

1
2 AN URGENCY ORDINANCE OF THE COUNTY OF BUTTE AMENDING CHAPTER 53,
3 ENTITLED "CAMP FIRE RECOVERY," OF THE BUTTE COUNTY CODE TO REQUIRE
4 A TRANSITORY ADMINISTRATIVE PERMIT FOR INDIVIDUALS RESIDING IN THE
5 CAMP FIRE AREA UNDER THE TRANSITORY PERIOD AND WAIVING FEES FOR THE
6 PERMIT

7 The Board of Supervisors of the County of Butte ordains as
8 follows:

9 Section 1. Emergency Findings. This Urgency Ordinance is adopted
10 pursuant to California Government Code Sections 25123(d) and 25131
11 and shall take effect immediately upon its approval by at least a
12 four-fifths vote of the Board of Supervisors. The Board, in
13 consultation with the Local Health Officer, finds that this
14 Ordinance is necessary for the immediate preservation of the public
15 peace, health and safety, based upon the following facts:

- 16 A. Conditions of extreme peril to the safety of persons and property
17 within the County were caused by the Camp Fire, commencing on
18 the 8th day of November, 2018, at which time the Board of
19 Supervisors was not in session.
- 20 B. California Government Code Section 8630 empowers the County
21 Administrator to proclaim the existence of a local emergency
22 when the county is affected or likely to be affected by a public
23 calamity, subject to ratification by the Board of Supervisors
24 at the earliest practicable time.
- 25 C. On November 8, 2018, the County Administrator of the County of
26 Butte proclaimed the existence of a local emergency within Butte

1 County due to the Camp Fire.

2 D. On November 8, 2018, the Acting Governor of the State of
3 California proclaimed a State of Emergency for Butte County
4 pursuant to the California Emergency Services Act, commencing
5 with Section 8550 of the Government Code, and on November 14,
6 2018, the Governor issued Executive Order B-57-18 concerning the
7 Camp Fire.

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

19 F. On November 9, 2018, Dr. Andrew Miller, Butte County's Local
20 Health Officer, issued a Declaration of Health Emergency
21 pursuant to California Health and Safety Code section 101080.
22 Dr. Miller's declaration stated that the local health emergency
23 was a consequence of the debris resulting from the Camp Fire
24 that contains hazardous material in the ash of the burned
25 qualifying structures. The purpose of the Declaration was to
26 address the immediate threat to the public health and the

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

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

21 H. On November 13, 2018, the Board of Supervisors adopted
22 Resolution No. 18-169 ratifying the County Administrator's
23 proclamation of the existence of a local emergency in Butte
24 County. The resolution also requested that the State of
25 California waive regulations that may hinder response and
26 recovery efforts, as well as make available assistance under the

1 California Disaster Assistance Act or any other state funding,
2 and that the Federal Government expedite access to federal
3 resources and any other appropriate federal disaster relief
4 program.

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

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

1 hazardous materials in the ash and debris of burned qualifying
2 structures. At the time, the County estimated that the Camp Fire
3 had destroyed 18,000 structures.

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

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

6 L. The Camp Fire to date has consumed 153,336 acres and has led to
7 the destruction of 13,696 residences, damage to 462 residences,
8 the destruction of 276 multiple family residences, the
9 destruction of 528 commercial buildings, damage to 102
10 commercial buildings, the destruction of 4,293 other minor
11 structures, and resulted in the evacuation of over 50,000
12 people. As a result, the Camp Fire has created an enormous amount
13 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 residential
17 and commercial structure fires contain hazardous materials and
18 the harmful health effects of hazardous materials produced by a
19 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 contain
22 asbestos, heavy metals and other hazardous materials. Household
23 hazardous waste such as paint, gasoline, cleaning products,
24 pesticides, compressed gas cylinders, and chemicals may have
25 been stored in homes, garages, or sheds that may have burned in
26 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 water
6 supplies. Improper handling can expose residents and workers to
7 toxic materials, and improper transport and disposal of fire
8 debris can spread hazardous substances throughout the community.

