



TOWN OF PARADISE

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NOTICE OF SPECIAL MEETING PARADISE TOWN COUNCIL 6:00 PM – MAY 22, 2019

NOTICE IS GIVEN pursuant to Government Code Section 54956 that at the call of the Mayor of the Town of Paradise a special meeting has been set for 6:00 p.m., May 22, 2019, at the Paradise Alliance Church located at 6491 Clark Road, Paradise, California for the following purpose:

- 1a. Consider adopting Town of Paradise Urgency Ordinance No. 578, “An Ordinance of the Town Council of the Town of Paradise Repealing Ordinance No. 575 and Adopting a New Urgency Ordinance Relating to Interim Housing and Accessory Building(s) Inside the Camp Fire Area” (Allowing construction of an accessory building without first obtaining a building permit for a residence.); or 2. Direct an alternative directive to town staff. (ROLL CALL VOTE)
- 1b. Presentation from Urban Design Associates to include proposed recovery projects based on community input and ideas for updated building standards related to fire safety. After the meeting, residents will have the opportunity to view and provide feedback during an “open house session” in the gymnasium. Following the open house, the exhibits will be moved to Paradise Town Hall for public view and comment from May 23rd until May 30th. The information will be compiled and presented at the June 11, 2019 Town Council meeting. (No action will be taken at this meeting, it is for information only)
- 1c. Presentation from Joe Wilson from Pacific Gas and Electric on the future energy plans for the Town of Paradise. (Information only)

Members of the public may address the Paradise Town Council only on the items listed on the special meeting agenda. The Council is prohibited by law from considering any other business at this meeting.

Dated: May 21, 2019

DINA VOLENSKI, CMC
Town Clerk



Town of Paradise
Council Agenda Summary
Date: May 22, 2019

Agenda Item: 1(a)

ORIGINATED BY: Susan Hartman, Acting CDD Director
REVIEWED BY: Lauren M. Gill, Town Manager
SUBJECT: Town Council Adoption of an Amendment to Urgency Ordinance 575

COUNCIL ACTION REQUESTED: Adopt a **MOTION TO:**

1. Consider adopting Town of Paradise Ordinance No. 578, "An Ordinance of the Town Council of the Town of Paradise Repealing Ordinance No. 575 and Adopting a New Urgency Ordinance Relating to Interim Housing and Accessory Building(s) Inside the Camp Fire Area"; or
2. Direct an alternative directive to town staff.

BACKGROUND:

On February 4, 2019, the Town Council adopted Ordinance No. 575 that repealed Ordinance No. 573 and adopted an ordinance that temporarily relaxes some building and zoning regulations to allow for additional interim housing, through the temporary placement of recreational vehicles, both inside and outside of the Camp Fire affected area for displaced persons.

DISCUSSION:

In addition to the provisions of Ordinance No. 575 there exists an immediate need to provide accessory buildings to accommodate storage of personal property of persons displaced by the Camp fire who own Eligible Property that has been certified clean pursuant to Phase II requirements by the County Department of Public Health, Environmental Health Division. The proposed ordinance retains the prior provisions of Ordinance No. 575 and adds an amendment temporarily relaxing some Town zoning regulations to allow for establishment of an accessory building on property both inside and outside of the Camp Fire affected area (in Town limits) for the storage of essential equipment of displaced persons necessary to recover from the damages caused by the Camp Fire. Due to the magnitude of the destruction and its related and significant impacts on properties, there is a need to provide displaced property owners with the option of constructing accessory buildings both inside and outside of the Camp Fire affected area without first obtaining building permits for a primary residence on their property.

To allow displaced persons, who own “Eligible Property” that has been certified clean, an option to establish an accessory building on their property staff recommends the addition of a new Section 12 to Urgency Ordinance No. 575 to allow for the for the issuance of a building permit for an accessory building prior to obtaining a building permit for the primary residence. As requested by Council, a relationship between size of property and size of accessory building has been established via the use of maximum percentage of coverage, the same as the maximum percentage of building coverage as dictated by each zoning district, to govern the size of the accessory buildings while still leaving adequate area available for construction of the residence. The proposed maximum percentage of coverages, based on gross lot area, are as follows:

Agricultural-Residential

AR-1	AR-3	AR-5	<u>Maximum Coverage</u>
10%	10%	10%	Accessory Buildings (proposed)

