

1 **CHAPTER 53 - CAMP FIRE RECOVERY**

2 **Article I. Findings and Title**

3 **Section 53-1. Emergency Findings.**

4 This Urgency Ordinance is adopted pursuant to California  
5 Government Code Sections 25123(d) and 25131 and shall take effect  
6 immediately upon its approval by at least a four-fifths vote of  
7 the Board of Supervisors. The Board, in consultation with the Local  
8 Health Officer, finds that this Ordinance is necessary for the  
9 immediate preservation of the public peace, health and safety,  
10 based upon the following facts:

11 A. Conditions of extreme peril to the safety of persons and  
12 property within the County were caused by the Camp Fire,  
13 commencing on the 8th day of November, 2018, at which time  
14 the Board of Supervisors was not in session.

15 B. California Government Code Section 8630 empowers the County  
16 Administrator to proclaim the existence of a local emergency  
17 when the county is affected or likely to be affected by a  
18 public calamity, subject to ratification by the Board of  
19 Supervisors at the earliest practicable time.

20 C. On November 8, 2018, the County Administrator of the County  
21 of Butte proclaimed the existence of a local emergency within  
22 Butte County due to the Camp Fire.

23 D. On November 8, 2018, the Acting Governor of the State of  
24 California proclaimed a State of Emergency for Butte County  
25 pursuant to the California Emergency Services Act, commencing  
26 with Section 8550 of the Government Code, and on November 14,

1 2018, the Governor issued Executive Order B-57-18 concerning  
2 the Camp Fire.

3 E. On November 9, 2018, the Camp Fire was still burning through  
4 the County and despite firefighters' best efforts, the  
5 wildfire was not contained. Evacuation orders were in place  
6 and numerous severe public health and safety hazards were  
7 present in the Camp Fire area, including many blocked roads  
8 from fallen power lines, burned trees and vehicles, numerous  
9 burned vehicles were left throughout the Camp Fire area due  
10 to survivors fleeing their vehicles in efforts to survive the  
11 wildfire, no available utilities, no available public  
12 services and the presence of human remains and animal  
13 carcasses. At the time, the County estimated that 2,000  
14 structures had burned in the Camp Fire.

15 F. On November 9, 2018, Dr. Andrew Miller, Butte County's Local  
16 Health Officer, issued a Declaration of Health Emergency  
17 pursuant to California Health and Safety Code section 101080.  
18 Dr. Miller's declaration stated that the local health  
19 emergency was a consequence of the debris resulting from the  
20 Camp Fire that contains hazardous material in the ash of the  
21 burned qualifying structures. The purpose of the Declaration  
22 was to address the immediate threat to the public health and  
23 the imminent and proximate threat of the introduction of  
24 contagious, infectious or communicable disease, chemical  
25 agents, non-communicable biologic agents, toxins and/or  
26 radioactive agents present at the time in the Camp Fire area.

1 The threats included (1) the enormous amount of fire debris  
2 present in the Camp Fire area, including ash and debris  
3 containing hazardous materials and probable radioactive  
4 materials present in ash and debris from qualifying  
5 structures, (2) the threat of infectious or communicable  
6 disease and/or non-communicable biologic agents due to animal  
7 carcasses, radioactive waste and perishable foods, (3) the  
8 potential contamination or destruction of the residential and  
9 commercial water supply in the Camp Fire area and (4) the  
10 potential pollution of the drinking water downstream from the  
11 Camp Fire area if weather conditions caused the spread of the  
12 hazardous materials in the ash and debris of burned qualifying  
13 structures.

14 G. On November 12, 2018, the President of the United States  
15 declared the existence of a major disaster in the State of  
16 California, providing assistance from many federal agencies,  
17 including the Federal Emergency Management Agency (FEMA).

18 H. On November 13, 2018, the Board of Supervisors adopted  
19 Resolution No. 18-169 ratifying the County Administrator's  
20 proclamation of the existence of a local emergency in Butte  
21 County. The resolution also requested that the State of  
22 California waive regulations that may hinder response and  
23 recovery efforts, as well as make available assistance under  
24 the California Disaster Assistance Act or any other state  
25 funding, and that the Federal Government expedite access to  
26 federal resources and any other appropriate federal disaster

1 relief program.

2 I. On November 13, 2018, the Board of Supervisors ratified Dr.  
3 Miller's Declaration of Health Emergency.

4 J. On November 21, 2018, the status of the Camp Fire area was as  
5 follows: firefighters had contained the Camp Fire; the  
6 Sheriff had lifted some evacuation orders; work crews had  
7 removed fallen power lines, burned vehicles and trees  
8 blocking the roads; utilities including electric power, gas  
9 and non-potable water had become available; no local  
10 businesses were open to serve the public; and no public  
11 services were available. Further, preliminary actions had  
12 been taken to mitigate the risk from animal carcasses,  
13 radioactive waste and perishable foods in the Camp Fire area,  
14 however, concerns regarding the threats remained. The public  
15 health hazards present in the Camp Fire area included (1) the  
16 public health hazards from the enormous amount of fire  
17 debris, (2) the public health hazard from the hazardous  
18 materials and probable radioactive materials present in the  
19 ash and debris from destroyed qualifying structures, (3) the  
20 threat of infectious or communicable disease and/or non-  
21 communicable biologic agent due to the presence of animal  
22 carcasses, perishable foods and radioactive waste and (4) the  
23 potential pollution of the drinking water downstream from the  
24 Camp Fire area if weather conditions caused the spread of the  
25 hazardous materials in the ash and debris of burned qualifying  
26 structures. At the time, the County estimated that the Camp

1 Fire had destroyed 18,000 structures.

2 K. On November 21, 2018, Dr. Miller issued a Hazard Advisory  
3 strongly suggesting residents should not reside on property  
4 with qualifying structures damaged or destroyed by the Camp  
5 Fire until the property had been cleared of hazardous waste,  
6 ash and debris and certified clean by the Department of Public  
7 Health, Environmental Health Division. When the evacuation  
8 orders were lifted, the Department of Public Health provided  
9 residents who chose to visit their property to collect  
10 valuables with re-entry packets to improve their safety  
11 during the visit. The re-entry packets included personal  
12 protective equipment and information on the dangerous  
13 conditions and toxic materials present in the Camp Fire area.  
14 The re-entry packets were intended to improve public safety  
15 from the public health hazards encountered during the visit,  
16 but was not intended to encourage long-term habitation. The  
17 purpose of the Hazard Advisory was to address the public  
18 health hazards present at the time in the Camp Fire area,  
19 including (1) the enormous amount of fire debris present in  
20 the Camp Fire area, (2) the hazardous materials and probable  
21 radioactive materials present in ash and debris from  
22 qualifying structures, (3) the lessened but still present  
23 threat of infectious or communicable disease and/or non-  
24 communicable biologic agents due to animal carcasses,  
25 radioactive waste and perishable foods, (4) the potential  
26 contamination or destruction of the residential and

1 commercial water supply in the Camp Fire area and (5) the  
2 potential pollution of the drinking water downstream from the  
3 Camp Fire area if weather conditions caused the spread of the  
4 hazardous materials in the ash and debris of burned qualifying  
5 structures.

6 L. The Camp Fire to date has consumed 153,336 acres and has led  
7 to the destruction of 13,696 residences, damage to 462  
8 residences, the destruction of 276 multiple family  
9 residences, the destruction of 528 commercial buildings,  
10 damage to 102 commercial buildings, the destruction of 4,293  
11 other minor structures, and resulted in the evacuation of  
12 over 50,000 people. As a result, the Camp Fire has created an  
13 enormous amount of debris.

14 M. There exists the potential for widespread toxic exposures and  
15 threats to public health and the environment in the aftermath  
16 of a major wildfire disaster, and debris and ash from  
17 residential and commercial structure fires contain hazardous  
18 materials and the harmful health effects of hazardous  
19 materials produced by a wildfire are well-documented.

20 N. The combustion of building materials such as siding, roofing  
21 tiles, and insulation results in dangerous ash that may  
22 contain asbestos, heavy metals and other hazardous materials.  
23 Household hazardous waste such as paint, gasoline, cleaning  
24 products, pesticides, compressed gas cylinders, and chemicals  
25 may have been stored in homes, garages, or sheds that may  
26 have burned in the fire, also producing hazardous materials.

1 O. Exposure to hazardous materials may lead to acute and chronic  
2 health effects and may cause long-term public health and  
3 environmental impacts. Uncontrolled hazardous materials and  
4 debris pose significant threats to public health through  
5 inhalation of dust particles and contamination of drinking  
6 water supplies. Improper handling can expose residents and  
7 workers to toxic materials, and improper transport and  
8 disposal of fire debris can spread hazardous substances  
9 throughout the community.

10 P. Standards and removal procedures are needed immediately to  
11 protect the public health and environment, and to facilitate  
12 coordinated and effective mitigation of the risks to the  
13 public health and environment from the health hazards  
14 generated by the Camp Fire disaster.

15 Q. The Camp Fire has created hazardous waste conditions in Butte  
16 County in the form of contaminated debris from household  
17 hazardous waste/materials and structural debris resulting  
18 from the destruction of thousands of structures. This  
19 hazardous waste debris poses a substantial present or  
20 potential hazard to human health and the environment until  
21 the property is certified clean. The accumulated exposure to  
22 hazardous waste debris over an extended period of time poses  
23 a severe hazard to human health.

24 R. The Board of Supervisors previously approved urgency  
25 ordinances and/or related resolutions relating to the Camp  
26 Fire disaster recovery on December 11, 2018, December 21,

1 2018, January 8, 2019 and January 29, 2019. The actions  
2 addressed the need for the regulation of debris removal to  
3 alleviate the public health, safety and welfare concerns  
4 associated with the ash and debris of qualifying structures  
5 and temporary emergency housing options.

6 S. As of February 4, 2019, the status of the Camp Fire disaster  
7 recovery is as follows: (1) Phase I cleanup by the U.S.  
8 Environmental Protection Agency and the California Department  
9 of Toxic Substances Control is complete, which has reduced  
10 the public health concerns relating to the most hazardous  
11 materials present in the Camp Fire area, (2) Phase II of the  
12 cleanup pursuant to the Government (CalOES) Program and the  
13 Alternative Program has commenced, (3) utilities are  
14 available (except for potable water), (4) numerous businesses  
15 have opened to serve the public, (5) public services are  
16 available, including a FEMA and CalOES jointly-operated  
17 Disaster Recovery Center in Paradise, California. Current  
18 threats include (1) the enormous amount of fire debris present  
19 in the Camp Fire area, (2) hazardous materials and probable  
20 radioactive materials present in ash and debris from  
21 qualifying structures, (2) the potential pollution of the  
22 drinking water downstream from the Camp Fire area if weather  
23 conditions caused the spread of the hazardous materials in  
24 the ash and debris of burned qualifying structures. The  
25 purpose of this ordinance is to allow residents to live on  
26 properties in the Camp Fire area that do not contain fire ash

1 and debris from a qualifying structure destroyed or damaged  
2 by the Camp Fire.

3 T. The Debris Removal Operations Plan for the Camp Fire prepared  
4 by the CalOES/CalRecycle Incident Management Team provides  
5 that the DTSC has issued reports regarding the assessment of  
6 burn debris from wildfires in the past. The studies of burned  
7 residential homes and structures from large scale wildland  
8 fires indicated that the resulting ash and debris can contain  
9 asbestos and toxic concentrated amounts of heavy metals such  
10 as antimony, arsenic, cadmium, copper, lead, and zinc.  
11 Additionally, the ash and debris may contain higher  
12 concentrations of lead if the home was built prior to 1978  
13 when lead was banned from household paint in the United  
14 States. The reports indicated that the residual ash of burned  
15 residential homes and structures has high concentrations of  
16 heavy metals that can be toxic and can have significant impact  
17 to individual properties, local communities, and watersheds  
18 if the ash and debris is not removed safely and promptly. The  
19 plan also indicates that the purpose of the structural debris  
20 removal program is to remove debris that poses a risk to  
21 health and/or the environment. Debris from structures smaller  
22 than 120 square feet are not included in the program.

23 U. The Local Health Officer, Dr. Miller, has indicated the  
24 following: (1) the Phase II cleanup of the properties  
25 containing ash and debris from a qualifying structure  
26 mitigates the public health hazards of the Camp Fire; (2)

1 failing to clean properties containing ash and debris from a  
2 qualifying structure can have severely negative long-term  
3 consequences to the public health and environment; (3)  
4 therefore, the County's focus must be on accomplishment of  
5 the Phase II cleanup to address the public health hazards;  
6 (4) the standard for determining when a property is clean  
7 from ash and debris from a qualifying structure is when the  
8 Phase II cleanup work is complete and the property is  
9 certified clean by the Department of Public Health,  
10 Environmental Health Division; (5) as ash and debris of  
11 qualifying structures is the focus of the Phase II cleanup  
12 work, the significance of the public health risks is higher  
13 on properties with ash and debris from a qualifying structure;  
14 (6) given the progress the Camp Fire disaster recovery has  
15 made with respect to the hazards identified in the findings  
16 above, the remaining significant public health hazard is the  
17 ash and debris from qualifying structures; (7) based on the  
18 foregoing, properties that contain ash and debris from  
19 qualifying structures constitute a significant public health  
20 risk and therefore, those properties should be ineligible for  
21 temporary emergency housing until Phase II cleanup work is  
22 completed on the property and is certified clean by the  
23 Department of Public Health, Environmental Health Division;  
24 and (8) properties that do not contain ash and debris from a  
25 qualifying structure do not pose a significant public health  
26 risk and should be eligible for temporary emergency housing.

1 V. There is an immediate need for housing to accommodate persons  
2 who have been displaced by the Camp Fire. This Chapter  
3 temporarily relaxes some building and zoning regulations to  
4 allow for additional housing both inside and outside of the  
5 Camp Fire affected area for displaced persons. Due to the  
6 magnitude of the destruction, there is a need to provide for  
7 sufficient housing options both inside and outside of the  
8 Camp Fire affected area.

9 W. It is essential that this Ordinance become immediately  
10 effective (1) to mitigate the harm that could be caused to  
11 the public health and safety and to the environment from the  
12 improper disturbance, removal and/or disposal of debris  
13 containing hazardous materials, and to facilitate the orderly  
14 response to the Camp Fire disaster; and (2) to allow the  
15 fastest possible transition of homeless and displaced  
16 residents to interim and long-term shelter.

17 **Section 53-2. Title.**

18 This Chapter shall be known and may be cited as the Camp Fire  
19 Disaster Recovery Ordinance.

20 **ARTICLE II. DEBRIS REMOVAL**

21 **Section 53-10. Definitions.**

22 **Alternative Program.** For purposes of this Article, the term  
23 "Alternative Program" shall mean the requirements for inspections,  
24 clean up and disposal established by the County of Butte for  
25 property owners that opt out of or are ineligible for the OES  
26 Program.

