

AN URGENCY ORDINANCE OF THE COUNTY OF BUTTE ADDING ARTICLE III.  
EMERGENCY INTERIM HOUSING OUTSIDE THE NORTH COMPLEX FIRE AREA,  
AND ARTICLE IV. EMERGENCY INTERIM HOUSING INSIDE THE NORTH  
COMPLEX FIRE AREA TO CHAPTER 54 - NORTH COMPLEX FIRE RECOVERY  
CODE OF THE BUTTE COUNTY CODE

4/5 VOTE REQUIRED

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. On August 17, 2020, lightning strikes sparked the Bear Fire and the Claremont Fire, both in Plumas County. Conditions of extreme peril to the safety of persons and property within the County of Butte were caused by wildfire known as the North Complex Fire when the Bear and Claremont Fires merged and progressed into the County of Butte on the 8th day of September, 2020, at which time the Board of Supervisors was not in session. A map depicting the North Complex Fire area is attached hereto as Exhibit A.

1 B. California Government Code Section 8630 empowers the County  
2 Administrator to proclaim the existence of a local emergency  
3 when the county is affected or likely to be affected by a  
4 public calamity, subject to ratification by the Board of  
5 Supervisors at the earliest practicable time.

6 C. On September 9, 2020, the Assistant Chief Administrative  
7 Officer of the County of Butte proclaimed the existence of a  
8 local emergency within the county due to the North Complex  
9 Fire.

10 D. On August 18, 2020, the Governor of the State of California  
11 proclaimed a State of Emergency for multiple fires caused by  
12 lightning strike, including what would grow into the North  
13 Complex Fire pursuant to the California Emergency Services  
14 Act, commencing with Section 8550 of the Government Code.

15 E. On August 22, 2020, the President of the United States  
16 approved a disaster declaration for the State of California  
17 relating to the wildfires, providing assistance from many  
18 federal agencies, including FEMA.

19 F. On September 11, 2020, Dr. Robert Bernstein, the County of  
20 Butte's Local Health Officer, issued a Declaration of Health  
21 Emergency pursuant to California Health and Safety Code  
22 section 101080. Dr. Bernstein's declaration stated that the  
23 local health emergency was a consequence of the debris  
24 resulting from the North Complex Fire that contains hazardous  
25 material in the ash of the burned qualifying structures. The  
26 purpose of the Declaration was to address the immediate threat

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

19 G. On September 14, 2020, Dr. Bernstein issued a Hazard Advisory  
20 strongly suggesting residents should not reside on property  
21 with qualifying structures damaged or destroyed by the North  
22 Complex Fire until the property had been cleared of hazardous  
23 waste, ash and debris and certified clean by the Department  
24 of Public Health, Environmental Health Division. When the  
25 evacuation orders are lifted, the Department of Public Health  
26 will make health and safety information available to

1 residents who choose to visit their property to collect  
2 valuables. The re-entry information will cover the dangerous  
3 conditions and toxic materials present in the North Complex  
4 Fire area. The re-entry information is intended to improve  
5 and protect public health and safety from the hazards likely  
6 to be encountered during the visit, and are not intended to  
7 encourage long-term habitation. The purpose of the Hazard  
8 Advisory was to address the public health hazards present at  
9 the time in the North Complex Fire area, including (1) the  
10 enormous amount of fire debris present in the North Complex  
11 Fire area, (2) the hazardous materials and probable  
12 radioactive materials present in ash and debris from  
13 qualifying structures, (3) the lessened but still present  
14 threat of infectious or communicable disease-causing agents  
15 and/or non-communicable disease-causing agents due to animal  
16 carcasses, radioactive waste and perishable foods, (4) the  
17 potential contamination or destruction of the residential and  
18 commercial water supply in the North Complex Fire area and  
19 (5) the potential pollution of the drinking water in or around  
20 the North Complex Fire area if weather conditions caused the  
21 spread of the hazardous materials in the ash and debris of  
22 burned qualifying structures.

23 H. On September 15, 2020, the Board of Supervisors adopted  
24 Resolution No. 20-111 ratifying the Assistant Chief  
25 Administrative Officer's proclamation of the existence of a  
26 local emergency in the County of Butte. The resolution also

1 requested that the State of California waive regulations that  
2 may hinder response and recovery efforts, as well as make  
3 available assistance under the California Disaster Assistance  
4 Act or any other state funding, and that the Federal  
5 Government expedite access to federal resources and any other  
6 appropriate federal disaster relief program.

7 I. On September 15, 2020, the Board of Supervisors ratified Dr.  
8 Bernstein's Declaration of a Local Health Emergency.

9 J. As of September 18, 2020, the North Complex Fire has consumed  
10 over 287,000 acres and has led to the destruction of over  
11 1,200 structures including residences and commercial  
12 buildings, and resulted in evacuation orders or warnings  
13 which impacted over 20,000 residents. As a result, the North  
14 Complex Fire has created an enormous amount of debris while  
15 causing the deaths of 15 people. The North Complex Fire is  
16 still burning through the County and despite firefighters'  
17 best efforts, the wildfire has not been contained. Evacuation  
18 orders are currently in place and numerous severe public  
19 health and safety hazards are present in the North Complex  
20 Fire area, including many blocked roads from fallen power  
21 lines, burned trees and vehicles, no available utilities, no  
22 available public services and the presence of human remains  
23 and animal carcasses.

24 K. There exists the potential for widespread toxic exposures and  
25 threats to public health and the environment in the aftermath  
26 of a major wildfire disaster, and debris and ash from

1 residential and commercial structure fires contain hazardous  
2 materials and the harmful health effects of hazardous  
3 materials produced by a wildfire are well-documented.

4 L. The combustion of building materials such as siding, roofing  
5 tiles, and insulation results in dangerous ash that may  
6 contain asbestos, heavy metals and other hazardous materials.  
7 Household hazardous waste such as paint, gasoline, cleaning  
8 products, pesticides, compressed gas cylinders, and chemicals  
9 may have been stored in homes, garages, or sheds that may  
10 have burned in the fire, also producing hazardous materials.

11 M. Exposure to hazardous materials may lead to acute and chronic  
12 health effects and may cause long-term public health and  
13 environmental impacts. Uncontrolled hazardous materials and  
14 debris pose significant threats to public health through  
15 inhalation of dust particles and contamination of drinking  
16 water supplies. Improper handling can expose residents and  
17 workers to toxic materials, and improper transport and  
18 disposal of fire debris can spread hazardous substances  
19 throughout the community.

20 N. Standards and removal procedures are needed immediately to  
21 protect the public safety, health and environment, and to  
22 facilitate coordinated and effective mitigation of the risks  
23 to the public health and environment from the health hazards  
24 generated by the North Complex Fire disaster.

25 O. The North Complex Fire has created hazardous waste conditions  
26 in the County of Butte in the form of contaminated debris

1 from household hazardous waste/materials and structural  
2 debris resulting from the destruction of thousands of  
3 structures. This hazardous waste debris poses a substantial  
4 present or potential hazard to human health and the  
5 environment until the property is certified clean. The  
6 accumulated exposure to hazardous waste debris over an  
7 extended period of time poses a severe hazard to human health.

8 P. The Department of Toxic Substances Control has issued reports  
9 regarding the assessment of burn debris from wildfires in the  
10 past. The studies of burned residential homes and structures  
11 from large scale wildland fires indicated that the resulting  
12 ash and debris can contain asbestos and toxic concentrated  
13 amounts of heavy metals such as antimony, arsenic, cadmium,  
14 copper, lead, and zinc. Additionally, the ash and debris may  
15 contain higher concentrations of lead if the home was built  
16 prior to 1978 when lead was banned from household paint in  
17 the United States. The reports indicated that the residual  
18 ash of burned residential homes and structures has high  
19 concentrations of heavy metals that can be toxic and can have  
20 significant impacts to individual properties, local  
21 communities, and watersheds if the ash and debris is not  
22 removed safely and promptly.

23 Q. As of September 25, 2020, the North Complex Fire has consumed  
24 95,999 acres in the County of Butte and has led to the  
25 destruction of 1,457 residences, damage to 59 residences, the  
26 destruction of 59 commercial buildings, damage to 5

1 commercial buildings, the destruction of 732 other minor  
2 structures, and resulted in the evacuation of over 20,000  
3 people. As a result, the North Complex Fire has created an  
4 enormous amount of debris and displaced thousands of  
5 residents.

6 R. The Local Health Officer, Dr. Bernstein, has indicated the  
7 following: (1) failing to clean properties containing ash and  
8 debris from a qualifying structure can have severely negative  
9 long-term consequences to the public health and environment;  
10 (2) the standard for determining when a property is clean  
11 from ash and debris from a qualifying structure is when the  
12 debris removal is complete and the property is certified clean  
13 by the Department of Public Health, Environmental Health  
14 Division; (3) as ash and debris of qualifying structures is  
15 the focus of the debris removal work, the significance of the  
16 public health risks is higher on properties with ash and  
17 debris from a qualifying structure; (4) based on the  
18 foregoing, properties that contain ash and debris from  
19 qualifying structures constitute a significant public health  
20 risk and therefore, those properties should be ineligible for  
21 temporary emergency housing until debris removal work is  
22 completed on the property and is certified clean by the  
23 Department of Public Health, Environmental Health Division;  
24 and (5) properties that do not contain ash and debris from a  
25 qualifying structure do not pose a significant public health  
26 risk and should be eligible for temporary emergency housing.

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

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

17 **Section 2.** Article III of Chapter 54 of the Butte County Code is  
18 added as follows:

19 **ARTICLE III. EMERGENCY INTERIM HOUSING OUTSIDE THE NORTH COMPLEX**  
20 **FIRE AREA**

21 **Section 54-30. Purpose.**

22 This article is enacted for the purpose of temporarily modifying  
23 various Zoning Ordinance regulations and policies to allow the  
24 fastest possible transition of residents made homeless or  
25 displaced by the North Complex Fire to interim and long-term  
26 shelter. The article relaxes certain standards in the Zoning

1 Ordinance to allow for additional temporary housing opportunities  
2 outside of the boundaries of the North Complex Fire to meet the  
3 urgent need for housing of displaced persons. This article does  
4 not address standards that will be required when displaced persons  
5 return to their properties within the boundaries of the North  
6 Complex Fire. Those standards will be addressed in an article  
7 below.

8 **Section 54-31. Administration.**

9 This article shall be administered under the direction of the Board  
10 of Supervisors, by and through the Director and other departments  
11 specified herein.

12 **Section 54-32. Effective Period.**

13 A. The provisions in this article shall remain in effect until  
14 December 31, 2023, unless otherwise specified herein, subject  
15 to extension or modification by the Board of Supervisors.

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

20 **Section 54-33. Definitions.**

21 Except where the context clearly indicates otherwise, the  
22 following definitions shall govern the construction of the words  
23 and phrases used in the article:

24 **Basecamp.** A site that includes some or all of the following  
25 features: equipment staging/storage; employee housing; commissary;  
26 laundry; and other services for the purpose of providing workforce

1 housing for North Complex Fire recovery efforts or shelter of  
2 displaced persons.

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

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

18 **Effective Date.** The date of the Board of Supervisors adoption of  
19 this article.

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

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

1 mobile/manufactured home is older than ten (10) years of age. The  
2 age measurement period shall be from the year of manufacture of  
3 the home to the year of the permit application. Mobile/manufactured  
4 home does not include recreational vehicle, park trailer, or  
5 commercial modular as defined in Division 13, Part 2, Chapter 1,  
6 of the Health and Safety Code.

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

17 **North Complex Fire.** The North Complex Fire derived from lightning  
18 strikes in Plumas County on August 17, 2020. The strikes caused  
19 several fires, including the Bear Fire and the Claremont Fire,  
20 which merged to form the North Complex Fire. On September 8, 2020,  
21 the fire spread rapidly into Butte County. As of this date, fifteen  
22 (15) individuals in Butte County have died due to the fire, over  
23 one thousand two hundred (1,200) structures have been destroyed or  
24 damaged, and approximately twenty thousand individuals (20,000)  
25 have been evacuated from the fire area. CAL FIRE maintains a map  
26 showing the boundaries of the North Complex Fire. The fire affected

1 the communities of Berry Creek, Brush Creek and Feather Falls, as  
2 well as additional rural areas.

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

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

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

18 **Transitory Period.** The period of time after the North Complex Fire  
19 event during which recreational vehicles do not need to meet the  
20 water, sewage disposal, and electricity hook-up standards. The  
21 transitory period ends on December 31, 2023.

22 **Section 54-34. Residential Use of Recreational Vehicles and**  
23 **Temporary Dwellings.**

24 A. FEMA Temporary Housing Sites. Federal Emergency Management  
25 Agency (FEMA) temporary housing sites authorized under  
26 contract to FEMA are an allowed use in the MDR (Medium Density

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

17 B. Transitory Use of Recreational Vehicles. Residential use and  
18 occupancy of up to two (2) recreational vehicles without  
19 water, sewage disposal, or electricity hook-ups on any lot  
20 that permits a residential use outside of the area affected  
21 by the North Complex Fire shall be allowed for the transitory  
22 period. Use after the transitory period shall be subject to  
23 a temporary administrative permit, full hook-ups to water,  
24 sewage disposal, and electricity, and subject to the  
25 applicable standards set forth in Subsection E, Standards.  
26

1 C. Temporary Dwellings with Utility Hook-ups. Residential use  
2 and occupancy of up to two (2) temporary dwellings utilizing  
3 hook-ups for water, sewage disposal, and electricity shall be  
4 allowed during the Effective Period of this article subject  
5 to a temporary administrative permit, and subject to the  
6 applicable requirements set forth in Subsection E, Standards.

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

1 ups may continue for the Effective Period of this article.  
2 Basecamp features may be located in the same zones as  
3 Temporary Recreational Vehicle Parks, except for the FR  
4 (Foothill Residential), RR (Rural Residential), and within  
5 the City of Chico Sphere of Influence VLDCR (Very Low Density  
6 Country Residential) zones. Temporary Recreational Vehicle  
7 Parks and basecamp features are subject to a temporary  
8 administrative permit and subject to the applicable  
9 requirements set forth under Subsection E, Standards.

10 E. Standards. After the transitory period, all residential uses  
11 of recreational vehicles shall meet the following standards.  
12 Use of temporary dwellings shall at all times meet the  
13 following standards.

14 1. Recreational vehicles and temporary dwellings shall have  
15 full hook-ups to water, sewage disposal, and  
16 electricity.

17 2. The property owner or the property owner's authorized  
18 agent shall obtain a temporary administrative permit for  
19 the Effective Period of this article. Written consent  
20 of the property owner is required in all cases.

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

26 4. The residential use of recreational vehicles and

1 temporary dwellings is limited to vehicles and dwellings  
2 not on a permanent foundation and used to house displaced  
3 persons during the Effective Period set forth in Section  
4 54-32 above.

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

11 6. The residential use of recreational vehicles and  
12 temporary dwellings shall be located outside of the  
13 boundaries of any recorded easements.

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

- 17 a. Public water supply;
- 18 b. Existing well provided that it has been approved by  
19 the Department of Public Health, Environmental  
20 Health Division as safe for domestic consumption;
- 21 or,
- 22 c. Other water source as approved by the Department of  
23 Public Health, Environmental Health Division.

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

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- a. Public sewer system;
  - b. Existing on-site sewage disposal system that has been approved by the Department of Public Health, Environmental Health Division to be intact, adequately sized, and functioning following the disaster;
  - c. Temporary holding tank with a contract with a pumping company for regular pumping. A copy of the contract shall be provided to the Department of Public Health, Environmental Health Division; or
  - d. Other method of sewage disposal approved by the Department of Public Health, Environmental Health Division.
9. The recreational vehicle, basecamp feature, or temporary dwelling shall be connected to an approved source of electricity meeting one of the following criteria:
- a. Permitted electrical service hook-up; or
  - b. Other power source approved by the Director.
10. The following additional standards apply to Temporary Recreational Vehicle Parks and basecamp features:
- a. Except for AG (Agriculture) zoned parcels which shall be a minimum total of twenty (20) acres and FR (Foothill Residential), RR (Rural Residential), and within the City of Chico Sphere of Influence VLDCR (Very Low Density Country Residential) zoned parcels which shall be a minimum total of five (5) acres as

1 discussed in subsection (E)(11) below, parcels shall  
2 be a minimum of two (2) acres in size.

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

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

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

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

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

26 a. Basecamps are not permitted.

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

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

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

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

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

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

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

1 is a separate application under the Zoning Ordinance  
2 to permit the improvements.

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

17 **Section 54-35. Use of accessory residential structures for**  
18 **temporary habitation.**

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

1 **Section 54-36. Use of Accommodations, Farmstays, Bed and Breakfast**  
2 **Inns, Resorts, Retreats, Camps or other similar uses.**

3 Notwithstanding any contrary provision in the Butte County Code or  
4 any use permit conditions, use of existing promotional or marketing  
5 accommodations, farmstays, bed and breakfast inns, resorts,  
6 retreats, camps or other similar visitor serving uses shall be  
7 allowed as interim housing for persons displaced by the North  
8 Complex Fire.

9 **Section 54-37. Waiver of County Use Permit Requirement for**  
10 **Relocation of Damaged Child Care and Educational Facilities.**

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

26 **Section 54-38. Removal and disconnection.**

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

7 **Section 3.** Article IV of Chapter 54 of the Butte County Code is  
8 added as follows:

9 **ARTICLE IV. EMERGENCY INTERIM HOUSING INSIDE THE NORTH COMPLEX**  
10 **FIRE AREA**

11 **Section 54-50. Purpose.**

12 Over two thousand two hundred forty eight (2,248) structures were  
13 destroyed or damaged, of which one thousand four hundred and fifty  
14 seven (1,457) are residential, by the North Complex Fire in Berry  
15 Creek, Brush Creek, Feather Falls, and surrounding unincorporated  
16 areas. This disaster has created an additional need for housing  
17 that follows on the overwhelming need for housing that was created  
18 by the November 8, 2018 Camp Fire in Paradise which created a need  
19 for housing on a scale that could not be accommodated through the  
20 existing available housing in Butte County. The need for housing  
21 from the Camp Fire has not been satisfied, and Butte County now  
22 faces the additional need for housing from the North Complex Fire.  
23 To meet the immediate need for housing, Butte County relaxed some  
24 building and zoning regulations in a prior article to allow for  
25 additional temporary housing outside of the North Complex Fire  
26 affected area. However, this additional temporary housing may not

1 be sufficient to meet the large and immediate need. This article  
2 relaxes some building and zoning regulations to allow for  
3 additional temporary housing inside of the North Complex Fire  
4 affected area. While public safety hazards are being mitigated,  
5 persons moving back to the area do so at their own risk and should  
6 make themselves aware of potential public safety hazards,  
7 including but not limited to falling trees or telephone poles  
8 adjacent to the roadways, damaged or unsafe roadways and bridges,  
9 and potable water issues. The article allows persons to place  
10 temporary housing on a property once Fire Debris and Hazardous  
11 Materials has been removed. The purpose of this article is to  
12 develop reasonable standards that allow persons to move back into  
13 the North Complex Fire affected area recognizing that a massive  
14 debris removal program must be implemented and, at the same time,  
15 provide interim shelter for Butte County residents on private  
16 property during this housing crisis.

17 **Section 54-51. Prohibition and Administration.**

18 It is prohibited for any individual, including a Displaced Person,  
19 to reside on any property that contains Fire Debris and Hazardous  
20 Materials until the property has been certified clean by the  
21 Department of Public Health, Environmental Health Division. This  
22 article shall be administered under the direction of the Board of  
23 Supervisors, by and through the Director and other departments  
24 specified herein.

25 **Section 54-52. Effective Period.**

1 A. The provisions in this article shall remain in effect  
2 until December 31, 2023, unless otherwise specified  
3 herein, subject to extension or modification by the  
4 Board of Supervisors.

5 B. Except as otherwise provided herein, no residential  
6 recreational vehicle use or interim housing authorized  
7 pursuant to this article shall be used for permanent  
8 housing after the expiration date of this article.

9 **Section 54-53. Definitions.**

10 Except where the context clearly indicates otherwise, the  
11 following definitions shall govern the construction of the words  
12 and phrases used in the article:

13 **Basecamp.** A site that includes some or all of the following  
14 features: equipment staging/storage; employee housing; commissary;  
15 laundry; and other services for the purpose of providing workforce  
16 housing for North Complex Fire recovery efforts or shelter of  
17 Displaced Persons.

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

23 **Director.** The Director of the Department of Development Services  
24 or his or her authorized representative.

25 **Displaced Person(s).** A county resident or residents whose  
26 residential dwelling has been destroyed or damaged by the North

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

12 **Effective Date.** The date of the Board of Supervisors adoption of  
13 this article.

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

15 **Fire Debris and Hazardous Materials.** Debris, ash, metals, and  
16 completely or partially incinerated substances from qualifying  
17 structures.

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

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

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

14 **North Complex Fire.** The North Complex Fire derived from lightning  
15 strikes in Plumas County on August 17, 2020. The strikes caused  
16 several fires, including the Bear Fire and the Claremont Fire,  
17 which merged to form the North Complex Fire. On September 8, 2020,  
18 the fire spread rapidly into Butte County. As of this date, fifteen  
19 (15) individuals in Butte County have died due to the fire, over  
20 two thousand one hundred and thirty nine (2,139) structures have  
21 been destroyed or damaged, of which one thousand three hundred and  
22 eighty eight (1,388) are residential, and approximately twenty  
23 thousand individuals (20,000) have been evacuated from the fire  
24 area. CAL FIRE maintains a map showing the boundaries of the North  
25 Complex Fire. The fire affected the communities of Berry Creek,  
26 Brush Creek, and Feather Falls, as well as additional rural areas.

