COUNTY OF HUMBOLDT

For the meeting of: 1/7/2025

File #: 25-60

To: Board of Supervisors

From: Planning and Building Department

Agenda Section: Departmental

Vote Requirement: Majority

SUBJECT:
Garth General Plan Amendment and Zone Reclassification Petition to Provide a Permitting Pathway for an Alternative Lodge Park on Property in the Trinidad Area; APN 515-172-010; PLN-2024-19111

RECOMMENDATION(S):
That the Board of Supervisors:

1. Adopt the attached resolution (Attachment 1) to take the following actions:
   a. Adopt the findings supporting granting the petition to accept the General Plan Amendment and Zone Reclassification Petition for review and processing, as modified; and
   b. Accept for processing the modified petition to amend the General Plan and modify the Tiny House Village provisions of the Zoning Ordinance; and
2. Direct the Clerk of the Board to give notice of the decision to the applicant and any other interested party.

STRATEGIC PLAN:
This action supports the following areas of your Board's Strategic Plan.

Area of Focus: Housing for All
Strategic Plan Category: 4001 - Provide housing and sheltering solutions for people experiencing homelessness

DISCUSSION:

1. Executive Summary*:*
The Board of Supervisors is being asked to approve a petition to authorize processing of an amendment of the General Plan Land Use Designation and Zoning of property in the Trinidad area (APN 515-172-010 - 473 Quarry Rd). The property is currently the subject of an ongoing code enforcement case involving violations of county code tied to unpermitted habitations, wastewater disposal, well, junk vehicles and junk on the property. The amendments are requested to allow permitting of the existing habitations. The Board directed that prior to consideration of the petition that the public health issues with the compost privies be addressed. The property owner has been working with the Department of Health & Human Services - Division of Environmental Health (DEH) to address this issue. Staff does not support the petition as submitted and is recommending the Board authorize processing of an amendment, to change the land use designation to Residential Estates (RE) and to amend the recently adopted Emergency Housing Village Ordinance.

Location

The property is located on the south side of Quarry Road in the Trinidad area, approximately 0.5-miles east of the intersection of Quarry Road and North Westhaven Drive.

Current Land Use; Timberland (T)

Zoning*:* Agriculture General - 2.5-acre min. parcel size (AG)

2. Petition

A Zone Reclassification and General Plan Amendment Petition for a 10-acre property in the Trinidad area submitted by Charles Garth. The request is to change the General Plan designation of the property from Timberland (T) to Residential Medium Density (RM) and the zoning of the property from Agriculture General (AG) to Residential Multiple Family (R-3). The property is currently host to numerous violations of county code tied to a mixture of unpermitted residential structures and RV's, trailers, and modified vehicles used as living space by over 20 low-income residents. The amendments are being requested as part of a comprehensive effort to bring the unpermitted land uses and structures into compliance with local planning & building codes and standards for public health. Changes to the land use and zoning of the property are being requested by the petitioner to make it possible permit to operation of an Alternative Lodge Park under the Emergency Housing Provisions of the Zoning Code.

3. Update on Compliance Efforts

At the Board's Nov. 5 meeting, the Board received a report on the results of a recent inspection of the property by county staff from DEH and Planning & Building Department. Imminent hazards to public health were identified during the inspection, primarily surrounding unpermitted waste and wastewater facilities with high potential to contaminate ground and surface water. At the recommendation of staff, the Board moved unanimously to require the owner take immediate action on the following matters:

a) Disassembly, cleaning, and disinfection of the unpermitted privies. Followed by disposal at an appropriately permitted solid waste disposal facility or transfer station.

b) Disposal of 2-4 yards of domestic septage (human waste with added wood chips/sawdust); either through hauling it to an appropriately permitted municipal wastewater treatment plant or burying it onsite in an area and fashion approved by DEH.

c) Installation and maintenance of two portable toilets and one hand-washing station at the site.

d) Installation of a lockable cover at the top of the drilled well casing to eliminate risk of contamination to water supply by insects, rodents, stormwater intrusion, etc.

e) Sampling water at the of the existing water well for total coliform and E coli/Fecal coliform bacteria and providing bacteriological drinking water quality test results to DEH on a monthly basis.

At the Nov. 5 meeting, the Board also accepted staff's recommendation that the Board does not consider any petition to change the General Plan Land Use Designation or Zoning on the property until the above actions have been completed. Attachment 6 includes information provided by the property owner documenting progress towards complying with Board direction on the above-described matters. Staff verified that urgent public health risks have been addressed and articulated tasks are nearing completion. The property owner and their representatives are moving toward compliance with the public health directives and therefore it is appropriate for the Board to take action on the petition. Attachment 7 includes comments from DEH on progress made towards the Board directives as well as more general feedback and concerns surrounding permitting of Emergency Housing Villages in areas which depend on private/individual water and wastewater treatment systems.

4. Analysis of Petition

There is no pathway for permitting the existing development under the existing (AG) zoning and (T) General Plan land use designation. Provisions for Emergency Housing Villages and Safe Parking and Shelter Sites (found within sections 314-62.5 and 314-61 of the inland zoning regulations) are the nearest matches to the property's current uses. The current habitations on the site consist of a mix of junk vehicles and stick-built structures. The provisions recently adopted for Emergency Housing Villages and specifically Alternative Housing Villages provides the closest fit which could provide a permitting pathway. Emergency Housing Villages are only permissible in Commercial, Residential, Mixed-Use, and Industrial zoning districts. The regulations deliberately excluded permitting of Emergency Housing in zoning districts associated with the county's resource lands (AE, AG, FR, TPZ) for two primary reasons. First these activities should be in close proximity to services and transportation and second, the policy direction to protect resource and open space lands from conversion to non-resource or non-open space uses. The regulations also currently require that all Emergency Housing be in locations served by a Category 4 roadway. Both policy choices were supported by the

Planning Commission and Board during public hearings on the ordinance held in 2024 during the leadup to its adoption last August and both currently would prohibit the subject property from qualifying as an Emergency Housing Village.

The current petition cannot be supported as proposed. The Residential Medium Density (RM) and R-3 Residential Multifamily zone are not appropriate for the location. The RM land use designation is identified as being "*used in areas with full urban services…" (General Plan 4.8.1).* The subject property does not have any urban services and is not located immediately adjacent to any such urban services that could potentially be expanded to serve the property. Further, pursuant to the Zoning Consistency Matrix of the General Plan (Table 4-H) the R-3 zone district is only compatible with the RM, RL, MU, and PF land use designations, all of which are similarly not appropriate for the site given that it is not an urban location.

The Board has the authority to grant, deny, or modify petitions to amend the General Plan and Zoning Regulations, and it is being recommended that the Board accept the petition request subject to the following suggested modifications:

a) Instead of changing the General Plan land use designation of the property to Residential Medium Density (RM), modify the petition so that a designation of Residential Estates (RE) is applied to the property.

b) Instead of changing the zoning of the property, direct staff to bring back text amendments to the Emergency Housing Village provisions of the code (314-62.5) which:

   i. allow for development of Emergency Housing on parcels with the Agriculture General (AG) zoning designation, where located within a Community Planning Area or Rural Community Center and planned or zoned for densities of 5 acres or less, subject to first securing a Conditional Use Permit.

   ii. allow permitting of Emergency Housing in areas not served by a Category 4 road if the road allows for safe and orderly travel to and from the site by residents and emergency vehicles.

Attachment 8 includes a draft of targeted zoning code revisions that would make it possible to permit the Garth property as an Alternative Lodge Park, subject to first securing a Conditional Use Permit. Should the Board choose to accept the petition in its revised form, further refinement may occur as deemed necessary during further public review and consideration by the Planning Commission and Board of Supervisors.

5. Requirements for Accepting the Petition to Amend the General Plan:

To accept a petition for amendment of the General Plan Land Use Designation and Zoning of a property, the Board of Supervisors must be able to make one or more the following findings:

A. Base information or physical conditions have changed; or

B. Community values and assumptions have changed; or

C. There is an error in the plan; or

D. To maintain established uses otherwise consistent with a comprehensive view of the plan; or

E. The proposed amendment has the potential for public benefit and is consistent with the Guiding Principles and applicable goals of the Plan.

Discussion of Findings:

The land use designation of the property is Timberland, first established over 40 years ago under the Northern Humboldt General Plan. The land use designation of adjoining properties was changed to Residential Estates (RE) during adoption of the 2017 General Plan, leaving the petitioner's parcel isolated from neighboring land uses on all sides. The subject property is not being used for or managed as timberland. It is not good land use practice to have a small property designated for timberland surrounded by RE land use. This property should have been changed as part of the changes in the 2017 General Plan Adoption. For this reason, changing the land use designation of the property from Timberland (T) to Residential Estates (RE) will help correct an error in the plan and promote land use consistency with adjoining lands.

6. Requirements for Accepting the Petition to Amend the Zoning Regulations:

To accept a petition for amendment of the Zoning Regulations, the Board of Supervisors must also be able to make all the following findings:

a) The amendment is in the public interest; and

b) The amendment is consistent with the General Plan; and

c) The amendment is in conformity with the policies of Chapter 3 of the Coastal Act; and

d) The amendment does not reduce the residential development potential below the density targeted under the current Housing Element

Discussion of Findings:

a. Public Interest. Finding creative ways to provide shelter for people who would otherwise be in danger of experience homelessness is in the public interest. Alternative Lodge Parks are intended to provide opportunities to shelter those experiencing or in danger of experiencing homelessness. Giving consideration to expanding the zones in which Alternative Lodge Parks are permitted expands the potential to provide such housing, provided that it does not conflict with the goals of protecting resource lands, has reasonable services in proximity and has adequate access.

b. General Plan Consistency. The petition to change the text of the zoning regulations is consistent with a number of goals, policies, and implementation measures of the 2019 General Plan Housing Element, including addressing the housing of vulnerable populations such as homeless, nomadic, and single-parent households through developing sufficient capacity to meet local needs for emergency shelters, supportive and transitional housing, including alternative and shared housing. The Housing Element encourages flexible application of development standards, rehabilitation of substandard housing, innovative construction and design methods and new and experimental construction techniques, including developing allowances for Alternative Lodge Parks with a range of allowable dwelling types including manufactured and mobile homes, recreational vehicles, travel trailers, tiny houses, moveable tiny houses and temporary camping facilities. It is appropriate to consider amending the zoning code to better address proposals of this sort. Resource zones (AE, AG, FR, TPZ) were not included as allowable zones for Emergency Village Housing in the recently adopted ordinance because the intention was to protect resource and open space lands from conversion to non-resource or non-open space uses; however, the AG zone is not specifically one of the designated zone districts in the Open Space Plan and Open Space Action Program. Conversion of these lands to non-resource and non-open space uses would not conflict with the County's Open Space Program. Allowing Emergency Village Housing or Alternative Lodge Parks in the AG zone within a Community Plan Area allows these uses in proximity to services, transportation and does not conflict within open space policies.

c. Conformity with Chapter 3 of the Coastal Act. The proposed amendment does not affect property located within the Coastal Zone and therefore is not subject to Coastal Act policies

d. Residential density applied under the Housing Element. The property is not one of the sites identified for future residential development under the current Housing Element inventory. If permitting is successful, it would add a substantial number of units to the county's affordable housing inventory and would not reduce the density of development below that targeted for the site under the current Housing Element.

7. Practical Considerations

Changing the General Plan and modifying the Tiny Home Ordinance to allow the Alternative Lodge Parks in the AG zone has policy rationale to move forward, but these changes alone will not address all the violations on the property at 473 Quarry Road. There remain several very important technical analyses that must be completed to approve the shelters and to approve the utility infrastructure on the property.

Bringing the development into compliance with current building code, wastewater, and drinking water requirements has the potential to involve great expense. The stick-built structures on site have not been permitted and will need to be evaluated to determine if they can meet the standards even for an emergency shelter. The converted buses will need to be treated as RV's. RVs receive a certificate of compliance when manufactured. Typically converted buses do not comply with this. The wastewater treatment system is an unknown currently. The site may have the capacity to serve the current population, but it may not. This will

not be known until adequate wet weather testing is completed. Based upon the capacity of the site, the water system will either need to be permitted by the county as a small water system or by the state if over 15 permanent dwellings.

On Nov. 26, 2024, staff from the Planning & Building Department and Public Health met with the property owner and members of their team to review these considerations and discuss the challenges and costs. During the meeting county staff and the applicant discussed practical considerations relevant to different aspects of each of these regulatory areas. The conversation often centered on ways to reduce potential costs and barriers to permitting through carefully selecting which features of the development to retain and scaling the size to find the regulatory "sweet spot." Some examples of these considerations include:

a) Building Code

i. "As-built" permitting of existing structures will require a professional engineer to provide plans and certify that the structure is safe. Separately, specific contractors will need to submit forms to certify plumbing, heating, and electricity.

ii. The permitting of *mobile* units and *membrane* structures for permanent use can be difficult. RVs or movable homes need to have an insignia from the manufacture certifying they meet safety standards based on the year of manufacture. When modifications are made after manufacture, a new inspection certificate is needed. It is unclear if this can be accomplished by an engineer or how this certification would be accomplished.

iii. Membrane structures aren't typically constructed from fire-resistant materials nor designed to perform during cold -weather conditions. Maintaining an interior temperature of 68 degrees Fahrenheit usually cannot be achieved without extensive modifications, which can prove cost-prohibitive and require sign-off by a civil engineer.

iv. Shared-use facilities must comply with standards for accommodating use by disabled persons and the elderly (ADA). This includes developing "paths of travel" which can require the construction of paved pathways and ramps, wider door openings and clearances and specialized handles and other hardware. ADA compliance can prove challenging when there are significant differences in elevation between the path of travel and the finished grade of a structure.

b) Public Health

The carrying capacity of the site (i.e. number of residents that can be safely and legally accommodated within the Alternative Lodge Park / Emergency Housing Village) will largely be dictated by the natural characteristics and capacity of the property to provide private water and support the installation of adequate wastewater systems for residents, in compliance with local and state regulations.

