

ORDINANCE NO. 416

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIGGS
ADDING CHAPTER 14.430 TO THE BIGGS MUNICIPAL CODE
REGARDING DISASTER RECOVERY STRUCTURES AND USES**

The City Council of the City of Biggs does ordain as follows:

Section 1: Purpose and Authority

The purpose of this Ordinance is to amend Title 14 Zoning of the Biggs Municipal Code. Chapter 14.430 is hereby added and adopted pursuant to Section 65850 of the California Government Code, and pursuant to Section 2.25.040 Disaster council – Powers and duties of the Biggs Municipal Code.

Section 2: Findings

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

WHEREAS, on November 8, 2018, the Acting Governor of California issued an Executive Order that proclaimed a State of Emergency for the County of Butte, 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 on November 14, 2018 the Governor of California issued Executive Order B-27-18 which (among other things) suspended certain existing local regulations regarding temporary housing and structures; and

WHEREAS, the extreme number of housing units damaged or destroyed in the Town of Paradise and the surrounding area significantly increases the pressure on housing demand in Butte County, including the City of Biggs; and

WHEREAS, amending Title 14 Zoning of the Biggs Municipal Code with the addition of Chapter 14.430 is consistent with the Public Health and Safety Element of the Biggs General Plan and with the Butte County Emergency Response Plan (ERP), and is necessary to implement the Governor's Executive Order B-57-18; and

WHEREAS, on January 8, 2019, the Biggs City Council held a properly noticed public meeting for this Ordinance and considered all oral and written testimony.

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Biggs that the following ordinance establishes Chapter 14.430 Disaster Recovery Structures and Uses of the Biggs Municipal Code:

Section 3. City Code Amendment.

14.430 Disaster Recovery Structures and Uses.

- A. Purpose. The purpose of the disaster recovery structure permit process is to allow for:
 - 1. The expedient response to the immediate need for temporary housing of evacuees and displaced persons of the Camp Fire, and individuals supporting the response effort to the Camp Fire; and
 - 2. The temporary installation, use and/or expansion of nonresidential structures (e.g., temporary private school classrooms, temporary commercial buildings, etc.) to address the needs of evacuees and displaced persons of the Camp Fire, and individuals supporting the response effort to the Camp Fire.
- B. Permit Required.
 - 1. A permit may be issued by the City Administrator or designee pursuant to this chapter to allow for installation and use of temporary dwelling structures and temporary nonresidential structures.
 - 2. A permit issued under this chapter may be issued for an initial term of one year and may be extended annually upon written request of the applicant and property owner, and upon determination by the City Administrator or designee. Such extensions shall not extend the term of use beyond five (5) years from the date of the original approval.
 - 3. Temporary disaster recovery structures may include use of manufactured or modular homes, manufactured or modular structures, or recreational vehicles. This chapter allows the use of existing structures, or the installation of manufactured or modular

homes, manufactured or modular structures or recreational vehicles as described herein. The Butte County Building Official and Butte County Fire Chief shall determine compliance with the California Building Standards and may approve or deny any building permit accordingly.

4. Residential Purpose. Permits for temporary disaster recovery structures to be used for residential purposes shall be issued for legal parcels only in residential, commercial, and industrial zoning districts. Permits for housing may be issued for new or existing structures.
 5. Non-Residential Purpose. Permits for temporary disaster recovery structures to be used for non-residential purposes may be issued in commercial and industrial zoning districts, on sites presently used or approved for assembly use (e.g. churches) or other zoning districts deemed appropriate.
- C. Development Standards. The following development standards shall apply to all temporary dwelling structures:
1. Temporary disaster recovery structures shall be subject to the following:
 - a. All requirements under the California Building Standards Code, including adequate external lighting for security purposes, unless otherwise exempted or excepted.
 - b. A temporary dwelling structure shall be allowed on parcels located in residential, commercial, or industrial zoning districts. Temporary nonresidential structures may be allowed on parcels in non-residential zoning districts presently used or approved for assembly uses (e.g. churches) as deemed appropriate for the period specified in the permit. Under no circumstance shall such structure be allowed to exist more than five years from the date of permit issuance.
 - c. A density requirement determined by the City Administrator or designee at the time of permit issuance. For group/assembly uses, an occupancy limit shall be specified in the permit. The number and density of temporary nonresidential and temporary dwelling structures, either individual, single-family units, or multi-bed/multi-tenant structures permitted on a parcel shall be determined through the temporary dwelling and structure permit process.

- d. The setbacks for temporary structures and placements shall be the same as the building setbacks for the primary zoning district in which the structures are located or as determined by the City Administrator or designee.
- e. The number of bathrooms and showers required on site shall be determined through the building permit process and shall be consistent with the California Building Standards.
- f. Each temporary unit shall provide the number of automobile and bicycle parking spaces required by BMC Chapter 14.130. Upon good cause shown and in order to address site specific issues, the permit may require a greater or lesser number of spaces identified in Table 1-1 and impose conditions upon the temporary permit. Where underlying zoning requires a lesser parking requirement, such requirement shall prevail.

