

TO: Board of Supervisors

FROM: Planning and Building Services & Executive Office (Fire Recovery)

MEETING DATE: September 21, 2021

DEPARTMENT CONTACT: Ignacio Gonzalez

PHONE: 234-6650

DEPARTMENT CONTACT: Julia Krog

PHONE: 234-6650

ITEM TYPE: Regular Agenda

TIME ALLOCATED FOR ITEM: 10 min.

AGENDA TITLE:

Discussion and Possible Adoption of Urgency Ordinance Authorizing an Administrative Permit Program for the Temporary Use and Occupancy of Trailer Coaches For Use as a Shelter Following the Hopkins Fire for Affected Properties within the Footprint Area of the Hopkins Fire

RECOMMENDED ACTION/MOTION:

Adopt Urgency Ordinance Authorizing an Administrative Permit Program for the Temporary Use and Occupancy of Trailer Coaches for use as a Shelter Following the Hopkins Fire for affected properties within the footprint area of the Hopkins Fire; and authorize chair to sign same.

PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:

On October 31, 2017, the Board of Supervisors adopted Ordinance No. 4397 for an Administrative Permit Program for the Temporary Use and Occupancy of Trailer Coaches for Use as a Shelter Following the Redwood Valley Fire.

On October 20, 2020, the Board of Supervisors adopted Ordinance No. 4473 for an Administrative Permit Program for the Temporary Use and Occupancy of Trailer Coaches for Use as a Shelter Following the August Complex and Oak Fires and Extending the Effectiveness of Ordinance No. 4397 which Adopted an Administrative Permit Program for Temporary Use and Occupancy of Trailer Coaches For Use as a Shelter Following the Redwood Valley Fire in 2017.

On September 21, 2021, the Board of Supervisors is considering adoption of a Resolution ratifying the Local Emergency related to September 2021 Hopkins fire as proclaimed by the Chief Executive Officer/Director of Emergency Services and ratifying the existence of a Local Health Emergency as proclaimed by the Health Officer.

SUMMARY OF REQUEST:

Government Code section 25131 provides that ordinances shall become effective thirty (30) days from the date of final passage, except for certain ordinances, which become effective immediately. An ordinance for the immediate preservation of the public peace, health, or safety, which contains a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the board of supervisors, shall take effect immediately. Government Code section 25131 specifies that an urgency ordinance may be passed immediately upon introduction.

At the direction of the Board of Supervisors, County staff prepared Ordinance No. 4397 that created an administrative permit program that allowed the installation, use and temporary occupancy of a trailer coach (as defined in Mendocino County Code section 20.008.054, and which includes recreational vehicles and mobile homes) for up to a three (3) year period following the Redwood Valley Fire. Staff has prepared an ordinance that provides for the same program for victims of the Hopkins Fire, which would have a sunset date of September 21, 2024, for all administrative permits.

The proposed ordinance would allow for the temporary use and occupancy of trailer coaches for use as a shelter. Existing County Code only allows for such use of trailer coaches after a building permit is issued

for a residence on the parcel. The proposed ordinance would also allow travel coaches to be used by licensed contractors hired to construct a replacement dwelling unit and associated structures. 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. The ordinance provides that properties need to meet certain health and safety related requirements prior to the issuance of the administrative permit.

The ordinance is categorically exempt from the California Environmental Quality Act (CEQA). The primary purpose of this ordinance is to assist people in resettling following the fire in order that their property can be replaced or restored. Section 15303 of the CEQA Guidelines provides that the construction of limited numbers of new, small facilities, including single family homes, is exempt from CEQA. Allowing limited numbers of travel coaches pursuant to the requirements of this ordinance is functionally similar to the application of this exemption to the construction of a single-family home. The ordinance is also limiting the number of travel coaches to essentially what is allowed under current zoning. As such, the ordinance is also exempt from CEQA on the basis of section 15061(b)(3) of the CEQA Guidelines. Because the ordinance is allowing the temporary siting of travel coaches, subject to certain conditions, in numbers that are similar to what might be allowed under the normal application of the Inland Zoning Code, it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

The ordinance must be adopted on at least a 4/5 vote of the Board. As required by Government Code section 25131, the ordinance contains recitals and findings substantiating the need to adopt this ordinance on an urgency basis.

ALTERNATIVE ACTION/MOTION:

Do not adopt the proposed ordinance; refer the matter to staff for additional research and alternatives.

HOW DOES THIS ITEM SUPPORT THE GENERAL PLAN? Yes, the item supports the following General Plan Policies and Action Items.

General Plan Policy DE-218: *Land uses, densities, and intensities shall be designed to reduce human risk and exposure to hazardous conditions and events.*

Action Item DE-218.1: *Continue to identify and assess risks to life, property, and the environment. Incorporate appropriate strategies into emergency response and land use planning.*

In addition, the item supports Policy 1.1 from the County Housing Element, a mandatory element of the General Plan, as follows:

Housing Element Policy 1.1: *Promote safe and healthy housing arrangements for residents of all income levels.*

SUPERVISORIAL DISTRICT: DISTRICT 1

VOTE REQUIREMENT: 4/5ths

SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:

<https://www.mendocinocounty.org/government/planning-building-services/public-notice>

FISCAL DETAILS:

SOURCE OF FUNDING: BU 2851

CURRENT F/Y COST: \$33,630

ANNUAL RECURRING COST: N/A

BUDGET CLARIFICATION: Waiving the fee for an Administrative Permit will cost an estimated \$33,630 in application fees and staff time. Depending on final damage estimates, the cost may increase or decrease.

BUDGETED IN CURRENT F/Y: No

IF NO, PLEASE DESCRIBE: Unanticipated emergency

REVENUE AGREEMENT: N/A

AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL: Yes

CEO LIAISON: Judy Morris, Deputy CEO

CEO REVIEW: Choose an item.

CEO COMMENTS:

[Type text]

FOR COB USE ONLY

Executed By: Deputy Clerk

Date: Date Executed

Note to Department

Number of Original Agreements Returned to Dept: Choose an item.

Original Agreement Delivered to Auditor? Choose an item.

Final Status:Item Status

Executed Item Type: item Number:

ORDINANCE NO. ____

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
HOPKINS FIRE

WHEREAS, on September 12, 2021, at approximately 2 p.m., a fire started on Hopkins Street and North State Street near Calpella in Mendocino County, known as the Hopkins Fire; and

WHEREAS, as of September 16, 2021, the Hopkins Fire is 95% contained; however, approximately 275 acres were burned during the incident and 52 homes and minor structures were destroyed or damaged; and

WHEREAS, on September 16, 2021, by delegation, a local emergency was declared for Mendocino County, which was ratified by the Board of Supervisors at its meeting on September 21, 2021; and

WHEREAS, on September 16, 2021, 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 September 21, 2021, 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 Hopkins 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 Hopkins Fire has destroyed numerous residences and accessory buildings in 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.

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 Hopkins Fire. To the extent such resettlement can occur within the boundary of the Hopkins 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 Hopkins 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 Hopkins 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 Hopkins Fire.
- (2) The trailer coach may be located on the applicant's parcel within the boundary of the Hopkins 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 blocked up or placed on a permanent foundation.
- (5) If the trailer coach is to be located on a parcel within the boundary of the Hopkins 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 100 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 Hopkins Fire, the County may also approve an administrative permit for a site where potable water will be provided pursuant to an agreement with a water delivery service. The agreement shall be provided to the County with the application for the administrative permit. The water delivery service 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 six (6) months 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 and approved by the Mendocino County Division of Environmental Health prior to issuance of the administrative permit; or (c) a sewage pumping service which would empty the trailer coach's septic system on a regular basis, the agreement for which shall be provided to the County. Maintenance of sewage disposal shall be a condition of the administrative permit.

(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.

(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 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 Hopkins 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 September 21, 2024. 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.

Section 4. CEQA. The Board of Supervisors hereby finds that this ordinance is categorically exempt from CEQA pursuant to (a) 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 (b) 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 21st day of September, 2021, by the following roll call vote:

AYES:

NOES:

ABSENT:

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

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair

Mendocino County Board of Supervisors

Deputy

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS,
County Counsel

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

Deputy