

**GLENN MCGOURTY**  
1st District  
Supervisor

**MAUREEN  
MULHEREN**  
2nd District  
Supervisor

**JOHN HASCHAK**  
3rd District  
Supervisor

**DAN GJERDE**  
4th District  
Supervisor  
Chair

**TED WILLIAMS**  
5th District  
Supervisor  
Vice-Chair



**COUNTY ADMINISTRATION CENTER**  
501 Low Gap Road, Room 1070  
Ukiah, CA 95482  
(707) 463-4441 (t)  
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[cob@mendocinocounty.org](mailto:cob@mendocinocounty.org)

**MENDOCINO COUNTY**  
**BOARD OF SUPERVISORS**  
**BOARD OF SUPERVISORS AGENDA**  
**SPECIAL MEETING**  
**September 21, 2021 - 9:00 AM**  
**BOARD CHAMBERS, ROOM 1070**  
**COUNTY ADMINISTRATION CENTER**

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Effective March 20, 2020, the Mendocino County Board of Supervisors meetings will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or by toll-free, telephonic live stream at 888-544-8306.

The public may participate digitally in meetings in lieu of personal attendance. Comment may be made in any of the following ways: via written comment to [bos@mendocinocounty.org](mailto:bos@mendocinocounty.org), through our online eComment platform at <https://mendocino.legistar.com/Calendar.aspx>, through voicemail messaging by calling 707-234-6333, or by telephone via telecomment. For details and a complete list of the latest available options by which to engage with agenda items, please visit:

<https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>

**1. OPEN SESSION (9:00 A.M.)****1a) Roll Call****1b) Pledge of Allegiance****2. PUBLIC EXPRESSION**

*Members of the public are welcome to address the Board on items not listed on the agenda, but within the jurisdiction of the Board of Supervisors. The Board is prohibited by law from taking action on matters not on the agenda.*

*Individuals wishing to address the Board under Public Expression are welcome to do so via email, telephone, Zoom, or via voicemail message. For information on each of these methods, call Mendocino County Clerk of the Board at (707) 463-4441 or visit <https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>.*

*All correspondence will be attached to the item and made available online at:  
<https://mendocino.legistar.com/Calendar.aspx>.*

**2a) Public Expression**

**Attachments:**    [09-14-21 Smallcomb Correspondence](#)

**3. COUNTY EXECUTIVE OFFICE AND DEPARTMENTAL MATTERS**

**3a) Discussion and Possible Action Including Adoption of Resolution Ratifying the Declaration of a Local Emergency Related to the Hopkins Fire as Proclaimed by the Chief Executive Officer/Director of Emergency Services and Ratifying the Existence of a Local Health Emergency as Proclaimed by the Health Officer (Sponsors: Executive Office and Public Health)**

**Recommended Action:**

*Adopt Resolution ratifying the declaration of a Local Emergency related to the Hopkins Fire as proclaimed by the Chief Executive Officer/Director of Emergency Services and ratifying the existence of a Local Health Emergency as proclaimed by the Health Officer; and authorize Chair to sign same.*

**Attachments:**    [Resolution 21-138](#)  
                          [Hopkins Fire Resolution - Final Draft](#)  
                          [Hopkins Fire Proclamation - OES](#)  
                          [Hopkins Fire PHO Declaration](#)

**3b) Discussion and Possible Adoption of Urgency Ordinance Authorizing an Administrative Permit Program for the Temporary Use and Occupancy of Trailer Coaches For Use as a Shelter Following the Hopkins Fire for Affected Properties within the Footprint Area of the Hopkins Fire (Sponsor: Planning and Building Services)**

Recommended Action:

*Adopt urgency ordinance authorizing an Administrative Permit Program for the Temporary Use and Occupancy of Trailer Coaches for use as a Shelter following the Hopkins Fire for affected properties within the footprint area of the Hopkins Fire; and authorize Chair to sign same.*

**Attachments:** [Ordinance 4496](#)

[1. Urgency Ordinance - Temporary Trailers - Hopkins.docx](#)

**ADJOURNMENT**

**Additional Meeting Information for Interested Parties**

*Effective March 20, 2020, the Mendocino County Board of Supervisors meetings will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). Meetings are live streamed and available for viewing on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or via toll-free telephonic live stream by calling 888-544-8306*

*Clerk of the Board staff remains dedicated to finding new and innovative civic engagement methods during this challenging time. For a complete list of the latest available options by which to engage with agenda items, please visit <https://www.mendocinocounty.org/government/board-of-supervisors/agendas-and-minutes>*

*All public comment will be available to the Supervisors, staff, and the general public, and can be viewed as attachments to this meeting agenda at <https://mendocino.legistar.com/Calendar.aspx>*

*LIVE WEB STREAMING OF BOARD MEETINGS is available at <https://mendocino.legistar.com> or visit the Mendocino County YouTube channel. Meetings are also livestreamed from the Mendocino County Facebook page. For technical assistance, please contact the Clerk of the Board at (707) 463-4441. Please reference the departmental website to obtain additional resource information for the Board of Supervisors: [www.mendocinocounty.org/bos](http://www.mendocinocounty.org/bos).*