i. Water

- When a water system has 15 or more service connections or serves 25 or more individuals a day for at least 60 days per year, it is classified as a "Community Water System" and is subject to regulation and inspection by the State Division of Drinking Water. Smaller water systems are primarily regulated at the county level.
- Demonstration of adequate water supplies are required by county code to ensure that people have minimum quantities for health and safety needs. Dry weather pump testing results of the water source are needed to allow staff from DEH to determine if sufficient water exists to serve the number of permitted structures being sought under the permit.

ii. Wastewater

- Determining areas and capacity of the property for the design and installation of an onsite wastewater treatment system is needed. Because portions of the property are known to have high ground water, wet weather testing must be performed through installation of monitoring wells near potential future leach field locations. The wet weather testing period began on Nov. 25, 2024, and will likely continue until April 1, 2025.
- Understanding the property's potential for hosting leach fields and other septic system components will determine the maximum number of tenants the site can support and the location of shared restroom and bathing facilities.

8. Summary and Recommendation

This petition raises a series of policy-level decisions. The land use change for 473 Quarry Road from (T) Timberland to (RE 2.5)

Residential Estate at 2.5 acres per unit is consistent with the surrounding land use. The modification to the Tiny Home Village ordinance to allow the Alternative Lodge Park / Emergency Housing Village in the AG zone where the location is in a community plan and to allow the use on a less than a Category 4 Road require revisiting some policy decisions. First is allowing the use in the AG zone. By limiting the allowance only to within a community plan area limits the areas in which this can be allowed and presumably places the use in proximity to services and public transportation. The change from a Category 4 Road would place more emphasis on the discretionary review of the use. This use requires a Conditional Use Permit so the Planning Commission will be able to evaluate the quality of the road during the project. These changes are supportive of the county's desire to support creativity in providing housing and shelter for people experiencing or in danger of experiencing homelessness.

It is important to point out that these actions will not address the Code Enforcement case relative to 473 Quarry Road near Trinidad. The property owner will still need to obtain approval of a Conditional Use Permit for the use which will look at the capacity of the site to support the number of units/people and the ability of the road to service the site in emergency response situations. The shelters on site will also need to be evaluated to determine if they can comply with the requirements for emergency shelters. These efforts will be time intensive and expensive. The Conditional Use Permit will also require preparation of and environmental document.

The Board decision is whether to proceed with this petition for this unique case when it is uncertain whether all the technical requirements can be complied with. This could be a long and expensive process which ends up demonstrating the current shelters are not permittable without significant improvements or reconstruction. By the time this process is complete the cost of the technical studies to complete the CUP and for issuance of building permits and permits for the wastewater and well would likely be more than $50,000 and could be closer to $100,000.

Staff is recommending the Board accept the petition as modified even with the unknown ability to permit the site. That will be at the applicant's risk. Given that the actions to be taken are in response to a Code Enforcement action, it is recommended that time parameters be placed on the submittal and processing of the applications. This will involve devoting staff time to complete this out of sequence from other applications that are submitted. The proposed timeframes are as follows:

a)	Submittal of Complete application for GPZ/Zoning Ord Amendment	March 7, 2025
b)	Submittal of Complete CUP Application	May 7, 2025
c)	Action on GPZ/Zoning Ord Amendment	August 5, 2025
d)	Action on CUP Application	Sept. 18, 2025

In the event of delays cause by lack of action by the applicant, resulting in this timeline being exceeded, the Code Enforcement actions would resume.

SOURCE OF FUNDING:
Applicant Fees

FINANCIAL IMPACT:
There will be no impact on the General Fund. The applicant is responsible for paying all actual costs involved in the processing of the application.

OTHER AGENCY INVOLVEMENT:
The project was referred to County Counsel. Should a petition be accepted, responsible and trustee state and local agencies will be involved in the referral process of the Reclassification, including Native American Consultation pursuant to SB 18 and AB 52, and as part of the environmental review for the project.

ALTERNATIVES
The Board could choose to deny the general plan amendment and zoning amendment petitions for any number of reasons. Findings are not required to reject the petition but for clarity it is recommended that a motion to deny express the rationale for rejecting the petition. There may be other ideas that come up as part of this discussion that could provide preferrable direction.

ATTACHMENTS:

Attachment 1: Petition for General Plan Amendment and Zone Reclassification

Attachment 2: Draft Resolution - Accepting Petition to Amend the General Plan Amendment & Zone Regulations

Attachment 3: Vicinity Map & Site Plan

Attachment 4: Zoning, and General Plan Maps

Attachment 5: Zoning and Land Use Consistency Matrix

Attachment 6: Yeehaw progress Report (11-25-2024)

Attachment 7: Comments from the Environmental Health Division

Attachment 8: Potential Zoning Code Revisions - 314-62.5 Emergency Housing Villages

PREVIOUS ACTION/REFERRAL:
Meeting of: November 5, 2024
File No.: 24-1515