

ATTACHMENT 4

Ordinance No. _____, Amending Title III, Division 1, Chapter 3 of the Humboldt County Code by Adding a Coastal Safe Parking-Safe Shelter Pilot Program

SAFE PARKING - SAFE SHELTER PILOT PROGRAM – COASTAL

ORDINANCE NO. ____, ALLOWING EMERGENCY SHELTERS, AND A COASTAL SAFE PARKING-SAFE SHELTER PILOT PROGRAM BY ADDING SECTION 313-61.05, AMENDING SECTION 313-140, AND AMENDING TABLES IN SECTIONS 314-2, AND 314-3 OF CHAPTER 3 OF DIVISION 1 OF TITLE III OF THE HUMBOLDT COUNTY CODE.

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. PURPOSE OF ADDITION TO THE ZONING REGULATION

The Humboldt County 2019 Housing Element included Implementation Measure H-IM56, providing in part that the County will fund and implement a safe parking pilot program, and adopt an enabling ordinance or resolution for the pilot program. Consistent with the Housing Element, Title III, Division 1, Chapter 3, Coastal Zoning Regulations, is hereby amended to include allowances for emergency shelters, and for Safe Parking/Safe Shelter Pilot Programs. The ordinance amendments allowing the pilot programs will have a limited duration of 18 months unless extended. The program reduces damage to coastal resources by designating a developed area for unhoused people to find shelter rather than seeking shelter in undeveloped areas of Humboldt County including areas set aside for the protection of coastal resources. Under the Pilot Program, a government agency, religious institution, non-profit charitable organization, or private non-profit organization may provide homeless individuals and families living in a vehicle or outside a safe place to park or sleep at no cost while accessing services to end their homelessness. This ordinance adds section 313-61.05 and amends sections 313-140, 313-154, and 313-171 in Chapter 3 of Division 1 of Title III of the County Code.

SECTION 2. SAFE PARKING/SAFE SHELTER PILOT ORDINANCE

Section 313-61 creating a Safe Parking/Safe Shelter Pilot Program in Title III, Division 1, Chapter 4 of the Humboldt County Code is hereby amended by adding the following (additions are shown in underline text):

313-61.05 SAFE PARKING AND SAFE SHELTER PILOT PROGRAM

61.05.1 Purpose and Duration.

The purpose of these regulations is to facilitate development of a pilot program to provide safe, temporary shelter sites that accommodate vehicles, tents, or other approved structures for people who are experiencing homelessness while they seek permanent housing. Participation in the program is not conditioned on accepting the services offered. This ordinance and all Zoning Clearance Certificates issued pursuant to this ordinance shall expire and be automatically repealed eighteen months from the effective date unless the term of the ordinance and specified Zoning Clearance Certificates are extended by the Board of Supervisors.

The ordinance places a limit on the number of Safe Parking and Safe Shelter sites at ten (10) sites.

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61.05.2 Applicability.

The Safe Parking and Safe Shelter programs must be operated by a government agency, religious institution, non-profit charitable organization, or private non-profit organization. Safe Parking and Safe Shelter programs that meet all of the following requirements are principally permitted in the CN, CG, and ML zones with a Zoning Clearance Certificate. Safe Parking and Safe Shelter programs on the site of a church in other zones may be permitted with a Use Permit, except that church sites on TPZ or prime agricultural land are not eligible.

61.05.3 Site Requirements and Coastal Resource Protection

Safe Parking and Safe Shelter sites that meet all the following site requirements are allowed by a Zoning Clearance Certificate:

- (a) May accommodate up to 20 vehicles, tents, sleeping cabins, or other units that meet California Building Code Appendix X and California Residential Code Appendix O, Emergency Housing standards. Exception: A site operated under the Village Model Management Plan (defined in 65.05.6 (c)) is limited to 15 vehicles, tents, sleeping cabins, or other units that meet the standards above.
- (b) Must be located on a road or have a driveway that is accessible for emergency vehicles, trash pickup, and portable restroom service.
- (c) Must have drainage so there is no standing water in the areas used for sleeping.
- (d) Must be located at least 300 feet from another Safe Parking or Safe Shelter site.
- (e) If the site is an existing parking lot, no more than one half of the parking spaces may be occupied by vehicles, tents, or shelter units.
- (f) At the time of issuance of a zoning clearance certificate, the proposed site may not be occupied by unauthorized homeless individuals, vehicles or shelters, and properties in the abatement process are not eligible.
- (g) All Safe Parking – Safe Shelter zoning clearance certificates or special permits on the anniversary date of such issuance will be subject to an annual inspection by the County to verify compliance with this section and all terms of the approved Management Plan.