1 **Qualifying Structure.** A structure of 120 square feet and over.

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

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

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

17 **Transitory Period.** The period of time after the North Complex Fire  
18 event during which recreational vehicles do not need to meet the  
19 water, sewage disposal, and electricity hook-up standards. The  
20 transitory period ends on December 31, 2023.

21 **Section 54-54. Transitory Use of Recreational Vehicles.**

22 Residential use and occupancy of up to two (2) recreational  
23 vehicles on any property that permits a residential use and that  
24 does not contain Fire Debris and Hazardous Materials or has been  
25 certified clean by the Department of Public Health, Environmental  
26 Health Division shall be allowed for the transitory period subject

1 to the applicable requirements set forth under Section 54-57,  
2 Standards. Use after the transitory period shall require  
3 compliance with Section 54-57, Standards, a temporary  
4 administrative permit, and full hook-ups to water, sewage  
5 disposal, and electricity.

6 **Section 54-55. Temporary Dwellings with Utility Hook-ups.**

7 Residential use and occupancy of up to two (2) temporary dwellings  
8 utilizing hook-ups for water, sewage disposal, and electricity on  
9 any property that permits a residential use and that does not  
10 contain Fire Debris and Hazardous Materials or has been certified  
11 clean by the Department of Public Health, Environmental Health  
12 Division shall be allowed during the Effective Period of this  
13 article subject to a temporary administrative permit, and subject  
14 to the applicable requirements set forth in Section 54-57,  
15 Standards.

16 **Section 54-56. Use of Cargo Storage Containers.**

17 The use of cargo storage containers during the term of this article  
18 shall be allowed, subject to the applicable requirements set forth  
19 under Section 54-57, Standards.

20 **Section 54-57. Standards.**

21 After the transitory period, all residential use of recreational  
22 vehicles, and, at all times, all residential use of temporary  
23 dwellings and storage use of cargo storage containers shall meet  
24 the following standards.

- 25 A. At all times, the property owner or the property owner's  
26 authorized agent shall obtain all county permits for all

1 temporary dwellings that are hooked-up to utilities.  
2 Written consent of the property owner is required in all  
3 cases.

4 B. At all times, residential use of recreational vehicles and  
5 temporary dwellings is limited to vehicles and dwellings  
6 not on a permanent foundation and used to house persons  
7 displaced by the North Complex Fire during the Effective  
8 Period set forth in Section 54-52.

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

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

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

24 F. For water hook-ups, the recreational vehicle, basecamp  
25 feature, or temporary dwelling shall be connected to an  
26

1 approved source of water meeting one of the following  
2 criteria:

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

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

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

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

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

7 **Section 54-58. FEMA Temporary Housing Sites.**

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

25 **Section 54-59. Temporary Recreational Vehicle Parks.**

26 The establishment of Temporary Recreational Vehicle Parks without

1 requiring hook-ups to water, sewage disposal, and electricity on  
2 any property that does not contain Fire Debris and Hazardous  
3 Materials or has been certified clean by the Department of Public  
4 Health, Environmental Health Division in Commercial, Industrial,  
5 FR (Foothill Residential), RR (Rural Residential), PD (Planned  
6 Development), P (Public), and RBP (Research and Business Park)  
7 zoning districts, and in the parking lots of religious and  
8 community facilities, and in AG (Agriculture) zones when an  
9 approved residential specific plan exists, and when said specific  
10 plan is identified under the Butte County General Plan, or in AG  
11 (Agriculture) zones located inside a city's approved Sphere of  
12 Influence that are classified as grazing or other lands as defined  
13 by the State Farmland Mapping and Monitoring Program and having a  
14 combined parcel size greater than 20 acres and subject to all  
15 additional requirements, such as the 300 foot agricultural buffer,  
16 flood zones, and airport land use compatibility zones shall be  
17 allowed for the transitory period. Temporary Recreational Vehicle  
18 Parks that are served with water, sewage disposal, and electricity  
19 hook-ups may continue for the Effective Period set forth in Section  
20 54-52. Basecamp features may be located in the same zones as  
21 Temporary Recreational Vehicle Parks, except for the FR (Foothill  
22 Residential) and RR (Rural Residential) zones. Temporary  
23 Recreational Vehicle Parks and basecamp features are subject to a  
24 temporary administrative permit and subject to the applicable  
25 requirements set forth under Section 54-57, Standards, as well as  
26 the following standards:

- 1       A.    Minimum Parcel Size. Except for AG (Agriculture) zoned  
2       parcels which shall be a minimum total of twenty (20)  
3       acres, the minimum parcel size for eligibility to locate  
4       a Temporary Recreational Vehicle Park or basecamp  
5       feature is two (2) acres.
- 6       B.    All areas occupied by recreational vehicles and/or  
7       basecamp features and access aisles, driveways, and  
8       roads shall have an all-weather surface capable of  
9       supporting a 40,000 lb. load that will allow for ingress  
10      and egress of fire apparatus to within 150 feet of all  
11      units and a vertical clearance of no less than 15 feet.
- 12      C.    Driveways and aisles shall have a minimum width of 25  
13      feet.
- 14      D.    A County Encroachment permit must be obtained for all  
15      new and existing driveway approaches to publicly  
16      maintained roads as specified in the County Improvement  
17      Standards.
- 18      E.    The temporary administrative permit may be subject to  
19      additional requirements from Butte County Fire, Butte  
20      County Public Works, the State Department of Housing and  
21      Community Development, and the State Regional Water  
22      Quality Control Board.
- 23      F.    The following additional standards apply to Temporary  
24      Recreational Vehicle Parks and basecamp features in the  
25      FR (Foothill Residential) and RR (Rural Residential)  
26      zones.

- 1 a. Basecamps are not permitted.
- 2 b. Parcels shall be a minimum five (5) acres in size.
- 3 c. No more than two (2) recreational vehicles shall be  
4 allowed per acre.
- 5 d. There shall be a 25-foot setback from all property  
6 lines for all recreational vehicles and related  
7 improvements.
- 8 e. Quiet hours shall be maintained from 10 pm to 7 am,  
9 during which generators shall not be operated and noise  
10 levels shall conform to Butte County Code Chapter 41  
11 A, Noise Control.
- 12 f. All outdoor lighting shall be located, adequately  
13 shielded, and directed such that no direct light falls  
14 outside the property line, or into the public right-  
15 of-way in accordance with the Butte County Zoning  
16 Ordinance, Article 14, Outdoor Lighting.
- 17 g. One on-site parking space shall be provided per  
18 recreational vehicle.

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

1 and utilities constructed for said park unless there  
2 is a separate application under the Zoning Ordinance  
3 to permit the improvements.

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

18 **Section 54-60. Reconstruction of a legal nonconforming structure.**

19 Reconstruction of a legal nonconforming structure that has been  
20 destroyed or damaged 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  
25 and current building standards.

26 **Section 54-61. Reconstruction of single family dwellings**

1 Reconstruction of single family dwellings shall take place under  
2 the following circumstances:

3       A.    On parcels with Fire Debris and Hazardous Materials, a  
4            building permit and plans may be submitted but a building  
5            permit will not be approved until the parcel has been  
6            certified clean by the Department of Public Health,  
7            Environmental Health Division.

8       B.    On vacant parcels, building permits and plans may be  
9            submitted and approved provided that construction is one  
10           hundred (100) feet or greater from neighboring Fire  
11           Debris and Hazardous Materials.

12 **Section 54-62. Use of accessory residential structures for**  
13 **temporary habitation.**

14 For the Effective Period of this article, accessory residential  
15 structures on any property that permits a residential use and that  
16 does not contain Fire Debris and Hazardous Materials or has been  
17 certified clean by the Department of Public Health, Environmental  
18 Health Division, which also meets Residential Group R occupancies  
19 as established by the California Residential Code adopted by Butte  
20 County, may be used as interim housing for Displaced Persons.  
21 During this period, said use shall not be subject to the provisions  
22 of existing deed restrictions required by Butte County, but shall  
23 remain subject to all other existing regulations and limitations.

24 **Section 54-63. Use of Accommodations, Farmstays, Bed and Breakfast**  
25 **Inns, Resorts, Retreats, Camps or other similar uses.**

26 Notwithstanding any contrary provision in the Butte County Code or

1 any use permit conditions, use of existing promotional or marketing  
2 accommodations, farmstays, bed and breakfast inns, resorts,  
3 retreats, camps or other similar visitor serving uses shall be  
4 allowed on any property that does not contain Fire Debris and  
5 Hazardous Materials or has been certified clean by the Department  
6 of Public Health, Environmental Health Division as interim housing  
7 for Displaced Persons.

8 **Section 54-64. Waiver of County Use Permit Requirement for**  
9 **Relocation of Damaged Child Care and Educational Facilities.**

10 Notwithstanding any contrary provision in the Butte County Code,  
11 any existing small or large child day care facility or child care  
12 center, elementary school, junior high school, high school or  
13 institution of higher education that was housed in premises made  
14 uninhabitable by the North Complex Fire may be temporarily  
15 relocated to existing buildings on any property that does not  
16 contain Fire Debris and Hazardous Materials or has been certified  
17 clean by the Department of Public Health, Environmental Health  
18 Division in the LI (Limited Industrial), PD (Planned Development),  
19 PB (Public), GC (General Commercial), NC (Neighborhood  
20 Commercial), CC (Community Commercial), REC (Recreation  
21 Commercial), and MU (Mixed-Use) zones, or to any site within an  
22 existing religious facility on any property that does not contain  
23 Fire Debris and Hazardous Materials or has been certified clean by  
24 the Department of Public Health, Environmental Health Division,  
25 subject to a temporary administrative permit and any existing  
26 applicable standards, and subject to a building permit if any

1 renovations are required. Nothing in this article waives or  
2 affects any State law requirements applicable to such facilities.

3 **Section 54-65. Removal and disconnection.**

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

10 **Section 54-66. Rebuilding Warning.**

11 The following statement shall be supplied to all individuals  
12 applying for a building permit within the North Complex Fire area:  
13 "Due to the large number of structures destroyed in the North  
14 Complex Fire area, it is anticipated that there will be a large  
15 number of applications for building permits in the North Complex  
16 Fire area after Fire Debris and Hazardous Materials have been  
17 cleaned up. Building permits in the North Complex Fire area will  
18 not be issued until after a property has been cleared of Fire  
19 Debris and Hazardous Materials. The Butte County Health Officer  
20 has identified health hazards in the Fire Debris and Hazardous  
21 Materials in the North Complex Fire area. Even if a property has  
22 been cleared of Fire Debris and Hazardous Materials or never had  
23 any Fire Debris and Hazardous Materials, it does not mean that  
24 there are no other health hazards or dangers on the property,  
25 including dangers resulting from fire-damaged or hazard trees.  
26 Property owners and residents must do their own investigation to

1 determine whether there are any other health hazards or dangers on  
2 the property. The issuance of a building permit for the property  
3 does not accomplish this task. A building permit is a ministerial  
4 action requiring only limited review by the County to ensure that  
5 the structure meets all applicable building standards. In most  
6 zones, an individual is allowed by right to construct a residence  
7 after receiving a building permit which only requires conformity  
8 to building standards. The building permit is issued based on  
9 information supplied by the applicant without independent  
10 investigation by the County of the property or potential health  
11 hazards or dangers. Given the limited scope of enforcement, it is  
12 not possible for the County to identify potential health hazards  
13 or dangers which are not directly associated with the permitted  
14 structure. The applicant is in a position to inspect the property,  
15 identify potential health hazards or dangers, and tailor the  
16 application to avoid any potential health hazards or dangers."

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

1 pursuant to the California Emergency Services Act, commencing with  
2 Section 8550 of the California Government Code.

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

12 **Section 6. Effective Date and Publication.** This Ordinance shall be  
13 and the same is hereby declared to be in full force and effect  
14 immediately upon its passage by a four-fifths (4/5) or greater vote.  
15 The Clerk of the Board of Supervisors is authorized and directed to  
16 publish this Ordinance before the expiration of fifteen (15) days  
17 after its passage. This Ordinance shall be published once, with the  
18 names of the members of the Board of Supervisors voting for and  
19 against it, in a newspaper of general circulation published in the  
20 County of Butte, State of California. Pursuant to Government Code  
21 section 25124, a complete copy of this Ordinance is on file with the  
22 Clerk of the Board of Supervisors and is available for public  
23 inspection and copying during regular business hours in the office  
24 of the Clerk of the Board of Supervisors, 25 County Center Drive,  
25 Oroville, California.

26 ///

1 **PASSED AND ADOPTED** by the Board of Supervisors of the County of Butte,  
2 State of California, on the 29th day of September, 2020 by the  
3 following vote:

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

5 **NOES:** None

6 **ABSENT:** None

7 **ABSTAIN:** None

8  
9   
10 **STEVE LAMBERT**, Chair  
Butte County Board of Supervisors

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**ATTEST:**

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

By:   
Deputy