1 **Board.** The term "Board" means the Board of Supervisors.

2 **Director.** The term Director shall mean the Butte County Director  
3 of Public Health and his/her designee.

4 **OES Program.** For purposes of this Article, the term "OES Program"  
5 shall mean the fire damage debris clearance program operated by  
6 the Office of Emergency Services for the Camp Fire in conjunction  
7 with other State and Federal agencies.

8 **Phase I.** For purposes of this Article, the term "Phase I" shall  
9 mean the hazardous waste cleanup performed by the United States  
10 Environmental Protection Agency and/or Department of Toxic  
11 Substances Control on certain properties impacted by the Camp Fire.

12 **Phase II.** For purposes of this Article, the term "Phase II" shall  
13 mean the ash and debris cleanup work performed pursuant to the OES  
14 Program and/or the Alternative Program.

15 **Private Action.** For the purposes of this Article, the term "private  
16 action" shall mean the removal of fire debris from private property  
17 damaged by the Camp Fire by persons not eligible for or opting out  
18 of the OES Program and participating in the Alternative Program.

19 **Qualifying structure.** For the purposes of this Article, the term  
20 "qualifying structure" shall mean a structure of 120 square feet  
21 and over.

22 **Removal of Fire Debris.** The term "removal of fire debris" as used  
23 in this Article includes all cleanup of fire debris from structures  
24 resulting from the Camp Fire, including removal, transport and  
25 disposal of fire debris, but it does not include the removal of  
26 personal property from residential sites unless such removal of

1 personal property involves cleanup and the removal of ash from the  
2 property.

3 **Right of Entry Permit.** The term "Right of Entry Permit" means the  
4 Debris Removal Right-of-Entry Permit (For Providing Debris Removal  
5 on Private Property) approved by the California Office of Emergency  
6 Services for use in the cleanup after the Camp Fire.

7 **Temporary Log Storage Yards (AKA: Log Decks).** For purposes of  
8 this Article, a site where piles of logs and other piles of  
9 vegetation removed from the Camp Fire affected area are temporarily  
10 stored and processed before transfer to trucks or rail. The logs  
11 and vegetation must be associated with the Camp Fire recovery  
12 effort, i.e., logs and vegetation that are burn-damaged or  
13 otherwise removed due to safety issues associated with the Camp  
14 Fire. Logs and wood waste originating from routine utility line  
15 maintenance shall not be stored at Temporary Log Storage Yards.  
16 This definition and Section 53-19 do not apply to logs and/or  
17 vegetation harvested or cleared as part of a timber harvest plan  
18 or exemption under the Forest Practice Rule that are stored and/or  
19 processed on the property on which they were harvested or cleared.  
20 This definition and Section 53-19 only applies to logs and  
21 vegetation transported to another property. A temporary log  
22 storage yard shall not exist beyond the Effective Period. No  
23 structural fire debris or hazardous materials may be brought onto  
24 or stored in the yard including any that may have been deposited  
25 on logs or vegetation. Temporary Log Storage Yards allow for the  
26 processing of logs and vegetation (e.g., chipping, milling, etc.)

1 but not the burning of logs and vegetation, and may include  
2 associated equipment repair, construction trailers, employee  
3 parking and portable bathroom facilities set up for use by the  
4 personnel assigned to the yard, but not residences other than the  
5 transitory use of a recreational vehicle for a temporary caretaker  
6 quarters in conformance with Section 53-34 of this Chapter.

7 **Section 53-11. Effective Period.**

8 This Article relating to debris removal shall take effect  
9 immediately upon adoption and shall remain in effect until the  
10 removal of fire debris has been completed on all properties damaged  
11 by the Camp Fire. Regardless of when the removal of fire debris  
12 has been completed, Section 53-19 relating to Temporary Log Storage  
13 Yards, as well as any sections within this Article that relate to  
14 it, shall remain in effect until December 31, 2020, unless  
15 otherwise specified herein, subject to extension or modification  
16 by the Board of Supervisors.

17 **Section 53-12. Prohibition on Removal of Fire Debris from Private**  
18 **Property.**

19 No fire debris from structures shall be removed from private  
20 property except pursuant to the requirements of the table below.

21

	<b>No structure on burned property</b>	<b>Non-qualifying structures (Structures less than 120 square feet</b>	<b>Qualifying structures (Structures 120 square feet and over on</b>
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			<b>only on burned property)</b>	<b>burned property)</b>
<b>Prior to completion of Phase I cleanup</b>	Owner may remove debris	Debris removal prohibited	Debris removal prohibited	
<b>Prior to completion of Phase II cleanup</b>	Owner may remove debris	Owner may remove debris with certificate from the Department of Public Health, Environmental Health Division	CalOES or Alternative Program contractors <b>only</b> may remove debris	
<b>Following Phase II cleanup</b>	Owner may remove debris	Owner may remove debris with certificate from the Department of Public Health, Environmental Health Division	Owner may remove remaining debris not removed during Phase II with certificate from the Department of Public Health, Environmental	

			Health Division
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3 For the purposes of this Article, the requirement to enter into  
4 the CalOES Program or the Alternative Program shall apply only to  
5 properties that contained a qualifying structure under the OES  
6 Program. The requirement shall not apply to properties that only  
7 contained non-qualifying structures, including but not limited to  
8 sheds, canopies, carports, well houses, greenhouses, chicken coops  
9 or fencing. Whether fire debris derived from a qualifying or non-  
10 qualifying structure shall be determined by the Director, or his  
11 or her designee, in consultation with CalOES.

12 **Section 53-13. Removal of Fire Debris through the OES Program.**

- 13 A. Effect of the Right of Entry Permit: The Right of Entry Permit  
14 shall function as the sole permit and authorization for  
15 participation in the OES Program.
- 16 B. Notwithstanding any contrary provision in Butte County Code,  
17 no County approvals or permits for fire debris removal are  
18 required for properties participating in the OES Program,  
19 other than the Right of Entry agreement.

20 **Section 53-14. Removal of Fire Debris through the Alternative**  
21 **Program.**

- 22 A. The County shall administratively adopt and administer the  
23 Alternative Program in the unincorporated areas of Butte  
24 County under the supervision of the Chief Administrative  
25 Officer or his or her designee. The County shall utilize the  
26 state and federal standards and cleanup goals of the OES

1 Program as the standards for the Alternative Program. Under  
2 the Supervision of the Chief Administrative Officer or his or  
3 her designee, the County may administratively update these  
4 standards as necessary to address ongoing changes in the  
5 administration of the OES Program and the need to efficiently  
6 remove hazardous fire debris from the community.

7 B. For those persons who are not eligible for the OES Program,  
8 or who opt out of the OES Program, private action to remove  
9 fire debris from fire-damaged properties is prohibited unless  
10 and until a hazardous materials inspection has been performed  
11 and authorization from the Department of Public Health,  
12 Environmental Health Division has been provided pursuant to  
13 the Alternative Program.

14 C. The Alternative Program shall require an application and work  
15 plan that identifies the appropriate licensed contractors who  
16 will perform the work and the submission of plans that  
17 demonstrate that the standards established in the Alternative  
18 Program will be met. Work shall not begin until the County  
19 approves the application and work plan. The County may rely  
20 upon the subject matter expertise of multiple departments in  
21 deciding whether to approve the application and work plan.

22 D. Upon completion of the work described in the approved plans,  
23 the Alternative Program shall require an application for  
24 certification of successful completion of the work required  
25 by the Alternative Program. The Alternative Program will  
26 require that:(1) the debris removal and clean-up work on the

1 property meets or exceeds the standards set by the State of  
2 California for debris removal; and (2) the owner completely  
3 remove and dispose of the foundation or submit a letter from  
4 a licensed civil or structural engineer certifying that the  
5 foundation is acceptable for rebuild. The letter shall  
6 certify structural reasons for the decision and include the  
7 process and procedure used to reach the conclusion.

8 E. Notwithstanding any contrary provision in Butte County Code,  
9 no county demolition permit shall be required for private  
10 debris removal work for which the Director has issued an  
11 approval allowing such work to proceed.

12 **Section 53-15. Hold on Building Permits.**

13 Any issued County of Butte building permit to repair or reconstruct  
14 a fire damaged structure or private infrastructure shall be held  
15 in abeyance and not acted upon until fire debris cleanup is  
16 completed on the affected property and completion is confirmed to  
17 the County Building Official, either through the OES Program or  
18 through the Alternative Program. Notwithstanding the foregoing,  
19 this section shall not apply to permits relating to power, sewer  
20 or other utilities for temporary dwellings as provided for in this  
21 Chapter.

22 **Section 53-16. Deadlines and Enforcement.**

23 A. The Board may set a deadline for filing an acceptable  
24 application for the Alternative Program by resolution.

25 B. Properties that have fire ash and debris from the Camp Fire  
26 and that have neither an approved Right of Entry Permit for

1 the OES Program nor an approved application for the  
2 Alternative Program by the deadline set by the Board are  
3 declared a nuisance and health hazard and such properties may  
4 be abated pursuant to this Chapter.

5 C. The Board may set deadlines for the completion of work in the  
6 Alternative Program by resolution. Properties that have fire  
7 ash and debris from the Camp Fire after that deadline may be  
8 declared a nuisance and health hazard.

9 D. The Board's intent is to facilitate orderly remediation of a  
10 large scale disaster. Nothing in these deadlines shall limit  
11 the authority of the County to abate hazards more quickly  
12 where required by exigent circumstances. Nothing in this  
13 Article or in these deadlines shall limit the authority of  
14 the Health Officer to require preventive measures as defined  
15 in California Health and Safety Code Section 101040.

16 E. Enforcement and Abatement.

17 (1) General Enforcement Action. When the Director determines that  
18 an activity is being performed in violation of this Article,  
19 the Director may initiate an enforcement action using any  
20 process set forth in the Butte County Code and may seek the  
21 imposition of costs and civil penalties pursuant to the Butte  
22 County Code. Nothing in this provision is intended to prevent  
23 alternate enforcement mechanisms, including but not limited  
24 to, health officer orders pursuant to California Health and  
25 Safety Code Section 101040.

26 (2) Summary Abatement. Pursuant to the authority of Cal. Const.,

1 art. XI, Section 7; California Health and Safety Code Section  
2 101040, California Government Code Section 25845, and the  
3 Butte County Code, if the Director determines that a violation  
4 of this Article has created an emergency condition which  
5 seriously endangers the public health or safety, the County  
6 may abate the condition within the unincorporated territory  
7 of the County of Butte. The costs shall be charged to the  
8 property owners(s) and the County may, at its option, recover  
9 the same in an administrative action as described below or a  
10 civil action. Such charges shall be in addition to any penalty  
11 for a violation of this Article.

12 i. Pre-Abatement Notice. Unless emergency conditions  
13 preclude doing so, the Director shall issue a Summary  
14 Abatement Notice and Order with reasonable notice. The  
15 Notice and Order shall be mailed to the Property owner(s)  
16 as listed on the last equalized tax roll. A summary of  
17 the Notice and Order shall be posted in a conspicuous  
18 location on the property to be abated at least 10  
19 calendar days prior to the summary abatement action.

20 ii. Appeal and Waiver. The property owner(s) or any person  
21 or entity having a legal interest in the property may  
22 submit a written appeal of the Director's Order to the  
23 Health Officer or his or her designee no later than 10  
24 calendar days from the date of mailing of the Notice and  
25 Order. The written appeal shall state the basis for the  
26 appeal. The Health Officer or his/her designee shall

1 review the appeal and shall issue a written decision  
2 (the "Decision") no later than 10 calendar days after  
3 receipt. The Decision shall uphold, rescind or modify  
4 the determination of the Notice and Order. The Decision  
5 on the appeal shall be final. Failure to appeal within  
6 the time prescribed shall constitute a waiver of the  
7 right to contest the summary abatement.

8 iii. Post Abatement Notice. After the summary abatement is  
9 completed, the Director shall serve the property  
10 owner(s) with a post abatement notice that sets forth:  
11 (a) the actions taken by the County; (b) the reasons for  
12 the actions; (c) a statement of the costs, expenses and  
13 attorney's fees, if any, of the abatement and notice of  
14 the County's intent to collect those costs; and (d) right  
15 to appeal the costs determination within 10 calendar  
16 days of the notice. If the property owner is responsible  
17 for any costs, expenses or attorney's fees, such costs  
18 shall become a lien against the property and a Notice of  
19 Abatement Lien may be recorded.

20 iv. Post Abatement Costs Appeal. If the property owner(s) or  
21 anyone with a legal interest in the property submits a  
22 timely costs appeal, the County shall schedule an  
23 administrative hearing on the matter and provide the  
24 appeal party with reasonable notice of the hearing. The  
25 hearing conducted shall be held before a Hearing Officer  
26 designated pursuant to the protocol set forth in that

1 document entitled the "Butte County Administrative  
2 Hearing Officer Program." The Program is based upon an  
3 alphabetical rotation through attorneys currently under  
4 contract through the Program. The hearing officer shall  
5 conduct an administrative hearing where each party shall  
6 have the opportunity to present evidence and the County  
7 shall have the obligation to establish that the costs,  
8 including expenses and attorney's fees, if any, incurred  
9 for the summary abatement were necessary by a  
10 preponderance of the evidence. After the hearing, the  
11 hearing officer shall issue a written decision and order  
12 that shall be served upon the appealing party within 30  
13 calendar days of the hearing unless extended by  
14 agreement of the parties.

15 **Section 53-17. Judicial Enforcement Action.** The County Counsel is  
16 authorized to initiate judicial enforcement as to a violation of  
17 any provision of this Article without further Board approval.

18 **Section 53-18. Remedies Not Exclusive.** The remedies identified are  
19 in addition to and do not supersede or limit any and all other  
20 remedies, civil or criminal. The remedies provided in this Article  
21 shall be cumulative and not exclusive.

22 **Section 53-19. Temporary Log Storage Yards.**

23 A. Maximum Number of Sites. The number of temporary log  
24 storage yards shall be capped at a maximum of fifteen (15)  
25 for the unincorporated area of Butte County.

26 B. Allowed Zones.

1 1. Natural Resource Zones. Timber Processing, as defined  
2 by the Butte County Zoning Ordinance is allowed by-right  
3 in the Timber Mountain (TM) and Timber Production (TPZ)  
4 zones. The provisions of this section do not apply to  
5 log storage yards in these zones.

6 2. Industrial Zones. Timber Processing, as defined by the  
7 Butte County Zoning Ordinance is allowed by-right in the  
8 Heavy Industrial (HI) zone, and with a conditional use  
9 permit in the General Industrial (GI) zone. The  
10 provisions of this section do not apply to log storage  
11 yards in these zones.

