

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 22-040**

Making Findings Pursuant to CEQA, and recommending addition of a Safe Parking/Safe Shelter Pilot Program and a Shelter Crisis Ordinance to the Zoning Ordinance

WHEREAS, the 2019 Point in Time Count (PIT) identified 1,470 unsheltered persons in the County, about one third of whom were located in unincorporated areas. The same PIT estimated that 454 of the total persons counted slept in vehicles, RVs or vans, and 147 in tents or makeshift shelters; and

WHEREAS, a 2019 Grand Jury found that a need exists for both permanent affordable housing and short-term sheltering needs like safe parking, and recommended implementing supervised safe parking programs; and

WHEREAS, there continues to be a homelessness crisis in the County and an urgent need for housing types that meet the immediate as well as long-term needs of people experiencing homelessness; and

WHEREAS, even with the Legislature's recognition of this crisis and the accelerated funding available to address homelessness, the construction of traditional shelters, transitional housing, and supportive housing is not adequate to keep up with the immediate needs of the homeless population; and

WHEREAS, shelters, transitional housing and supportive housing do not address the challenge for people living in their vehicles, therefore strategies for vehicle living are also critical to providing safe, temporary spaces; and

WHEREAS, the County adopted its Housing Element Update in 2019, including Implementation Measure H-IM56, providing in part that the County will fund and implement a safe parking pilot program, and adopt an enabling ordinance or resolution for the pilot program; and

WHEREAS, the proposed Pilot Program, with a duration of 18 months, would provide places to sleep at no charge for up to 20 operating vehicles, vans, or RVs at a Safe Parking site, or up to 20 tents, huts, or cabins that meet CBC Emergency Housing standards at a Safe Shelter site, in order to address the immediate health and safety needs of homeless individuals and families who are not able to access traditional shelters; and

WHEREAS, the proposed Safe Parking/Safe Shelter sites would be classified as emergency shelters under Government Code Section 65583(a)(4), and would be principally permitted in designated zones; and

WHEREAS, the proposed Pilot Program provides development standards, Model Management Plans, and best practices guidance for safe parking and safe shelter sites; and

WHEREAS, the Humboldt County Board of Supervisors declared a Shelter Crisis on February 27, 2018 through its Resolution 18-15, which remains in effect until terminated by the Board; and

WHEREAS, the California Legislature passed AB 2553 in 2020 requiring, among other things, that jurisdictions that adopt ordinances under the Shelter Crisis Act meet the minimum standards provided in the 2019 California Residential Code Appendix X, and the 2019 California Building Code Appendix O. AB 2553 also revises the definition of a "homeless shelter" to include safe parking on a lot owned or leased by a city or county specifically identified for use by homeless and unstably housed individuals; and

WHEREAS, the Shelter Crisis Ordinance proposed here allows use of the 2018 Shelter Crisis Declaration by complying with provisions of AB 2553, and would allow relaxed building codes and

other benefits to apply to homeless facilities, including safe parking, on county-owned or -leased sites; and

WHEREAS, the Planning Division prepared the draft ordinances and associated materials with input and collaboration from other agencies, homeless shelters, and homeless service providers; and

WHEREAS, the Inland Safe Parking/Safe Shelter Pilot Program is exempt from the requirements of the California Environmental Quality Act (CEQA) on the following separate and independent bases: (1) the proposed specific actions are necessary to prevent or mitigate an emergency and therefore are statutorily exempt from CEQA pursuant to Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the Guidelines; (2) the proposed actions are categorically exempt pursuant to CEQA guidelines Sections 15301 as additions to existing facilities, and 15304(e) as minor temporary use of land having no permanent effect on the environment, and no exceptions to the exemptions as set forth in CEQA Guidelines Section 15300.2 would apply; and (3) CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that there is no possibility that the proposed actions will have the potential for causing a significant effect on the environment, and are not subject to CEQA review; and

WHEREAS, the Coastal Safe Parking/Safe Shelter Pilot Program is exempt from the requirements of CEQA pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251 (0 and 15265 of the CEQA Guidelines. CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program. The certification of a Local Coastal Program Amendment by the California Coastal Commission is exempt from the requirement for preparation of Environmental Impact Reports, Negative Declarations, and Initial Studies because their process for environmental review has been certified by the Secretary of Resources as being the functional equivalent of the process required by CEQA; and

