

AN URGENCY ORDINANCE OF THE COUNTY OF BUTTE EXTENDING THE EFFECTIVE PERIOD AND TRANSITORY PERIOD, AS WELL AS EXTENDING THE TIME TO RECONSTRUCT LEGAL NONCONFORMING STRUCTURES, OF CHAPTER 53, ENTITLED "CAMP FIRE RECOVERY," OF THE BUTTE COUNTY CODE

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

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

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

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

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

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

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

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

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

1 and that the Federal Government expedite access to federal
2 resources and any other appropriate federal disaster relief
3 program.

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

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

1 structures. At the time, the County estimated that the Camp Fire
2 had destroyed 18,000 structures.

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

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

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

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

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

26 O. Exposure to hazardous materials may lead to acute and chronic

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

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

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

21 R. The Board of Supervisors previously approved urgency ordinances
22 and/or related resolutions relating to the Camp Fire disaster
23 recovery on December 11, 2018, December 21, 2018, January 8,
24 2019, January 29, 2019, February 4, 2019, February 12, 2019,
25 February 24, 2019, April 23, 2019, August 13, 2019 September 10,
26 2019, October 22, 2019, November 5, 2019, November 19, 2019,

1 December 17, 2019, February 11, 2020, March 10, 2020, and July
2 21, 2020. The actions addressed the need for the regulation of
3 debris removal to alleviate the public health, safety and
4 welfare concerns associated with the ash and debris of
5 qualifying structures 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 the
10 public health concerns relating to the most hazardous materials
11 present in the Camp Fire area, (2) Phase II of the cleanup
12 pursuant to the Government (CalOES) Program and the Alternative
13 Program has commenced, (3) utilities are available (except for
14 potable water), (4) numerous businesses have opened to serve the
15 public, (5) public services are available, including a FEMA and
16 CalOES jointly-operated Disaster Recovery Center in Paradise,
17 California. Current threats include (1) the enormous amount of
18 fire debris present in the Camp Fire area, (2) hazardous
19 materials and probable radioactive materials present in ash and
20 debris from qualifying structures, (3) the potential pollution
21 of the drinking water downstream from the Camp Fire area if
22 weather conditions caused the spread of the hazardous materials
23 in the ash and debris of burned qualifying structures. The
24 purpose of this ordinance is to allow residents to live on
25 properties in the Camp Fire area that do not contain fire ash
26 and debris from a qualifying structure destroyed or damaged by

1 the Camp Fire.

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

21 U. The Local Health Officer, Dr. Miller, has indicated the
22 following: (1) the Phase II cleanup of the properties containing
23 ash and debris from a qualifying structure mitigates the public
24 health hazards of the Camp Fire; (2) failing to clean properties
25 containing ash and debris from a qualifying structure can have
26 severely negative long-term consequences to the public health

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

24 V. There is an immediate need for housing to accommodate persons
25 who have been displaced by the Camp Fire. This Chapter
26 temporarily relaxes some building and zoning regulations to

1 allow for additional housing both inside and outside of the Camp
2 Fire affected area for displaced persons. Due to the magnitude
3 of the destruction, there is a need to provide for sufficient
4 housing options both inside and outside of the Camp Fire affected
5 area.

6 W. As of October 22, 2019, the status of the Camp Fire area was as
7 follows: (1) Phase II of the cleanup pursuant to the Government
8 (CalOES) Program and the Alternative Program have resulted in
9 the majority of Camp Fire parcels with final sign off and
10 clearance for rebuild; (2) the County has received 150
11 applications and issued 70 building permits for residential
12 parcels for Camp Fire survivors inside the Camp Fire area; (3)
13 the County has commenced its nuisance abatement actions on
14 parcels not compliant with debris removal requirements of
15 Chapter 53; (4) dead and dying trees litter the Camp Fire
16 footprint, including areas where some homes still exist and
17 where others existed and are now pending construction; (5) the
18 County has had trees in the County right-of-way assessed by an
19 arborist and removed a small portion of over 6,649 hazard trees¹
20 that have been determined to meet removal criteria; (6) Del Oro
21 Water and Paradise Irrigation District are in the process of
22 testing residential structures for water contaminants in the
23 Camp Fire area; (7) numerous Camp Fire survivors who are unable
24 to live on their property until the fire debris removal is
25

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

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

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

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

24 Z. Additionally, the Camp Fire created a fuel type conversion
25 whereby the Ponderosa Pine and mixed conifer forests have now
26 been converted to predominantly open land with grass and brush

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

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

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

22 CC. Dead and dying trees suffer an increased risk of pest
23 infestation, such as bark beetles. When dead or dying trees are
24 infested with pests, this also exposes the healthy trees in
25 close proximity. The healthy trees are then endangered by the
26 pests, which potentially creates more fuel for future fires,

1 which increases the future fire risks in the Camp Fire area.