Exceptions: Exception to the site requirements in paragraphs (a) through (e) above may be allowed subject to a Special Permit in accordance with Humboldt County Code Section 312-5 et seq with a finding that the exception poses no additional risk to the health and safety of the occupants.

In addition to a Zoning Clearance Certificate, Safe Parking and Safe Shelter facilities on parcels with the following characteristics also require a Coastal Development Permit:

- 1) Lands within the Coastal Commission appeals jurisdiction.
- 2) Parcels within Special Combining Zones that protect coastal resources: A: Archaeological Resource Area and Special Archaeological Resource Area for Shelter

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Cove; B: Beach and Dune Areas; D: Design Review; E: Coastal Elk Habitat; R: Streams and Riparian Corridors; T: Transitional Agricultural Lands; and W: Coastal Wetland Areas Combining Zones;

- 3) Areas of active or historic landslides; areas of potential liquefaction; or areas along a bluff or cliff where the proposed Safe Parking and Safe Shelter site is within the "area of demonstration of stability" as defined in the relevant Local Coastal Program.
- 4) Proximity within 1,000 feet of a toxic cleanup site as designated by California Department of Toxic Substances.

Safe Parking and Safe Shelter sites are not permitted within Coastal Natural Resources areas as mapped on the County's GIS.

61.05.4 Vehicle and Shelter Types

(a) Safe Parking Sites

- (1) The type of vehicle and number of each vehicle type, if applicable, must be specified in the Management Plan and may include cars, vans, recreational vehicles ("RVs") or a combination of these.
- (2) All vehicles parked overnight must be operable so they can be moved off the site under their own power.
- (3) A minimum of six feet clearance must be maintained between vehicles.

(b) Safe Shelter Sites

- (1) Tents, sleeping cabins, or other shelters are allowed as individual units if they meet California Building Code Appendix X and California Residential Code Appendix O, Emergency Housing.
- (2) A minimum of six feet clearance must be maintained between tents or units.
- (3) Each tent or unit must have an exit that leads directly to the outdoors/evacuation route.
- (4) Sleeping cabins must have light and ventilation.

61.05.5 Operating Standards

- (a) Vehicles, tents or shelter units must meet the minimum yard setbacks of the applicable zoning district.
- (b) Outdoor lighting must be shielded and directed away from adjoining properties.
- (c) Prior to occupancy of the site, the Provider must submit along with its management plan, a Department Approval Letter from the Division of Environmental Health verifying that shall demonstrate to the Division of Environmental Health that the site is served by an acceptable means of sewage disposal able to accommodate the anticipated wastewater demand.

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- (d) If the site allows recreational vehicles, no disposal of sewage from recreational vehicles is permitted at the site, unless the Provider documents the North Coast Regional Water Quality Control Board has approved the sewage disposal system for that use and details of the sewage disposal system are included in its Management Plan.
- (e) Hours of operation are limited to overnight hours set by the Provider in its Management Plan.
- (1) Exception: A program that qualifies as a Low Barrier Navigation Center under Government Code Section 65660 and 65662 and meets all the criteria below may specify 24-hour operation in the Provider’s Management Plan if it provides appropriate staffing. Low Barrier Navigation Center programs include all the following components:
- i. The program offers services to connect people to permanent housing through a services plan that identifies services staffing.
 - ii. The program is linked to a coordinated entry system, so that staff may conduct assessments and provide services to connect people to permanent housing. “Coordinated entry system” means a centralized or coordinated assessment system designed to coordinate program participant intake, assessment, and referrals as described in Section 576.400(d) or Section 578.7(a)(8), as applicable, of Title 24 of the Code of Federal Regulations, as those sections read on January 1, 2020, and any related requirements.
 - iii. The program complies with Housing First as set forth in Chapter 6.5 (commencing with Section 8255) of Division 8 of the Welfare and Institutions Code.
 - iv. The program has a system for entering information regarding client stays, client demographics, client income, and exit destination through the local Homeless Management Information System (HMIS) as defined by Section 578.3 of Title 24 of the Code of Federal Regulations.
 - v. A site that operates as a Low Barrier Navigation Center under Government Code Section 65660 and 65662 may specify a length of stay longer than six (6) months, as set forth in the Provider’s Management Plan, defined in 65.05.6 (c).
- (2) Exception: A program operated under the Village Model Management Plan may choose to provide 24/7 service if it is limited to 15 vehicles, tents, sleeping cabins, or other units that meet California Emergency Housing Standards, and at least two employee or volunteer staff remain on site at all times, as set forth in the Provider’s Management Plan.

