Subject: Urgency Ordinance Amending Chapter 53 for the Permitting of Temporary Log Storage Yards

Department: Development Services

Meeting Date Requested: June 25, 2019

Contact: Tim Snellings
Phone: 530.552.3642

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

Pursuant to California Constitution Article XI, Section 7 and Government Code sections 25123(d) and 25131, the Department of Development Services proposes the adoption of an urgency ordinance which amends Chapter 53, Article III, entitled “Emergency Interim Housing Outside the Camp Fire Area,” and Article IV, entitled “Emergency Interim Housing Inside the Camp Fire Area,”. These amendments are set forth to further relax Zoning Ordinance requirements in order to provide for a temporary administrative permit process for temporary log storage facilities in the following areas:
1. Agriculture (AG) zones, limited to those Agriculture zones classified as “Grazing or Other Lands” by the California Department of Conservation’s Farmland Mapping Program;
2. The General Commercial (GC) zone; and

Fiscal Impact:
Not applicable.

Personnel Impact:
Not applicable.

Action Requested:
1. Waive the reading of the ordinance; and
2. Adopt the Urgency Ordinance amending Article III, entitled “Emergency Interim Housing Outside the Camp Fire Area,” and Article IV, entitled "Emergency Interim Housing Inside the Camp Fire Area," of Chapter 53, entitled “Camp Fire Disaster Recovery Ordinance” by a 4/5 vote, and authorize the Chair to sign.

Administrative Office Review: Casey Hatcher, Deputy Chief Administrative Officer
Butte County Board of Supervisors

AGENDA REPORT

Urgency Ordinance amending Article III, entitled “Emergency Interim Housing Outside the Camp Fire Area,” and Article IV, entitled “Emergency Interim Housing Inside the Camp Fire Area,” of Chapter 53, entitled “Camp Fire Disaster Recovery Ordinance”

Pertaining to the Permitting of Temporary Log Storage Yards

Date: June 25, 2019
To: Butte County Board of Supervisors
From: Tim Snellings, Development Services Director
Subject: Adoption of Urgency Ordinance Pertaining to the Permitting of Temporary Log Storage Yards, Amending Articles III and IV of Chapter 53 of Butte County Code

REQUESTED ACTION

1. Waive the reading of the ordinance; and

2. Adopt the Urgency Ordinance amending Article III, entitled “Emergency Interim Housing Outside the Camp Fire Area,” and Article IV, entitled “Emergency Interim Housing Inside the Camp Fire Area,” of Chapter 53, entitled “Camp Fire Disaster Recovery Ordinance.” by a 4/5 vote, and authorize the Chair to sign.

EXECUTIVE SUMMARY

Pursuant to California Constitution Art. XI, Section 7 and Government Code sections 25123(d) and 25131, the Department of Development Services proposes the adoption of an urgency ordinance which amends Chapter 53, Article III, entitled “Emergency Interim Housing Outside the Camp Fire Area,” and Article IV, entitled “Emergency Interim Housing Inside the Camp Fire Area,”. These amendments are set forth to further relax Zoning Ordinance requirements in order to provide for a temporary administrative permit process for temporary log storage yards in the following areas:
1. Agriculture (AG) zones, limited to those Agriculture zones classified as “Grazing or Other Lands” by the California Department of Conservation’s Farmland Mapping Program.
2. The General Commercial (GC) zone; and

ANALYSIS

Background

At the May 21, 2019 Board Meeting concerning this item, the Board directed staff to amend Chapter 53, the Camp Fire Disaster Recovery Ordinance of the Butte County Code to include an Administrative Permit process with standards to address log decks, operations, safety, financial assurances, reclamation/closure, soil testing and environmental protection for these temporary operations. This direction was in response to the establishment of a log yard and deck near the southeast corner of Durham Pentz and Clark Roads in Butte Valley in support of the PGE tree removal effort following the Camp Fire. Several public complaints were received concerning the operation of this and other similar yards.

This is an issue that not only affects PGE, but other tree removal activities that are expected to take place. Large numbers of trees affected by the Camp Fire require removal in order to protect life and safety along public and private roads, utilities, and adjacent to residences that survived the fire or that will be rebuilt.

