



DATE: February 20, 2019

TO: PLANNING COMMISSION

FROM: Bruce Ambo, Principal Planner (879-6801; [bruce.ambo@chicoca.gov](mailto:bruce.ambo@chicoca.gov))

RE: Disaster Recovery Permit Ordinance for Temporary Structures and Uses

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## SUMMARY

On December 4, 2018, the City Council adopted an emergency ordinance adding Chapter 19.76.210 to Title 19 of the Chico Municipal Code regarding Disaster Recovery Structures and Uses in response to the devastation of the Camp Fire. Chico, as the largest neighboring city with commercial, institutional and residential infrastructure and services saw an unprecedented influx of Camp Fire evacuees in need of a wide range of emergency and nonemergency services, and particularly temporary housing. Pursuant to Section 612 of the Chico Municipal Charter the emergency ordinance is limited to an interim 6-month period. As a replacement to the interim emergency ordinance, the proposed ordinance includes minor changes and clarifications based on implementation of the interim ordinance and allows for temporary housing or facilities to be located on vacant or developed land with a temporary Disaster Recovery Permit (DRP). The ordinance would be temporary and in effect for five (5) years.

### Recommendation:

The Deputy Community Development Director recommends that the Planning Commission:

- 1) Consider the staff report and amendments to Chapter 19.76.210 to Title 19 of the Chico Municipal Code, hold a public hearing, direct any questions to staff, and provide comments; and.
- 2) Adopt Resolution No. 19-03 recommending City Council approval of the Disaster Recovery Permit Ordinance for Temporary Structures and Uses (see **Attachment A**).

### Proposed Motion:

I move that the Planning Commission adopt Resolution No. 19 - 03 recommending City Council adoption of the Disaster Recovery Permit Ordinance for Temporary Structures and Uses.

## BACKGROUND

The existing Municipal Code does not adequately deal with the need for temporary housing and need for other facilities (temporary classrooms, day care, etc.) of the scale and order of magnitude generated by the Camp Fire evacuees and similarly displaced persons. For

example, the existing Code (Section 19.76.170 Temporary Dwellings) only allows for administrative temporary dwelling permits for the care of an ailing family member or friend, and temporary use permits (Section 19.22.030 Temporary Uses, Subject to a Use Permit) for temporary events (e.g., carnivals, circuses, concerts, fairs, pumpkin sales). Neither of these permits or processes adequately address the need and unique circumstances for safe and sanitary temporary housing or other support facilities generated by the Camp Fire.

In response to the Camp Fire, the City Council adopted the existing emergency ordinance adding Chapter 19.76.210 to Title 19 of the Chico Municipal Code regarding Disaster Recovery Structures and Uses on December 4, 2018. However, under Section 612 of the City Charter the “emergency ordinance” went into effect immediately upon adoption and did not require the more lengthy Code amendment process normally associated with regular Code amendments due to the nature of the emergency. Additionally, the emergency ordinance is only allowed for an interim period of up to 180 days (or until June 4, 2019). Therefore, in order to continue with the ordinance provisions, it is necessary to adopt a regular ordinance pursuant to the normal code amendment process set forth in the Municipal Code. The Planning Commission is now being requested to provide the City Council with a recommendation on the Title 19 amendments. The City Council will then consider the Code amendments at two meetings (Introduction/Adoption) in April 2019. The ordinance would become effective 30-days following Council adoption.

### Disaster Recovery Permit Ordinance

In conducting research and drafting the disaster recovery ordinance, staff contacted the City of Santa Rosa and Town of Windsor staff for ordinance samples and their experience with any lessons learned in developing and implementing similar ordinances in response to the fire. The approach in developing the disaster recovery ordinance was informed by the following guiding principles:

- The provision of temporary housing and facilities should avoid or minimize impacts to the quality of life of existing residents.
- Regulations should allow for expedient review and permitting of temporary housing and facilities but provide adequate mechanisms to ensure that the public health, safety and welfare is not compromised.
- Regulations should provide for safe, functional and livable temporary housing and other facility environments.
- Temporary housing and other facilities should not compromise sensitive resources or longer-term land use objectives.
- Due process should be provided for notification of a pending approval of a DRP to the surrounding property owners and occupants, which shall be appealable to the City Council.