61.05.6 Safe Parking/Safe Shelter Provider Requirements

- (a) A Safe Parking or Safe Shelter program must be operated by a government agency, religious institution, non-profit charitable organization, or private non-profit organization, or a party contracted by the above (“Provider”). Providers are responsible for monitoring compliance with its approved Management Plan described below and notifies emergency services in the event of an emergency.

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- (b) The Provider must provide for, or provide access to all of the following:
- (1) Sanitary facilities, including toilet and hand-washing;
 - (2) Shower facilities or access to showers;
 - (3) Facilities accessible to persons with disabilities (20% of spaces or units, including sanitary facilities)
 - (4) Garbage containers and trash disposal services; and
 - (5) Secure storage facilities for personal items, but storage of such items must not create a fire-life-safety hazard.
- (c) The Provider must have an approved Management Plan prior to opening its facility for use. The Provider may use one of three pre-approved Model Safe Parking/Safe Shelter Plans, available on file with the Planning and Building Department: (1) a Minimal Requirements Model designed for overnight programs, (2) a Village Model with fewer spaces, participants as staff, and capability for 24-hour operation, or (3) a service-intensive Low Barrier Model. The Plans describe the services provided including all of the following:
1. Hours of operation;
 2. Number of parking spaces or tent/shelter units;
 3. The services and amenities to be provided;
 4. Staffing levels;
 5. Neighborhood outreach program;
 6. Rules governing participant intake and selection, a written participant agreement, and procedures for periodic reviews, extensions, and removals;
 7. A security plan ensuring adequate health and safety of management and visitors on-site, and a process to avoid potential nuisances near the site. The Provider must demonstrate that local emergency services including the Sheriff's Office, the local fire department and the appropriate ambulance operators have been notified of the shelter's operation.
- Programs that accommodate tents, cabins, or other non-vehicle shelter types must also include in their approved Management Plans Appendix A, detailing plans to comply with the Emergency Housing building code.
- (d) A Provider may amend voluntary provisions of its Management Plan not included in these requirements by filing an update with the Planning Department, posting the changes as provided in the plan, and notifying neighbors as part of its Neighborhood Outreach Plan.
- (e) Providers operating Safe Parking/Safe Shelter facilities must annually track and report to the County by September 30 of each year the following details of the use of their facility:

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- i. # persons served by month;
- ii. # persons served whose residence was or is a vehicle;
- iii. # persons served who are no longer in need of a homeless shelter
 - i. # persons who have moved into permanent supportive housing;
- iv. Average percent occupancy of safe parking and safe shelter sites.

61.05.7 Zoning Clearance Certificate Revocation

61.05.7.1 Grounds for Revocation

The Director may initiate proceedings to revoke the zoning clearance certificate for a Safe Parking – Safe Shelter site granted under this section if the Director has substantial evidence that:

- (a) the facility may not be in compliance with all applicable laws, which includes without limitation, any permit in connection with the facility, including a Coastal Development Permit, and any associated conditions with such permit(s);
- (b) the facility failed to comply with objective standards in this section;
- (c) the facility failed to comply with its Management Plan in a way that poses harm to the health and safety of its participants or the community, or to coastal resources;
- (d) activities at the facility constitute a nuisance as defined in Section 351-3 of the Humboldt County Code.

