

AN URGENCY ORDINANCE OF THE COUNTY OF BUTTE
AMENDING CHAPTER 53, ENTITLED "CAMP FIRE DISASTER RECOVERY
ORDINANCE," REPEALING ARTICLE II AND AMENDING ARTICLES III AND
IV TO EXTEND THE TEMPORARY HOUSING PROVISIONS' EFFECTIVE PERIOD
THROUGH DECEMBER 31, 2023, AND APPLYING A BUILDING PERMIT
REQUIREMENT FOR TEMPORARY HOUSING WITHIN THE SPHERE OF INFLUENCE
OF THE TOWN OF PARADISE; AND, REMOVING THE FOLLOWING ALLOWED
USES: FEMA TEMPORARY HOUSING SITES, TRUCK AND EQUIPMENT STAGING
AND LAYDOWN YARDS, AND BASECAMPS

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

Section 1.

CHAPTER 53 - CAMP FIRE RECOVERY

ARTICLE I. FINDINGS AND TITLE

Section 53-1. Emergency Findings.

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. Previously, the Board of Supervisors approved findings
associated with urgency ordinances relating to Chapter 53 of

1 the Butte County Code, including Ordinance Nos. 4154, 4155,
2 4156, 4158, 4160, 4164, 4165, 4168, 4171, 4174, 4176, 4177,
3 4180, 4181, 4184, 4187, 4193, 4194, 4204, 4211, 4219. The
4 findings supporting these ordinances are incorporated into
5 this urgency ordinance by reference.

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

10 C. On November 8, 2018, the County Administrator of the County
11 of Butte proclaimed the existence of a local emergency within
12 Butte County due to the Camp Fire.

13 D. On November 8, 2018, the Acting Governor of the State of
14 California proclaimed a State of Emergency for Butte County
15 pursuant to the California Emergency Services Act, commencing
16 with Section 8550 of the Government Code, and on November 14,
17 2018, the Governor issued Executive Order B-57-18 concerning
18 the Camp Fire.

19 E. On November 9, 2018, Dr. Andrew Miller, Butte County's Local
20 Health Officer, issued a Declaration of Health Emergency.

21 F. On November 12, 2018, the President of the United States
22 declared the existence of a major disaster in the State of
23 California, providing assistance from many federal agencies,
24 including the Federal Emergency Management Agency (FEMA). On
25 November 13, 2018, the Board of Supervisors adopted
26 Resolution No. 18-169 (ratifying the County Administrator's

1 proclamation of the existence of a local emergency in Butte
2 County) and ratified Dr. Miller's Declaration of Health
3 Emergency.

4 G. On November 21, 2018, Dr. Miller issued a Hazard Advisory
5 strongly suggesting residents should not reside on property
6 with qualifying structures damaged or destroyed by the Camp
7 Fire until the property had been cleared of hazardous waste,
8 ash and debris and certified clean by the Department of Public
9 Health, Environmental Health Division.

10 H. Although the Camp Fire occurred almost four years ago, the
11 process of rebuilding the thousands of residences that were
12 damaged or destroyed and reestablishing the lives of those
13 who lost their residences and possessions has taken much
14 longer than anticipated. There remains an immediate need for
15 housing to accommodate persons who have been displaced by the
16 Camp Fire. The Camp Fire destroyed 3,239 residences in the
17 unincorporated area of the County, but as of October 25, 2022,
18 less than four hundred (394) single-family dwellings have
19 been approved for residential occupancy for Camp Fire
20 survivors. Because so many of the residences damaged or
21 destroyed in the Camp Fire have not yet been reconstructed or
22 replaced, this Chapter temporarily relaxes some building and
23 zoning regulations to allow for additional housing both
24 inside and outside of the Camp Fire affected area for
25 displaced persons. Due to the magnitude of the destruction,
26 there is a need to provide for sufficient housing options

1 both inside and outside of the Camp Fire affected area, and
2 there is a need to allow more time to pursue the housing
3 options.

