ORDINANCE NO. 2018-329

AN ORDINANCE OF THE TOWN OF WINDSOR AMENDING ZONING ORDINANCE CHAPTER 27.38 TITLED "TEMPORARY HOUSING MEASURES FOR RECOVERY FROM THE NUNS AND TUBBS FIRES" TO EXTEND THE EXPIRATION DATE OF ORDINANCE NO. 2018-322 TO DECEMBER 31, 2023, ALLOW FIRE-RELATED TEMPORARY HOUSING ON CERTAIN VACANT LIGHT INDUSTRIAL PROPERTIES AND ESTABLISH MAXIMUM DENSITY FOR FIRE-RELATED TEMPORARY HOUSING ON CERTAIN VACANT COMMERCIAL PROPERTIES

WHEREAS, beginning on the evening of October 8, 2017, and continuing for days thereafter, a series of wildfire events, identified as the Nuns and Tubbs Fires (Fires), damaged or destroyed thousands of residential and commercial structures within the City of Santa Rosa and the County of Sonoma; and

WHEREAS, on October 9, 2017, the Santa Rosa City Manager, in his capacity as Director of Emergency Services, proclaimed the existence of a local emergency in the City of Santa Rosa; and

WHEREAS, on October 9, 2017, the Board of Supervisors of the County of Sonoma, proclaimed the existence of a local emergency in the County of Sonoma; and

WHEREAS, on October 9, 2017, Governor Brown of the State of California proclaimed a State of Emergency for the County of Sonoma and other counties; and

WHEREAS, on October 10, 2017, President Trump declared the existence of a major disaster in the State of California and ordered Federal aid to supplement State and local recovery efforts in the areas affected by wildfires, beginning on October 8, 2017; and

WHEREAS, more than 5,000 homes were destroyed in the City of Santa Rosa and the County of Sonoma, displacing thousands of residents; and

WHEREAS, the rebuilding efforts associated with the Fires will require thousands of construction workers, many of which will come from out of the area; and

WHEREAS, the Town Council recognizes that the loss of housing that occurred in the County of Sonoma and City of Santa Rosa affected Town of Windsor employees, Windsor business owners, and people employed within the Town of Windsor who lost their homes, creating an urgent need to provide temporary housing while replacement housing is being built; and

WHEREAS, the Town Council recognizes that a housing shortage existed prior to the Tubbs and Nuns fires, resulting in an insufficient housing supply to provide housing for the people displaced by the Fires; and

WHEREAS, on December 6, 2017, the Town Council adopted an interim ordinance (Ordinance No. 2017-320) as an urgency measure pursuant to California Government Code Section 65858.

Ordinance No. 2017-320 established a 45-day interim ordinance enabling the provision of temporary housing on properties zoned for residential and commercial uses to assist those who were displaced by the more than 5,000 homes lost to the fires and to provide housing for the workforce that will be needed for the rebuilding effort; and

WHEREAS, on January 17, 2018, the Town Council adopted an interim ordinance (Ordinance No. 2018-321) as an urgency measure pursuant to California Government Code Section 65858 extending temporary zoning regulations enabling the provision of temporary housing on properties zoned for residential and commercial uses for a 10-month and 15-day period to allow time for staff to study and prepare a permanent ordinance responding to the urgent need to provide housing for those displaced by the fires and for the workforce needed for the rebuilding effort; and

WHEREAS, on March 7, 2018, the Town Council adopted Ordinance No. 2018-322amending the Zoning Ordinance to add Chapter 27.38 Temporary Housing Measures for Recovery from the Nuns and Tubbs Fires, which allowed temporary housing in residential and commercial zoning districts, subject to specific requirements and approval of a Limited Term Permit; and

WHEREAS, the Ordinance adding Chapter 27.38 is set to expire on December 31, 2019, unless extended by the Town Council; and

WHEREAS, it has been determined based on conversations with area non-profit housing developers that the investment of time, expense and effort required to provide the temporary housing is not warranted based on the limited time remaining before the current ordinance expires; and