The Department of Public Works will be seeking bids for the removal of approximately 8,000 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 will 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. The Fire Safe Council indicated they have reviewed the capacity of all Northern California lumber mills in Northern California and found they could only accommodate an additional 30 truckloads of logs a day. The distances to these mills from the Camp Fire area requires transport times of up to several hours and additional local log storage areas.
Zones Currently Supporting Log Storage Yards

The County’s Zoning Ordinance allows log storage yards within certain zones. Forest product processing, including log yards, log decks, by-product storage sites, and related operating areas are classified as ‘Timber Processing’ by the Zoning Ordinance and is a permitted use in the TM (Timber Management), TPZ (Timber Production), and HI (Heavy Industrial) zones, and is allowed with a conditional use permit in the GI (General Industrial) zone. The temporary log storage yards that staff has been made aware of are not located within the zones where they are allowed under the Zoning Ordinance.

Existing Log Storage Yards

Staff has been notified by PGE that seven log storage yards for the Camp Fire tree removal effort are being used in the unincorporated area of Butte County (in addition to two located within the Town of Paradise). PGE has indicated that the seven operating log storage yards will finish operations by June 30, 2019. PGE has informed staff that all of the wood products that they are removing from the Camp Fire are being taken to cogeneration plants and sawmills throughout California, and that no wood is going to waste dumps. Their temporary log storage sites are generally located in proximity to the Camp Fire affected areas and readily accessible to major freeways and arterials. Truck trips generated from these temporary uses are thereby routed away from congested urban areas and local streets.

Proposed Urgency Ordinance Amendment

Staff anticipates that additional tree removal efforts will be needed beyond that being undertaken by PGE, which is focused on the maintenance and protection of their power lines and infrastructure. The proposed urgency ordinance adds Sections 53-40, allowing temporary log storage yards outside the Camp Fire Area, and 53-58, allowing temporary log storage yards inside the Camp Fire Area, subject to approval of a temporary administrative permit. The proposed urgency ordinance additionally adds a definition of temporary log storage yards under Sections 53-33 and 53-53. The number of temporary log storage yards allowed under this urgency ordinance is proposed by staff to be capped at a total of fifteen in order to provide for future demand for storage sites, but to also encourage the consolidation of sites throughout the County and to limit the impact of this temporary use.

Sections 53-40, and 53-58 include the following standards for temporary log storage yards, necessary to address operations, safety, financial assurance, reclamation/closure, soil testing and environmental protection for this use, and to further protect the public’s health, safety and welfare:

1. Application for temporary administrative permit.
2. Site plan requirements.

3. Siting criteria including locating temporary log storage yards on flat areas of the site that are already disturbed.

4. Parcel size. Limiting temporary log storage yards to parcels with a minimum of 20 acres in size regardless of the actual area used for the yard.

5. Approved access. Requiring an encroachment permit, and if accessed by a private road, a road maintenance agreement that allows the temporary log storage yard.

6. Minimum standards for on-site roads, driveways and aisles to accommodate fire department access.

7. Property line setbacks and defensible space. Requiring all log piles and other piles to be setback a minimum of 150 feet from all property lines and any permanent structures.

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 protected plants and animal species.

9. Butte County Fire Department/CAL-Fire Standards. Compliance with California Fire Code Chapter 28 with respect to all log storage yards; access to firefighting tools and resources; and, other specific standards related to log storage facilities.

10. Butte County Public Health, Environmental Health Division Standards. Soil testing in accordance with the process required for Wild Fire Debris Removal for the County of Butte; determination of whether site is classified as a solid waste facility; requirements for sanitation, and water for human consumption.


12. Air Quality. An air quality and dust control plan incorporate best practice measures to reduce impacts to air quality and address diesel emissions, mobile and stationary toxic air contaminants, and fugitive ash and dust.


14. A prohibition on storage or processing of fire debris at any temporary log storage yard;

15. Requirements for a Hazardous Material Business Plan approved by Environmental Health for the storage of any hazardous material at or above State-defined thresholds.
16. Noise Control. Quiet hours shall be maintained from 10 pm to 7 am, during which time generators and heavy equipment shall not be operated and noise levels shall conform to Butte County Code Chapter 41 A, Noise Control.

17. Outdoor Lighting. Requirements for outdoor lighting to be located, adequately shielded, and directed away from adjacent properties and public rights-of-way;

18. A detailed plan for restoration or reclamation of the subject property including:
   a. Clearance of all vehicles, equipment and materials; and
   b. Stabilization of the site, implementation of erosion control measures, and successful revegetation;

19. A performance guarantee of $2,000.00 per acre of disturbed land to guarantee that site reclamation is completed.

20. Electricity and Electrical Equipment. A building permit shall be required for all new electricity connections.

21. Requirements by other agencies including Butte County Fire, Butte County Public Works, Butte County Air Quality Management District, Caltrans and the Regional Water Quality Control Board.

