Subject: Temporary Log Decks and Forest Processing in Support of Camp Fire Recovery

Department: Development Services

Contact: Tim Snellings

Phone: 530.552.3700

Meeting Date Requested: May 21, 2019

Regular Agenda ☒ Consent Agenda ☐

Department Summary: (Information provided in this section will be included on the agenda. Attach explanatory memorandum and other background as necessary).

The Department of Development Services is aware of the establishment of log yards and decks including those near Durham-Pentz and Clark Roads in Butte Valley in support of the PG&E tree removal effort following the Camp Fire. The Zoning Ordinance classifies this use as timber processing, which is only allowed in the TM (Timber Management), TPZ (Timber Production) and HI (Heavy Industrial) zones, and requires a conditional use permit in the GI (General Industrial) zone. Potential issues associated with temporary log yards and timber processing facilities can include fire safety, traffic, noise, and stormwater discharge effects on water quality. Given these uses and the need to address tree and vegetation removal as part of the Camp Fire recovery, staff is seeking direction from the Board of Supervisors regarding amendments to the Camp Fire Recovery Ordinance and Zoning Ordinance to accommodate temporary log yards and timber processing facilities or continue code enforcement efforts.

Fiscal Impact:

None.

Personnel Impact:

None.

Action Requested:

Provide direction to staff.

Administrative Office Review: Andy Pickett, Deputy Chief Administrative Officer

Revised: April, 2019
MEMORANDUM

DATE: May 21, 2019

TO: Butte County Board of Supervisors

FROM: Tim Snellings, Director
Butte County Department of Development Services

RE: Request for Direction Regarding Temporary Log Yards and Timber Processing Facilities in Support of the Camp Fire Recovery Effort

REQUESTED ACTION

Provide direction to staff.

EXECUTIVE SUMMARY

The Department of Development Services is aware of the establishment of log yards and decks including those near Durham Pentz and Clark Roads in Butte Valley in support of the PG&E tree removal effort following the Camp Fire. Under the Zoning Ordinance, this use is classified as timber processing, which is only allowed in the TM (Timber Management), TPZ (Timber Production) and HI (Heavy Industrial) zones, and requires a conditional use permit in the GI (General Industrial) zone. Potential issues associated with temporary log yards and timber processing facilities can include fire safety, traffic noise and stormwater discharge effects on water quality.

Given these uses and the need to address tree and vegetation removal as part of the Camp Fire recovery, staff is seeking direction from the Board regarding amendments to the Camp Fire Recovery Ordinance and Zoning Ordinance to accommodate temporary log yards and timber processing facilities or continue code enforcement efforts.

ANALYSIS

The Department of Development Services has received complaints regarding the establishment of a log yard and log deck near the southeast corner of Durham Pentz and Clark Roads in Butte Valley (see attached photos). A ‘log yard’ (or landing) is a place where logs are collected prior to processing or further transportation and a ‘log deck’ is a stack of logs. Staff confirmed the log yard is being operated by contractors in support of PG&E’s tree removal efforts following the Camp Fire.
The Durham-Pentz log deck and log yard is a small part of the overall tree removal and forest management efforts that are underway following the Camp Fire. PG&E has identified approximately 91,000 trees that are hazards to power lines and require removal; over 71,000 of these trees have already been removed and have either been processed, are being stored onsite, or stored at the Durham Pentz facility or a similar facility in the south part of the Town of Paradise.

The Department of Public Works will be seeking bids for the removal of approximately 8,000 to 10,000 dead and hazard trees within County rights of way. Contractors supporting the County tree removal effort will require areas for log yards and grinding and chipping operations. Similar removal of hazard trees along roads in the Town of Paradise may be conducted by the Town.

Over the longer term, the Butte County Fire Safe Council estimates there are approximately 443,000 hazard trees (defined by the Council as trees 12 inches or more in diameter at breast height within 300 feet of residences) from the Camp Fire, and many more trees of smaller diameter, that require removal. These estimates of trees requiring removal far exceed the capacity of existing forest processing and green waste facilities.

Urban trees, from communities affected by the Camp Fire, are more difficult to process into forest products due to the higher concentrations of nails and other metal that can cause damage to mills and hazards to their employees. This may lead to more trees being chipped or ground at temporary facilities. Other alternatives for disposal of these trees include composting, air curtain burning and producing ‘biochar’ (high-carbon, fine-grained residue from the direct thermal decomposition of biomass in the absence of oxygen to prevent combustion). These alternative methods however require a much longer period to complete disposal.

Current Requirements for Timber Processing Facilities

The Zoning Ordinance classifies facilities for forest product processing, including log yards, log decks by-product storage sites, and related operating areas “Timber Processing”. Timber processing is a permitted use in the TM (Timber Management), TPZ (Timber Production), and HI (Heavy Industrial) zones, and is allowed with the approval of a conditional use permit in the GI (General Industrial) zone. Timber processing is not an allowed use in Agriculture, the RC (Resource Conservation), Residential, Commercial and Mixed Use, or Special Purpose zones. In the AG (Agriculture) and AS (Agriculture Services) zones composting of wood waste is allowed with a minor use permit, and firewood storage, processing and sales is allowed with either a minor or conditional use permit depending on the scale of the operation.

