

ATTACHMENT 5

A Resolution of the Board of Supervisors of the County of Humboldt Certifying Compliance with the California Environmental Quality Act, Making Findings of Fact Concerning Emergency Housing During a Shelter Crisis, and Findings for Adopting a Shelter Crisis Ordinance.

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; meeting on _____

RESOLUTION NO. _____ - _____ of the Board of Supervisors of the County of Humboldt CERTIFYING COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, ADOPTING FINDINGS OF FACT, AND FINDINGS FOR ADDING THE SHELTER CRISIS ORDINANCE TO THE INLAND ZONING REGULATIONS.

WHEREAS, the Humboldt County Board of Supervisors declared a Shelter Crisis on February 27, 2018 through its Resolution 18-15, which remains in effect until terminated by the Board; and

WHEREAS, even with the Legislature's recognition of this crisis and the accelerated funding made available since then to address homelessness, the construction of traditional shelters, transitional housing, and supportive housing is not adequate to keep up with the immediate needs of the homeless population; and

WHEREAS, a significant number of persons within the County of Humboldt remain without the ability to obtain shelter and that the situation continues to threaten the health and safety of those persons; and

WHEREAS, strict compliance with otherwise applicable state or local statutes, regulations, and ordinances would prevent, hinder, or delay the County's mitigation of the effects of the shelter crisis; and

WHEREAS, local jurisdictions must adopt a shelter crisis ordinance in order to take full advantage of the Shelter Declaration; and

WHEREAS, the California Legislature passed AB 2553 in 2020 requiring, among other things, that jurisdictions that adopt ordinances under the Shelter Crisis Act meet the minimum standards provided in the 2019 California Residential Code Appendix X, and the 2019 California Building Code Appendix O; and

WHEREAS, the proposed Shelter Crisis Ordinance allows full use of the 2018 Shelter Crisis Declaration by complying with provisions of AB 2553, and would allow relaxed building codes and other benefits to apply to homeless facilities, including shelter sites as set forth in the concurrently proposed Safe Parking-Safe Shelter Pilot Program, on county-owned or -leased sites; and

WHEREAS, the Shelter Crisis Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15378, as it is an administrative governmental activity that will not result in direct or indirect change in the environment, and therefore does not constitute a "project" as defined; and under Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the Guidelines, as the proposed specific actions are necessary to prevent or mitigate an emergency and therefore are statutorily exempt; and

WHEREAS, the Planning Division prepared and made available to the public the draft Shelter Crisis Ordinance for the Inland area through its website at <https://humboldt.gov.org/3200/SAFE-PARKING-SAFE-SHELTER-PILOT-PROGRAM>, and by text notifications and emails; and

WHEREAS, the Humboldt County Planning Commission held a duly noticed public hearing on the proposed Safe Parking-Safe Shelter Pilot Ordinance and the Shelter Crisis Ordinance on March 17, 2022, received a report on the draft Ordinances, received evidence and testimony, and considered said report and the Required Findings of Approval incorporated herein; and

WHEREAS, the Planning Commission, in response to public comments and as a result of its review, adopted Resolution 22-040 making all the required findings and recommending that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the necessary findings prepared by Planning Division staff.
3. Reaffirm the Shelter Crisis Declaration put in place on February 27, 2018 through the Board of Supervisors Resolution 18-15 by confirming the required findings, and reaffirm that the shelter crisis shall continue until terminated by the Board.
4. Adopt the Shelter Crisis Ordinance, amending the Inland Zoning Regulations (Section 314 of Title III, Division 1, Chapter 4 of Humboldt County Code) as shown in Attachment 6 of the staff report.
5. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.
6. Direct the Clerk of the Board to give notice of the decision to any interested party.
7. Direct the Clerk of the Board to publish the Post-Adoption Summary of the Ordinances within fifteen (15) days after its passage.

WHEREAS, on June 7, 2022 the Board of Supervisors held a public hearing on the proposed ordinance and received public comments, reviewed and considered all public testimony and evidence presented at the hearing;

Now, THEREFORE BE IT RESOLVED, that the Humboldt County Board of Supervisors hereby finds and adopts the recitals above as findings and determinations; and makes the following findings regarding the Shelter Crisis:

1. A significant number of persons within the County of Humboldt remain without the ability to obtain shelter and that the situation continues to threaten the health and safety of those persons; and
2. The Board finds that the activities of private groups and organizations have not proved adequate to meet the need for shelter; and
3. That strict compliance with otherwise applicable state or local statutes, regulations, and ordinances would prevent, hinder, or delay the County's mitigation of the effects of the shelter crisis.

