

**TOWN OF PARADISE
ORDINANCE NO. 573**

**AN URGENCY ORDINANCE OF THE TOWN COUNCIL OF THE
TOWN OF PARADISE
CAMP FIRE DISASTER RECOVERY TEMPORARY HOUSING ORDINANCE:
4/5 VOTE REQUIRED**

The Town Council of the Town of Paradise does ordains as follows:

Section 1. Emergency Findings. This urgency ordinance is adopted pursuant to California Government Code Section 36934 and shall take effect immediately upon its approval by at least a four-fifths vote of the Town Council. The Council finds that this ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon the following facts:

- A. Conditions of extreme peril to the safety of persons and property within the Town were caused by the Camp Fire, commencing on the 8th day of November, 2018, at which time the Town Council was not in session.
- B. California Government Code section 8630 et. seq. empowers the Director of Emergency Services to proclaim the existence of a local emergency when the Town is affected or likely to be affected by a public calamity, subject to ratification by the Town Council at the earliest practicable time.
- C. On November 8, 2018, the Director of Emergency Services proclaimed the existence of a local emergency within the Town due to the Camp Fire.
- D. On November 8, 2018, the Acting Governor of the State of California proclaimed a State of Emergency for Butte County pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and on November 14, 2018, the Governor issued Executive Order B-57-18 concerning the Camp Fire.
- E. On November 12, 2018, the President of the United States declared the existence of a major disaster in the State of California, providing assistance from many federal agencies, including the Federal Emergency Management Agency (FEMA).
- F. On November 13, 2018, the Town Council adopted Resolution No. 18-42 ratifying the Director of Emergency Services' proclamation of the existence of a local emergency in Town.

- G. The Camp Fire to date has consumed 153,336 acres and has led to the destruction of 13,696 residences, damage to 462 residences, the destruction of 276 multiple family residences, the destruction of 528 commercial buildings, damage to 102 commercial buildings, the destruction of 4,293 other minor structures, and resulted in the evacuation of over 50,000 people.
- H. It is essential that the changes made by this ordinance, which are related to the use and occupancy of recreational vehicles and other residential structures, be implemented immediately to allow the fastest possible transition of homeless and displaced residents to interim and long-term shelter.

Section 2. Title.

This ordinance shall be known and may be cited as the Town of Paradise Camp Fire Disaster Recovery Temporary Housing Urgency Ordinance.

Section 3. Purpose.

This urgency ordinance is enacted for the purpose of temporarily modifying various Zoning and housing regulations and policies within the Paradise Municipal Code to allow the fastest possible transition of residents made homeless or displaced by the Camp Fire to interim and long-term shelter. This ordinance relaxes certain standards in the Town Zoning Ordinance and housing regulations to allow for additional temporary housing opportunities within the Town of Paradise to meet the urgent need for housing of displaced persons. This ordinance does not address standards that will be required when displaced persons return to their properties within the boundaries of the Camp Fire. Those standards will be addressed in a subsequent ordinance.

Section 4. Administration.

This ordinance shall be administered under the direction of the Town Council, by and through the Town Manager and other departments specified herein.

Section 5. Effective Period.

- A. The provisions in this ordinance shall remain in effect until December 31, 2020, unless otherwise specified herein, subject to extension or modification by the Town Council. Unless extended or modified by the Town Council, this ordinance shall expire on December 31, 2020, and be of no further force or effect.

- B. Except as otherwise provided herein, no residential recreational vehicle use or interim housing authorized pursuant to this ordinance shall be used for permanent housing after the expiration date of this ordinance.

Section 6. Definitions.

Except where the context clearly indicates otherwise, the following definitions shall govern the construction of the words and phrases used in the ordinance:

Director. The Town Manager or her authorized representative.

Displaced Person(s). A Town resident or residents whose residential dwelling has been destroyed or damaged by the Camp Fire, such that the resident(s) cannot occupy the dwelling. Displaced person(s) may be required to provide verification to the Town to substantiate their eligibility for uses, permits and/or approvals described in this ordinance. 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 Camp Fire, as determined by the Town. Such determination may be made by the Director or other Town personnel.

Effective Date. The date of the Town Council adoption of this ordinance.

Recreational Vehicle. A motor home, travel trailer, truck camper or camping trailer that is: (1) self-contained with potable water and sewage tanks 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.

Recreational Vehicle Park. A commercial use providing space for the accommodation of more than two recreational vehicles for recreational or emergency housing, or for transient employee lodging purposes.

Camp Fire. A 153,336-acre wildfire that started near the community of Pulga on November 8, 2018, destroying over 18,000 structures, which forced the evacuation of the Town of Paradise, Berry Creek, Butte Creek Canyon, Butte Valley, Centerville, Cherokee, Concow, Durham, Forest Ranch, Magalia, Pulga, Stirling City, and Yankee Hill, and other areas near the Cities of Chico and Oroville.