Permitting requirements for other agencies vary with the type of processing. The removal of trees to be sold for commercial value are subject to the California Forest Practices Act and permitting process. Cal Recycle does not require approvals for chipping and grinding, however permits are required for alternative disposal methods.

Issues Associated with Temporary Forest Processing Facilities

Staff has identified a number of potential issues to be considered the establishment of log yards and other temporary forest processing facilities including fire, traffic, noise, and stormwater discharge:
• **Fire.** Depending on their size and the rotation of the logs, log decks at transfer points can present serious fire problems. Requirements for log storage areas are found in Section 2806 of the 2016 California Fire Code which limits the length, width, height and separation of log decks. The CalFire Industrial Operations Fire Prevention Field Guide recommends wherever an adequate water supply is available log decks should be kept continuously wet. See attached fire protection standards for log decks and biomass operations.

• **Traffic.** Logging truck and employee traffic may impact both public and private roads depending on the size of the facility. Temporary timber processing facilities on public roads are required to obtain encroachment permits with driveways constructed to approved standards. The use of private roads to access a temporary timber processing facility can be conditioned to require an approved road maintenance agreement that specifically authorizes the facility.

• **Noise.** Log storage and handling facilities are a major source of noise from the use of heavy equipment and machinery, which may be incompatible with noise-sensitive uses (i.e., residences, recreation areas, assembly areas, etc.) in the vicinity of the facility. Excessive noise that is detrimental to the public’s health, safety and welfare are regulated under the Butte County Noise Ordinance, in Butte County Code chapter 41A. However, pursuant to Chapter 41A-9 of the noise ordinance, activities associated with emergency activities or emergency work and activities associated timber management operations in zones permitting timber management uses are exempt from applicable noise standards. To address noise issues, a minimum setback from the nearest offsite residences and other sensitive receptors (e.g. schools, child care centers, playgrounds, hospitals, and senior centers) can be required. Additional noise reductions measures may include limitations on the hours of operation to the daytime hours and limiting heavy equipment idling to no longer than five minutes.

• **Stormwater Discharge.** Activities associated with the storage and handling of log and timber products are subject a National Pollutant Discharge Elimination System (NPDES) industrial stormwater permit to control stormwater discharges due to the potential for surface water contamination from bark and wood debris and leachates when the materials are exposed to precipitation or treated with water. Log storage and handling facilities are also likely to be a source of erosion, emissions of fugitive dust, and accidental fuel and oil spills from heavy equipment. Coverage under the industrial stormwater permit includes development of a stormwater pollution prevention plan (SWPPP) that will assess the potential sources of pollutants from the specific facility, and require the development of a set of control measures to address the potential pollutant, and includes requirements for monitoring, employee training and reporting.

**Options for Allowing Additional Temporary Forest Processing Facilities**

Options for the Board of Supervisors to provide direction on forest processing facilities include the following:

1. Enforce existing Zoning Ordinance requirements regarding timber processing facilities.
This would restrict facilities such as log yards, log decks, by-product storage sites, and related operating areas to the TM, TPZ and HI zones, and the GI zone with approval of a conditional use permit.

2. Prepare amendments to Chapter 53, Camp Fire Recovery, to allow temporary log yards including log decks and wood chipping and grinding, subject to an administrative permit, and operational conditions and performance standards, for a limited period of time in specified areas of the County.

This would allow facilities for the removal and processing of forest products until the expiration of Chapter 53 (currently December 31, 2020). Facilities outside the TM, TPZ and HI zones would not be allowed to continue after this date unless amendments were made to the Zoning Ordinance.

3. Prepare amendments to the Zoning Ordinance to allow additional areas where longer term forest processing activities can be conducted including composting, air curtain burning and production of biochar in specified areas.

This option would allow your Board to provide direction to prepare amendments to the Zoning Ordinance to accommodate longer-term forest management solutions that cannot be accommodated within the term of the Camp Fire Recovery Ordinance (December 31, 2020).

4. Prepare amendments to Chapter 53 to include the delegation of authority to the Development Services Director to condition/approve administrative permits for temporary and unforeseen uses resulting from the Camp Fire recovery efforts

The Board may wish to provide direction to staff to pursue both shorter-term actions through the amendment of Chapter 53 and longer-term forest management activities. Without amendments to Chapter 53 and/or the Zoning Ordinance, Development Services will continue with enforcement actions.

Potential Performance Standards

The following are standards that may be applied to a temporary forest processing facility:

1. **Allowed Areas.** As noted above, timber processing facilities are allowed in the TM, TPZ and HI zones, and allowed with a conditional use permit in the GI zone. Other areas where temporary forest processing facilities may be appropriate include approved mining sites, the RW (Neal Road Recycling, Energy, and Waste Facility Overlay Zone) and Agriculture zones.

2. **Minimum Parcel Size.** A minimum parcel size of 20 acres would help provide separation between temporary timber processing facilities and surrounding sensitive land uses.

3. **Setbacks and Height.** In addition to the setbacks for the property required by the Zoning Ordinance, temporary forest processing facilities can be required to provide an additional setback (e.g. 500 feet) from the nearest offsite residences and other sensitive receptors (e.g. schools, child care centers, playgrounds, hospitals, and senior centers).

4. **Approved Access.** Temporary forest processing facilities may be required to have direct access onto a County Road approved by the Director of Public Works, a State highway approved by Caltrans District 3, or a private road with an approved road maintenance agreement.
5. **On-Site Roads, Driveways and Aisles.**

6. **Air Quality and Dust Control.** Facilities may be required to exercise 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 may be required 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. **Fire Protection.** See attached Log Deck and Biomass Operations Fire Protection Standards,

8. **Water Quality.** 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 Industrial Activity.

9. **Noise Reduction Measures.** Noise reductions measures may include additional setbacks to sensitive receptors as discussed above, limitations on the hours of operation to daytime hours and the limiting of heavy equipment idling.
Log Deck and Biomass Operations Fire Protection Standards

Log Deck and Biomass Operations

Log Storage Areas

Cold decks
Cold decks shall not exceed 500 feet in length, 300 feet in width and 20 feet in height. Cold decks shall be separated from adjacent cold decks or other exposures by not less than 100 feet. Exception: The size of cold decks shall be determined by the fire code official where the decks are protected by special fire protection including, but not limited to, additional fire flow, portable turrets and deluge sets, and hydrant hose houses equipped with approved fire-fighting equipment capable of reaching the entire storage area.

Pile stability
Log and pole piles shall be stabilized by approved means.

Log Deck Fire Protection

Smoking
Smoking is not permitted.

Fire extinguishers
Portable fire extinguishers complying with a minimum rating of 4-A:60-B:C shall be provided on all vehicles and equipment operating on piles and at all processing equipment.

Material-handling equipment
Approved material-handling equipment shall be available for logs fire-fighting operations.

Emergency plan
The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan to the fire code official for review and approval.

Site Protection
Maintain a clearance of flammable material for a minimum distance of 150 feet from the periphery of any exposed flammable solid waste, including chip piles and any wood products, in accordance with California Public Resource Code 4373.

Water Supply
Provide fire flow (stored water and well flow) to industry standards and fire department approval.

Storage sites shall be level and on solid ground, elevated soil lifts or other all-weather surface. Sites shall be thoroughly cleaned before transferring wood products to the site.

Size of piles

Piles shall not exceed 25 feet in height, 150 feet in width and 250 feet in length.

Exception: The fire code official is authorized to allow the pile size to be increased where a fire protection plan is provided for approval that includes, but is not limited to, the following:

1. Storage yard areas and materials-handling equipment selection, design and arrangement shall be based upon sound fire prevention and protection principles.

2. Factors that lead to spontaneous heating shall be identified in the plan, and control of the various factors shall be identified and implemented, including provisions for monitoring the internal condition of the pile.

3. The plan shall include means for early fire detection and reporting to the public fire department; and facilities needed by the fire department for fire extinguishment including a water supply and fire hydrants.

4. Fire apparatus access roads around the piles and access roads to the top of the piles shall be established, identified and maintained.

5. Regular yard inspections by trained personnel shall be included as part of an effective fire prevention maintenance program.

Pile separation

Piles shall be separated from adjacent piles by approved fire apparatus access roads.

Static pile protection

Static piles shall be monitored by an approved means to measure temperatures within the static piles. Internal pile temperatures shall be monitored and recorded weekly. Such records shall be maintained onsite. An operational plan indicating procedures and schedules for the inspection, monitoring and restricting of excessive internal temperatures in static piles shall be submitted to the fire code official for review and approval.
Pile fire protection

Smoking

Smoking is not permitted.

Fire extinguishers

Portable fire extinguishers complying with a minimum rating of 4-A:60-B:C shall be provided on all vehicles and equipment operating on piles and at all processing equipment.

Material-handling equipment

Approved material-handling equipment shall be available for moving wood chips, hogged material, wood fines and raw product during fire-fighting operations.

Emergency plan

The owner or operator shall develop a plan for monitoring, controlling and extinguishing spot fires and submit the plan to the fire code official for review and approval.

Site Protection

Maintain a clearance of flammable material for a minimum distance of 150 feet from the periphery of any exposed flammable solid waste, including chip piles and any wood products, in accordance with California Public Resource Code 4373.

Water Supply

Provide fire flow (stored water and well flow) to industry standards and fire department approval.