

March 27, 1992

REPORT TO THE HONORABLE  
MAYOR AND CITY COUNCIL

TEMPORARY WORKER CAMPS

Item Number 208 of the March 30, 1992 Council Docket, entitled "Temporary Worker Camps Ordinance," will permit the establishment of temporary worker camps within the agricultural zone of the Future Urbanizing area of The City of San Diego ("City"). The proposed ordinance requires a conditional use permit ("CUP") to be obtained from the Planning Commission in order to establish temporary living quarters for farm workers in the Future Urbanizing area.

A question has arisen as to whether Proposition A, approved by the voters on November 5, 1985, requires a majority vote of the people to enact the Temporary Worker Camps ordinance. Proposition A regulates development in the Future Urbanizing area and requires a majority vote of the people before property can be shifted from a Future Urbanizing to a Planned Urbanizing designation. The establishment of temporary living quarters will not result in the urbanization of the Future Urbanizing area and will not require a change in its designation. Rather, the ordinance adds a temporary conditional use to the list of uses presently available in the Future Urbanizing area. Therefore a majority vote of the people is not required in order for this ordinance to be enacted.

Moreover, the California Constitution provides the City with the police power to enact and enforce land use regulations to protect the public health, safety or general welfare of its residents. (*Berman v. Parker*, 348 U.S. 26 (1954); and *Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926).) The Planning Department Report dated February 6, 1992 states that temporary farm workers in the City are forced to live in conditions that pose a health threat to the occupants and the community. The adoption of the proposed ordinance will protect the public health and safety of the farm workers as well as the adjoining community by providing a framework to regulate the activities that are presently occurring without City review.

In conclusion, the City has the police power to adopt the Temporary Worker Camps ordinance. A vote of the people is not required to enact this ordinance. However, we recommend that the City review the CUP process established by this ordinance within one year after its adoption in order to evaluate its effectiveness.

submitted,

Respectfully

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City Attorney

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