12 C. Zones Requiring an Administrative Permit. Temporary log  
13 storage yards are allowed subject to approval of a temporary  
14 administrative permit and compliance with the standards set  
15 forth below in the following zones:

16 1. Agriculture (AG) Zones, limited to those Agricultural  
17 zones classified as Grazing or Other lands by the  
18 California Department of Conservation's Farmland Mapping  
19 Program. Parcels shall be located near State highways or  
20 truck haul routes that access the Camp Fire area and  
21 outside of urban or congested areas.

22 2. General Commercial (GC) zone.

23 3. The Neal Road Recycling, Energy, and Waste Facility  
24 Overlay Zone (-RW).

25 4. Foothill Residential (FR), Rural Residential (RR),  
26 Planned Development (PD), and Public (P).

1 D. Standards. All temporary log storage yards shall meet the  
2 following standards:

3 1. Application for Temporary Administrative Permit. The  
4 property owner or the property owner's authorized agent  
5 shall obtain a temporary administrative permit for the  
6 Effective Period. Written consent of the property owner  
7 is required in all cases.

8 2. Site Plan Required. A detailed site plan meeting general  
9 architectural or engineering standards, legible and  
10 drawn to scale that shows all the proposed activities  
11 that will occur on-site, as well as the approximate  
12 location of each activity, shall be provided with the  
13 application for a temporary administrative permit.  
14 Partial site plans for a portion of a property may be  
15 submitted as long as a vicinity map for the entire  
16 property showing frontage streets, other uses and a  
17 cross reference of the area of the partial site plan is  
18 provided. All site plans shall show and label contours  
19 at maximum vertical intervals of five feet; areas of  
20 proposed grading and fill; the width of access roads to  
21 and around parking, log piles and other piles, and  
22 buildings; and turnaround areas for fire and emergency  
23 services. Any change in the type of activity that will  
24 occur on-site or the location of any activity requires  
25 the owner or operator to apply for a new temporary  
26 administrative permit.

- 1           3.    Siting Criteria.  To the extent practicable, temporary  
2           log storage yards shall be located on flat areas of the  
3           site that are already disturbed and in such a manner to  
4           decrease impacts to uses on surrounding properties.
- 5           4.    Parcel Size.  The temporary log storage yard site shall  
6           be a minimum of 5 acres in the GC zone, 10 acres in the  
7           FR, RR, PD, and P zones, and 20 acres in other zones  
8           regardless of the actual area used for the temporary log  
9           storage yard.  Adjacent parcels may be utilized to  
10          achieve this standard, provided each owner's consent is  
11          provided with the application.  All parcels must be shown  
12          on the application, the site plan, and all property  
13          owners shall provide written permission.
- 14          5.    Approved Access.  Temporary log storage yards shall have  
15          access onto a public road.  If the public road is a County  
16          road, the approach shall be made with an encroachment  
17          permit approved by the Department of Public Works.  If  
18          the public road is a State highway, the approach shall  
19          be made with an approved encroachment permit issued by  
20          the California Department of Transportation (CalTrans)  
21          District 3 Office.  If the public road is accessed by a  
22          private road, there shall be an approved encroachment  
23          permit as required in the prior two sentences where the  
24          private road connects to the public road, and there shall  
25          be an approved road maintenance agreement that allows  
26          for the proposed use along the private road.

1           6.    On-site Roads, Driveways and Aisles.    Temporary log  
2           storage yards shall have on-site roads, driveways and  
3           aisles. On-site roads, driveways and aisles shall have  
4           a 6 inch Class 2 aggregate base, a minimum width of 25  
5           feet, and shall be capable of supporting a 40,000 lb.  
6           load that will allow for ingress and egress of fire  
7           apparatus to within 150 feet of all piles and structures,  
8           and shall have a vertical clearance of no less than 15  
9           feet.

10          7.    Property Line Setbacks and Defensible Space.    All log  
11          piles and other piles shall be setback a minimum of 150  
12          feet from all outside property lines and any permanent  
13          structures. There shall be an area of defensible space  
14          that is a minimum of 150 feet wide around the perimeter  
15          of the temporary log storage area that shall not be  
16          graded but shall be kept clear of grass and vegetation  
17          to support fire protection by clearing, disking,  
18          grubbing, and/or scraping. CAL-FIRE shall have  
19          discretion to address unique circumstances.

20          8.    Biological Resources.    Temporary log storage yards shall  
21          not be located on lands containing wetlands, and/or  
22          endangered and protected plants and animal species. A  
23          biological report shall be furnished to the Department  
24          of Development Services demonstrating that the site does  
25          not contain wetlands and/or endangered or protected  
26          plants and animal species. A temporary log storage yard

1 shall not expand without providing a site plan and a  
2 biological report to cover the expanded area.

3 9. Butte County Fire Department/CAL-Fire Standards.

4 Temporary log storage yards and the associated  
5 activities performed with them pose the risk of fire if  
6 fire suppression measures are not taken. The activities  
7 include working with and storing flammable materials in  
8 areas that have little to no water on-site and that are  
9 subject to fire. The County is setting the fire standards  
10 it believes are appropriate, but there are also State  
11 standards set out in California Fire Code Chapter 28  
12 with respect to all log storage yards and incidental  
13 wood products stored there. Fire officials shall enforce  
14 the most stringent standards. Per California Public  
15 Resource Code, Section 4428, each site shall have a  
16 sealed box of tools that shall be located, within the  
17 operating area, at a point accessible in the event of  
18 fire. This fire toolbox shall contain: one backpack  
19 pump-type fire extinguisher filled with water, two axes,  
20 two McLeod fire tools, and a sufficient number of shovels  
21 so that each employee at the operation can be equipped  
22 to fight fire. In addition, one or more serviceable  
23 chainsaws of three and one-half or more horsepower with  
24 a cutting bar 20 inches in length or longer shall be  
25 immediately available within the operating area.

26 a. When a fire starts, a telephone call must be made

1 to 911 immediately to inform that there is a fire.  
2 The facility operator shall develop a plan for  
3 monitoring, controlling, and extinguishing fires.  
4 The plan shall be submitted with the application  
5 for the temporary administrative permit for review  
6 and approval by fire officials.

7 b. Smoking may only occur in designated locations  
8 shown on the site plan.

9 c. Log piles shall not exceed 20 feet in height, 300  
10 feet in width, and 500 feet in length. Log piles  
11 shall be stabilized by a means approved by the fire  
12 marshal.

13 d. Other piles made of incidental log related  
14 materials shall not exceed 20 feet in height, 150  
15 feet in width, and 250 feet in length.

16 e. All piles shall be separated from all other piles  
17 by 100 feet and shall include on-site roads,  
18 driveways, and aisles as discussed above.

19 f. All piles shall be monitored by a means approved by  
20 the fire marshal to measure temperatures. Internal  
21 pile temperatures shall be monitored and recorded  
22 weekly. A plan by the permittee for restricting and  
23 mitigating excessive temperatures shall be  
24 submitted with the application for the temporary  
25 administrative permit for review and approval by  
26 fire officials.

1 g. Regular inspections of the temporary log storage  
2 yard by trained fire personnel shall be allowed and  
3 facilitated by the facility operator.

4 h. Cutting activities shall comply with California  
5 Fire Code Chapter 35.

6 10. Butte County Public Health, Environmental Health  
7 Division Standards.

8 a. Depending on the activities performed on-site, the  
9 temporary log storage yard may be determined to be  
10 a solid waste facility. The facility operator must  
11 provide access to the facility and provide for  
12 review of the activities occurring at the facility  
13 to the Local Enforcement Agency, Butte County  
14 Environmental Health, to determine if there exists  
15 a requirement to register for a permit status as a  
16 solid waste facility in accordance with Title 14 of  
17 the California Code of Regulations.

18 b. For sanitation purposes there shall be a minimum of  
19 one portable toilet and one handwash station at the  
20 facility for employee use. The portable toilet  
21 shall be routinely serviced by a licensed service  
22 provider.

23 c. For water that is provided for human consumption,  
24 either from an on-site well or transported to the  
25 facility and held in a storage tank, the facility  
26 operator must meet the following requirements: if

1           there are 25 or more people/day consuming the  
2           water, the facility operator shall contact the  
3           Butte County Environmental Health Division for  
4           public water system permitting requirements and  
5           must operate in accordance with those requirements;  
6           if there are fewer than 25 people/day consuming the  
7           water, the facility shall have the water tested for  
8           and be in compliance with minimum bacteriological  
9           standards as required by the Butte County  
10          Environmental Health Division. If bottled water is  
11          provided, there are no requirements for testing.

12          d.    The storage of any hazardous material at or above  
13                State-defined thresholds shall require the approval  
14                of a Hazardous Material Business Plan by the  
15                Environmental Health Division of the Department of  
16                Public Health.

17    11.   Butte County Public Works Department Standards.

18          a.    Perimeter stormwater control - When the temporary  
19                log storage yard is prepared for operations or the  
20                soil is disturbed, improvements shall be designed  
21                and implemented such that water accumulating within  
22                the project will be carried away from the project  
23                without injury to any adjacent improvements,  
24                residential sites, or adjoining areas. The design  
25                shall be prepared by a Qualified Stormwater  
26                Developer who holds the certification required by

1 the CA Water Quality Control Board's Construction  
2 General Permit 2009-009-DWQ. All natural drainage  
3 that enters the project area must leave the project  
4 area at its original horizontal and vertical  
5 alignment and with the same pre-improvement  
6 quantity. Implementation of erosion control within  
7 the project area and sediment control basins at  
8 drainage outlets shall conform with California  
9 Stormwater Quality Association (CASQA) design  
10 criteria. Sites that meet EPA's criteria for a  
11 Rainfall Erosivity Waiver  
12 ([https://www.epa.gov/sites/production/files/2015-  
13 10/documents/fact3-1.pdf](https://www.epa.gov/sites/production/files/2015-10/documents/fact3-1.pdf)) or are fully stabilized  
14 with erosion control measures are not required to  
15 install sediment control basins.

- 16 b. Water quality and erosion control - When submitting  
17 an application for a temporary log storage yard,  
18 any surface disturbance over one acre in size shall  
19 require a Storm Water Pollution Prevention Plan  
20 (SWPPP) by a certified Qualified SWPPP Developer  
21 and the submittal of a Notice of Intent to obtain  
22 coverage under the General Permit for Discharges of  
23 Storm Water Associated with Construction Activity  
24 (Construction General Permit Order 2009-0009-DWQ as  
25 amended). If the area of disturbance is one acre or  
26 less, then along with an application for a

1 temporary log storage yard, an Erosion and Sediment  
2 Control Plan (ESCP) shall be developed by the  
3 facility operator, submitted for approval, and  
4 adhered to for erosion and sediment control. The  
5 ESCP shall contain a description detailing which  
6 Best Management Practices (BMP) will be used, how  
7 they will be used, and where they will be used in  
8 conformance with the California Stormwater Quality  
9 Association (CASQA) BMP Municipal Handbook. The  
10 ESCP shall contain a description of temporary and  
11 permanent measures and include ingress/egress  
12 control measures and street sweeping. Plans shall  
13 be prepared by a Qualified Stormwater Developer who  
14 holds the certification required by the CA Water  
15 Quality Control Board's Construction General Permit  
16 2009-009-DWQ. Upon completion of the project, all  
17 temporary sediment control measures shall be  
18 removed from the site. All permanent sediment  
19 control measures must be maintained by the parcel  
20 owner.

- 21 12. Air Quality and Dust Control. All best practice measures  
22 to reduce impacts to air quality shall be incorporated  
23 by the project applicant, subject property owners, or  
24 third-party contractors during activities on the project  
25 site. A plan shall be provided to the satisfaction of  
26 the Director of Development Services to address:

1 a. Mobile and stationary toxic air contaminants; and  
2 b. Fugitive dust and ash. Best practice measures shall  
3 comply with the Butte County Air Quality Management  
4 District's Rule 205 - *Fugitive Dust Requirements*  
5 and shall include, but not be limited to, the  
6 following:

7 1. Reduce the amount of the disturbed area where  
8 possible. Stabilize disturbed area soils  
9 during use and at project completion.

10 2. Apply water or a stabilizing agent in  
11 sufficient quantities to prevent the  
12 generation of visible dust plumes.

13 3. Limit vehicle speeds to 15 miles per hour on  
14 any unpaved surfaces at the project site.

15 4. Clean visible track-out onto adjacent paved  
16 roadways daily. Track-out shall not extend  
17 more than 25 feet in cumulative length from  
18 the active project site.

19 5. Post a sign in a prominent location visible to  
20 the public with the telephone numbers of the  
21 contractor and Air District for any questions  
22 or concerns about dust from the project.

23 13. Storage or Processing of Debris Prohibited. The storage  
24 or processing of debris from the Butte County Camp Fire  
25 Consolidated Debris Removal Program at any temporary log  
26 storage yard, including the storage of trucks or

1 equipment loaded with debris, is expressly prohibited.

2 14. Noise. Quiet hours shall be maintained from 7 pm to 7  
3 am seven days a week. During quiet hours, generators and  
4 heavy equipment shall not be operated and noise levels  
5 shall conform to Butte County Code Chapter 41 A, Noise  
6 Control. Outside of quiet hours, noise sources  
7 associated with temporary log storage yards shall be  
8 exempt from the requirements of Butte County Code  
9 Chapter 41A, Noise Control.

10 15. Outdoor Lighting. All outdoor lighting shall be  
11 located, adequately shielded, and directed such that no  
12 direct light falls outside the property line, or into  
13 the public right-of-way in accordance with the Butte  
14 County Zoning Ordinance, Article 14, Outdoor Lighting.

15 16. Reclamation Required. The application for a temporary  
16 administrative permit for a temporary log storage yard  
17 shall be accompanied by a detailed plan for the  
18 restoration or reclamation of the subject property to  
19 the satisfaction of the Director of Development  
20 Services. There shall be no grading of the site without  
21 the prior approval of the Director of Development  
22 Services, but if grading is allowed, topsoil shall be  
23 conserved to be used for reclamation. At minimum, a plan  
24 for restoration or reclamation shall include:

25 a. Clearance of the site of all vehicles, equipment  
26 and materials utilized as part of the temporary log

1 storage yard; and

2 b. Stabilization of the site, implementation of  
3 erosion control measures, and successful  
4 revegetation to the satisfaction of the Director of  
5 Development Services in order to render the site  
6 suitable for the use for which it was zoned, for  
7 example:

8 1. Continued agricultural production in the case  
9 of lands zoned Agriculture (AG).

10 17. Performance Guarantee. In approving a temporary  
11 administrative permit for a temporary log storage yard,  
12 the Director of Development Services shall require a  
13 performance guarantee as provided by Section 24-245 of  
14 the Butte County Code in the amount of \$2000.00 per acre  
15 of land disturbed in order to guarantee the proper  
16 completion of any approved work and to ensure that site  
17 reclamation is completed to the satisfaction of the  
18 Director of Development Services. Lands shall be  
19 restored or reclaimed to the satisfaction of the  
20 Director of Development Services prior to release of the  
21 performance guarantee.

22 18. Electricity and Electrical Equipment. If new electricity  
23 connections are brought to the site, a building permit  
24 is required. Electrical wiring and equipment shall  
25 comply with the California Electrical Code.

26 19. Additional Requirements. The temporary administrative

1 permit may be subject to additional requirements from  
2 Butte County Fire, Butte County Public Works, the Butte  
3 County Air Quality Management District, the California  
4 Department of Transportation, the Butte County Public  
5 Health Department, and the State Regional Water Quality  
6 Control Board.

7 E. Notice

8 At least ten (10) days prior to issuance of a temporary  
9 administrative permit, pursuant to this section, the Butte  
10 County Department of Development Services shall provide a  
11 mailed notice to property owners within 1,200 feet of the  
12 property line of the subject parcel(s). The notice shall  
13 include all applicable standards and limitations placed upon  
14 the temporary log storage yard, the Butte County  
15 administrative permit number, as well as the name, phone  
16 number and email of a designated contact for concerns  
17 regarding the yard's operation. The temporary administrative  
18 permit shall be issued without a formal hearing, unless one  
19 is requested by either the applicant or other affected  
20 persons. If a hearing is requested, it shall be scheduled  
21 for the next available Planning Commission meeting and the  
22 Planning Commission shall hear the request. The Planning  
23 Commission may impose conditions and requirements in addition  
24 to the standards set forth above, or may deny the  
25 administrative permit, to mitigate impacts to uses on  
26 surrounding properties. Unless otherwise appealed, the

1 decision of the Planning Commission shall be final.

2 F. Violations, Enforcement, and Penalties.

3 1. A temporary log storage yard that is operating in  
4 violation of this section poses a health and safety  
5 hazard and is found to be a public nuisance.

6 2. The Director of Development Services may initiate  
7 enforcement using any process set forth in the Butte  
8 County Code, including, but not limited to, Code  
9 Enforcement pursuant to Chapter 41 and Nuisance  
10 Abatement pursuant to Chapter 32A, and may seek the  
11 imposition of costs and civil penalties pursuant to the  
12 Butte County Code. Nothing in this provision is intended  
13 to prevent alternative enforcement mechanisms.

14 3. If the Chapter 41 Code Enforcement process is used, the  
15 penalties set forth in section 41-5 are increased  
16 because the health and safety hazards to the public are  
17 greater than in the general code enforcement context.  
18 The increased penalties are a fine of one thousand  
19 dollars (\$1,000.00) for the first conviction, a fine of  
20 three thousand dollars (\$3,000.00) for the second  
21 conviction within a twelve (12) month period, and a fine  
22 of five thousand dollars (\$5,000.00) for a third  
23 conviction, as well as all additional convictions,  
24 within a twelve (12) month period.

25 **ARTICLE III. EMERGENCY INTERIM HOUSING OUTSIDE THE CAMP FIRE AREA**

26 **Section 53-30. Purpose.**

1 This article is enacted for the purpose of temporarily modifying  
2 various Zoning Ordinance regulations and policies to allow the  
3 fastest possible transition of residents made homeless or  
4 displaced by the Camp Fire to interim and long-term shelter. The  
5 article relaxes certain standards in the Zoning Ordinance to allow  
6 for additional temporary housing opportunities outside of the  
7 boundaries of the Camp Fire to meet the urgent need for housing of  
8 displaced persons. This article does not address standards that  
9 will be required when displaced persons return to their properties  
10 within the boundaries of the Camp Fire. Those standards will be  
11 addressed in an article below.

12 **Section 53-31. Administration.**

13 This article shall be administered under the direction of the Board  
14 of Supervisors, by and through the Director and other departments  
15 specified herein.

16 **Section 53-32. Effective Period.**

17 A. The provisions in this article shall remain in effect until  
18 December 31, 2020, unless otherwise specified herein, subject  
19 to extension or modification by the Board of Supervisors.  
20 Unless extended or modified by the Board of Supervisors, this  
21 article shall expire on December 31, 2020, and be of no  
22 further force or effect.

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

1 **Section 53-33. Definitions.**

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

5 **Approved Mining Site.** The portion of a parcel or parcels of land  
6 with a valid mining permit, reclamation plan and financial  
7 assurance for surface mining operations, as required in Butte  
8 County Code Chapter 13, Article II, Surface Mining and Reclamation.

9 **Basecamp.** A site that includes some or all of the following  
10 features: equipment staging/storage; employee housing; commissary;  
11 laundry; and other services for the purpose of providing workforce  
12 housing for Camp Fire Recovery efforts or shelter of displaced  
13 persons.

14 **Cal OES.** The Governor's Office of Emergency Services.

15 **Camp Fire.** A 153,336-acre wildfire that started near the community  
16 of Pulga on November 8, 2018, destroying over 18,000 structures,  
17 which forced the evacuation of the Town of Paradise, Berry Creek,  
18 Butte Creek Canyon, Butte Valley, Centerville, Cherokee, Concow,  
19 Durham, Forest Ranch, Magalia, Pulga, Stirling City, and Yankee  
20 Hill, and other areas near the Cities of Chico and Oroville, and  
21 proclaimed by the Board of Supervisors under Resolution 18-169, as  
22 a local emergency, and also proclaimed by then Acting Governor  
23 Gavin Newsom as a state of emergency. CAL FIRE maintains a map  
24 showing the final boundaries of the Camp Fire, as of November 25,  
25 2018 at 100 percent containment.

26 **Director.** The Director of the Department of Development Services

1 or his or her authorized representative.

2 **Displaced Person(s).** A county resident or residents whose  
3 residential dwelling has been destroyed or damaged by the Camp  
4 Fire, such that the resident(s) cannot occupy the dwelling.  
5 Displaced person(s) may be required to provide verification to the  
6 county to substantiate their eligibility for uses, permits and/or  
7 approvals described in this article. Evidence may consist of  
8 verification by Federal Emergency Management Agency (FEMA)  
9 registration or damage assessment, and/or a driver's license or  
10 other government-issued identification card or utility bill, etc.  
11 with a physical address showing the resident resided on a legal  
12 parcel impacted by the Camp Fire, as determined by the county.  
13 Such determination may be made by the Director or other county  
14 personnel.

15 **Effective Date.** The date of the Board of Supervisors adoption of  
16 this article.

17 **FEMA.** The Federal Emergency Management Agency or successor agency.

18 **Mobile/manufactured home:** A housing structure transportable in one  
19 (1) or more sections, designed and equipped to be used with or  
20 without a foundation system, certified under the National  
21 Manufactured Housing Construction and Safety Standards Act of 1974  
22 (42 U.S.C. section 5401 et seq.). The County shall not grant a  
23 permit for the installation of a mobile/manufactured home if such  
24 mobile/manufactured home is older than ten (10) years of age. The  
25 age measurement period shall be from the year of manufacture of  
26 the home to the year of the permit application. Mobile/manufactured

1 home does not include recreational vehicle, park trailer, or  
2 commercial modular as defined in Division 13, Part 2, Chapter 1,  
3 of the Health and Safety Code.

4 **Movable Tiny House.** A movable tiny house is a structure utilized  
5 as living quarters by one household that is licensed by and  
6 registered with the California Department of Motor Vehicles, meets  
7 the American National Standards Institute (ANSI) 119.5 or ANSI  
8 119.2 (NFPA 1192) requirements and is certified by a qualified  
9 third party inspector for ANSI compliance, cannot move under its  
10 own power, is not longer than allowed by State law for movement on  
11 public highways, has a total floor area of not less than 150 square  
12 feet, and has no more than 430 square feet of habitable living  
13 space.

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

21 **Recreational Vehicle Park.** A commercial use providing space for  
22 the accommodation of more than two recreational vehicles for  
23 recreational or emergency housing for displaced persons, or for  
24 transient employee lodging and/or basecamp purposes.

25 **Temporary Dwelling.** A temporary dwelling that meets the water,  
26 sewage disposal, and electricity hook-up standards and includes a

1 recreational vehicle, mobile/manufactured home, or movable tiny  
2 house.

3 **Temporary Truck and Equipment Staging and Laydown Yard.** An  
4 approved area used for the storage of unladen trucks and equipment  
5 utilized to remove and haul away fire debris and hazardous  
6 materials, and the storage of materials used to facilitate the  
7 removal and hauling away of fire debris and hazardous materials,  
8 as part of the Butte County Camp Fire Consolidated Debris Removal  
9 Program. No fire debris or hazardous materials may be brought onto  
10 or stored on the yard. Truck and Equipment Staging and Laydown  
11 Yards may include associated truck and equipment repair,  
12 construction trailers, employee parking and portable bathroom  
13 facilities set up for use by the personnel assigned to the yard,  
14 but not residences other than for a temporary caretaker quarters.

15 **Transitory Period.** The period of time after the Camp Fire event  
16 during which recreational vehicles do not need to meet the water,  
17 sewage disposal, and electricity hook-up standards. The transitory  
18 period ends on July 31, 2020.

19 **Section 53-34. Residential Use of Recreational Vehicles and**  
20 **Temporary Dwellings.**

21 A. FEMA Temporary Housing Sites. Federal Emergency Management  
22 Agency (FEMA) temporary housing sites authorized under  
23 contract to FEMA are an allowed use in the MDR (Medium Density  
24 Residential), MHDR (Medium High Density Residential), HDR  
25 (High Density Residential), RBP (Research and Business Park),  
26 PD (Planned Development), P (Public), and Commercial and

1 Industrial zones; and, in AG (Agriculture) zones when an  
2 approved residential specific plan exists, and when said  
3 specific plan is identified under the Butte County General  
4 Plan, or in AG (Agriculture) zones located inside a city's  
5 approved Sphere of Influence that are classified as grazing  
6 or other lands as defined by the State Farmland Mapping and  
7 Monitoring Program and having a combined parcel size greater  
8 than 20 acres and subject to all additional requirements,  
9 such as the 300 foot agricultural buffer, flood zones, and  
10 airport land use compatibility zones. Each FEMA temporary  
11 housing site authorized under this article shall have been  
12 reviewed through the housing identification process and  
13 approved by the Director.

14 B. Transitory Use of Recreational Vehicles. Residential use and  
15 occupancy of up to two (2) recreational vehicles without  
16 water, sewage disposal, or electricity hook-ups on any lot  
17 that permits a residential use outside of the area affected  
18 by the Camp Fire shall be allowed for the transitory period.  
19 Use after the transitory period shall be subject to a  
20 temporary administrative permit, full hook-ups to water,  
21 sewage disposal, and electricity, and subject to the  
22 applicable standards set forth in Subsection E, Standards.

23 C. Temporary Dwellings with Utility Hook-ups. Residential use  
24 and occupancy of up to two (2) temporary dwellings utilizing  
25 hook-ups for water, sewage disposal, and electricity shall be  
26 allowed during the Effective Period of this article subject

1 to a temporary administrative permit, and subject to the  
2 applicable requirements set forth in Subsection E, Standards.

3 D. Temporary Recreational Vehicle Parks. The establishment of  
4 temporary recreational vehicle parks without requiring hook-  
5 ups to water, sewage disposal, and electricity in Commercial,  
6 Industrial, FR (Foothill Residential), RR (Rural  
7 Residential), within the City of Chico Sphere of Influence  
8 VLDCR (Very Low Density Country Residential), PD (Planned  
9 Development), P (Public), and RBP (Research and Business  
10 Park) zoning districts, and in parking lots of religious and  
11 community facilities, and in AG (Agriculture) zones when an  
12 approved residential specific plan exists, and when said  
13 specific plan is identified under the Butte County General  
14 Plan, or in AG (Agriculture) zones located inside a city's  
15 approved Sphere of Influence that are classified as grazing  
16 or other lands as defined by the State Farmland Mapping and  
17 Monitoring Program and having a combined parcel size greater  
18 than 20 acres and subject to all additional requirements,  
19 such as the 300 foot agricultural buffer, flood zones, and  
20 airport land use compatibility zones shall be allowed for the  
21 transitory period. Temporary Recreational Vehicle Parks that  
22 are served with water, sewage disposal, and electricity hook-  
23 ups may continue for the Effective Period of this article.  
24 Basecamp features may be located in the same zones as  
25 Temporary Recreational Vehicle Parks, except for the FR  
26 (Foothill Residential), RR (Rural Residential), and within

1 the City of Chico Sphere of Influence VLDCR (Very Low Density  
2 Country Residential) zones. Temporary Recreational Vehicle  
3 Parks and basecamp features are subject to a temporary  
4 administrative permit and subject to the applicable  
5 requirements set forth under Subsection E, Standards.

6 E. Standards. After the transitory period, all residential uses  
7 of recreational vehicles shall meet the following standards.  
8 Use of temporary dwellings shall at all times meet the  
9 following standards.

10 1. Recreational vehicles and temporary dwellings shall have  
11 full hook-ups to water, sewage disposal, and  
12 electricity.

13 2. The property owner or the property owner's authorized  
14 agent shall obtain a temporary administrative permit for  
15 the Effective Period of this article. Written consent  
16 of the property owner is required in all cases.

17 3. Use of temporary dwellings is contingent on proof of a  
18 damaged or destroyed residence as verified by the  
19 Director based on prior final building permit or  
20 Assessor's records, or other documentation satisfactory  
21 to the Director.

22 4. The residential use of recreational vehicles and  
23 temporary dwellings is limited to vehicles and dwellings  
24 not on a permanent foundation and used to house displaced  
25 persons during the Effective Period set forth in Section  
26 53-32 above.

1           5.    The residential use of recreational vehicles and  
2           temporary dwellings shall be located outside of required  
3           setbacks established in Chapter 24 of the Butte County  
4           Code, unless the applicant can establish to the  
5           satisfaction of the Director that there is no other  
6           available location outside of the setback area.

7           6.    The residential use of recreational vehicles and  
8           temporary dwellings shall be located outside of the  
9           boundaries of any recorded easements.

10          7.    The recreational vehicle, basecamp feature, or temporary  
11          dwelling shall be connected to an approved source of  
12          water meeting one of the following criteria:

13           a.    Public water supply;

14           b.    Existing well provided that it has been approved by  
15           the Department of Public Health, Environmental  
16           Health Division as safe for domestic consumption;  
17           or,

18           c.    Other water source as approved by the Department of  
19           Public Health, Environmental Health Division.