Section 7. Residential Use of Recreational Vehicles.

- A. **Initial Use of Recreational Vehicles** After completion of debris removal in accordance with applicable law, residential use and occupancy of up to two

recreational vehicles shall be allowed on any parcel within a residential zone in the Town. Notwithstanding the preceding sentence, one recreational vehicle may be located on a parcel that has either (1) an undamaged residence on it, or (2) has 2/3 acre or more in size. For larger parcels one recreational vehicle per acre may be allowed. In all cases, when debris removal is to be done on a portion of a parcel all recreational vehicles shall be removed for the duration of the debris removal. In no event shall such recreational vehicles be located within a public street. Use after the initial 180 days shall require compliance with the standards set forth below, a temporary administrative permit, and full hook-ups to water, sewer, and power.

- B. Temporary Recreational Vehicle Parks.** The establishment of temporary recreational vehicle parks without requiring hook-ups to water, sewer and power in commercial zoning districts shall be allowed for 180 days, subject to a temporary administrative permit. Temporary Recreational Vehicle Parks that are served with water, sewer, and power hook-ups may continue for the term of this ordinance.
- C. Standards.** After the initial 180-day period, all residential uses of recreational vehicles shall meet the following standards.
1. Recreational vehicles shall have full hook-ups to water, sewer, and power.
 2. The property owner or the property owner's authorized agent shall obtain a temporary administrative permit effective for the term of this ordinance. Written consent of the property owner is required in all cases.
 3. The residential use of recreational vehicles is limited to vehicles not on a permanent foundation and used to house displaced persons during the Effective Period set forth in Section 5 above.
 4. The residential use of recreational vehicles shall be located outside of required setbacks established in Chapter 17 of the Paradise Municipal Code.
 5. The residential use of recreational vehicles shall be located outside of the boundaries of any recorded easements.
 6. The recreational vehicle 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 Town and the Butte County Environmental Health Division as safe for domestic consumption; or,
 - c. Other water source as approved by Town.
- 7. The recreational vehicle 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 Town 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 Town; or
 - d. Other method of sewage disposal approved by the Town.
- 8. The recreational vehicle 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 Director.
- 9. The residential use of recreational vehicles under this ordinance shall not be allowed within the boundaries of the Camp Fire or in an area with health and safety hazards as determined by the Director.

Section 8. Use of accessory residential structures for temporary habitation.

For the Effective Period of this ordinance, accessory residential structures, which meet Residential Group R occupancies as established by the California Residential Code adopted by the Town, may be used as interim housing for persons displaced by the Camp Fire. During this period, said use shall not be subject to the provisions of existing deed restrictions required by the Town, but shall remain subject to all other existing regulations and limitations.

Section 9. Use of Accommodations, Farmstays, Bed and Breakfast Inns, Resorts, Retreats, Camps or other similar uses.

Notwithstanding any contrary provision in the Paradise Municipal Code or any use permit conditions, use of existing promotional or marketing accommodations, farmstays, bed and

breakfast inns, resorts, retreats, camps or other similar visitor serving uses shall be allowed as interim housing for persons displaced by the Camp Fire.

Section 10. Waiver of Town Use Permit Requirement for Relocation of Damaged Child Care and Educational Facilities.

Notwithstanding any contrary provision in the Paradise Municipal Code, any existing small or large child day care facility or child care center, elementary school, junior high school, high school or institution of higher education that was housed in premises made uninhabitable by the Camp Fire may be temporarily relocated to existing buildings in the Town as approved by the Director, subject to a temporary administrative permit and any existing applicable standards, and subject to a building permit if any renovations are required. Nothing in this ordinance waives or affects any State law requirements applicable to such facilities.

Section 11. CEQA.

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.

Section 12. Severability.


If any provision of this Ordinance or the application thereof to any person or circumstances is for any reason held to be invalid by a court of competent jurisdiction, such provision shall be deemed severable, and the invalidity thereof shall not affect the remaining provisions or other applications of the Ordinance which can be given effect without the invalid provision or application thereof.

Section 13. Effective Date and Publication.

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 Town Clerk of the Town of Paradise is authorized and directed to publish this ordinance before the expiration of fifteen (15) days after its passage. This Ordinance shall be published once, with the names of the members of the Town Council Members voting for and against it, in the Paradise Post, a newspaper of general circulation published in the Town of Paradise, State of California. A complete copy of this Ordinance is on file with the Town Clerk of the Town Council and is available for public inspection and copying during regular business hours in the office of the Town Clerk.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 11th day of December, 2018 by the following vote:

- AYES:** Greg Bolin, Steve Crowder, Melissa Schuster, Mike Zuccolillo and Jody Jones, Mayor
NOES: None
ABSENT: None
ABSTAIN: None



Jody Jones, Mayor

ATTEST: *December 12, 2018*

APPROVED AS TO FORM:



Dina Volenski, CMC, Town Clerk



Dwight L. Moore, Town Attorney