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

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

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

21 GG. 100 percent of businesses in the burn area were shut down after
22 the Camp Fire. Approximately 150 out of the 1,200 businesses
23 reopened 6 months later. This number does not include all home-
24 based businesses that were displaced as a result of the
25 residential structure burning in the Camp Fire. The survival of
26 new and existing businesses depends primarily on the restoration

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

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

1 recover is for homes and structures to be rebuilt and property
2 values, and therefore property taxes, to increase. Property tax
3 is the primary discretionary revenue source for the County,
4 accounting for over half of the County's discretionary revenue.

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

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

- Were damaged by the Camp Fire;

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

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

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

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

23 NN. It is the opinion of the County Fire Chief and County's arborists
24 that the unprecedented level of hazard trees presents the
25 following risks to life, public health and safety: (1) the risks
26 of injury and/or death to County residents who use County-

1 maintained roads due to falling trees; and (2) the increased
2 threat of catastrophic wildfire to the Camp Fire area and
3 surrounding area.

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

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

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

21 RR. The Board of Supervisors has the authority to take action to
22 protect the health, safety and welfare of the residents of the
23 County pursuant to its police powers granted by Article XI,
24 Section 7 of the California Constitution, California Government
25 Code section 25123, California Health & Safety Code section
26 101025 and Chapter 32A of the Butte County Code.

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

2 (1) are rooted on private property; and

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

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

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

22 UU. More than a year and a half after the Camp Fire, there remains
23 an immediate need for housing to accommodate persons who have
24 been displaced by the Camp Fire. Many of the residences damaged
25 or destroyed in the Camp Fire have not yet been reconstructed
26 or replaced. This Chapter temporarily relaxes some building and

1 zoning regulations to allow for additional housing both inside
2 and outside of the Camp Fire affected area for displaced persons.
3 Due to the magnitude of the destruction, there is a need to
4 provide for sufficient housing options both inside and outside
5 of the Camp Fire affected area. For this reason, the Board of
6 Supervisors finds that it is necessary that the Transitory
7 Period be extended to December 31, 2020.

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

23 WW. It is essential that this Ordinance become immediately effective
24 to allow sufficient time for the transition of homeless and
25 displaced residents back to the Camp Fire area.

26 Section 2. Section 53-11 is amended to read as follows:

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

2 This Article relating to debris removal shall take effect immediately
3 upon adoption and shall remain in effect until the removal of fire
4 debris has been completed on all properties damaged by the Camp Fire.
5 Regardless of when the removal of fire debris has been completed,
6 Section 53-19 relating to Temporary Log Storage Yards, as well as any
7 sections within this Article that relate to it, shall remain in effect
8 until December 31, 2021, unless otherwise specified herein, subject
9 to extension or modification by the Board of Supervisors.

10 Section 3. Section 53-32 is amended to read as follows:

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

12 A. The provisions in this article shall remain in effect until
13 December 31, 2021, unless otherwise specified herein, subject
14 to extension or modification by the Board of Supervisors. Unless
15 extended or modified by the Board of Supervisors, this article
16 shall expire on December 31, 2021, and be of no further force
17 or effect.

18 B. Except as otherwise provided herein, no residential recreational
19 vehicle use or interim housing authorized pursuant to this
20 article shall be used for permanent housing after the expiration
21 date of this article.

22 Section 4. Section 53-33 is amended to read as follows:

23 **Section 53-33. Definitions.**

24 Except where the context clearly indicates otherwise, the following
25 definitions shall govern the construction of the words and phrases
26 used in the article:

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

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

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

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

21 **Director.** The Director of the Department of Development Services or
22 his or her authorized representative.

23 **Displaced Person(s).** A county resident or residents whose residential
24 dwelling has been destroyed or damaged by the Camp Fire, such that
25 the resident(s) cannot occupy the dwelling. Displaced person(s) may
26 be required to provide verification to the county to substantiate

1 their eligibility for uses, permits and/or approvals described in
2 this article. Evidence may consist of verification by Federal
3 Emergency Management Agency (FEMA) registration or damage assessment,
4 and/or a driver's license or other government-issued identification
5 card or utility bill, etc. with a physical address showing the
6 resident resided on a legal parcel impacted by the Camp Fire, as
7 determined by the county. Such determination may be made by the
8 Director or other county personnel.

9 **Effective Date.** The date of the Board of Supervisors adoption of
10 this article.

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

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

24 **Movable Tiny House.** A movable tiny house is a structure utilized as
25 living quarters by one household that is licensed by and registered
26 with the California Department of Motor Vehicles, meets the American

1 National Standards Institute (ANSI) 119.5 or ANSI 119.2 (NFPA 1192)
2 requirements and is certified by a qualified third party inspector
3 for ANSI compliance, cannot move under its own power, is not longer
4 than allowed by State law for movement on public highways, has a
5 total floor area of not less than 150 square feet, and has no more
6 than 430 square feet of habitable living space.