***Thank you for your interest in the proceedings of the Mendocino County Board of Supervisors.***



# Mendocino County Board of Supervisors **Agenda Summary**

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**Item #: 2a)**

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When are you folks going to take a stand against the fires started by your non paying tax, parolee Constituents?  
Those good tax paying People impaired by the Hopkins Fire, who you and your 30 year prior Board Cronies have let  
habitate, needs to be addressed.  
This County in proper has become a Habitat for Convicts, Predators and Trash.  
You Folks who are paid by the Good Tax Paying People of this Once Good County, should be ashamed!  
This Elected Board needs to get a Handle on this Cesspool and take a stance.  
No Campfires, no Graffiti and no crime.  
Support those People who take pride in living in this County!  
Shame on you and your 20 year Predecessors for allowing this to happen!  
The entire board should support those who give a darn and try to rehabilitate a Failing County.  
At Godspeed and please be safe,  
Kurt Smallcomb



# Mendocino County Board of Supervisors Agenda Summary

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**Item #: 3a)**

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**To: Board of Supervisors**

**From: Executive Office and Public Health**

**Meeting Date:** September 21, 2021

**Department Contact:** Carmel J. Angelo

**Phone:** 463-4441

**Department Contact:** Howard Andrew Coren, MD

**Phone:** 472-2600

**Item Type:** Regular Agenda

**Time Allocated for Item:** 1 hour

**Agenda Title:**

Discussion and Possible Action Including Adoption of Resolution Ratifying the Declaration of a Local Emergency Related to the Hopkins Fire as Proclaimed by the Chief Executive Officer/Director of Emergency Services and Ratifying the Existence of a Local Health Emergency as Proclaimed by the Health Officer (Sponsors: Executive Office and Public Health)

**Recommended Action/Motion:**

Adopt Resolution ratifying the declaration of a Local Emergency related to the Hopkins Fire as proclaimed by the Chief Executive Officer/Director of Emergency Services and ratifying the existence of a Local Health Emergency as proclaimed by the Health Officer; and authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

The Board adopts Resolutions declaring local emergencies when necessary.

**Summary of Request:**

On September 12, 2021, the Hopkins Fire started and has resulted in structural damage and evacuations of several portions of the County.

On September 16, 2021, the Mendocino County Health Officer issued a declaration of local health emergency as of September 12, 2021.

On September 16, 2021, the Chief Executive Officer/Director of Emergency Services proclaimed the existence of a local emergency related to the Hopkins Fire.

California Health and Safety Code section 101080 provides authority for the Health Officer to issue a declaration of local health emergency. Pursuant to Government Code section 8630, whenever an official designated by ordinance proclaims a local emergency, the local emergency shall not remain in effect for a period in excess of seven days unless the governing body has ratified it. Mendocino County Code section 7.04.050 provides authority for the Director of Emergency Services to issue a proclamation of local emergency if the Board of Supervisors is not in session. It is proposed that at its meeting on September 21, 2020, the Board of Supervisors adopt a Resolution ratifying the original proclamation that a state of emergency exists.

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**Item #: 3a)**

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The Board of Supervisors must first make a determination, by majority vote, that an emergency exists, and then may take action on the proposed resolution of a local emergency.

**Alternative Action/Motion:**

Do not ratify resolution and provide alternative direction to staff.

**Supervisory District:** All

**vote requirement:** Majority

**Supplemental Information Available Online At:** N/A

**Fiscal Details:**

**source of funding:** N/A

**current f/y cost:** N/A

**annual recurring cost:** N/A

**budget clarification:** N/A

**budgeted in current f/y:** N/A

**if no, please describe:**

**revenue agreement:** N/A

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes

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**CEO Liaison:** Executive Office

**CEO Review:** Yes

**CEO Comments:**

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**FOR COB USE ONLY**

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Executed By: Atlas Pearson, Deputy Clerk I

Date: **SEPTEMBER 21, 2021**

Final Status: Adopted

Executed Item Type: Resolution Number: 21-138



## **RESOLUTION NO. 21-138**

### **RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RATIFYING THE LOCAL EMERGENCY RELATED TO THE HOPKINS FIRE AS PROCLAIMED BY THE CHIEF EXECUTIVE OFFICER/DIRECTOR OF EMERGENCY SERVICES AND RATIFYING THE EXISTENCE OF A LOCAL HEALTH EMERGENCY AS PROCLAIMED BY THE HEALTH OFFICER**

WHEREAS, the Hopkins Fire emerged on 12 September, 2021 and has burned over 275 acres, is currently at 95% containment and is threatening over 400 structures; and;

WHEREAS, the Hopkins Fire has destroyed structures adjacent to Lake Mendocino and its tributaries while exceptional drought conditions persist which conditions have reduced Lake Mendocino, the primary water supply for the Ukiah Valley Basin and Sonoma County to less than 8,000 acre-feet of water; and

WHEREAS, the potential for toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster, and debris and ash from residential structure fires contain hazardous substances that can result in adverse health impacts to the public; and

WHEREAS, Government Code section 8630 and Mendocino County Code section 7.04.050 empowers the Mendocino County Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said county is affected, or likely to be affected, by a public calamity and the Board of Supervisors is not in session, subject to ratification by the Board of Supervisors within seven days thereafter; and

WHEREAS, California Health and Safety Code section 101080 provides authority for the Health Officer to issue a declaration of local health emergency, and Government Code section 8630 and Mendocino County Code section 7.04.050 provides authority for the Director of Emergency Services to issue a proclamation of local emergency if the Board of Supervisors is not in session; and

WHEREAS, on September 16, 2021 the Mendocino County Chief Executive Officer/Director of Emergency Services proclaimed that a local emergency exists throughout Mendocino County as of September 12, 2021; and

WHEREAS, on September 16, 2021, the Mendocino County Health Officer issued a Declaration of Local Health Emergency as of September 12, 2021, and

WHEREAS, both the declaration by the Health Officer and the proclamation by the Director of Emergency Services must be ratified by the Board of Supervisors within seven (7) days.

NOW, THEREFORE BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:



1. Finds that a local emergency exists and ratifies the Proclamation of the Director of Emergency Services Proclaiming the Existence of a Local Emergency.
2. Finds that a local health emergency exists and ratifies the Declaration of the Health Officer Declaring a Local Health Emergency.
2. Provides that during this local emergency the powers, functions, and duties of the Mendocino County Chief Executive Officer and the emergency organization of Mendocino County shall be those prescribed by State law, and the ordinances, resolutions and approved emergency services plans of the County of Mendocino.
3. Authorizes that Carmel J. Angelo, having the titles of the Chief Executive Officer and Director of Emergency Services, is hereby designated as the authorized representative of public and individual assistance of the County of Mendocino for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available State and Federal Assistance.

The foregoing Resolution introduced by Williams, seconded by Supervisor McGourty, and carried this 21<sup>st</sup> of September 2021, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

  
\_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
CHRISTIAN M. CURTIS  
County Counsel

  
\_\_\_\_\_

  
\_\_\_\_\_  
DAN GJERDE, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

  
\_\_\_\_\_  
Deputy

## **RESOLUTION NO. 21-138**

### **RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS RATIFYING THE LOCAL EMERGENCY RELATED TO THE HOPKINS FIRE AS PROCLAIMED BY THE CHIEF EXECUTIVE OFFICER/DIRECTOR OF EMERGENCY SERVICES AND RATIFYING THE EXISTENCE OF A LOCAL HEALTH EMERGENCY AS PROCLAIMED BY THE HEALTH OFFICER**

WHEREAS, the Hopkins Fire emerged on 12 September, 2021 and has burned over 275 acres, is currently at 95% containment and is threatening over 400 structures; and;

WHEREAS, the Hopkins Fire has destroyed structures adjacent to Lake Mendocino and its tributaries while exceptional drought conditions persist which conditions have reduced Lake Mendocino, the primary water supply for the Ukiah Valley Basin and Sonoma County to less than 8,000 acre-feet of water; and

WHEREAS, the potential for toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster, and debris and ash from residential structure fires contain hazardous substances that can result in adverse health impacts to the public; and

WHEREAS, Government Code section 8630 and Mendocino County Code section 7.04.050 empowers the Mendocino County Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said county is affected, or likely to be affected, by a public calamity and the Board of Supervisors is not in session, subject to ratification by the Board of Supervisors within seven days thereafter; and

WHEREAS, California Health and Safety Code section 101080 provides authority for the Health Officer to issue a declaration of local health emergency, and Government Code section 8630 and Mendocino County Code section 7.04.050 provides authority for the Director of Emergency Services to issue a proclamation of local emergency if the Board of Supervisors is not in session; and

WHEREAS, on September 16, 2021 the Mendocino County Chief Executive Officer/Director of Emergency Services proclaimed that a local emergency exists throughout Mendocino County as of September 12, 2021; and

WHEREAS, on September 16, 2021, the Mendocino County Health Officer issued a Declaration of Local Health Emergency as of September 12, 2021, and

WHEREAS, both the declaration by the Health Officer and the proclamation by the Director of Emergency Services must be ratified by the Board of Supervisors within seven (7) days.

NOW, THEREFORE BE IT RESOLVED that the Mendocino County Board of Supervisors hereby:

1. Finds that a local emergency exists and ratifies the Proclamation of the Director of Emergency Services Proclaiming the Existence of a Local Emergency.
2. Finds that a local health emergency exists and ratifies the Declaration of the Health Officer Declaring a Local Health Emergency.
2. Provides that during this local emergency the powers, functions, and duties of the Mendocino County Chief Executive Officer and the emergency organization of Mendocino County shall be those prescribed by State law, and the ordinances, resolutions and approved emergency services plans of the County of Mendocino.
3. Authorizes that Carmel J. Angelo, having the titles of the Chief Executive Officer and Director of Emergency Services, is hereby designated as the authorized representative of public and individual assistance of the County of Mendocino for the purpose of receipt, processing, and coordination of all inquiries and requirements necessary to obtain available State and Federal Assistance.

