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BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF FRESNO
STATE OF CALIFORNIA
ORDINANCE NO. 20-018

AN URGENCY ORDINANCE OF THE COUNTY OF FRESNO -
DISASTER RECOVERY URGENCY ORDINANCE FOR TEMPORARY HOUSING
WITHIN AREAS AFFECTED BY THE CREEK FIRE.

The Board of Supervisors of the County of Fresno ordains as follows:

SECTION 1. Emergency Findings.

This urgency ordinance is adopted pursuant to California Government Code Sections 25123, particularly subdivision (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:

- A. Conditions of extreme peril to the safety of person and property within the County were caused by the Creek Fire, commencing on the 4th day of September 2020, at which time the Board of Supervisors was not in session.
- B. California Government Code section 8630 empowers the County Administrator to proclaim the existence of local emergency when the County is affected or likely to be affected by a public calamity, subject to ratification by the Board of Supervisors at the earliest practicable time.
- C. On September 5, 2020, the County Administrator of the County of Fresno proclaimed the existence of local emergency within Fresno County due to the Creek Fire.
- D. On September 6, 2020, the Governor of the State of California proclaimed a state of emergency to exist in Fresno, Madera, and Mariposa Counties as a result of the Creek Fire.

- 1 E. On September 10, 2020, the Board of Supervisors adopted Resolution
2 No. 20-283 ratifying the County Administrator's proclamation of the
3 existence of a local emergency in Fresno County. The resolution also
4 requested that the State of California make available assistance
5 programs including, but not limited to, California Disaster Assistance Act,
6 and seek Federal assistance programs to provide relief to the individuals,
7 businesses, public and private agencies that are harmed by this disaster.
- 8 F. On September 18, 2020, the Fresno County Health Officer, Dr. Rais
9 Vohra, issued a Declaration of Local Health Emergency warning persons
10 about the health hazards associated with fire debris until a property has
11 been cleared of the hazardous materials.
- 12 G. The Creek Fire to date has consumed approximately 300,000 acres and
13 has led to the destruction of approximately 926 residences. In addition,
14 mandatory evacuations and fire conditions temporarily displaced
15 approximately 30,000 residents of Fresno County. The Board of
16 Supervisors anticipates an increase in homeless and displaced residents
17 as a result of the Creek Fire.
- 18 H. It is essential that the changes made by this ordinance, which are related
19 to the use and occupancy of recreational vehicles and other similar
20 temporary residential housing, be implemented immediately to allow the
21 soonest possible transition of homeless and displaced residents into
22 interim housing located on the owners parcels.
- 23 I. There exists on these residential parcels the potential for widespread
24 toxic exposure and threats to public health and the environment in the
25 aftermath of a major wildfire disaster, and debris and ash from residential
26 structure fires contains hazardous materials and the harmful health
27 effects of hazardous materials produced by a wildfire are well-
28 documented.

- 1 J. The combustion of building materials such as siding, roofing tiles and
2 insulation results in dangerous ash that may contain asbestos, heavy
3 metals and other hazardous materials. Household hazardous waste such
4 as paint, gasoline, cleaning products, pesticides, compressed gas
5 cylinders, and chemicals may have been stored in homes, garages, or
6 sheds that may have burned in the fire, also producing hazardous
7 materials.
- 8 K. Exposure to hazardous materials may lead to acute and chronic health
9 effects and may cause long-term public health and environmental
10 impacts. Uncontrolled hazardous materials and debris pose significant
11 threats to public health through inhalation of dust particles and
12 contamination of drinking water supplies. Improper handling can expose
13 residents and workers to toxic materials, and improper transport and
14 disposal of fire debris can spread hazardous substances throughout the
15 community.
- 16 L. The Creek Fire has created hazardous waste conditions in Fresno
17 County in the form of contaminated debris from household hazardous
18 waste/materials and structural debris resulting from the destruction of
19 hundreds of structures. This hazardous waste debris poses a substantial
20 present or potential hazard to human health and the environment until the
21 property is certified clean. The accumulated exposure to hazardous
22 waste debris over an extended period of time poses a severe hazard to
23 human health.
- 24 M. Although Fresno County will allow persons displaced by the Creek Fire to
25 move back onto property with housing that was damaged or destroyed by
26 the Creek Fire once the evacuation orders for the area are lifted because
27 of the shortage of available housing, persons moving back into the Creek
28 Fire affected area do so at their own risk and should be aware of the

1 health hazards. Fresno County recognizes that the safest approach is to
2 wait until a property is cleared of fire debris and hazardous materials
3 before moving back and does not encourage any person displaced by the
4 Creek Fire to move back until this clearing has occurred.