4 I. The California Department of Housing and Community
5 Development has allocated approximately \$164,600,000 to
6 jurisdictions in Butte County for CDBG-DR/statewide
7 multifamily housing program projects, which included
8 approximately \$71,100,000 to the County. Each local
9 jurisdiction anticipates spending their full allocation on
10 projects, which would bring an additional 960 affordable
11 housing units to the local communities if all are fully built.
12 CDBG-DR funding only provides 40 percent of the financing for
13 a project and developers will need to secure full project
14 funding to construct the housing units. As of July 2022, 13
15 projects had received conditional commitments of funding and
16 2 projects have received a notice to proceed. Two projects
17 have broken ground. The deadline for obtaining Certificates
18 of Occupancy is May 31, 2026 and most projects are anticipated
19 to complete construction close to this deadline.

20 J. As of October 25, 2022, the status of the Camp Fire disaster
21 recovery is as follows: (1) Phase I hazardous household waste
22 cleanup is complete, (2) Phase II structural ash and debris
23 cleanup is complete, (3) Hazard Tree Removal from Eligible
24 Parcels and/or Roads is complete and the County plans to
25 record liens upon receipt of abatement costs from the state,
26 (4) utilities and public services are available, (5) Paradise

1 Irrigation District has completed its voluntary water quality
2 assurance testing and drinking water has been restored to the
3 Camp Fire area, (6) numerous businesses have opened to serve
4 the public, (7) "dry camping" on parcels where the Camp Fire
5 destroyed a residence is no longer allowed under Butte County
6 Code and code enforcement efforts to end this practice have
7 begun, (8) inside the Camp Fire Area, the Department of
8 Development Services has received 557 building permit
9 applications, issued 493 building permits and finaled for
10 occupancy 344 permits for Camp Fire survivors, and (9) outside
11 the Camp Fire Area, the Department of Development Services
12 has received 39 building permit applications, issued 39
13 building permits and finaled for occupancy 29 permits for
14 Camp Fire survivors. Current threats to recovery include
15 numerous obstacles to rebuilding the Camp Fire area,
16 including (1) a lack of available housing, (2) delays in
17 determinations of PG&E Fire Victim Trust ("Trust") awards,
18 (3) for those residents that have received a favorable
19 determination from the Trust, receipt of pro rata payments of
20 only 45% of the full Trust award determination payments, (4)
21 uncertainty regarding the timing of additional pro rata
22 payments and dollar amounts of the remaining unpaid portions
23 of the Trust award determinations, (5) residents reporting
24 legal advice to not to sell their property until Fire Victim
25 Trust payments have been awarded, (6) increased costs of labor
26 and materials as a result of the COVID-19 pandemic shutdown,

1 (7) supply chain issues, (8) delays in the State's
2 implementation of the RecoverCA housing program, which is
3 funded by CDBG-DR, to assist low and moderate income
4 households with grants to rebuild homes destroyed by the Camp
5 Fire 9) an economic downturn and inflation, all of which
6 contribute to residents being unable to rebuild their homes.
7 Many Camp Fire survivors continue to live on parcels in RVs
8 while awaiting resolution of the foregoing. The Board of
9 Supervisors finds it is necessary to extend temporary housing
10 measures for an additional year and to require owners of
11 parcels within the Sphere of Influence of the Town of Paradise
12 to apply for a building permit, so long as an owner has filed
13 a rebuild permit application.

14 K. It is essential that this Ordinance become immediately
15 effective to allow sufficient time and opportunities for the
16 reconstruction of the area and to allow displaced residents
17 to reinhabit the Camp Fire area.

18 **Section 53-2. Title.**

19 This Chapter shall be known and may be cited as the Camp Fire
20 Disaster Recovery Ordinance.

21
22 Section 2. ARTICLE II.-DEBRIS REMOVAL is repealed.

23
24 Section 3. Section 53-32 is amended to read as follows:

25 **Section 53-32. Effective Period.**
26

1 A. The provisions in this article shall remain in effect until
2 December 31, 2023, unless otherwise specified herein, subject
3 to extension or modification by the Board of Supervisors.
4 Unless extended or modified by the Board of Supervisors, this
5 article shall expire on December 31, 2023, and be of no
6 further force or effect.

