

ATTACHMENT 4

Resolutions of the Planning Commission of the County of Humboldt Making Findings Pursuant to CEQA and Recommending that the Draft Emergency Housing Village Ordinance(s) for both Inland and Coastal Jurisdictions be Adopted by the Humboldt County Board of Supervisors

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 24-_____**
Record Number PLN-2021-17304

Recommending that the Board of Supervisors make the required findings to adopt the Inland version of the Emergency Housing Village Ordinance.

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, California Government Code Chapter 7.8, Shelter Crisis Section 8698 allows the use of Emergency Housing building standards to be applied under this ordinance during an active shelter crisis declaration: California Building Code (CBC), Appendix P and California Residential Code (CRC), Appendix AZ; and

WHEREAS, on February 27, 2018, the Humboldt County Board of Supervisors declared a local shelter crisis; and

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to implement its General Plan Housing Element, which through H-P31 and H-IM40 directs the County to amend the Zoning Regulations to improve housing diversity and encourage development of new low-cost housing to allow for tiny house villages as a type of multi-family dwelling in zoning districts that allow other residential dwellings of the same type; and

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to implement its General Plan Housing Element, which through H-IM40 directs the County to amend the Zoning Regulations to allow a grouping or clustering of three or more detached bedrooms with central sanitary, laundry, cooking and dining facilities, shall also constitute a Housing Village, and shall be permitted by right in all zones that allow multi-family dwellings; and

WHEREAS, Humboldt County initiated the zoning ordinance changes herein to implement its General Plan Housing Element, which through H-IM58 directs the County to amend the Zoning Regulations to include provisions for Alternative Lodging Parks as an enumerated use subject to a Conditional Use Permit to provide spaces for temporary or permanent occupancy that are flexible allowing a broad range of housing types. The range of allowable dwelling types including manufactured and mobile homes, recreational vehicles, travel trailers, tiny houses, moveable tiny houses and temporary camping facilities; and

WHEREAS, the Humboldt County Planning Commission held a Public Workshop on the Emergency Housing Village Ordinance on April 18, 2024, recommending that Staff incorporate alternatives and revisions to the draft ordinance on a basis of deliberations of the Commission and public comment received, and recommending Staff to hold a second

Public Workshop; and

WHEREAS, on May 13, 2023, the Humboldt County Planning Division held a second Public Workshop to discuss the ordinance further with the public and the plan for the next rendition of the ordinance; and

WHEREAS, on Wednesday, June 12, 2024, 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 regarding Short-term Rentals; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the Emergency Housing Village Ordinance on June 27, 2024, recommending that Staff incorporate specific alternatives and revisions to the draft ordinance on a basis of deliberations of the Commission and public comment received, and continued the public hearing to July 18, 2024; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the Emergency Housing Village Ordinance on July 18, 2024.

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

REQUIRED FINDINGS OF APPROVAL

I. Required Findings of Approval:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

1. FINDING: The proposed zoning amendment is exempt from environmental review.

EVIDENCE:

- a) The ordinance is exempt from environmental review under §15061(b)(3), activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.
- b) The ordinance will not change the density requirements within the General Plan and will allow Emergency Housing Villages in zones that are already designated for multi-family dwellings and commercial zones in line with state allowances for residential development, and in other zones that allow for similar use types. All Emergency Housing Villages are required to meet all other existing provisions within the Humboldt County Code protecting local resources and would therefore have no possibility for causing a significant effect on the environment.

PUBLIC INTEREST.

2. FINDING: Humboldt County Code Section 312-50.3.1, the Humboldt County General Plan, and state General Plan Law stipulate that amendments to the zoning code must be in the public interest. The proposed amendment is in the public interest.

- EVIDENCE:**
- a) The proposed ordinance would set development and performance standards for Emergency Housing Villages and create new permitting requirements in zones that allow for multi-family dwellings or similar types of housing developments. Proposed projects with connection to public water and sewer, within zones that allow for multi-family dwellings and commercial zones in line with state allowances for residential development would be principally permitted, while projects within additional zones that allow for similar use types require discretionary review. The proposed ordinance advances the implementation measures, goals, policies and standards identified in the Humboldt County General Plan Housing Element and is therefore in the public interest.
 - b) The intent of the Emergency Housing Village Ordinance is to allow for the use or creation of emergency housing utilizing Emergency Housing California building standards, and to be specifically used for persons experiencing homelessness and is therefore in the public interest.

CONSISTENCY WITH THE GENERAL PLAN.

3. FINDING: Humboldt County Code Section 312-50.3.2 states that amendments to the Zoning Code must be consistent with the General Plan. The proposed Inland Emergency Housing Village Ordinance is consistent with the General Plan.

- EVIDENCE:**
- a) The Emergency Housing Village Ordinance implements the Housing Element. The proposed ordinance incorporates the Humboldt County General Plan's goals, policies and standards as directed in H-P31 and H-IM40. H-P31 and H-IM40 directs the County to amend the Zoning Regulations to improve housing diversity and encourage development of new low-cost housing to allow for tiny house villages as a type of multi-family dwelling in zoning districts that allow other residential dwellings of the same type.

- b) Implementation Measure H-IM58 directs the County to amend the Zoning Regulations to include provisions for Alternative Lodging Park as an enumerated use subject to a Conditional Use Permit. An Alternative Lodge Park would provide spaces for occupancy that are flexible allowing a broad range of housing types, and specify development and performance standards to protect public health and safety.
- c) The ordinance will allow for Emergency Dependent Unit Villages in residential zones that allow for multi-family dwellings and commercial zones in line with state allowances for residential development, and with a Conditional Use Permit in other zones that allow for similar housing types. Alternative Lodge Parks will require a Conditional Use Permit. This ordinance will not change the density requirements of the General Plan.

CONSISTENCY WITH STATE PLANNING LAW.

4. FINDING: Humboldt County Code Section 312-50.3.4 requires any proposed amendment must 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, unless specific findings are made. The proposed amendment does not limit the number of housing units which may be constructed on an annual basis.

EVIDENCE: a) The Emergency Housing Village Ordinance does not reduce residential density for any parcel utilized by the Department of Housing and Community Development in determining compliance with housing element law.

The allowance of this use will not alter residential density of parcels within Humboldt County and therefore will not impact the residential density of Humboldt County.

b) California Government Code Chapter 7.8, Shelter Crisis Section 8698 allows the use of Emergency Housing building standards to be applied under this ordinance during an active shelter crisis declaration: California Building Code (CBC), Appendix P and California Residential Code (CRC), Appendix AZ.

On February 27, 2018, the Humboldt County Board of Supervisors declared a local shelter crisis.

c) All Emergency Housing Villages are required to meet the minimum standards of California Building Code (CBC), Appendix

P and California Residential Code (CRC), Appendix AZ.

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 required findings prepared by Planning Staff;
3. Adopt the Emergency Housing Village Ordinance amending the Zoning Regulations of the Inland Zoning Ordinance (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 2 of this staff report;
4. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.

The foregoing Resolution is hereby passed and adopted after review and consideration of all the evidence on **July 18, 2024**.

The motion was made by _____ and seconded by _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

DECISION:

I, John 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

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT
Resolution Number 24-_____**
Record Number PLN-2021-17304

Recommending that the Board of Supervisors make the required findings to adopt the Coastal version of the Emergency Housing Village Ordinance. The Coastal Emergency Housing Village Ordinance is still subject to certification from the California Coastal Commission before becoming an effective amendment.

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, the Humboldt County Planning Commission held a Public Workshop on the Emergency Housing Village Ordinance on April 18, 2024, recommending that Staff incorporate alternatives and revisions to the draft ordinance on a basis of deliberations of the Commission and public comment received, and recommending Staff to hold a second Public Workshop; and

WHEREAS, on May 13, 2023, the Humboldt County Planning Division held a second Public Workshop to discuss the ordinance further with the public and the plan for the next rendition of the ordinance; and

WHEREAS, on Wednesday, June 12, 2024, 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 regarding Short-term Rentals; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the Emergency Housing Village Ordinance on June 27, 2024, recommending that Staff incorporate specific alternatives and revisions to the draft ordinance on a basis of deliberations of the Commission and public comment received; and

WHEREAS, the Humboldt County Planning Commission held a public hearing on the Emergency Housing Village Ordinance on July 18, 2024.

WHEREAS, pursuant to Sections 21080.5 and 21080.9 of the Public Resources Code and Sections 15250, 15251(f) 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 EIRs, 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 proposed LCP Amendment was developed to achieve consistency with the

requirements of Government Code Section 65852.2, to meet the needs of County residents as determined through workshops and comments, and to incorporate recommendations of the California Coastal Commission through the upcoming LCP Amendment application process; and

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

Required Findings of Approval

I. Required Findings of Approval:

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

- 1. FINDING:** The proposed zoning amendment is exempt from environmental review.
- EVIDENCE:**
- a) The ordinance is exempt from environmental review under §15061(b)(3), activities that can be seen with certainty to have no possibility for causing a significant effect on the environment.
 - b) The ordinance will not change the density requirements within the General Plan or Local Coastal Plans, will allow Emergency Housing Villages in zones that are designated for multi-family dwellings and in other zones that allow for similar use types. All Emergency Housing Villages are required to meet all other existing provisions within the Humboldt County Code and California Coastal Act protecting local resources and would therefore have no possibility for causing a significant effect on the environment.
 - c) Public Resources Code Section 21080.5 and 21080.9 and Sections 15250, 15251(f) and 15265 of the CEQA Guidelines identify that CEQA does not apply to the activities of a local government for the preparation and adoption of a Local Coastal Program, and therefore the County adoption of the LCP Amendment is statutorily exempt from environmental review. Approval of the LCP Amendment by the California Coastal Commission is the functional equivalent of the environmental review process required by CEQA and is still pending for PLN-2021-17304.

PUBLIC INTEREST

2. FINDING: Humboldt County Code Section 312-50.3.1, the Humboldt County General Plan, and state General Plan Law stipulate that amendments to the zoning code must be in the public interest. The proposed amendment is in the public interest.

- EVIDENCE:**
- a) The proposed ordinance would set development and performance standards for Emergency Housing Villages and create new permitting requirements in zones that allow for multi-family dwellings or similar types of housing developments. Proposed projects with connection to public water and sewer, within zones that allow for multi-family dwellings and other commercial zones that the state allows residential developments would be principally permitted, while projects within additional zones that allow for similar use types require discretionary review. Alternative Lodge Parks would require a Conditional Use Permit. The proposed ordinance advances the implementation measures, goals, policies and standards identified in the Humboldt County General Plan Housing Element and is therefore in the public interest.
 - b) The intent of the Emergency Housing Village Ordinance is to allow for the use or creation of emergency housing utilizing Emergency Housing California building standards, and to be specifically used for persons experiencing homelessness and is therefore in the public interest.

CONSISTENCY WITH THE GENERAL PLAN

3. FINDING: Humboldt County Code Section 312-50.3.2 states that amendments to the Zoning Code must be consistent with the General Plan. As the Emergency Housing Village Ordinance is under Emergency Housing provisions of the Shelter Crisis Declaration, there is no limit on the density allowed for Emergency Dependent Unit Villages and Alternative Lodge Parks, and the proposed Emergency Housing Village Ordinance is consistent with other elements of the General Plan.

- EVIDENCE:**
- a) The Emergency Housing Village Ordinance implements the Housing Element. The proposed ordinance incorporates the Humboldt County General Plan's goals, policies and standards as directed in H-P31 and H-IM40. H-P31 and H-IM40 directs the County to amend the Zoning Regulations to improve housing diversity and encourage development of new low-cost housing to

allow for tiny house villages as a type of multi-family dwelling in zoning districts that allow other residential dwellings of the same type and in commercial zones where the state allows residential developments.

- b) Implementation Measure H-IM58 directs the County to amend the Zoning Regulations to include provisions for Alternative Lodging Park as an enumerated use subject to a Conditional Use Permit. An Alternative Lodge Park would provide spaces for occupancy that are flexible allowing a broad range of housing types, and specify development and performance standards to protect public health and safety.
- c) The ordinance will allow for Dependent Unit Villages in residential zones that allow for multi-family dwellings and in commercial zones where the state allows residential developments, and with a Conditional Use Permit in other zones that allow for similar housing types. Alternative Lodge Parks will require a Conditional Use Permit. This ordinance will not change the density requirements of the General Plan.

