



TOWN OF PARADISE

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AMENDED NOTICE OF SPECIAL MEETING PARADISE TOWN COUNCIL 8:00 AM – FEBRUARY 4, 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 8:00 a.m., February 4, 2019, in the Town of Paradise Council Chamber located at 5555 Skyway, Paradise, California for the following purpose:

1. Consider Adopting Urgency Ordinance No. 575, an Ordinance of the Town Council of the Town of Paradise Repealing Ordinance No. 573 and Adopting a New Ordinance Relating to Interim Housing Inside the Camp Fire Area.

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: February 1, 2019

DINA VOLENSKI, CMC
Town Clerk

TOWN OF PARADISE
Urgency Ordinance No. 575

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
REPEALING ORDINANCE NO. 573 AND ADOPTING A NEW URGENCY ORDINANCE
RELATING TO INTERIM HOUSING INSIDE THE CAMP FIRE AREA

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

Section 1. Ordinance No. 573 is hereby repealed.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 Sections 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 existence of a local emergency when the Town is affected or

1 likely to be affected by a public calamity, subject to
2 ratification by the Town Council at the earliest
3 practicable time.

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

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

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

24 F. On November 9, 2018, Dr. Andrew Miller, Butte County's
25 Local Health Officer, issued a Declaration of Health
26 Emergency pursuant to California Health and Safety Code

1 section 101080. Dr. Miller's declaration stated that the
2 local health emergency was a consequence of the debris
3 resulting from the Camp Fire that contains hazardous
4 material in the ash of the burned qualifying structures.
5 The purpose of the Declaration was to address the immediate
6 threat to the public health and the imminent and proximate
7 threat of the introduction of contagious, infectious or
8 communicable disease, chemical agents, non-communicable
9 biologic agents, toxins and/or radioactive agents present
10 at the time in the Camp Fire area. The threats included (1)
11 the enormous amount of fire debris present in the Camp Fire
12 area, including ash and debris containing hazardous
13 materials and probable radioactive materials present in ash
14 and debris from qualifying structures, (2) the threat of
15 infectious or communicable disease and/or non-communicable
16 biologic agents due to animal carcasses, radioactive waste
17 and perishable foods, (3) the potential contamination or
18 destruction of the residential and commercial water supply
19 in the Camp Fire area and (4) the potential pollution of
20 the drinking water downstream from the Camp Fire area if
21 weather conditions caused the spread of the hazardous
22 materials in the ash and debris of burned qualifying
23 structures.

24 G. On November 12, 2018, the President of the United States
25 declared the existence of a major disaster in the State of
26 California, providing assistance from many federal

1 agencies, including the Federal Emergency Management Agency
2 (FEMA) .

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

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

1 materials in the ash and debris of burned qualifying
2 structures. At the time, the Camp Fire had destroyed
3 thousands of structures.

4 J. On November 21, 2018, Dr. Miller issued a Hazard Advisory
5 strongly suggesting residents should not reside on property
6 with qualifying structures damaged or destroyed by the Camp
7 Fire until the property had been cleared of hazardous
8 waste, ash and debris and certified clean by the County
9 Department of Public Health, Environmental Health Division.
10 The County Department of Public Health provided residents
11 with re-entry packets which included personal protective
12 equipment and information on the dangerous conditions and
13 toxic materials present in the Camp Fire area. The re-entry
14 packets were intended to improve the safety of the
15 residents who chose to visit their properties to collect
16 valuables and not intended to encourage long-term
17 visitation or habitation. The purpose of the Hazard
18 Advisory was to address the public health hazards present
19 at the time in the Camp Fire area, including (1) the
20 enormous amount of fire debris present in the Camp Fire
21 area, (2) the hazardous materials and probable radioactive
22 materials present in ash and debris from qualifying
23 structures, (3) the lessened but still present threat of
24 infectious or communicable disease and/or non-communicable
25 biologic agents due to animal carcasses, radioactive waste
26 and perishable foods, (4) the potential contamination or

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

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

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

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

1 cylinders, and chemicals may have been stored in homes,
2 garages, or sheds that may have burned in the fire, also
3 producing hazardous materials.

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

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

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

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

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

1 qualifying structures. The purpose of this ordinance is to
2 allow residents to live on properties in the Camp Fire area
3 that do not contain fire ash and debris from a qualifying
4 structure destroyed or damaged by the Camp Fire.

5 S. The Debris Removal Operations Plan for the Camp Fire
6 prepared by the CalOES/CalRecycle Incident Management Team
7 provides that the DTSC has issued reports regarding the
8 assessment of burn debris from wildfires in the past. The
9 studies of burned residential homes and structures from
10 large scale wildland fires indicated that the resulting ash
11 and debris can contain asbestos and toxic concentrated
12 amounts of heavy metals such as antimony, arsenic, cadmium,
13 copper, lead, and zinc (qualifying structures).
14 Additionally, the ash and debris may contain higher
15 concentrations of lead if the home was built prior 1978
16 when lead was banned from household paint in the United
17 States. The reports indicated that the residual ash of
18 burned residential homes and structures has high
19 concentrations of heavy metals that can be toxic and can
20 have significant impact to individual properties, local
21 communities, and watersheds if the ash and debris is not
22 removed safely and promptly. The plan also indicates that
23 the purpose of the structural debris removal program is to
24 remove debris that poses a risk to health and/or the
25 environment. Debris from structures smaller than 120 square
26 feet are not included in the program.

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

1 clean by the Department of Public Health, Environmental
2 Health Division. Properties that do not contain ash and
3 debris from a qualifying structure do not pose a
4 significant public health risk and should be eligible for
5 temporary emergency housing.

6
7 U. There is an immediate need for housing to accommodate
8 persons who have been displaced by the Camp Fire. This
9 Ordinance temporarily relaxes some building and zoning
10 regulations to allow for additional housing both inside and
11 outside of the Camp Fire affected area for displaced
12 persons. Due to the magnitude of the destruction, there is
13 a need to provide for sufficient housing options both
14 inside and outside of the Camp Fire affected area.

15 V. It is essential that this Ordinance become immediately
16 effective (1) to mitigate the harm that could be caused to
17 the public health and safety and to the environment from
18 the improper disturbance, removal and/or disposal of debris
19 containing hazardous materials, and to facilitate the
20 orderly response to the Camp Fire disaster; and (2) to
21 allow the fastest possible transition of homeless and
22 displaced residents to interim and long-term shelter.

23
24 **Section 4. Purpose.**

25 13,696 homes were destroyed by the Camp Fire in the Town of
26 Paradise and surrounding unincorporated areas. This disaster has

1 created a need for housing on a scale that cannot be
2 accommodated through the existing available housing in the Town.
3 To meet the immediate need for housing, the Town relaxed some
4 building and zoning regulations in a prior Ordinance to allow
5 for additional temporary housing. However, this additional
6 temporary housing may not be sufficient to meet the large and
7 immediate need. This Ordinance relaxes some building and zoning
8 regulations to allow for additional temporary housing inside the
9 Camp Fire affected area. Persons moving back to the area do so
10 at their own risk and should make themselves aware of the health
11 hazards of doing so. The Ordinance allows persons to place
12 temporary housing on an Eligible Property. The purpose of this
13 Ordinance is to develop reasonable standards that allow persons
14 to move back into the Camp Fire affected area while a massive
15 debris removal program is implemented and, at the same time,
16 provide interim shelter for Town residents on private property
17 during this housing crisis.

18 19 **Section 5. Definitions.**

20 Except where the context clearly indicates otherwise, the
21 following definitions shall govern the construction of the words
22 and phrases used in this Ordinance:

23 **Camp Fire.** A 153,336-acre wildfire that started near the
24 community of Pulga on November 8, 2018, destroying over 18,000
25 structures, which forced the evacuation of the Town of Paradise,
26 Berry Creek, Butte Creek Canyon, Butte Valley, Centerville,

1 Cherokee, Concow, Durham, Forest Ranch, Magalia, Pulga, Stirling
2 City, and Yankee Hill, and other areas near the Cities of Chico
3 and Oroville, and proclaimed by the Town Council under
4 Resolution 18-42, as a local emergency, and also proclaimed by
5 then Acting Governor Gavin Newsom as a state of emergency. CAL
6 FIRE maintains a map showing the final boundaries of the Camp
7 Fire and the Camp Fire affected area, as of November 25, 2018 at
8 100 percent containment.

9 **Cargo Storage Container.** A single metal box made of steel or
10 other similar material, which is designed for securing and
11 protecting items for temporary storage, not exceeding three
12 hundred twenty (320) square feet in size, without utilities, and
13 not used for human habitation.

14 **Director.** The Town of Paradise Director of Emergency Services
15 or his or her authorized representative.

16 **Displaced Person(s).** A Town resident or residents whose
17 residential dwelling has been destroyed or damaged by the Camp
18 Fire, such that the resident(s) cannot occupy the dwelling.
19 Displaced person(s) may be required to provide verification to
20 the county to substantiate their eligibility for uses, permits
21 and/or approvals described in this article. Evidence may
22 consist of verification by Federal Emergency Management Agency
23 (FEMA) registration or damage assessment, and/or a driver's
24 license or other government-issued identification card or
25 utility bill, etc. with a physical address showing the resident
26 resided on a property impacted by the Camp Fire, as determined

by the Town. Such determination may be made by the Director or other town personnel.

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

Eligible Property. A property that does not contain fire debris or hazardous materials from a qualifying structure that was damaged or destroyed by the Camp Fire. Eligible Property shall include (1) parcels with no resulting damage or fire debris from the Camp Fire (2) parcels with fire debris from a structure that was not a qualifying structure that was damaged or destroyed by 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 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	Temporary housing allowed	Temporary housing allowed
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FEMA. The Federal Emergency Management Agency or successor agency.

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

Movable Tiny House. For the purposes of this Ordinance, a movable tiny house is a structure utilized as living quarters by one household that is licensed by and registered with the California Department of Motor Vehicles, meets the American National Standards Institute (ANSI) 119.5 or ANSI 119.2 (NFPA 1192) requirements and is certified by a qualified third party inspector for ANSI compliance, cannot move under its own power, is not longer than allowed by State law for movement on public highways, has a total floor area of not less than 150 square

1 feet, and has no more than 430 square feet of habitable living
2 space.

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

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

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

9 **Recreational Vehicle.** A motor home, travel trailer, truck camper
10 or camping trailer that is: (1) self-contained with potable
11 water and sewage tanks and designed for human habitation for
12 recreational or emergency occupancy; (2) self-propelled, truck-
13 mounted, or permanently towable on California roadways; and (3)
14 a California Department of Motor Vehicles licensed vehicle, or a
15 similar vehicle or structure as determined by the Director.

16 **Recreational Vehicle Park.** A commercial use providing space for
17 the accommodation of more than two recreational vehicles for
18 recreational or emergency housing, or for transient employee
19 lodging purposes.

20 **Temporary Dwelling.** A temporary dwelling includes a recreational
21 vehicle and a movable tiny house.

22 23 **Section 6. Initial use of temporary dwellings.**

24 Residential use and occupancy of up to two (2) temporary
25 dwellings on any Eligible Property that permits a residential
26 use shall be allowed for an initial term of 180 days from the

1 date of this Ordinance was enacted subject to the applicable
2 requirements set forth under Section 8, Standards.

3
4 **Section 7. Temporary dwellings with utility hook-ups.**

5 Residential use and occupancy of up to two (2) temporary
6 dwellings, including any temporary dwellings allowed under
7 section 6, utilizing hook-ups for water, sewage disposal, and/or
8 electricity on an Eligible Property shall be allowed during the
9 effective period of this Ordinance subject to a temporary use
10 permit, and subject to the applicable requirements set forth in
11 Section 8, Standards.

12
13 **Section 8. Standards.**

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

16
17 A. At all times, the property owner or the property
18 owner's authorized agent shall obtain all Town permits
19 for all temporary dwellings that are hooked-up to
20 utilities. Written consent of the property owner is
21 required in all cases.

22 B. At all times, residential use of temporary dwellings
23 is limited to recreational vehicles and movable tiny
24 houses not on a permanent foundation and used to house
25 persons displaced by the Camp Fire during the
26 effective period of this Ordinance.

1 C. Use of temporary dwellings is contingent on proof of a
2 damaged or destroyed residence as verified by the
3 Director based on prior final building permit or
4 Assessor's records, or other documentation
5 satisfactory to the Director.

6 D. At all times, temporary dwellings and cargo storage
7 containers shall be located outside the boundaries of
8 any recorded easements, roads, driveways, designated
9 flood hazard locations, or areas prone to landslide or
10 debris flow.

11 E. At all times, use of a cargo storage container shall
12 be only for storage of personal and household
13 belongings.

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

- 17 1. Public water supply;
18 2. Existing well provided that it has been approved
19 by the Department of Public Health, Environmental
20 Health Division as safe for domestic consumption;
21 or

22 3. Other water source approved by the Town.

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

- 26 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

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

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

1. Permitted electrical service hook-up; or

2. Other power source approved by the Director.

Section 9. Temporary Recreational Vehicle Parks.

The establishment of temporary recreational vehicle parks without requiring hook-ups to water, sewage disposal, and electricity on an Eligible Property in Community Commercial, Multi-Family, Central Business and Community Services zoning districts and in the parking lots of religious facilities shall be allowed for 180 days subject to a temporary use permit. Temporary Recreational Vehicle Parks on an Eligible Property in Commercial and PD (Planned Development) zoning districts and in

1 the parking lots of religious facilities that are served with
2 water, sewage disposal, and electricity hook-ups may continue
3 for the effective period of this Ordinance. Temporary
4 Recreational Vehicle Parks are subject to the applicable
5 requirements set forth under Section 8, Standards, as well as
6 the following standards:

7 A. Minimum Parcel Size. The minimum parcel size for
8 eligibility to locate a Temporary Recreational Vehicle
9 Park is two (2) acres.

10 B. All areas occupied by recreational vehicles and access
11 aisles, driveways, and roads shall have an all-weather
12 surface capable of supporting a 40,000 lb. load that
13 will allow for ingress and egress of fire apparatus to
14 within 150 feet of all units and a vertical clearance
15 of no less than 13 feet, 6 inches.

16 C. Driveways and aisles shall have a minimum width of 25
17 feet.

18 D. Obtain a Town Encroachment permit for all new and
19 existing driveway approaches to publicly maintained
20 roads as specified in the Town Improvement Standards.

21 E. The temporary use permit may be subject to additional
22 requirements from The Town, the State Department of
23 Housing and Community Development, and the State
24 Regional Water Quality Control Board.

25
26 **Section 9. Use of accessory residential structures for temporary**

1 **habitation.**

2 For the effective period of this Ordinance, accessory
3 residential structures on an Eligible Property, which also meets
4 Residential Group R occupancies as established by the California
5 Residential Code adopted by the Town, may be used as interim
6 housing for persons displaced by the Camp Fire. During this
7 period, said use shall not be subject to the provisions of
8 existing deed restrictions required by Butte County, but shall
9 remain subject to all other existing regulations and
10 limitations.

11
12 **Section 10. Use of Accommodations, Farmstays, Bed and Breakfast**
13 **Inns, Resorts, Retreats, Camps or other similar uses.**

14 Notwithstanding any contrary provision in the Paradise Municipal
15 Code or any use permit conditions, use of existing promotional
16 or marketing accommodations, farmstays, bed and breakfast inns,
17 resorts, retreats, camps or other similar visitor serving uses
18 shall be allowed on an Eligible Property as interim housing for
19 persons displaced by the Camp Fire.

20
21 **Section 11. Waiver of Town Use Permit Requirement for Relocation**
22 **of Damaged Child Care and Educational Facilities.**

23 Notwithstanding any contrary provision in the Paradise Municipal
24 Code, any existing small or large child day care facility or
25 child care center, elementary school, junior high school, high
26 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. 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 13. Severability.

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or

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

8
9 **Section 14. Effective Date and Publication.**

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

23 **PASSED AND ADOPTED** by the Town Council of the Town of Paradise,
24 County of Butte, State of California, on this 4th day of
25 February, 2019 by the following vote:

26 **AYES:**

NOES :

ABSENT :

ABSTAIN :

Jody Jones, Mayor

ATTEST :

APPROVED AS TO FORM :

Dina Volenski, CMC,
Town Clerk

Dwight L. Moore,
Town Attorney