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

11
12 Section 4. Section 53-33 is amended to read as follows:

13 **Section 53-33. Definitions.**

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

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

21 **Camp Fire.** A 153,336-acre wildfire that started near the community
22 of Pulga on November 8, 2018, destroying over 18,000 structures,
23 which forced the evacuation of the Town of Paradise, Berry Creek,
24 Butte Creek Canyon, Butte Valley, Centerville, Cherokee, Concow,
25 Durham, Forest Ranch, Magalia, Pulga, Stirling City, and Yankee
26 Hill, and other areas near the Cities of Chico and Oroville, and

1 proclaimed by the Board of Supervisors under Resolution 18-169, as
2 a local emergency, and also proclaimed by then Acting Governor
3 Gavin Newsom as a state of emergency. CAL FIRE maintains a map
4 showing the final boundaries of the Camp Fire, as of November 25,
5 2018 at 100 percent containment.

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

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

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

23 **Mobile/manufactured home:** A housing structure transportable in one
24 (1) or more sections, designed and equipped to be used with or
25 without a foundation system, certified under the National
26 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

1 the accommodation of more than two recreational vehicles for
2 recreational or emergency housing for displaced persons, or for
3 transient employee lodging.

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

8
9 Section 5. Section 53-34 is amended to read as follows:

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

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

18 B. Temporary Recreational Vehicle Parks. The establishment of
19 temporary recreational vehicle parks without requiring hook-
20 ups to water, sewage disposal, and electricity in Commercial,
21 Industrial, FR (Foothill Residential), RR (Rural
22 Residential), within the City of Chico Sphere of Influence
23 VLDCR (Very Low Density Country Residential), PD (Planned
24 Development), P (Public), and RBP (Research and Business
25 Park) zoning districts, and in parking lots of religious and
26 community facilities, and in AG (Agriculture) zones when an

1 approved residential specific plan exists, and when said
2 specific plan is identified under the Butte County General
3 Plan, or in AG (Agriculture) zones located inside a city's
4 approved Sphere of Influence that are classified as grazing
5 or other lands as defined by the State Farmland Mapping and
6 Monitoring Program and having a combined parcel size greater
7 than 20 acres and subject to all additional requirements,
8 such as the 300 foot agricultural buffer, flood zones, and
9 airport land use compatibility zones shall be allowed for the
10 transitory period. Temporary Recreational Vehicle Parks that
11 are served with water, sewage disposal, and electricity hook-
12 ups may continue until January 1, 2023. Temporary
13 Recreational Vehicle Parks are subject to a temporary
14 administrative permit and subject to the applicable
15 requirements set forth under Subsection C, Standards.

16 C. Standards. All residential uses of recreational vehicles
17 shall meet the following standards. Use of temporary
18 dwellings shall at all times meet the following standards.

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

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

25 (3) Use of temporary dwellings is contingent on proof of a damaged
26 or destroyed residence as verified by the Director based on

1 prior final building permit or Assessor's records, or other
2 documentation satisfactory to the Director.

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

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

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

16 (7) The recreational vehicle or temporary dwelling shall be
17 connected to an approved source of water meeting one of the
18 following criteria:

19 (a) Public water supply;

20 (b) Existing well provided that it has been approved by
21 the Department of Public Health, Environmental Health
22 Division as safe for domestic consumption; or,

23 (c) Other water source as approved by the Department of
24 Public Health, Environmental Health Division.

25 (8) The recreational vehicle or temporary dwelling shall be
26 connected to an approved sewage disposal system meeting one

of the following criteria:

(a) Public sewer system;

(b) Existing on-site sewage disposal system that has been approved by the Department of Public Health, Environmental Health Division to be intact, adequately sized, and functioning following the disaster;

(c) Temporary holding tank with a contract with a pumping company for regular pumping. A copy of the contract shall be provided to the Department of Public Health, Environmental Health Division; or

(d) Other method of sewage disposal approved by the Department of Public Health, Environmental Health Division.