Sections 53-40 and 53-58 also require that, upon issuance of an administrative permit for a temporary log storage yard, notice be mailed to all property owners within 300 feet of the subject parcel, together with any properties with access from private roads used for the temporary log storage yard. The notice is required to include all applicable standards and limitations placed on the yard, and the name, phone number and email of a designated contact for concerns regarding the yard’s operation.
Urgency Ordinance No. ____


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

Section 1. Emergency Findings.

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

A. Conditions of extreme peril to the safety of persons and property within the County were caused by the Camp Fire, commencing on the 8th day of November, 2018, at which time the Board of Supervisors was not in session.

B. California Government Code Section 8630 empowers the County Administrator to proclaim the existence of a local emergency when the county is affected or likely to be affected by a public calamity, subject to ratification by the Board of Supervisors at the earliest practicable time.
C. On November 8, 2018, the County Administrator of the County of Butte proclaimed the existence of a local emergency within Butte County due to the Camp Fire.

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, January 29, 2019, February 4, 2019, February 12, 2019, February 24, 2019, and April 23, 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.

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. The Camp Fire burned many trees. Burned trees pose a hazard because they may fall on the right-of-way, utility lines, and structures or individuals. Arborists are assessing burned trees to determine the hazard they pose. It is estimated that as many as 500,000 trees will be cut and transported out of the Camp Fire area. Butte County allows timber processing by-right in certain zones, such as the Timber Mountain, Timber Protection, and Heavy Industrial zones. Timber processing is also allowed with a use permit in the General Industrial zone. Most of the Timber Mountain and Timber Protection zoned
properties are located higher up in the mountains and not on the way to where the logs will be processed requiring backtracking if these sites were used. It is also not clear that these sites would be able to accommodate the number of trees that will be cut. While there are some Heavy and General Industrial zoned properties, they are not sufficient to accommodate the expected number of trees that will be cut and transported out of the Camp Fire area. There is an urgent need to store and sort trees and tree related materials before they are taken to the location where they will be processed. The capacity of processing facilities cannot accommodate the number of trees and tree related materials as they are cut and transported, so there is a need for more local storage sites to allow for later transport to processing sites as the materials can be accommodated. This ordinance temporarily relaxes zoning standards to allow for temporary log storage yards in some additional zones with provisions that the land be restored to its prior state after the temporary use is discontinued.

X. 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 2. Section 53-33 is amended to read as follows:

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 Log Storage Yards (AKA: Log Decks). A site where piles of logs and other piles of tree related materials removed from the Camp Fire affected area are temporarily stored before transfer to trucks or rail. A temporary log storage yard shall not exist beyond the Effective Period. No fire debris or hazardous materials may be brought onto or stored in the yard. Temporary Log Storage Yards 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 for a temporary caretaker quarters.

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 July 29, 2019.

Section 3. Section 53-40 is added to read as follows:

Section 53-40. 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 areas of Butte County.

B. Allowed Zones.

1. 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 would not apply to permitting of temporary log storage yards in these zones.

2. 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 would not apply to the permitting of temporary 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.

2. **General Commercial (GC) zone**.


**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 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.

3. **Siting Criteria.** To the extent practicable, temporary
log storage yards shall be located on flat areas of
the site that are already disturbed.

4. **Parcel Size.** The temporary log storage yard site shall
be a minimum of 20 acres regardless of the actual area
used for the temporary log storage yard. Adjacent
parcels may be utilized to achieve this standard. All
parcels must be shown on the site plan and have
property owner 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 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 property lines and any permanent structures. This area shall not be graded but kept clear of grasses and vegetation to support fire protection. 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 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, stored wood chips, and other wood products. Fire officials will enforce the most stringent standards. Per California Public Resource Code, Section 4428, each site will have a sealed box of tools and will 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 shall be submitted with 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 approved means.

d. Other piles made of wood chips, scrap wood, sawdust, and tree related materials, etc., 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 an approved means to measure temperatures. Internal pile temperatures shall be monitored and recorded weekly. A plan for restricting and mitigating excessive temperatures shall be submitted with the temporary administrative permit for review and approval by fire officials.

g. Regular log storage yard inspections 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. After the log storage yard use has ended, remaining native soil shall be tested in accordance with the process required for Wild Fire Debris Removal for the County of Butte to determine whether it is free of contamination as per standards established in the Camp Fire Consolidated Debris Removal Operation by Cal Recycle. In the case of soils exceeding said contamination standards, remediation will be required will be required to be performed in the same manner as in the Butte County Alternative Debris Removal Program, which includes the excavation of soil and then re-testing. The Butte County Environmental Health Division will provide review and approval of confirmation sampling protocol and analysis of results.

   b. Depending on the activities performed on-site, the 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.

c. 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.

d. 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 water is provided at the facility for less than 25 people/day, 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.