5 **SECTION 2. Title.**

6 This ordinance shall be known and may be cited as the Fresno County Fire
7 Disaster Recovery Temporary Housing Urgency Ordinance within Areas Affected by
8 the Creek Fire.

9 **SECTION 3. Purpose.**

10 This urgency ordinance is enacted for the purpose of temporarily modifying
11 various Zoning Ordinance regulations and policies to allow the soonest possible
12 transition of residents made homeless or displaced by the Creek Fire to interim and
13 long-term housing. The ordinance relaxes certain standards in the Zoning Ordinance
14 to allow for additional temporary housing opportunities within of the boundaries of the
15 Creek Fire to meet the urgent need for housing of displaced persons.

16 **SECTION 4. Administration.**

17 This ordinance shall be administered under the direction of the Board of
18 Supervisors, by and through the Director of the Department of Public Works and
19 Planning, or designee and other departments specified herein.

20 **SECTION 5. Effective Period.**

21 A. The provisions in this ordinance shall remain in effect until December 31, 2021,
22 unless otherwise specified herein, subject to extension or modification by the
23 Board of Supervisors.

24 B. Except as otherwise provided herein, no residential recreational vehicle use or
25 interim housing authorized pursuant to this ordinance shall be used for
26 permanent housing after the expiration date of this ordinance.

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1 **SECTION 6. Definitions.**

2 Except where the context clearly indicates otherwise, the following definitions
3 shall govern the construction of the words and phrases used in the ordinance:

4 **Creek Fire.** An approximate 300,000-acre wildfire that started near the communities
5 of Big Creek Huntington Lake, and Shaver Lake on September 4, 2020, destroying
6 over 700 structures, which forced the evacuation of the Big Creek, Huntington Lake,
7 Shaver Lake and surrounding areas, and proclaimed by the Board of Supervisors
8 under Resolution 20-283, as a local emergency, and also proclaimed by Governor
9 Gavin Newsom as a state of emergency.

10 **Director.** The Director of the Department of Public Works and Planning or his or her
11 authorized representative.

12 **Displaced Person(s).** A County resident or residents whose residential dwelling has
13 been destroyed or damaged by the Creek Fire, such that the resident(s) cannot occupy
14 the dwelling. Displaced person(s) may be required to provide verification to the
15 County to substantiate their eligibility for uses, permits and/or approvals described in
16 this ordinance. Evidence may consist of verification by a driver's license or other
17 government-issued identification card or utility bill, etc. with a physical address showing
18 the resident resided on a legal parcel impacted by the Creek Fire, as determined by the
19 County. Such determination may be made by the Director or other County personnel.

20 **Effective Date.** The date of the Board of Supervisors adoption of this ordinance.

21 **Fire Debris and Hazardous Materials.** Debris, ash, metals, and completely or partially
22 incinerated substances from structures that are located on properties that qualify under
23 the California Office of Emergency Services Debris Removal Program.

24 **Movable Tiny House.** For the purposes of this title, a movable tiny house is a structure
25 utilized as living quarters by one household that is licensed by and registered with the
26 California Department of Motor Vehicles, meets the American National Standards
27 Institute (ANSI) 119.5 or ANSI 119.2 (NFPA 1192) requirements and is certified by a
28 qualified third party inspector for ANSI compliance, cannot move under its own power,

1 is not longer than allowed by State law for movement on public highways, has a total
2 floor area of not less than 150 square feet, and has no more than 430 square feet of
3 habitable living space.

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

10 **Temporary Dwelling.** For purposes of this Ordinance a temporary dwelling includes
11 recreational vehicles or movable tiny homes.

12 **SECTION 7. Residential Use of Recreational Vehicles.**

13 **A. Initial Use of Recreational Vehicles.** Residential use and occupancy of up to
14 two recreational vehicles on any lot that permits a residential use within of the
15 area affected by the Creek Fire shall be allowed for an initial term of 180 days
16 from the Effective Date of this ordinance. Use after the initial 180 days shall
17 require compliance with the standards set forth in Section 7.B below.

18 **B. Standards.** After the initial 180-day period, all residential uses of recreational
19 vehicles shall meet the following standards.

- 20 1. Recreational vehicles shall have full utility hook-up capability for water,
21 sewer, and power services.
- 22 2. The residential use of recreational vehicles is limited to vehicles not on a
23 permanent foundation and used to house displaced persons during the
24 Effective Period set forth in Section 5 above.
- 25 3. The residential use of recreational vehicles shall meet all required
26 setbacks as identified in the underlying zoning district.
- 27 4. The residential use of recreational vehicles shall be located outside of the
28 boundaries of any recorded easements.

