

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings, Meeting of _____

**ORDINANCE AMENDING TITLE III, DIVISION 1, CHAPTER 3 OF HUMBOLDT COUNTY
CODE SECTIONS 313-47.3, 313-7, 313-170, AND 313-177**

ORDINANCE NO. _____

NOW, THEREFORE, The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. PURPOSE OF ZONING REGULATION AMENDMENTS.

Title III, Division 1, Chapter 3 of the Planning Regulations: adding Section 313-47.3 – Employee Housing, to implement Employee Housing regulations in a manner consistent with the current State requirements as established within California Health and Safety Code Sections 17008, 17021, 17021.5, 17021.6, and 17021.8. Additional changes are made to amend the Regulations for Zoning Districts in Sections 313-7, and the Glossary of Use Types in Sections 313-170 and 313-177 in order to maintain consistency both externally with California Health and Safety Code and internally with the proposed Employee Housing Regulations. The intent is to increase the supply of housing affordable to seasonal and permanent residents.

SECTION 2. Employee Housing

Section 313-47.3, regarding Employee Housing in Title III, Division 1, Chapter 3 of the Humboldt County Code, is hereby adopted as follows (modifications deleting text are shown in strike out and additions as underlined text):

313-47.3 Employee Housing

47.3.1 Purpose. This Employee Housing Ordinance is intended to regulate the establishment of employee housing as governed by the Employee Housing Act, California Health and Safety Code Section 17000 et seq, and to provide procedures and objective standards to facilitate permitting such employee housing appropriately. In the event that any provision in this chapter conflicts with State law, State law shall supersede in that specific conflict.

47.3.2 Applicability. These sections apply when dwelling units are or are proposed to be used as employee housing on behalf of an employer, in the manner described by the Employee Housing Act, California Health and Safety Code Section 17000 et seq.

Employee Housing Definitions

47.3.3 **“Agricultural employee”** shall have the same meaning as defined in Section 1140.4(b) of the California Labor Code.

47.3.4 **“Agricultural employee housing”** shall mean employee housing for agricultural employees.

47.3.5 **“Agricultural employer”** shall have the same meaning as defined in Section 1140.4(c) of the California Labor Code.

47.3.6 **“Employee housing”** means any portion of any housing accommodation, or property upon which a housing accommodation is located, comprised of either of the following sets of features:

47.3.6.1 **Linked Employee Housing.** All of the following factors:

47.3.6.1.1 The accommodations consist of any of the following, inclusive of those maintained in one or more buildings or on one or more sites, the premises upon which they are situated, and the area set aside and provided for parking of mobile homes or camping:

47.3.6.1.1.1 Living quarters;

47.3.6.1.1.2 Dwelling;

47.3.6.1.1.3 Boardinghouse;

47.3.6.1.1.4 Tent;

47.3.6.1.1.5 Bunkhouse;

47.3.6.1.1.6 Mobile home, travel trailer, or recreational vehicle;

47.3.6.1.1.7 Manufactured home; or

47.3.6.1.1.8 Other housing accommodations;

47.3.6.1.2 The accommodations serve five or more employees; and

47.3.6.1.3 The accommodations are maintained in connection with any work or any place where work is being performed;

OR

47.3.6.2 Unlinked Agricultural Employee Housing. All of the following factors:

47.3.6.2.1 The accommodations serve five or more agricultural employees of any agricultural employer(s) for either of the following:

47.3.6.2.1.1 Temporary or seasonal residency; or

47.3.6.2.1.2 Permanent residency in either of the following cases:

47.3.6.2.1.2.1 If the housing accommodation is a mobile home, manufactured home, travel trailer, or recreational vehicle; or

47.3.6.2.1.2.2 If the housing accommodation is subject to State Housing Law, is more than 30 years old, and at least 51% of the structures or, if not separated into units, of the accommodation are occupied by agricultural employees;

47.3.6.2.2 The accommodations are not a single-family dwelling, multifamily dwelling, hotel, motel, or inn. However, if any of the following factors exist, the accommodations may be those unit types:

47.3.6.2.2.1 The housing is offered and rented to non-agricultural employees on different terms from the terms it is offered and rented to agricultural employees;

47.3.6.2.2.2 Negotiation of the terms of occupancy of the housing is not conducted separately between each occupant and either the owner of the housing or a manager of the property employed by that owner;

47.3.6.2.2.3 Any of the occupants are employed by any party with an interest in the housing, such as the owner or property manager;

47.3.6.2.2.4 Any of the occupants have rent deducted from their wages;

47.3.6.2.2.5 The owner or property manager of the housing is an agricultural employer, or an agent of an agricultural employer for the housing;

- 47.3.6.2.2.6 The occupants are required to live in the housing as a condition of employment or of securing employment;
- 47.3.6.2.2.7 The occupants were referred to live in the housing by their employer, their employer's agent, or an agricultural employer; or
- 47.3.6.2.2.8 The accommodation was at any time before January 1, 1984, compliant with the definition of employee housing described by Section 47.3.6.1, or Section 17008(a) of the California Health and Safety Code;
- 47.3.6.2.3 If the accommodations are permanent single-family employee housing, as defined by Section 17010(d) of the California Health and Safety Code (which includes single-family detached dwellings, mobile homes, and manufactured homes), a hotel, a motel, or an inn, then the accommodation must be, or have been, maintained as employee housing, consistent with the description of employee housing from Section 47.3.6.1;
- 47.3.6.2.4 The accommodations or the property are not provided by an agricultural employer; and
- 47.3.6.2.5 The accommodations are not maintained in connection with any work or workplace.
- 47.3.7 "Small-scale employee housing" means employee housing which provides accommodations for five or six employees. This excludes any boarding house, hotel, dormitory, or other similar term that may imply such housing is a business run for profit or differs in any other way from a single-family dwelling. Small-scale employee housing is a Single Family Residential use and shall be permitted in all zones under the same terms that a single family residence would be permitted within the same zone, with no additional fees.
- 47.3.8 "Large-scale employee housing" means employee housing which provides accommodations in the form of no more than 36 beds in a group quarters or no more than 12 units or spaces each designed for use by a single family or household. Employee housing approved as Eligible Agricultural Employee

Housing shall also be treated as large-scale employee housing for all purposes except this density limitation and the permitting requirements specific to eligible agricultural housing developments. Large-scale employee housing is a General Agricultural use and shall be permitted in all zones under the same terms that an alternative agricultural use would be permitted with in the same zone, with no additional fees.

47.3.8.1 Large-scale employee housing shall not be construed to exclude small-scale employee housing.

47.3.9 For the purposes of Use Type and zoning compatibility, Employee Housing Developments are not considered Accessory Dwelling Units.

47.3.10 Employee housing meeting the definitions in Section 47.3.6 is subject to permitting by the California Department of Housing and Community Development.

47.3.11 Employee housing meeting the definitions in Section 47.3.6 shall be interpreted to be included within the definition of “labor camp” as used within this Division.

Agricultural Employee Housing Rehabilitation

47.3.12 Pursuant to Section 17021(b) of California Health and Safety Code, if directly associated with agricultural employee housing, the following processing requirements apply to building permits and grading permits for the rehabilitation of real property improvements and to Department of Health and Human Services permits for the operation, construction, and repair of water systems or waste disposal systems:

47.3.12.1 Complete applications shall be approved or denied by the appropriate department within 60 calendar days of submittal and payment, in addition to applicable Permit Streamlining Act requirements.

47.3.12.1.1 Denials on procedural grounds may only occur within 30 calendar days. Such procedural denials require itemization of the procedural defects.

47.3.12.1.2 Denials may occur on substantive grounds at any time within the 60 day timeframe. Such substantive denials require itemization of all the substantive defects.

47.3.12.2 If the timeframe from Section 47.3.12.1 is not met, the California Department of Housing and Community Development (HCD) may review and approve the application, at the County's expense.

47.3.12.2.1 Such HCD approval shall be given the same value as local approval.

47.3.12.2.2 The County may later identify defects in the project that would have resulted in denial of the proposal. The County may communicate those defects to the applicant and the applicant shall correct them.

47.3.12.2.3 The County remains responsible for issuing a certificate of completion if applicable and sufficiently resolved.

47.3.13 The processing requirements of Section 47.3.12 do not inherently create an exemption from the California Environmental Quality Act.