Rural-Residential

RR-1	RR-2/3	RR-1/2	<u>Maximum Coverage</u>
10%	10%	5%	Accessory Buildings (proposed)
20%	20%	25%	All Buildings (existing ordinance)

Town-Residential

TR-1	TR-1/2	TR-1/3	<u>Maximum Coverage</u>
5%	5%	5%	Accessory Buildings (proposed)
25%	25%	30%	All Buildings (existing ordinance)

Multiple-Family Residential

M-F	<u>Maximum Coverage</u>
5%	Accessory Buildings (proposed)
35%	All Buildings (existing ordinance)

To be consistent with the 1994 Town of Paradise General Plan which calls for the reduction and elimination of nonconforming uses and to provide some level of assurance that a residence will ultimately be built, a subsection of newly added Section 12 would require that the owner of an accessory building built under this proposed ordinance apply for a building permit to construct a primary residence on the property prior to the expiration of the urgency ordinance which is currently scheduled for December 31, 2020.

Staff has developed the attached proposed ordinance that, if adopted by the Town Council, would amend Urgency Ordinance No 575 to allow for the for the issuance of a building permit for an accessory building prior to obtaining a building permit for the primary residence for the duration of the urgency ordinance (added text in the attached ordinance is shown as shaded).

FINANCIAL IMPACT:

The cost for publication of the ordinance summary within the local newspaper will be borne by the Town of Paradise.

Attachment

TOWN OF PARADISE
Urgency Ordinance No. 578

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
REPEALING ORDINANCE NO. 575 AND ADOPTING A NEW URGENCY ORDINANCE
RELATING TO INTERIM HOUSING AND ACCESSORY BUILDING(S) INSIDE THE
CAMP FIRE AREA

The Town Council of the Town of Paradise does ordain as follows:

Section 1. Ordinance No. 575 is hereby repealed.

The Town Council of the Town of Paradise does ordain as follows:

Section 2. Emergency Findings.

This Urgency Ordinance is adopted pursuant to California Government Code Section 36934 and shall take effect immediately upon its approval by at least a four-fifths vote of the Town Council. The Council, based on determinations of the Butte County Local Health Officer, finds that this Ordinance is necessary for the immediate preservation of the public peace, health and safety, based upon facts set forth in Section 3 of this Ordinance.

Section 3.

A. Conditions of extreme peril to the safety of persons and property within the Town of Paradise were caused by the Camp Fire, commencing on the 8th day of November, 2018, at which time the Town Council was not in session.

B. California Government Code Section 8630 empowers the Town Director of Emergency Services (Director) to proclaim the

1 existence of a local emergency when the Town is affected or
2 likely to be affected by a public calamity, subject to
3 ratification by the Town Council at the earliest
4 practicable time.

5 C. On November 8, 2018, the Director proclaimed the existence
6 of a local emergency within the Town due to the Camp Fire.

7 D. On November 8, 2018, the Acting Governor of the State of
8 California proclaimed a State of Emergency for Butte County
9 pursuant to the California Emergency Services Act,
10 commencing with Section 8550 of the Government Code, and on
11 November 14, 2018, the Governor issued Executive Order B-
12 57-18 concerning the Camp Fire.

13 E. On November 9, 2018, the Camp Fire was still burning
14 through the Town and despite firefighters' best efforts,
15 the wildfire was not contained. Evacuation orders were in
16 place and numerous severe public health and safety hazards
17 were present in the Camp Fire area, including many blocked
18 roads from fallen power lines, burned trees and vehicles,
19 numerous burned vehicles were left throughout the Camp Fire
20 area due to survivors fleeing their vehicles in efforts to
21 survive the wildfire, no available utilities, no available
22 public services and the presence of human remains and
23 animal carcasses. At the time, the Town estimated that
24 2,000 structures had burned in the Camp Fire.

25 F. On November 9, 2018, Dr. Andrew Miller, Butte County's
26 Local Health Officer, issued a Declaration of Health

Emergency pursuant to California Health and Safety Code section 101080. Dr. Miller's declaration stated that the local health emergency was a consequence of the debris resulting from the Camp Fire that contains hazardous material in the ash of the burned qualifying structures. The purpose of the Declaration was to address the immediate threat to the public health and the imminent and proximate threat of the introduction of contagious, infectious or communicable disease, chemical agents, non-communicable biologic agents, toxins and/or radioactive agents present at the time in the Camp Fire area. The threats included (1) the enormous amount of fire debris present in the Camp Fire area, including ash and debris containing hazardous materials and probable radioactive materials present in ash and debris from qualifying structures, (2) the threat of infectious or communicable disease and/or non-communicable biologic agents due to animal carcasses, radioactive waste and perishable foods, (3) the potential contamination or destruction of the residential and commercial water supply in the Camp Fire area and (4) the potential pollution of the drinking water downstream from the Camp Fire area if weather conditions caused the spread of the hazardous materials in the ash and debris of burned qualifying structures.

G. On November 12, 2018, the President of the United States declared the existence of a major disaster in the State of

1 California, providing assistance from many federal
2 agencies, including the Federal Emergency Management Agency
3 (FEMA).

4 H. On November 13, 2018, the Butte County Board of Supervisors
5 ratified Dr. Miller's Declaration of Health Emergency.

6 I. On November 21, 2018, the status of the Camp Fire area was
7 as follows: firefighters had contained the Camp Fire; the
8 Sheriff had lifted evacuation orders; work crews had
9 removed fallen power lines, burned vehicles and trees
10 blocking the roads; utilities including electric power, gas
11 and non-potable water had become available; no local
12 businesses were open to serve the public; and no public
13 services were available. Further, preliminary actions had
14 been taken to mitigate the risk from animal carcasses,
15 radioactive waste and perishable foods in the Camp Fire
16 area, however, concerns regarding the threats remained. The
17 public health hazards present in the Camp Fire area
18 included (1) the public health hazards from the enormous
19 amount of fire debris, (2) the public health hazard from
20 the hazardous materials and probable radioactive materials
21 present in the ash and debris from destroyed qualifying
22 structures, (3) the threat of infectious or communicable
23 disease and/or non-communicable biologic agent due to the
24 presence of animal carcasses, perishable foods and
25 radioactive waste and (4) the potential pollution of the
26 drinking water downstream from the Camp Fire area if

1 weather conditions caused the spread of the hazardous
2 materials in the ash and debris of burned qualifying
3 structures. At the time, the Camp Fire had destroyed
4 thousands of structures.

5 J. On November 21, 2018, Dr. Miller issued a Hazard Advisory
6 strongly suggesting residents should not reside on property
7 with qualifying structures damaged or destroyed by the Camp
8 Fire until the property had been cleared of hazardous
9 waste, ash and debris and certified clean by the County
10 Department of Public Health, Environmental Health Division.
11 The County Department of Public Health provided residents
12 with re-entry packets which included personal protective
13 equipment and information on the dangerous conditions and
14 toxic materials present in the Camp Fire area. The re-entry
15 packets were intended to improve the safety of the
16 residents who chose to visit their properties to collect
17 valuables and not intended to encourage long-term
18 visitation or habitation. The purpose of the Hazard
19 Advisory was to address the public health hazards present
20 at the time in the Camp Fire area, including (1) the
21 enormous amount of fire debris present in the Camp Fire
22 area, (2) the hazardous materials and probable radioactive
23 materials present in ash and debris from qualifying
24 structures, (3) the lessened but still present threat of
25 infectious or communicable disease and/or non-communicable
26 biologic agents due to animal carcasses, radioactive waste

1 and perishable foods, (4) the potential contamination or
2 destruction of the residential and commercial water supply
3 in the Camp Fire area and (5) the potential pollution of
4 the drinking water downstream from the Camp Fire area if
5 weather conditions caused the spread of the hazardous
6 materials in the ash and debris of burned qualifying
7 structures.

8 K. The Camp Fire to date has consumed 153,336 acres and has
9 led to the destruction of 13,696 residences, damage to 462
10 residences, the destruction of 276 multiple family
11 residences, the destruction of 528 commercial buildings,
12 damage to 102 commercial buildings, the destruction of
13 4,293 other minor structures, and resulted in the
14 evacuation of over 50,000 people. As a result, the Camp
15 Fire has created an enormous amount of debris.

16 L. There exists the potential for widespread toxic exposures
17 and threats to public health and the environment in the
18 aftermath of a major wildfire disaster, and debris and ash
19 from residential and commercial structure fires contain
20 hazardous materials and the harmful health effects of
21 hazardous materials produced by a wildfire are well-
22 documented.

23 M. The combustion of building materials such as siding,
24 roofing tiles, and insulation results in dangerous ash that
25 may contain asbestos, heavy metals and other hazardous
26 materials. Household hazardous waste such as paint,

1 gasoline, cleaning products, pesticides, compressed gas
2 cylinders, and chemicals may have been stored in homes,
3 garages, or sheds that may have burned in the fire, also
4 producing hazardous materials.