The foregoing Resolution introduced by Williams, seconded by Supervisor McGourty, and carried this 21<sup>st</sup> of September 2021, by the following vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
 NOES: None  
 ABSENT: None

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO  
 Clerk of the Board

\_\_\_\_\_  
 DAN GJERDE, Chair  
 Mendocino County Board of Supervisors

\_\_\_\_\_  
 Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

*APPROVED AS TO FORM:*  
 CHRISTIAN M. CURTIS  
 County Counsel

BY: CARMEL J. ANGELO  
 Clerk of the Board

\_\_\_\_\_

\_\_\_\_\_  
 Deputy



**PROCLAMATION OF THE MENDOCINO COUNTY DIRECTOR OF EMERGENCY SERVICES  
PROCLAIMING THE EXISTENCE OF A LOCAL EMERGENCY RELATED TO THE HOPKINS  
FIRE**

WHEREAS, Government Code section 8630 and Mendocino County Code section 7.04.050 empowers the Mendocino County Director of Emergency Services to proclaim the existence or threatened existence of a local emergency when said county is affected, or likely to be affected, by a public calamity and the Board of Supervisors is not in session, subject to ratification by the Board of Supervisors within seven days thereafter; and

WHEREAS, the Hopkins Fire emerged on 12 September, 2021, and has burned over 275 acres, is currently at 95% containment, threatening over 400 structures, and leaving 1,162 residents under mandatory evacuation; and

WHEREAS, the Hopkins Fire has destroyed structures adjacent to Lake Mendocino and its tributaries while exceptional drought conditions persist, which conditions have reduced Lake Mendocino, the primary water supply for the Ukiah Valley Basin and Sonoma County to less than 8,000 acre-feet of water; and

WHEREAS, the Mendocino County Director of Emergency Services hereby proclaims that due to a ground fire that has resulted in structural damage, threats to drinking water quality in a time of exceptional drought conditions, and evacuations of a portion of the County, a condition of extreme peril to life and property now exists in Mendocino County; and

WHEREAS, the Mendocino County Director of Emergency Services now proclaims that a local emergency exists in the Ukiah Valley (Calpella) area within Mendocino County.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Director of Emergency Services proclaims that:

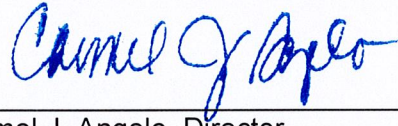
1. Conditions of extreme peril to safety of persons and property have arisen within Mendocino County due to the Hopkins Fire.
2. As a consequence of said conditions and pursuant to Government Code section 8630 and Mendocino County Code section 7.04.050, a local emergency now exists in the Ukiah Valley (Calpella) area within Mendocino County due to the Hopkins Fire.
3. During this local emergency the powers, functions and duties of the Mendocino County Sheriff and the emergency organization of Mendocino County shall be those prescribed by State law, and the ordinances, resolutions, and approved emergency services plans of the County of Mendocino.
4. This proclamation shall be submitted to the Director of the California Governor's Office of Emergency Services requesting a Director's Concurrence as well as making California Disaster Act Assistance and all applicable state funding and resources available to the County, and seek all available forms of disaster assistance and relief programs, including a request for a Presidential Declaration of a Major Disaster, Public Assistance, Individual Assistance, and USDA Disaster Assistance Programs.



WHEREUPON, the Director of Emergency Services declared said Proclamation adopted and SO ORDERED.

9/16/2021

Date



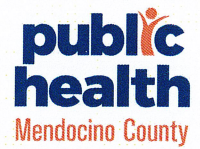
Carmel J. Angelo, Director  
Office of Emergency Services  
Mendocino County





**Public Health Department  
Mendocino County**

*Healthy People, Healthy Communities*



H. Andrew Coren, MD  
Public Health Officer

Anne C. Molgaard, JD  
Transition Director

**DECLARATION OF LOCAL HEALTH EMERGENCY**

(Health & Safety Code §101080)

WHEREAS, California Health & and Safety Code section 101080 authorizes a local health officer to declare a local health emergency in the health officer's jurisdiction, or any part thereof, whenever the health officer reasonably determines that there is an imminent and proximate threat of the introduction of any contagious, infectious, or communicable disease, chemical agent, noncommunicable biologic agent, toxin, or radioactive agent; and

WHEREAS, the Hopkins Fire, which includes over 275 acres burned, emerged on September 12, 2021, destroying multiple structures, currently at 90% containment, threatening over 400 residential structures, and leaving over 1,000 residents under mandatory evacuation; and

WHEREAS, the Hopkins Fire has destroyed structures adjacent to Lake Mendocino and its tributaries while exceptional drought conditions persist, which conditions have reduced Lake Mendocino, the primary water supply for the Ukiah Valley Basin and Sonoma County to less than 8,000 acre-feet of water; and

