



Mendocino County

Legislation Text

File #: 20-0931, Version: 1

To: Board of Supervisors

From: Planning and Building Services & Executive Office

Meeting Date: October 20, 2020

Department Contact: Ignacio Gonzalez

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Item Type: Regular Agenda

Time Allocated for Item: 15 min.

Agenda Title:

Discussion and Possible Action Including 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 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
(Sponsors: Planning and Building Services and Executive Office)

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 August Complex-West Zone 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; and authorize Chair to sign same.

Previous Board/Board Committee Actions:

On October 17, 2017, the Board of Supervisors directed staff to prepare an urgency ordinance for an administrative permit process to allow victims of the Redwood Valley Fire whose homes have been made uninhabitable to use a trailer on their property or a different property for a period of three (3) years. 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 September 11, 2020, the Board of Supervisors adopted Resolution No. 20-119 ratifying the Local Emergency related to September 2020 fires 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 August Complex and Oak Fires and additionally to extend the effectiveness of Ordinance No. 4397 by an additional year for victims of the Redwood Valley Fire in 2017. The result of the proposed ordinance will be a sunset date of October 20, 2023 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 provides that it is statutorily and categorically exempt from the California Environmental Quality Act (CEQA). Section 15269 of the CEQA Guidelines provides for a statutory exemption for projects to maintain, replace or restore property damaged or destroyed as a result of a disaster in a disaster stricken area in which a state of emergency has been proclaimed by the Governor of California pursuant to the California Emergency Services Act. As recited in the ordinance, the Governor has declared a state of emergency. 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. In addition, 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.

Supervisory District: All

vote requirement: Majority

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: \$68,381

annual recurring cost: N/A

budget clarification: waiving the fee for an Administrative permit will cost an estimated \$68,381 in applic fees and staff time. Depending on final damage estimates, the cost may increase or decrease respectively.

Agreement/Resolution/Ordinance Approved by County Counsel: Yes

CEO Liaison: Steve Dunncliff, Deputy CEO

CEO Review: Yes

CEO Comments:

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Executed By: Atlas Pearson, Deputy Clerk I

Date: OCTOBER 22, 2020

Final Status: Adopted

Executed Item Type: Ordinance Number: 4473

