

ORDINANCE NO. 1354

AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY ESTABLISHING A TEMPORARY STAY ON THE ISSUANCE OF PERMITS RELATING TO THE REMOVAL OF FIRE DAMAGED DEBRIS, DEMOLITION, RECONSTRUCTION, AND TEMPORARY OCCUPANCY ON PRIVATE PROPERTY THAT SUFFERED DAMAGE DUE TO THE AUGUST COMPLEX FIRE

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

SECTION I.

Emergency Findings. This urgency ordinance is adopted pursuant to California Government Code sections 25123(d) and 25131 and shall take effect immediately upon its approval by at least a four-fifths vote of the Board of Supervisors. The Board finds that this ordinance is necessary for the immediate preservation of the public peace, health, and safety, based upon the following facts:

1. A large number of residential and commercial structures have burned in the August Complex Fire.
2. The potential for widespread toxic exposures and threats to public health and the environment exists in the aftermath of a major wildfire disaster. Debris and ash from residential and commercial structure fires can contain hazardous substances and the health effects of hazardous substances releases after a wildfire are well-documented.
3. The combustion of building materials such as siding, roofing tiles, and insulation can result in dangerous ash that contains asbestos, heavy metals, and other hazardous materials. Household hazardous waste such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and other chemicals may have been stored in homes, garages, or sheds that may have also burned in the fire, also producing hazardous materials.
4. Exposure to hazardous substances may lead to acute and chronic health effects and may potentially cause long term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies. Improper handling can expose workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community.
5. On September 29, 2020, pursuant to California Health and Safety Code sections 101040 and 101075 through 101095, the County Health Officer issued a “Proclamation of a Local Health Emergency” due to the threats to public health posed by the August Complex Fire.

6. It is essential that this ordinance become immediately effective in order to mitigate the harm that could be caused to the public health and safety and to the environment from lack of temporary housing and to facilitate the orderly response to the August Complex Fire.

SECTION 2.

Temporary Occupancy.

1. Definitions:

- a. **Displaced Person(s).** A county resident or residents whose residential dwelling has been destroyed or damaged by the August Complex Fire such that the resident(s) cannot occupy the dwelling. Displaced person(s) may be required to provide verification to the county to substantiate their eligibility. Evidence may consist of verification by Federal Emergency Management Agency (FEMA) registration or damage assessment, and /or a driver's license or other government-issued identification card or utility bill, etc. with a physical address showing the resident resided on a legal parcel impacted by the August Complex Fire, as determined by the county.
- b. **Fire Debris and Hazardous Materials.** Debris, ash, metals, and completely or partially incinerated substances from qualifying structures.
- c. **Mobile/Manufactured Home.** A housing structure transportable in one (1) or more sections, designed and equipped to be used with or without foundation system, certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. section 5401 et seq.).
- d. **Qualifying Structure.** A structure of 120 square feet and over.
- e. **Recreational Vehicle.** A motor home, travel trailer, truck camper, or camping trailer that is: (1) self-contained with potable water and sewage tanks and designed for human habitation for recreational or emergency occupancy; (2) self-propelled, truck-mounted, or permanently towable on California roadways; and (3) a California Department of Motor Vehicles licensed vehicle, or similar vehicle or structure as determined by the county.
- f. **Temporary Dwelling.** A temporary dwelling that meets the water, sewage disposal, and electricity hookup standards and includes a Recreational Vehicle, or Mobile/Manufactured Home.
- g. **Effective Period.** The provisions of this ordinance shall remain in effect until expiration or termination of this urgency ordinance, subject to extension or modification by the Board of Supervisors.

2. Permit Applications.

- a. Any permit for which an application has been submitted to the County of Trinity relating to temporary occupancy on private property by a

Displaced Person shall be held in abeyance and not acted upon until after the Effective Period.

- b. Various Building, Planning and Environmental fees are being modified for those properties affected by the August Complex Fires as noted on Exhibit A of this ordinance and shall remain in effect until the expiration or termination of this urgency ordinance.
3. **Transitory Use of Recreational Vehicles.** For the Effective Period, residential use and occupancy of up to two (2) recreational vehicles on any property that permits a residential use and that does not contain Fire Debris and Hazardous Materials or has been certified clean by Environmental Health shall be allowed for Displaced Persons.
4. **Temporary Dwellings with Utility Hookups.** For the Effective Period, residential use and occupancy of up to two (2) Temporary Dwellings utilizing hookups for water, sewage disposal, and electricity on any property that permits a residential use and that does not contain Fire Debris and Hazardous Materials or has been certified clean by Environmental Health shall be allowed for Displaced Persons, subject to the review and approval of the county.
5. **Use of Accessory Residential Structures for Temporary Habitation.** For the Effective Period, accessory residential structures on any property that permits a residential use and that does not contain Fire Debris and Hazardous Material or has been certified clean by Environmental Health, which also substantially complies with Chapter 15.04 of the Trinity County Code, shall be allowed for Displaced Persons. During this period, said use shall not be subject to the provisions of existing deed restrictions required by Trinity County, but shall remain subject to all other existing regulations and limitations.
6. Except as otherwise provided herein, no temporary housing authorized pursuant to this ordinance shall be used for permanent housing after the Effective Period.

SECTION 3.

Adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to 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 Government Code.

SECTION 4.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion


of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses OT phrases be declared unconstitutional or invalid.

SECTION 5.

This ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote. The Clerk shall cause this ordinance to be published as required by law.

Introduced, passed and enacted this 17th day of November 2020, by the Board of Supervisors of the County of Trinity by motion, second (Groves/Morris), and the following vote:

AYES: Supervisors Morris, Groves, Fenley, Brown and Chadwick
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None



BOBBI CHADWICK, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

RICHARD KUHNS, Psy.D
Clerk of the Board of Supervisors

By:  _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel