

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of January 9, 2024

ORDINANCE NO. 2729

AMENDING ORDINANCE NO. 2694 AND TITLE III, DIVISION 1, CHAPTER 4 OF THE HUMBOLDT COUNTY CODE TO EXTEND THE INLAND SAFE PARKING-SAFE SHELTER PILOT PROGRAM.

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. PURPOSE OF ADDITION TO THE ZONING REGULATION

(Additions are shown in underline text, and deletions are shown in ~~striketrough~~ text)

The Humboldt County 2019 Housing Element included 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. Consistent with the Housing Element, Title III, Division 1, Chapter 4, Inland Zoning Regulations, is hereby amended to include a Safe Parking/Safe Shelter Pilot Program with a duration of 18 months, with an extension of 24 months for a total of 42 months, unless extended moreover. The program allows a government agency, religious institution, non-profit charitable organization, or private non-profit organization to provide homeless individuals and families living in a vehicle or outside a safe place to park or sleep at no cost while accessing services to end their homelessness. This ordinance adds section 314-61.05 and amends sections 314-140, 314-154, and 314-177, and amends associated zoning tables in Chapter 4 of Division 1 of Title III of the County Code.

SECTION 2. SAFE PARKING/SAFE SHELTER PILOT ORDINANCE

Section 314-61 creating a Safe Parking/Safe Shelter Pilot Program in Title III, Division 1, Chapter 4 of the Humboldt County Code is hereby amended and added to as follows:

314-61.05 SAFE PARKING AND SAFE SHETLER PILOT PROGRAM

61.05.1 Purpose and Duration.

The purpose of these regulations is to facilitate development of a pilot program to provide safe, temporary shelter sites that accommodate vehicles, tents, or other approved structures for people who are experiencing homelessness while they seek permanent housing. Participation in the program is not conditioned on accepting the services offered. This ordinance and all Zoning Clearance Certificates issued pursuant to this ordinance shall expire and be automatically repealed ~~eighteen~~ forty-two months from the effective date unless the term of the ordinance and specified Zoning Clearance Certificates are extended by the Board of Supervisors.

The ordinance places a limit on the number of Safe Parking and Safe Shelter sites at ten (10) sites.

61.05.2 Applicability.

The Safe Parking and Safe Shelter programs must be operated by a government agency, religious institution, non-profit charitable organization, or private non-profit organization. Safe Parking and

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Safe Shelter programs that meet all of the following requirements are principally permitted in the C-1, C-2, C-3, ML, R-3, MU1 and MU2 zoning districts with a Zoning Clearance Certificate. Safe Parking and Safe Shelter programs on the site of a church in other zones may be permitted with a Use Permit, except that church sites on TPZ or prime agricultural land are not eligible. Safe Parking and Safe Shelter may be located on AG parcels located within one mile of services needed for sustainable living.

61.05.3 Site Requirements

Safe Parking and Safe Shelter sites:

- (a) May accommodate up to 20 vehicles, tents, sleeping cabins, or other units that meet California Building Code Appendix X and California Residential Code Appendix O, Emergency Housing standards. Exception: A site operated under the Village Model Management Plan (defined in 65.05.6 (c)) is limited to 15 vehicles, tents, sleeping cabins, or other units that meet the standards above.
- (b) Must be located on a road or have a driveway that is accessible for emergency vehicles, trash pickup, and portable restroom service.
- (c) Must have drainage so there is no standing water in the areas used for sleeping.
- (d) Must be located at least 300 feet from another Safe Parking or Safe Shelter site.
- (e) If the site is an existing parking lot, no more than one half of the parking spaces may be occupied by vehicles, tents, or shelter units.
- (f) At the time of issuance of a zoning clearance certificate, the proposed site may not be occupied by unauthorized homeless individuals, vehicles or shelters, and properties in the abatement process are not eligible.
- (g) All Safe Parking – Safe Shelter zoning clearance certificates or special permits on the anniversary date of such issuance will be subject to an annual inspection by the County to verify compliance with this section and all terms of the approved Management Plan.