WHEREAS, insurance payments for housing for people displaced by the Nuns and Tubbs fires will end by October 2019, creating a need for additional temporary housing, while housing continues to be rebuilt; and

WHEREAS, the construction of housing destroyed in the Nuns and Tubbs fires is expected to take another five to eight years and temporary housing will be needed for people displaced by the fires and the workers involved in the reconstruction efforts during this time; and

WHEREAS, adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), Section 15303 (New Construction or Conversion of Small Structures), Section 15304 (Minor Alterations to Land), Section 15311 (Accessory Structures), and Section 15332 (Infill Development Projects). The proposed amendments are also exempt from the provisions of the CEQA pursuant to CEQA Guidelines Section 15269(c): Emergency Projects; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 25, 2018, at which it reviewed the proposed amendments to Zoning Ordinance Chapter 27.38, considered all public comments and related CEQA exemptions, and forwarded a resolution to the Town Council to approve the recommended Zoning Ordinance amendments; and

WHEREAS, the Town Council held a duly noticed public hearing on October 17, 2018, at which it reviewed the proposed amendments to Zoning Ordinance Chapter 27.38, considered all public comments and related CEQA exemptions.

NOW THEREFORE, THE TOWN COUNCIL OF THE TOWN OF WINDSOR, DOES ORDAIN AS FOLLOWS:

SECTION 1. **Recitals.**

The above recitals are hereby declared to be true and correct.

SECTION 2. **Findings.**

The Town Council finds that:

A. A duly noticed public hearing, in accordance with California Government Code Section 65090, regarding the proposed amendments to the Zoning Ordinance was held by the Town Council on September 25, 2018.

B. The proposed measures will provide temporary housing units for people displaced by the Fires and for workers who will be needed for recovery and reconstruction efforts.

C. The measures are consistent with the General Plan in that the interim measures for temporary housing units are in exercise of the land use powers of the Town to protect the health, safety and welfare of the public, which would be put at risk if people displaced by the Fires did not have safe temporary housing units.

D. The temporary housing measures would be beneficial to the public interest, health, safety, convenience, or welfare of the Town in that they will provide a means by which to provide safe temporary housing for people displaced by the Fires and workers who will be needed for recovery and reconstruction efforts. The temporary housing units will be subject to Building and Fire requirements for life safety, will help meet the need for safe temporary housing created by the Fires.

E. The requirements for the provisions of temporary housing units ensure that the sites are physically suitable for the temporary housing units, including absence of physical constraints, access and compatibility with adjoining land uses, and provision of utilities.

F. The proposed amendments are exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (Existing Facilities), Section 15303 (New Construction or Conversion of Small Structures), Section 15304 (Minor Alterations to Land), Section 15311 (Accessory Structures), and Section 15332 (Infill Development Projects). The proposed amendments are also exempt from the provisions of the CEQA pursuant to CEQA Guidelines Section 15269(c): Emergency Projects.

SECTION 3. Article 3 of the Town of Windsor Zoning Ordinance entitled "Site Planning and General Development Standards" is hereby amended to add Chapter 27.38 as follows:

Chapter 27.38: Temporary Housing Measures for Recovery from the Nuns and Tubbs Fires

27.38.010 - Purpose.

This Chapter establishes interim regulations for the provision of temporary housing in response to the unprecedented loss of over 5,000 homes resulting from the Nuns and Tubbs fire events of October 8, 2017. The provision of temporary housing for people displaced by the fires and for workers who will be needed for recovery and reconstruction efforts will benefit the public health, safety and welfare by serving to stabilize the community and area's economy.

27.38.020 - Applicability.

The temporary housing provisions of this Chapter are intended to serve people whose homes were destroyed by the Nuns and Tubbs Fires and workers who are involved in related recovery and reconstruction efforts.

27.38.030 - Location.

The temporary housing options allowed by this Chapter shall be limited to properties that are located within the Town of Windsor town limits and that are zoned for residential, ~~or~~ commercial, or light industrial uses by the Town of Windsor Zoning Ordinance.

