

1 **ORDINANCE NO. 2526**

2  
3 **AN ORDINANCE OF THE COUNCIL OF THE CITY OF CHICO**  
4 **AMENDING SECTIONS 19.76.210 AND 19.76.220 OF THE CHICO**  
5 **MUNICIPAL CODE REGARDING TEMPORARY DISASTER**  
6 **RECOVERY STRUCTURES AND USES**  
7

8 **WHEREAS**, the Camp Fire of November 2018 destroyed over 153,000 acres and burned  
9 over 18,000 structures in Butte County, resulting in a large displacement of residents from the  
10 Town of Paradise and other surrounding communities; and

11  
12 **WHEREAS**, on November 9, 2018, the Governor of California proclaimed a State of  
13 Emergency for the County of Butte, and on November 12, 2018, the President of the United States  
14 declared the existence of a major disaster in the State of California and ordered Federal aid to  
15 supplement State and local recovery efforts in the areas affected by wildfire; and

16 **WHEREAS**, Cal Fire officials have determined that over 13,900 residences, 528  
17 commercial buildings, and 4,293 other structures in Butte County have been destroyed by the  
18 Camp Fire; and

19 **WHEREAS**, the Chico City Council, prior to the Camp Fire, previously found that the  
20 City of Chico is experiencing a housing crisis and particularly for rental housing that is affordable  
21 to lower and moderate-income residents; and

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23 **WHEREAS**, the extreme number of housing units damaged in the Town of Paradise and  
24 the surrounding area increases the pressure on housing demand and shortage in Chico by several  
25 orders of magnitude; and

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

3 **WHEREAS**, pursuant to Chico Municipal Code Section 19.060.050(B), amendments to  
4 Title 19 of the Municipal Code may be approved only if the following findings are made:

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6 *A.* The proposed ordinance amendments are consistent with the General Plan in that the  
7 Disaster Recovery Permit process has been structured to ensure that the temporary uses have safe  
8 and adequate utilities in water, wastewater and electrical services which are reviewed and  
9 approved by the City Building Official, Fire Marshall and Public Works Director; and.

10 *B.* The proposed ordinance amendments are generally consistent with other provisions of  
11 the Municipal Code in that temporary structures and uses are currently provided for within the  
12 Code and these structures and uses would temporarily (5-years) expand the list of allowable  
13 temporary structures and uses; and

14 **WHEREAS**, Section 612 of the Chico City Charter authorizes the adoption emergency  
15 measures for the preservation of the public peace, welfare, health or safety, for a period not to  
16 exceed 6 months; and

17 **WHEREAS**, on December 4, 2018, the City Council did adopt Ordinance 2524 pursuant  
18 to Charter Section 612 to establish Chapter 19.76.210 and 19.76.220 to create regulations  
19 regarding temporary disaster recovery structures and uses, with an expiration date of June 6, 2019;  
20 and

21 **WHEREAS**, the Chico City Council now finds that the further extension of this ordinance  
22 is necessary for the preservation of the public welfare, health and safety of residents living within  
23 the City of Chico and thereby amends said section to extend such expiration date for five (5) years  
24 through April 16, 2024, and to make such other amendments to facilitate the orderly recovery  
25 effort.

1 **NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHICO:**

2 **Section 1.** That the recitals set forth above are incorporated herein and by this reference  
3 made operate part hereof.

4 **Section 2.** That Section 19.76.210 of the Chico Municipal Code is hereby amended to  
5 read as follows:  
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7 **19.76.210 Disaster Recovery Structures.**

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9 **B.A.** Purpose. The purpose of the disaster recovery structure permit process is to allow  
10 for:

- 11 1. The expedient response to the immediate need for temporary housing of evacuees  
12 and displaced persons of the Camp Fire, and individuals supporting the response  
13 effort to the Camp Fire; and
- 14 2. The temporary installation, use and/or expansion of nonresidential structures (*e.g.*,  
15 temporary private school classrooms, temporary commercial buildings, *etc.*) to  
16 address the needs of evacuees and displaced persons of the Camp Fire, and  
17 individuals supporting the response effort to the Camp Fire.  
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19 **C.B.** Permit Required.

- 20 1. A permit may be issued by the Director pursuant to this chapter to allow for  
21 installation and use of temporary dwelling structures and temporary nonresidential  
22 structures.  
23
- 24 2. A permit issued under this chapter shall be for up to a maximum of five (5) years,  
25 upon the request of the applicant and property owner, and upon determination by the  
26 Community Development Director. The applicant may seek an extension of a  
27 permit term, however, such extension shall not extend the term of use beyond five  
28 (5) years or by April 16, 2024.

1 3. Temporary disaster recovery structures may include use of manufactured or modular  
2 homes, manufactured or modular structures, or recreational vehicles. This chapter  
3 allows the use of existing structures, or the installation of manufactured or modular  
4 homes, manufactured or modular structures, or recreational vehicles as described  
5 herein. The Building Official and Fire Marshall shall determine compliance with the  
6 California Building Standards and may approve or deny any building permit  
7 accordingly.

8 4. Residential Purpose. Permits for temporary disaster recovery structures to be used  
9 for residential purposes shall be issued for legal parcels only in residential,  
10 commercial, and industrial zoning districts, or other alternative zones (PQ,  
11 Public/Quasi Public Facilities; OS2, Secondary Open Space) deemed appropriate.  
12 Permits for housing may be issued for new or existing structures.

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

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19 C. Development Standards. The following development standards shall apply to all  
20 temporary dwelling structures:

21 1. Temporary disaster recovery structures shall be subject to the following:

22 a. The California Building Standards Code. All requirements under the California  
23 Building Standards Code shall be complied with unless otherwise exempted or  
24 excepted. Adequate external lighting shall be provided for security purposes in  
25 compliance with the California Building Standards Code.

26 b. A density requirement shall be determined by the Director at the time of permit  
27 issuance. For group/assembly uses, an occupancy limit shall be specified in the  
28 permit. The number and density of temporary nonresidential and temporary

1 dwelling structures, either individual, single-family units, or multi-bed/multi-  
2 tenant structures permitted on a parcel shall be determined through the Disaster  
3 Recovery Permit process.

4 c. The setbacks for temporary structures shall be the same as the building setbacks  
5 for the base zoning district in which the structures are located or as determined  
6 by the Director.

7 d. For proposals that include group quarters or multiple temporary dwelling  
8 structures with five (5) or more units on a single residential or non-residential  
9 property, at least one person designated as a facility manager shall be on-site at  
10 all times. The manager may be someone that lives onsite and not necessarily a  
11 paid onsite manager.

12 e. The number of bathrooms and showers required on site shall be determined  
13 through the building permit process and shall be consistent with the California  
14 Building Standards.

15 f. Each temporary unit shall provide the number of automobile and bicycle parking  
16 spaces required by Table 1-1. Upon good cause shown and in order to address  
17 site specific issues, the Director may require a greater or lesser number of spaces  
18 identified in Table 1-1 and impose conditions upon the temporary permit. Where  
19 underlying zoning requires a lesser parking requirement, such requirement shall  
20 prevail.

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22 **TABLE 1-1 –PARKING REQUIREMENTS**

	<b>Vehicle</b>	<b>Bicycle</b>
24 One single-family temporary housing 25 unit (per parcel)	1 space per temporary housing unit	None required
26 Multiple temporary housing units (per 27 parcel)	1 space per temporary housing unit, plus 1	1 space per 4 temporary 28 housing units

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	space per on-site staff person	
Group quarters (including multiple beds 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 on-site staff person	1 space per temporary housing unit
Nonresidential structures	- Office/retail: 1 space for each 500 sq. ft. of floor space of office or area open to public; - Warehousing: 1 space for each 1,000 sq. ft. of floor space of warehousing or 1 space per on-site staff person; -Medical: 1 space for each 500 sq. ft. of floor space of medical facility, and 1 space per on-site staff person.	1 space per vehicle parking space (new)

g. Pedestrian and vehicular surfacing shall be provided as determined by the Building Official and/or Public Works Director.

h. Water and wastewater service shall be available on the site proposed for temporary dwelling structures as provided below.

1. Water – Water shall be provided on site by the California Water Service Company (Cal Water), unless an alternative water source is approved by the Building Official that complies with provisions of the California Building Standards. To protect the public water system, the appropriate approved backflow device shall be required.

2. Wastewater – To protect public health, connection to the wastewater system is required, except as specified below in 19.76.210C(1)h(3) below for existing on-site sewage systems. The Director of Public Works will determine the appropriate connection requirement. A sewer application

1 shall be submitted to the City, providing details relating to the temporary  
2 dwelling structure design and connection for disposing of wastewater.  
3 Wastewater connection fees shall be waived for any temporary dwelling  
4 structures under this ordinance. However, monthly sewer service fees  
5 shall apply in accordance with the municipal fee schedule.

6 3. Existing On-Site Sewage Systems – To protect public health, an  
7 existing on-site sewage disposal system that has been approved by the  
8 Butte County Environmental Health Division to be intact, adequately  
9 sized, and functioning, may be utilized. Other methods of sewage disposal  
10 approved by the Butte County Environmental Health Division may also be  
11 utilized.

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

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

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

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

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20 D. Permit Process. The following process shall apply to all temporary structures subject to  
21 this Chapter:

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

25 2. Bond required. Prior to issuance of a permit, a bond or other acceptable surety as  
26 determined by the Public Works Director shall be posted as a surety that the site  
27 will be cleaned up and restored to its original condition or equivalent. The  
28 property owner shall acknowledge responsibility to ensure before expiration of

1 the permit that all units and structures shall be vacated, and the site restored to its  
2 original site condition or equivalent as determined by the Public Works Director.

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

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

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

12 c. Nonresidential Disaster Recover Permits: Noticing shall be subject to the  
13 Director's determination, but shall include one of the following:

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

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

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

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4 **19.76.220 Term of Ordinance.**

5 This Ordinance shall be valid until April 16, 2024 unless otherwise extended by the  
6 City Council, or until such later date as established by the City Council.

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

14 **Section 4.** If any section, subsection, sentence, clause, phrase or word of this  
15 Ordinance is for any reason held to be invalid and/or unconstitutional by a court of  
16 competent jurisdiction, such decision shall not affect the validity of the remaining portions  
17 of this Ordinance.

18 **Section 5.** This Ordinance shall take effect 30-days following its adoption.

19 **Section 6.** The City Clerk shall certify to the passage and adoption of this Ordinance and  
20 shall cause the same to be published or posted in the manner required by law.

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4 THE FOREGOING ORDINANCE was adopted by the City Council of the City of Chico at its  
5 meeting held on April 16, 2019 by the following vote:

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7 AYES: Huber, Morgan, Ory, Reynolds, Schwab, Brown, Stone

8 NOES: None

9 ABSENT: None

10 ABSTAIN: None

11 DISQUALIFIED: None

12

13 ATTEST:

APPROVED AS TO FORM:

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15

16 Deborah R. Presson, City Clerk

Vincent C. Ewing, City Attorney\*

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

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