

ORDINANCE NO. 14-25

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORANGE AMENDING TITLE 17 OF THE ORANGE MUNICIPAL CODE TO COMPLY WITH THE EMPLOYEE HOUSING ACT (HEALTH AND SAFETY CODE SECTIONS 17000–17062.5) REGARDING FARMWORKER AND EMPLOYEE HOUSING

WHEREAS, the City of Orange 2021-2029 Housing Element was adopted by City Council on October 20, 2023, and the California State Department of Housing and Community Development found the Housing Element in substantial compliance with State Housing Element Law on January 2, 2024; and

WHEREAS, the 2021-2029 Housing Element, Housing Plan Program 4I, states the City will update the Orange Municipal Code to comply with provisions for farmworker housing in compliance with the Employee Housing Act (Sections 17000-17062.5 of the California Health and Safety Code); and

WHEREAS, the State of California enacted the Employee Housing Act (California Health and Safety Code Sections 17000 through 17062.5) to promote and facilitate the development of employee and farmworker housing; and

WHEREAS, Health and Safety Code Section 17021.5 provides that employee housing consisting of no more than six employees shall be deemed a single-family structure with a residential land use designation and permitted in the same manner as other similar dwellings in all residential zones; and

WHEREAS, Health and Safety Code Section 17021.6 provides that employee housing for agricultural employees consisting of no more than 12 units or 36 beds shall be considered an agricultural use, and must be treated the same as other agricultural uses in the same zone; and

WHEREAS, the City of Orange seeks to comply with these statutory provisions by amending the Orange Municipal Code (OMC) to appropriately classify and allow employee housing in applicable zoning districts; and

WHEREAS, the Planning Commission having considered the proposed revisions to the OMC at a public hearing held on July 21, 2025, including review of the staff report, and having received public testimony on the item, and adopted Resolution No. 08-25 recommending that the City Council approve the proposed amendments to Title 17, Chapter 17.13 of the Orange Municipal Code; and

WHEREAS, the City Council, having now considered the proposed changes to the OMC at a public hearing held on September 9, 2025, including review of the staff report, and having received public testimony on the item, desires to adopt the Proposed Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ORANGE DOES ORDAIN AS FOLLOWS:

SECTION I:

The recitals stated above are true and correct, incorporated herein, and with the public record, form the basis for this Ordinance.

SECTION II:

Section 17.04.020 of the Orange Municipal Code, “Zoning – Definitions – “A” Definitions,” is hereby amended to include the following definition, in alphabetical order:

“Agricultural Employee” as defined by Health and Safety Code Section 17021.6 and Section 1140.4(b) of Title 8 of the California Code of Regulations.

SECTION III:

Section 17.04.024 of the Orange Municipal Code, “Zoning – Definitions – “E” Definitions,” is hereby amended to include the following definition, in alphabetical order:

“Employee Housing” any housing accommodation as defined in Health and Safety Code Section 17008, including housing for farmworkers or other employees.

SECTION IV:

Table 17.13.030, of the Orange Municipal Code, “Zoning – Master Land Use Table – Permitted Uses,” is hereby amended to add the following:

ZONING	RESIDENTIAL							COMMERCIAL					MIXED USE					INDUSTRIAL		AGRICULTURAL OPEN SPACE			P I	OVERLAY		SAND & GRAVEL	
LAND USE	R1-5	R1-6 to R-15	R1-6 to R-140 & R-18	R2-6 to R2-8	R-3	R-4	MH	OP	CP/C1	CTR	C2	C3	CR	OTMU-15S	OTMU-15	OTMU-24	NMU-24	UMU	M1	M2	A1	RO	SH	PI	FP-1	FP-2	SG
Housing—Includes all structures permitted as living quarters whether they be for short or long-term occupancy. Includes all uses identified in California Building Code definitions that are preceded with main entry words (key terms) that include one of the following: Dwelling, unit, house, housing, congregate, residence, multifamily, dormitory, home(s), hotel, motel, residential care facility, residential facility, or lodging.																											
Duplex	-	-	-	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Employee Housing, for six of fewer people	P*	P*	P*	P*	P*	P*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Employee Housing, for seven or more people	C	C	C	C	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Employee Housing for Agricultural Workers, Up to 12 Units or 36 Beds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P*	P*	P*	-	-	-	-
Employee Housing for Agricultural Workers, 13 Units or more, or 37 Beds or more	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	C	C	-	-	-	-
Fraternity, sorority	-	-	-	-	C	C	-	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

SECTION V:

Title 17, Section 17.13.040 of the Orange Municipal Code is hereby amended to add the following:

JJJ. Employee Housing. Employee housing may occur in residential zones as specified in Table 17.13.030 pursuant to the following:

1. Purpose. The purpose of this section is to bring the Orange Municipal Code into compliance with the California Employee Housing Act (Health and Safety Code Sections 17000–17062.5) by clarifying the regulation of employee and farmworker housing.
2. Employee Housing for Six or Fewer Persons. In accordance with Health and Safety Code Section 17021.5, employee housing providing accommodations for six or fewer employees shall be considered a residential use of property. Such housing shall be permitted in all zones that allow residential uses, subject to the same standards and restrictions applicable to other residential dwellings of the same type in the same zone.
3. Employee Housing for Agricultural Workers (Up to 12 Units or 36 Beds). In accordance with Health and Safety Code Section 17021.6, employee housing consisting of no more than 12 units or 36 beds and exclusively for agricultural employees shall be considered an agricultural use. Such housing shall be permitted in all zones that allow agricultural uses and shall not be subject to any zoning requirements that are more restrictive than those applicable to other agricultural uses in the same zone.
4. Conditional Use and Development Standards. Any employee housing that exceeds the thresholds described in subsections 2. and 3. shall be subject to the applicable zoning, permitting, and conditional use requirements of the underlying zone, consistent with all local and state housing laws.

SECTION VI:

This ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), because it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment. The proposed amendments do not significantly increase the potential (in manner or degree) for future development, beyond what is currently permitted by the City of Orange Zoning Code. Therefore, the project would not result in a direct or reasonably foreseeable indirect physical change in the environment.

SECTION VII:

If any section, subdivision, paragraph, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the

remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance, and each section, subdivision, paragraph, sentence, clause and phrase thereof, irrespective of the fact that any one (or more) section, subdivision, paragraph, sentence, clause or phrase had been declared invalid or unconstitutional.

SECTION VIII:

The City Clerk is hereby directed to certify the adoption of this Ordinance and cause the same to be published as required by law. This Ordinance shall take effect thirty (30) days from and after the date of its final passage.

ADOPTED this ____ day of _____, 2025.

Daniel R. Slater, Mayor, City of Orange

ATTEST:

Pamela Coleman, City Clerk, City of Orange

APPROVED AS TO FORM:

Wayne W. Winthers
Interim City Attorney, City of Orange

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF ORANGE)

I, PAMELA COLEMAN, City Clerk of the City of Orange, California, do hereby certify that the foregoing Ordinance was introduced at the regular meeting of the City Council held on the ____ day of _____, 2025, and thereafter at the regular meeting of said City Council duly held on the ____ day of _____, 2025 was duly passed and adopted by the following vote, to wit:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS:

Pamela Coleman, City Clerk, City of Orange