11. **Butte County Public Works Department Standards.**

a. Perimeter stormwater control – The design of improvements shall be 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. All natural drainage must enter and leave the improved area at is original horizontal and vertical alignment and quantity. If the operation extends beyond October 1 (or if it will not be stabilized prior to the winter season), implementation of erosion control within the disturbed area and sediment control basins at drainage outlets shall be required in conformance with California Stormwater Quality Association (CASQA) design criteria.

b. Erosion control plan – 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 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.**

13. **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).

14. **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.

15. **Hazardous Material Business Plan Required.** 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.

16. **Noise.** Quiet hours shall be maintained from 10 pm to 7 am, during which time generators and heavy equipment shall not be operated and noise levels shall conform to Butte County Code Chapter 41 A, Noise Control.

17. **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
18. **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. There shall be no grading of the site without the prior approval of the Director, 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 in order to render the site suitable for the use for which it was zoned, for example:

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

19. **Performance Guarantee.** In approving a temporary administrative permit for a temporary log storage site the Director 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. Lands shall be restored or reclaimed to the satisfaction of the Director prior to release of the performance guarantee.

20. **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.

21. **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**

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 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.

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

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:
<table>
<thead>
<tr>
<th>Phase II cleanup</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</td>
<td>Temporary housing allowed*</td>
<td>Temporary housing allowed*</td>
<td>Temporary housing allowed*</td>
</tr>
</tbody>
</table>

*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 Log Storage Yards (AKA: Log Decks).** A site where piles of logs and other piles of tree related materials removed from the Camp Fire affected area are temporarily stored before transfer to trucks or rail. A temporary log storage yard shall not exist beyond the Effective Period. No fire debris or hazardous materials may be brought onto or stored in the yard. Temporary Log Storage Yards may include associated equipment repair, construction trailers,
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 July 29, 2019.

Section 5. Section 53-68 is added to read as follows:

Section 53-58. 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 areas of Butte County.

B. Allowed Zones.

1. 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 would not apply to permitting of temporary log storage yards in these zones.

2. **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 would not apply to the permitting of temporary 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.

2. **General Commercial (GC) zone.**

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

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 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.

3. **Siting Criteria.** To the extent practicable, temporary log storage yards shall be located on flat areas of the site that are already disturbed.

4. **Parcel Size.** The temporary log storage yard site shall be a minimum of 20 acres regardless of the actual area used for the temporary log storage yard. Adjacent parcels may be utilized to achieve this standard.
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 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 property lines and any permanent structures. This area shall not be graded but kept clear of grasses and vegetation to support fire protection. 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 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, stored wood chips, and other
wood products. Fire officials will enforce the most stringent standards. Per California Public Resource Code, Section 4428, each site will have a sealed box of tools and will 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 shall be submitted with 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 approved means.
d. **Other piles made of wood chips, scrap wood, sawdust, and tree related materials, etc., 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 an approved means to measure temperatures. Internal pile temperatures shall be monitored and recorded weekly. A plan for restricting and mitigating excessive temperatures shall be submitted with the temporary administrative permit for review and approval by fire officials.**

g. **Regular log storage yard inspections 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. **After the log storage yard use has ended, remaining native soil shall be tested in accordance with the process required for Wildfire Debris Removal for the County of Butte to determine whether it is free of contamination as**
per standards established in the Camp Fire Consolidated Debris Removal Operation by CalRecycle. In the case of soils exceeding said contamination standards, remediation will be required will be required to be performed in the same manner as in the Butte County Alternative Debris Removal Program, which includes the excavation of soil and then re-testing. The Butte County Environmental Health Division will provide review and approval of confirmation sampling protocol and analysis of results.

b. Depending on the activities performed on-site, the 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.

c. 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.

d. 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 water is provided at the facility for less than 25 people/day, 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.