(9) The recreational vehicle or temporary dwelling shall be connected to an approved source of electricity meeting one of the following criteria:

(a) Permitted electrical service hook-up; or

(b) Other power source approved by the Director.

(10) The following additional standards apply to Temporary Recreational Vehicle Parks:

(a) Except for AG (Agriculture) zoned parcels which shall be a minimum total of twenty (20) acres and FR (Foothill Residential), RR (Rural Residential), and within the City of Chico Sphere of Influence VLDCR (Very Low Density Country Residential) zoned parcels which shall be a minimum total of five (5) acres as discussed in

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

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

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

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

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

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

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

(b) No more than two (2) recreational vehicles shall be

1 allowed per acre.

2 (c)There shall be a 25-foot setback from all property
3 lines for all recreational vehicles and related
4 improvements.

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

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

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

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

26 Lands upon which Temporary Recreational Vehicle Parks in AG

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

Section 6. Section 53-39 is repealed.

Section 7. Section 53-50 is amended to read as follows:

ARTICLE IV. EMERGENCY INTERIM HOUSING INSIDE THE CAMP FIRE AREA

Section 53-50. Purpose.

13,696 homes were destroyed by the Camp Fire in Paradise and surrounding unincorporated areas. This disaster has created a need for housing on a scale that cannot be accommodated through the existing available housing in Butte County. To meet the immediate need for housing, Butte County relaxed some building and zoning regulations in a prior article to allow for additional temporary housing outside of the Camp Fire affected area. However, this additional temporary housing may not be sufficient to meet the large and immediate need. This article relaxes some building and zoning regulations to allow for additional temporary housing

1 inside of the Camp Fire affected area. While public safety hazards
2 are being mitigated, persons moving back to the area do so at their
3 own risk and should make themselves aware of potential public
4 safety hazards, including but not limited to falling trees or
5 telephone poles adjacent to the roadways and potable water issues.
6 The article allows persons to place temporary housing on an
7 Eligible Property. The purpose of this article is to develop
8 reasonable standards that allow persons to move back into the Camp
9 Fire affected area and provide interim shelter for Butte County
10 residents on private property during the rebuilding process.

11
12 Section 8. Section 53-52 is amended to read as follows:

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

14 A. The provisions in this article shall remain in effect until
15 December 31, 2023, unless otherwise specified herein, subject
16 to extension or modification by the Board of Supervisors.
17 Unless extended or modified by the Board of Supervisors, this
18 article shall expire on December 31, 2023, and be of no
19 further force or effect.

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

24
25 Section 9. Section 53-53 is amended to read as follows:

26 **Section 53-53. Definitions.**

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

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

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

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

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

26 **Displaced Person(s).** A county resident or residents whose

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

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

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

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

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

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

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

24 **Sphere of Influence.** A planning boundary outside of an agency's
25 legal boundary (such as the city limit line) that designates the
26 agency's probable future boundary and service area.

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

5
6 Section 10. Section 53-54 is repealed.

7
8 Section 11. Section 53-55 is amended to read as follows:

9 **Section 53-54. Temporary Dwellings with Utility Hook-ups.**

10 Residential use and occupancy of up to two (2) temporary dwellings
11 utilizing hook-ups for water, sewage disposal, and electricity
12 shall be allowed during the effective period of this article
13 subject to issuance of a temporary administrative permit, and, if
14 within the Sphere of Influence of the Town of Paradise (See Figure
15 1A), a residential building permit for a permanent dwelling. The
16 use will be subject to the applicable requirements set forth in
17 Section 53-56, Standards. For properties within the Sphere of
18 Influence, the temporary dwelling must be removed from the site
19 after one year from the date of the approval of the temporary
20 dwelling, if the building permit for construction of the permanent
21 dwelling is not renewed. The temporary administrative permit shall
22 be effective for the same length of time as the building permit
23 for the permanent dwelling.