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

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

22 R. The Board of Supervisors previously approved urgency ordinances
23 and/or related resolutions relating to the Camp Fire disaster
24 recovery on December 11, 2018, December 21, 2018, January 8,
25 2019, January 29, 2019, February 4, 2019, February 12, 2019,
26 February 24, 2019, April 23, 2019, August 13, 2019 September 10,

1 2019, October 22, 2019, November 5, 2019, November 19, 2019,
2 December 17, 2019, February 11, 2020, March 10, 2020, July 21,
3 2020, and September 29, 2020. The actions addressed the need for
4 the regulation of debris removal to alleviate the public health,
5 safety and welfare concerns associated with the ash and debris
6 of qualifying structures and temporary emergency housing
7 options.

8 S. As of February 4, 2019, the status of the Camp Fire disaster
9 recovery is as follows: (1) Phase I cleanup by the U.S.
10 Environmental Protection Agency and the California Department
11 of Toxic Substances Control is complete, which has reduced the
12 public health concerns relating to the most hazardous materials
13 present in the Camp Fire area, (2) Phase II of the cleanup
14 pursuant to the Government (CalOES) Program and the Alternative
15 Program has commenced, (3) utilities are available (except for
16 potable water), (4) numerous businesses have opened to serve the
17 public, (5) public services are available, including a FEMA and
18 CalOES jointly-operated Disaster Recovery Center in Paradise,
19 California. Current threats include (1) the enormous amount of
20 fire debris present in the Camp Fire area, (2) hazardous
21 materials and probable radioactive materials present in ash and
22 debris from qualifying structures, (3) the potential pollution
23 of the drinking water downstream from the Camp Fire area if
24 weather conditions caused the spread of the hazardous materials
25 in the ash and debris of burned qualifying structures. The
26 purpose of this ordinance is to allow residents to live on

1 properties in the Camp Fire area that do not contain fire ash
2 and debris from a qualifying structure destroyed or damaged by
3 the Camp Fire.

4 T. The Debris Removal Operations Plan for the Camp Fire prepared
5 by the CalOES/CalRecycle Incident Management Team provides that
6 the DTSC has issued reports regarding the assessment of burn
7 debris from wildfires in the past. The studies of burned
8 residential homes and structures from large scale wildland fires
9 indicated that the resulting ash and debris can contain asbestos
10 and toxic concentrated amounts of heavy metals such as antimony,
11 arsenic, cadmium, copper, lead, and zinc. Additionally, the ash
12 and debris may contain higher concentrations of lead if the home
13 was built prior to 1978 when lead was banned from household
14 paint in the United States. The reports indicated that the
15 residual ash of burned residential homes and structures has high
16 concentrations of heavy metals that can be toxic and can have
17 significant impact to individual properties, local communities,
18 and watersheds if the ash and debris is not removed safely and
19 promptly. The plan also indicates that the purpose of the
20 structural debris removal program is to remove debris that poses
21 a risk to health and/or the environment. Debris from structures
22 smaller 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 containing
25 ash and debris from a qualifying structure mitigates the public
26 health hazards of the Camp Fire; (2) failing to clean properties

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

26 V. There is an immediate need for housing to accommodate persons

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

8 W. As of October 22, 2019, the status of the Camp Fire area was as
9 follows: (1) Phase II of the cleanup pursuant to the Government
10 (CalOES) Program and the Alternative Program have resulted in
11 the majority of Camp Fire parcels with final sign off and
12 clearance for rebuild; (2) the County has received 150
13 applications and issued 70 building permits for residential
14 parcels for Camp Fire survivors inside the Camp Fire area; (3)
15 the County has commenced its nuisance abatement actions on
16 parcels not compliant with debris removal requirements of
17 Chapter 53; (4) dead and dying trees litter the Camp Fire
18 footprint, including areas where some homes still exist and
19 where others existed and are now pending construction; (5) the
20 County has had trees in the County right-of-way assessed by an
21 arborist and removed a small portion of over 6,649 hazard trees¹
22 that have been determined to meet removal criteria; (6) Del Oro
23 Water and Paradise Irrigation District are in the process of
24 testing residential structures for water contaminants in the
25

26 ¹ The criteria for hazard trees for this purpose is set out in Section JJ.
below.

1 Camp Fire area; (7) numerous Camp Fire survivors who are unable
2 to live on their property until the fire debris removal is
3 complete are sheltering at non-congregate shelters at Lime
4 Saddle and DeSabra campgrounds; and (8) Camp Fire survivors are
5 reporting barriers to returning to their properties and
6 rebuilding, including but not limited to hazard standing trees,
7 large depressions in the ground as a result of debris removal
8 without adequate fill dirt in the area, delays in accessing
9 temporary power, concerns regarding contaminated drinking water
10 in the area, and being unable to rebuild on their property
11 because it has not yet received final sign-off in the debris
12 removal program.

13 X. The majority of the Camp Fire area is located in a Very High
14 Fire Hazard Severity Zone as shown on the California Department
15 of Forestry and Fire Protection's Fire and Resource Assessment
16 Program map dated November 7, 2007.

17 Y. The County generally has a climate conducive to wildfires and
18 is prone to periodic dry summers and wind events. Hazard trees
19 pose a significant danger to the health, safety and welfare of
20 the public by fueling and propelling wildfires, thereby
21 increasing the potential for a severe fire and endangering
22 lives, property and the environment. Increasingly dry summers
23 and severe wind events further exacerbate the fire danger and
24 have the potential to result in catastrophic fire losses to
25 life, property and the environment.

26 Z. Additionally, the Camp Fire created a fuel type conversion

1 whereby the Ponderosa Pine and mixed conifer forests have now
2 been converted to predominantly open land with grass and brush
3 regrowth. The understory grass and brush can precipitate the
4 start and spread of fire with hundreds of thousands of dead
5 trees still standing, many of which are within the urban
6 interface, to further add to the fire threat and intensity. Dead
7 trees that fall on the forest floor over time further complicate
8 the fire environment by adding a large amount of down and dead
9 fuel that will add to surface fire intensity and make control
10 efforts difficult.

11 AA. Dead and dying trees pose a life hazard to firefighters, first
12 responders and the general public if exposed to fire or high
13 wind storm events. Standing trees that are dead or dying and are
14 adjacent to roads have an increased risk of falling onto the
15 roads during a wildfire disaster or high wind storm event as
16 compared to healthy trees. This endangers primary and secondary
17 evacuation routes in the Camp Fire area, which could lead to
18 increased loss of life during a future fire.

19 BB. Of paramount importance to the Board and the residents of the
20 County is the protection of lives and property from the threat
21 of fire, including proper maintenance of evacuation routes and
22 the safety of fire and law enforcement personnel during
23 wildfires.

24 CC. Dead and dying trees suffer an increased risk of pest
25 infestation, such as bark beetles. When dead or dying trees are
26 infested with pests, this also exposes the healthy trees in

1 close proximity. The healthy trees are then endangered by the
2 pests, which potentially creates more fuel for future fires,
3 which increases the future fire risks in the Camp Fire area.

4 DD. The County Fire Chief has stated that the remaining fire damaged
5 trees in the Concow area following the 2008 fires propelled and
6 exacerbated the progression and severity of the Camp Fire.
7 Further, under normal circumstances, dead and down trees hamper
8 fire suppression efforts. The huge number of fire damaged trees
9 from the Camp Fire justifies County action to reduce the risk
10 posed by fire damaged standing trees.

11 EE. The enormity of the standing burnt trees throughout the Camp
12 Fire area must be addressed before rebuilding will be possible
13 on a scale large enough to facilitate economic recovery of the
14 region. As a result of multiple barriers, including tree removal
15 costs that exceed the value of their land, many homeowners are
16 abandoning their property. If owners do not return to the Camp
17 Fire area, businesses will not be able to open and remain in
18 business. The County must eliminate hazard trees from the Camp
19 Fire area to encourage rebuilding projects in the region.

20 FF. The County estimates 80,000 trees must be removed from
21 approximately 4,000 private parcels adjacent to the County's
22 right-of-ways for County-maintained roads.

