



1 WHEREAS, the destruction of housing units exacerbates the pressure of persons who lived and  
2 worked in the Town of Paradise, and those who will be working to restore the viability of the Town  
3 of Paradise, to relocate to other housing far from their home due to the housing shortage;

4  
5 WHEREAS, Section 612 of the Chico City Charter authorizes the adoption of an emergency  
6 measure being effective immediately for the preservation of the public peace, welfare, health or  
7 safety, with four (4) affirmative votes for a period not to exceed 6 months; and

8  
9 WHEREAS, the Chico City Council finds that this ordinance is necessary for the preservation of  
10 the public welfare, health and safety of residents living within the City of Chico and find an  
11 urgency to approve said ordinance immediately.

12  
13 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Chico that the following  
14 ordinance establishes Chapter 19.76.210 Disaster Recovery Structures:

15  
16 **Section 1. Emergency Findings.**

17 The City Council finds and declares that the adoption of this Emergency Ordinance is  
18 necessary for the immediate preservation of the public peace, health, and safety. The Camp Fire  
19 destroyed over 18,000 structures, necessitating the declaration of state of emergency by the  
20 Governor of California for the County of Butte. Therefore, the City Council finds and determines  
21 that the immediate preservation of the public peace, health and safety requires that this Ordinance  
22 be enacted as an emergency ordinance pursuant to Charter Section 612 and take effect immediately  
23 upon adoption.

24  
25 **Section 2. City Code Amendment.**

26  
27 **19.76.210 Disaster Recovery Structures.**  
28

1 A. Purpose. The purpose of the disaster recovery structure permit process is to allow for:

- 2 1. The expedient response to the immediate need for temporary housing of evacuees  
3 and displaced persons of the Camp Fire, and individuals supporting the response  
4 effort to the Camp Fire; and
- 5 2. The temporary installation, use and/or expansion of nonresidential structures (*e.g.*,  
6 temporary private school classrooms, temporary commercial buildings, *etc.*) to  
7 address the needs of evacuees and displaced persons of the Camp Fire, and  
8 individuals supporting the response effort to the Camp Fire.

9  
10 B. Permit Required.

- 11 1. A permit may be issued by the Director pursuant to this chapter to allow for  
12 installation and use of temporary dwelling structures and temporary nonresidential  
13 structures.
- 14 2. A permit issued under this chapter shall be for a minimum of three (3) years and  
15 maximum of five (5) years, upon the request of the applicant and property owner,  
16 and upon determination by the Community Development Director. The applicant  
17 may seek an extension of a permit term, however, such extension shall not extend  
18 the term of use beyond five (5) years from the date of the original approval.
- 19 3. Temporary disaster recovery structures may include use of manufactured or modular  
20 homes, manufactured or modular structures, or recreational vehicles. This chapter  
21 allows the use of existing structures, or the installation of manufactured or modular  
22 homes, manufactured or modular structures, or recreational vehicles as described  
23 herein. The Building Official and Fire Marshall shall determine compliance with the  
24 California Building Standards and may approve or deny any building permit  
25 accordingly.
- 26 4. Residential Purpose. Permits for temporary disaster recovery structures to be used  
27 for residential purposes shall be issued for legal parcels only in residential,  
28 commercial, and industrial zoning districts. Permits for housing may be issued for

1 new or existing structures.

- 2 5. Non-Residential Purpose. Permits for temporary disaster recovery structures to be  
3 used for non-residential purposes may be issued in commercial and industrial zoning  
4 districts, on sites presently used or approved for assembly use (e.g. churches) or  
5 other alternative zones (PQ, Public/Quasi Public Facilities; OS2, Secondary Open  
6 Space) deemed appropriate.

7  
8 C. Development Standards. The following development standards shall apply to all  
9 temporary dwelling structures:

- 10 1. Temporary disaster recovery structures shall be subject to the following:
- 11 a. The California Building Standards Code. All requirements under the California  
12 Building Standards Code shall be complied with unless otherwise exempted or  
13 excepted. Adequate external lighting shall be provided for security purposes in  
14 compliance with the California Building Standards Code.
  - 15 b. A temporary dwelling structure shall be allowed on a residential, commercial or  
16 industrially zoned parcel. Temporary nonresidential structures may be allowed  
17 on non-residential zoned parcels or sites presently used or approved for assembly  
18 use (e.g. churches) or other alternate zones (PQ, Public/Quasi Public Facilities;  
19 OS2, Secondary Open Space) deemed appropriate for the period specified in the  
20 issued permit. Under no circumstance shall such structure be allowed to exist  
21 more than five years from date of issuance of permit.
  - 22 c. A density requirement determined by the Director at time of permit issuance.  
23 For group/assembly uses, an occupancy limit shall be specified in the permit.  
24 The number and density of temporary nonresidential and temporary dwelling  
25 structures, either individual, single-family units, or multi-bed/multi-tenant  
26 structures permitted on a parcel shall be determined through the temporary  
27 dwelling and structure permit process.
- 28

- 1 d. The setbacks for temporary structures shall be the same as the building setbacks  
 2 for the base zoning district in which the structures are located or as determined  
 3 by the Director.
- 4 e. For proposals that include group quarters or multiple temporary dwelling  
 5 structures with five (5) or more units on a single residential or non-residential  
 6 property, at least one person designated as a facility manager shall be on-site at  
 7 all times. The manager may be someone that lives onsite and not necessarily a  
 8 paid onsite manager.
- 9 f. The number of bathrooms and showers required on site shall be determined  
 10 through the building permit process and shall be consistent with the California  
 11 Building Standards.
- 12 g. Each temporary unit shall provide the number of automobile and bicycle parking  
 13 spaces required by Table 1-1. Upon good cause shown and in order to address  
 14 site specific issues, the Director may require a greater or lesser number of spaces  
 15 identified in Table 1-1 and impose conditions upon the temporary permit. Where  
 16 underlying zoning requires a lesser parking requirement, such requirement shall  
 17 prevail.

18  
 19 **TABLE 1-1 –PARKING REQUIREMENTS**

	<b>Vehicle</b>	<b>Bicycle</b>
21 One single-family temporary housing 22 unit (per parcel)	1 space per temporary housing unit	None required
23 Multiple temporary housing units (per 24 parcel)	1 space per temporary housing unit, plus 1 25 space per on-site staff person	1 space per 4 temporary housing units
26 Group quarters (including multiple beds 27 in a single temporary unit to be occupied by individuals)	1 space for each 100 sq. ft. of common sleeping area, plus 1 space per 28 on-site staff person	1 space per temporary housing unit

1 Nonresidential structures

- 2 - Office/retail: 1 space 1 space per vehicle
- 3 for each 500 sq. ft. of parking space (new)
- 4 area open to public;
- 5 - Warehousing: 1 space
- 6 for each 1,000 sq. ft. of
- 7 floor space of
- 8 warehousing or 1 space
- 9 per on-site staff person;
- 10 -Medical: 1 space for
- 11 each 500 sq. ft. of floor
- 12 space of medical
- 13 facility, and 1 space per
- 14 on-site staff person.

15 h. Water and wastewater service shall be available on the site proposed for

16 temporary dwelling structures as provided below.

17 1. Water – Water shall be provided on site by the California Water Service

18 Company (Cal Water), unless an alternative water source is approved by

19 the Building Official that complies with provisions of the California

20 Building Standards. To protect the public water system, the appropriate

21 approved backflow device shall be required.

22 2. Wastewater – To protect public health, connection to the wastewater

23 system is required, except as specified below in 19.76.210C(1)h(3) below

24 for existing on-site sewage systems. The Director of Public Works will

25 determine the appropriate connection requirement. A sewer application

26 shall be submitted to the City, providing details relating to the temporary

27 dwelling structure design and connection for disposing of wastewater.

28 Wastewater connection fees shall be waived for any temporary dwelling

structures under this ordinance. However, monthly sewer service fees

shall apply in accordance with the municipal fee schedule.

3. Existing On-Site Sewage Systems – To protect public health, an

existing on-site sewage disposal system that has been approved by the



1 Butte County Environmental Health Division to be intact, adequately  
2 sized, and functioning, may be utilized. Other methods of sewage disposal  
3 approved by the Butte County Environmental Health Division may also be  
4 utilized.

5 i. Electrical services shall be available on the site proposed for temporary dwelling  
6 structures unless an alternate source is approved by the Building Official and is in  
7 accordance with any applicable provisions of the California Building Standards.

8 All temporary or permanent electrical service shall be located on the subject site.

9 j. Temporary dwelling structures shall not be used as vacation rentals with terms of  
10 less than 30 days.

11 k. Other requirements as conditioned by the Director to address site specific issues.

12  
13 D. Permit Process. The following process shall apply to all temporary structures subject to  
14 this Chapter:

15 1. Application. Applicant shall file a written application. Applicant shall indicate  
16 the specific limited duration of time for which the permit is requested, and  
17 acknowledge requested use is for stated limited duration.

18 2. Bond required. Prior to issuance of a permit, a bond or other acceptable surety as  
19 determined by the Public Works Director shall be posted as a surety that the site  
20 will be cleaned up and restored to its original condition. The property owner shall  
21 acknowledge responsibility to ensure before expiration of the permit that all units  
22 and structures shall be vacated, and the site restored to its original site condition.

23 3. Notice. At least ten (10) calendar days prior to taking action on any temporary unit  
24 permit, the Director shall notify, by mail, all persons or entities as follows:

25 a. Small Lots, projects with four (4) or less temporary dwelling units: mailing to  
26 all tenants and owners of real property as shown on the County's latest  
27 equalized assessment roll, directly abutting or adjacent to the subject parcel.  
28

1 b. Large Lots, projects with five (5) or more temporary dwelling units: mailing to  
2 all tenants (unit addresses) and owners of real property as shown on the  
3 County's latest equalized assessment roll, within a 500-foot radius of the subject  
4 parcel.

5 c. Temporary Use Permits: Noticing shall be subject to the Director's  
6 determination, but shall include one of the following:

7 1. On properties abutting nonresidential zoning districts: mailing to all  
8 tenants and owners of real property as shown on the County's latest  
9 equalized assessment roll, directly abutting or adjacent to the subject  
10 parcel.

11 2. On properties abutting residential properties: mailing to all tenants (unit  
12 addresses) and owners of real property as shown on the County's latest  
13 equalized assessment roll, within a 500-foot radius of the subject parcel.

14 4. Director's Hearing. No public hearing shall be held or oral testimony provided on  
15 the consideration of a permit. Written comments must be received by the Director  
16 prior the time and date specified in the notice, and shall be considered by the  
17 Director in consideration of the permit and conditions placed on such permit. The  
18 Director's decision to approve or deny a temporary permit shall be in writing. An  
19 appeal of the Director's decision to approve or deny a temporary dwelling unit  
20 permit or temporary use permit may be appealed to the City Council within 10  
21 days from the date of the decision in accordance with the City's appeal process set  
22 forth in Chico Municipal Code Chapter 2.80.

23  
24 **19.76.220 Term of Ordinance.**

25 A. This Ordinance shall be effective immediately upon its adoption.

26 B. This Ordinance shall be valid until June 4, 2019, unless otherwise extended by  
27 the City Council, or until such later date as established by the City Council.  
28



1 **Section 3. Authority.** This Ordinance is enacted pursuant to the City of Chico's general  
2 police powers, Article II of the Charter of the City of Chico, Article VI of the Charter of  
3 the City of Chico and Article XI of the California Constitution.

4  
5 **Section 4. Environmental Determination.** The Council finds that the adoption and  
6 implementation of this ordinance is exempt from the provisions of the California  
7 Environmental Quality Act (CEQA) pursuant to Public Resources Code Section  
8 21080(b)(3) regarding repairs and replacement work after a state-declared disaster,  
9 Public Resources Code Section 21080(b)(4) regarding actions to mitigate or prevent an  
10 emergency, and CEQA Guidelines Section 15269(c) regarding specific actions necessary  
11 to prevent or mitigate an emergency.

12  
13 **Section 5. Severability.** If any section, subsection, sentence, clause, phrase or word of this  
14 Ordinance is for any reason held to be invalid and/or unconstitutional by a court of  
15 competent jurisdiction, such decision shall not affect the validity of the remaining portions  
16 of this Ordinance.

17  
18 **Section 6. Effective Date.** This Ordinance shall take effect immediately upon its adoption.

19  
20 **Section 7. Certification.** The City Clerk shall certify to the passage and adoption of this  
21 Ordinance and shall cause the same to be published or posted in the manner required by law.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its  
2 meeting held on the 4<sup>th</sup> day of December 2018, by the following vote:

- 3
- 4 AYES: Brown, Huber, Morgan, Ory, Reynolds, Schwab, Stone
- 5 NOES: None
- 6 ABSENT: None
- 7 ABSTAIN: None
- 8 DISQUALIFIED: None

9  
10 ATTEST:

11   
12 \_\_\_\_\_

13 Deborah R. Presson, City Clerk

APPROVED AS TO FORM:

14   
15 \_\_\_\_\_

16 Vincent C. Ewing, City Attorney\*

17 \*Pursuant to The Charter of the City of Chico, Section 906(E)

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28