24
25 Section 12. Section 53-56 is amended to read as follows:

26 **Section 53-55. Use of Cargo Storage Containers.**

1 The use of cargo storage containers during the term of this article
2 shall be allowed, subject to the applicable requirements set forth
3 under Section 53-56, Standards.

4
5 Section 13. Section 53-57 is amended to read as follows:

6 **Section 53-56. Standards.**

7 All residential use of recreational vehicles, and, at all times,
8 all residential use of temporary dwellings and storage use of cargo
9 storage containers shall meet the following standards.

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

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

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

24 D. At all times, recreational vehicles, temporary dwellings,
25 and cargo storage containers shall be located outside the
26 boundaries of any setbacks established by Chapter 24,

1 unless the applicant can establish to the satisfaction of
2 the Director that there is no other available location
3 outside of the setback area, as well as located outside of
4 recorded easements, roads, driveways, designated flood
5 hazard locations, or areas prone to landslide or debris
6 flow.

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

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

- 12 1. Public water supply;
- 13 2. Existing well provided that it has been approved by
14 the Department of Public Health, Environmental
15 Health Division as safe for domestic consumption;
16 or
- 17 3. Other water source approved by the Department of
18 Public Health, Environmental Health Division.

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

- 23 1. Public sewer system;
- 24 2. A new or existing on-site sewage disposal system
25 that has been approved by the Department of Public
26

1 Health, Environmental Health Director to be intact,
2 adequately sized, and functioning correctly;

3 3. Temporary holding tank with a contract with a
4 pumping company for regular pumping. A copy of the
5 contract shall be provided to the Department of
6 Public Health, Environmental Health Division; or

7 4. Other method of sewage disposal approved by the
8 Department of Public Health, Environmental Health
9 Division.

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

14 1. Permitted electrical service hook-up; or

15 2. Other power source approved by the Director.

16 I. At all times, for residential use of recreational
17 vehicles and temporary dwellings on properties within
18 the Sphere of Influence of the Town of Paradise, the
19 property owner or the property owner's authorized agent
20 shall obtain a residential building permit and temporary
21 administrative permit.

22
23 Section 14. Section 53-58 is repealed.

24
25 Section 15. Section 53-59 is amended as follows:

26 **Section 53-57. Temporary Recreational Vehicle Parks.**

1 The establishment of Temporary Recreational Vehicle Parks without
2 requiring hook-ups to water, sewage disposal, and electricity on
3 an Eligible Property in Commercial, Industrial, FR (Foothill
4 Residential), RR (Rural Residential), PD (Planned Development), P
5 (Public), and RBP (Research and Business Park) zoning districts,
6 and in the parking lots of religious and community facilities, and
7 in AG (Agriculture) zones when an approved residential specific
8 plan exists, and when said specific plan is identified under the
9 Butte County General Plan, or in AG (Agriculture) zones located
10 inside a city's approved Sphere of Influence that are classified
11 as grazing or other lands as defined by the State Farmland Mapping
12 and Monitoring Program and having a combined parcel size greater
13 than 20 acres and subject to all additional requirements, such as
14 the 300 foot agricultural buffer, flood zones, and airport land
15 use compatibility zones shall be allowed for the transitory period.
16 Temporary Recreational Vehicle Parks that are served with water,
17 sewage disposal, and electricity hook-ups may continue until
18 January 1, 2023. Temporary Recreational Vehicle Parks are subject
19 to a temporary administrative permit and subject to the applicable
20 requirements set forth under Section 53-56, Standards, as well as
21 the following standards:

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

26 B. All areas occupied by recreational vehicles and access

1 aisles, driveways, and roads shall have an all-weather
2 surface capable of supporting a 40,000 lb. load that
3 will allow for ingress and egress of fire apparatus to
4 within 150 feet of all units and a vertical clearance of
5 no less than 15 feet.

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

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

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

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

20 a. Parcels shall be a minimum five (5) acres in size.

21 b. No more than two (2) recreational vehicles shall be
22 allowed per acre.

23 c. There shall be a 25-foot setback from all property
24 lines for all recreational vehicles and related
25 improvements.

