



Mendocino County

Legislation Details (With Text)

File #: 21-1053 **Version:** 1 **Name:**
Type: Ordinance **Status:** Agenda Ready
File created: 9/16/2021 **In control:** Planning and Building Services
On agenda: 9/21/2021 **Final action:**
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)
Sponsors: Planning and Building Services, Steve Dunicliff

Indexes:

Code sections:

Attachments: 1. Ordinance 4496, 2. 1. Urgency Ordinance - Temporary Trailers - Hopkins.pdf

Date	Ver.	Action By	Action	Result
9/21/2021	1	Board of Supervisors		

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 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.*

Supervisorial District: District 1

vote requirement: 4/5ths

Supplemental Information Available Online At:
<https://www.mendocinocounty.org/government/planning-building-services/public-notice>

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

CEO Liaison: Judy Morris, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk I

Date: September 21, 2021

Final Status:**Adopted**

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