5 N. Exposure to hazardous materials may lead to acute and
6 chronic health effects and may cause long-term public
7 health and environmental impacts. Uncontrolled hazardous
8 materials and debris pose significant threats to public
9 health through inhalation of dust particles and
10 contamination of drinking water supplies. Improper handling
11 can expose residents and workers to toxic materials, and
12 improper transport and disposal of fire debris can spread
13 hazardous substances throughout the community.

14 O. Standards and removal procedures are needed immediately to
15 protect the public health and environment, and to
16 facilitate coordinated and effective mitigation of the
17 risks to the public health and environment from the health
18 hazards generated by the Camp Fire disaster.

19 P. The Camp Fire has created hazardous waste conditions in the
20 Town of Paradise in the form of contaminated debris from
21 household hazardous waste/materials and structural debris
22 resulting from the destruction of thousands of structures.
23 This hazardous waste debris poses a substantial present or
24 potential hazard to human health and the environment until
25 the property is certified clean. The accumulated exposure
26

1 to hazardous waste debris over an extended period of time
2 poses a severe hazard to human health.

3 Q. The Town of Paradise previously approved Ordinance No. 572,
4 Ordinance No. 573, and Ordinance No. 575 as urgency
5 measures relating to the Camp Fire disaster recovery on
6 December 12, 2018, The actions addressed the need for the
7 regulation of debris removal to alleviate the public
8 health, safety and welfare concerns associated with the ash
9 and debris of qualifying structures and temporary emergency
10 housing options.

11 R. As of February 4, 2019, the status of the Camp Fire
12 disaster recovery **was** as follows: (1) Phase I cleanup by
13 the U.S. Environmental Protection Agency and the California
14 Department of Toxic Substances Control is complete, which
15 has reduced the public health concerns relating to the most
16 hazardous materials present in the Camp Fire area, (2)
17 Phase II of the cleanup pursuant to the Government (CalOES)
18 Program and the Alternative Program has commenced, (3)
19 utilities are available (except for potable water), (4)
20 numerous businesses have opened to serve the public, (5)
21 public services are available, including a FEMA and CalOES
22 jointly-operated Disaster Recovery Center in Paradise,
23 California. Current threats include (1) the enormous amount
24 of fire debris present in the Camp Fire area, (2) hazardous
25 materials and probable radioactive materials present in ash
26 and debris from qualifying structures, (2) the potential

1 pollution of the drinking water downstream from the Camp
2 Fire area if weather conditions caused the spread of the
3 hazardous materials in the ash and debris of burned
4 qualifying structures. The purpose of this Ordinance is to
5 allow residents to live on properties in the Camp Fire area
6 that do not contain fire ash and debris from a qualifying
7 structure destroyed or damaged by the Camp Fire.

8 S. The Debris Removal Operations Plan for the Camp Fire
9 prepared by the CalOES/CalRecycle Incident Management Team
10 provides that the DTSC has issued reports regarding the
11 assessment of burn debris from wildfires in the past. The
12 studies of burned residential homes and structures from
13 large scale wildland fires indicated that the resulting ash
14 and debris can contain asbestos and toxic concentrated
15 amounts of heavy metals such as antimony, arsenic, cadmium,
16 copper, lead, and zinc (qualifying structures).
17 Additionally, the ash and debris may contain higher
18 concentrations of lead if the home was built prior 1978
19 when lead was banned from household paint in the United
20 States. The reports indicated that the residual ash of
21 burned residential homes and structures has high
22 concentrations of heavy metals that can be toxic and can
23 have significant impact to individual properties, local
24 communities, and watersheds if the ash and debris is not
25 removed safely and promptly. The plan also indicates that
26 the purpose of the structural debris removal program is to

1 remove debris that poses a risk to health and/or the
2 environment. Debris from structures smaller than 120 square
3 feet are not included in the program.

4 T. The Butte County Local Health Officer Dr. Miller has
5 indicated that the Phase II cleanup of the properties
6 containing ash and debris from a qualifying structure
7 mitigates the public health hazards of the Camp Fire.
8 Further, failing to clean properties containing ash and
9 debris from a qualifying structure can have severely
10 negative long term consequences to the public health and
11 environment. Therefore, the focus must be on accomplishment
12 of the Phase II cleanup to address the public health
13 hazards. The standard for determining when a property is
14 clean from ash and debris from a qualifying structure is
15 when the Phase II cleanup work is complete and the property
16 is certified clean by the County Department of Public
17 Health, Environmental Health Division. Ash and debris of
18 qualifying structures is the focus of the Phase II cleanup
19 work. The significance of the public health risks is higher
20 on properties with ash and debris from a qualifying
21 structure. Given the progress the Camp Fire disaster
22 recovery has made with respect to the hazards identified in
23 the findings above, the remaining significant public health
24 hazard is the ash and debris from qualifying structures.
25 Based on the foregoing properties that contain ash and
26 debris from qualifying structures constitute a significant

1 public health risk. Therefore, those properties should be
2 ineligible for temporary emergency housing until Phase II
3 cleanup work is completed on the property and is certified
4 clean by the Department of Public Health, Environmental
5 Health Division. Properties that do not contain ash and
6 debris from a qualifying structure do not pose a
7 significant public health risk and should be eligible for
8 temporary emergency housing.

9 U. Due to the magnitude of the destruction, there is a need to
10 provide for sufficient housing options both inside and
11 outside of the Camp Fire affected area. Thus, on February
12 4, 2019, the Town of Paradise adopted Ordinance No. 575
13 that repealed Ordinance No. 573 and established an
14 ordinance that temporarily relaxes some building and zoning
15 regulations to allow for additional interim housing both
16 inside and outside of the Camp Fire affected area for
17 displaced persons.

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19
20
21 V. There exists an immediate need to provide accessory
22 buildings to accommodate storage of personal property of
23 persons displaced by the Camp Fire who own Eligible
24 Property that has been certified clean pursuant to Phase II
25 requirements by the County Department of Public Health,
26 Environmental Health Division. This Ordinance temporarily

relaxes some Town zoning regulations to allow for establishment of an accessory building on property both inside and outside of the Camp Fire affected area for the displaced persons for the storage of essential equipment necessary to the recovery from the damages caused by the Camp Fire. Due to the magnitude of the destruction and its related and significant impacts on properties, there is a need to provide displaced property owners with the option of constructing accessory buildings both inside and outside of the Camp Fire affected area without first obtaining building permits for primary residences on their properties.

W. It is essential that this Ordinance become immediately effective (1) to mitigate the harm that could be caused to the public health and safety and to the environment from the improper disturbance, removal and/or disposal of debris containing hazardous materials, and to facilitate the orderly response to the Camp Fire disaster; and (2) to allow the fastest possible transition of homeless and displaced residents to interim and long-term shelter; and (3) to allow displaced persons who own Eligible Property certified clean pursuant to Phase II requirements an option to establish an accessory building on their property to better facilitate and further expedite their property maintenance and storage of essential equipment required to allow for the property rebuild process.

Section 4. Purpose.

13,696 homes were destroyed by the Camp Fire in the Town of Paradise and surrounding unincorporated areas. This disaster has created a need for housing on a scale that cannot be accommodated through the existing available housing in the Town. To meet the immediate need for housing, the Town relaxed some building and zoning regulations in a prior Ordinance to allow for additional temporary housing. However, this additional temporary housing may not be sufficient to meet the large and immediate need. This Ordinance relaxes some building and zoning regulations to allow for additional temporary housing inside the Camp Fire affected area. Persons moving back to the area do so at their own risk and should make themselves aware of the health hazards of doing so. The Ordinance allows persons to place temporary housing on an Eligible Property. This Ordinance also provides an option for affected property owners to establish an accessory building on their Eligible Property without first obtaining a building permit for a primary residence. The purpose of this Ordinance is to develop reasonable standards that allow persons to move back into the Camp Fire affected area while a massive debris removal program is implemented and, at the same time, provide interim shelter as well as an option of an accessory building for property maintenance equipment and rebuild materials storage for Town residents on private property during this housing crisis.

1
2 **Section 5. Definitions.**

3 Except where the context clearly indicates otherwise, the
4 following definitions shall govern the construction of the words
5 and phrases used in this Ordinance:

6 Accessory Building. Any structure having a permanent foundation
7 and a roof supported by columns or walls designed, intended
8 and/or used for the protection and storage of personal property
9 associated with a permitted or conditionally permitted Principal
10 Use on the same site.

11 **Camp Fire.** A 153,336-acre wildfire that started near the
12 community of Pulga on November 8, 2018, destroying over 18,000
13 structures, which forced the evacuation of the Town of Paradise,
14 Berry Creek, Butte Creek Canyon, Butte Valley, Centerville,
15 Cherokee, Concow, Durham, Forest Ranch, Magalia, Pulga, Stirling
16 City, and Yankee Hill, and other areas near the Cities of Chico
17 and Oroville, and proclaimed by the Town Council under
18 Resolution 18-42, as a local emergency, and also proclaimed by
19 then Acting Governor Gavin Newsom as a state of emergency. CAL
20 FIRE maintains a map showing the final boundaries of the Camp
21 Fire and the Camp Fire affected area, as of November 25, 2018 at
22 100 percent containment.

23 **Cargo Storage Container.** A single metal box made of steel or
24 other similar material, which is designed for securing and
25 protecting items for temporary storage, not exceeding three
26

1 hundred twenty (320) square feet in size, without utilities, and
2 not used for human habitation.

3 **Director.** The Town of Paradise Director of Emergency Services
4 or his or her authorized representative.

5 **Displaced Person(s).** A Town resident or residents whose
6 residential dwelling has been destroyed or damaged by the Camp
7 Fire, such that the resident(s) cannot occupy the dwelling.
8 Displaced person(s) may be required to provide verification to
9 the county to substantiate their eligibility for uses, permits
10 and/or approvals described in this article. Evidence may
11 consist of verification by Federal Emergency Management Agency
12 (FEMA) registration or damage assessment, and/or a driver's
13 license or other government-issued identification card or
14 utility bill, etc. with a physical address showing the resident
15 resided on a property impacted by the Camp Fire, as determined
16 by the Town. Such determination may be made by the Director or
17 other town personnel.

18 **Effective Date.** The date of the Town Council adoption of this
19 Ordinance.

20 **Eligible Property.** A property that does not contain fire debris
21 or hazardous materials from a qualifying structure that was
22 damaged or destroyed by the Camp Fire. Eligible Property shall
23 include (1) parcels with no resulting damage or fire debris from
24 the Camp Fire (2) parcels with fire debris from a structure that
25 was not a qualifying structure that was damaged or destroyed by
26 the Camp Fire and (3) parcels with fire debris or hazardous

materials from a qualifying structure that was damaged or destroyed by the Camp Fire, only upon the issuance of a certificate that the parcel has been cleaned pursuant to Phase II requirements by the County Department of Public Health, Environmental Health Division. Temporary housing and/or establishment of an accessory building pursuant to this Ordinance shall be permitted as reflected in the table below:

	Property not damaged by Camp Fire	Property with a non-qualifying structure damaged or destroyed by Camp Fire	Property with a qualifying structure damaged or destroyed by Camp Fire
Prior to completion of Phase II cleanup	Temporary housing allowed	Temporary housing allowed	Temporary housing prohibited
Following completion of Phase II cleanup (property certified clean by the Department of Public Health, Environmental Health Division)	Temporary housing allowed Accessory Building Allowed	Temporary housing allowed Accessory Building Allowed	Temporary housing allowed Accessory Building Allowed

1 **FEMA.** The Federal Emergency Management Agency or successor
2 agency.

3 **Fire Debris and Hazardous Materials.** Debris, ash, metals, and
4 completely or partially incinerated substances from structures
5 that are located on properties that qualify under the CalOES
6 Debris Removal Program or the Butte County's Alternative Debris
7 Removal Program.

8 **Movable Tiny House.** For the purposes of this Ordinance, a
9 movable tiny house is a structure utilized as living quarters by
10 one household that is licensed by and registered with the
11 California Department of Motor Vehicles, meets the American
12 National Standards Institute (ANSI) 119.5 or ANSI 119.2 (NFPA
13 1192) requirements and is certified by a qualified third party
14 inspector for ANSI compliance, cannot move under its own power,
15 is not longer than allowed by State law for movement on public
16 highways, has a total floor area of not less than 150 square
17 feet, and has no more than 430 square feet of habitable living
18 space.

19 **Phase I.** The hazardous waste cleanup as defined and discussed in
20 Section 3, Debris Removal, above.

21 **Phase II.** The hazardous waste, fire debris and ash cleanup as
22 defined in Section 3, Debris Removal, above.

23 **Qualifying Structure.** A qualifying structure as defined and
24 discussed in Section 3, Debris Removal, above.