20          8.    The recreational vehicle, basecamp feature, or temporary  
21          dwelling shall be connected to an approved sewage  
22          disposal system meeting one of the following criteria:

23           a.    Public sewer system;

24           b.    Existing on-site sewage disposal system that has  
25           been approved by the Department of Public Health,  
26           Environmental Health Division to be intact,

1           adequately sized, and functioning following the  
2           disaster;

3           c.   Temporary holding tank with a contract with a  
4           pumping company for regular pumping. A copy of the  
5           contract shall be provided to the Department of  
6           Public Health, Environmental Health Division; or

7           d.   Other method of sewage disposal approved by the  
8           Department of Public Health, Environmental Health  
9           Division.

10          9.   The recreational vehicle, basecamp feature, or temporary  
11          dwelling shall be connected to an approved source of  
12          electricity meeting one of the following criteria:

13           a.   Permitted electrical service hook-up; or

14           b.   Other power source approved by the Director.

15          10. The following additional standards apply to Temporary  
16          Recreational Vehicle Parks and basecamp features:

17           a. Except for AG (Agriculture) zoned parcels which shall  
18           be a minimum total of twenty (20) acres and FR  
19           (Foothill Residential), RR (Rural Residential), and  
20           within the City of Chico Sphere of Influence VLDCR  
21           (Very Low Density Country Residential) zoned parcels  
22           which shall be a minimum total of five (5) acres as  
23           discussed in subsection (E)(11) below, parcels shall  
24           be a minimum of two (2) acres in size.

25           b. All areas occupied by recreational vehicles and/or  
26           basecamp features and access aisles, driveways, and

1 roads shall have an all-weather surface capable of  
2 supporting a 40,000 lb. load that will allow for  
3 ingress and egress of fire apparatus to within 150  
4 feet of all units and a vertical clearance of no less  
5 than 15 feet.

6 c. Driveways and aisles shall have a minimum width of 25  
7 feet.

8 d. A County Encroachment permit must be obtained for all  
9 new and existing driveway approaches to publicly  
10 maintained roads as specified in the County  
11 Improvement Standards.

12 e. The temporary administrative permit may be subject to  
13 additional requirements from Butte County Fire, Butte  
14 County Public Works, the State Housing and Community  
15 Development Department, and the State Regional Water  
16 Quality Control Board.

17 11. The following additional standards apply to Temporary  
18 Recreational Vehicle Parks and basecamp features in the  
19 FR (Foothill Residential), RR (Rural Residential), and  
20 within the City of Chico Sphere of Influence VLDCR (Very  
21 Low Density Country Residential) zones.

22 a. Basecamps are not permitted.

23 b. Parcels shall be a minimum of five (5) acres in size.

24 c. No more than two (2) recreational vehicles shall be  
25 allowed per acre.  
26

1 d. There shall be a 25-foot setback from all property  
2 lines for all recreational vehicles and related  
3 improvements.

4 e. Quiet hours shall be maintained from 10 pm to 7 am,  
5 during which generators shall not be operated and  
6 noise levels shall conform to Butte County Code  
7 Chapter 41 A, Noise Control.

8 f. All outdoor lighting shall be located, adequately  
9 shielded, and directed such that no direct light falls  
10 outside the property line, or into the public right-  
11 of-way in accordance with the Butte County Zoning  
12 Ordinance, Article 14, Outdoor Lighting.

13 g. One (1) on-site parking space shall be provided per  
14 recreational vehicle.

15 12. Each temporary administrative permit application for a  
16 Temporary Recreational Vehicle Park and basecamp  
17 feature shall be accompanied by a detailed plan for  
18 the restoration or reclamation of the subject property  
19 to the satisfaction of the Director. At minimum, a  
20 plan for restoration or reclamation shall include  
21 clearance of the site of all recreational vehicles and  
22 related structures and removal of all-weather surfaces  
23 and utilities constructed for said park unless there  
24 is a separate application under the Zoning Ordinance  
25 to permit the improvements.

26 Lands upon which Temporary Recreational Vehicle Parks

1 and basecamp features in AG (Agriculture) zones are  
2 located shall be restored to their prior agricultural  
3 use or other agricultural use as approved by the Director  
4 prior to the expiration of this ordinance. A  
5 performance guarantee as provided by Section 24-245 of  
6 Butte County Code in the amount of \$1,000.00 per acre of  
7 land disturbed by the Temporary Recreational Vehicle  
8 Park and basecamp feature shall be paid prior to site  
9 disturbance activities to ensure that site restoration  
10 and reclamation is completed to the satisfaction of the  
11 Director. Lands shall be reclaimed to the satisfaction  
12 of the Director prior to release of the performance  
13 guarantee.

14 **Section 53-35. Use of accessory residential structures for**  
15 **temporary habitation.**

16 For the Effective Period of this article, accessory residential  
17 structures, which meet Residential Group R occupancies as  
18 established by the California Residential Code adopted by Butte  
19 County, may be used as interim housing for persons displaced by  
20 the Camp Fire. During this period, said use shall not be subject  
21 to the provisions of existing deed restrictions required by Butte  
22 County, but shall remain subject to all other existing regulations  
23 and limitations.

24 **Section 53-36. Use of Accommodations, Farmstays, Bed and Breakfast**  
25 **Inns, Resorts, Retreats, Camps or other similar uses.**

26 Notwithstanding any contrary provision in the Butte County Code or

1 any use permit conditions, use of existing promotional or marketing  
2 accommodations, farmstays, bed and breakfast inns, resorts,  
3 retreats, camps or other similar visitor serving uses shall be  
4 allowed as interim housing for persons displaced by the Camp Fire.

5 **Section 53-37. Waiver of County Use Permit Requirement for**  
6 **Relocation of Damaged Child Care and Educational Facilities.**

7 Notwithstanding any contrary provision in the Butte County Code,  
8 any existing small or large child day care facility or child care  
9 center, elementary school, junior high school, high school or  
10 institution of higher education that was housed in premises made  
11 uninhabitable by the Camp Fire may be temporarily relocated to  
12 existing buildings in the LI (Limited Industrial), RBP (Research  
13 and Business Park), PD (Planned Development), PB (Public), GC  
14 (General Commercial), NC (Neighborhood Commercial), CC (Community  
15 Commercial), REC (Recreation Commercial), SE (Sports and  
16 Entertainment), and MU (Mixed-Use) zones, or to any site within an  
17 existing religious facility, subject to a temporary administrative  
18 permit and any existing applicable standards, and subject to a  
19 building permit if any renovations are required. Nothing in this  
20 article waives or affects any State law requirements applicable to  
21 such facilities.

22 **Section 53-38. Removal and disconnection.**

23 Every temporary dwelling allowed by this article shall be  
24 disconnected from water, sewage disposal, and/or electricity hook-  
25 ups and removed from the property on which it is located no later  
26 than the expiration date of this article or within 30 days of a

1 final inspection or the issuance of a certificate of occupancy for  
2 a replacement dwelling, whichever is earliest.

3 **Section 53-39. Temporary Truck and Equipment Staging and Laydown**  
4 **Yards.**

5 Temporary truck and equipment staging and laydown yards  
6 coordinated through Cal OES are allowed subject to approval of a  
7 temporary administrative permit and compliance with the  
8 standards set forth below in the following areas:

- 9 1. On an approved mining site when the Director determines  
10 the yard will not interfere with the mining site's  
11 reclamation and approved end use.
- 12 2. On the 11.98-acre parcel located at 2903 Neal Road,  
13 Paradise (APN 055-350-044) that was previously the  
14 location of a logging truck repair and storage facility  
15 permitted by Use Permit No. UP 84-26.

16 Each Cal OES temporary truck and equipment staging and laydown  
17 yard authorized under this article shall be coordinated through  
18 the Cal OES Operations Director or his or her designee, and  
19 approved by the Director, prior to the issuance of a temporary  
20 administrative permit.

21 A. Standards. All Temporary Truck and Equipment Staging and  
22 Laydown Yards shall meet the following standards:

- 23 1. Application for Temporary Administrative Permit. The  
24 property owner or the property owner's authorized agent  
25 shall obtain a temporary administrative permit for the  
26 Effective Period of this article. Written consent of the

1 property owner is required in all cases.

2 2. Site Plan Required. A detailed site plan meeting  
3 general architectural or engineering standards, legible  
4 and drawn to scale shall be provided with the  
5 application for a temporary administrative permit.  
6 Partial site plans for a portion of a property may be  
7 submitted as long as a vicinity map for the entire  
8 property showing frontage streets, other uses and a  
9 cross reference of the area of the partial site plan is  
10 provided. All site plans shall show and label contours  
11 at maximum vertical intervals of five feet; areas of  
12 proposed grading and fill; the width of access roads to  
13 and around parking and laydown areas and buildings; and  
14 turnaround areas for fire and emergency services.

15 3. Siting Criteria. To the extent practicable, temporary  
16 truck and equipment staging and laydown yards shall be  
17 located on flat areas of the site that are already  
18 disturbed. Yards located on approved mining sites  
19 shall be located within the boundaries of that portion  
20 of the parcel or parcels of land with a valid mining  
21 permit, reclamation plan and financial assurance for  
22 surface mining operations that have not already been  
23 reclaimed

24 4. Approved Access. Temporary truck and equipment  
25 staging and laydown yards shall have access onto a  
26 public road. If the public road is a County road, the

1 approach shall be made with an encroachment permit  
2 approved by the Department of Public Works. If the  
3 public road is a State highway, the approach shall be  
4 made with an approved encroachment permit issued by  
5 the California Department of Transportation (CalTrans)  
6 District 3 Office. If the public road is accessed by a  
7 private road, there shall be an approved road  
8 maintenance agreement that allows for the proposed use  
9 along the private road.

10 5. On-site Roads, Driveways and Aisles. Driveways and  
11 access aisles shall have a minimum width of 25 feet.  
12 Roads, access aisles and driveways shall have an all-  
13 weather surface capable of supporting a 40,000 lb.  
14 load that will allow for ingress and egress of fire  
15 apparatus to within 150 feet of all units and a  
16 vertical clearance of no less than 15 feet.

17 6. Air Quality and Dust Control. All best practice  
18 measures to reduce impacts to air quality shall be  
19 incorporated by the project applicant, subject  
20 property owners, or third-party contractors during  
21 activities on the project site. A plan shall be  
22 provided to the satisfaction of the Director to  
23 address:

24 a. Diesel particulate matter from construction  
25 equipment and commercial on-road vehicles greater  
26 than 10,000 pounds;

- b. Mobile and stationary toxic air contaminants; and
- c. Fugitive dust and ash.

7. Water Quality. Any surface disturbance over one-acre in size shall require a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer and the submittal of a Notice of Intent to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ as amended).

8. Storage or Processing of Debris Prohibited. The storage or processing of debris from the Butte County Camp Fire Consolidated Debris Removal Program at any temporary truck and equipment staging and laydown yard, including the storage of trucks or equipment loaded with debris, is expressly prohibited.

9. Hazardous Material Business Plan Required. The storage of any hazardous material at or above State-defined thresholds shall require the approval by the Environmental Health Division of the Department of Public Health of a Hazardous Material Business Plan.

10. Outdoor Lighting. All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way in accordance with the Butte County Zoning Ordinance, Article 14, Outdoor

1           Lighting.

2           11. Reclamation Required. The application for a  
3           temporary administrative permit for a temporary truck  
4           and equipment staging and laydown yard shall be  
5           accompanied by a detailed plan for the restoration or  
6           reclamation of the subject property to the  
7           satisfaction of the Director. At minimum, a plan for  
8           restoration or reclamation shall include:

9           a. Clearance of the site of all vehicles, equipment  
10           and materials utilized as part of the temporary  
11           truck and equipment staging and laydown yard; and

12           b. Stabilization of the site, implementation of  
13           erosion control measures, and successful  
14           revegetation to the satisfaction of the Director  
15           in order to render the site suitable for either:

16           i. Continued use as an approved mine site  
17           consistent with the approved mining permit,  
18           reclamation plan and financial assurance for  
19           surface mining operations; or

20           ii. If the site is not an approved mine site, a  
21           permitted or conditionally permitted use for  
22           the zone in which it is located.

23           12. Performance Guarantee. In approving a temporary  
24           administrative permit for a temporary truck and  
25           equipment staging and laydown yard, the Director shall  
26           require a performance guarantee as provided by Section

1 24-245 of the Butte County Code in the amount of  
2 \$1,000.00 per acre of land disturbed in order to  
3 guarantee the proper completion of any approved work  
4 and to ensure that site reclamation is completed to  
5 the satisfaction of the Director. Lands shall be  
6 restored or reclaimed to the satisfaction of the  
7 Director prior to release of the performance  
8 guarantee.

9 13. Additional Requirements. The temporary  
10 administrative permit may be subject to additional  
11 requirements from Butte County Fire, Butte County  
12 Public Works, the Butte County Air Quality Management  
13 District, the California Department of Transportation,  
14 and the State Regional Water Quality Control Board.

15 B. Notice

16 Upon issuance of a temporary administrative permit,  
17 pursuant to this section, the Butte County Department of  
18 Development Services shall provide a mailed notice to  
19 property owners within 300 feet of the subject parcel. The  
20 notice shall include all applicable standards and  
21 limitations placed upon the temporary truck and equipment  
22 staging and laydown yard, the Butte County administrative  
23 permit number, as well as the name, phone number and email  
24 of a designated contact for concerns regarding the yard's  
25 operation.

26 **ARTICLE IV. EMERGENCY INTERIM HOUSING INSIDE THE CAMP FIRE AREA**

1 **Section 53-50. Purpose.**

2 13,696 homes were destroyed by the Camp Fire in Paradise and  
3 surrounding unincorporated areas. This disaster has created a need  
4 for housing on a scale that cannot be accommodated through the  
5 existing available housing in Butte County. To meet the immediate  
6 need for housing, Butte County relaxed some building and zoning  
7 regulations in a prior article to allow for additional temporary  
8 housing outside of the Camp Fire affected area. However, this  
9 additional temporary housing may not be sufficient to meet the  
10 large and immediate need. This article relaxes some building and  
11 zoning regulations to allow for additional temporary housing  
12 inside of the Camp Fire affected area. While public safety hazards  
13 are being mitigated, persons moving back to the area do so at their  
14 own risk and should make themselves aware of potential public  
15 safety hazards, including but not limited to falling trees or  
16 telephone poles adjacent to the roadways and potable water issues.  
17 The article allows persons to place temporary housing on an  
18 Eligible Property. The purpose of this article is to develop  
19 reasonable standards that allow persons to move back into the Camp  
20 Fire affected area while a massive debris removal program is  
21 implemented and, at the same time, provide interim shelter for  
22 Butte County residents on private property during this housing  
23 crisis.

24 **Section 53-51. Administration.**

25 This article shall be administered under the direction of the Board  
26 of Supervisors, by and through the Director and other departments

1 specified herein.

