CHAPTER 53 – CAMP FIRE RECOVERY

Article I. Findings and Title

Section 53-1. 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.

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

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

F. On November 9, 2018, Dr. Andrew Miller, Butte County’s Local Health Officer, issued a Declaration of Health Emergency pursuant to California Health and Safety Code section 101080. Dr. Miller’s declaration stated that the local health emergency was a consequence of the debris resulting from the Camp Fire that contains hazardous material in the ash of the burned qualifying structures. The purpose of the Declaration was to address the immediate threat to the public health and the imminent and proximate threat of the introduction of contagious, infectious or communicable disease, chemical agents, non-communicable biologic agents, toxins and/or radioactive agents present at the time in the Camp Fire area.
The threats included (1) the enormous amount of fire debris present in the Camp Fire area, including ash and debris containing hazardous materials and probable radioactive materials present in ash and debris from qualifying structures, (2) the threat of infectious or communicable disease and/or non-communicable biologic agents due to animal carcasses, radioactive waste and perishable foods, (3) the potential contamination or destruction of the residential and commercial water supply in the Camp Fire area and (4) the potential pollution of the drinking water downstream from the Camp Fire area if weather conditions caused the spread of the hazardous materials in the ash and debris of burned qualifying structures.

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

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

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

J. On November 21, 2018, the status of the Camp Fire area was as follows: firefighters had contained the Camp Fire; the Sheriff had lifted some evacuation orders; work crews had removed fallen power lines, burned vehicles and trees blocking the roads; utilities including electric power, gas and non-potable water had become available; no local businesses were open to serve the public; and no public services were available. Further, preliminary actions had been taken to mitigate the risk from animal carcasses, radioactive waste and perishable foods in the Camp Fire area, however, concerns regarding the threats remained. The public health hazards present in the Camp Fire area included (1) the public health hazards from the enormous amount of fire debris, (2) the public health hazard from the hazardous materials and probable radioactive materials present in the ash and debris from destroyed qualifying structures, (3) the threat of infectious or communicable disease and/or non-communicable biologic agent due to the presence of animal carcasses, perishable foods and radioactive waste and (4) the potential pollution of the drinking water downstream from the Camp Fire area if weather conditions caused the spread of the hazardous materials in the ash and debris of burned qualifying structures. At the time, the County estimated that the Camp
Fire had destroyed 18,000 structures.

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

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

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

N. The combustion of building materials such as siding, roofing tiles, and insulation results in dangerous ash that may contain asbestos, heavy metals and other hazardous materials. Household hazardous waste such as paint, gasoline, cleaning products, pesticides, compressed gas cylinders, and chemicals may have been stored in homes, garages, or sheds that may have burned in the fire, also producing hazardous materials.
O. Exposure to hazardous materials may lead to acute and chronic health effects and may cause long-term public health and environmental impacts. Uncontrolled hazardous materials and debris pose significant threats to public health through inhalation of dust particles and contamination of drinking water supplies. Improper handling can expose residents and workers to toxic materials, and improper transport and disposal of fire debris can spread hazardous substances throughout the community.

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

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

R. The Board of Supervisors previously approved urgency ordinances and/or related resolutions relating to the Camp Fire disaster recovery on December 11, 2018, December 21,
2018, January 8, 2019 and January 29, 2019. The actions addressed the need for the regulation of debris removal to alleviate the public health, safety and welfare concerns associated with the ash and debris of qualifying structures and temporary emergency housing options.

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

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

U. The Local Health Officer, Dr. Miller, has indicated the following: (1) the Phase II cleanup of the properties containing ash and debris from a qualifying structure mitigates the public health hazards of the Camp Fire; (2)
failing to clean properties containing ash and debris from a qualifying structure can have severely negative long-term consequences to the public health and environment; (3) therefore, the County’s focus must be on accomplishment of the Phase II cleanup to address the public health hazards; (4) the standard for determining when a property is clean from ash and debris from a qualifying structure is when the Phase II cleanup work is complete and the property is certified clean by the Department of Public Health, Environmental Health Division; (5) as ash and debris of qualifying structures is the focus of the Phase II cleanup work, the significance of the public health risks is higher on properties with ash and debris from a qualifying structure; (6) given the progress the Camp Fire disaster recovery has made with respect to the hazards identified in the findings above, the remaining significant public health hazard is the ash and debris from qualifying structures; (7) based on the foregoing, properties that contain ash and debris from qualifying structures constitute a significant public health risk and therefore, those properties should be ineligible for temporary emergency housing until Phase II cleanup work is completed on the property and is certified clean by the Department of Public Health, Environmental Health Division; and (8) properties that do not contain ash and debris from a qualifying structure do not pose a significant public health risk and should be eligible for temporary emergency housing.
V. There is an immediate need for housing to accommodate persons who have been displaced by the Camp Fire. This Chapter temporarily relaxes some building and zoning regulations to allow for additional housing both inside and outside of the Camp Fire affected area for displaced persons. Due to the magnitude of the destruction, there is a need to provide for sufficient housing options both inside and outside of the Camp Fire affected area.

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

Section 53-2. Title.
This Chapter shall be known and may be cited as the Camp Fire Disaster Recovery Ordinance.

ARTICLE II. DEBRIS REMOVAL

Section 53-10. Definitions.

Alternative Program. For purposes of this Article, the term “Alternative Program” shall mean the requirements for inspections, clean up and disposal established by the County of Butte for property owners that opt out of or are ineligible for the OES Program.
Board. The term “Board” means the Board of Supervisors.

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

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

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

Phase II. For purposes of this Article, the term “Phase II” shall mean the ash and debris cleanup work performed pursuant to the OES Program and/or the Alternative Program.

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

Qualifying structure. For the purposes of this Article, the term “qualifying structure” shall mean a structure of 120 square feet and over.

Removal of Fire Debris. The term “removal of fire debris” as used in this Article includes all cleanup of fire debris from structures resulting from the Camp Fire, including removal, transport and disposal of fire debris, but it does not include the removal of personal property from residential sites unless such removal of
personal property involves cleanup and the removal of ash from the property.