23 GG. 100 percent of businesses in the burn area were shut down after
24 the Camp Fire. Approximately 150 out of the 1,200 businesses
25 reopened 6 months later. This number does not include all home-
26 based businesses that were displaced as a result of the

1 residential structure burning in the Camp Fire. The survival of
2 new and existing businesses depends primarily on the restoration
3 of the purchasing power in the community. The loss of
4 approximately 14,000 homes in the Camp Fire area and the
5 subsequent displacement of the residents severely reduces the
6 customers for businesses that sell goods and services locally
7 and the workforce available for businesses that produce goods
8 and services for export out of the County. The severe reduction
9 in population dramatically reduces the ability for businesses
10 to recover, including the ability to remain a viable business
11 interest in the community.

12 HH. State law provides property tax relief to homeowners impacted
13 by a natural disaster by reducing their assessed value. This
14 process provides for the removal of the value of the damaged
15 structure effective as of the date of the disaster. Under this
16 provision of law, the County Assessor has removed \$1.93 billion
17 from the property tax roll for the 8 months from November, 2018
18 - June, 2019, which reduces property tax revenue by \$19.3
19 million. The fiscal year 2019-20 roll will reflect 12 months of
20 reduced value as well as additional reductions to land value
21 which could not be adjusted mid-year. Over 50 percent of property
22 tax revenues support schools while the remaining taxes provide
23 revenue to local jurisdictions and special districts to provide
24 critical local services. The County receives about 20% of total
25 property tax revenues. The State of California has committed to
26 backfilling property taxes through fiscal year 2020-21 to

1 account for the substantial reduction in revenue to these
2 agencies. The only way for this critical revenue source to
3 recover is for homes and structures to be rebuilt and property
4 values, and therefore property taxes, to increase. Property tax
5 is the primary discretionary revenue source for the County,
6 accounting for over half of the County's discretionary revenue.

7 II. The health of the communities and local economies largely
8 depends upon repopulation; repopulation largely depends upon the
9 mindset of the public and their sense of security regarding
10 moving back to their land. For example, if evacuation routes
11 continue to suffer from falling trees, residents will not have
12 confidence in their ability to evacuate safely during a future
13 fire, and will choose not to rebuild in the Camp Fire area.
14 Without that sense of security, people are moving elsewhere -
15 which negatively impacts the economy recovery of the region -
16 both the commercial economy and the property tax base for the
17 County.

18 JJ. The County has contracted with a certified arborist and tree
19 health expert company to assess and inventory trees rooted in
20 the public right-of-way for tree mortality risk rating. The
21 arborists have generated a report and forms memorializing the
22 tree mortality data at the time of field reconnaissance and
23 inventory efforts on February 2, 2019 through July 31, 2019. One
24 of the purposes of the field reconnaissance effort was to
25 identify, inventory, and assess the risk of trees rooted in the
26 public right-of-way within the unincorporated areas of the Camp

1 Fire disaster area that:

- 2 • Were damaged by the Camp Fire;
- 3 • Have a diameter of six inches or greater measured 4.5 feet
- 4 above ground level;
- 5 • Pose an immediate threat to life, public health and safety,
- 6 as a result of threatening public right-of-ways; and
- 7 • Meet one or more of the following criteria:
 - 8 1. Have a split trunk;
 - 9 2. Have a broken canopy; or
 - 10 3. Is leaning at an angle greater than 30 degrees;
 - 11 and
 - 12 • Is determined, under the professional opinion of the
 - 13 arborist, that the tree is a hazard consistent with
 - 14 criteria set forth in ANSI A300 (Part 9) known as the Tree
 - 15 Risk Assessment Standard.

16 KK. For those trees which met the defined criteria, the arborists
17 employed the ISA's Tree Risk Assessment methods to assess a
18 tree's risk ratings, which was based on the health of the tree
19 and the tree's relation to public right-of-ways.

20 LL. Field reconnaissance and inventory efforts have found
21 approximately 6,649 trees which met the defined criteria.

22 MM. The County's arborists have recommended removal of all hazard
23 trees which meet the defined criteria and are rooted along the
24 County's right-of-way.

25 NN. It is the opinion of the County Fire Chief and County's arborists
26 that the unprecedented level of hazard trees presents the

1 following risks to life, public health and safety: (1) the risks
2 of injury and/or death to County residents who use County-
3 maintained roads due to falling trees; and (2) the increased
4 threat of catastrophic wildfire to the Camp Fire area and
5 surrounding area.

6 OO. A purpose of this Article is to establish a Hazard Tree abatement
7 program that protects the lives and property of the public living
8 in and traveling through the County, and the environment.

9 PP. The Board of Supervisors finds that Hazard Trees (as defined in
10 this Article) pose a danger to the health, safety and welfare
11 of the general public in the vicinity of any real property
12 located throughout the territory of the County for the reasons
13 set forth above. Therefore, all Hazard Trees located on real
14 property within the unincorporated area of the County are deemed
15 a public nuisance and pose a hazard to the safety of the
16 landowners, residents in the vicinity, users of roads and to the
17 public generally.

18 QQ. It is imperative that the County implement immediate and
19 aggressive measures to identify and fell the trees that are dead
20 and dying as a result of the Camp Fire to immediately eliminate
21 or reduce the risks to life, public health and safety,
22 infrastructure, forest health and the community at large.

23 RR. The Board of Supervisors has the authority to take action to
24 protect the health, safety and welfare of the residents of the
25 County pursuant to its police powers granted by Article XI,
26 Section 7 of the California Constitution, California Government

1 Code section 25123, California Health & Safety Code section
2 101025 and Chapter 32A of the Butte County Code.

3 SS. Hazard Trees (as defined below) that:

4 (1) are rooted on private property; and

5 (2) threaten (a) roads and/or right-of-ways of County-maintained
6 roads or (b) public improved property in the unincorporated
7 areas of the Camp Fire area; and

8 (3) may cause physical injury or damage to persons or property
9 creates a serious public health and safety crisis and therefore
10 constitutes a public nuisance.

11 TT. Some single-family dwellings damaged or destroyed in the Camp
12 Fire are located in the Butte Creek Canyon (-BCC) Overlay Zone
13 and the Watershed Protection (-WP) Overlay Zone which have
14 restrictions on soil disturbance between November 15 and April
15 1. To assist in rebuilding damaged or destroyed dwellings in
16 these overlay zones, the Board of Supervisors finds that it is
17 necessary to allow for site preparation and the installation of
18 a foundation between November 15 and April 1 provided there is
19 little chance of rain and protections to prevent soil, etc.,
20 from leaving the property are in place. These additional
21 requirements assure the needed protections are in place while
22 still allowing for the rebuilding of damaged or destroyed
23 dwellings.

24 UU. More than a year and a half after the Camp Fire, there remains
25 an immediate need for housing to accommodate persons who have
26 been displaced by the Camp Fire. Many of the residences damaged

1 or destroyed in the Camp Fire have not yet been reconstructed
2 or replaced. This Chapter temporarily relaxes some building and
3 zoning regulations to allow for additional housing both inside
4 and outside of the Camp Fire affected area for displaced persons.
5 Due to the magnitude of the destruction, there is a need to
6 provide for sufficient housing options both inside and outside
7 of the Camp Fire affected area. For this reason, the Board of
8 Supervisors finds that it is necessary that the Transitory
9 Period be extended to December 31, 2020.

10 VV. Almost two years after the Camp Fire, there remains an immediate
11 need for housing to accommodate persons who have been displaced
12 by the Camp Fire. Many of the residences damaged or destroyed
13 in the Camp Fire have not yet been reconstructed or replaced.
14 This Chapter temporarily relaxes some building and zoning
15 regulations to allow for additional housing both inside and
16 outside of the Camp Fire affected area for displaced persons.
17 Due to the magnitude of the destruction, there is a need to
18 provide for sufficient housing options both inside and outside
19 of the Camp Fire affected area, and there is a need to allow
20 more time to pursue the housing options. For this reason, the
21 Board of Supervisors finds that it is necessary that the
22 Effective Period and the Transitory Period be extended to
23 December 31, 2021, and that the time to reconstruct legal
24 nonconforming structures be extended.

25 WW. As noted in findings above, there is a great need for housing
26 to accommodate persons who have been displaced by the Camp Fire.

