

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings; meeting on July 11, 2023

RESOLUTION NO. 23-106

Resolution of the Board of Supervisors of the County of Humboldt CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT, AND APPROVING LOCAL COASTAL PLAN AMENDMENTS PERTAINING TO EMERGENCY SHELTERS.

WHEREAS, California Government Code Section 65850, et seq. authorizes counties to regulate land use, and to adopt and amend general plans and zoning and building ordinances for such purposes, and sets forth procedures governing the adoption and amendment of such ordinances; and

WHEREAS, changes to California Government Code Sections 65583(a)(4)(A) et seq. set forth in California Senate Bill 2 (2008) address barriers to emergency shelter development by providing an inclusive definition, and requiring that cities and counties must have at least one zone that permits emergency shelters without discretionary approval; and

WHEREAS, Humboldt County's General Plan 2019 Housing Element Update includes Implementation Measure H-IM54, directing the County to amend the Zoning Regulations for emergency shelters to be consistent with Government Code Section 65583(a)(4)(A) et seq. to allow emergency shelters in at least one zoning district; and

WHEREAS, the proposed Coastal Emergency Shelter Ordinance and related Local Coastal Plan Amendments have been reviewed by appropriate county departments, state agencies and local tribes and their input has been collected and considered; and

WHEREAS, the Coastal Emergency Shelter Ordinance and Local Coastal Plan Amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251, 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; and

WHEREAS, the Planning Division prepared and made available to the public the draft Coastal Emergency Shelter Ordinance and related Coastal Plan Amendments on the County's webpage at <https://humboldt.gov/2448/2019-Housing-Element>; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the Emergency Shelter Ordinance and related amendments on September 15, 2022 during which the Planning Commission reviewed, took public comments, considered a report, supplements, evidence and testimony; and

WHEREAS, the Planning Commission considered a staff report, the Required Findings of Approval, together with any other written evidence and testimony presented, and as a result of its review recommended that the Board of Supervisors:

- 1) Find that the proposed Coastal Emergency Shelter Ordinance and Local Coastal Plan Amendments are exempt from CEQA;
- 2) Adopt the Required Findings of Approval prepared by Planning Division staff;
- 3) Adopt the Coastal Emergency Shelter Ordinance amending the Coastal Zoning Regulations (Section 313 of Title III, Division 1, Chapter 3 of Humboldt County Code) as shown in Attachment 4 of the Board report;
- 4) Adopt the related Local Coastal Plan Amendments as shown in Exhibit A to this Resolution; and
- 5) Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and

WHEREAS, on or before June 21, 2023 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 Zoning Amendments and Local Coastal Plan Amendments regarding Emergency Shelters; and

WHEREAS, on July 11, 2023 the Board of Supervisors held a public hearing on the proposed ordinance and related Local Coastal Program Amendments, and received public comments, reviewed and considered all public testimony and evidence and presented at the hearing;

Now, THEREFORE BE IT RESOLVED, that the Board of Supervisors makes all the following findings:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

1. **FINDING:** The proposed Coastal Emergency Shelter Ordinance and Local Coastal Plan Amendments are exempt from environmental review.
- EVIDENCE:** a) Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251, and 15265 of the CEQA Guidelines exempt from environmental review the activities of a local government for the preparation and adoption of a Local Coastal Program.

FINDINGS FOR GENERAL PLAN AMENDMENT.

1. **FINDING:** Public Interest, §312-50 of Humboldt County Code. The proposed Local Coastal Program Amendments are in the public interest.
- EVIDENCE:** a) State housing law tasks the County with designating adequate sites for, and facilitating development of emergency shelters. Under the Housing Accountability Act, the County is obligated to actively facilitate housing development, including emergency shelters. The proposed ordinance advances these goals, and is therefore in the public interest.
- 1a. **FINDING:** Changed conditions, Humboldt County General Plan G-P8. Base information or physical conditions have changed. The proposed Local Coastal Plan Amendments respond to a change in state law and terminology usage.
- EVIDENCE:** a) Changes to State housing law, Gov. Code Secs. 65582 and 65853 define and regulate zoning and development of emergency shelters, supportive housing,

and transitional housing. The proposed Amendments harmonize language and standards in accordance with that change. Housing Element Implementation Measures H-IM51 and H-IM71 direct that the General Plan be amended to reflect current Government Code Section 65582 and 65583.

FINDINGS FOR AMENDMENTS TO THE ZONING REGULATIONS.

2. FINDING: Public Interest, §312-50 of Humboldt County Code. The proposed zoning ordinance amendments are in the public interest.

EVIDENCE: a) State housing law tasks the County with designating adequate sites for, and facilitating development of emergency shelters. There is currently no allowance for emergency shelters in the Coastal Zone. Under the Housing Accountability Act, the County is obligated to actively facilitate housing development, including emergency shelters. The proposed ordinance advances these goals, and is therefore in the public interest.

3. FINDING: General Plan Consistency, §312-50 of Humboldt County Code. The proposed zoning amendments are consistent with the General Plan.

EVIDENCE: a) The 2019 Housing Element, Chapter 8 of the General Plan, includes implementation measure H-IM54: amend the Zoning Regulations for emergency shelters consistent with Government Code Section 65583(a)(4)(A) et seq. The proposed amendments allow emergency shelters as a principally permitted use in the Coastal Zone in the Commercial General Zone (CG and Public Facility (PF-1 and PF-2) zoning districts, and update the six Local Coastal Plans to allow emergency shelters in the corresponding land use designations.

4. FINDING: Consistency with the Coastal Act, §312-50 of Humboldt County Code. The proposed changes to the zoning regulations are consistent with the policies of Chapter 3 (commencing with Section 30200) of the Coastal Act. Chapter 3 of the Coastal Act sets forth policies regarding the following issues:

EVIDENCE: a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)

The proposed ordinance is necessary to prevent or mitigate an emergency. Persons experiencing homelessness are presently seeking shelter in undeveloped areas along the coast. The new ordinance aims to facilitate development of emergency shelters, utilizing certain commercial and public facility lands, having no effect on public access to the coast. Compared to the current unregulated use of coastal lands for emergency shelter, the proposed regulated use is expected to reduce impacts to coastal access facilities.

b) Recreation (including protection of water-oriented activities, ocean-front land protection for recreational uses, aquacultural uses, and priority of development purposes)

Persons experiencing homelessness are presently seeking shelter in undeveloped areas along the coast. The new ordinance may facilitate

development of emergency shelters, thereby offering more appropriate locations and access to services. Compared to the current unregulated use of coastal lands for sheltering of houseless individuals, the proposed regulated use of emergency shelters is expected to reduce impacts to coastal recreation facilities.

- c) Marine Resources (including protecting biological productivity, prevent hazardous waste spills, diking, filling and dredging, fishing, revetments and breakwaters, and water supply and flood control)

Persons experiencing homelessness are presently seeking shelter in undeveloped areas along the coast, which can impact marine resources. Unregulated camping can lead to accumulations of discarded material and human waste. Staffed emergency shelter sites located on commercial and public facility lands, and that provide basic services, would mitigate these effects. Compared to the current, unregulated use of coastal lands for sheltering of houseless individuals, the proposed regulated use is expected to reduce impacts to coastal marine resources.

- d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)

Emergency shelters developed in the coastal zone under the ordinance would be restricted to certain commercial and public facility zones, minimizing impacts to other uses. Persons camping illegally sometimes leave their shelter sites with discarded material and human waste that reduces the value of sensitive habitats, agricultural lands, timberlands, and archaeological resources that occur in the area. Compared to the current, unregulated use of coastal lands for sheltering of houseless individuals, the proposed regulated use is expected to reduce impacts to coastal land resources.

- e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent developments)

Under the proposed zoning changes, restricting emergency shelters to certain commercial and public facility zones maintains priority of coastal dependent developments. By offering adequate facilities for unhoused people in appropriate locations, impacts to scenic resources, public works facilities, safety, and priority of coastal dependent developments is limited. Compared to the current, unregulated use of coastal lands for sheltering of houseless individuals, the proposed regulated use is expected to reduce impacts to coastal development and scenic resources.

- f) Industrial Development (including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants).

Under the proposed zoning changes, emergency shelters are not allowed in heavy industrial or coastal dependent zoning districts; therefore, they are not expected to displace or otherwise affect industrial uses on the coast.

CONSISTENCY WITH STATE HOUSING ELEMENT DENSITIES.

5. FINDING: Consistency with Housing Element Densities, §312-50 of Humboldt County Code. The proposed zoning amendments will 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 (the midpoint of the density range specified in the plan designation)

EVIDENCE: a) The Coastal Emergency Shelter Ordinance allows land in certain commercial, and public zones to be used as shelter sites. None of the parcels affected are included in the residential land inventory, therefore emergency shelters would not reduce the residential density for any parcel below that used by the Department of Housing and Community Development in determining compliance with the housing element.

Now, THEREFORE BE IT RESOLVED, that the Humboldt County Board of Supervisors:

1. Finds that the proposed amendments to the Coastal Zoning Regulations conform to and appropriately carry out the policies of each of the Humboldt County's six Coastal Plans and Chapter 3 of the Coastal Act, and further finds that the proposed Zoning Regulation Amendments will be carried out in accordance with the Coastal Act; and
2. Directs Planning and Building Department staff to transmit the Coastal Emergency Shelter Ordinance and related amendments, including all necessary supporting documentation, to the California Coastal Commission as an amendment to the certified Local Coastal Program for their review and certification in accordance with Public Resources Code Section 305143;
3. Directs and hereby provides notice to the California Coastal Commission and its staff that modifications to the proposed amendments to the Zoning Regulations required by the Coastal Commission for certification shall first be brought back to the Board of Supervisors for consideration at a future public hearing prior to certification by the Coastal Commission; and

Now, THEREFORE, BE IT FURTHER RESOLVED that the Board of Supervisors hereby:

1. Finds the proposed Coastal Emergency Shelter Ordinance and Local Coastal Plan Amendments to be exempt from the requirements of the California Environmental Quality Act (CEQA);
2. Adopts the Local Coastal Plan Amendments as shown in Exhibit A of this Resolution;
3. Directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
4. Directs the Clerk of the Board to give notice of the decision to any interested party.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on July 11, 2023 by the following vote:

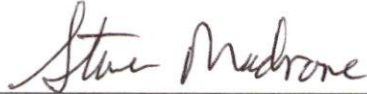
Adopted on motion by Supervisor Bohn , seconded by Supervisor Wilson and the following vote:

AYES: Supervisors: Bohn, Wilson, Bushnell, Madrone, Arroyo

NAYS: Supervisors:

ABSENT: Supervisors:

ABSTAIN: Supervisors:



STEVE MADRONE, 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

EXHIBIT A

Local Coastal Plan Amendments – Emergency Shelters

EXHIBIT A

AMENDMENTS TO THE LOCAL AREA PLANS OF THE HUMBOLDT COUNTY LOCAL COASTAL PROGRAM

HUMBOLDT BAY AREA PLAN, CHAPTER 4 STANDARDS FOR PLAN DESIGNATIONS AND CHAPTER 5 DEFINITIONS.

Chapter 4 and 5 of the Humboldt Bay Area Plan are hereby amended as follows (text deletions and additions are shown in ~~strike-out~~ and as underlined text):

CHAPTER 4 STANDARDS FOR PLAN DESIGNATIONS

4.10 A. URBAN LAND USE DESIGNATIONS

CG: COMMERCIAL GENERAL

PRINCIPAL USE: retail sales, retail services, office and professional uses, and emergency shelters.

CHAPTER 5 DEFINITIONS

EMERGENCY SHELTERS

The Emergency Shelters are temporary housing with or without supportive services for persons experiencing homelessness which may be in the form of dormitory or congregate housing, or individual shelters, provided by a public agency, religious organization, or non-profit organization at no cost to persons without permanent housing. Operations may be seasonal or year-round and client services may be offered, including but not limited to, counseling, medical evaluation and job/life skills training in addition to food, showers and sleeping accommodations.

NORTH COAST AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS AND CHAPTER 6 DEFINITIONS.

Chapters 5 and 6 of the North Coast Area Plan are hereby amended as follows (text deletions and additions are shown in ~~strike-out~~ and as underlined text):

CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS

5.20 URBAN PLAN DESIGNATIONS

CG: COMMERCIAL GENERAL

Principal Use: Retail sales, retail services, office and professional uses, and emergency shelters.