Exceptions to parts (a)-(e) above may be allowed subject to a Special Permit in accordance with Humboldt County Code Section 312-5 et seq with a finding that the exception poses no additional risk to the health and safety of the occupants.

61.05.4 Vehicle and Shelter Types

(a) Safe Parking Sites

- i. The type of vehicle and number of each vehicle type, if applicable, must be specified in the Management Plan and may include cars, vans, recreational vehicles (“RVs”) or a combination of these.

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- ii. All vehicles parked overnight must be operable so they can be moved off the site under their own power.
- iii. A minimum of six feet clearance must be maintained between vehicles.

(b) Safe Shelter Sites

- i. Tents, sleeping cabins, or other shelters are allowed as individual units if they meet California Building Code Appendix X and California Residential Code Appendix O, Emergency Housing.
- ii. A minimum of six feet clearance must be maintained between tents or units.
- iii. Each tent or unit must have an exit that leads directly to the outdoors/evacuation route.
- iv. Sleeping cabins must have light and ventilation.

61.05.5 Operating Standards

- (1) Vehicles, tents or shelter units must be at least five feet from any property line.
- (2) Outdoor lighting must be shielded and focused away from adjoining properties.
- (3) Prior to occupancy of the site, the Provider must submit along with its management plan, a Department Approval Letter from the Division of Environmental Health verifying that the site is served by an acceptable means of sewage disposal able to accommodate the anticipated wastewater demand.
- (4) If the site allows recreational vehicles, no disposal of sewage from recreational vehicles is permitted at the site, unless the Provider documents the North Coast Regional Water Quality Control Board has approved the sewage disposal system for that use and details of the sewage disposal system are included in its Management Plan.
- (5) If the site allows recreational vehicles, no disposal of graywater or blackwater from recreational vehicles is permitted at the site, unless the Provider shows documentation for legal disposal in its Management Plan.
- (6) Hours of operation are limited to overnight hours as specified in the Provider's Management Plan, except as follows:
 - a. Exception. A program that qualifies as a Low Barrier Navigation Center under Government Code Section 65660 and 65662 may specify 24-hour operation in the Provider's Management Plan if it provides appropriate staffing. Low Barrier Navigation Center programs include all the following components:
 - i. The program offers services to connect people to permanent housing through a services plan that identifies services staffing.
 - ii. The program is linked to a coordinated entry system, so that staff may conduct assessments and provide services to connect people to permanent housing.

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“Coordinated entry system” means a centralized or coordinated assessment system designed to coordinate program participant intake, assessment, and referrals as described in Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements.

- iii. The program complies with Housing First as set forth in Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
 - iv. The program has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System (HMIS) as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
 - v. A site that operates as a Low Barrier Navigation Center under Government Code Section 65660 and 65662 may specify a length of stay longer than six (6) months, as set forth in the Provider’s Management Plan, defined in 65.05.6 (c).
- b. Exception: A program operated under the Village Model Management Plan described below may choose to provide 24/7 service if it is limited to 15 vehicles, tents, sleeping cabins, or other units that meet California Emergency Housing Standards, and at least two employee or volunteer staff remain on site at all times, as set forth in the Provider’s Management Plan.
- (7) The operator must provide monthly reports to the Planning and Building Department and Department of Health and Human Services identifying the number of people present each night during the month, the use and maintenance of temporary restroom facilities, and any operational concerns. Pictures of the site must be included with the monthly report showing the condition of the site.
- (8) Within 30 days of the end of the use, all elements associated with the temporary use must be removed.