1 Thus, many building and zoning regulations have been temporarily
2 relaxed. However, there remains a need to maintain certain
3 standards regarding health, safety, and human habitation. The
4 Board of Supervisors finds that it is necessary to require that
5 individuals who reside in a recreational vehicle during the
6 transitory period obtain a transitory administrative permit
7 that, among other things, specifies how the individuals will
8 obtain water, store items, and dispose of trash and wastewater.
9 These matters are essential to safe and sanitary human
10 habitation. Individuals who fail to abide by the requirements
11 of their transitory administrative permit will be issued
12 administrative citations by Code Enforcement Officers, and, upon
13 receipt of three citations, the transitory administrative permit
14 will be revoked.

15 XX. Many of the individuals who are residing in a recreational
16 vehicle during the transitory period are experiencing financial
17 hardship. The Board of Supervisors finds that requiring them to
18 spend money on a permit rather than allowing them to use the
19 money to obtain items necessary for human habitation defeats the
20 purpose of the transitory period which is to allow habitation
21 in a recreational vehicle under relaxed building and zoning
22 regulations. These individuals should be allowed to use their
23 money for necessary items until they reestablish themselves on
24 the property. The Board finds that it is in the public interest
25 to waive all fees for the transitory administrative permit
26 pursuant to Butte County Code Section 1-18.

1 YY. It is essential that this Ordinance become immediately effective
2 to allow sufficient time for the transition of homeless and
3 displaced residents back to the Camp Fire area.

4 Section 2. Section 53-53 is amended to read as follows:

5 **Section 53-53. Definitions.**

6 Except where the context clearly indicates otherwise, the following
7 definitions shall govern the construction of the words and phrases
8 used in the article:

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

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

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

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

1 boundaries of the Camp Fire and the Camp Fire affected area, as of
2 November 25, 2018 at 100 percent containment.

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

8 **Director.** The Director of the Department of Development Services or
9 his or her authorized representative.

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

22 **Effective Date.** The date of the Board of Supervisors adoption of
23 this article.

24 **Eligible Property.** A property that does not contain fire debris and
25 hazardous materials from a qualifying structure that was damaged or
26 destroyed by the Camp Fire. Eligible Property shall include (1)

1 parcels with no resulting damage or fire debris from the Camp Fire,
 2 (2) parcels with fire debris from a structure that was not a
 3 qualifying structure that was damaged or destroyed by the Camp Fire
 4 and (3) parcels with fire debris or hazardous materials from a
 5 qualifying structure that was damaged or destroyed by the Camp Fire,
 6 only upon the issuance of a certificate that the parcel has been
 7 cleaned pursuant to Phase II requirements by the Department of Public
 8 Health, Environmental Health Division. Temporary housing pursuant to
 9 this article shall be permitted as reflected in the table below:

10 A.

	Property not damaged by Camp Fire	Property with a non-qualifying structure damaged or destroyed by Camp Fire	Property with a qualifying structure damaged or destroyed by Camp Fire
Prior to completion of Phase II cleanup	Temporary housing allowed*	Temporary housing allowed*	Temporary housing prohibited
Following completion of Phase II cleanup (property certified clean	Temporary housing allowed*	Temporary housing allowed*	Temporary housing allowed*

<p>1 by the 2 Department of 3 Public Health, 4 Environmental 5 Health 6 Division)</p>			
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7 *such housing shall meet all other applicable requirements in this
8 article

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

10 **Fire Debris and Hazardous Materials.** Debris, ash, metals, and
11 completely or partially incinerated substances from structures that
12 are located on properties that qualify under the CalOES Debris Removal
13 Program or the County's Alternative Debris Removal Program.

14 **Mobile/manufactured home:** A housing structure transportable in one
15 (1) or more sections, designed and equipped to be used with or without
16 a foundation system, certified under the National Manufactured
17 Housing Construction and Safety Standards Act of 1974 (42 U.S.C.
18 section 5401 et seq.). The County shall not grant a permit for the
19 installation of a mobile/manufactured home if such
20 mobile/manufactured home is older than ten (10) years of age. The age
21 measurement period shall be from the year of manufacture of the home
22 to the year of the permit application. Mobile/manufactured home does
23 not include recreational vehicle, park trailer, or commercial modular
24 as defined in Division 13, Part 2, Chapter 1, of the Health and Safety
25 Code.