2 **Section 53-52. Effective Period.**

3       A.    The provisions in this article shall remain in effect  
4            until December 31, 2020, unless otherwise specified  
5            herein, subject to extension or modification by the  
6            Board of Supervisors. Unless extended or modified by  
7            the Board of Supervisors, this article shall expire on  
8            December 31, 2020, and be of no further force or effect.

9       B.    Except as otherwise provided herein, no residential  
10            recreational vehicle use or interim housing authorized  
11            pursuant to this article shall be used for permanent  
12            housing after the expiration date of this article.

13 **Section 53-53. Definitions.**

14 Except where the context clearly indicates otherwise, the  
15 following definitions shall govern the construction of the words  
16 and phrases used in the article:

17 **Approved Mining Site.** The portion of a parcel or parcels of land  
18 with a valid mining permit, reclamation plan and financial  
19 assurance for surface mining operations, as required in Butte  
20 County Code Chapter 13, Article II, Surface Mining and Reclamation.

21 **Basecamp.** A site that includes some or all of the following  
22 features: equipment staging/storage; employee housing; commissary;  
23 laundry; and other services for the purpose of providing workforce  
24 housing for Camp Fire Recovery efforts or shelter of displaced  
25 persons.

26 **Cal OES.** The Governor's Office of Emergency Services.

1 **Camp Fire.** A 153,336-acre wildfire that started near the community  
2 of Pulga on November 8, 2018, destroying over 18,000 structures,  
3 which forced the evacuation of the Town of Paradise, Berry Creek,  
4 Butte Creek Canyon, Butte Valley, Centerville, Cherokee, Concow,  
5 Durham, Forest Ranch, Magalia, Pulga, Stirling City, and Yankee  
6 Hill, and other areas near the Cities of Chico and Oroville, and  
7 proclaimed by the Board of Supervisors under Resolution 18-169, as  
8 a local emergency, and also proclaimed by then Acting Governor  
9 Gavin Newsom as a state of emergency. CAL FIRE maintains a map  
10 showing the final boundaries of the Camp Fire and the Camp Fire  
11 affected area, as of November 25, 2018 at 100 percent containment.

12 **Cargo Storage Container.** A single metal box made of steel or other  
13 similar material, or a shed, which is designed for securing and  
14 protecting items for temporary storage, not exceeding three  
15 hundred twenty (320) square feet in size, without utilities, and  
16 not used for human habitation.

17 **Director.** The Director of the Department of Development Services  
18 or his or her authorized representative.

19 **Displaced Person(s).** A county resident or residents whose  
20 residential dwelling has been destroyed or damaged by the Camp  
21 Fire, such that the resident(s) cannot occupy the dwelling.  
22 Displaced person(s) may be required to provide verification to the  
23 county to substantiate their eligibility for uses, permits and/or  
24 approvals described in this article. Evidence may consist of  
25 verification by Federal Emergency Management Agency (FEMA)  
26 registration or damage assessment, and/or a driver's license or

1 other government-issued identification card or utility bill, etc.  
2 with a physical address showing the resident resided on a property  
3 impacted by the Camp Fire, as determined by the county. Such  
4 determination may be made by the Director or other county  
5 personnel.

6 **Effective Date.** The date of the Board of Supervisors adoption of  
7 this article.

8 **Eligible Property.** A property that does not contain fire debris  
9 and hazardous materials from a qualifying structure that was  
10 damaged or destroyed by the Camp Fire. Eligible Property shall  
11 include (1) parcels with no resulting damage or fire debris from  
12 the Camp Fire, (2) parcels with fire debris from a structure that  
13 was not a qualifying structure that was damaged or destroyed by  
14 the Camp Fire and (3) parcels with fire debris or hazardous  
15 materials from a qualifying structure that was damaged or destroyed  
16 by the Camp Fire, only upon the issuance of a certificate that the  
17 parcel has been cleaned pursuant to Phase II requirements by the  
18 Department of Public Health, Environmental Health Division.  
19 Temporary housing pursuant to this article shall be permitted as  
20 reflected in the table below:

21 A.

	<b>Property not damaged by Camp Fire</b>	<b>Property with a non-qualifying structure damaged or destroyed by Camp Fire</b>	<b>Property with a qualifying structure damaged or destroyed by Camp Fire</b>
--	--------------------------------------------------	---------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------

<p>1 Prior to 2 completion of 3 Phase II cleanup</p>	<p>Temporary housing allowed*</p>	<p>Temporary housing allowed*</p>	<p>Temporary housing prohibited</p>
<p>4 Following 5 completion of 6 Phase II cleanup 7 (property 8 certified clean 9 by the Department 10 of Public Health, 11 Environmental 12 Health Division)</p>	<p>Temporary housing allowed*</p>	<p>Temporary housing allowed*</p>	<p>Temporary housing allowed*</p>

13 \*such housing shall meet all other applicable requirements in this article

14 **FEMA.** The Federal Emergency Management Agency or successor agency.  
15 **Fire Debris and Hazardous Materials.** Debris, ash, metals, and  
16 completely or partially incinerated substances from structures  
17 that are located on properties that qualify under the CalOES Debris  
18 Removal Program or the County's Alternative Debris Removal  
19 Program.

20 **Mobile/manufactured home:** A housing structure transportable in one  
21 (1) or more sections, designed and equipped to be used with or  
22 without a foundation system, certified under the National  
23 Manufactured Housing Construction and Safety Standards Act of 1974  
24 (42 U.S.C. section 5401 et seq.). The County shall not grant a  
25 permit for the installation of a mobile/manufactured home if such  
26 mobile/manufactured home is older than ten (10) years of age. The

1 age measurement period shall be from the year of manufacture of  
2 the home to the year of the permit application. Mobile/manufactured  
3 home does not include recreational vehicle, park trailer, or  
4 commercial modular as defined in Division 13, Part 2, Chapter 1,  
5 of the Health and Safety Code.

6 **Movable Tiny House.** A movable tiny house is a structure utilized  
7 as living quarters by one household that is licensed by and  
8 registered with the California Department of Motor Vehicles, meets  
9 the American National Standards Institute (ANSI) 119.5 or ANSI  
10 119.2 (NFPA 1192) requirements and is certified by a qualified  
11 third party inspector for ANSI compliance, cannot move under its  
12 own power, is not longer than allowed by State law for movement on  
13 public highways, has a total floor area of not less than 150 square  
14 feet, and has no more than 430 square feet of habitable living  
15 space.

16 **Phase I.** The term "Phase I" shall mean the hazardous waste cleanup  
17 performed by the United States Environmental Protection Agency  
18 and/or Department of Toxic Substances Control on certain  
19 properties impacted by the Camp Fire.

20 **Phase II.** The term "Phase II" shall mean the ash and debris cleanup  
21 work performed pursuant to the OES Program and/or the Alternative  
22 Program.

23 **Qualifying Structure.** The term "qualifying structure" shall mean  
24 a structure of 120 square feet and over.

25 **Recreational Vehicle.** A motor home, travel trailer, truck camper  
26 or camping trailer that is: (1) self-contained with potable water

1 and sewage tanks and designed for human habitation for recreational  
2 or emergency occupancy; (2) self-propelled, truck-mounted, or  
3 permanently towable on California roadways; and (3) a California  
4 Department of Motor Vehicles licensed vehicle, or a similar vehicle  
5 or structure as determined by the Director.

6 **Recreational Vehicle Park.** A commercial use providing space for  
7 the accommodation of more than two recreational vehicles for  
8 recreational or emergency housing for displaced persons, or for  
9 transient employee lodging and/or basecamp\_purposes.

10 **Temporary Dwelling.** A temporary dwelling that meets the water,  
11 sewage disposal, and electricity hook-up standards and includes a  
12 recreational vehicle, mobile/manufactured home, or movable tiny  
13 house.

14 **Temporary Truck and Equipment Staging and Laydown Yard.** An  
15 approved area used for the storage of unladen trucks and equipment  
16 utilized to remove and haul away fire debris and hazardous  
17 materials, and the storage of materials used to facilitate the  
18 removal and hauling away of fire debris and hazardous materials,  
19 as part of the Butte County Camp Fire Consolidated Debris Removal  
20 Program. No fire debris or hazardous materials may be brought onto  
21 or stored on the yard. Truck and Equipment Staging and Laydown  
22 Yards may include associated truck and equipment repair,  
23 construction trailers, employee parking and portable bathroom  
24 facilities set up for use by the personnel assigned to the yard,  
25 but not residences other than for a temporary caretaker quarters.

26 **Transitory Period.** The period of time after the Camp Fire event

1 during which recreational vehicles do not need to meet the water,  
2 sewage disposal, and electricity hook-up standards. The transitory  
3 period ends on July 31, 2020.

4 **Section 53-54. Transitory Use of Recreational Vehicles.**

5 Residential use and occupancy of up to two (2) recreational  
6 vehicles on any Eligible Property that permits a residential use  
7 shall be allowed for the transitory period subject to the  
8 applicable requirements set forth under Section 53-57, Standards.  
9 Use after the transitory period shall require compliance with  
10 Section 53-57, Standards, a temporary administrative permit, and  
11 full hook-ups to water, sewage disposal, and electricity.

12 **Section 53-55. Temporary Dwellings with Utility Hook-ups.**

13 Residential use and occupancy of up to two (2) temporary dwellings  
14 utilizing hook-ups for water, sewage disposal, and electricity on  
15 an Eligible Property shall be allowed during the effective period  
16 of this article subject to a temporary administrative permit, and  
17 subject to the applicable requirements set forth in Section 53-  
18 57, Standards.

19 **Section 53-56. Use of Cargo Storage Containers.**

20 The use of cargo storage containers during the term of this article  
21 shall be allowed, subject to the applicable requirements set forth  
22 under Section 53-57, Standards.

23 **Section 53-57. Standards.**

24 After the transitory period, all residential use of recreational  
25 vehicles, and, at all times, all residential use of temporary  
26 dwellings and storage use of cargo storage containers shall meet

1 the following standards.

2 A. At all times, the property owner or the property owner's  
3 authorized agent shall obtain all county permits for all  
4 temporary dwellings that are hooked-up to utilities.  
5 Written consent of the property owner is required in all  
6 cases.

7 B. At all times, residential use of recreational vehicles and  
8 temporary dwellings is limited to vehicles and dwellings  
9 not on a permanent foundation and used to house persons  
10 displaced by the Camp Fire during the Effective Period set  
11 forth in Section 53-52.

12 C. Use of temporary dwellings is contingent on proof of a  
13 damaged or destroyed residence as verified by the Director  
14 based on prior final building permit or Assessor's records,  
15 or other documentation satisfactory to the Director.

16 D. At all times, recreational vehicles, temporary dwellings,  
17 and cargo storage containers shall be located outside the  
18 boundaries of any setbacks established by Chapter 24,  
19 unless the applicant can establish to the satisfaction of  
20 the Director that there is no other available location  
21 outside of the setback area, as well as located outside of  
22 recorded easements, roads, driveways, designated flood  
23 hazard locations, or areas prone to landslide or debris  
24 flow.

25 E. At all times, use of a cargo storage container shall be  
26 for storage of personal and household belongings only.

1 F. For water hook-ups, the recreational vehicle, basecamp  
2 feature, or temporary dwelling shall be connected to an  
3 approved source of water meeting one of the following  
4 criteria:

- 5 1. Public water supply;
- 6 2. Existing well provided that it has been approved by  
7 the Department of Public Health, Environmental  
8 Health Division as safe for domestic consumption;  
9 or
- 10 3. Other water source approved by the Department of  
11 Public Health, Environmental Health Division.

12 G. For sewage disposal hook-ups, the recreational vehicle,  
13 basecamp feature, or temporary dwelling shall be  
14 connected to an approved sewage disposal system meeting  
15 one of the following criteria:

- 16 1. Public sewer system;
- 17 2. A new or existing on-site sewage disposal system  
18 that has been approved by the Department of Public  
19 Health, Environmental Health Director to be intact,  
20 adequately sized, and functioning correctly;
- 21 3. Temporary holding tank with a contract with a  
22 pumping company for regular pumping. A copy of the  
23 contract shall be provided to the Department of  
24 Public Health, Environmental Health Division; or
- 25 4. Other method of sewage disposal approved by the  
26 Department of Public Health, Environmental Health

1 Division.

2 H. For electricity hook-ups, the recreational vehicle,  
3 basecamp feature, or temporary dwelling shall be  
4 connected to an approved source of electricity meeting  
5 one of the following criteria:

- 6 1. Permitted electrical service hook-up; or
- 7 2. Other power source approved by the Director.

8 **Section 53-58. FEMA Temporary Housing Sites.**

9 Federal Emergency Management Agency (FEMA) temporary housing sites  
10 authorized under contract to FEMA are an allowed use in the MDR  
11 (Medium Density Residential), MHDR (Medium High Density  
12 Residential), HDR (High Density Residential), RBP (Research and  
13 Business Park), PD (Planned Development), P (Public), and  
14 Commercial and Industrial zones; and, in AG (Agriculture) zones  
15 when an approved residential specific plan exists, and when said  
16 specific plan is identified under the Butte County General Plan,  
17 or in AG (Agriculture) zones located inside a city's approved  
18 Sphere of Influence that are classified as grazing or other lands  
19 as defined by the State Farmland Mapping and Monitoring Program  
20 and having a combined parcel size greater than 20 acres and subject  
21 to all additional requirements, such as the 300 foot agricultural  
22 buffer, flood zones, and airport land use compatibility zones.  
23 Each FEMA temporary housing site authorized under this article  
24 shall have been reviewed through the housing identification  
25 process and approved by the Director.

26 **Section 53-59. Temporary Recreational Vehicle Parks.**

1 The establishment of Temporary Recreational Vehicle Parks without  
2 requiring hook-ups to water, sewage disposal, and electricity on  
3 an Eligible Property in Commercial, Industrial, FR (Foothill  
4 Residential), RR (Rural Residential), PD (Planned Development), P  
5 (Public), and RBP (Research and Business Park) zoning districts,  
6 and in the parking lots of religious and community facilities, and  
7 in AG (Agriculture) zones when an approved residential specific  
8 plan exists, and when said specific plan is identified under the  
9 Butte County General Plan, or in AG (Agriculture) zones located  
10 inside a city's approved Sphere of Influence that are classified  
11 as grazing or other lands as defined by the State Farmland Mapping  
12 and Monitoring Program and having a combined parcel size greater  
13 than 20 acres and subject to all additional requirements, such as  
14 the 300 foot agricultural buffer, flood zones, and airport land  
15 use compatibility zones shall be allowed for the transitory period.  
16 Temporary Recreational Vehicle Parks that are served with water,  
17 sewage disposal, and electricity hook-ups may continue for the  
18 Effective Period set forth in Section 53-52. Basecamp features may  
19 be located in the same zones as Temporary Recreational Vehicle  
20 Parks, except for the FR (Foothill Residential) and RR (Rural  
21 Residential) zones. Temporary Recreational Vehicle Parks and  
22 basecamp features are subject to a temporary administrative permit  
23 and subject to the applicable requirements set forth under Section  
24 53-57, Standards, as well as the following standards:

- 25       A.    Minimum Parcel Size. Except for AG (Agriculture) zoned  
26            parcels which shall be a minimum total of twenty (20)

1            acres, the minimum parcel size for eligibility to locate  
2            a Temporary Recreational Vehicle Park or basecamp  
3            feature is two (2) acres.

