

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

RESOLUTION NO. 23-105

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 INLAND GENERAL PLAN AMENDMENTS PERTAINING TO EMERGENCY SHELTERS, DAY SHELTERS, AND LOW BARRIER NAVIGATION CENTERS

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 inland areas in the Limited Industrial (ML), Community Commercial Zone (C-2), Industrial Commercial (C-3), Residential Multiple Family (R-3), and Mixed Use (MU-1 and MU-2) zoning districts, and to eliminate the limitation to specific mapped areas; and

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

WHEREAS, the Inland Emergency Shelter Ordinance and General Plan Amendments are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15269(c), specific actions necessary to prevent or mitigate an emergency; and pursuant to the common-sense exemption Section 15061(b)(3) of the CEQA Guidelines as it can be seen with certainty that there is no possibility that the proposed modifications to Emergency Shelter regulations may have a significant effect on the environment; and

WHEREAS, the Planning Division prepared and made available to the public the draft Emergency Shelter Ordinance and related General 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 General Plan Amendments on September 15, 2022 during which the Planning Commission reviewed, took public comments, considered a report, supplements, evidence and testimony and recommended that the Board of Supervisors adopt the General Plan amendment and Zoning Ordinance Amendment to allow emergency shelters; 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 General 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 General Plan and 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 Inland Emergency Shelter Ordinance and General Plan Amendments are exempt from environmental review.
- EVIDENCE:** a) CEQA Guidelines Section 15269(c) exempts from environmental review specific actions necessary to prevent or mitigate an emergency; and Section 15061(b)(3) of the CEQA Guidelines exempts actions that can be seen with certainty to have no possibility of a significant effect on the environment (the common-sense exemption).

FINDINGS FOR GENERAL PLAN AMENDMENT.

- 1. FINDING:** Public Interest, §312-50 of Humboldt County Code. The proposed General Plan Amendment is 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 General Plan Amendment responds to a change in state law and terminology usage.
- EVIDENCE:** a) Changes to State housing law, Gov. Code Secs. 65582 and 65583 define and regulate zoning and development of emergency shelters, supportive housing, and transitional housing. The proposed General Plan Amendment harmonizes 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:** The proposed zoning ordinance amendments are in the public interest.
- EVIDENCE:** a) Homelessness is at significant levels and housing is desperately needed. Under the Housing Accountability Act, the County is obligated to actively facilitate housing development, including emergency shelters.

3. **FINDING:** 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 Limited Industrial (ML), Community Commercial Zone (C-2), Industrial Commercial (C-3), and Residential Multiple Family (R-3) zoning districts and eliminate the “where specifically mapped” qualifying language, thereby meeting the requirement in state law that management standards are objective.

CONSISTENCY WITH STATE HOUSING ELEMENT DENSITIES.

5. **FINDING:** 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 Emergency Shelter Ordinance allows land in certain commercial, mixed, use, and residential zones to be used as shelter sites. Parcels potentially affected include multifamily sites that could be included in the residential land inventory. 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.

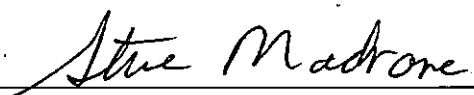
NOW THEREFORE, be it resolved that the Board of Supervisors hereby:

1. Adopts the General Plan Amendments as shown in Exhibit A of this Resolution;
2. Directs Planning Department staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research; and
3. 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: 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 – General Plan Amendments

Humboldt County General Plan (Adopted October 23, 2017)

Add the following to Appendix B. Glossary and Definitions, page B-42 Residential Use Types:

Emergency Shelter. 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. Emergency Shelter may include Day Shelters, Low Barrier Navigation Centers, or Safe Parking or Safe Shelter sites consisting of tents or other structures as described in the Zoning Code. Emergency Shelter is provided by a public agency, religious organization, or non-profit organization at no cost to persons without permanent housing.

Supportive Housing. Housing with no limit on length of stay, that is occupied by a target population, and that is linked to an onsite or offsite service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Transitional housing. Rental housing that provides rental assistance for at least six months, but where the space is re-occupied by another program recipient after a set period. Generally, the housing is integrated with other social services and counseling programs to assist in the transition to income and permanent housing.