an employee engaged in farming...” AWM checks to see that your commercial agricultural operation is of sufficient acreage and/or income to support a farmworker with at least 50% of his/her income. A “farm employee” does not include the owner or lessee of the particular property on which the agricultural operation is located.

Q. Besides income, are there other requirements for my employee in order to be considered a farm employee for FWH?

A. To be considered a farm employee/farmworker an employee must be engaged in activities directly associated with the farm operation for at least 50% of his/her work hours. A farm employee cannot be a person primarily engaged in construction, alteration, painting, or repair of a structure. A farm employee can be engaged in brush or timber clearing, land grading or leveling when such activity is being carried out in preparation for farming.

Q. What if I am just starting a commercial agricultural operation?

A. It is possible in certain circumstances to qualify for a conditional verification of agriculture. If you have commenced substantial preparatory activities such as purchase and installation of irrigation equipment, building of barns or pens for animal agriculture, clearing or grading of the land with proper permitting, these elements would be considered in the application. In and of themselves they are not a guarantee of application approval.

Q. Are there costs involved with obtaining a verification of agriculture for FWH?

A. Yes. There is a \$159.00 administrative fee that is due with the Application for Verification of Agriculture (the Application for Verification of Agriculture is available at http://www.sdcounty.ca.gov/reusable_components/images/awm/Docs/VerofAg2011.pdf). If it is determined that a site visit is needed to complete the verification of agriculture, a fee of \$112/hour is charged for the travel time to and from the agricultural site plus the time for the visit itself.

Q. After I receive my verification of agriculture, what do I do next?

A. With your approved Verification of Agriculture in hand, you return to Zoning at PDS.

Please contact us at (858)967-7842 or tyler.lew@sdcounty.ca.gov if you have additional questions or would like to pursue approval for verification of agriculture.