4            B. All areas occupied by recreational vehicles and/or  
5            basecamp features and access aisles, driveways, and  
6            roads shall have an all-weather surface capable of  
7            supporting a 40,000 lb. load that will allow for ingress  
8            and egress of fire apparatus to within 150 feet of all  
9            units and a vertical clearance of no less than 15 feet.

10           C. Driveways and aisles shall have a minimum width of 25  
11           feet.

12           D. A County Encroachment permit must be obtained for all  
13           new and existing driveway approaches to publicly  
14           maintained roads as specified in the County Improvement  
15           Standards.

16           E. The temporary administrative permit may be subject to  
17           additional requirements from Butte County Fire, Butte  
18           County Public Works, the State Department of Housing and  
19           Community Development, and the State Regional Water  
20           Quality Control Board.

21           F. The following additional standards apply to Temporary  
22           Recreational Vehicle Parks and basecamp features in the  
23           FR (Foothill Residential) and RR (Rural Residential)  
24           zones.

25           a. Basecamps are not permitted.

26           b. Parcels shall be a minimum five (5) acres in size.

1 c. No more than two (2) recreational vehicles shall be  
2 allowed per acre.

3 d. There shall be a 25-foot setback from all property  
4 lines for all recreational vehicles and related  
5 improvements.

6 e. Quiet hours shall be maintained from 10 pm to 7 am,  
7 during which generators shall not be operated and noise  
8 levels shall conform to Butte County Code Chapter 41  
9 A, Noise Control.

10 f. All outdoor lighting shall be located, adequately  
11 shielded, and directed such that no direct light falls  
12 outside the property line, or into the public right-  
13 of-way in accordance with the Butte County Zoning  
14 Ordinance, Article 14, Outdoor Lighting.

15 g. One on-site parking space shall be provided per  
16 recreational vehicle.

17 G. Each temporary administrative permit application for a  
18 Temporary Recreational Vehicle Park and basecamp  
19 feature shall be accompanied by a detailed plan for  
20 the restoration or reclamation of the subject property  
21 to the satisfaction of the Director. At minimum, a  
22 plan for restoration or reclamation shall include  
23 clearance of the site of all recreational vehicles and  
24 related structures and removal of all-weather surfaces  
25 and utilities constructed for said park unless there  
26 is a separate application under the Zoning Ordinance

1 to permit the improvements.

2 Lands upon which Temporary Recreational Vehicle Parks  
3 and basecamp features in AG (Agriculture) zones are  
4 located shall be restored to their prior agricultural  
5 use or other agricultural use as approved by the  
6 Director prior to the expiration of this ordinance. A  
7 performance guarantee as provided by Section 24-245 of  
8 Butte County Code in the amount of \$1,000.00 per acre  
9 of land disturbed by the Temporary Recreational  
10 Vehicle Park and basecamp feature shall be paid prior  
11 to site disturbance activities to ensure that site  
12 restoration and reclamation is completed to the  
13 satisfaction of the Director. Lands shall be  
14 reclaimed to the satisfaction of the Director prior to  
15 release of the performance guarantee.

16 **Section 53-60. Reconstruction of a legal nonconforming structure.**

17 Reconstruction of a legal nonconforming structure that has been  
18 demolished or destroyed shall begin within one-year after the fire  
19 debris removal is signed-off as complete by the Public Health  
20 Department's Environmental Health Division and shall be completed  
21 within three-years. Any reconstruction is subject to all  
22 applicable permit requirements and current building standards.

23 **Section 53-61. Reconstruction of single family dwellings**

24 Reconstruction of single family dwellings shall take place under  
25 the following circumstances:

- 26 A. On parcels with fire debris a building permit and plans

1 may be submitted but a building permit will not be  
2 approved until debris removal is signed-off as completed  
3 by the Public Health Department's Environmental Health  
4 Division.

5 B. On vacant parcels building permits and plans may be  
6 submitted and approved provided that construction is 100  
7 feet or greater from neighboring fire debris.

8 **Section 53-62. Use of accessory residential structures for**  
9 **temporary habitation.**

10 For the effective period of this article, accessory residential  
11 structures on an Eligible Property, which also meets Residential  
12 Group R occupancies as established by the California Residential  
13 Code adopted by Butte County, may be used as interim housing for  
14 persons displaced by the Camp Fire. During this period, said use  
15 shall not be subject to the provisions of existing deed  
16 restrictions required by Butte County, but shall remain subject to  
17 all other existing regulations and limitations.

18 **Section 53-63. Use of Accommodations, Farmstays, Bed and Breakfast**  
19 **Inns, Resorts, Retreats, Camps or other similar uses.**

20 Notwithstanding any contrary provision in the Butte County Code or  
21 any use permit conditions, use of existing promotional or marketing  
22 accommodations, farmstays, bed and breakfast inns, resorts,  
23 retreats, camps or other similar visitor serving uses shall be  
24 allowed on an Eligible Property as interim housing for persons  
25 displaced by the Camp Fire.

26 //

1 **Section 53-64. Waiver of County Use Permit Requirement for**  
2 **Relocation of Damaged Child Care and Educational Facilities.**

3 Notwithstanding any contrary provision in the Butte County Code,  
4 any existing small or large child day care facility or child care  
5 center, elementary school, junior high school, high school or  
6 institution of higher education that was housed in premises made  
7 uninhabitable by the Camp Fire may be temporarily relocated to  
8 existing buildings on an Eligible Property in the LI (Limited  
9 Industrial), PD (Planned Development), PB (Public), GC (General  
10 Commercial), NC (Neighborhood Commercial), CC (Community  
11 Commercial), REC (Recreation Commercial), and MU (Mixed-Use)  
12 zones, or to any site within an existing religious facility on an  
13 Eligible Property, subject to a temporary administrative permit  
14 and any existing applicable standards, and subject to a building  
15 permit if any renovations are required. Nothing in this article  
16 waives or affects any State law requirements applicable to such  
17 facilities.

18 **Section 53-65. Removal and disconnection.**

19 Every temporary dwelling allowed by this article shall be  
20 disconnected from water, sewage disposal, and/or electricity hook-  
21 ups and removed from the property on which it is located no later  
22 than the expiration date of this article or within 30 days of a  
23 final inspection or the issuance of a certificate of occupancy for  
24 a replacement dwelling, whichever is earliest.

25 **Section 53-66. Temporary Truck and Equipment Staging and Laydown**  
26 **Yards.**

1 Temporary truck and equipment staging and laydown yards  
2 coordinated through Cal OES are allowed subject to approval of a  
3 temporary administrative permit and compliance with the standards  
4 set forth below in the following areas:

5 1. On an approved mining site when the Director determines  
6 the yard will not interfere with the mining site's  
7 reclamation and approved end use.

8 2. On the 11.98-acre parcel located at 2903 Neal Road,  
9 Paradise (APN 055-350-044) that was previously the location  
10 of a logging truck repair and storage facility permitted  
11 by Use Permit No. UP 84-26.

12 Each Cal OES temporary truck and equipment staging and laydown  
13 yard authorized under this article shall be coordinated through  
14 the Cal OES Operations Director or his or her designee, and  
15 approved by the Director, prior to the issuance of a temporary  
16 administrative permit.

17 A. Standards. All Temporary Truck and Equipment Staging and  
18 Laydown Yards shall meet the following standards:

19 1. Application for Temporary Administrative Permit. The  
20 property owner or the property owner's authorized agent  
21 shall obtain a temporary administrative permit for the  
22 Effective Period of this article. Written consent of the  
23 property owner is required in all cases.

24 2. Site Plan Required. A detailed site plan meeting general  
25 architectural or engineering standards, legible and drawn  
26 to scale shall be provided with the application for a

1 temporary administrative permit. Partial site plans for  
2 a portion of a property may be submitted as long as a  
3 vicinity map for the entire property showing frontage  
4 streets, other uses and a cross reference of the area of  
5 the partial site plan is provided. All site plans shall  
6 show and label contours at maximum vertical intervals of  
7 five feet; areas of proposed grading and fill; the width  
8 of access roads to and around parking and laydown areas  
9 and buildings; and turnaround areas for fire and emergency  
10 services.

11 3. Siting Criteria. To the extent practicable, temporary  
12 truck and equipment staging and laydown yards shall be  
13 located on flat areas of the site that are already  
14 disturbed. Yards located on approved mining sites shall  
15 be located within the boundaries of that portion of the  
16 parcel or parcels of land with a valid mining permit,  
17 reclamation plan and financial assurance for surface  
18 mining operations that have not already been reclaimed

19 4. Approved Access. Temporary truck and equipment staging  
20 and laydown yards shall have access onto a public road.  
21 If the public road is a County road, the approach shall  
22 be made with an encroachment permit approved by the  
23 Department of Public Works. If the public road is a State  
24 highway, the approach shall be made with an approved  
25 encroachment permit issued by the California Department  
26 of Transportation (CalTrans) District 3 Office. If the

1 public road is accessed by a private road, there shall be  
2 an approved road maintenance agreement that allows for  
3 the proposed use along the private road.

4 5. On-site Roads, Driveways and Aisles. Driveways and access  
5 aisles shall have a minimum width of 25 feet. Roads,  
6 access aisles and driveways shall have an all-weather  
7 surface capable of supporting a 40,000 lb. load that will  
8 allow for ingress and egress of fire apparatus to within  
9 150 feet of all units and a vertical clearance of no less  
10 than 15 feet.

11 6. Air Quality and Dust Control. All best practice measures  
12 to reduce impacts to air quality shall be incorporated by  
13 the project applicant, subject property owners, or third-  
14 party contractors during activities on the project site.  
15 A plan shall be provided to the satisfaction of the  
16 Director to address:

17 a. Diesel particulate matter from construction equipment  
18 and commercial on-road vehicles greater than 10,000  
19 pounds;

20 b. Mobile and stationary toxic air contaminants; and

21 c. Fugitive dust and ash.

22 7. Water Quality. Any surface disturbance over one-acre in  
23 size shall require a Storm Water Pollution Prevention Plan  
24 (SWPPP) by a certified Qualified SWPPP Developer and the  
25 submittal of a Notice of Intent to obtain coverage under  
26 the General Permit for Discharges of Storm Water

1 Associated with Construction Activity (Construction  
2 General Permit Order 2009-0009-DWQ as amended).

3 8. Storage or Processing of Debris Prohibited. The storage  
4 or processing of debris from the Butte County Camp Fire  
5 Consolidated Debris Removal Program at any temporary  
6 truck and equipment staging and laydown yard, including  
7 the storage of trucks or equipment loaded with debris, is  
8 expressly prohibited.

9 9. Hazardous Material Business Plan Required. The storage  
10 of any hazardous material at or above State-defined  
11 thresholds shall require the approval by the  
12 Environmental Health Division of the Department of Public  
13 Health of a Hazardous Material Business Plan.

14 10. Outdoor Lighting. All outdoor lighting shall be  
15 located, adequately shielded, and directed such that no  
16 direct light falls outside the property line, or into the  
17 public right-of-way in accordance with the Butte County  
18 Zoning Ordinance, Article 14, Outdoor Lighting.

19 11. Reclamation Required. The application for a temporary  
20 administrative permit for a temporary truck and equipment  
21 staging and laydown yard shall be accompanied by a  
22 detailed plan for the restoration or reclamation of the  
23 subject property to the satisfaction of the Director. At  
24 minimum, a plan for restoration or reclamation shall  
25 include:

26 a. Clearance of the site of all vehicles, equipment and

1 materials utilized as part of the temporary truck and  
2 equipment staging and laydown yard; and

3 b. Stabilization of the site, implementation of erosion  
4 control measures, and successful revegetation to the  
5 satisfaction of the Director in order to render the  
6 site suitable for either:

7 i. Continued use as an approved mine site consistent  
8 with the approved mining permit, reclamation  
9 plan and financial assurance for surface mining  
10 operations; or

11 ii. If the site is not an approved mine site, a  
12 permitted or conditionally permitted use for the  
13 zone in which it is located.

14 12. Performance Guarantee. In approving a temporary  
15 administrative permit for a temporary truck and equipment  
16 staging and laydown yard, the Director shall require a  
17 performance guarantee as provided by Section 24-245 of  
18 the Butte County Code in the amount of \$1,000.00 per acre  
19 of land disturbed in order to guarantee the proper  
20 completion of any approved work and to ensure that site  
21 reclamation is completed to the satisfaction of the  
22 Director. Lands shall be restored or reclaimed to the  
23 satisfaction of the Director prior to release of the  
24 performance guarantee.

25 13. Additional Requirements. The temporary administrative  
26 permit may be subject to additional requirements from

1 Butte County Fire, Butte County Public Works, the Butte  
2 County Air Quality Management District, the California  
3 Department of Transportation, and the State Regional  
4 Water Quality Control Board.

5 B. Notice

6 Upon issuance of a temporary administrative permit, pursuant  
7 to this section, the Butte County Department of Development  
8 Services shall provide a mailed notice to property owners  
9 within 300 feet of the subject parcel. The notice shall  
10 include all applicable standards and limitations placed upon  
11 the temporary truck and equipment staging and laydown yard,  
12 the Butte County administrative permit number, as well as the  
13 name, phone number and email of a designated contact for  
14 concerns regarding the yard's operation.

15 **Section 53-67. Rebuilding Warning.**

16 The following statement shall be supplied to all individuals  
17 applying for a building permit within the Camp Fire area: "Due to  
18 the large number of structures destroyed in the Camp Fire area, it  
19 is anticipated that there will be a large number of applications  
20 for building permits in the Camp Fire area after fire debris and  
21 hazardous materials have been cleaned up pursuant to the Butte  
22 County Camp Fire Consolidated Debris Removal Program. Building  
23 permits in the Camp Fire area will not be issued until after a  
24 property has been cleared of fire debris and hazardous materials  
25 as required by the Program. The Butte County Health Officer has  
26 identified health hazards in the fire debris and hazardous

1 materials in the Camp Fire area. Even if a property has been  
2 cleared of fire debris and hazardous materials or never had any  
3 fire debris and hazardous materials, it does not mean that there  
4 are no other health hazards or dangers on the property, including  
5 dangers resulting from fire-damaged or hazard trees. Property  
6 owners and residents must do their own investigation to determine  
7 whether there are any other health hazards or dangers on the  
8 property. The issuance of a building permit for the property does  
9 not accomplish this task. A building permit is a ministerial action  
10 requiring only limited review by the County to ensure that the  
11 structure meets all applicable building standards. In most zones,  
12 an individual is allowed by right to construct a residence after  
13 receiving a building permit which only requires conformity to  
14 building standards. The building permit is issued based on  
15 information supplied by the applicant without independent  
16 investigation by the County of the property or potential health  
17 hazards or dangers. Given the limited scope of enforcement, it is  
18 not possible for the County to identify potential health hazards  
19 or dangers which are not directly associated with the permitted  
20 structure. The applicant is in a position to inspect the property,  
21 identify potential health hazards or dangers, and tailor the  
22 application to avoid any potential health hazards or dangers."