- 1 5. The recreational vehicle shall be connected to an approved source of
2 water meeting one of the following criteria:
- 3 a. Public water supply;
- 4 b. Existing well provided that it has been approved by the
5 Department of Public Health, Environmental Health Division as
6 safe for domestic consumption; or,
- 7 c. Other water source as approved by the Department of Public
8 Health, Environmental Health Division.
- 9 6. The recreational vehicle shall be connected to an approved sewage
10 disposal system meeting one of the following criteria:
- 11 a. Public sewer system;
- 12 b. Existing on-site sewage disposal system that has been approved
13 by the Department of Public Works and Planning, Development
14 Services & Capital Projects Division to be intact, adequately sized,
15 and functioning following the disaster;
- 16 c. Temporary holding tank with a contract with a pumping company
17 for regular pumping. A copy of the contract shall be provided to the
18 Department of Public Works and Planning, Development Services
19 & Capital Projects Division; or
- 20 d. Other method of sewage disposal approved by the Department of
21 Department of Public Works and Planning, Development Services
22 & Capital Projects Division.
- 23 7. The recreational vehicle shall be connected to an approved source of
24 electricity meeting one of the following criteria:
- 25 a. Permitted electrical service hook-up; or
- 26 b. Other power source approved by the Director.

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1 8. Obtain Temporary Housing Administrative Permit from the Department of
2 Public Works and Planning, Development Services & Capital Projects
3 Division. The property owner or the property owner’s authorized agent
4 shall obtain a temporary administrative permit effective for the term of this
5 ordinance. Written consent of the property owner is required in all cases.
6 A permit issued pursuant to the ordinance may be revoked for failure to
7 comply with the standards set forth above. Approved permits shall be
8 valid for the duration of the Effective Period of this ordinance, unless
9 revoked or withdrawn at an earlier date.

10 **SECTION 8. Use of accessory residential structures for temporary habitation.**

11 For the Effective Period of this ordinance, accessory residential structures, which meet
12 Residential Group R occupancies as established by the California Residential Code
13 adopted by Fresno County, may be used as interim housing for Displaced Persons by
14 the Creek Fire.

15 **SECTION 9. California Environmental Quality Act.**

16 Adoption of this Ordinance is exempt from the provisions of the California
17 Environmental Quality Act (CEQA) pursuant to Public Resources Code Section
18 21080(b)(3) regarding projects to maintain, repair, restore, or replace property or
19 facilities damaged or destroyed as a result of a declared disaster and Section
20 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA
21 Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing,
22 or replacing property or facilities damaged or destroyed as a result of a disaster
23 stricken area in which a state of emergency has been proclaimed by the Governor
24 pursuant to the California Emergency Services Act, commencing with Section 8550 of
25 the Government Code.

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1 **SECTION 10. Severability.**

2 If any provision of this Ordinance or the application thereof to any person or
3 circumstances is for any reason held to be invalid by a court of competent jurisdiction,
4 such provision shall be deemed severable, and the invalidity thereof shall not affect the
5 remaining provisions or other applications of the Ordinance which can be given effect
6 without the invalid provision or application thereof.

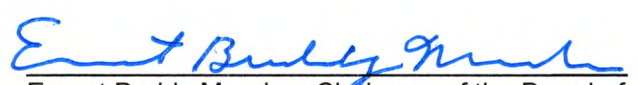
7 **SECTION 11. Effective Date and Publication.**

8 This Ordinance shall be and the same is hereby declared to be in full force and effect
9 immediately upon its passage by a four-fifths (4/5) or greater vote. The Clerk of the
10 Board of Supervisors is authorized and directed to publish this ordinance before the
11 expiration of fifteen (15) days after its passage. This Ordinance shall be published
12 once, with the names of the members of the Board of Supervisors voting for and
13 against it, in the Business Journal, a newspaper of general circulation published in the
14 County of Fresno, State of California. Pursuant to Government Code section 25124, a
15 complete copy of this ordinance is on file with the Clerk of the Board of Supervisors
16 and is available for public inspection and copying during regular business hours in the
17 office of the Clerk of the Board of Supervisors, 2281 Tulare Street, Fresno, CA.

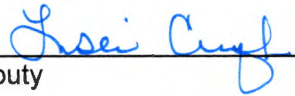
18 (Signature page follows.)
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1 THE FOREGOING, was passed and adopted by the following vote of the Board of
2 Supervisors of the County of Fresno this 6th day of October, 2020, to wit:

3 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero
4 NOES: None
5 ABSENT: None
6 ABSTAINED: None

7 
8 Ernest Buddy Mendes, Chairman of the Board of
9 Supervisors of the County of Fresno

10 **ATTEST:**
11 Bernice E. Seidel
12 Clerk of the Board of Supervisors
13 County of Fresno, State of California

14 By: 
15 Deputy

16 FILE # 20-1141
17 AGENDA # 6
18 ORDINANCE # 20-018
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