To facilitate the review of the DRP ordinance, the existing emergency ordinance has been modified to show where minor changes and clarifications are proposed in strikeout and

underline. In summary, the proposed DRP ordinance (**Exhibit I to Attachment A**) generally allows temporary housing or land uses (i.e., facilities or structures) to be located on vacant or developed property in all zoning districts with approval of DRP. The electrical, water, wastewater, parking, and the life safety elements of the projects would be subject to the review and approval of both the Building Official and Fire Marshall. Development standards regarding setbacks are to be the same as the underlying zone, and residential density requirements are to be determined by the Community Development Director. In practice, the Director will establish the allowable density at a compatible level similar to the underlying and surrounding zoning.

Noticing to the public of the pending approval of a DRP of four (4) or fewer units would be provided to the abutting properties, and projects with five (5) or more dwelling units to properties within a 500-foot radius of the subject property. On nonresidential DRPs (temporary classrooms or other facilities) the noticing is subject to the Community Development Director's determination, but shall include noticing to the abutting properties in nonresidential zones, or a 500-foot radius in residential zones. The DRPs are approved administratively by the Community Development Director, and are effective for up to a maximum of five (5) years with an absolute expiration date of April 16, 2024. Any appeals of the administratively approved DRPs would be made directly to the City Council.

#### **FINDINGS: TITLE 19 AMENDMENTS**

Pursuant to Chico Municipal Code Section 19.060.050(B), amendments to Title 19 of the Municipal Code may be approved only if the following findings are made:

*A. The proposed amendment is consistent with the General Plan.*

The proposed DRP ordinance amendments are consistent with the General Plan in that the DRP process has been structured to ensure that the temporary uses have safe and adequate utilities in water, wastewater and electrical services which are reviewed and approved by the City Building Official and Fire Marshall.

*B. The proposed amendment is consistent with other applicable provisions of the Municipal Code and compatible with the uses authorized in the applicable zoning districts for which it is proposed.*

The proposed DRP ordinance amendments are generally consistent with other provisions of the Municipal Code in that temporary structures and uses are currently provided for within the Code and these structures and uses would temporarily (5-years) expand the list of allowable temporary structures and uses.

#### **ENVIROMENTAL REVIEW**

The project has been determined to be categorically exempt from further environmental review pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency.

## **PUBLIC CONTACT**

A display ad for the March 7, 2019 Planning Commission meeting to consider the Disaster Recovery Permit Ordinance amendments to Title 19 the Chico Municipal Code was published in the February 23, 2019 *Chico Enterprise Record*.

## **DISTRIBUTION**

PC Distribution  
City Council (via email)  
DD Vieg

## **ATTACHMENTS**

A. Planning Commission Resolution No. 19-03

**RESOLUTION NO. 19-03**

**RESOLUTION OF PLANNING COMMISSION OF THE CITY OF  
CHICO RECOMMENDING CITY COUNCIL APPROVAL OF  
AMENDMENTS TO CHAPTER 19.76.210 TO THE CHICO  
MUNICIPAL CODE REGARDING TEMPORARY DISASTER  
RECOVERY STRUCTURES AND USES  
(City of Chico)**

WHEREAS, the Camp Fire of November 2018 destroyed over 153,000 acres and burned over 18,000 structures in Butte County, resulting in a large displacement of residents from the Town of Paradise and other surrounding communities; and

WHEREAS, on November 9, 2018, the Governor of California proclaimed a State of Emergency for the County of Butte, and on November 12, 2018, the President of the United States 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 wildfire; and

WHEREAS, Cal Fire officials have determined that over 13,900 residences, 528 commercial buildings, and 4,293 other structures in Butte County have been destroyed by the Camp Fire; and

WHEREAS, the Chico City Council, prior to the Camp Fire, previously found that the City of Chico is experiencing a housing crisis; and

WHEREAS, the extreme number of housing units damaged in the Town of Paradise and the surrounding area increases the pressure on housing demand and shortage in Chico by several orders of magnitude; and

WHEREAS, the destruction of housing units exacerbates the pressure of persons who lived and worked in the Town of Paradise, and those who will be working to restore the viability of the Town of Paradise, to relocate to other housing far from their home due to the housing shortage.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Chico as follows:

1. The Planning Commission determines:

- A. The proposed amendment is consistent with the General Plan; and
- B. The proposed amendment is consistent with other applicable provisions of the Municipal Code and compatible with the uses authorized in the applicable zoning districts for which it is proposed.

2. The Planning Commission recommends that the City Council approved the amendments to the Chico Municipal Code as set forth in Exhibit I.

THE FOREGOING RESOLUTION was adopted by the Planning Commission of the City of Chico at its meeting held on the 7<sup>th</sup> day of March 2019, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:
- DISQUALIFIED:

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_

\_\_\_\_\_

Bruce Ambo, Planning Commission Secretary

Andrew Jared, Assistant City Attorney\*

\*Pursuant to The Charter of the City of Chico, Section 906(E)

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ORDINANCE NO. \_\_\_\_

**AN ~~EMERGENCY~~ ORDINANCE OF THE COUNCIL OF THE CITY  
OF CHICO AMENDING ~~ADDING~~ CHAPTER 19.76.210 ~~TO~~ F THE  
CHICO MUNICIPAL CODE REGARDING TEMPORARY DISASTER  
RECOVERY STRUCTURES AND USES**

WHEREAS, the Camp Fire of November 2018 destroyed over 153,000 acres and burned over 18,000 structures in Butte County, resulting in a large displacement of residents from the Town of Paradise and other surrounding communities; and

WHEREAS, on November 9, 2018, the Governor of California proclaimed a State of Emergency for the County of Butte, and on November 12, 2018, the President of the United States 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 wildfire; and

WHEREAS, Cal Fire officials have determined that over 13,900 residences, 528 commercial buildings, and 4,293 other structures in Butte County have been destroyed by the Camp Fire; and

WHEREAS, the Chico City Council, prior to the Camp Fire, previously found that the City of Chico is experiencing a housing crisis; and ~~particularly for rental housing that is affordable to lower and moderate income residents;~~

WHEREAS, the extreme number of housing units damaged in the Town of Paradise and the surrounding area increases the pressure on housing demand and shortage in Chico by several orders of magnitude; and

1 WHEREAS, the destruction of housing units exacerbates the pressure of persons who lived and  
2 worked in the Town of Paradise, and those who will be working to restore the viability of the Town  
3 of Paradise, to relocate to other housing far from their home due to the housing shortage;

4  
5 ~~WHEREAS, Section 612 of the Chico City Charter authorizes the adoption of an emergency~~  
6 ~~measure being effective immediately for the preservation of the public peace, welfare, health or~~  
7 ~~safety, with four (4) affirmative votes for a period not to exceed 6 months; and~~

8  
9 ~~WHEREAS, the Chico City Council finds that this ordinance is necessary for the preservation of~~  
10 ~~the public welfare, health and safety of residents living within the City of Chico and find an~~  
11 ~~urgency to approve said ordinance immediately.~~

12  
13 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Chico that the following  
14 ordinance establishes Chapter 19.76.210 Disaster Recovery Structures:

15  
16 **Section 1. Emergency Findings.**

17 ~~The City Council finds and declares that the adoption of this Emergency Ordinance is~~  
18 ~~necessary for the immediate preservation of the public peace, health, and safety. The Camp Fire~~  
19 ~~destroyed over 18,000 structures, necessitating the declaration of state of emergency by the~~  
20 ~~Governor of California for the County of Butte. Therefore, the City Council finds and determines~~  
21 ~~that the immediate preservation of the public peace, health and safety requires that this Ordinance~~  
22 ~~be enacted as an emergency ordinance pursuant to Charter Section 612 and take effect immediately~~  
23 ~~upon adoption.~~

24  
25 **Section 21. City Code Amendment.**

26  
27 **19.76.210 Disaster Recovery Structures.**

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1 A. Purpose. The purpose of the disaster recovery structure permit process is to allow for:

- 2 1. The expedient response to the immediate need for temporary housing of evacuees  
3 and displaced persons of the Camp Fire, and individuals supporting the response  
4 effort to the Camp Fire; and
- 5 2. The temporary installation, use and/or expansion of nonresidential structures (*e.g.*,  
6 temporary private school classrooms, temporary commercial buildings, *etc.*) to  
7 address the needs of evacuees and displaced persons of the Camp Fire, and  
8 individuals supporting the response effort to the Camp Fire.