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

**Temporary Log Storage Yards (AKA: Log Decks).** For purposes of this Article, a site where piles of logs and other piles of vegetation removed from the Camp Fire affected area are temporarily stored and processed before transfer to trucks or rail. The logs and vegetation must be associated with the Camp Fire recovery effort, i.e., logs and vegetation that are burn-damaged or otherwise removed due to safety issues associated with the Camp Fire. Logs and wood waste originating from routine utility line maintenance shall not be stored at Temporary Log Storage Yards. This definition and Section 53-19 do not apply to logs and/or vegetation harvested or cleared as part of a timber harvest plan or exemption under the Forest Practice Rule that are stored and/or processed on the property on which they were harvested or cleared. This definition and Section 53-19 only applies to logs and vegetation transported to another property. A temporary log storage yard shall not exist beyond the Effective Period. No structural fire debris or hazardous materials may be brought onto or stored in the yard including any that may have been deposited on logs or vegetation. Temporary Log Storage Yards allow for the processing of logs and vegetation (e.g., chipping, milling, etc.)
but not the burning of logs and vegetation, and may include associated equipment repair, construction trailers, employee parking and portable bathroom facilities set up for use by the personnel assigned to the yard, but not residences other than the transitory use of a recreational vehicle for a temporary caretaker quarters in conformance with Section 53-34 of this Chapter.

Section 53-11. Effective Period.

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

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

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

<p>| No structure on burned property | Non-qualifying structures (Structures less than 120 square feet) | Qualifying structures (Structures 120 square feet and over on |</p>
<table>
<thead>
<tr>
<th>Prior to completion of Phase I cleanup</th>
<th>Owner may remove debris</th>
<th>Debris removal prohibited</th>
<th>Debris removal prohibited</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to completion of Phase II cleanup</td>
<td>Owner may remove debris with certificate from the Department of Public Health, Environmental Health Division</td>
<td>Owner may remove debris with certificate from the Department of Public Health, Environmental Health Division</td>
<td>CalOES or Alternative Program contractors only may remove debris</td>
</tr>
<tr>
<td>Following Phase II cleanup</td>
<td>Owner may remove debris with certificate from the Department of Public Health, Environmental Health Division</td>
<td>Owner may remove remaining debris not removed during Phase II with certificate from the Department of Public Health, Environmental Health Division</td>
<td>Owner may remove remaining debris not removed during Phase II with certificate from the Department of Public Health, Environmental Health Division</td>
</tr>
</tbody>
</table>
For the purposes of this Article, the requirement to enter into the CalOES Program or the Alternative Program shall apply only to properties that contained a qualifying structure under the OES Program. The requirement shall not apply to properties that only contained non-qualifying structures, including but not limited to sheds, canopies, carports, well houses, greenhouses, chicken coops or fencing. Whether fire debris derived from a qualifying or non-qualifying structure shall be determined by the Director, or his or her designee, in consultation with CalOES.

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

A. Effect of the Right of Entry Permit: The Right of Entry Permit shall function as the sole permit and authorization for participation in the OES Program.

B. Notwithstanding any contrary provision in Butte County Code, no County approvals or permits for fire debris removal are required for properties participating in the OES Program, other than the Right of Entry agreement.

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

A. The County shall administratively adopt and administer the Alternative Program in the unincorporated areas of Butte County under the supervision of the Chief Administrative Officer or his or her designee. The County shall utilize the state and federal standards and cleanup goals of the OES
Program as the standards for the Alternative Program. Under the Supervision of the Chief Administrative Officer or his or her designee, the County may administratively update these standards as necessary to address ongoing changes in the administration of the OES Program and the need to efficiently remove hazardous fire debris from the community.

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

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

D. Upon completion of the work described in the approved plans, the Alternative Program shall require an application for certification of successful completion of the work required by the Alternative Program. The Alternative Program will require that: (1) the debris removal and clean-up work on the
property meets or exceeds the standards set by the State of California for debris removal; and (2) the owner completely remove and dispose of the foundation or submit a letter from a licensed civil or structural engineer certifying that the foundation is acceptable for rebuild. The letter shall certify structural reasons for the decision and include the process and procedure used to reach the conclusion.

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

Section 53-15. Hold on Building Permits.

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

Section 53-16. Deadlines and Enforcement.

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

B. Properties that have fire ash and debris from the Camp Fire and that have neither an approved Right of Entry Permit for
the OES Program nor an approved application for the Alternative Program by the deadline set by the Board are declared a nuisance and health hazard and such properties may be abated pursuant to this Chapter.

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

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

E. Enforcement and Abatement.

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

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

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

ii. **Appeal and Waiver.** The property owner(s) or any person or entity having a legal interest in the property may submit a written appeal of the Director’s Order to the Health Officer or his or her designee no later than 10 calendar days from the date of mailing of the Notice and Order. The written appeal shall state the basis for the appeal. The Health Officer or his/her designee shall
review the appeal and shall issue a written decision (the “Decision”) no later than 10 calendar days after receipt. The Decision shall uphold, rescind or modify the determination of the Notice and Order. The Decision on the appeal shall be final. Failure to appeal within the time prescribed shall constitute a waiver of the right to contest the summary abatement.

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

iv. Post Abatement Costs Appeal. If the property owner(s) or anyone with a legal interest in the property submits a timely costs appeal, the County shall schedule an administrative hearing on the matter and provide the appeal party with reasonable notice of the hearing. The hearing conducted shall be held before a Hearing Officer designated pursuant to the protocol set forth in that
document entitled the "Butte County Administrative Hearing Officer Program." The Program is based upon an alphabetical rotation through attorneys currently under contract through the Program. The hearing officer shall conduct an administrative hearing where each party shall have the opportunity to present evidence and the County shall have the obligation to establish that the costs, including expenses and attorney’s fees, if any, incurred for the summary abatement were necessary by a preponderance of the evidence. After the hearing, the hearing officer shall issue a written decision and order that shall be served upon the appealing party within 30 calendar days of the hearing unless extended by agreement of the parties.

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

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

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

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

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

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

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

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

(2) General Commercial (GC) zone.

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

(4) Foothill Residential (FR), Rural Residential (RR), Planned Development (PD), and Public (P).
D. Standards. All temporary log storage yards shall meet the following standards:

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

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

3. Siting Criteria. To the extent practicable, temporary log storage yards shall be located on flat areas of the site that
are already disturbed and in such a manner to decrease impacts to uses on surrounding properties.

(4) Parcel Size. The temporary log storage yard site shall be a minimum of 5 acres in the GC zone, 10 acres in the FR, RR, PD, and P zones, and 20 acres in other zones regardless of the actual area used for the temporary log storage yard. Adjacent parcels may be utilized to achieve this standard, provided each owner’s consent is provided with the application. All parcels must be shown on the application, the site plan, and all property owners shall provide written permission.

(5) Approved Access. Temporary log storage yards shall have access onto a public road. If the public road is a County road, the approach shall be made with an encroachment permit approved by the Department of Public Works. If the public road is a State highway, the approach shall be made with an approved encroachment permit issued by the California Department of Transportation (CalTrans) District 3 Office. If the public road is accessed by a private road, there shall be an approved encroachment permit as required in the prior two sentences where the private road connects to the public road, and there shall be an approved road maintenance agreement that allows for the proposed use along the private road.