61.05.7.2 Notice

Before the Director may initiate a public hearing to revoke any zoning clearance certificate for a Safe Parking – Safe Shelter site, the Director must issue a written notice to the Provider that specifies (i) the facility; (ii) the violation(s) to be corrected; (iii) the timeframe in which the Provider must correct such violation(s); and (iv) that, in addition to all other rights and remedies the county may pursue, the county may initiate revocation proceedings for failure to correct such violation(s) in the specified timeframe.

61.05.7.3 Hearing

A zoning clearance certificate granted under this section may be revoked pursuant to 61.05.7.1 only by the Board of Supervisors after a duly noticed public hearing.

61.05.7.4 No Appeals

Any decision by the Board of Supervisors to revoke or not revoke a zoning clearance certificate is final and not subject to further appeals. Within five business days after the Board of Supervisors adopts a resolution to revoke the zoning clearance certificate, the Director will provide the permittee with a written notice that specifies the revocation and the reasons for such revocation.

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SECTION 3. DEFINITIONS

Sections 313-140 and 313-154 are hereby amended and added to as follows (additions are shown in underline text, deletions are shown in ~~striketrough~~ text):

313-140 DEFINITIONS (E)

Add as follows:

Emergency Shelter means housing with or without supportive services for persons experiencing homelessness that is limited to occupancy of six months or less, as defined in Section 50801(e) of the California Health and Safety Code. An emergency shelter may be the principal or an ancillary use on the lot. No individual or household may be denied emergency shelter because of an inability to pay. Emergency shelter operations may be seasonal or year-round, and must be operated by a government agency, religious institution, non-profit charitable organization, or private non-profit organization.

313-154 DEFINITIONS (S)

Add as follows:

Safe Parking Program means a program that provides homeless individuals and families living in a vehicle a safe place to park while accessing services to end their homelessness. No rent or fee may be charged. Occupancy is limited to six months unless the program qualifies as a Low Barrier Navigation Center under Government Code Section 65660 and 65662. Safe parking may be the principal or an ancillary use on the lot. Safe parking programs must be operated by a government agency, religious institution, non-profit charitable organization, or private non-profit organization.

Safe Shelter Program means a program that provides homeless individuals and families a safe place to sleep in tents or other structures that meet California Building Code Appendix X Emergency Housing standards, while accessing services to end their homelessness. No rent may be charged. Occupancy is limited to six months or less unless the program qualifies as a Low Barrier Navigation Center under Government Code Section 65660 and 65662. Safe Shelter programs may be the principal or an ancillary use on the lot. Safe Shelter programs must be operated by a government agency, religious institution, non-profit charitable organization, or private non-profit organization.

SECTION 4. USE TYPE

Section 313-171.1, Civic Use Type, is hereby amended as follows (additions are shown in underline text, deletions are shown in ~~striketrough~~ text)):

313-171 CIVIC USE TYPES

171.5 ESSENTIAL SERVICES

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The Essential Services Use Type includes uses which are necessary to support principal development. Typical Essential Services uses include: Former Section CZ#A313-6(B))

171.5.1 Fire and police stations; (Former Section CZ#A313-6(B)(1))

171.5.2 Ambulance services; (Former Section CZ#A313-6(B)(2))

171.5.3 Post offices, excluding major processing centers; (Former Section CZ#A313-6(B)(3))

171.5.4 Dumpster sites, solid waste transfer stations, and road maintenance yards; (Former Section CZ#A313-6(B)(4))

171.5.5 Community wells, water storage tanks, and associated water treatment facilities. (Former Section CZ#A313-6(B)(5))

171.5.6 Public, parochial and private day-care centers, family day care centers, nursery schools, elementary, junior high, and high schools. (Former Section CZ#A313-6(B)(6); (Ord. 1842, Sec. 18, 8/16/1988)

171.5.7 Public and parochial parks, playgrounds and playing fields. (Former Section CZ#A313-6(B)(7)), Safe Parking and Safe Shelter Sites

171.5.8 Emergency Shelters, Safe Parking Programs and Safe Shelter Programs

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 AND ADOPTED this _____ day of _____, 2022, on the following vote, to wit:

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

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By: _____
Nicole Turner, Deputy Clerk

Date: