

ORDINANCE NO. SCC 2018 - _____

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SHASTA, STATE OF CALIFORNIA, ADDING TITLE 19, SHASTA
COUNTY CARR FIRE DISASTER RECOVERY, TO THE SHASTA COUNTY CODE
URGENCY ORDINANCE: 4/5 VOTE REQUIRED**

The Board of Supervisors of the County of Shasta, State of California, ordains as follows:

SECTION I.

This urgency ordinance is adopted pursuant to California Government Code sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors. The Board finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

1. Conditions of extreme peril to the safety of persons and property within the County were caused by fast-moving and widespread fires, referred to as the Carr Fire, commencing on the 23rd day of July, 2018, at which time the Board of Supervisors was not in session.
2. California Government Code section 8630 and Shasta County Code § 2.72.060 empower the director of emergency services to proclaim the existence of a local emergency when the county is affected or likely to be affected by a public calamity, subject to ratification by the Board of Supervisors at the earliest practicable time.
3. On July 26, 2018, the Shasta County Emergency Services Director (Sheriff) proclaimed the existence of a local emergency due to the Carr Fire and such proclamation was confirmed and ratified by the Shasta County Board of Supervisors on July 30, 2018.
4. On July 26, 2018, the Governor of the State of California proclaimed a State of Emergency for Shasta County as a result of the Carr Fire and has declared Shasta County eligible for Fire Management Assistance Grant and other relief programs.
5. By Executive Order B-53-18, Governor Brown suspended until August 9, 2021, certain provisions of the Health and Safety Code, the California Code of Regulations and planning and zoning requirements in Government Code sections 65852.3 through 65863.13 as said code and regulations apply to housing projects for recreational vehicles, mobile homes and manufactured homes and special occupancy parks damaged or destroyed as a result of the Carr Fire in Shasta County; and

6. On July 28, 2018, President Donald J. Trump declared the existence of a major disaster in the State of California and ordered Federal aid to supplement state and local recovery efforts in the areas affected by wildfires, including the Carr Fire, beginning on July 23, 2018, and continuing.
7. On August 21, 2018, the Board of Supervisors adopted Resolution No. 2018-074, extending the proclamation of local emergency issued on July 26, 2018 for another 30 days, based on the ongoing and imminent threat to public safety and undamaged property arising from damage caused by the Carr Fire.
8. The Carr Fire destroyed approximately 1,079 housing structures in Shasta County, as well as damaged 190 residences, and has consumed approximately 230,000 acres and displaced thousands of Shasta County residents.
9. The State of California has declared that there is a statewide housing crisis. Even prior to the Carr Fire, there existed in the unincorporated county area a severe lack of rental housing.
10. The housing units destroyed by the Carr Fire increased and exacerbated this rental housing shortage and significantly reduced the number of owner-occupied housing units in the County.
11. It is essential that the changes made by this ordinance to the Shasta County Code and various County housing permitting and health and safety policies related to use and occupancy of residential dwellings be implemented immediately to allow the fastest possible transition of homeless and displaced residents to interim and long term shelter.

SECTION II.

Title 19, entitled Shasta County Carr Fire Disaster Recovery, as set forth in Exhibit A to this ordinance, is hereby added to the Shasta County Code, to remain in effect until August 9, 2021, unless extended or otherwise modified by the Board of Supervisors.

SECTION III.

Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code. Each

exemption stands as a separate and independent basis for determining that this Ordinance is not subject to CEQA.

SECTION IV.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The Board of Supervisors hereby declares that it would have passed this Ordinance and every section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION V.

All former ordinances and resolutions, or parts thereof, conflicting or inconsistent with the provisions of this Ordinance are hereby superseded by this Ordinance. The adoption of this Ordinance shall not in any manner affect any action or prosecution for violation of ordinances, which violations were committed prior to the effective date hereof, be construed as a waiver of any license, fee, or penalty required by or resulting from any such ordinance, or affect the validity of any bond (or cash deposit in lieu thereof) required to be posted, filed, or deposited pursuant to such ordinance.

SECTION VI.

This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote. The Clerk shall cause this Ordinance to be published as required by law.

DULY PASSED AND ADOPTED this ____ day of _____ 2018, by the Board of Supervisors, County of Shasta, State of California, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____

EXHIBIT A
TITLE 19
SHASTA COUNTY CARR FIRE DISASTER RECOVERY

Chapter 19.02 – General

19.02.010 Title

This title shall be known as the Shasta County Carr Fire Disaster Recovery Ordinance.

19.02.020 Purpose

This title is enacted for the purpose of modifying and/or temporarily suspending various county housing, permitting and health and safety codes and policies to expedite the transition of residents made homeless or displaced by the Carr Fire to interim and long term shelter and to house people in safe, secure, habitable housing on a temporary basis.

19.02.030 Administration

This title shall be administered under the direction of the Board of Supervisors, by and through the director and other departments specified herein.

19.02.035 Administrative Standards

The director may establish administrative standards for use in implementing this title. Any administrative standards established pursuant to this title shall be made available to the public on the Resource Management Department's website and upon request at the department.

19.02.040 Effective Period

- A. The provisions in this title 19 shall remain in effect until August 9, 2021, unless otherwise specified herein, subject to extension or modification by the Board of Supervisors. Unless extended or modified by the Board of Supervisors, this title shall expire on August 9, 2021, and be of no further force or effect.
- B. Unless otherwise provided herein, no interim housing authorized pursuant to this title shall be used for permanent housing after the expiration date of this Ordinance.
- C. Unless otherwise provided herein, no cargo storage container authorized pursuant to this title shall be used after the expiration date of this title.

Chapter 19.03 – Glossary, Purpose, and Application of Other Laws

19.03.010 Purpose

This chapter provides definitions of terms and phrases used in this title that are technical or specialized, or that may not reflect common usage. If any of the definitions in this chapter conflict with definitions in other provisions of this code, these definitions shall control for the purposes of this title. If a word is not defined in this chapter, or in other provisions of this code, the director shall determine the correct definition.

19.03.012 Conflict with Chapter 2.72

In the event of any conflict between the provisions of this title 19 and Chapter 2.72 (“Emergency Services”), the provisions of title 19 shall control.

19.03.014 Conflict with Certain Regulations

Nothing in this title removes or suspends regulatory requirements or authority of the State Department of Housing and Community Development to regulate residential use of recreational vehicles as special occupancy parks or otherwise, other than as such provisions are suspended or modified by State law and/or an Executive Order or emergency proclamation by the Governor.

19.03.020 Definitions

CalOES. The California Governor's Office of Emergency Services or successor agency.

Cargo storage container. A single metal box made of steel or other similar material, which is designed for securing and protecting items for temporary storage, not exceeding three hundred twenty (320) square feet in size, without utilities, and not used for human habitation.

Carr Fire. The series of fires that swept through Shasta County beginning on July 23, as referenced in Board of Supervisors Resolution No. 2018-067, adopted July 30, 2018, and which were the subject of the Proclamation of a State of Emergency by Governor Edmund J. Brown and the Major Disaster Proclamation for California issued by President Donald J. Trump

Director. The director of the Resource Management Department of the county or his or her authorized representative.

Displaced person(s). A county resident or residents, including their family member(s), whose residential dwelling has been destroyed or damaged by the Carr Fire, such that the resident(s) cannot occupy the dwelling. Displaced person(s) may be required to provide verification to the county to substantiate their eligibility for uses, permits and/or approvals described in this title. Evidence may consist of verification by Federal Emergency Management Agency (FEMA) registration or damage assessment, and/or a driver's license or other government-issued identification card or utility bill, etc. with a physical address showing the resident resided on a legal parcel impacted by the Carr Fire, as determined by the county. Such determination may be made by the director.

Effective Date. The date of Board adoption of this title.

FEMA. The Federal Emergency Management Agency or successor agency.

Fire-damaged lot or parcel. A lot or parcel, as defined in Sections 17.02.295 and 17.02.400 of this Code, that as of July 23, 2018, contained a previously established residence that was damaged or destroyed by the Carr Fire.

Manufactured home. For purposes of this title only, “manufactured home” means either a structure as defined in Section 17.02.355, provided however that the structure is not placed on a permanent perimeter foundation, or any type of temporary housing provided by or authorized for use by FEMA for housing related to recovery from the Carr Fire, including but not limited to manufactured housing, park model homes and other similar types of temporary housing.

Mobile home. For purposes of this title, “mobile home” means a structure as defined in Section 17.02.365.

Movable tiny house. For the purposes of this title, “movable tiny house” is a structure utilized as living quarters by one household that is licensed by and registered with the California Department of Motor Vehicles, meets the American National Standards Institute (ANSI) 119.5 or ANSI 119.2 (NFPA 1192) requirements and is certified by a qualified third party inspector for ANSI compliance, cannot move under its own power, is not longer than allowed by State law for movement on public highways, and has a total floor area of not less than 150 square feet and no more than 430 square feet of habitable living space.

Reconstruction. Replacement of a previously established residence that was destroyed by the Carr Fire on the same lot and with no change in use.

Repair. Repair of a structure damaged by the Carr Fire with no change in use.

Recreational vehicle. A motor home, travel trailer, truck camper or camping trailer that is (1) self-contained and designed for human habitation for recreational or emergency occupancy; (2) self-propelled, truck-mounted, or permanently towable on California roadways; and (3) a California Department of Motor Vehicles licensed vehicle; or a similar vehicle or structure as determined by the director.

Temporary Dwelling. For purposes of this title, a temporary dwelling includes a recreational vehicle, a manufactured home, a mobile home, or a movable tiny house.

Chapter 19.04 – Use of Temporary Dwellings and Cargo Storage Containers

19.04.010 Standards of Temporary Dwellings and Cargo Storage Containers

- A. Initial use of temporary dwellings in residential and non-residential areas. For a period of 60 days from the Effective Date, residential use and occupancy of temporary dwellings on any parcel in any zoning district shall be allowed without county approval, zoning, or building permit, provided that such parcels and/or temporary dwellings have temporary septic holding capacity; portable toilets that are serviced through routine

pumping services; or use of dump stations and which otherwise complies with other applicable laws and requirements.

- B. Temporary dwellings and use of a single cargo storage container per parcel in residential zones after initial use period. The use of temporary dwellings and one cargo storage container per parcel in any residential zoning district during the term of this title shall be allowed, subject to county approval and permit as applicable, for use by persons displaced by the Carr Fire, subject to the requirements in Sections 19.04.010.C, D, and E.
- C. Standards. Other than as provided in Section 19.04.010.A, all residential use of temporary dwellings and cargo storage containers shall meet the following standards.
 - 1. The property owner or the property owner's authorized agent shall obtain all county permits for all temporary dwellings and cargo storage containers. Written consent of the property owner is required in all cases.
 - 2. Residential use of temporary dwellings is limited to those not on a permanent foundation and used to house displaced persons during the Effective Period set forth in Section 19.02.040.
 - 3. Use of a single cargo storage container shall be for storage of personal and household belongings only.
 - 4. Residential use of temporary dwellings and cargo containers shall be located outside the boundaries of any recorded easements, road or driveway, designated flood hazard location, or areas prone to landslide or debris flow.
 - 5. The temporary dwelling shall be connected to an approved source of water meeting one of the following criteria:
 - a. Public water supply;
 - b. Existing well provided that it has been approved by the Environmental Health Division as safe for domestic consumption; or
 - c. Other water source approved by the Environmental Health Division.
 - 6. The temporary dwelling shall be connected to an approved sewage disposal system meeting one of the following criteria:
 - a. Public sewer system;
 - b. Existing on-site sewage disposal system that has been approved by the Environmental Health Director to be intact, adequately sized, and functioning following the disaster;

- c. Temporary holding tank with a contract with a pumping company for regular pumping. A copy of the contract shall be provided to the Environmental Health Division or;
 - d. Other method of sewage disposal approved by the Environmental Health Division.
- 7. The temporary dwelling shall be connected to an approved source of electricity meeting one of the following criteria:
 - a. Permitted electrical service hook-up; or
 - b. Other power source approved by the Environmental Health Director.
- 8. Residential use of temporary dwellings and cargo storage containers under this title shall not be allowed in areas with health and safety hazards as determined by the director.
- 9. Temporary dwellings and use of a cargo storage container for residential use on fire-damaged parcels shall meet the following additional standards:
 - a. Residential use of temporary dwellings and cargo storage containers located on fire-damaged parcels shall be permitted on parcels where a previously established residence was destroyed, or damaged and rendered uninhabitable as determined by the director as a result of the Carr Fire. Proof that a destroyed or damaged residence was previously established shall be verified by the director based on prior final building permit or assessor's records, or other documentation satisfactory to the director.
 - b. Except as provided herein, no county approval or permit for residential use of a temporary dwelling or cargo storage container shall be issued until the site is approved for reconstruction by the county, CalOES, CalRecycle, or FEMA.
 - c. Temporary dwellings may be located within Zoning Ordinance setback areas other than riparian setbacks, such that placement of the temporary dwelling will allow for unobstructed debris removal and reconstruction on the site.
- 10. Temporary dwelling for residential use on lots which are not fire-damaged shall comply with all Zoning Ordinance setback requirements.
- 11. Parking of licensed personal vehicles shall comply with all applicable on-street parking restrictions.

- D. Removal and disconnection. Every temporary dwelling placed on any site for residential use as permitted by this title shall be disconnected from sewer, septic, water and/or power connections and removed from the parcel on which it is located no later than the expiration date of this title or within 30 days of issuance of certificate of occupancy, whichever is earliest.
- E. Removal of cargo storage container. Every cargo storage container placed on any parcel for residential use as permitted by this title shall be removed from the parcel on which it is located no later than the expiration date of this title or within 30 days of issuance of certificate of occupancy, whichever is earliest.

19.04.050 Temporary Dwellings in Non-Residential Zones

- A. Subject to the approval of an administrative permit in accordance with section 17.92.050 of this code, temporary dwellings may be utilized for temporary residential uses by displaced persons on parcels not affected by the Carr Fire within all zone districts with the exception of the Designated Floodway (F-1), Public Facilities (PF), and Timber Production (TP) districts.
- B. At a minimum, the use shall comply with the standards set forth in Section 19.04.010.C. Additional requirements, as applicable, may be imposed as conditions of approval of the administrative permit by the director.

19.04.060 Expansion of Existing Mobile Home Parks

Existing legally established mobile home parks may expand within the existing permitted site to a maximum permitted residential density of one hundred thirty five percent (135%) of the density established by the zoning map, subject to issuance of a zoning permit.

19.04.070 Standards for Residential Use of Manufactured Homes and Recreational Vehicles

Governor Brown's Executive Order B-53-18 provides in part that, "[T]he Department of Housing and Community Development (HCD) and local enforcement agencies, including those with delegated disaster authority, will jointly develop permitting, operating and construction standards to maintain reasonable health and safety standards for the disaster survivors, the residents and the surrounding communities in the impacted areas in Lake, Mendocino, Shasta, and Siskiyou Counties." Upon the adoption of such standards by HCD and the county, any use as defined herein and allowed pursuant to this title shall be subject to such standards, unless different and equally protective FEMA standards apply, in which case the FEMA standards shall apply.

Chapter 19.05 – Additional Housing and Recovery Provisions

19.03.010 Rental of Existing Guest Houses

Notwithstanding any contrary provision in this code, existing guest houses as defined in Section 17.02.245 may be rented as interim housing for persons displaced by the Carr Fire, but shall remain subject to all other existing regulations and limitations.

19.05.020 Use and Rental of Certain Existing Dwellings on Agricultural Parcels

Notwithstanding any contrary provision in this code, or the contrary terms of any agricultural easement or land conservation contract made pursuant to this code, existing main or primary dwellings and farm family dwellings on agricultural parcels may be used by or rented to persons displaced by the Carr Fire, provided that such use or rental does not displace agricultural employees or farm workers.

19.05.030 Temporary Suspension of Development Impact Fees

- A. Purpose. The code currently requires payment of development impact fees in connection with applications for new accessory dwelling units (ADUs). Notwithstanding any contrary provision in this code, for fire-damaged parcels, new ADU applications shall be eligible for a temporary suspension of those development impact fees that are imposed by the County of Shasta in accordance with this section. Development impact fees for new ADUs that are imposed by agencies other than the County of Shasta are not affected by this code.
- B. Attached ADUs. When a reconstructed single-family dwelling is build, development impact fees shall be temporarily suspended for an accessory dwelling unit (ADU) that is incorporated into the interior of the dwelling. The ADU shall conform with all other applicable codes and standards and shall be identified in the application submittal.
- C. Detached ADUs. For any new detached ADU, the development impact fee shall be temporarily suspended provided the new ADU is consistent with zoning and meets all other applicable codes and standards for ADUs.

19.05.040 Temporary Suspension of County Use Permit Requirement for Relocation of Damaged Child Care and Educational Facilities

Notwithstanding any contrary provision in this code, relocation of any day care center, child care facility, elementary school, junior high school, high school or institution of higher education housed in premises made uninhabitable by the Carr Fire may be relocated to existing buildings in the Community Commercial (C-2), Office Commercial (C-O), Commercial Light-Industrial (C-M), and Public Facilities (PF) zone districts or to any site with an existing educational or religious facility, subject only to a zoning permit, and if required, a building permit for renovations. Nothing in this title waives or affects any State law requirements applicable to such facilities.

19.05.050 Legal Nonconforming Uses and Structures

Notwithstanding any contrary provision of this code, the director may waive the requirements of [Chapter 17.90](#) of the Shasta County Code, that prohibits the replacement, repair or reconstruction of a non-conforming building or use that has been destroyed in the Carr Fire, provided the director has determined that the requirements of Chapter 2.72.100.C.2(a) – (f), have been met.

Chapter 19.06 -- Extensions of Specified Land Use Approvals

19.06.010 Tentative Maps

Notwithstanding any contrary provision of this Code, any tentative map for parcels that was approved on or after July 23, 2016, and has not already been granted an extension of time is hereby extended by one year beyond its current expiration date. As used in this chapter, the term "tentative map" refers to tentative maps, tentative parcel maps, and vesting tentative maps.

19.06.020 Concurrent Land Use Approvals

Notwithstanding any contrary provisions of this code, for tentative maps extended pursuant to Section 19.06.010 above, any separate discretionary land use approval that was granted in conjunction with the tentative map approval is hereby extended consistent with the extended tentative map.

19.06.030 Lot Line Adjustments

Notwithstanding any contrary provisions of this code, any lot line adjustment approved on or after July 23, 2016 and that has not already been granted an extension of time is hereby extended one year.

19.06.040 Other Approvals

Any use permit, zoning permit, variance or design review approval granted under this code that was approved on or after July 23, 2016 and that has not already been granted an extension of time is hereby extended for one year.