WHEREAS, due to a ground fire that has resulted in structural damage, threats to drinking water quality in a time of exceptional drought conditions, and evacuations of a portion of the County, a condition of extreme peril to life and property now exists in Mendocino County; and

WHEREAS, the potential for toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster, and debris and ash from residential structure fires contain hazardous substances that can result in adverse health impacts to the public; and

WHEREAS, exposure to hazardous substances through the air or drinking water may lead to acute and chronic health effects and may cause long-term public health and environmental impacts; uncontrolled hazardous substances and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies; and improper handling can expose workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community; and

WHEREAS, the Health Officer finds that the Hopkins wildfire is creating an imminent threat to public health in Mendocino County in the form of severely compromised air quality, potential risk to drinking water supply, and potential for contaminated debris from household hazardous waste and materials and structural debris resulting from the potential destruction of structures; and



WHEREAS, fire, smoke, and extreme heat is causing risk to the public's health, especially vulnerable people, who have medical conditions (such as active COVID-19 or in recovery from COVID-19, asthma, COPD, cardiac disease), are elderly/frail, and those who are homeless and do not have indoor shelter; and

WHEREAS, this declaration enables the County to more effectively respond to an imminent outbreak, seek and utilize mutual aid, potentially obtain reimbursement, and ensure that the County's professionals and providers have all necessary personal protective equipment to provide quality care and keep our community safe; and

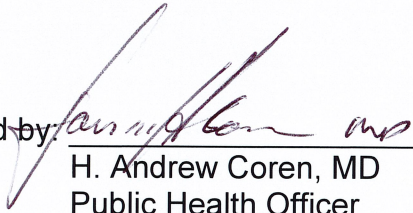
WHEREAS, this declaration must be ratified by the Mendocino County Board of Supervisors within seven (7) days; and

Now, therefore, pursuant to Health & Safety Code section 101080, the Mendocino County Health Officer declares:

- 1) The imminent threat to public health in Mendocino County within the meaning of Health & Safety Code section 101080 in the form of compromised water quality both in Lake Mendocino and the Russian River, potential risk to drinking water supply, and potential for contaminated debris from household hazardous waste and materials and structural debris resulting from the destruction of structures and debris removal; and
- 2) The potential introduction hazardous air quality from smoke and debris removal, disruption of serpentine soils, mercury mines and other soil contaminants create exposure to harmful toxins and particulates in Mendocino County is an imminent threat to the public health within the meaning of Health & Safety Code section 101080.
- 3) A local health emergency is hereby declared in Mendocino County commencing on the 16th day of September 2021 at 1400 hours.

WHEREAS, the local health emergency shall not remain in effect after seven days from the date of this declaration unless it has been ratified by the County of Mendocino's Board of Supervisors.

Date: 9/16/21  
Time: 2:35pm

Issued by:   
H. Andrew Coren, MD  
Public Health Officer  
Mendocino County



# Mendocino County Board of Supervisors Agenda Summary

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**Item #: 3b)**

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**To: Board of Supervisors**

**From: Planning and Building Services**

**Meeting Date:** September 21, 2021

**Department Contact:** Ignacio Gonzalez

**Phone:** 234-6650

**Department Contact:** Julia Krog

**Phone:** 234-6650

**Item Type:** Regular Agenda

**Time Allocated for Item:** 10 Mins

**Agenda Title:**

Discussion and Possible Adoption of Urgency Ordinance Authorizing an Administrative Permit Program for the Temporary Use and Occupancy of Trailer Coaches For Use as a Shelter Following the Hopkins Fire for Affected Properties within the Footprint Area of the Hopkins Fire  
(Sponsor: Planning and Building Services)

**Recommended Action/Motion:**

Adopt urgency ordinance authorizing an Administrative Permit Program for the Temporary Use and Occupancy of Trailer Coaches for use as a Shelter following the Hopkins Fire for affected properties within the footprint area of the Hopkins Fire; and authorize Chair to sign same.

**Previous Board/Board Committee Actions:**

On October 31, 2017, the Board of Supervisors adopted Ordinance No. 4397 for an Administrative Permit Program for the Temporary Use and Occupancy of Trailer Coaches for Use as a Shelter Following the Redwood Valley Fire.

On October 20, 2020, the Board of Supervisors adopted Ordinance No. 4473 for an Administrative Permit Program for the Temporary Use and Occupancy of Trailer Coaches for Use as a Shelter Following the August Complex and Oak Fires and Extending the Effectiveness of Ordinance No. 4397 which Adopted an Administrative Permit Program for Temporary Use and Occupancy of Trailer Coaches For Use as a Shelter Following the Redwood Valley Fire in 2017.

On September 21, 2021, the Board of Supervisors is considering adoption of a Resolution ratifying the Local Emergency related to September 2021 Hopkins fire as proclaimed by the Chief Executive Officer/Director of Emergency Services and ratifying the existence of a Local Health Emergency as proclaimed by the Health Officer.

