ORDINANCE NO. 4397

AN URGENCY ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING AN ADMINISTRATIVE PERMIT PROGRAM FOR THE TEMPORARY USE AND OCCUPANCY OF TRAILER COACHES FOR USE AS A SHELTER FOLLOWING THE REDWOOD COMPLEX FIRE

WHEREAS, on October 9, 2017, fires started within the County of Mendocino that later became known as the Redwood Complex Fire; and

WHEREAS, on October 9, 2017, by delegation, a local emergency was declared for Mendocino County, which was ratified by the Board of Supervisors at its meeting on October 10, 2017; and

WHEREAS, on October 9, 2017, Governor Edmund G. Brown, Jr., declared a state of emergency for Butte, Lake, Napa, Orange, Mendocino, Nevada, Sonoma and Yuba counties; and

WHEREAS, on October 10, 2017, President Donald J. Trump issued a major disaster declaration for the State of California as a result of the devastation caused by the fires in Butte, Lake, Mendocino, Napa, Nevada, Sonoma and Yuba counties; and

WHEREAS, on October 13, 2017, the health officer of the County of Mendocino declared a local health emergency, pursuant to Health and Safety Code section 101080, which was ratified by the Board of Supervisors at its meeting on October 17, 2017; and

WHEREAS, on October 18, 2017, the Governor of the State of California issued Executive Order B-43-17 to assist in streamlining recovery efforts in communities throughout the State that have been impacted by wildfires during October 2017; and

WHEREAS, the Redwood Complex Fire has burned over 35,000 acres and destroyed or damaged several hundred homes and minor structures; and

WHEREAS, the County of Mendocino currently has regulations in section 20.168.040 in the County's Inland Zoning Code that allow the installation, use and occupancy of a trailer coach, upon issuance of an Administrative Permit, as a temporary dwelling by the owner of a lot or contiguous lot on which a dwelling is under construction or for which a building permit has been issued; and

WHEREAS, the County of Mendocino desires to adopt additional regulations that would permit the installation, use and occupancy of a trailer coach as a temporary dwelling prior to when a dwelling is under construction or for which a building permit has been issued, in order to allow temporary residency by residents of the area affected by the Redwood Complex Fire as soon as possible; and

WHEREAS, the County of Mendocino desires to adopt these regulations on an urgency basis pursuant to Government Code section 25123, which allows ordinances to become effective immediately if the ordinance is for the immediate preservation of the public peace, health or safety, which shall contain a declaration of the facts constituting the urgency, and be passed by a four-fifths vote of the Board of Supervisors; and

WHEREAS, Government Code section 25131 expressly authorizes the Board of Supervisors to adopt such an urgency ordinance immediately upon its introduction.

NOW, THEREFORE, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ORDAINS AS FOLLOWS:

Section 1. The above recitals are incorporated herein by this reference.

Section 2. Urgency Findings. The Board of Supervisors hereby finds that the adoption of this ordinance is for the immediate preservation of the public peace, health and safety. The Redwood Complex Fire has destroyed hundreds of residences and accessory buildings in the Redwood Valley and surrounding areas of the County. Persons displaced by the fire have an urgent need for temporary housing while the area affected by the fire is cleaned of debris and while permanent housing is constructed. Due to the extraordinary losses of the Redwood Complex Fire, the Governor has issued an Executive Order that, for a three (3) year period, temporarily suspends certain state and local regulations for the placement and occupancy of recreational vehicles and manufactured homes, subject to the issuance of permits to ensure health and safety standards.

The administrative permit program created by this ordinance contains provisions to allow for the installation, use and temporary occupancy of trailer coaches (which includes recreational vehicles and mobile homes). Administrative permits shall be issued only after requirements for health and safety standards are met. The administrative permit program will assist with the safe resettlement of persons and families whose homes were destroyed or damaged and made uninhabitable by the Redwood Complex Fire. To the extent such resettlement can occur within the boundary of the Redwood Complex Fire, public safety will be enhanced by bringing persons and families back into neighborhoods and assist in restoring these properties and areas to a pre-fire condition.

The administrative permit program created by this ordinance is needed to take effect immediately in order to provide a timely solution to the temporary housing needs caused by the Redwood Complex Fire.

Section 3. Temporary Occupancy of a Trailer Coach. Notwithstanding any other provision of the Mendocino County Code, the installation, use and temporary occupancy of a trailer coach, as defined in section 20.008.054 of the Mendocino County Code, shall be allowed upon the issuance of an administrative permit, subject to the following requirements:

(1) The applicant for an administrative permit shall either:

(a) provide evidence of residency within the boundaries of the Redwood Complex Fire, pursuant to maps of the boundaries of the fire provided by the California Department of Forestry and Fire Protection, and evidence that the applicant's residence was either destroyed or damaged and made uninhabitable by the fire; or

(b) provide evidence that the applicant is a licensed contractor that has been hired to construct a replacement dwelling unit or accessory buildings within the boundaries of the Redwood Complex Fire.

(2) The trailer coach may be located on the applicant's parcel within the boundary of the Redwood Complex Fire or on a separate property within the territory governed by the

Mendocino County Inland Zoning Code. If the applicant is not the owner of the property where the trailer coach is to be located, the applicant shall obtain the written permission of the owner of the property.

(3) The number of trailer coaches that may be placed on a parcel shall be limited to the allowable density of dwelling units for that parcel pursuant to the Inland Zoning Code plus one, less any inhabited dwelling units on the parcel.

(4) The temporary trailer coach shall not be placed on a permanent foundation, but may be blocked up for stability purposes.

(5) If the trailer coach is to be located on a parcel within the boundary of the Redwood Complex Fire, there shall be adequate area available on the parcel to place the trailer coach so as not to interfere with or impede the cleanup of the fire debris, if debris is still on the property. The trailer coach shall be placed at least 30 feet away from any remaining fire debris.

(6) There are no standing dead or damaged trees or other hazards in proximity of the trailer coach that could fall upon or otherwise damage the trailer coach or harm its occupants.

(7) There are no landslide risks to the proposed site for the trailer coach or the road providing access to the site that have the potential to trap or harm the occupants.

(8) The site for the trailer coach shall have a potable water supply, which may be either (a) an operating well or (b) a community water service connection. The County shall refer applications seeking to use a community water service connection to the relevant water district for approval. Maintenance of potable water shall be a condition of the administrative permit.

(a) For properties located within the boundaries of the Redwood Complex Fire, the County may also approve an administrative permit for a site where potable water will be provided either (i) pursuant to an agreement with a water delivery service, which agreement shall be provided to the County, or (ii) pursuant to the applicant's statement that the applicant will travel off-site to obtain potable water. The options provided for in this paragraph shall only be used on an interim basis until a connection to an operating well or community water service can be re-established, up to a maximum of one (1) year from the date of issuance of the administrative permit.

(9) Provision shall be made for sewage disposal to the satisfaction of the Mendocino County Division of Environmental Health. Sewage may be disposed through (a) a public sewer system connection at the site; (b) a functioning septic system at the site, which shall be inspected by the Mendocino County Division of Environmental Health or a qualified site evaluator (or other professional licensed to perform such inspection), and approved by the Mendocino County Division of Environmental Health, prior to issuance of the administrative permit; (c) a sewage pumping service which would empty the trailer coach's septic system (or a portable toilet) on a regular basis, the agreement for which shall be provided to the County; or (d) pursuant to the applicant's statement that the applicant will travel off-site to pump out the sewage system. Maintenance of sewage disposal shall be a condition of the administrative permit. If, during the term of the administrative permit, the permit holder is able to connect to a functioning septic system, the permit holder shall notify the Department of Planning and Building Services.

(10) The trailer coach shall be placed on the parcel consistent with all setback requirements for a residence for the applicable zoning district.

(11) The trailer coach shall not be placed on the parcel in a location that would impede reconstruction of the permanent residence.

(12) The trailer coach shall not be placed on the parcel in a location that is on top of a septic tank or the leach field; provided, however, a trailer coach may be placed on a leach field if a qualified site evaluator (or other licensed professional) provides a report stating that placement of the trailer coach would not damage the leach field.

(13) The floor elevation of the trailer coach shall be located above the 100 year flood elevation.

(14) Inspections. The following inspections shall be completed prior to occupancy:

(a) Verification that unsafe conditions do not exist at the site for the trailer coach based upon the requirements of this ordinance, and that the requirements of this ordinance are met.

(b) Inspection of electrical service.

(c) Inspection of water and sewer connections to the trailer coach. Sites with on-site sewage disposal need to be inspected by the Mendocino County Division of Environmental Health or a qualified site evaluator (or other professional licensed to perform such inspection) to verify that the system was not damaged by the fire.

(15) If an applicant is issued an administrative permit to place a trailer coach on property other than where the applicant's residence was destroyed by the Redwood Complex Fire, the administrative permit may be transferred to the applicant's property, provided that all requirements of this ordinance can be met at that site. The duration of the administrative permit shall not be changed.

(16) When a building permit for a permanent replacement dwelling unit is issued to a holder of an administrative permit issued under this ordinance, such administrative permit shall be administratively changed to an administrative permit pursuant to Mendocino County Code section 20.168.040(C), which would require the trailer coach to be transferred to the site pursuant to paragraph (15) above, and the termination date of the administrative permit shall be changed to two (2) years from the date of issuance of the building permit, subject to renewals.

(17) The provisions of this ordinance shall expire on October 18, 2020. As of that date, administrative permits issued pursuant to this ordinance shall terminate.

(18) Upon termination of the administrative permit, the trailer coach shall cease to be occupied and its use shall conform to the Inland Zoning Code.

(19) There shall be no fee charged for issuance of the administrative permit authorized by this urgency ordinance.

Section 4. CEQA. The Board of Supervisors hereby finds that this ordinance is (a) statutorily exempt from the California Environmental Quality Act (Public Resources Code

section 21000 *et seq.*; "CEQA") pursuant to CEQA Guidelines (Title 14 Cal. Code Regs. section 15000 *et seq.*) section 15269, as it is a project to maintain, restore or replace property damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor of California pursuant to the California Emergency Services Act; (b) categorically exempt from CEQA pursuant to section 15061(b)(3) of the CEQA Guidelines, the General Rule exemption, as it can be seen with certainty that there is no possibility that the adoption of the ordinance may have a significant effect on the environment and (c) section 15303 of the CEQA Guidelines, as it consists of the construction and location of limited numbers of new, small facilities or structures at a density otherwise allowed under the existing County Code. This finding is based on and supported by the evidence in the record, including the agenda summary accompanying this ordinance.

Section 5. Effective Date. This ordinance is an urgency ordinance adopted pursuant to Government Code Section 25123 and shall become effective immediately upon its adoption if adopted by at least four-fifths of the Board of Supervisors.

Section 6. Severability. If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

PASSED AND ADOPTED by the Board of Supervisors of the County of Mendocino, State of California, on this 31st day of October, 2017, by the following roll call vote:

AYES:	Supervisors Brown, McCowen, Croskey, Gjerde and Hamburg
NOES:	None
ABSENT:	None

WHEREUPON, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

Karla Van Hagen
Deputy

APPROVED AS TO FORM:
KATHARINE L. ELLIOTT,
County Counsel

K Elliott

John McCowen
JOHN MCCOWEN, Chair
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO
Clerk of the Board

Karla Van Hagen
Deputy