SECTION 3. Principal Zones

Section 313-7.1 through 313-7.3, regarding Principal Zones in Title III, Division 1, Chapter 3 of the Humboldt County Code, is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text; unmodified passages are omitted):

Principal Zones

| <u>313-7.1</u> | AE: Agriculture Exclusive |
|-----------------------|---|
| Use Type | Principal Permitted Use |
| Residential Use Types | Agriculture Exclusive Principal Permitted Use (See Section 313-163.1.9 for description) |
| | Conditionally Permitted Use |
| | Guest House |
| | Farm Employee Housing |
| | Labor Camp <u>(if unable to be principally permitted as small-scale or large-scale employee housing)</u> |
| | Second Agriculture or Commercial Timber Production Residence (on a lot less than sixty acres (60a) in size) |
| | Single Family Residential (a Use Permit is required on a lot less than sixty acres (60a) in size for a second single detached dwelling other than an Accessory Dwelling Unit) |
| Civic Use Types | Essential Services |
| | Solid Waste Disposal; subject to the Solid Waste Disposal Regulations |
| | Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations |

| <u>313-7.1</u> | AE: Agriculture Exclusive |
|----------------------------|---|
| Industrial Use Types* | Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations |
| | Minor Generation and Distribution Facilities |
| Agricultural Use Types | Aquaculture, allowed within non-prime agricultural lands only |
| | Cottage Industry; subject to the Cottage Industry Regulations |
| | Hog Farming |
| | Feed Lots/Slaughter House |
| | Kennels |
| | Agriculture-Related Recreation |
| | Intensive Agriculture |
| Extractive Use Types | Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations |
| | Surface Mining - 2; subject to the Surface Mining Regulations |
| | Surface Mining - 3; subject to the Surface Mining Regulations |
| | Metallic Mineral Extraction; subject to the Surface Mining Regulations |
| Natural Resource Use Types | Fish and Wildlife Management |
| | Watershed Management |
| | Wetland Restoration |
| | Resource-Related Recreation |
| | Coastal Access Facilities |

| | |
|--------------------------------------|--|
| <u>313-7.1</u> | AE: Agriculture Exclusive |
| Use Types Not Listed in This Table** | Any use not specifically enumerated in this division, if it is similar to and compatible with the uses permitted in the AE Zone. |

*See, Industrial Performance Standards, Section [313-103.1](#).

**See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section [313-165](#).

...

| | |
|-----------------------|--|
| <u>313-7.2</u> | TC: Commercial Timber |
| Use Type | Principal Permitted Use Commercial Timber Principal Permitted Use (See Section 313-163.1.9 for description) Conditionally Permitted Use Residential Use Types A Use Permit is required for a second single-family residence other than an Accessory Dwelling Unit. Civic Use Types Essential Services Solid Waste Disposal; subject to the Solid Waste Disposal Regulations Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations Minor Generation and Distribution Facilities Industrial Use Types* Timber Products Processing Aquaculture |

| <u>313-7.2</u> | TC: Commercial Timber |
|--------------------------------------|--|
| Agricultural Use Types | Cottage Industry; subject to the Cottage Industry Regulations Agricultural Related Recreation |
| Extractive Use Type | Surface Mining - 2; subject to the Surface Mining Regulations Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations Metallic Mineral Extraction; subject to the Surface Mining Regulations |
| Natural Resource Use Type | Coastal Access Facilities |
| Use Types Not Listed in This Table** | Any use not specifically enumerated in this division, if it is similar to and compatible with the uses permitted in the TC Zone. |
| Use Type | Compatible Uses Permitted With a Special Permit |
| Residential Use Types | Labor Camp <u>(if unable to be principally permitted as small-scale or large-scale employee housing)</u> |
| Commercial Timber Use Type | Timber Related Recreation |
| Natural Resource Use Types | Fish and Wildlife Management Watershed Management Wetland Restoration |

*See, Industrial Performance Standards, Section [313-103.1](#).

**See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section [313-165](#).

...

| <u>313-7.3</u> | TPZ: Timberland Production Zone |
|---|--|
| <p>Use Type</p> <p>Residential Use Types</p> <p>Civic Use Types</p> <p>Industrial Use Types*</p> <p>Agricultural Use Types</p> <p>Extractive Use Type</p> <p>Natural Resource Use Type</p> | <p>Principal Permitted Use</p> <p>Timber Production Principal Permitted Use (See Section 313-163.1.9 for description)</p> <p>Conditionally Permitted Use</p> <p>A Use Permit is required for a second single-family residence other than an Accessory Dwelling Unit.</p> <p>Essential Services</p> <p>Solid Waste Disposal; subject to the Solid Waste Disposal Regulations</p> <p>Oil and Gas Pipelines; subject to the Oil and Gas Pipelines Regulations</p> <p>Major Electrical Distribution Lines; subject to the Electrical Distribution Lines Regulations</p> <p>Minor Generation and Distribution Facilities</p> <p>Timber Products Processing</p> <p>Aquaculture</p> <p>Cottage Industry; subject to the Cottage Industry Regulations</p> <p>Agriculture-Related Recreation</p> <p>Surface Mining - 2; subject to the Surface Mining Regulations</p> <p>Oil and Gas Drilling and Processing; subject to the Oil and Gas Drilling and Processing Regulations</p> <p>Coastal Access Facilities</p> |

| <u>313-7.3</u> | TPZ: Timberland Production Zone |
|--------------------------------------|---|
| Use Types Not Listed in This Table** | Any use not specifically enumerated in this division, if it is similar to and compatible with the uses permitted in the TPZ Zone. |
| Use Type | Compatible Uses Permitted With a Special Permit |
| Residential Use Types | Labor Camp <u>(if unable to be principally permitted as small-scale or large-scale employee housing)</u> |
| Commercial Timber Use Type | Timber Related Recreation |
| Natural Resource Use Types | Fish and Wildlife Management |
| | Watershed Management |
| | Wetland Restoration |

*See, Industrial Performance Standards, Section [313-103.1](#).

**See, "Classifying Uses Not Specifically Mentioned in Use Type Descriptions," Section [313-165](#).

SECTION 4. Glossary of Use Types

Section 313-170.3 through 313-177.13, regarding Glossary of Use Types in Title III, Division 1, Chapter 3 of the Humboldt County Code, is hereby amended as follows (modifications deleting text are shown in strike out and additions as underlined text; unmodified passages are omitted):

Glossary of Use Types

313-170 Agricultural Use Types

170.3 GENERAL AGRICULTURE

The General Agriculture Use Type includes cultivation of food and fiber such as field and tree crops, dairying, pasturage, tree farming, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, but not including feed lots, stock yards, slaughter houses, hog farms, fur farms, turkey farms, frog farms, fertilizer works or plants for the reduction of animal matter. General Agriculture also includes large-scale employee housing, as defined in Section 314-47.3.8.

313-177 Residential Use Types

177.8 LABOR CAMP

The Labor Camp Use Type refers to the occupancy of five or more farm or timber production employees and their families of any living quarters in association with the performance of agricultural or timber production labor. Labor camps shall be located on the premises where the work is performed and shall have a maximum continuous permitted duration of one year (1_yr) from the effective date of the required Use Permit. Labor camp shall also mean employee housing, as defined in Section 47.3.6, which lacks the requirement to be located on the same premises where work is performed and, if permitted as small-scale or large-scale employee housing, may not require the one year permitted duration limit.

...

177.13 SINGLE-FAMILY RESIDENTIAL

The Single-Family Residential Use Type includes the residential occupancy of a single detached main building by one (1) family on a non_transient basis, except for rental of

single-family dwellings as vacation homes, where the use would not be otherwise different than the uses allowed to be made of single-family dwellings. Single-Family Residential also includes small-scale employee housing, as defined in Section 314-47.3.7, which is not compatible with the vacation home or short-term rental classification.

SECTION 5. EFFECTIVE DATE

This ordinance shall become effective immediately upon certification by the Coastal Commission unless modifications to the proposed ordinance are required by the Coastal Commission for certification, in which case they must first be brought back to the Board of Supervisors for consideration at a future public hearing prior to certification by the Coastal Commission.

PASSED, APPROVED AND ADOPTED this . day of _____ on the following vote, to wit:

AYES: Supervisors: --

NOES: Supervisors: --

ABSENT: Supervisors: --

Michelle Bushnell, Chair
Board of Supervisors of the County of
Humboldt, State of California

(SEAL)
ATTEST:

Tracy Damico, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: _____
Kaleigh Maffei, Deputy Clerk