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

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

(8) Biological Resources. Temporary log storage yards shall not be located on lands containing wetlands, and/or endangered and protected plants and animal species. A biological report shall be furnished to the Department of Development Services demonstrating that the site does not contain wetlands and/or endangered or protected plants and animal species. A temporary log storage yard shall not expand without providing a site plan and a biological report to cover the expanded area.

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

(a) When a fire starts, a telephone call must be made to 911 immediately to inform that there is a fire. The facility operator shall develop a plan for monitoring, controlling, and extinguishing fires. The plan shall be submitted with the application for the temporary administrative permit for review and approval by fire officials.

(b) Smoking may only occur in designated locations shown on the site plan.
(c) Log piles shall not exceed 20 feet in height, 300 feet in width, and 500 feet in length. Log piles shall be stabilized by a means approved by the fire marshal.

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

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

(f) All piles shall be monitored by a means approved by the fire marshal to measure temperatures. Internal pile temperatures shall be monitored and recorded weekly. A plan by the permittee for restricting and mitigating excessive temperatures shall be submitted with the application for the temporary administrative permit for review and approval by fire officials.

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

(h) Cutting activities shall comply with California Fire Code Chapter 35.

(10) Butte County Public Health, Environmental Health Division Standards.

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

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

(c) For water that is provided for human consumption, either from an on-site well or transported to the facility and held in a storage tank, the facility operator must meet the following requirements: if there are 25 or more people/day consuming the water, the facility operator shall contact the Butte County Environmental Health Division for public water system permitting requirements and must operate in accordance with those requirements; if there are fewer than 25 people/day consuming the water, the facility shall have the water tested for and be in compliance with minimum bacteriological standards as required by the Butte County Environmental Health Division. If bottled water is provided, there are no requirements for testing.

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

(11) Butte County Public Works Department Standards.

(a) Perimeter stormwater control – When the temporary log storage yard is prepared for operations or the soil is disturbed, improvements shall be designed and implemented such that water accumulating within the project will be carried away from the project without injury to any adjacent improvements, residential sites, or adjoining areas. The design shall be prepared by a Qualified Stormwater Developer who holds the certification required by the CA Water Quality Control Board’s Construction General Permit 2009-009-DWQ. All natural drainage that enters the project area must leave the project area at its original horizontal and vertical alignment and with the same pre-improvement quantity. Implementation of erosion control within the project area and sediment control basins at drainage outlets shall conform with California Stormwater Quality Association (CASQA) design criteria. Sites that meet EPA’s criteria for a Rainfall Erosivity Waiver (https://www.epa.gov/sites/production/files/2015-10/documents/fact3-1.pdf) or are fully stabilized with erosion control measures are not required to install sediment control basins.

(b) Water quality and erosion control – When submitting an application for a temporary log storage yard, any surface disturbance over one acre in size shall require a Storm Water
Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer and the submittal of a Notice of Intent to obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ as amended). If the area of disturbance is one acre or less, then along with an application for a temporary log storage yard, an Erosion and Sediment Control Plan (ESCP) shall be developed by the facility operator, submitted for approval, and adhered to for erosion and sediment control. The ESCP shall contain a description detailing which Best Management Practices (BMP) will be used, how they will be used, and where they will be used in conformance with the California Stormwater Quality Association (CASQA) BMP Municipal Handbook. The ESCP shall contain a description of temporary and permanent measures and include ingress/egress control measures and street sweeping. Plans shall be prepared by a Qualified Stormwater Developer who holds the certification required by the CA Water Quality Control Board’s Construction General Permit 2009-009-DWQ. Upon completion of the project, all temporary sediment control measures shall be removed from the site. All permanent sediment control measures must be maintained by the parcel owner.

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

(a) Mobile and stationary toxic air contaminants; and

(b) Fugitive dust and ash. Best practice measures shall comply with the Butte County Air Quality Management District’s Rule 205 – Fugitive Dust Requirements and shall include, but not be limited to, the following:

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

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

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

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

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

(13) Storage or Processing of Debris Prohibited. The storage or processing of debris from the Butte County Camp Fire Consolidated Debris Removal Program at any temporary log
storage yard, including the storage of trucks or equipment loaded with debris, is expressly prohibited.

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

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

(16) Reclamation Required. The application for a temporary administrative permit for a temporary log storage yard shall be accompanied by a detailed plan for the restoration or reclamation of the subject property to the satisfaction of the Director of Development Services. There shall be no grading of the site without the prior approval of the Director of Development Services, but if grading is allowed, topsoil shall be conserved to be used for reclamation. At minimum, a plan for restoration or reclamation shall include:
(a) Clearance of the site of all vehicles, equipment and materials utilized as part of the temporary log storage yard; and
(b) Stabilization of the site, implementation of erosion control measures, and successful revegetation to the satisfaction of the Director of Development Services in order to render the site suitable for the use for which it was zoned, for example:

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

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

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

(19) Additional Requirements. The temporary administrative permit may be subject to additional requirements from Butte County Fire, Butte County Public Works, the Butte County Air Quality Management District, the California Department of
Transportation, the Butte County Public Health Department, and the State Regional Water Quality Control Board.

E. Notice

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

F. Violations, Enforcement, and Penalties.

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

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

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

ARTICLE III. EMERGENCY INTERIM HOUSING OUTSIDE THE CAMP FIRE AREA

Section 53-30. Purpose.

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

Section 53-31. Administration.
This article shall be administered under the direction of the Board of Supervisors, by and through the Director and other departments specified herein.

Section 53-32. Effective Period.
A. The provisions in this article shall remain in effect until December 31, 2021, unless otherwise specified herein, subject to extension or modification by the Board of Supervisors. Unless extended or modified by the Board of Supervisors, this article shall expire on December 31, 2021, and be of no further force or effect.
B. Except as otherwise provided herein, no residential recreational vehicle use or interim housing authorized pursuant to this article shall be used for permanent housing after the expiration date of this article.

Section 53-33. Definitions.
Except where the context clearly indicates otherwise, the following definitions shall govern the construction of the words and phrases used in the article:
Approved Mining Site. The portion of a parcel or parcels of land with a valid mining permit, reclamation plan and financial assurance for surface mining operations, as required in Butte County Code Chapter 13, Article II, Surface Mining and Reclamation.

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

Cal OES. The Governor’s Office of Emergency Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. Standards. After the transitory period, all residential uses of recreational vehicles shall meet the following standards.

Use of temporary dwellings shall at all times meet the following standards.