11. **Butte County Public Works Department Standards.**

a. Perimeter stormwater control - The design of improvements shall be 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. All natural drainage must enter
and leave the improved area at its original horizontal and vertical alignment and quantity.

If the operation extends beyond October 1 (or if it will not be stabilized prior to the winter season), implementation of erosion control within the disturbed area and sediment control basins at drainage outlets shall be required in conformance with California Stormwater Quality Association (CASQA) design criteria.

b. Erosion control plan – 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 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.

13. **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).

14. **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
tucks or equipment loaded with debris, is expressly
prohibited.

15. **Hazardous Material Business Plan Required.** 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.

16. **Noise.** Quiet hours shall be maintained from 10 pm to
7 am, during which time generators and heavy equipment
shall not be operated and noise levels shall conform
to Butte County Code Chapter 41 A, Noise Control.

17. **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.

18. **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. There shall be no
grading of the site without the prior approval of the
Director, 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 in order to render the site suitable for the use for which it was zoned, for example:

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

19. **Performance Guarantee.** In approving a temporary administrative permit for a temporary log storage site the Director 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. Lands shall be restored or reclaimed to the satisfaction of the Director prior to release of the performance guarantee.

20. **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.

21. **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**

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 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.

**Section 6. CEQA Exemption.**

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

Section 7. Severability.

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

Section 8. Effective Date and Publication.

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

PASSED AND ADOPTED by the Board of Supervisors of the County of Butte, State of California, on the 25th day of June, 2019 by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING

____________________
STEVE LAMBERT, Chair
Butte County Board of Supervisors

ATTEST:

SHARI MCCracken, Chief Administrative Officer
and Clerk of the Board

By: ______________________
Deputy
<table>
<thead>
<tr>
<th>Address</th>
<th>APN</th>
<th>Zoning</th>
<th>Parcel Acres</th>
<th>Contractor</th>
</tr>
</thead>
<tbody>
<tr>
<td>40716 Skyway, Paradise (walmart)</td>
<td>017-090-097-000</td>
<td>AG-160</td>
<td>58.9</td>
<td>Mowbray's</td>
</tr>
<tr>
<td>Neal road at worm farm</td>
<td>040-120-007-000</td>
<td>AG-20/NR Overlay</td>
<td>101</td>
<td>P&amp;J</td>
</tr>
<tr>
<td>1156 Oro Chico Highway, Durham</td>
<td>040-120-033-000</td>
<td>AG-40</td>
<td>87.2</td>
<td>MFE</td>
</tr>
<tr>
<td>2282 Clark Rd, Butte Valley</td>
<td>041-120-121-000</td>
<td>AG-40</td>
<td>268</td>
<td>Mowbray's</td>
</tr>
<tr>
<td>2552 Clark Rd, Butte Valley</td>
<td>041-120-129-000</td>
<td>AG-40</td>
<td>303.5</td>
<td>MFE</td>
</tr>
<tr>
<td>5460 Clark Rd, Paradise</td>
<td>054-080-061-000</td>
<td>Town</td>
<td></td>
<td>MFE</td>
</tr>
<tr>
<td>4901 Clark Road, Paradise</td>
<td>055-190-006-000</td>
<td>Town</td>
<td></td>
<td>P31</td>
</tr>
<tr>
<td>Concow Road, Concow</td>
<td>058-360-099-000</td>
<td>FR-10</td>
<td>234</td>
<td>MFE</td>
</tr>
<tr>
<td>6719 Rancho Oaks, Magalia</td>
<td>065-230-003-000</td>
<td>RR-5</td>
<td>10.4</td>
<td>Mowbray's</td>
</tr>
<tr>
<td>Type of Use</td>
<td>Area of Use</td>
<td>Jurisdiction</td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------</td>
<td>------------</td>
<td>----------------</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log Yard</td>
<td>2 Acres</td>
<td>Butte County</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Grind Limbs</td>
<td></td>
<td>Butte County</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log Yard</td>
<td>5 acres</td>
<td>Butte County</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log Yard</td>
<td>5 Acres</td>
<td>Butte County</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log Yard</td>
<td>5 acres</td>
<td>Butte County</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log Yard</td>
<td>2.6 Acres</td>
<td>Town of Paradise</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log Yard</td>
<td>3 Acres</td>
<td>Town of Paradise</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log Yard</td>
<td>4 Acres</td>
<td>Butte County</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Log Yard</td>
<td>10 Acres</td>
<td>Butte County</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>