

URGENCY ORDINANCE NO. 1836

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA AMENDING TITLE 17, SECTION 17.08.170 TO ADD MOBILE HOMES AND MANUFACTURED HOUSING UNITS FOR THOSE PARTS OF THE CITY OF OROVILLE MOST SEVERELY IMPACTED BY THE CAMP FIRE OF NOVEMBER 2018

WHEREAS, pursuant to Article XI, Section 7 of the California Constitution, the City of Oroville may make and enforce all regulations and ordinances using its police powers; and

WHEREAS, Conditions of extreme peril to the safety of persons and property within the county were caused by a fast-moving and widespread fire, referred to as the Camp Fire, commencing on November 8, 2018; and

WHEREAS, the Camp Fire has burned more than 150,000 acres and destroyed more than 13,000 residences; and

WHEREAS, the Governor of the State of California proclaimed a State of Emergency for Butte County on November 8, 2018; and

WHEREAS, On November 12, 2018, the President of the United States issued a Major Disaster Declaration for Butte and other counties in the state of California; and

WHEREAS, Government Code §36937(b) allows an ordinance to take effect immediately for the preservation of public peace, health or safety and it contains a declaration of the facts constituting the urgency; and

WHEREAS, the proposed amendment is internally consistent with other applicable provisions of this Zoning Code, in that the amendment will implement the General Plan through standards for zoning districts already adopted into the Zoning Code; and

WHEREAS, 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 repairs and replacement work after a state-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 in 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, and Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency; and

WHEREAS, The City Council has been provided with information upon which the findings and actions set forth in this Ordinance are based, allowing the Council to adopt this urgency ordinance to be effective upon adoption; and

WHEREAS, for the reasons set forth above, this Ordinance is declared by the City Council to be necessary for preserving the public peace, welfare, health or safety and to avoid a current,

immediate and direct threat to the peace, health, safety or welfare of the community and the recitals above taken together constitute the City Council’s statement of the reasons for adopting this Ordinance on an urgency basis.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF OROVILLE DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings.

The City Council of the City of Oroville adopts and finds as true and correct, the aforementioned recitals and incorporate them herein as findings.

SECTION 2. Amend Section 17.08.170 of the Oroville Municipal Code to read as follows:

Section 17.08.170 - Residential Use of Recreational Vehicles, Mobile Homes, and Manufactured Housing Units

A. Effective Period.

- 1. The provisions of this section shall remain in effect until December 31, 2020, unless specified herein, subject to extension or modification by the council. Unless extended or modified by the council, this section shall expire on December 31, 2020, and be of no further force or effect.
- 2. All recreational vehicles, mobile homes and manufactured housing units authorized for use pursuant to this Section shall be removed upon expiration of this Section or upon withdrawal, expiration or termination of the temporary administrative use permit following 15-day notice of expiration/termination by the City.

B. Definitions.

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

Camp Fire. The fire that began on November 8, 2018 in Butte County destroying the town of Paradise and threatening the communities of Butte Creek Canyon, Chico, Concow, Forest Ranch, Helltown, Inskip, Oroville, Stirling City and Yankee Hill.

Displaced person(s). A city 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 city to substantiate their eligibility for uses, permits and/or approvals described in this section.

Effective Date. The date of council adoption of this ordinance.

FEMA. The Federal Emergency Management Agency or successor agency.

Mobile Home or Manufactured Housing Unit. A trailer or transportable prefabricated structure used as a temporary living accommodation.

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 occupation; (2) self-propelled, truck-mounted, or permanently towable on California roadways; and (3) a California Department of Motor Vehicles licensed vehicle or similar vehicle as determined by the city.

C. Residential Use of Recreational Vehicles, Mobile Homes and Manufactured Housing Units.

1. Initial use. For a period of 45 days from the Effective Date, residential use and occupancy of recreational vehicles, mobile homes or manufactured housing units on any residential lot in any zoning district outside of the area affected by the Camp Fire shall be allowed without city approval, zoning or building permit, provided that such lots and/or vehicles have functioning sanitary sewer connections, temporary septic holding capacity and/or portable toilets that are serviced through routine pumping services or use of dump stations.
2. Recreational vehicles, mobile homes and manufactured housing units for reconstruction or repair of damaged dwellings.
 - i. The use of one (1) recreational vehicle, one (1) mobile home or one (1) manufactured housing unit per parcel in any residential zoning district during the term of this ordinance shall be allowed, subject to city administrative approval or permit as applicable, for use by displaced persons who are repairing or reconstructing a fire-damaged dwelling on the same or another parcel.
 - ii. The use of recreational vehicles, mobile homes and/or manufactured housing units in an amount not to exceed 6 units per acre on any parcel during the term of this ordinance shall be allowed, subject to city administrative approval or permit as applicable, for use by displaced persons who are repairing or reconstructing a fire-damaged dwelling.
 - iii. The use of recreational vehicles, mobile homes and/or manufactured housing units in an amount to be determined by the City Administrator or his/her designee on any parcel owned by the City during the term of this ordinance shall be allowed, subject to city administrative approval or permit as applicable, for use by displaced persons who are repairing or reconstructing a fire-damaged dwelling.
 - iv. The issuance, withdrawal, expiration and/or termination of all permits issued pursuant to this Section shall be at the sole discretion of city administration without right to administrative appeal or other judicial appeal. In addition, all permits issued pursuant to this Section shall not run with the land and shall not give any right to continued use following

expiration of this Section or upon withdrawal, expiration or termination of the temporary permit, whichever occurs first.

D. Standards. All residential use of recreational vehicles, mobile homes and manufactured housing units shall meet the following standards.

1. The property owner or the property owner's authorized agent shall obtain a city temporary use approval or permit and all other required permits. Written consent of the property owner is required in all cases.
2. Residential use of recreational vehicles, mobile homes and manufactured housing units is limited to vehicles not on a permanent foundation and used to house displaced persons during the effective period in this section 4.
3. Residential use of recreational vehicles, mobile homes and manufactured housing units shall be located outside the boundaries of any recorded easements.
4. The recreational vehicle, mobile home or manufactured housing unit shall be connected to an approved source of water meeting one of the following criteria: public water supply; existing well provided that it has been approved by the city as safe for domestic consumption; or other water source approved by the city.
5. The recreational vehicle, mobile home or manufactured housing unit shall be connected to an approved sewage disposal system meeting one of the following criteria: public sewer system; existing on-site sewage disposal system that has been approved by the city to be intact, adequately sized, and functioning following the disaster; temporary holding tank with a contract with a pumping company for regular pumping; or other method of sewage disposal approved by the director.
6. The recreational vehicle, mobile home or manufactured housing unit shall be connected to an approved source of electricity meeting one of the following criteria: permitted electrical service hook-up; or other power source approved by the city.
7. Residential use of recreational vehicles, mobile homes and manufactured housing units under this ordinance shall not be allowed in either of the following areas:
 - a. A special flood hazard area defined by this code or regulations, or other authorized federal or state official.
 - b. An area with health and safety hazards as determined by the city.

E. Standards for Fire-Affected Sites. Recreational vehicles, mobile homes and manufactured housing units for residential use on fire-affected sites shall meet the following additional standards:

1. Residential use of recreational vehicles, mobile homes and manufactured housing units on fire-affected sites shall be permitted only on parcels on which a permitted

or legally established residence was destroyed or damaged and rendered uninhabitable as determined by the city as a result of the Camp Fire.

2. Except as provided herein, no city approval or permit for residential use of a recreational vehicle, mobile home or manufactured housing unit shall be issued until the site is approved for reconstruction by the city, CalOES or FEMA.
3. Recreational vehicles, mobile homes and manufactured housing units may be located within the Zoning Ordinance setback areas, other than the riparian setbacks, such that placement of the recreational vehicle will allow for unobstructed reconstruction on the site.

- F. Recreational vehicles, mobile homes and manufactured housing units for residential use on lots not affected by the Camp Fire shall comply with all Zoning Ordinance and riparian setback requirements.

SECTION 3. Environmental Determination.

The Council finds that the adoption and implementation 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 repairs and replacement work after a state-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 in 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, and Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency

SECTION 4. Severability.

If any section, subsection, clause, phrase or word of this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 5. Effective Date.

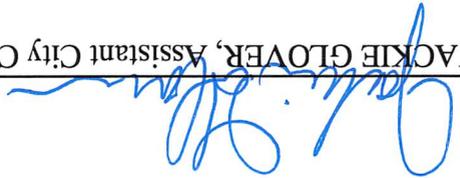
This Ordinance is an Urgency Ordinance enacted under California Government Code Sections 36934 and 36937(b). This Urgency Ordinance is immediately effective upon adoption by a four-fifths vote of the City Council.

I HEREBY CERTIFY that the foregoing ordinance was introduced and read by the City Council of the City of Oroville on the 5th day of February, 2019, and was duly read and adopted at a regular meeting on 5th day of February, 2019, by the following vote:

AYES: COUNCIL MEMBERS: Draper, Goodson, Hatley, Pittman, Smith,
Vice Mayor Thomson and Mayor Reynolds

NOES: COUNCIL MEMBERS: None.

JACKIE GLOVER, Assistant City Clerk



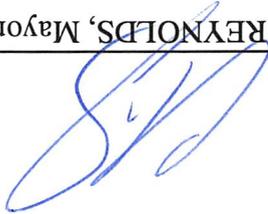
ATTEST:

SCOTT HUBER, City Attorney



FORM APPROVED:

CHUCK REYNOLDS, Mayor



ABSTAIN:

COUNCIL MEMBERS: None.

ABSENT:

COUNCIL MEMBERS: None.