25 **Recreational Vehicle.** A motor home, travel trailer, truck camper
26 or camping trailer that is: (1) self-contained with potable

1 water and sewage tanks and designed for human habitation for
2 recreational or emergency occupancy; (2) self-propelled, truck-
3 mounted, or permanently towable on California roadways; and (3)
4 a California Department of Motor Vehicles licensed vehicle, or a
5 similar vehicle or structure as determined by the Director.

6 **Recreational Vehicle Park.** A commercial use providing space for
7 the accommodation of more than two recreational vehicles for
8 recreational or emergency housing, or for transient employee
9 lodging purposes.

10 **Temporary Dwelling.** A temporary dwelling includes a recreational
11 vehicle and a movable tiny house.

12
13 **Section 6. Initial use of temporary dwellings.**

14 Residential use and occupancy of up to two (2) temporary
15 dwellings on any Eligible Property that permits a residential
16 use shall be allowed for an initial term of 180 days from the
17 date of this Ordinance was enacted subject to the applicable
18 requirements set forth under Section 8, Standards.

19
20 **Section 7. Temporary dwellings with utility hook-ups.**

21 Residential use and occupancy of up to two (2) temporary
22 dwellings, including any temporary dwellings allowed under
23 section 6, utilizing hook-ups for water, sewage disposal, and/or
24 electricity on an Eligible Property shall be allowed during the
25 effective period of this Ordinance subject to a temporary use
26

1 permit, and subject to the applicable requirements set forth in
2 Section 8, Standards.

3
4 **Section 8. Standards.**

5 All residential use of temporary dwellings and storage use of
6 cargo storage containers shall meet the following standards.

7
8 A. At all times, the property owner or the property
9 owner's authorized agent shall obtain all Town permits
10 for all temporary dwellings that are hooked-up to
11 utilities. Written consent of the property owner is
12 required in all cases.

13 B. At all times, residential use of temporary dwellings
14 is limited to recreational vehicles and movable tiny
15 houses not on a permanent foundation and used to house
16 persons displaced by the Camp Fire during the
17 effective period of this Ordinance.

18 C. Use of temporary dwellings is contingent on proof of a
19 damaged or destroyed residence as verified by the
20 Director based on prior final building permit or
21 Assessor's records, or other documentation
22 satisfactory to the Director.

23 D. At all times, temporary dwellings and cargo storage
24 containers shall be located outside the boundaries of
25 any recorded easements, roads, driveways, designated
26 flood hazard locations, or areas prone to landslide or

debris flow.

E. At all times, use of a cargo storage container shall be only for storage of personal and household belongings for each temporary dwelling.

F. For water hook-ups, the temporary dwelling shall be connected to an approved source of water meeting one of the following criteria:

1. Public water supply;
2. Existing well provided that it has been approved by the Department of Public Health, Environmental Health Division as safe for domestic consumption;
or
3. Other water source approved by the Town.

G. For sewage disposal hook-ups, the temporary dwelling shall be connected to an approved sewage disposal system meeting one of the following criteria:

1. Public sewer system;
2. A new or existing on-site sewage disposal system that has been approved by the Town to be intact, adequately sized, and functioning correctly;
3. Temporary holding tank with a contract with a pumping company for regular pumping. A copy of the contract shall be provided to the Town and Department of Public Health, Environmental Health Division; or

1 4. Other method of sewage disposal approved by the
2 Town and the Department of Public Health,
3 Environmental Health Division.

4 H. For electricity hook-ups, the temporary dwelling shall
5 be connected to an approved source of electricity
6 meeting one of the following criteria:

- 7 1. Permitted electrical service hook-up; or
8 2. Other power source approved by the Director.

9
10 **Section 9. Use of accessory residential structures for temporary**
11 **habitation.**

12 For the effective period of this Ordinance, accessory
13 residential structures on an Eligible Property, which also meets
14 Residential Group R occupancies as established by the California
15 Residential Code adopted by the Town, may be used as interim
16 housing for persons displaced by the Camp Fire. During this
17 period, said use shall not be subject to the provisions of
18 existing deed restrictions required by Butte County, but shall
19 remain subject to all other existing regulations and
20 limitations.

21
22 **Section 10. Use of Accommodations, Farmstays, Bed and Breakfast**
23 **Inns, Resorts, Retreats, Camps or other similar uses.**

24 Notwithstanding any contrary provision in the Paradise Municipal
25 Code or any use permit conditions, use of existing promotional
26 or marketing accommodations, farmstays, bed and breakfast inns,

resorts, retreats, camps or other similar visitor serving uses shall be allowed on an Eligible Property as interim housing for persons displaced by the Camp Fire.

Section 11. Waiver of Town Use Permit Requirement for Relocation of Damaged Child Care and Educational Facilities.

Notwithstanding any contrary provision in the Paradise Municipal Code, any existing small or large child day care facility or child care center, elementary school, junior high school, high school or institution of higher education that was housed in premises made uninhabitable by the Camp Fire may be temporarily relocated to existing buildings on an Eligible Property in the Eligible Property, subject to a temporary use permit and any existing applicable standards, and subject to a building permit if any renovations are required. Nothing in this Ordinance waives or affects any State law requirements applicable to such facilities.

Section 12. Accessory Building Standards.

Notwithstanding any other provision of Paradise Municipal Code Title 17, while this Ordinance is in effect, an accessory building may be established as a permitted land use prior to the issuance of a building permit for construction of a residence upon an Eligible Property located within all Agricultural Residential, Rural Residential, Town Residential, and Multi-Family zoning districts and shall meet the following standards:

1 A. The accessory building shall not exceed a building
2 coverage area of 10% of the lot size of the affected
3 property located in any of the Agricultural-Residential,
4 Rural Residential, one-acre minimum [RR-1] and Rural
5 Residential two-third acre minimum [RR-2/3] zoning
6 districts.

7 B. The accessory building shall not exceed a building
8 coverage area of 5% of the lot size of the affected
9 property located in any of the Town Residential, Rural
10 Residential, one-half acre minimum [RR-1/2], and
11 Multiple-Family Residential [MF] zoning districts.

12 C. At all times, the accessory building shall be located
13 outside the boundaries of any recorded easements, roads,
14 driveways, designated flood hazard locations, areas
15 prone to landslide or debris flow, and required front,
16 rear and side yard setback areas.

17 D. The accessory building shall be designed and constructed
18 to comply with Wildland Urban Interface [WUI] standards.

19 E. Whenever the accessory building is to exceed a floor
20 area of 120 square feet and/or to be connected to
21 utilities the property owner or the property owner's
22 authorized agent shall obtain all Town permits for
23 subject accessory building(s). Written consent of the
24 property owner is required in all cases.

25 F. Town permit applications for establishment of an
26 accessory building shall include submittal of a subject

property plot plan: 1) drawn to a common scale; 2) designed in compliance with the Town's "minimum plan standards" for residential rebuild; and 3) including either a concurrent or future residential dwelling.

G. Before the expiration of this Ordinance, all owners of accessory buildings constructed under this Ordinance shall have applied for building permits to construct a primary residence on the owners' property.

Section 13. CEQA Exemption.

Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to California Public Resources Code Section 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the California Government Code.

Section 14. Severability.

1 If any section, subsection, sentence, clause, or phrase of this
2 Ordinance is for any reason held to be unconstitutional or
3 invalid, such decision shall not affect the validity of the
4 remaining portion of this Ordinance. The Town Council hereby
5 declares that it would have passed this Ordinance and every
6 section, subsection, sentence, clause or phrase thereof
7 irrespective of the fact that any one or more sections,
8 subsections, sentences, clauses or phrases be declared
9 unconstitutional or invalid.

10
11 **Section 15. Effective Date and Publication.**

12 This Ordinance shall be and the same is hereby declared to be in
13 full force and effect immediately upon its passage by a four-
14 fifths (4/5) or greater vote. The Town Clerk of the Town of
15 Paradise is authorized and directed to publish a summary of this
16 ordinance before the expiration of fifteen (15) days after its
17 passage. This Ordinance shall be published once, with the names
18 of the members of the Town Council Members voting for and
19 against it, in the Paradise Post, a newspaper of general
20 circulation published in the Town of Paradise, State of
21 California. A complete copy of this Ordinance is on file with
22 the Town Clerk of the Town Council and is available for public
23 inspection and copying during regular business hours in the
24 office of the Town Clerk.

25
26 **Section 15.** This Ordinance shall expire on December 31, 2020.

PASSED AND ADOPTED by the Town Council of the Town of Paradise,
County of Butte, State of California, on this 22nd day of May,
2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jody Jones, Mayor

ATTEST:

APPROVED AS TO FORM:

Dina Volenski, CMC,
Town Clerk

Dwight L. Moore,
Town Attorney