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

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

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

22 **Temporary Truck and Equipment Staging and Laydown Yard.** An approved
23 area used for the storage of unladen trucks and equipment utilized
24 to remove and haul away fire debris and hazardous materials, and the
25 storage of materials used to facilitate the removal and hauling away
26 of fire debris and hazardous materials, as part of the Butte County

1 Camp Fire Consolidated Debris Removal Program. No fire debris or
2 hazardous materials may be brought onto or stored on the yard. Truck
3 and Equipment Staging and Laydown Yards may include associated truck
4 and equipment repair, construction trailers, employee parking and
5 portable bathroom facilities set up for use by the personnel assigned
6 to the yard, but not residences other than for a temporary caretaker
7 quarters.

8 **Transitory Period.** The period of time after the Camp Fire event during
9 which recreational vehicles do not need to meet the water, sewage
10 disposal, and electricity hook-up standards. The transitory period
11 ends on December 31, 2021.

12 Section 5. Section 53-52 is amended to read as follows:

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

14 A. The provisions in this article shall remain in effect until
15 December 31, 2021, unless otherwise specified herein,
16 subject to extension or modification by the Board of
17 Supervisors. Unless extended or modified by the Board of
18 Supervisors, this article shall expire on December 31,
19 2021, and be of no further force or effect.

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

24 Section 6. Section 53-53 is amended to read as follows:

25 **Section 53-53. Definitions.**

26 Except where the context clearly indicates otherwise, the following

1 definitions shall govern the construction of the words and phrases
2 used in the article:

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

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

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

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

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

1 human habitation.

2 **Director.** The Director of the Department of Development Services or
3 his or her authorized representative.

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

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

18 **Eligible Property.** A property that does not contain fire debris and
19 hazardous materials from a qualifying structure that was damaged or
20 destroyed by the Camp Fire. Eligible Property shall include (1)
21 parcels with no resulting damage or fire debris from the Camp Fire,
22 (2) parcels with fire debris from a structure that was not a
23 qualifying structure that was damaged or destroyed by the Camp Fire
24 and (3) parcels with fire debris or hazardous materials from a
25 qualifying structure that was damaged or destroyed by the Camp Fire,
26 only upon the issuance of a certificate that the parcel has been

cleaned pursuant to Phase II requirements by the Department of Public Health, Environmental Health Division. Temporary housing pursuant to this article shall be permitted as reflected in the table below:

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 by the Department of Public Health, Environmental Health Division)	Temporary housing allowed*	Temporary housing allowed*	Temporary housing allowed*

1 *such housing shall meet all other applicable requirements in this
2 article

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

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

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

20 **Movable Tiny House.** A movable tiny house is a structure utilized as
21 living quarters by one household that is licensed by and registered
22 with the California Department of Motor Vehicles, meets the American
23 National Standards Institute (ANSI) 119.5 or ANSI 119.2 (NFPA 1192)
24 requirements and is certified by a qualified third party inspector
25 for ANSI compliance, cannot move under its own power, is not longer
26 than allowed by State law for movement on public highways, has a

1 total floor area of not less than 150 square feet, and has no more
2 than 430 square feet of habitable living space.

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

7 **Phase II.** The term "Phase II" shall mean the ash and debris cleanup
8 work performed pursuant to the OES Program and/or the Alternative
9 Program.

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

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

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

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

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

13 **Transitory Period.** The period of time after the Camp Fire event during
14 which recreational vehicles do not need to meet the water, sewage
15 disposal, and electricity hook-up standards. The transitory period
16 ends on December 31, 2021.

17 Section 7. Section 53-60 is amended to read as follows:

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

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

26 Section 8. CEQA Exemption. Adoption of this Ordinance is exempt from

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

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

21 Section 10. Effective Date and Publication. This Ordinance shall be
22 and the same is hereby declared to be in full force and effect
23 immediately upon its passage by a four-fifths (4/5) or greater vote.
24 The Clerk of the Board of Supervisors is authorized and directed to
25 publish this Ordinance before the expiration of fifteen (15) days
26 after its passage. This Ordinance shall be published once, with the

1 names of the members of the Board of Supervisors voting for and
2 against it, in a newspaper of general circulation published in the
3 County of Butte, State of California. Pursuant to Government Code
4 section 25124, a complete copy of this Ordinance is on file with the
5 Clerk of the Board of Supervisors and is available for public
6 inspection and copying during regular business hours in the office
7 of the Clerk of the Board of Supervisors, 25 County center Drive,
8 Oroville, California.

9 **PASSED AND ADOPTED** by the Board of Supervisors of the County of Butte,
10 State of California, on the 29th day of September, 2020 by the
11 following vote:

12 **AYES:** Supervisors Connelly, Lucero, Ritter, Teeter and Chair Lambert

13 **NOES:** None

14 **ABSENT:** None

15 **ABSTAIN:** None

16 
17 STEVE LAMBERT, Chair
Butte County Board of Supervisors

18 **ATTEST:**

19 **SHARI MCCRACKEN**, Chief Administrative Officer
and Clerk of the Board

20
21 By: 
22 Deputy

23
24
25
26