TABLE 1-1 –PARKING REQUIREMENTS

	Vehicle	Bicycle
One single-family temporary housing unit (per parcel)	1 space per temporary housing unit	None required
Multiple temporary housing units (per parcel)	1 space per temporary housing unit, plus 1 space per on-site staff person	1 space per 4 temporary housing units
Group quarters (including multiple beds in a single temporary unit to be occupied by individuals)	1 space for each 100 sq. ft. of common sleeping area, plus 1 space per on-site staff person	1 space per temporary housing unit
Nonresidential structures	- 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,	1 space per vehicle parking space (new)

and 1 space per on-site staff person.

g. 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 Biggs Municipal Utilities, unless an alternative water source is approved by the City Administrator 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 for existing on-site sewage systems as identified below under subsection 3, and as determined by the City Administrator or City Engineer. The City Engineer 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. Wastewater connection fees shall be waived for any temporary dwelling structures under this ordinance. However, monthly sewer service fees shall apply in accordance with the municipal fee schedule.
3. Existing On-Site Sewage Systems – To protect public health, an existing on-site sewage disposal system that has been approved by the Butte County Environmental Health Division to be intact, adequately sized, and functioning, may be utilized. Other methods of sewage disposal approved by the Butte County Environmental Health Division may also be utilized.

h. Electrical services shall be available on the site proposed for temporary dwelling structures unless an alternate source is approved by the Butte County Building Official and is in accordance with any applicable provisions of the California Building Standards. All temporary or permanent electrical service shall be located on the subject site.

i. Temporary dwelling structures shall not be used as vacation rentals.

- j. Temporary dwelling structures shall only be utilized and occupied by evacuees and displaced persons of the Camp Fire, and individuals supporting the response effort to the Camp Fire.
 - k. Other requirements as conditioned by the City Administrator or designee to address site specific issues.
- D. Permit Process. The following process shall apply to all temporary structures subject to this Chapter:
- 1. Application. Applicant shall file a written application. Applicant shall provide written verification that his/her previous residence or business structure was destroyed or damaged as a result of the Camp Fire. Applicant shall indicate the specific limited duration of time for which the permit is requested, and acknowledge requested use is for stated limited duration.
 - 2. Bond required. Prior to issuance of a permit, a bond or other acceptable surety as determined by the City Administrator or designee shall be posted as a surety that the site will be cleaned up and restored to its original condition, including (but not limited to) the removal of all related temporary structures, trailers and recreational vehicles. The property owner shall acknowledge responsibility to ensure, before expiration of the permit, that all units and structures shall be vacated, and the site restored to its original site condition.
 - 3. Notice. At least ten (10) calendar days prior to taking action on any temporary unit permit, the City Administrator or designee shall notify by mail all persons or entities as follows:
 - a. Small Lots, projects with four (4) or less temporary dwelling units: mailing to all tenants and owners of real property as shown on the County's latest equalized assessment roll, directly abutting or adjacent to the subject parcel.
 - b. Large Lots, projects with five (5) or more temporary dwelling units: mailing to all tenants (unit addresses) and owners of real property as shown on the County's latest equalized assessment roll, within a 300-foot radius of the subject parcel.
 - c. Temporary Use Permits: Noticing shall be subject to the City Administrator's or designee's determination, but shall include one of the following:
 - 1. On properties abutting nonresidential zoning districts: mailing to all tenants and owners of real property as shown on the County's latest

equalized assessment roll, directly abutting or adjacent to the subject parcel.

2. On properties abutting residential properties: mailing to all tenants (unit addresses) and owners of real property as shown on the County's latest equalized assessment roll, within a 300-foot radius of the subject parcel.

4. City Administrator's Hearing. No public hearing shall be held or oral testimony provided on the consideration of a permit. Written comments must be received by the City Administrator prior the time and date specified in the notice and shall be considered by the City Administrator in consideration of the permit and conditions placed on such permit. The City Administrator's decision to approve or deny a temporary permit shall be in writing. An appeal of the City Administrator's decision to approve or deny a temporary dwelling unit permit or temporary use permit may be appealed to the City Council within 15 days from the date of the decision in accordance with the City's appeal process set forth in Biggs Municipal Code Chapter 14.30.150.

Section 4. 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 California Governor's Executive Order B-57-18, Public Resources Code Section 21080(b)(3) regarding repairs and replacement work after a state-declared disaster, Public Resources Code Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency.

Section 5: Action

The City Council hereby amends Title 14 Chapter 14.260 and Chapter 14.270 of the City of Biggs Municipal Code.

Section 6: No Mandatory Duty of Care

This Ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 7: Severability

If any provision of this Ordinance or the application thereof to any person or circumstance, is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid or unenforceable.

Section 8: Effective Date and Publication

This Ordinance shall take effect immediately upon adoption (pursuant to Government Code section 36937) and shall be published and posted within 15 days after passage by the City Clerk (pursuant to Government Code section 36934).

I HEREBY CERTIFY that the above and foregoing Ordinance was duly and regularly introduced and read at a regular meeting held on the 8th day of January, 2019 and DULY AND REGULARLY ADOPTED the 8th day of January, 2019 by the following vote, to wit:

AYES: COUNCIL MEMBERS _____

NOES: COUNCIL MEMBERS _____

ABSTAIN: COUNCIL MEMBERS _____

ABSENT: COUNCIL MEMBERS _____

ATTEST:

Roben Benish
CITY CLERK

APPROVED:

Nathan Wilkinson
MAYOR