(1) Recreational vehicles and temporary dwellings shall have full hook-ups to water, sewage disposal, and electricity.

(2) The property owner or the property owner’s authorized agent shall obtain a temporary administrative permit for the Effective Period of this article. Written consent of the property owner is required in all cases.

(3) Use of temporary dwellings is contingent on proof of a damaged or destroyed residence as verified by the Director based on prior final building permit or Assessor’s records, or other documentation satisfactory to the Director.

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

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

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

(7) The recreational vehicle, basecamp feature, or temporary dwelling shall be connected to an approved source of water meeting one of the following criteria:
   
   (a) Public water supply;
   
   (b) Existing well provided that it has been approved by the Department of Public Health, Environmental Health Division as safe for domestic consumption; or,
   
   (c) Other water source as approved by the Department of Public Health, Environmental Health Division.

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

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

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

(c) Driveways and aisles shall have a minimum width of 25 feet.

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

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

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

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

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

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

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

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Section 53-35. Use of accessory residential structures for temporary habitation.
For the Effective Period of this article, accessory residential structures, which meet Residential Group R occupancies as established by the California Residential Code adopted by Butte County, may be used as interim housing for persons displaced by the Camp Fire. During this period, said use shall not be subject to the provisions of existing deed restrictions required by Butte County, but shall remain subject to all other existing regulations and limitations.

Section 53-36. Use of Accommodations, Farmstays, Bed and Breakfast Inns, Resorts, Retreats, Camps or other similar uses.
Notwithstanding any contrary provision in the Butte County Code or any use permit conditions, use of existing promotional or marketing accommodations, farmstays, bed and breakfast inns, resorts, retreats, camps or other similar visitor serving uses shall be allowed as interim housing for persons displaced by the Camp Fire.

Section 53-37. Waiver of County Use Permit Requirement for Relocation of Damaged Child Care and Educational Facilities.
Notwithstanding any contrary provision in the Butte County Code, any existing small or large child day care facility or child care center, elementary school, junior high school, high school or institution of higher education that was housed in premises made uninhabitable by the Camp Fire may be temporarily relocated to existing buildings in the LI (Limited Industrial), RBP (Research and Business Park), PD (Planned Development), PB (Public), GC
(General Commercial), NC (Neighborhood Commercial), CC (Community Commercial), REC (Recreation Commercial), SE (Sports and Entertainment), and MU (Mixed-Use) zones, or to any site within an existing religious facility, subject to a temporary administrative permit and any existing applicable standards, and subject to a building permit if any renovations are required. Nothing in this article waives or affects any State law requirements applicable to such facilities.

Section 53-38. Removal and disconnection.
Every temporary dwelling allowed by this article shall be disconnected from water, sewage disposal, and/or electricity hookups and removed from the property on which it is located no later than the expiration date of this article or within 30 days of a final inspection or the issuance of a certificate of occupancy for a replacement dwelling, whichever is earliest.

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

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

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

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

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

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

2. Site Plan Required. A detailed site plan meeting general architectural or engineering standards, legible and drawn to scale shall be provided with the application for a temporary administrative permit. Partial site plans for a portion of a property may be submitted as long as a vicinity map for the entire property showing frontage streets, other uses and a cross reference of the area of the partial site plan is provided. All site plans shall show and label contours at maximum vertical intervals of five feet; areas of proposed grading and fill; the width of access roads to and around parking and laydown areas and buildings; and
3. Siting Criteria. To the extent practicable, temporary truck and equipment staging and laydown yards shall be located on flat areas of the site that are already disturbed. Yards located on approved mining sites shall be located within the boundaries of that portion of the parcel or parcels of land with a valid mining permit, reclamation plan and financial assurance for surface mining operations that have not already been reclaimed.

4. Approved Access. Temporary truck and equipment staging and laydown yards shall have access onto a public road. If the public road is a County road, the approach shall be made with an encroachment permit approved by the Department of Public Works. If the public road is a State highway, the approach shall be made with an approved encroachment permit issued by the California Department of Transportation (CalTrans) District 3 Office. If the public road is accessed by a private road, there shall be an approved road maintenance agreement that allows for the proposed use along the private road.

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

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

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

b. Mobile and stationary toxic air contaminants; and

c. Fugitive dust and ash.

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

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

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

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

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

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

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

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

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

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

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

B. Notice

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

ARTICLE IV. EMERGENCY INTERIM HOUSING INSIDE THE CAMP FIRE AREA

Section 53-50. Purpose.

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

Section 53-51. Administration.
This article shall be administered under the direction of the Board
of Supervisors, by and through the Director and other departments
specified herein.

Section 53-52. Effective Period.
A. The provisions in this article shall remain in effect until
December 31, 2021, unless otherwise specified herein, subject
to extension or modification by the Board of Supervisors.
Unless extended or modified by the Board of Supervisors, this
article shall expire on December 31, 2021, and be of no
further force or effect.
B. Except as otherwise provided herein, no residential
recreational vehicle use or interim housing authorized
pursuant to this article shall be used for permanent housing
after the expiration date of this article.
Section 53-53. Definitions.

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

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

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

Cal OES. The Governor’s Office of Emergency Services.

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

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

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

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

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

**Eligible Property.** A property that does not contain fire debris
and hazardous materials from a qualifying structure that was
damaged or destroyed by the Camp Fire. Eligible Property shall
include (1) parcels with no resulting damage or fire debris from
the Camp Fire, (2) parcels with fire debris from a structure that
was not a qualifying structure that was damaged or destroyed by the Camp Fire and (3) parcels with fire debris or hazardous materials from a qualifying structure that was damaged or destroyed by the Camp Fire, 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.

<table>
<thead>
<tr>
<th></th>
<th>Property not damaged by Camp Fire</th>
<th>Property with a non-qualifying structure damaged or destroyed by Camp Fire</th>
<th>Property with a qualifying structure damaged or destroyed by Camp Fire</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior to completion of Phase II cleanup</td>
<td>Temporary housing allowed*</td>
<td>Temporary housing allowed*</td>
<td>Temporary housing prohibited</td>
</tr>
<tr>
<td>Following completion of Phase II cleanup (property certified clean by the)</td>
<td>Temporary housing allowed*</td>
<td>Temporary housing allowed*</td>
<td>Temporary housing allowed*</td>
</tr>
</tbody>
</table>
Department of Public Health, Environmental Health Division

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

FEMA. The Federal Emergency Management Agency or successor agency.

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

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

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

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

**Phase II.** The term “Phase II” shall mean the ash and debris cleanup work performed pursuant to the OES Program and/or the Alternative Program.

**Qualifying Structure.** The term “qualifying structure” shall mean a structure of 120 square feet and over.

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

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

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

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

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

**Section 53-54. Transitory Use of Recreational Vehicles.**
Residential use and occupancy of up to two (2) recreational vehicles on any Eligible Property that permits a residential use shall be allowed for the transitory period subject to a transitory administrative permit and the applicable requirements set forth under Section 53-57, Standards. The transitory administrative permit shall include, but not be limited to, a plan for the disposal of household trash, a plan for the storage of any items outside of a recreational vehicle or cargo storage container which includes shielding the items from public view, a plan for the disposal of wastewater, and a plan for obtaining potable and nonpotable water. The Board of Supervisors finds that it is in the public interest to waive all fees for the transitory administrative permit pursuant to Butte County Code Section 1-18 because of the financial hardship many residents of the Camp Fire area are experiencing, especially those who have not yet been able to rebuild a permanent residence. The transitory administrative permit is subject to a three strikes revocation rule. If Code Enforcement Officers issue three administrative citations for failure to abide by the requirements of the transitory administrative permit, the transitory administrative permit shall be revoked. Use after the transitory period shall require compliance with Section 53-57, Standards, a temporary administrative permit, and full hook-ups to water, sewage disposal, and electricity.

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

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

Section 53-56. Use of Cargo Storage Containers.

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

Section 53-57. Standards.

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

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

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

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

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

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

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

1. Public water supply;

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

3. Other water source approved by the Department of Public Health, Environmental Health Division.

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

1. Public sewer system;
2. A new or existing on-site sewage disposal system that has been approved by the Department of Public Health, Environmental Health Director to be intact, adequately sized, and functioning correctly;
3. 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
4. Other method of sewage disposal approved by the Department of Public Health, Environmental Health Division.

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

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

Section 53-58. FEMA Temporary Housing Sites.
Federal Emergency Management Agency (FEMA) temporary housing sites authorized under contract to FEMA are an allowed use in the MDR (Medium Density Residential), MHDR (Medium High Density Residential), HDR (High Density Residential), RBP (Research and Business Park), PD (Planned Development), P (Public), and
Commercial and Industrial zones; and, in AG (Agriculture) zones when an approved residential specific plan exists, and when said specific plan is identified under the Butte County General Plan, or in AG (Agriculture) zones located inside a city’s approved Sphere of Influence that are classified as grazing or other lands as defined by the State Farmland Mapping and Monitoring Program and having a combined parcel size greater than 20 acres and subject to all additional requirements, such as the 300 foot agricultural buffer, flood zones, and airport land use compatibility zones. Each FEMA temporary housing site authorized under this article shall have been reviewed through the housing identification process and approved by the Director.

Section 53-59. Temporary Recreational Vehicle Parks.

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

A. Minimum Parcel Size. Except for AG (Agriculture) zoned parcels which shall be a minimum total of twenty (20) acres, the minimum parcel size for eligibility to locate a Temporary Recreational Vehicle Park or basecamp feature is two (2) acres.

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

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

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

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

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

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

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

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

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

Section 53-60. Reconstruction of a legal nonconforming structure.
Reconstruction of a legal nonconforming structure that has been demolished or destroyed shall begin within two-years after the fire debris removal is signed-off as complete by the Public Health Department’s Environmental Health Division and shall be completed within three-years after issuance of the building permit. Any reconstruction is subject to all applicable permit requirements and current building standards.

Section 53-61. Reconstruction of single family dwellings
Reconstruction of single family dwellings shall take place under the following circumstances:

A. On parcels with fire debris a building permit and plans may be submitted but a building permit will not be approved until debris removal is signed-off as completed by the Public Health Department’s Environmental Health Division.

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

Section 53-62. Use of accessory residential structures for temporary habitation.
For the effective period of this article, accessory residential structures on an Eligible Property, which also meets Residential Group R occupancies as established by the California Residential
Code adopted by Butte County, may be used as interim housing for persons displaced by the Camp Fire. During this period, said use shall not be subject to the provisions of existing deed restrictions required by Butte County, but shall remain subject to all other existing regulations and limitations.

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

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

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

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

Section 53-65. Removal and disconnection.

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

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

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

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

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

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

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

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

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

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

4. Approved Access. Temporary truck and equipment staging and laydown yards shall have access onto a public road. If the public road is a County road, the approach shall be made with an encroachment permit approved by the Department of Public Works. If the public road is a State highway, the approach shall be made with an approved encroachment permit issued by the California Department of Transportation (CalTrans) District 3 Office. If the public road is accessed by a private road, there shall be an approved road maintenance agreement that allows for the proposed use along the private road.

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

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

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

b. Mobile and stationary toxic air contaminants; and

c. Fugitive dust and ash.

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

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

9. Hazardous Material Business Plan Required. The storage of any hazardous material at or above State-defined thresholds shall require the approval by the Environmental Health Division of the Department of Public Health of a Hazardous Material Business Plan.
10. Outdoor Lighting. All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way in accordance with the Butte County Zoning Ordinance, Article 14, Outdoor Lighting.

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

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

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

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

ii. If the site is not an approved mine site, a permitted or conditionally permitted use for the zone in which it is located.
12. Performance Guarantee. In approving a temporary administrative permit for a temporary truck and equipment staging and laydown yard, the Director shall require a performance guarantee as provided by Section 24-245 of the Butte County Code in the amount of $1,000.00 per acre of land disturbed in order to guarantee the proper completion of any approved work and to ensure that site reclamation is completed to the satisfaction of the Director. Lands shall be restored or reCLAIMed to the satisfaction of the Director prior to release of the performance guarantee.

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

B. Notice

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

Section 53-67. Rebuilding Warning.

The following statement shall be supplied to all individuals applying for a building permit within the Camp Fire area: "Due to the large number of structures destroyed in the Camp Fire area, it is anticipated that there will be a large number of applications for building permits in the Camp Fire area after fire debris and hazardous materials have been cleaned up pursuant to the Butte County Camp Fire Consolidated Debris Removal Program. Building permits in the Camp Fire area will not be issued until after a property has been cleared of fire debris and hazardous materials as required by the Program. The Butte County Health Officer has identified health hazards in the fire debris and hazardous materials in the Camp Fire area. Even if a property has been cleared of fire debris and hazardous materials or never had any fire debris and hazardous materials, it does not mean that there are no other health hazards or dangers on the property, including dangers resulting from fire-damaged or hazard trees. Property owners and residents must do their own investigation to determine whether there are any other health hazards or dangers on the property. The issuance of a building permit for the property does not accomplish this task. A building permit is a ministerial action requiring only limited review by the County to ensure that the structure meets all applicable building standards. In most zones, an individual is allowed by right to construct a residence after receiving a building permit which only requires conformity to
building standards. The building permit is issued based on information supplied by the applicant without independent investigation by the County of the property or potential health hazards or dangers. Given the limited scope of enforcement, it is not possible for the County to identify potential health hazards or dangers which are not directly associated with the permitted structure. The applicant is in a position to inspect the property, identify potential health hazards or dangers, and tailor the application to avoid any potential health hazards or dangers.”

Section 53-68. Reconstruction of single-family dwellings damaged or destroyed by the Camp Fire in the Butte Creek Canyon (-BCC) Overlay Zone and the Watershed Protection (-WP) Overlay Zone. To allow the timely reconstruction of single-family dwellings damaged or destroyed by the Camp Fire, after receiving the approval of both the Director of Development Services and the Director of Public Works, the holder of a building permit to reconstruct a single-family dwelling that was damaged or destroyed by the Camp Fire in the Butte Creek Canyon (-BCC) Overlay Zone and the Watershed Protection (-WP) Overlay Zone is allowed to perform site preparation work and install a foundation for the single-family dwelling between November 15 and April 1, notwithstanding the limitation in those overlay zones, provided a weather forecast shows less than a 20% chance of rain during the next ten (10) days and erosion control measures to prevent soil, etc., from leaving the property have been put into place. Aside from this exception, all requirements imposed by the Butte Creek Canyon (-BCC) Overlay
Zone and the Watershed Protection (-WP) Overlay Zone remain in force.

ARTICLE V. MANDATORY HAZARD TREE REMOVAL PROGRAM

Section 53-80. Hazard Tree Removal Program.

Any tree that was fire damaged in the Camp Fire and that is in immediate danger of falling onto an Eligible Road or Parcel is a hazardous tree that must be removed to eliminate the immediate threat to the public at large. This Article establishes a hazardous tree removal program that is mandatory and sets forth the manner in which hazardous trees will be identified and removed.

Section 53-81. Effective Period.

The Hazard Tree removal program shall take effect immediately upon adoption of this Article and shall remain in effect until the removal of Hazard Trees has been completed.

Section 53-82. Definitions.

Arborist. The term “Arborist” shall be defined as an ISA Certified Arborist with a Tree Risk Assessment Qualification (TRAQ).

Arborist’s/Forester’s Certification. The term “Arborist’s/Forester’s Certification” shall be defined as a written certification verifying that all Hazard Trees have been removed from a parcel participating in the Private Tree Program. The certification shall be made and executed by an Arborist and/or Forester as defined in this Section. The Arborist or Forester shall provide evidence of the required qualifications of this Section.

Board. The term “Board” shall be defined as the Board of Supervisors.
Enforcement Officer. The term “Enforcement Officer” shall be defined as the Chief Administrative Officer of the County or his/her designee(s). Such designee(s) may be a County employee(s) or third-party provider(s).

County. The term “County” shall be defined as the County of Butte.

Eligible Road(s) or Parcel(s). The term “Eligible Road(s) or Parcel(s)” shall be defined as a road, right-of-way or parcel falling into one of the following categories:

(A) a public road or right-of-way;
(B) an improved public property; or
(C) a private road or right-of-way when the private road:
   (1) connects two public roads;
   (2) is primarily used as a right-of-way to a public property; or
   (3) is used for waste collection services.

Eligible Roads or Parcels are set forth in the map attached hereto as Exhibit A.

Forester. The term “Forester” shall be defined as a Registered Professional Forester, qualified pursuant to California Public Resources Code Section 752, “Professional forester.”

Government Hazard Tree Removal Program. The term “Government Hazard Tree Removal Program” shall be defined as the Hazard Tree removal program operated by the California Office of Emergency Services (CalOES) for the Camp Fire area in conjunction with other state and federal agencies.

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

Hazard Tree. The term “Hazard Tree” shall be defined as:
A wildfire-damaged tree that in the professional opinion of an Arborist and/or Forester:

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

B. poses an imminent danger of falling onto an Eligible Road or Parcel.

A map reflecting Eligible Roads or Parcels in the unincorporated portion of the Camp Fire area is attached hereto as Exhibit A.

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

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

Section 53-83. Government Hazard Tree Removal Program.
A. The Government Hazard Tree Removal Program will remove all Hazard Trees at no out-of-pocket cost to the owner. If an owner does not participate in the Government Hazard Tree Removal Program, and there are Hazard Trees on their property, the owners are
required to identify and remove such trees at their own cost.

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

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

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

Section 53-84. Public nuisance; violations.

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

Section 53-85 Purpose.

It is the intent of the Board of Supervisors that this ordinance
shall apply to the abatement of Hazard Trees threatening Eligible Roads or Parcels in the unincorporated areas of the Camp Fire area.

Section 53-86. Private Hazard Tree Removal Program.

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

B. Notwithstanding anything herein to the contrary, in the Private Tree Program, owners may choose to temporarily retain and promptly utilize felled Hazard Trees which were standing on their property. This temporary retention and utilization by the owner shall be permitted only to the extent felled Hazard Trees and incidental foliage, slash, tree branches or limbs and chipped or mulched vegetation do not constitute a fire hazard as prohibited by
applicable law, including but not limited to California Public Resources Code section 4291 et seq., Title 19 of the California Code of Regulations and Chapter 38A of the Butte County Code. Such requirements include but are not limited to the following:

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

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

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

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

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

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

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

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

Section 53-87. County Development Permits.

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

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

Section 53-88. Deadlines and Enforcement.

A. Properties that contain hazard trees and that do not have (1) an approved Government Hazard Tree Removal Program ROE by the deadline set by the Government Hazard Tree Removal Program or (2) either (a) an approved inspection access form for the Private Tree Program or (b) an approved Arborist's/Forester's Certification by
the deadline set by the Board, are declared a public nuisance and
health hazard and such properties may be abated pursuant to this
article.

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

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

Section 53-89. Public nuisances and enforcement.

A. Whenever the Enforcement Officer determines that a public
nuisance (as specified in this article) exists, he or she shall
use any legal remedies available under California law to address
and abate the public nuisance, including but not limited to
Chapters 1, 32A, 41 and/or 53 of the Butte County Code.

B. The County may, in its discretion, abate a violation of this
article by the prosecution of a civil action, including an action
for injunctive relief. The remedy of injunctive relief may take
the form of a court order, enforceable through civil contempt
proceedings, prohibiting the maintenance of a violation of this
article, or requiring compliance with other terms.

C. The County may also abate a violation of this article through
the abatement process established by Government Code Section
D. If a public nuisance is found to be present on the property in violation of this article, the Enforcement Officer shall pursue payment for Abatement and Administrative Costs from the owner and the owner of the property shall be responsible for paying all of the County's Abatement Costs and Administrative Costs.

53-90. Abatement costs; administrative costs.
A. The term "Abatement Costs" means any costs or expenses reasonably related to the abatement of conditions which violate this Article of the County Code, and shall include, but not be limited to enforcement, investigation, collection and administrative costs, and the costs associated with the removal or correction of the violation.
B. The term "Administrative Costs," shall include the cost of County staff time reasonably related to enforcement, for items including, but not limited to, site inspections, travel time, investigations, telephone contacts and time spent preparing summaries, reports, notices, correspondence, warrants and hearing packets. The time expended by the Enforcement Officer and Auditor-Controller staff, to calculate the above costs and prepare itemized invoices, may also be recovered.

53-91. Non-exclusive remedy.
This Article is cumulative to all other remedies now or hereafter available to abate or otherwise regulate or prevent public nuisances. The County Counsel is authorized to initiate judicial enforcement as to a violation of any provision of this Article
without further Board approval.

53-92. Summary abatement.

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


A. When an owner maintains a Hazard Tree on his or her property that is deemed to be a public nuisance pursuant to this Article, the burden of proof shall rest with the Enforcement Officer making the allegation or determination and shall be based on a preponderance of the evidence as follows:

Evidence supporting an allegation of the existence of a public nuisance as described in this Article shall demonstrate that (A) the property has one or more Hazard Trees on the property and (B) the property owner (i) has not entered into the Government Hazard Tree Removal Program or Private Tree Program or (ii) has not complied with the requirements of the Government Hazard Tree Removal Program or Private Tree
Program.

B. Abatement of Public Nuisance: Abatement of a condition or circumstance that is alleged to be a public nuisance shall be encouraged to be on a voluntary basis on the part of the violator or, when necessary, performed by official action.

No person or entity shall cause, permit, maintain, conduct or otherwise allow a public nuisance as defined in this Chapter to exist within the unincorporated limits of the County of Butte. It shall be the duty of every owner, occupant, and person that controls any land or interest therein within the unincorporated area of the County of Butte to remove, abate, and prevent the reoccurrence of the public nuisance upon such land.

53-95. Abatement procedure
(a) Whenever the Enforcement Officer determines that a public nuisance pursuant to this Chapter exists, he or she shall request in writing that the public nuisance be abated within fifteen (15) days. If the condition(s) continue beyond that fifteen (15) day period, the Enforcement Officer may set the matter for hearing. If the matter is set for hearing, the Enforcement Officer shall post the property upon which the public nuisance exists and shall mail, with a proof of service, notices to those persons known to be in possession of the property, if any, and to persons shown on the latest County tax roll to be the owners of the property at least ten (10) days prior to the hearing. The Notice of Hazard Tree Nuisance Abatement Hearing shall inform the owner(s) of the basis
for the violation and explain that to prevent the accrual of additional costs, the owner(s) must contact the Enforcement Officer and arrange a time for the Enforcement Officer to inspect the property, and confirm that the violation(s) have been corrected. Both the mailed and posted notice shall be in substantially the following form:

**NOTICE OF HAZARD TREE NUISANCE ABATEMENT HEARING**

The owner(s) and occupant(s) of real property described on the latest equalized Butte County tax roll as A.P. No._____ and having a street address of _________ is (are) hereby notified to appear before a Hearing Officer of the County of Butte at ______ on ______, 20___, at the hour of _____ o'clock _____m., to show cause, if any there be, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Butte County Code. The Enforcement Officer for the Hazard Tree Removal Program has determined that conditions exist on the above property which constitute a public nuisance and violate Butte County Code section(s) _______, as follows: ______. After hearing, if a violation is found to have existed at the time the Notice of Hazard Tree Nuisance Abatement Hearing was posted on the property, the cost of abating such violation, including, but not limited to, the cost of the Hearing Officer, the cost of prior time and expenses associated with bringing the matter to hearing, the cost of judicially abating the violation, the cost of labor and material necessary to physically abate
the violation, and the cost of securing expert and other witnesses may become a lien against the subject property. If an abatement lien is recorded, it will have the same force and effect as an abstract of judgment which is recorded as a money judgment obtained in a court of law. If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant point at the time of hearing, the County will assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

In preparing for such hearing, you should be aware that if an initial showing is made by the County, sufficient to persuade the Hearing Officer that a public nuisance existed on your property at the time the Notice of Hazard Tree Nuisance Abatement Hearing was posted on the property, you will then have the burden of proving that no public nuisance exists on your property. Therefore, you should be prepared to introduce oral and documentary evidence proving why, in your opinion, your use of the property is not a public nuisance as defined in the Butte County Code. A copy of Article V of Butte County Code Chapter 53 relating to Hazard Tree abatement hearings is enclosed to assist you in the preparation of your presentation.

If an initial showing sufficient to persuade the Hearing Officer that a public nuisance existed on your property is made by the Enforcement Officer, your failure to sustain the
burden of showing that no public nuisance existed on the property may result in a decision by the Hearing Officer that a public nuisance did exist, an order to abate the nuisance (which may also result in a later judicial order to the same effect) and that the County is entitled to recover its Administrative Costs.

Further, if the Hearing Officer finds that a public nuisance continues to exist on your property and you fail to abate the nuisance promptly, the County may abate the nuisance. If the County abates the nuisance, you may be responsible for the actual costs of the abatement, including the costs to the County of the administrative hearing, and such costs may be placed as a lien against your parcel by the County.

Finally, if the Hearing Officer finds that a public nuisance existed or exists on your property, a violation of the Butte County Code, the County will contend that you are bound by such finding at any subsequent judicial action to enforce the Hearing Officer's order.

IMPORTANT: READ THIS NOTICE CAREFULLY. FAILURE TO APPEAR AND RESPOND AT THE TIME SET FORTH IN THIS NOTICE WILL LIKELY RESULT IN ADMINISTRATIVE AND/OR JUDICIAL ABATEMENT AND TERMINATION OF USES OF OR CONDITIONS ON YOUR PROPERTY WHICH THE ENFORCEMENT OFFICER CONTENDS ARE IN VIOLATION OF THE BUTTE COUNTY CODE. TO PREVENT THE ACCRUAL OF ADDITIONAL COSTS, YOU MUST CONTACT THE ENFORCEMENT OFFICER AND ARRANGE A TIME FOR THE ENFORCEMENT OFFICER TO INSPECT YOUR PROPERTY.
AND CONFIRM THAT THE VIOLATION(S) HAVE BEEN CORRECTED.