CONSISTENCY WITH THE COASTAL ACT

4. FINDING:

If the proposed changes to the Zoning Ordinance include a Local Coastal Plan Amendment, Section 312-50.3.3 requires that the amendment is in conformity 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:

- a) Access (including provisions for access with new development projects, public facilities, lower cost visitor facilities, and public access)
- b) Recreation (including protection of water-oriented activities, ocean- front land protection for recreational uses, aquacultural uses, and priority of development purposes)
- 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)
- d) Land Resources (including environmentally sensitive habitats, agricultural lands, timberlands, and archaeological resources)
- e) Development (including scenic resources, public works facilities, safety, and priority of coastal dependent

developments)

f) Industrial Development (including location and expansion, use transport (both onshore and off), and power plants)

EVIDENCE:

- a) **Access:** The proposed ordinance allows Emergency Housing Villages to be located within the Coastal Zone and will likely encourage the use of and exploration of our local coastline because there will be more options for people to lodge within our local coastal jurisdiction. The proposed ordinance will not impact coastal access.
- b) **Recreation:** Proposed Emergency Housing Villages will be allowed within residential zones that allow for multi-family dwellings and in commercial zones where the state allows residential developments, or within other zones that allow for similar use types, and sites must meet the requirements of the current zoning district and the land use designation. This amendment and its allowances will not impact water-oriented activities, ocean-front land protection for recreational uses, aquacultural uses, or priority of development. The proposed amendment will not negatively impact coastal recreation.
- c) **Marine Resources:** Proposed Emergency Housing Villages will be reviewed and may require a Coastal Development Permit in accordance with an associated Local Coastal Plan for consistency with the California Coastal Act. This review would ensure that the proposed work has been assessed and is not expected to cause any significant impacts to marine resources.
- d) **Land Resources:** The amendment protects agricultural land and timberland because it does not encourage additional residential development within natural resource lands such as Agriculture Exclusive (AE), Agriculture general Zone (AG), Forestry Recreation Zone (FR) and Timberland Production Zone (TPZ).

Impacts to cultural and tribal cultural resources and impacts to environmentally sensitive habitat areas are not anticipated and are protected. The purpose of these revisions is to protect scenic resources, public health, safety, and welfare.
- e) **Development:** The Emergency Housing Village Ordinance will encourage more development in coastal lands since more emergency housing would be anticipated with the allowance of this use. All Emergency Housing Village sites would require connection to public water and sewer. All Alternative Lodge Parks

require a Conditional Use Permit. No impact to coastal lands is anticipated because projects will still require a Coastal Development Permit and site-specific analysis.

There are no impacts associated with public works facilities. Emergency Housing Villages are only permitted on roadways meeting a minimum of Category 4 standard and a Category 2 driveway, with a minimum of 20 feet in width, as determined by the Planning Commission. Traffic as a result of the use of Emergency Housing Villages is not anticipated to be more than that which public roadways already support and have a capacity to serve.

Emergency Housing Villages are not permissible within coastal dependent zones and therefore will not impact coastal dependent development.

- f) **Industrial Development:** Emergency Housing Villages are not permissible within industrial coastal dependent zones. This precludes areas with industrial development including location and expansion, use of tanker facilities, oil and gas development and transport (both onshore and off), and power plants. Therefore, the proposed amendment will not negatively impact coastal industrial development.

CONSISTENCY WITH STATE PLANNING LAW

4. FINDING: Humboldt County Code Section 312-50.3.4 requires any proposed amendment must 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, unless specific findings are made. The proposed amendment does not limit the number of housing units which may be constructed on an annual basis.

EVIDENCE: a) The Emergency Housing Village Ordinance does not propose any regulations that affect the residential density for any parcel. The ordinance would implement the goals, policies and standards of the Humboldt County Code to protect the public health, safety and welfare.

The allowance of this use will not alter residential density of parcels within Humboldt County.

- c) All Emergency Housing Villages are required to meet the minimum standards of California Building Code (CBC), Appendix P and California Residential Code (CRC), Appendix AZ.

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

5. Hold a public hearing in the manner prescribed by law;
6. Adopt the required findings prepared by Planning Staff;
7. Adopt the Emergency Housing Village Ordinance amending the Zoning Regulations of the Coastal Zoning Ordinance (Section 313 of Title III, Division 1, Chapter 3 of Humboldt County Code) as shown in Attachment 2 of this staff report;
8. Find that the proposed amendments to the Coastal Zoning Regulations conform to the policies contained in Chapter 3 of the Coastal Act, and further finds that the proposed Zoning Regulations will be carried out in accordance with the Coastal Act.

The foregoing Resolution is hereby passed and adopted after review and consideration of all the evidence on **July 18, 2024**.

The motion was made by _____ and seconded by _____ and the following ROLL CALL vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

DECISION:

I, John 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