WHEREAS, the Shelter Crisis Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15378, as it is an administrative governmental activity that will not result in direct or indirect change in the environment, and therefore does not constitute a "project" as defined; and under Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the Guidelines, as the proposed specific actions are necessary to prevent or mitigate an emergency and therefore are statutorily exempt; and

WHEREAS, the Planning Division prepared and made available to the public the draft Safe Parking/Safe Shelter Pilot Ordinance and the Shelter Crisis Ordinance for the Inland and Coastal areas of Humboldt County, through its website at <https://humboldt.gov.org/3200/SAFE-PARKING-SAFE-SHELTER-PILOT-PROGRAM>, and by text notifications and emails; and

WHEREAS, on January 19, 2022, the Planning Division caused to be published in the Eureka Times-Standard, a newspaper of general circulation in Humboldt County, a Notice of Public Hearing on the proposed Safe Parking/Safe Shelter Pilot Ordinance and the Shelter Crisis Ordinance; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the proposed Safe Parking/Safe Shelter Pilot Ordinance and the Shelter Crisis Ordinance on February 3, 2022 to receive a report and any supplements to the report on the draft Ordinances, as well as evidence and testimony; and

WHEREAS, the Planning Commission reviewed and considered said report and the Required Findings of Approval, incorporated herein, which contains evidence, findings, and conclusions in support of the required Findings for Approval of the proposed Safe Parking/Safe Shelter Pilot Ordinance and the Shelter Crisis Ordinance, as well as any supplements thereto, together with any other written evidence and testimony presented to the Planning Commission.

NOW, THEREFORE, the Humboldt County Planning Commission resolves, determines, and orders that the following findings are hereby made regarding the Safe Parking – Safe Shelter Pilot Program Ordinance:

1. The proposed Safe Parking/Safe Shelter Pilot Ordinance and the Shelter Crisis Ordinance are in the public interest; and
2. The proposed Safe Parking/Safe Shelter Pilot Ordinance and the Shelter Crisis Ordinance are consistent with the General Plan and the proposed Safe Parking/Safe Shelter Pilot Ordinance is consistent with the Coastal Act; and
3. The proposed ordinance and amendments to the zoning code do not reduce the residential density for any parcel below that utilized by the Department of Housing and Community Development in determining compliance with housing element law; and
4. The Planning Commission makes all the required findings described in Exhibit A of this Resolution, Required Findings of Approval, which is incorporated fully herein, based on the evidence provided.

NOW, THEREFORE, the Humboldt County Planning Commission resolves, determines, and orders that the following findings are hereby made regarding the Shelter Crisis Ordinance:

5. A significant number of persons within the County of Humboldt remain without the ability to obtain shelter and that the situation continues to threaten the health and safety of those persons; and
6. That strict compliance with otherwise applicable state or local statutes, regulations, and ordinances would prevent, hinder, or delay the County's mitigation of the effects of the shelter crisis.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

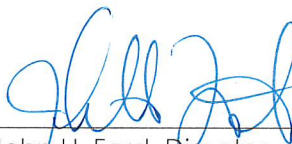
1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings 1 through 6 prepared by Planning Division staff.
3. Adopt the Safe Parking/Safe Shelter Pilot Program Ordinance amending the Inland Zoning Regulations (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 2 of the staff report.
4. Adopt and transmit to the Coastal Commission for certification the Safe Parking/Safe Shelter Pilot Program Ordinance amending the Coastal Zoning Regulations (Section 313 of Title III, Division 1, Chapter 3 of Humboldt County Code) as shown in Attachment 3 of the staff report.
5. Reaffirm the Shelter Crisis Declaration put in place on February 27, 2018, through the Board of Supervisors Resolution 18-15, by confirming Findings 1 and 2 in the previous section; and reaffirm that the shelter crisis shall continue until terminated by the Board.
6. Adopt the Shelter Crisis Ordinance, amending the Inland Zoning Regulations (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 3 of the staff report.
7. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

Adopted after review and consideration of all the evidence on **March 17, 2022**.

The motion was made by Commissioner Mike Newman and seconded by Commissioner Noah Levy and the following ROLL CALL vote:

AYES: Commissioners: Alan Bongio, Thomas Mulder, Noah Levy, Mike Newman, Peggy O'Neill, Brian Mitchell, Melanie McCavour
NOES: Commissioners:
ABSTAIN: Commissioners:
ABSENT: Commissioners:
DECISION: Motion carries 7/0

I, John H. Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.



John H. Ford, Director
Planning and Building Department