**Summary of Request:**

Government Code section 25131 provides that ordinances shall become effective thirty (30) days from the date of final passage, except for certain ordinances, which become effective immediately. An ordinance for the immediate preservation of the public peace, health, or safety, which contains a declaration of the facts constituting the urgency, and is passed by a four-fifths vote of the board of supervisors, shall take effect



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**Item #: 3b)**

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immediately. Government Code section 25131 specifies that an urgency ordinance may be passed immediately upon introduction.

At the direction of the Board of Supervisors, County staff prepared Ordinance No. 4397 that created an administrative permit program that allowed the installation, use and temporary occupancy of a trailer coach (as defined in Mendocino County Code section 20.008.054, and which includes recreational vehicles and mobile homes) for up to a three (3) year period following the Redwood Valley Fire. Staff has prepared an ordinance that provides for the same program for victims of the Hopkins Fire, which would have a sunset date of September 21, 2024, for all administrative permits.

The proposed ordinance would allow for the temporary use and occupancy of trailer coaches for use as a shelter. Existing County Code only allows for such use of trailer coaches after a building permit is issued for a residence on the parcel. The proposed ordinance would also allow travel coaches to be used by licensed contractors hired to construct a replacement dwelling unit and associated structures. The number of trailer coaches that may be placed on a parcel shall be limited to the allowable density of dwelling units for that parcel pursuant to the Inland Zoning Code plus one, less any inhabited dwelling units on the parcel. The ordinance provides that properties need to meet certain health and safety related requirements prior to the issuance of the administrative permit.

The ordinance is categorically exempt from the California Environmental Quality Act (CEQA). The primary purpose of this ordinance is to assist people in resettling following the fire in order that their property can be replaced or restored. Section 15303 of the CEQA Guidelines provides that the construction of limited numbers of new, small facilities, including single family homes, is exempt from CEQA. Allowing limited numbers of travel coaches pursuant to the requirements of this ordinance is functionally similar to the application of this exemption to the construction of a single-family home. The ordinance is also limiting the number of travel coaches to essentially what is allowed under current zoning. As such, the ordinance is also exempt from CEQA on the basis of section 15061(b)(3) of the CEQA Guidelines. Because the ordinance is allowing the temporary siting of travel coaches, subject to certain conditions, in numbers that are similar to what might be allowed under the normal application of the Inland Zoning Code, it can be seen with certainty that there is no possibility that the ordinance may have a significant effect on the environment.

The ordinance must be adopted on at least a 4/5 vote of the Board. As required by Government Code section 25131, the ordinance contains recitals and findings substantiating the need to adopt this ordinance on an urgency basis.

**Alternative Action/Motion:**

Do not adopt the proposed ordinance; refer the matter to staff for additional research and alternatives.

**How Does This Item Support the General Plan?**

Yes, the item supports the following General Plan Policies and Action Items.

General Plan Policy DE-218: *Land uses, densities, and intensities shall be designed to reduce human risk and exposure to hazardous conditions and events.*

Action Item DE-218.1: *Continue to identify and assess risks to life, property, and the environment. Incorporate appropriate strategies into emergency response and land use planning.*

In addition, the item supports Policy 1.1 from the County Housing Element, a mandatory element of the General Plan, as follows:

Housing Element Policy 1.1: *Promote safe and healthy housing arrangements for residents of all income levels.*

**Supervisory District:** District 1

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**Item #: 3b)**

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**vote requirement:** 4/5ths

| <b>Supplemental</b>   | <b>Information</b> | <b>Available</b> | <b>Online</b> | <b>At:</b> |
|---|--------------------|------------------|---------------|------------|
| <a href="https://www.mendocinocounty.org/government/planning-building-services/public-notices">https://www.mendocinocounty.org/government/planning-building-services/public-notices</a> |                    |                  |               |            |

**Fiscal Details:**

**source of funding:** BU 2851

**current f/y cost:** \$33,630

**annual recurring cost:** N/A

**budget clarification:** Waiving the fee for an Administrative Permit will cost an estimated \$33,630 in applic: fees and staff time. Depending on final damage estimates, the cost may increase or decrease.

**budgeted in current f/y:** No

**if no, please describe:** Unanticipated emergency

**revenue agreement:** N/A

**Agreement/Resolution/Ordinance Approved by County Counsel:** Yes

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**CEO Liaison:** Judy Morris, Deputy CEO

**CEO Review:** Yes

**CEO Comments:**

**FOR COB USE ONLY**

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**Executed By:** Atlas Pearson, Deputy Clerk I

**Date:** September 21, 2021

**Final Status:****Adopted**

**Executed Item Type:** **Ordinance** **Number:**  
4496



**ORDINANCE NO. 4496**

**AN URGENCY ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS  
ADOPTING AN ADMINISTRATIVE PERMIT PROGRAM FOR THE TEMPORARY USE AND  
OCCUPANCY OF TRAILER COACHES FOR USE AS A SHELTER FOLLOWING THE  
HOPKINS FIRE**

WHEREAS, on September 12, 2021, at approximately 2 p.m., a fire started on Hopkins Street and North State Street near Calpella in Mendocino County, known as the Hopkins Fire; and