61.05.6 Safe Parking/Safe Shelter Provider

- (a) A Safe Parking or Safe Shelter program must be operated by a government agency, religious institution, non-profit charitable organization, or private non-profit organization, or a party contracted by the above (“Provider”). A Provider monitors compliance with its written Management Plan and notifies emergency services in the event of an emergency.
- (b) The Provider must provide for, or provide access to all of the following:
 - i. Sanitary facilities, including toilet and hand-washing;
 - ii. Shower facilities or access to showers;
 - iii. Facilities accessible to persons with disabilities (20% of spaces or units, including sanitary facilities)
 - iv. Garbage containers and trash disposal services; and

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- v. Secure storage facilities for personal items, but storage of such items must not create a fire-life-safety hazard.
- (c) The Provider must have an approved Management Plan prior to opening its facility for use. The Provider may use one of three pre-approved Model Safe Parking/Safe Shelter Plans, available on file with the Planning and Building Department: (1) a Minimal Requirements Model designed for overnight programs, (2) a Village Model with fewer spaces, participants as staff, and capability for 24-hour operation, or (3) a service-intensive Low Barrier Model. The Plans describe the services provided including all of the following:
 - 1. Hours of operation;
 - 2. Number of parking spaces or tent/shelter units;
 - 3. The services and amenities to be provided;
 - 4. Staffing levels;
 - 5. Neighborhood outreach program;
 - 6. Rules governing participant intake and selection, a written participant agreement, and procedures for periodic reviews, extensions, and removals;
 - 7. A security plan ensuring adequate health and safety of management and visitors on-site, and a process to avoid potential nuisances near the site. The Provider must demonstrate that local emergency services including the Sheriff's Office, the local fire department and the appropriate ambulance operators have been notified of the shelter's operation.
- Programs that accommodate tents, cabins, or other non-vehicle shelter types must submit Appendix A, detailing plans to comply with the Emergency Housing building code.
- (d) A Provider may amend voluntary provisions of its Management Plan by filing an update with the Planning Department, posting the changes as provided in the plan, and notifying neighbors as part of its Neighborhood Outreach Plan.
- (e) Providers operating Safe Parking/Safe Shelter facilities must annually track and report to the County by September 30 of each year the following details of the use of their facility:
 - i. # of persons served by month;
 - ii. # of persons served whose residence was or is a vehicle;
 - iii. # of persons served who are no longer in need of a homeless shelter
 - i. # of persons who have moved into permanent supportive housing;
 - iv. Average percent occupancy of safe parking and safe shelter sites.

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61.05.7 Zoning Clearance Certificate Revocation

61.05.7.1 Grounds for Revocation

The Director may initiate proceedings to revoke the zoning clearance certificate for a Safe Parking – Safe Shelter site granted under this section if the Director has substantial evidence that:

- (a) the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility and any associated conditions with such permit(s);
- (b) the facility failed to comply with objective standards in this section;
- (c) the facility failed to comply with its Management Plan in a way that poses harm to the health and safety of its participants or the community; or
- (d) activities at the facility constitute a nuisance as defined in Section 351-3 of the Humboldt County Code.

61.05.7.2 Notice

Before the Director may initiate a public hearing to revoke any zoning clearance certificate for a Safe Parking – Safe Shelter site, the Director must issue a written notice to the Provider that specifies (i) the facility; (ii) the violation(s) to be corrected; (iii) the timeframe in which the Provider must correct such violation(s); and (iv) that, in addition to all other rights and remedies the county may pursue, the county may initiate revocation proceedings for failure to correct such violation(s) in the specified timeframe.

61.05.7.3 Hearing

A zoning clearance certificate granted under this section may be revoked pursuant to 61.05.7.1 only by the Board of Supervisors after a duly noticed public hearing.

61.05.7.4 No Appeals

Any decision by the Board of Supervisors to revoke or not revoke a zoning clearance certificate is final and not subject to further appeals. Within five business days after the Board of Supervisors adopts a resolution to revoke the zoning clearance certificate, the Director will provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

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SECTION 4. EFFECTIVE DATE.

This ordinance shall become effective thirty (30) days after the date of its passage.

PASSED AND ADOPTED this 9th day of January, 2024, on the following vote, to wit:

AYES: Supervisors: Bohn, Wilson, Bushnell
NAYS: Supervisors:
ABSENT: Supervisors: Arroyo, Madrone
ABSTAIN: Supervisors:



REX BOHN, CHAIRPERSON,
HUMBOLDT COUNTY BOARD OF SUPERVISORS

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: 

Nicole Turner, Deputy Clerk