CHAPTER 6 DEFINITIONS

EMERGENCY SHELTERS

The Emergency Shelters are temporary housing with or without supportive services for persons experiencing homelessness which may be in the form of dormitory or congregate housing, or individual shelters, provided by a public agency, religious organization, or non-profit organization at no cost to persons without permanent housing. Operations may be seasonal or year-round and client services may be offered, including but not limited to, counseling, medical evaluation and job/life skills training in addition to food, showers and sleeping accommodations.

MCKINLEYVILLE AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS AND CHAPTER 6 DEFINITIONS.

Chapters 5 and 6 of the McKinleyville Area Plan are hereby amended as follows (text deletions and additions are shown in strike out and as underlined text):

CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS

5.20 URBAN PLAN DESIGNATIONS

CG: COMMERCIAL GENERAL

Principal Use: Retail sales, retail services, office and professional uses, and emergency shelters.

CHAPTER 6 DEFINITIONS

EMERGENCY SHELTERS

The Emergency Shelters are temporary housing with or without supportive services for persons experiencing homelessness which may be in the form of dormitory or congregate housing, or individual shelters, provided by a public agency, religious organization, or non-profit organization at no cost to persons without permanent housing. Operations may be seasonal or year-round and client services may be offered, including but not limited to, counseling, medical evaluation and job/life skills training in addition to food, showers and sleeping accommodations.

EEL RIVER AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS AND CHAPTER 6 DEFINITIONS.

Chapters 5 and 6 of the Eel River Area Plan are hereby amended as follows (text deletions and additions are shown in strike out and as underlined text):

CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS

5.20 URBAN PLAN DESIGNATIONS

CG: COMMERCIAL GENERAL

Principal Use: retail sales, retail services, office and professional uses, and emergency shelters.

CHAPTER 6 DEFINITIONS

EMERGENCY SHELTERS

The Emergency Shelters are temporary housing with or without supportive services for persons experiencing homelessness which may be in the form of dormitory or congregate housing, or individual shelters, provided by a public agency, religious organization, or non-profit organization at no cost to persons without permanent housing. Operations may be seasonal or year-round and client services may be offered, including but not limited to, counseling, medical evaluation and job/life skills training in addition to food, showers and sleeping accommodations.

SOUTH COAST AREA PLAN, CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS AND CHAPTER 6 DEFINITIONS.

Chapters 5 and 6 of the South Coast Area Plan are hereby amended as follows (text deletions and additions are shown in strike out and as underlined text):

CHAPTER 5 STANDARDS FOR PLAN DESIGNATIONS

5.20 URBAN PLAN DESIGNATIONS

CG: COMMERCIAL GENERAL

Principal Use: retail sales, retail services, office and professional uses, and emergency shelters.

CHAPTER 6, DEFINITIONS

EMERGENCY SHELTERS

The Emergency Shelters are temporary housing with or without supportive services for persons experiencing homelessness which may be in the form of dormitory or congregate housing, or individual shelters, provided by a public agency, religious organization, or non-profit organization at no cost to persons without permanent housing. Operations may be seasonal or year-round and client services may be offered, including but not limited to, counseling, medical evaluation and job/life skills training in addition to food, showers and sleeping accommodations.

TRINIDAD AREA PLAN, CHAPTER 4 STANDARDS FOR PLAN DESIGNATIONS AND CHAPTER 5 DEFINITIONS.

Chapters 4 and 5 of the Trinidad Area Plan are hereby amended as follows (text deletions and additions are shown in strike out and as underlined text):

CHAPTER 4 STANDARDS FOR PLAN DESIGNATIONS

4.20 URBAN PLAN DESIGNATIONS

CG COMMERCIAL GENERAL

Principal Use: retail sales, retail services, office and professional uses, and emergency shelters.

CHAPTER 5, DEFINITIONS

EMERGENCY SHELTERS

The Emergency Shelters are temporary housing with or without supportive services for persons experiencing homelessness which may be in the form of dormitory or congregate housing, or individual shelters, provided by a public agency, religious organization, or non-profit organization at no cost to persons without permanent housing. Operations may be seasonal or year-round and client services may be offered, including but not limited to, counseling, medical evaluation and job/life skills training in addition to food, showers and sleeping accommodations.