WHEREAS, as of September 16, 2021, the Hopkins Fire is 95% contained; however, approximately 275 acres were burned during the incident and 52 homes and minor structures were destroyed or damaged; and

WHEREAS, on September 16, 2021, by delegation, a local emergency was declared for Mendocino County, which was ratified by the Board of Supervisors at its meeting on September 21, 2021; and

WHEREAS, on September 16, 2021, the health officer of the County of Mendocino declared a local health emergency, pursuant to Health and Safety Code section 101080, which was ratified by the Board of Supervisors at its meeting on September 21, 2021, and

WHEREAS, the County of Mendocino currently has regulations in section 20.168.040 in the County's Inland Zoning Code that allow the installation, use and occupancy of a trailer coach, upon issuance of an Administrative Permit, as a temporary dwelling by the owner of a lot or contiguous lot on which a dwelling is under construction or for which a building permit has been issued; and

WHEREAS, the County of Mendocino desires to adopt additional regulations that would permit the installation, use and occupancy of a trailer coach as a temporary dwelling prior to when a dwelling is under construction or for which a building permit has been issued, in order to allow temporary residency by residents of the area affected by the Hopkins Fire as soon as possible; and

WHEREAS, the County of Mendocino desires to adopt these regulations on an urgency basis pursuant to Government Code section 25123, which allows ordinances to become effective immediately if the ordinance is for the immediate preservation of the public peace, health or safety, which shall contain a declaration of the facts constituting the urgency, and be passed by a four-fifths vote of the Board of Supervisors; and

WHEREAS, Government Code section 25131 expressly authorizes the Board of Supervisors to adopt such an urgency ordinance immediately upon its introduction.

NOW, THEREFORE, THE MENDOCINO COUNTY BOARD OF SUPERVISORS ORDAINS AS FOLLOWS:

**Section 1.** The above recitals are incorporated herein by this reference.

**Section 2. Urgency Findings.** The Board of Supervisors hereby finds that the adoption of this ordinance is for the immediate preservation of the public peace, health and safety. The Hopkins Fire has destroyed numerous residences and accessory buildings in the County.



Persons displaced by the fire have an urgent need for temporary housing while the area affected by the fire is cleaned of debris and while permanent housing is constructed.

The administrative permit program created by this ordinance contains provisions to allow for the installation, use and temporary occupancy of trailer coaches (which includes recreational vehicles and mobile homes). Administrative permits shall be issued only after requirements for health and safety standards are met. The administrative permit program will assist with the safe resettlement of persons and families whose homes were destroyed or damaged and made uninhabitable by the Hopkins Fire. To the extent such resettlement can occur within the boundary of the Hopkins Fire, public safety will be enhanced by bringing persons and families back into neighborhoods and assist in restoring these properties and areas to a pre-fire condition.

The administrative permit program created by this ordinance is needed to take effect immediately in order to provide a timely solution to the temporary housing needs caused by the Hopkins Fire.

**Section 3. Temporary Occupancy of a Trailer Coach.** Notwithstanding any other provision of the Mendocino County Code, the installation, use and temporary occupancy of a trailer coach, as defined in section 20.008.054 of the Mendocino County Code, shall be allowed upon the issuance of an administrative permit, subject to the following requirements:

- (1) The applicant for an administrative permit shall either:
  - (a) provide evidence of residency within the boundaries of the Hopkins Fire, pursuant to maps of the boundaries of the fire provided by the California Department of Forestry and Fire Protection, and evidence that the applicant's residence was either destroyed or damaged and made uninhabitable by the fire; or
  - (b) provide evidence that the applicant is a licensed contractor that has been hired to construct a replacement dwelling unit or accessory buildings within the boundaries of the Hopkins Fire.
- (2) The trailer coach may be located on the applicant's parcel within the boundary of the Hopkins Fire or on a separate property within the territory governed by the Mendocino County Inland Zoning Code. If the applicant is not the owner of the property where the trailer coach is to be located, the applicant shall obtain the written permission of the owner of the property.
- (3) The number of trailer coaches that may be placed on a parcel shall be limited to the allowable density of dwelling units for that parcel pursuant to the Inland Zoning Code plus one, less any inhabited dwelling units on the parcel.
- (4) The temporary trailer coach shall not be blocked up or placed on a permanent foundation.
- (5) If the trailer coach is to be located on a parcel within the boundary of the Hopkins Fire, there shall be adequate area available on the parcel to place the trailer coach so as not to interfere with or impede the cleanup of the fire debris, if debris is still on the property. The trailer coach shall be placed at least 100 feet away from any remaining fire debris.
- (6) There are no standing dead or damaged trees or other hazards in proximity of the trailer coach that could fall upon or otherwise damage the trailer coach or harm its occupants.



(7) There are no landslide risks to the proposed site for the trailer coach or the road providing access to the site that have the potential to trap or harm the occupants.

(8) The site for the trailer coach shall have a potable water supply, which may be either (a) an operating well or (b) a community water service connection. The County shall refer applications seeking to use a community water service connection to the relevant water district for approval. Maintenance of potable water shall be a condition of the administrative permit.