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

A. Findings for Amendments to the Zoning Regulations Regarding a Shelter Crisis Ordinance:

The following evidence supports finding that the proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA), and that the project is in the public interest, is consistent with the General Plan, and does not reduce the residential density to below the requirements set by the Department of Housing and Community Development.

1. CEQA. The Shelter Crisis Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) under CEQA Guideline Section 15378, as an administrative governmental activity and not a “project”; and under Section 21080(b)(4) of the Public Resources Code and Section 15269(c) of the Guidelines, as actions necessary to prevent or mitigate an emergency.

2. PUBLIC INTEREST. The Shelter Crisis Ordinance is in the Public Interest.

- a. It is recognized that finding locations for short-term shelter alternatives such as sanctioned camps or safe parking programs is problematic. Among the barriers to development are environmental review, building codes, and liability. The County’s use of its Shelter Declaration would reduce or remove these barriers and facilitate shelter development, including safe parking and safe shelter sites.
- b. Pursuant to amendments to the Shelter Crisis Act in 2020 (AB 2553), in order for the County to provide county-owned or county-leased sites to facilitate shelter development, it must adopt a Shelter Crisis Ordinance and ensure compliance with minimal building standards. The ordinance would facilitate development of short-term shelter alternatives for those experiencing homelessness, and therefore the ordinance is in the public interest.
- c. State housing law tasks the County with designating adequate sites suitable, feasible, and available for the development of housing for all income levels. Under the Housing Accountability Act, the County is obligated to actively facilitate housing development, including emergency shelters. Because of the time and expense associated with developing traditional shelters, safe parking is a proven short-term measure that could mitigate the health, safety, and environmental concerns related to homelessness. The Shelter Crisis Ordinance would facilitate that program, and is in the public interest.
- d. According to the 2019 Grand Jury, safe parking programs would address an immediate need for the hundreds of people living in their vehicles in Humboldt County. The proposed ordinance advances these goals, and is therefore in the public interest.

3. CONSISTENCY WITH GENERAL PLAN. The Shelter Crisis Ordinance is consistent with the General Plan because it supports the following policies and measures of the 2019 Housing Element, Chapter 8 of the General Plan.

- a. Housing Element goal H-G6 directs the Department to identify sufficient capacity to meet emergency shelter needs. The Shelter Crisis Ordinance would facilitate development of basic shelter and access to essential services for vulnerable populations, with the goal of transitioning to permanent housing.

- a. Implementation Measure H-IM21 supports the use of surplus County-owned property for development or financing of housing for low income, very low income, extremely low income, and special need populations. The Shelter Crisis Ordinance facilitates the use of public land for shelters for special needs populations both by providing land, and by relaxing regulations, standards, and ordinances that add to the cost of a shelter, or make it infeasible.
- b. Implementation Measure H-IM55 directs the County to support and encourage development of Emergency Shelters through coordination of funding, services, and operation. By reducing barriers to development, the Shelter Crisis Ordinance would reduce cost and facilitate funding for to service providers who want to operate shelters on county-owned and -leased lands.

4. CONSISTENCY WITH HOUSING ELEMENT DENSITIES. The Shelter Crisis Ordinance 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). The proposed ordinance sets minimum building standards and reporting requirements for emergency shelters developed under a Shelter Crisis Declaration, and has no specific effect on residential density.

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

- 1. Reaffirms the Shelter Crisis Declaration put in place on February 27, 2018 through the Board of Supervisors Resolution 18-15 by confirming the required findings, and reaffirms that the shelter crisis shall continue until terminated by the Board.
- 2. Direct the Planning Staff to prepare and file a Notice of Exemption with the County Clerk and Office of Planning and Research.
- 4. Directs the Clerk of the Board to give notice of the decision to any interested party; and
- 5. Directs the Clerk of the Board to publish the Post-Adoption Summary of the Ordinance within fifteen (15) days after its passage.

The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on _____, 2022 by the following vote:

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

AYES: Supervisors:
 NAYS: Supervisors:
 ABSENT: Supervisors:
 ABSTAIN: Supervisors:

VIRGINA BASS, 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

Date: