RESOLUTION - ACTION REQUESTED 2020-235

MEETING: May 5, 2020

TO: The Board of Supervisors

FROM: Sarah Williams, Planning Director

RE: Initiate Amendments to Chapter 18.05 for Post-Disaster Recovery

RECOMMENDATION AND JUSTIFICATION: Resolution Initiating a County Code Amendment to amend Mariposa County Code Chapter 18.05 - Post Disaster Recovery, to provide additional recovery time for displaced residents and to provide clarification in definitions. Extending recovery time is one of the potential options identified for the Board of Supervisors, in their Discussion and Direction Item for Detwiler Fire - Displaced Residents (prior item on agenda, MT ID#10430). The amendment to the definition of recreational vehicle is necessary to provide clarification regarding intent, and to ensure consistency between Section 18.05.030.C, and Section 18.05.040.D.12 and Section 18.07.H. Only certain types of recreational vehicles are deemed appropriate for temporary replacement housing for the purposes of disaster recovery in Mariposa County.

The resolution provides direction to staff, by identifying the specific County Code sections to amend, and the specific amendment text.

The resolution provides direction to staff regarding processing time (to ensure the amendments will be effective prior to July 18, 2020).

If the resolution is adopted, the following will occur:

1. Staff will prepare staff report, ordinance and environmental determination.

2. Staff will schedule and notice Board of Supervisors' public hearing for waiver of first reading and introduction of ordinance, and environmental determination (this item does not mandate a Planning Commission hearing, based on County Code Section 2.52.180-Scope of Matters To Be Heard by Commission and Its Committees).

3. Board of Supervisors will conduct public hearing and consider waiver of first reading and introduction of ordinance, and make environmental determination.

4. Two weeks after the first reading, the Board of Supervisors will consider waiver of the second reading and adoption of ordinance.

5. The ordinance is effective thirty (30) days after adoption. The effective date must be
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prior to July 18, 2020.

**BACKGROUND AND HISTORY OF BOARD ACTIONS:**

**August 8, 2017:** Ordinance No. 1126, Interim Urgency Ordinance establishing County Code Chapter 18.05 for Post-Disaster Recovery

**September 12, 2018:** Ordinance No. 1128, Extending Urgency Ordinance No. 1126

**July 10, 2018:** Ordinance No. 1133, Permanently establishing Post-Disaster Recovery provisions in Title 18 (County Code Chapter 18.05)

**July 16, 2019:** Resolution No. 2019-414, Approving one year extension (until July 18, 2020) for Detwiler Fire displaced residents to occupy temporary replacement housing (RVs) pursuant to County Code Section 18.05.020

**ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION:**

**Alternatives:** Amend text of ordinance.

**Negative Action:** No ordinance amendment is initiated. The deadline for Detwiler Fire displaced residents to discontinue use of an RV as temporary replacement housing will remain July 18, 2020.

**FINANCIAL IMPACT:**

None

**ATTACHMENTS:**

200505 Draft BOS Resolution Initiating Amendments to 18.05(DOC) County Code Chapter 18.05  (PDF)

**RESULT:** ADOPTED AS AMENDED [UNANIMOUS]

**MOVER:** Marshall Long, District III Supervisor

**SECONDER:** Miles Menetrey, District V Supervisor

**AYES:** Smallcombe, Jones, Long, Cann, Menetrey
STATE OF CALIFORNIA
COUNTY OF MARIPOSA
BOARD OF SUPERVISORS

Resolution
No 2020-235

A Resolution Initiating a County Code Amendment to Amend
Mariposa County Code Chapter 18.05 – Post-Disaster Recovery,
to Provide Additional Recovery Time for Displaced Residents
and to Provide Clarification in Definitions

WHEREAS, the Mariposa County Board of Supervisors adopted Ordinance No. 1126 on
August 8, 2017, an Interim Urgency Ordinance establishing Chapter 18.05 for Post-
Disaster Recovery within Title 18 – Miscellaneous Land Use Regulations; and

WHEREAS, the Mariposa County Board of Supervisors adopted Ordinance No. 1128 on
September 12, 2018, extending the urgency ordinance; and

WHEREAS, the Mariposa County Board of Supervisors adopted Ordinance No. 1133 on
July 10, 2018, permanently establishing Post-Disaster Recovery provisions in Title 18
of Mariposa County Code; and

WHEREAS, Mariposa County Code Section 18.05.020 “Declaration of emergency; duration”
establishes that:

1) The provisions of the Post-Disaster Recovery ordinance are applicable for a period
of two (2) years following the date of action by the Board of Supervisors to declare a
local emergency following a disaster, and

2) The two (2) year duration of the ordinance may be extended by the Board of
Supervisors for one (1) additional year; and

WHEREAS, there are two other sections in Chapter 18.05 that reference the the duration
of a declared emergency, including Section 18.05.040 and Section 18.05.070; and

WHEREAS, Chapter 18.05 was adopted into code in 2017 following the Detwiler Fire, as a
result of which seventy (70) homes were lost; and

WHEREAS, based on the provisions in Chapter 18.05 for disaster recovery, there were
seven (7) property owners (displaced residents) who obtained permits to legally occupy
a recreational vehicle (RV) following the Detwiler Fire; and

WHEREAS, on July 16, 2019, the Mariposa County Board of Supervisors adopted
Resolution No. 2019-414, extending for one (1) year (until July 18, 2020) the authority
for Detwiler Fire displaced residents to occupy temporary replacement housing (RVs)
pursuant to Mariposa County Code Section 18.05.020; and

WHEREAS, there are currently six (6) Detwiler Fire displaced residents who still occupy a
RV; and
WHEREAS, it is the desire of the Mariposa County Board of Supervisors to provide additional time for disaster recovery for these six (6) displaced residents; and

WHEREAS, a clarification in the definition of "recreational vehicle" is needed to ensure consistency between Section 18.05.030, and Section 18.05.040.D.12 and Section 18.05.070.H, as only certain types of recreational vehicles are deemed appropriate for temporary replacement housing for the purpose of disaster recovery in Mariposa County.

NOW BE IT THEREFORE RESOLVED THAT, the Board of Supervisors does hereby adopt this resolution to initiate amendments to Section 18.05.020, Section 18.05.030, Section 18.05.040 and Section 18.05.070 of Title 18, Mariposa County Code as shown in Exhibit 1.

BE IT FURTHER RESOLVED THAT, the Board of Supervisors does hereby direct and authorize staff to spend time processing these amendments to county code, which includes scheduling, noticing and conducting public hearings.

BE IT FINALLY RESOLVED THAT, the Board of Supervisors directs staff to complete processing of the code amendments, such that they will be effective prior to July 18, 2020.

ON MOTION BY Supervisor Long, seconded by Supervisor Menetrey, this resolution is duly passed and adopted this 5th day of May 2020 by the following vote:

AYES: SMALLCOMBE, JONES, LONG, CANN, MENETREY

NOES: NONE

ABSENT: NONE

ABSTAIN: NONE

Kevin Cann, Chair
Mariposa County Board of Supervisors

Attest:

René LaRoche
Clerk of the Board of Supervisors

Approved as to Form:

Steven W. Dahlem
County Counsel
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Resolution Initiating Amendments to County Code Chapter 18.05 to Provide Additional Recovery Time for Displaced Residents

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Exhibit 1

18.05 Post-Disaster Recovery
18.05.010 Purpose [NO CHANGE TO THIS SECTION]
18.05.020 Declaration of emergency; duration
18.05.030 Definitions
18.05.040 Temporary replacement housing on-site
18.05.050 Replacement of damaged or destroyed housing or other structures [NO CHANGE TO THIS SECTION]
18.05.060 Repair Criteria [NO CHANGE TO THIS SECTION]
18.05.070 Temporary replacement housing off-site
18.05.080 Fees; Replacement of damaged or destroyed housing or other structures [NO CHANGE TO THIS SECTION]
18.05.090 Debris removal; site approval required [NO CHANGE TO THIS SECTION]
18.05.100 Temporary facilities for post-disaster recovery [NO CHANGE TO THIS SECTION]
18.05.110 Severability and pre-emption [NO CHANGE TO THIS SECTION]

... 18.05.020 Declaration of emergency; duration
The provisions of this chapter are applicable for a period of two (2) years following the date of action by the Board of Supervisors to declare a local emergency following a disaster. These provisions shall take precedence over any conflicting ordinances in the Mariposa County Code that would apply in the absence of the emergency. By resolution of the Board of Supervisors, the provisions of this chapter may be extended for up to one—(1)—two (2) additional years. Extensions may be granted in six (6) month increments.