9  
10 B. Permit Required.

- 11 1. A permit may be issued by the Director pursuant to this chapter to allow for  
12 installation and use of temporary dwelling structures and temporary nonresidential  
13 structures.
- 14 2. A permit issued under this chapter shall be for ~~a minimum of three (3) years and up~~  
15 ~~to a~~ maximum of five (5) years, upon the request of the applicant and property  
16 owner, and upon determination by the Community Development Director. The  
17 applicant may seek an extension of a permit term, however, such extension shall not  
18 extend the term of use beyond five (5) years ~~or by from the date of the original~~  
19 ~~approval.~~April 16, 2014.
- 20 3. Temporary disaster recovery structures may include use of manufactured or modular  
21 homes, manufactured or modular structures, or recreational vehicles. This chapter  
22 allows the use of existing structures, or the installation of manufactured or modular  
23 homes, manufactured or modular structures, or recreational vehicles as described  
24 herein. The Building Official and Fire Marshall shall determine compliance with the  
25 California Building Standards and may approve or deny any building permit  
26 accordingly.
- 27 4. Residential Purpose. Permits for temporary disaster recovery structures to be used  
28 for residential purposes shall be issued for legal parcels only in residential,

1 commercial, and industrial zoning districts, or other alternative zones (PQ,  
2 Public/Quasi Public Facilities; OS2, Secondary Open Space) deemed appropriate.

3 Permits for housing may be issued for new or existing structures.

- 4 5. Non-Residential Purpose. Permits for temporary disaster recovery structures to be  
5 used for non-residential purposes may be issued in commercial and industrial zoning  
6 districts, on sites presently used or approved for assembly use (e.g. churches) or  
7 other alternative zones (PQ, Public/Quasi Public Facilities; OS2, Secondary Open  
8 Space) deemed appropriate.

9  
10 C. Development Standards. The following development standards shall apply to all  
11 temporary dwelling structures:

12 1. Temporary disaster recovery structures shall be subject to the following:

13 a. The California Building Standards Code. All requirements under the California  
14 Building Standards Code shall be complied with unless otherwise exempted or  
15 excepted. Adequate external lighting shall be provided for security purposes in  
16 compliance with the California Building Standards Code.

17 ~~b. A temporary dwelling structure shall be allowed on a residential, commercial or~~  
18 ~~industrially zoned parcel. Temporary nonresidential structures may be allowed~~  
19 ~~on non-residential zoned parcels or sites presently used or approved for assembly~~  
20 ~~use (e.g. churches) or other alternate zones (PQ, Public/Quasi Public Facilities;~~  
21 ~~OS2, Secondary Open Space) deemed appropriate for the period specified in the~~  
22 ~~issued permit. Under no circumstance shall such structure be allowed to exist~~  
23 ~~more than five years from date of issuance of permit.~~

24 ~~eb.~~ A density requirement shall be determined by the Director at the time of permit  
25 issuance. For group/assembly uses, an occupancy limit shall be specified in the  
26 permit. The number and density of temporary nonresidential and temporary  
27 dwelling structures, either individual, single-family units, or multi-bed/multi-  
28

1 tenant structures permitted on a parcel shall be determined through the Disaster  
2 Recovery Permit temporary dwelling and structure permit process.

3 dc. The setbacks for temporary structures shall be the same as the building setbacks  
4 for the base zoning district in which the structures are located or as determined  
5 by the Director.

6 ed. For proposals that include group quarters or multiple temporary dwelling  
7 structures with five (5) or more units on a single residential or non-residential  
8 property, at least one person designated as a facility manager shall be on-site at  
9 all times. The manager may be someone that lives onsite and not necessarily a  
10 paid onsite manager.

11 fe. The number of bathrooms and showers required on site shall be determined  
12 through the building permit process and shall be consistent with the California  
13 Building Standards.

14 gf. Each temporary unit shall provide the number of automobile and bicycle  
15 parking spaces required by Table 1-1. Upon good cause shown and in order to  
16 address site specific issues, the Director may require a greater or lesser number  
17 of spaces identified in Table 1-1 and impose conditions upon the temporary  
18 permit. Where underlying zoning requires a lesser parking requirement, such  
19 requirement shall prevail.

20  
21 **TABLE 1-1 –PARKING REQUIREMENTS**

	<b>Vehicle</b>	<b>Bicycle</b>
23 One single-family temporary housing 24 unit (per parcel)	1 space per temporary housing unit	None required
25 Multiple temporary housing units (per 26 parcel)	1 space per temporary housing unit, plus 1 27 space per on-site staff person	1 space per 4 temporary housing units

28

1 2 3 4 5 6 7 8 9 10 11 12 13	Group quarters (including multiple beds in a single temporary unit to be occupied by individuals)  Nonresidential structures	1 space for each 100 sq. ft. of common sleeping area, plus 1 space per on-site staff person  - Office/retail: 1 space for each 500 sq. ft. of floor space of office or area open to public; - Warehousing: 1 space for each 1,000 sq. ft. of floor space of warehousing or 1 space per on-site staff person; -Medical: 1 space for each 500 sq. ft. of floor space of medical facility, and 1 space per on-site staff person.	1 space per temporary housing unit  1 space per vehicle parking space (new)
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g. Pedestrian and vehicular surfacing shall be provided as determined by the Building Official and/or Public Works Director.

h. Water and wastewater service shall be available on the site proposed for temporary dwelling structures as provided below.

1. Water – Water shall be provided on site by the California Water Service Company (Cal Water), unless an alternative water source is approved by the Building Official that complies with provisions of the California Building Standards. To protect the public water system, the appropriate approved backflow device shall be required.

2. Wastewater – To protect public health, connection to the wastewater system is required, except as specified below in 19.76.210C(1)h(3) below for existing on-site sewage systems. The Director of Public Works will determine the appropriate connection requirement. A sewer application shall be submitted to the City, providing details relating to the temporary dwelling structure design and connection for disposing of wastewater.

1 Wastewater connection fees shall be waived for any temporary dwelling  
2 structures under this ordinance. However, monthly sewer service fees  
3 shall apply in accordance with the municipal fee schedule.

4 3. Existing On-Site Sewage Systems – To protect public health, an  
5 existing on-site sewage disposal system that has been approved by the  
6 Butte County Environmental Health Division to be intact, adequately  
7 sized, and functioning, may be utilized. Other methods of sewage disposal  
8 approved by the Butte County Environmental Health Division may also be  
9 utilized.

10 i. Electrical services shall be available on the site proposed for temporary dwelling  
11 structures unless an alternate source is approved by the Building Official and is in  
12 accordance with any applicable provisions of the California Building Standards.

13 All temporary or permanent electrical service shall be located on the subject site.

14 j. Temporary dwelling structures shall not be used as vacation rentals with terms of  
15 less than 30 days.

16 k. Other requirements as conditioned by the Director to address site specific issues.

17  
18 D. Permit Process. The following process shall apply to all temporary structures subject to  
19 this Chapter:

20 1. Application. Applicant shall file a written application. Applicant shall indicate  
21 the specific limited duration of time for which the permit is requested, and  
22 acknowledge requested use is for stated limited duration.

23 2. Bond required. Prior to issuance of a permit, a bond or other acceptable surety as  
24 determined by the Public Works Director shall be posted as a surety that the site  
25 will be cleaned up and restored to its original condition or equivalent. The  
26 property owner shall acknowledge responsibility to ensure before expiration of  
27 the permit that all units and structures shall be vacated, and the site restored to its  
28 original site condition or equivalent as determined by the Public Works Director.