Dated: ________

COUNTY OF BUTTE

CAMP FIRE RECOVERY – HAZARD TREE REMOVAL

ENFORCEMENT OFFICER

By:__________

Enclosure: Article V of Butte County Code Chapter 53

b) All hearings conducted under this Chapter shall be held before a Hearing Officer designated pursuant to the protocol set forth in that document entitled the "Butte County Administrative Hearing Officer Program." The Program is based upon an alphabetical rotation through attorneys currently under contract through the Program.

c) At the time and place set for the hearing, the Hearing Officer shall review the Enforcement Officer’s decision ordering cessation of the alleged public nuisance to determine whether such decision conforms to law and is supported by substantial evidence. The Hearing Officer shall hear testimony and receive written and/or documentary evidence relating to the alleged violation. Additional procedural rules may be adopted by resolution of the Board of Supervisors. The Hearing Officer shall tape record the hearing or engage the services of a certified court reporter to record the hearing and shall preserve the record of the hearing and all photographs and demonstrative and documentary evidence introduced at the time of the hearing for a period of three (3) years.

d) Within five (5) days after the hearing is closed, the Hearing
Officer shall render his or her written decision relating to the existence or nonexistence of the alleged public nuisance. If a violation is found to have existed at the time the Notice of Hazard Tree Nuisance Abatement Hearing was posted, the decision shall include a statement of the Abatement and Administrative Costs incurred by the County or estimated costs to abate the violation and shall also order that the owner of the property, or persons known to be in possession of the property, abate the violation within a reasonable time, not to exceed ten (10) days. The decision shall contain findings of fact and conclusions of law. A copy of the decision shall be mailed by certified mail, return receipt requested, to the person or persons shown on the last County tax roll to be the owners of the property which is the subject of the hearing and the occupant of such parcel, if any. All other persons noticed pursuant to this section shall be mailed a copy of the decision by first class mail, postage prepaid.

(e) The decision of the Hearing Officer shall be final on the date the certified mail set forth in subsection (d) above, is deposited in the mail. The Hearing Officer shall notify the Clerk of the Board of Supervisors of his or her decision and the date upon which the decision became final. If it is the decision of the Hearing Officer that a public nuisance existed at the time the Notice of Hazard Tree Nuisance Abatement Hearing was posted, the owner of the property shall be responsible for paying all of the County's Abatement Costs and Administrative Costs, including but not limited to, those cost items set forth in the notice required by
subsection (a) above.

(f) Notwithstanding any other provisions of this Code, if a final decision of the Hearing Officer or the Board of Supervisors finds that a violation existed at the time the Notice of Hazard Tree Nuisance Abatement Hearing was posted and the public nuisance is not voluntarily abated within the time prescribed, the Enforcement Officer may abate the public nuisance pursuant to a warrant issued by a court of competent jurisdiction. The owner of the property shall be responsible for paying all of the County's Abatement Costs and Administrative Costs, including but not limited to, those cost items set forth in the notice required by subsection (a) above. The Enforcement Officer shall keep an accounting of the Abatement and Administrative Costs to perform each abatement. Upon completion of the abatement, the Enforcement Officer shall post the property and send a bill to the owner, and any persons known to be in possession of the property, requesting payment of the County's Abatement and Administrative Costs. The bill shall also state that failure to pay the Abatement and Administrative Costs within fifteen (15) days from service of the bill may result in the recording of a lien against the property.

If the County's Abatement and Administrative Costs are not paid within fifteen (15) days from service of the bill, the Enforcement Officer shall render an itemized report to the Clerk of the Board of Supervisors for submittal to the Board of Supervisors for hearing and consideration regarding the proposed lien. The report shall include the names and addresses of the owner of record and
any persons known to be in possession of the property. The report
shall also include the date the abatement was ordered, the work
performed, the date the abatement was completed, a description of
the property subject to the lien, and an itemized account of the
County's Abatement and Administrative Costs. At least fifteen (15)
days prior to said hearing, the Clerk of the Board of Supervisors
shall give notice, with an affidavit of service, of said hearing
to all persons named in the Enforcement Officer’s report and the
Enforcement Officer shall post the property with a copy of the
notice. The notice shall describe the property by assessor's parcel
number and street number or other description sufficient to enable
identification of the property and contain a statement of the
amount of the proposed lien. The notice shall also contain a
statement that the Board will hear and consider objections and
protests to the proposed lien at the designated time and place.

(k) At the time and place fixed in the notice, the Board of
Supervisors shall hear and consider the proposed lien with
objections and protests thereto. At the conclusion of the hearing,
the Board of Supervisors may make such modifications and revisions
to the proposed lien as it deems just and may order that the
proposed lien be recorded by the Enforcement Officer. The lien
shall have the same force, priority and effect as a judgment lien.

(l) The notice of abatement lien shall, at a minimum, identify the
record owner or possessor of the property, set forth the date upon
which abatement of the nuisance was ordered or deemed ordered by
the Board of Supervisors, describe the real property subject to
the lien, set forth the amount of the Abatement Costs and Administrative Costs incurred to date and, if applicable, the date upon which the abatement was completed. If the abatement has not yet been completed, the notice shall so state and shall also indicate that the lien is a partial lien and that additional Abatement Costs will be incurred in the future.

It is the intent of the Board of Supervisors that Abatement Costs and Administrative Costs incurred after the filing of the notice of abatement lien relate back to the date upon which the lien was recorded for purposes of priority; however, in order to preserve its rights, after all Abatement Costs and Administrative Costs have been incurred and the abatement is complete, the Enforcement Officer shall cause a supplemental notice of abatement lien to be recorded. The supplemental notice shall contain all of the information required for the original notice and shall also refer to the recordation date and the recorder's document number of the original notice.

(m) The decision of the Hearing Officer or Board of Supervisors may be recorded by the Enforcement Officer. In the event of such recordation and in the further event that the violation is corrected, a notice of such correction shall be recorded. The Enforcement Officer is authorized to prepare and record a notice of correction. Correction of the violation shall not excuse the property owner's liability for costs incurred during the administrative abatement process (Abatement Costs and Administrative Costs as defined in section 53-90 of this Chapter).
If the property owner has not fully compensated the County for costs incurred during the administrative abatement process, a notice of correction shall not be recorded unless the fee specified in section 41-9 of this code has been paid. Payment of the fee specified in section 41-9 of this section does not excuse the property owner's liability for costs incurred during the administrative abatement process (Abatement Costs and Administrative Costs as defined in section 53-90 of this chapter).

(n) The County may, in its discretion, commence a judicial action to enjoin a violation of this chapter without the necessity of first going through the administrative procedures set forth herein.