1 d. Quiet hours shall be maintained from 10 pm to 7 am,
2 during which generators shall not be operated and noise
3 levels shall conform to Butte County Code Chapter 41
4 A, Noise Control.

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

10 f. One on-site parking space shall be provided per
11 recreational vehicle.

12 G. Each temporary administrative permit application for a
13 Temporary Recreational Vehicle Park shall be accompanied
14 by a detailed plan for the restoration or reclamation of
15 the subject property to the satisfaction of the
16 Director. At minimum, a plan for restoration or
17 reclamation shall include clearance of the site of all
18 recreational vehicles and related structures and removal
19 of all-weather surfaces and utilities constructed for
20 said park unless there is a separate application under
21 the Zoning Ordinance to permit the improvements. Lands
22 upon which Temporary Recreational Vehicle Parks in AG
23 (Agriculture) zones are located shall be restored to
24 their prior agricultural use or other agricultural use
25 as approved by the Director prior to the expiration of
26 this ordinance. A performance guarantee as provided by

1 Section 24-245 of Butte County Code in the amount of
2 \$1,000.00 per acre of land disturbed by the Temporary
3 Recreational Vehicle Park shall be paid prior to site
4 disturbance activities to ensure that site restoration
5 and reclamation is completed to the satisfaction of the
6 Director. Lands shall be reclaimed to the satisfaction
7 of the Director prior to release of the performance
8 guarantee.

9 Section 16. Section 53-60 is amended to read as follows:

10 **Section 53-58. Reconstruction of a legal nonconforming structure.**

11 Reconstruction of a legal nonconforming structure that has been
12 demolished or destroyed shall require the issuance of a building
13 permit that has been applied for during the Effective Period and
14 shall be completed within three-years after issuance of the
15 building permit. Any reconstruction is subject to all applicable
16 permit requirements and current building standards.

17
18 Section 17. Section 53-61 is repealed.

19
20 Section 18. Section 53-62 is amended to read as follows:

21 **Section 53-59. Use of accessory residential structures for**
22 **temporary habitation.**

23 For the effective period of this article, accessory residential
24 structures which also meet Residential Group R occupancies as
25 established by the California Residential Code adopted by Butte
26 County, may be used as interim housing for persons displaced by

1 the Camp Fire. During this period, said use shall not be subject
2 to the provisions of existing deed restrictions required by Butte
3 County, but shall remain subject to all other existing regulations
4 and limitations.

5
6 Section 19. Section 53-63 is amended to read as follows:

7 **Section 53-60. Use of Accommodations, Farmstays, Bed and Breakfast**
8 **Inns, Resorts, Retreats, Camps or other similar uses.**

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

14
15 Section 20. Section 53-64 is amended to read as follows:

16 **Section 53-61. Waiver of County Use Permit Requirement for**
17 **Relocation of Damaged Child Care and Educational Facilities.**

18 Notwithstanding any contrary provision in the Butte County Code,
19 any existing small or large child day care facility or child care
20 center, elementary school, junior high school, high school or
21 institution of higher education that was housed in premises made
22 uninhabitable by the Camp Fire may be temporarily relocated to
23 existing buildings on an Eligible Property in the LI (Limited
24 Industrial), PD (Planned Development), PB (Public), GC (General
25 Commercial), NC (Neighborhood Commercial), CC (Community
26 Commercial), REC (Recreation Commercial), and MU (Mixed-Use)

1 zones, or to any site within an existing religious facility on an
2 Eligible Property, subject to a temporary administrative permit
3 and any existing applicable standards, and subject to a building
4 permit if any renovations are required. Nothing in this article
5 waives or affects any State law requirements applicable to such
6 facilities.

7
8 Section 21. Section 53-65 is amended to read as follows:

9 **Section 53-62. Removal and disconnection.**

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

16
17 Section 22. Section 53-66 is repealed.