(a) For properties located within the boundaries of the Hopkins Fire, the County may also approve an administrative permit for a site where potable water will be provided pursuant to an agreement with a water delivery service. The agreement shall be provided to the County with the application for the administrative permit. The water delivery service shall only be used on an interim basis until a connection to an operating well or community water service can be re-established, up to a maximum of six (6) months from the date of issuance of the administrative permit.

(9) Provision shall be made for sewage disposal to the satisfaction of the Mendocino County Division of Environmental Health. Sewage may be disposed through (a) a public sewer system connection at the site; (b) a functioning septic system at the site, which shall be inspected and approved by the Mendocino County Division of Environmental Health prior to issuance of the administrative permit; or (c) a sewage pumping service which would empty the trailer coach's septic system on a regular basis, the agreement for which shall be provided to the County. Maintenance of sewage disposal shall be a condition of the administrative permit.

(10) The trailer coach shall be placed on the parcel consistent with all setback requirements for a residence for the applicable zoning district.

(11) The trailer coach shall not be placed on the parcel in a location that would impede reconstruction of the permanent residence.

(12) The trailer coach shall not be placed on the parcel in a location that is on top of a septic tank or the leach field.

(13) The floor elevation of the trailer coach shall be located above the 100 year flood elevation.

(14) Inspections. The following inspections shall be completed prior to occupancy:

(a) Verification that unsafe conditions do not exist at the site for the trailer coach based upon the requirements of this ordinance, and that the requirements of this ordinance are met.

(b) Inspection of electrical service.

(c) Inspection of water and sewer connections to the trailer coach. Sites with on-site sewage disposal need to be inspected by the Mendocino County Division of Environmental Health to verify that the system was not damaged by the fire.

(15) If an applicant is issued an administrative permit to place a trailer coach on property other than where the applicant's residence was destroyed by the Hopkins Fire, the administrative permit may be transferred to the applicant's property, provided that all requirements of this ordinance can be met at that site. The duration of the administrative permit shall not be changed.

(16) When a building permit for a permanent replacement dwelling unit is issued to a holder of an administrative permit issued under this ordinance, such administrative permit shall be administratively changed to an administrative permit pursuant to Mendocino County Code section 20.168.040(C), which would require the trailer coach to be transferred to the site pursuant to paragraph (15) above, and the termination date of the administrative permit shall be changed to two (2) years from the date of issuance of the building permit, subject to renewals.

(17) The provisions of this ordinance shall expire on September 21, 2024. As of that date, administrative permits issued pursuant to this ordinance shall terminate.

(18) Upon termination of the administrative permit, the trailer coach shall cease to be occupied and its use shall conform to the Inland Zoning Code.

**Section 4. CEQA.** The Board of Supervisors hereby finds that this ordinance is categorically exempt from CEQA pursuant to (a) section 15061(b)(3) of the CEQA Guidelines, the General Rule exemption, as it can be seen with certainty that there is no possibility that the adoption of the ordinance may have a significant effect on the environment and (b) section 15303 of the CEQA Guidelines, as it consists of the construction and location of limited numbers of new, small facilities or structures at a density otherwise allowed under the existing County Code. This finding is based on and supported by the evidence in the record, including the agenda summary accompanying this ordinance.

**Section 5. Effective Date.** This ordinance is an urgency ordinance adopted pursuant to Government Code Section 25123 and shall become effective immediately upon its adoption if adopted by at least four-fifths of the Board of Supervisors.

**Section 6. Severability.** If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.



**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this 21st day of September, 2021, by the following roll call vote:


AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None


**WHEREUPON**, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

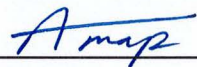
APPROVED AS TO FORM:  
CHRISTIAN M. CURTIS,  
County Counsel

  
\_\_\_\_\_

  
DAN GJERDE, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

  
Deputy

**ORDINANCE NO. 4496**

**AN URGENCY ORDINANCE OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS  
ADOPTING AN ADMINISTRATIVE PERMIT PROGRAM FOR THE TEMPORARY USE AND  
OCCUPANCY OF TRAILER COACHES FOR USE AS A SHELTER FOLLOWING THE  
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**Section 6. Severability.** If any section, subsection, sentence, clause phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Mendocino, State of California, on this 21st day of September, 2021, by the following roll call vote:

AYES: Supervisors McGourty, Mulheren, Haschak, Gjerde, and Williams  
NOES: None  
ABSENT: None

**WHEREUPON**, the Chair declared the Ordinance passed and adopted and **SO ORDERED**.

ATTEST: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy

*APPROVED AS TO FORM:*  
CHRISTIAN M. CURTIS,  
County Counsel

\_\_\_\_\_  
DAN GJERDE, Chair  
Mendocino County Board of Supervisors

I hereby certify that according to the provisions of Government Code section 25103, delivery of this document has been made.

BY: CARMEL J. ANGELO  
Clerk of the Board

\_\_\_\_\_  
Deputy