27.38.040 – Temporary Housing Allowed on Residentially Zoned Properties

A. **Single Units on Developed Residential Properties.** The following may be allowed on properties that are developed with an existing residential structure and that are zoned for residential uses, with approval of a Ministerial Limited Term Permit.

1. One trailer, manufactured home or other similar structure when located in the side or rear yard area of the property and sited in conformance with applicable side and rear yard setback requirements for accessory structures.
2. One recreational vehicle when located in the side or rear yard area of the property and sited in conformance with applicable side and rear yard setback requirements for accessory structures. A recreational vehicle may also be allowed in the front driveway area of the property provided that it does not encroach into the public right-of-way when parked.
3. Use of an existing residential accessory structure with conditioned space, such as a pool house, guest house, recreation room or studio space, when in compliance with the following requirements:
   a. The accessory structure shall have been constructed with a building permit.
   b. The structure shall be subject to inspection by the Town of Windsor Building Official and Windsor Fire Protection District staff prior to occupancy as a temporary housing unit.
   c. Compliance with any exiting and/or safety requirements determined to be

necessary by the Town of Windsor Building Official and Windsor Fire Protection District staff.

4. The property owner shall enter into an agreement with the Town of Windsor and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

B. Multiple Units on Developed Residential Properties. Multiple temporary housing units, including trailers, manufactured homes, recreational vehicles and other similar structures may be allowed on properties that are developed with an existing residential structure and that are zoned for residential uses, with the approval of an Administrative Limited Term Permit, subject to the following development standards:

1. The total number of units, including any existing residence(s), does not exceed the maximum allowable density of the General Plan land use designation for the property.
2. The units are located in the side or rear yard area of the property and are sited in conformance with applicable side and rear yard setback requirements for accessory structures.
3. The total square footage of all structures on the property, permanent and temporary, does not exceed the maximum allowable lot coverage of the applicable zoning district.
4. There is sufficient area on site located outside of the required front yard setback area for parking of two vehicles per unit.
5. The property owner shall enter into an agreement with the Town of Windsor and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

C. Units on Vacant Residential Properties. Single or multiple temporary housing units, including trailers, manufactured homes, recreational vehicles and other similar structures may be allowed on vacant properties zoned for residential uses, with the approval of an Administrative Limited Term Permit, subject to the following development standards:

1. The total number of units does not exceed the maximum allowable density of the General Plan land use designation for the property.
2. The units are sited in conformance with applicable front, side and rear yard setback requirements.
3. The total square footage of all structures on the property does not exceed the maximum allowable lot coverage of the applicable zoning district.
4. There is sufficient area on site located outside of the required front yard setback area for parking of two vehicles per unit. Parking for each unit shall be provided to the side or rear of the unit.
5. The property owner shall enter into an agreement with the Town of Windsor and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.

27.38.050 – Temporary Housing Allowed on Commercially Zoned Properties

A. Units on Vacant Commercial Properties. Single or multiple temporary housing units, including trailers, manufactured homes, recreational vehicles and other similar structures may be allowed on vacant properties zoned for commercial uses, with the approval of an Administrative Limited Term Permit, subject to the following development standards:

1. A 15-foot setback shall be maintained along the front, side and rear property lines.
2. Vehicle parking shall be provided in a centralized location on the property. Parking spaces shall generally comply with Zoning Ordinance standards for stall size and aisle widths.
3. A centralized refuse collection area shall be provided.
4. All units shall be accessible from a 20-foot wide emergency vehicle access way.
5. A minimum of 15-feet shall be provided between units to provide dedicated outdoor space for each unit.
6. The property owner shall enter into an agreement with the Town of Windsor and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.
7. Security lighting shall be provided to the satisfaction of the Town of Windsor Police Chief.
8. The maximum density allowed is 16 units per acre.

The Community Development Director may approve modifications to setback and site development standards if determined to be appropriate, provided that the modifications do not unduly impact the use or privacy of adjoining properties.

B. Units on Developed Commercial Properties. Placement of temporary housing units on developed commercially zoned properties is prohibited.

27.38.55 – Temporary Housing Allowed on Vacant Light Industrially Zoned Properties

A. Units on Vacant Light Industrial Properties. Single or multiple temporary housing units, including trailers, manufactured homes, recreational vehicles and other similar structures may be allowed on vacant properties zoned for light industrial uses, with the approval of an Administrative Limited Term Permit, subject to the following development standards:

1. The minimum size of a site shall be two acres, which may be comprised of one parcel or two or more contiguous parcels.
2. The maximum density allowed is 16 units per acre.
3. A 15-foot setback shall be maintained along the front, side and rear property lines.
4. A minimum buffer of 50 feet shall be provided between the temporary housing unit and any existing light industrial use or property with light industrial zoning.
5. Vehicle parking shall be provided in a centralized location on the property. Parking spaces shall generally comply with Zoning Ordinance standards for stall size and aisle widths.
6. A centralized refuse collection area shall be provided.

7. All units shall be accessible from a 20-foot wide emergency vehicle access way.
8. A minimum of 15-feet shall be provided between units to provide dedicated outdoor space for each unit.
9. The property owner shall enter into an agreement with the Town of Windsor and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.
10. Security lighting shall be provided to the satisfaction of the Town of Windsor Police Chief.
11. Occupants of temporary housing units shall sign a form acknowledging the that the temporary housing unit is located in an area with active light industrial uses or in an area zoned for light industrial uses and that these uses may create noise, smoke, odors, dust, gases, glare, heat, vibration and wastes that are not found in residential neighborhoods and/or involve uses not found in residential neighborhoods.

The Community Development Director may approve modifications to setback and site development standards if determined to be appropriate, provided that the modifications do not unduly impact the use or privacy of adjoining properties.

B. Units on developed Light Industrial Properties. Placement of temporary housing units on developed light industrially zoned properties is prohibited.

27.38.060 – Temporary Expansion of Existing Emergency Shelter Uses

A. Length of Stay. Existing emergency shelters, including shelters located at religious facilities, may extend the length of stay of shelter occupants until the expiration of the enacting ordinance.

B. Number of Beds. Existing emergency shelters, including shelters located at religious facilities, may increase the maximum number of beds to above 40, subject to review and approval of the Windsor Fire Protection District and the Town of Windsor Building Official.

C. Expiration of Expanded Use. The provisions of this section shall expire concurrently with the expiration of the enacting ordinance.

27.38.070 – Wine Country RV Park (8225 Conde Lane, APN 164-030-024).

A. **Expansion of Non-Conforming Use.** Additional recreational vehicles may be parked at the Wine Country RV Park property on a temporary basis, or a permanent basis with Town Council approval of any required permit(s) or other land use action(s).

For temporary parking of additional recreational vehicles, an Administrative Limited Term Permit approved by the Town Council shall be required, subject to the following:

1. Each RV unit shall acquire Town water service and electrical service. Sewage disposal to a legal disposal facility is the responsibility of each RV unit.
2. The property owner shall enter into an agreement with the Town of Windsor and Windsor Water District governing provision and termination of water and sewer services prior to occupancy of the temporary units.
3. Any necessary approvals from the California Department of Housing and Community Development shall be secured prior to occupancy of the temporary units.
4. Parking of recreational vehicles and/or improvements needed to serve the additional temporary parking spaces shall avoid any impact to trees protected under the Town's Tree Preservation and Protection Ordinance.
5. Parking of recreational vehicles and/or improvements needed to the serve the additional temporary parking spaces shall be appropriately set back from any creek or waterway on or adjacent to the property.
6. Other conditions or requirements as determined to be appropriate by the Town Council.

Permanent expansion of recreational vehicle parking at the Wine Country RV Park may be considered subject to approval of any required land use entitlements by the Town Council.

27.38.080 – Limited Term Permit Required.

Unless otherwise stated in this Chapter, all temporary housing units permitted by this Chapter shall require approval of a Limited Term Permit. An application for a Limited-Term Permit shall be filed and processed in compliance with Chapter 27.40 (Applications - Filing and Processing).

A. **Ministerial Limited Term Permit.** A Ministerial Limited Term Permit processed at the staff level is required for a single temporary housing unit on a developed residentially zoned property.

B. **Administrative Limited Term Permit.** An Administrative Limited Term Permit considered through the administrative hearing process is required for more than one temporary housing unit on a developed residentially zoned property, for one or temporary housing units on a vacant residentially zoned property, for one or more temporary housing units on a commercially zoned property, for one or more temporary housing units on a light industrially zoned property, and for additional recreational vehicle parking at the Wine Country RV Park.

C. **Growth Control Ordinance.** Limited Term Permits authorized by this Chapter are exempt from the Town's Growth Control Ordinance.

D. **Public Notice.** Notice of the administrative hearing required for an Administrative Limited Term Permit shall be sent to property owners and occupants located within 300 feet of the property a minimum of 10 days prior to the hearing.

E. **Expiration of Permit.** A Limited Term Permit shall expire concurrently with the expiration of the enacting ordinance or earlier if specified in the terms of the permit. The duration of all permits for temporary housing issued under the provisions of Ordinance No. 2017-320, Ordinance No. 2018-321, or Ordinance No. 2018-329 shall automatically be extended and expire concurrently with the expiration of the current enacting ordinance for temporary housing.

27.38.070 – Inspections.
Inspection of a temporary housing unit and site by the Community Development Department, Public Works Department, Windsor Water District, and Windsor Fire Protection District is required prior to occupancy of a temporary housing unit. The temporary housing unit shall comply with all Town, Windsor Water District, and Windsor Fire Protection District requirements prior to use as a temporary housing unit.

27.38.080 - Fees.
Because the provision of temporary housing for people displaced by the Fires and workers involved in the recovery and reconstruction efforts will provide an economic benefit to the Town by permitting residents to retain jobs, reside in the area, and shop in the community, and is temporary in nature, development impact and mitigation fees and application fees are not required and shall not be charged.

27.38.090 – Agreement.
Property owners shall enter into an agreement with the Town and Windsor Water District governing the provision and termination of water and sewer services for temporary housing units prior to occupancy.

27.38.100 – Conflicting requirements.
If a conflict occurs between the provisions of this Chapter and other requirements of the Zoning Ordinance, Station Area/Downtown Specific Plan, or Town of Windsor Municipal Code, the provisions of this Chapter shall control.

27.38.110 - Discontinuation of use.
Upon the expiration of a Limited Term Permit for temporary housing or upon expiration of the enacting ordinance, the use of the property or structures for one or more temporary housing units shall cease and the condition of the property or structures shall be returned to the condition that existed prior to use for temporary housing.

27.38.120 - Land use, zoning, or other situations not addressed.
The Community Development Director shall have the authority to make determinations regarding any land use, zoning, or other similar situation not addressed by this Chapter.

27.38.130 - Duration.
All provisions of this Chapter shall be in effect until December 31, 2023, unless extended by the Town Council by Resolution or Ordinance.

SECTION 4. **Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of this Ordinance, including the application of such provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable. The Town Council of the Town of Windsor hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

SECTION 5. **Effective Date and Duration.**

This Ordinance shall take effect and be in force thirty (30) days following its adoption and shall expire on December 31, 2023. The Town Council may extend the duration of this Ordinance by Resolution upon finding that the need for temporary housing caused by the fires will continue past the expiration of this Ordinance.

SECTION 6. **Publication or Posting.**

The Town Clerk of the Town of Windsor shall cause this Ordinance to be published and/or posted within fifteen days after its adoption in accordance with California Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 7th day of November 2018, by the following vote:

AYES:	**COUNCILMEMBERS FUDGE, MILLAN, SALMON, VICE MAYOR FOPPOLI AND MAYOR OKREPKIE**
NOES:	**NONE**
ABSENT:	**NONE**
ABSTAIN:	**NONE**

BRUCE OKREPKIE, MAYOR

ATTEST:

MARÍA DE LA O, TOWN CLERK