- 1           3. Notice. At least ten (10) calendar days prior to taking action on any temporary unit  
2 permit, the Director shall notify, by mail, all persons or entities as follows:
- 3           a. Small Lots, projects with four (4) or less temporary dwelling units: mailing to  
4           all tenants and owners of real property as shown on the County's latest  
5           equalized assessment roll, directly abutting or adjacent to the subject parcel.
- 6           b. Large Lots, projects with five (5) or more temporary dwelling units: mailing to  
7           all tenants (unit addresses) and owners of real property as shown on the  
8           County's latest equalized assessment roll, within a 500-foot radius of the subject  
9           parcel.
- 10          c. ~~Nonresidential Disaster Recover Permits~~~~Temporary Use Permits~~: Noticing  
11          shall be subject to the Director's determination, but shall include one of the  
12          following:
- 13                1. On properties abutting nonresidential zoning districts: mailing to all  
14                tenants and owners of real property as shown on the County's latest  
15                equalized assessment roll, directly abutting or adjacent to the subject  
16                parcel.
- 17                2. On properties abutting residential properties: mailing to all tenants (unit  
18                addresses) and owners of real property as shown on the County's latest  
19                equalized assessment roll, within a 500-foot radius of the subject parcel.
- 20          4. Director's ~~Hearing~~Action. No public hearing shall be held or oral testimony  
21          provided on the consideration of a permit. Written comments must be received by  
22          the Director prior the time and date specified in the notice, and shall be considered  
23          by the Director in consideration of the permit and conditions placed on such  
24          permit. The Director's decision to approve or deny a temporary permit shall be in  
25          writing. An appeal of the Director's decision to approve or deny a temporary  
26          dwelling unit permit or temporary use permit may be appealed to the City Council  
27          within 10 days from the date of the decision in accordance with the City's appeal  
28          process set forth in Chico Municipal Code Chapter 2.80.

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2 **19.76.220 Term of Ordinance.**

3 ~~A.—This Ordinance shall be effective immediately upon its adoption.~~

4 ~~B.—~~This Ordinance shall be valid until ~~June 4, 2019,~~ April 16, 2024 unless  
5 otherwise extended by the City Council, or until such later date as  
6 established by the City Council.

7  
8 ~~**Section 3. Authority.** This Ordinance is enacted pursuant to the City of Chico's general~~  
9 ~~police powers, Article II of the Charter of the City of Chico, Article VI of the Charter of~~  
10 ~~the City of Chico and Article XI of the California Constitution.~~

11  
12 **Section 42. Environmental Determination.** The Council finds that the adoption and  
13 implementation of this ordinance is exempt from the provisions of the California  
14 Environmental Quality Act (CEQA) pursuant to Public Resources Code Section  
15 21080(b)(3) regarding repairs and replacement work after a state-declared disaster,  
16 Public Resources Code Section 21080(b)(4) regarding actions to mitigate or prevent an  
17 emergency, and CEQA Guidelines Section 15269(c) regarding specific actions necessary  
18 to prevent or mitigate an emergency.

19  
20 **Section 53. Severability.** If any section, subsection, sentence, clause, phrase or word of  
21 this Ordinance is for any reason held to be invalid and/or unconstitutional by a court of  
22 competent jurisdiction, such decision shall not affect the validity of the remaining portions  
23 of this Ordinance.

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25 ~~**Section 64. Effective Date.**~~ This Ordinance shall take effect ~~immediately upon 30-days~~  
26 ~~following~~ its adoption.

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28 ~~**Section 75. Certification.**~~ The City Clerk shall certify to the passage and adoption of this

1 Ordinance and shall cause the same to be published or posted in the manner required by law.

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9 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its  
10 meeting held on the ~~4<sup>th</sup> day of December 2018~~, by the following vote:

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12 AYES:

13 NOES:

14 ABSENT:

15 ABSTAIN:

16 DISQUALIFIED:

17

18 ATTEST:

APPROVED AS TO FORM:

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21 \_\_\_\_\_  
Deborah R. Presson, City Clerk

\_\_\_\_\_   
Vincent C. Ewing, City Attorney\*

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\*Pursuant to The Charter of the City of Chico, Section 906(E)

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