... 18.05.030 Definitions
The following terms as used in this chapter shall have the following meanings, unless the context in which a term is used plainly requires another meaning:

... C. "Recreational vehicle," for the purposes of this chapter, means a motor home, travel trailer, truck camper, or camping trailer which is self-contained and designed for human habitation for recreational or emergency occupancy; which is self-propelled, truck-mounted, or permanently toable on California roadways; and which is a California department of motor vehicles licensed vehicle.
[All other text in this section to remain unchanged]

... 18.05.040 Temporary replacement housing on-site
Temporary replacement housing for displaced resident(s), consisting of a recreational vehicle or recreational vehicles, as defined herein, located on a legal parcel which sustained damage as a
result of a disaster shall be authorized by the Building Department subject to the following provisions:

A. Except as provided in Section 18.05.040.B, temporary replacement housing authorized pursuant to this chapter shall no longer be used in lieu of permanent housing within two (2) years of the date of the Board of Supervisors’ action declaring the local emergency, unless a one-year (1 year) extension is granted by the Board of Supervisors pursuant to section 18.05.020, in which case it shall be removed by within the extended deadline three (3) years.

B. Temporary replacement housing shall no longer be used in lieu of permanent housing immediately following issuance by the Building Department of a final inspection or certificate of occupancy for a permanent replacement dwelling unit on-site.

[All other text in this section to remain unchanged]

... 18.05.070 Temporary replacement housing off-site

Installation of temporary replacement housing off-site for displaced resident(s), consisting of a recreational vehicle or recreational vehicles, as defined herein, may be authorized by the Building Department subject to the following provisions:

A. A maximum of two (2) recreational vehicles shall be authorized on a privately owned parcel which is off-site from the disaster and which is zoned for primary residential use as determined by the Planning Department.

B. Except as provided in Section 18.05.070.C, temporary replacement housing off-site authorized pursuant to this section shall no longer be used in lieu of permanent housing within two (2) years of the date of the Board action declaring the local emergency, unless a one-year (1 year) extension is granted by the Board of Supervisors pursuant to 18.05.020, in which case it shall be removed by within the extended deadline three (3) years.

C. Temporary replacement housing off-site shall no longer be used in lieu of permanent housing immediately following issuance by the Building Department of a final inspection or certificate of occupancy for a permanent replacement dwelling unit for the displaced resident or residents.

[All other text in this section to remain unchanged]

...
TO: SARAH WILLIAMS/Planning Department Director

FROM: RENÉ LaROCHE/Clerk of the Board

SUBJECT: Resolution Initiating a County Code Amendment to Amend Mariposa County Code Chapter 18.05 - Post Disaster Recovery, to Provide Additional Recovery Time for Displaced Residents and to Provide Clarification in Definitions

RESOLUTION: 2020-235

The following action was taken by the Mariposa County Board of Supervisors on May 5, 2020:

J.2. Planning RES-2020-235

Resolution Initiating a County Code Amendment to Amend Mariposa County Code Chapter 18.05 - Post Disaster Recovery, to Provide Additional Recovery Time for Displaced Residents and to Provide Clarification in Definitions

Sarah Williams gave the staff report, noting that this action starts the process. During public comment, Barry Brouilette offered to serve on the committee.

AMENDED:
The following language was added to the end of Section 18.05.020 of Exhibit 1: "Extensions may be granted in six month increments."

RESULT: ADOPTED AS AMENDED [UNANIMOUS]

MOVER: Marshall Long, District III Supervisor

SECONDER: Miles Menetrey, District V Supervisor

AYES: Smallcombe, Jones, Long, Cann, Menetrey