23 **Section 53-68. Reconstruction of single-family dwellings damaged**  
24 **or destroyed by the Camp Fire in the Butte Creek Canyon (-BCC)**  
25 **Overlay Zone and the Watershed Protection (-WP) Overlay Zone.**

26 To allow the timely reconstruction of single-family dwellings

1 damaged or destroyed by the Camp Fire, after receiving the approval  
2 of both the Director of Development Services and the Director of  
3 Public Works, the holder of a building permit to reconstruct a  
4 single-family dwelling that was damaged or destroyed by the Camp  
5 Fire in the Butte Creek Canyon (-BCC) Overlay Zone and the  
6 Watershed Protection (-WP) Overlay Zone is allowed to perform site  
7 preparation work and install a foundation for the single-family  
8 dwelling between November 15 and April 1, notwithstanding the  
9 limitation in those overlay zones, provided a weather forecast  
10 shows less than a 20% chance of rain during the next ten (10) days  
11 and erosion control measures to prevent soil, etc., from leaving  
12 the property have been put into place. Aside from this exception,  
13 all requirements imposed by the Butte Creek Canyon (-BCC) Overlay  
14 Zone and the Watershed Protection (-WP) Overlay Zone remain in  
15 force.

16 **ARTICLE V. MANDATORY HAZARD TREE REMOVAL PROGRAM**

17 **Section 53-80. Hazard Tree Removal Program.**

18 Any tree that was fire damaged in the Camp Fire and that is in  
19 immediate danger of falling onto a public right-of-way or improved  
20 public property is a hazardous tree that must be removed to  
21 eliminate the immediate threat to the public at large. This Article  
22 establishes a hazardous tree removal program that is mandatory and  
23 sets forth the manner in which hazardous trees will be identified  
24 and removed.

25 **Section 53-81. Effective Period.**

26 The Hazard Tree removal program shall take effect immediately upon

1 adoption of this Article and shall remain in effect until the  
2 removal of Hazard Trees has been completed.

3 **Section 53-82. Definitions.**

4 **Arborist.** The term "Arborist" shall be defined as an ISA Board  
5 Certified Arborist with a Tree Risk Assessment Certificate (TRAC).

6 **Arborist's/Forester's Certification.** The term  
7 "Arborist's/Forester's Certification" shall be defined as a  
8 written certification verifying that all Hazard Trees have been  
9 removed from a parcel participating in the Private Tree Program.  
10 The certification shall be made and executed by an Arborist and/or  
11 Forester as defined in this Section. The Arborist or Forester shall  
12 provide evidence of the required qualifications of this Section.

13 **Board.** The term "Board" shall be defined as the Board of  
14 Supervisors.

15 **Enforcement Officer.** The term "Enforcement Officer" shall be  
16 defined as the Chief Administrative Officer of the County or  
17 his/her designee(s). Such designee(s) may be a County employee(s)  
18 or third-party provider(s).

19 **County.** The term "County" shall be defined as the County of Butte.

20 **Forester.** The term "Forester" shall be defined as a Certified  
21 Registered Professional Forester, qualified pursuant to California  
22 Public Resources Code Section 752, "Professional forester."

23 **Government Hazard Tree Removal Program.** The term "Government  
24 Hazard Tree Removal Program" shall be defined as the Hazard Tree  
25 removal program operated by the California Office of Emergency  
26 Services (CalOES) for the Camp Fire area in conjunction with other

1 state and federal agencies.

2 **Government Hazard Tree Removal Program ROE.** The term "Government  
3 Hazard Tree Removal Program ROE" shall be defined as the permit  
4 for providing Hazard Tree removal on private property approved by  
5 CalOES for use in the cleanup after the Camp Fire.

6 **Hazard Tree.** The term "Hazard Tree" shall be defined as:

7 A wildfire-damaged tree that in the professional opinion of an  
8 Arborist and/or Forester:

9 A. has been so severely damaged by the Camp Fire that its  
10 structural integrity is compromised; and

11 B. poses an imminent danger of falling onto a public right-  
12 of-way or other public improved property.

13 A map reflecting County-maintained roads in the unincorporated  
14 portion of the Camp Fire area is attached hereto as Exhibit A.

15 **Inspection Access Form.** The term "Inspection Access Form" shall be  
16 defined as the permit for providing access to the Enforcement  
17 Officer to inspect private property of owners opting to use the  
18 Private Tree Program approved by the County for use in the cleanup  
19 after the Camp Fire.

20 **Private Tree Program.** The term "Private Tree Program" shall be  
21 defined as an alternative to the Government Hazard Tree Removal  
22 Program, which provides the owner with the option of identifying  
23 and removing Hazard Tree(s) on their property at their own cost.

24 **Section 53-83. Government Hazard Tree Removal Program.**

25 A. The Government Hazard Tree Removal Program will remove all  
26 Hazard Trees at no out-of-pocket cost to the owner. If an owner

1 does not participate in the Government Hazard Tree Removal Program,  
2 and there are Hazard Trees on their property, the owners are  
3 required to identify and remove such trees at their own cost.

4 B. To participate in the Government Hazard Tree Removal Program,  
5 owners must complete and submit a Government Hazard Tree Removal  
6 Program ROE. The Government Hazard Tree Removal Program ROE shall  
7 function as the sole permit and authorization for participation in  
8 the Government Hazard Tree Removal Program. Notwithstanding any  
9 contrary provision in Butte County Code, no County approvals or  
10 permits for Hazard Tree removal are required for properties  
11 participating in the Government Hazard Tree Removal Program, other  
12 than the Government Hazard Tree Removal Program ROE.

13 C. If owners whose property contains Hazard Trees do not  
14 participate in the Government Hazard Tree Removal Program (at no  
15 out-of-pocket cost to owner) or the Private Tree Program (all costs  
16 paid by owner), the County will enforce this Article V and charge  
17 the owners with any administrative and abatement costs related to  
18 such enforcement as described below.

19 D. In implementing this program, property owners who have  
20 submitted an application for development permits shall be given  
21 priority in the Government Hazard Tree Removal Program.

22 **Section 53-84. Public nuisance; violations.**

23 Maintaining a Hazard Tree is prohibited and a public nuisance  
24 subject to this Article. A violation of any provision of this  
25 Article shall be deemed to be a public nuisance and subject to any  
26 enforcement process available at law.

1 **Section 53-85 Purpose.**

2 It is the intent of the Board of Supervisors that this ordinance  
3 shall apply to the abatement of Hazard Trees threatening the roads  
4 and/or right-of-ways of County-maintained roads or other public  
5 improved property in the unincorporated areas of the Camp Fire  
6 area.

7 **Section 53-86. Private Hazard Tree Removal Program.**

8 A. As an alternative to the Government Hazard Tree Removal Program,  
9 the Private Tree Program provides the owner with the option of  
10 identifying and removing Hazard Tree(s) on their property at their  
11 own cost. To participate in the Private Tree Program, owners shall  
12 submit either of (1) an Inspection Access Form or (2) an  
13 Arborist's/Forester's Certification for their property. Following  
14 the owner's identification and removal of Hazard Trees, and  
15 submittal of an Inspection Access Form, the Private Tree Program  
16 shall require the Enforcement Officer to make a visual confirmation  
17 of the removal of Hazard Trees on the subject property. This visual  
18 inspection of compliance with the Private Tree Program shall be  
19 sufficient for meeting the requirements of this Section. Whether  
20 the Hazard Tree removal is adequate shall be in the sole discretion  
21 of the Enforcement Officer. In the alternative, a submittal of an  
22 Arborist's/Forester's Certification shall be sufficient for  
23 meeting the requirements of this Section.

24 B. Notwithstanding anything herein to the contrary, in the Private  
25 Tree Program, owners may choose to temporarily retain and promptly  
26 utilize felled Hazard Trees which were standing on their property.

1 This temporary retention and utilization by the owner shall be  
2 permitted only to the extent felled Hazard Trees and incidental  
3 foliage, slash, tree branches or limbs and chipped or mulched  
4 vegetation do not constitute a fire hazard as prohibited by  
5 applicable law, including but not limited to California Public  
6 Resources Code section 4291 et seq., Title 19 of the California  
7 Code of Regulations and Chapter 38A of the Butte County Code. Such  
8 requirements include but are not limited to the following:

9 (1) In storing such Hazard Trees prior to utilization, an owner  
10 shall be required to:

11 (a) maintain a setback of no less than 100 feet from any  
12 inhabited building or structure;

13 (b) maintain a setback of no less than 30 feet from any  
14 uninhabited building or structure; and

15 (c) maintain a setback around the parcel's property lines of no  
16 less than 30 feet wide.

17 (2) If an owner utilizes felled Hazard Trees for wood chips, the  
18 owner shall be required to spread the wood chips to a depth of no  
19 greater than 3 inches while maintaining a setback of no less than  
20 5 feet from any building or structure.

21 If any temporary retention and utilization of Hazard Trees  
22 constitutes a fire hazard, it is a public nuisance and may be  
23 abated using any available legal remedy. If the owner chooses to  
24 temporarily retain and utilize felled Hazard Trees, the owner is  
25 required to utilize such Hazard Trees prior to the Enforcing  
26 Officer's visit to the property to confirm compliance with the

1 Private Tree Program.

2 For the purposes of this section, any temporary retention and  
3 utilization of felled Hazard Trees by the property owner is not a  
4 Temporary Log Storage Yard (AKA: Log Deck) as described in Chapter  
5 53. Owners may not receive felled trees from other properties.

6 C. The County shall utilize the state and federal standards and  
7 cleanup goals of the Government Hazard Tree Removal Program as the  
8 standards for the Private Tree Program, including but not limited  
9 to the criteria for determining whether a tree is a Hazard Tree.  
10 Under the supervision of the Enforcement Officer, the County may  
11 administratively update these standards as necessary to address  
12 ongoing changes in the administration of the Government Hazard  
13 Tree Removal Program and the need to efficiently remove Hazard  
14 Trees from the community.

15 **Section 53-87. County Development Permits.**

16 A. No application for a County Development permit in the Camp  
17 Fire area with Hazard Trees shall be considered complete until the  
18 applicant has entered into the Government Hazard Tree Removal  
19 Program or the Private Tree Program. This section shall not apply  
20 to permits relating to power, sewer or other utilities for  
21 temporary dwellings and the installation of temporary dwellings as  
22 provided for in Chapter 53.

23 B. This section shall not apply to permits for wells or septic  
24 systems with the Environmental Health Division of Public Health.

25 **Section 53-88. Deadlines and Enforcement.**

26 A. Properties that contain Hazard Trees and that do not have (1)

1 an approved Government Hazard Tree Removal Program ROE, (2) an  
2 approved Inspection Access Form for the Private Tree Program or  
3 (3) an approved Arborist's/Forester's Certification by the  
4 deadline set by the Board, are declared a public nuisance and  
5 health hazard and such properties may be abated pursuant to this  
6 Article.

7 B. The Board may set a deadline for the completion of Hazard  
8 Tree removal by resolution. Properties that have Hazard Trees from  
9 the Camp Fire after that deadline are declared a public nuisance  
10 and health hazard and such properties may be abated pursuant to  
11 this Article.

12 The Board's intent is to facilitate orderly remediation of a large  
13 scale disaster. Nothing in these deadlines shall limit the  
14 authority of the County to abate hazards more quickly where  
15 required by exigent circumstances.

16 **Section 53-89. Enforcement.**

17 A. Whenever the Enforcement Officer determines that a public  
18 nuisance (as specified in this Article) exists, he or she shall  
19 use any legal remedies available under California law to address  
20 and abate the public nuisance, including but not limited to  
21 Chapters 1, 32A and/or 41 of the Butte County Code.

22 B. The County may, in its discretion, abate a violation of this  
23 Article by the prosecution of a civil action, including an action  
24 for injunctive relief. The remedy of injunctive relief may take  
25 the form of a court order, enforceable through civil contempt  
26 proceedings, prohibiting the maintenance of a violation of this

1 Article, or requiring compliance with other terms.

2 C. The County may also abate a violation of this Article through  
3 the abatement process established by Government Code Section  
4 25845.

5 D. If a public nuisance is found to be present on the property  
6 in violation of this Article, the Enforcement Officer shall pursue  
7 payment for Abatement and Administrative Costs from the owner and  
8 the owner of the property shall be responsible for paying all of  
9 the County's Abatement Costs and Administrative Costs.

10 **53-90. Abatement costs; administrative costs.**

11 A. The term "Abatement Costs" means any costs or expenses  
12 reasonably related to the abatement of conditions which violate  
13 this Article of the County Code, and shall include, but not be  
14 limited to enforcement, investigation, collection and  
15 administrative costs, and the costs associated with the removal or  
16 correction of the violation.

17 B. The term "Administrative Costs," shall include the cost of  
18 County staff time reasonably related to enforcement, for items  
19 including, but not limited to, site inspections, travel time,  
20 investigations, telephone contacts and time spent preparing  
21 summaries, reports, notices, correspondence, warrants and hearing  
22 packets. The time expended by the Enforcement Officer and Auditor-  
23 Controller staff, to calculate the above costs and prepare itemized  
24 invoices, may also be recovered.

25 **53-91. Non-exclusive remedy.**

26 This Article is cumulative to all other remedies now or hereafter

1 available to abate or otherwise regulate or prevent public  
2 nuisances. The County Counsel is authorized to initiate judicial  
3 enforcement as to a violation of any provision of this Article  
4 without further Board approval.

5 **53-92. Summary abatement.**

6 Notwithstanding any other provision of this Article, when any  
7 Hazard Tree constitutes an immediate threat to the public health  
8 or safety, and where alternative procedures would not result in  
9 abatement of that public nuisance within a short enough time period  
10 to avoid that threat, the Enforcement Officer may direct any  
11 officer or employee of the County or third-party provider to  
12 summarily abate the public nuisance. The Enforcement Officer shall  
13 make reasonable efforts to notify the owner. No summary abatement  
14 shall occur prior to consultation with the Office of County  
15 Counsel. The County may nevertheless recover its costs for abating  
16 that public nuisance in the manner set forth in this Article.