26 **Movable Tiny House.** A movable tiny house is a structure utilized as

1 living quarters by one household that is licensed by and registered
2 with the California Department of Motor Vehicles, meets the American
3 National Standards Institute (ANSI) 119.5 or ANSI 119.2 (NFPA 1192)
4 requirements and is certified by a qualified third party inspector
5 for ANSI compliance, cannot move under its own power, is not longer
6 than allowed by State law for movement on public highways, has a
7 total floor area of not less than 150 square feet, and has no more
8 than 430 square feet of habitable living space.

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

13 **Phase II.** The term "Phase II" shall mean the ash and debris cleanup
14 work performed pursuant to the OES Program and/or the Alternative
15 Program.

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

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

25 **Recreational Vehicle Park.** A commercial use providing space for the
26 accommodation of more than two recreational vehicles for recreational

1 or emergency housing for displaced persons, or for transient employee
2 lodging and/or basecamp_purposes.

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

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

19 **Transitory Period.** The period of time after the Camp Fire event during
20 which recreational vehicles do not need to meet the water, sewage
21 disposal, and electricity hook-up standards, but the property owner
22 needs to obtain a transitory administrative permit and meet the
23 requirements set out in the permit. The transitory period ends on
24 December 31, 2021.

25 Section 3. Section 53-54 is amended to read as follows:

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

1 Residential use and occupancy of up to two (2) recreational vehicles
2 on any Eligible Property that permits a residential use shall be
3 allowed for the transitory period subject to a transitory
4 administrative permit and the applicable requirements set forth under
5 Section 53-57, Standards. The transitory administrative permit shall
6 include, but not be limited to, a plan for the disposal of household
7 trash, a plan for the storage of any items outside of a recreational
8 vehicle or cargo storage container which includes shielding the items
9 from public view, a plan for the disposal of wastewater, and a plan
10 for obtaining potable and nonpotable water. The Board of Supervisors
11 finds that it is in the public interest to waive all fees for the
12 transitory administrative permit pursuant to Butte County Code
13 Section 1-18 because of the financial hardship many residents of the
14 Camp Fire area are experiencing, especially those who have not yet
15 been able to rebuild a permanent residence. The transitory
16 administrative permit is subject to a three strikes revocation rule.
17 If Code Enforcement Officers issue three administrative citations for
18 failure to abide by the requirements of the transitory administrative
19 permit, the transitory administrative permit shall be revoked. Use
20 after the transitory period shall require compliance with Section 53-
21 57, Standards, a temporary administrative permit, and full hook-ups
22 to water, sewage disposal, and electricity.

23 Section 4. CEQA Exemption. Adoption of this Ordinance is exempt from
24 the provisions of the California Environmental Quality Act (CEQA)
25 pursuant to California Public Resources Code section 21080(b)(3)
26 regarding projects to maintain, repair, restore, or replace property

1 or facilities damaged or destroyed as a result of a declared disaster
2 and Section 21080(b)(4) regarding actions to mitigate or prevent an
3 emergency, and CEQA Guidelines Section 15269(a) regarding
4 maintaining, repairing, restoring, demolishing, or replacing property
5 or facilities damaged or destroyed as a result of a disaster stricken
6 area in which a state of emergency has been proclaimed by the Governor
7 pursuant to the California Emergency Services Act, commencing with
8 Section 8550 of the California Government Code.

9 Section 5. Severability. If any section, subsection, sentence,
10 clause, or phrase of this Ordinance is for any reason held to be
11 unconstitutional or invalid, such decision shall not affect the
12 validity of the remaining portion of this Ordinance. The Board of
13 Supervisors hereby declares that it would have passed this Ordinance
14 and every section, subsection, sentence, clause or phrase thereof
15 irrespective of the fact that any one or more sections, subsections,
16 sentences, clauses or phrases be declared unconstitutional or
17 invalid.

18 Section 6. Effective Date and Publication. This Ordinance shall be
19 and the same is hereby declared to be in full force and effect
20 immediately upon its passage by a four-fifths (4/5) or greater vote.
21 The Clerk of the Board of Supervisors is authorized and directed to
22 publish this Ordinance before the expiration of fifteen (15) days
23 after its passage. This Ordinance shall be published once, with the
24 names of the members of the Board of Supervisors voting for and
25 against it, in a newspaper of general circulation published in the
26 County of Butte, State of California. Pursuant to Government Code