18
19 Section 23. Section 53-67 is amended to read as follows:

20 **Section 53-63. Rebuilding Warning.**

21 The following statement shall be supplied to all individuals
22 applying for a building permit within the Camp Fire area: "Due to
23 the large number of structures destroyed in the Camp Fire area, it
24 is anticipated that there will be a large number of applications
25 for building permits in the Camp Fire area after fire debris and
26 hazardous materials have been cleaned up pursuant to the Butte

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

1 application to avoid any potential health hazards or dangers.”

2
3 Section 24. Section 53-68 is amended to read as follows:

4 **Section 53-64. Reconstruction of single-family dwellings damaged**
5 **or destroyed by the Camp Fire in the Butte Creek Canyon (-BCC)**
6 **Overlay Zone and the Watershed Protection (-WP) Overlay Zone.**

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

23
24 Section 25. Section 53-69 is amended to read as follows:

25 **53-65. Extension of Regulations for Limited Density Owner-Built**
26 **Rural Dwellings to Parcels in the Camp Fire Area.**

1 A. Notwithstanding any contrary provision in the Butte County Code
2 and for the purposes of this Article, the definition of the term
3 "Rural" (as currently defined in Butte County Code section 26-63)
4 will include legal parcels in the Camp Fire area which are located
5 within the Town of Paradise municipal sphere of influence as
6 approved by the Butte Local Agency Formation Commission. The
7 owner(s) of such parcels may utilize Article VI of Chapter 26 of
8 the Butte County Code, "Regulations for Limited Density Owner-
9 Built Rural Dwellings" for rebuilding structures that were
10 destroyed in the Camp Fire disaster if such parcels meet each of
11 the remaining requirements. The parcels included in the definition
12 of "Rural" pursuant to this section are depicted on the attached
13 Exhibit A.

14 B. Notwithstanding the foregoing, generators are not permitted as
15 the primary source of power for structures located within the
16 municipal sphere of influence of a town or city.

17
18 Section 26. CEQA Exemption.

19 Adoption of this Urgency Ordinance is exempt from the provisions
20 of the California Environmental Quality Act (CEQA) pursuant to
21 California Public Resources Code Section 21080(b)(3) regarding
22 projects to maintain, repair, restore, or replace property or
23 facilities damaged or destroyed as a result of a declared disaster
24 and Section 21080(b)(4) regarding actions to mitigate or prevent
25 an emergency, and CEQA Guidelines Section 15269(a) regarding
26 maintaining, repairing, restoring, demolishing, or replacing

1 property or facilities damaged or destroyed as a result of a
2 disaster-stricken area in which a state of emergency has been
3 proclaimed by the Governor pursuant to the California Emergency
4 Services Act, commencing with Section 8550 of the California
5 Government Code.

6
7 Section 27. Severability.

8 If any provision of this Ordinance or the application thereof to
9 any person or circumstances is for any reason held to be invalid
10 by a court of competent jurisdiction, such provision shall be
11 deemed severable, and the invalidity thereof shall not affect the
12 remaining provisions or other applications of the Ordinance which
13 can be given effect without the invalid provision or application
14 thereof.

15
16 Section 28. Effective Date and Publication.

17 This Ordinance shall be and the same is hereby declared to be in
18 full force and effect immediately upon its passage by a four-
19 fifths (4/5) or greater vote. The Clerk of the Board of Supervisors
20 is authorized and directed to publish this Ordinance before the
21 expiration of fifteen (15) days after its passage. This Ordinance
22 shall be published once, with the names of the members of the Board
23 of Supervisors voting for and against it, in a newspaper of general
24 circulation published in the County of Butte, State of California."

25 ///


1
2 **PASSED AND ADOPTED** by the Board of Supervisors of the County of
3 Butte, State of California, on the 25th day of October, 2022 by
4 the following vote:

5 **AYES:** Supervisors Lucero, Ritter, Kimmelshue, Teeter and Chair
6 Connelly

7 **NOES:** None

8 **ABSENT:** None

9 **NOT VOTING:** None

10 
11 **BILL CONNELLY**, Chair
Butte County Board of Supervisors

12 **ATTEST:**

13 **ANDY PICKETT**, Chief Administrative Officer
14 and Clerk of the Board

15 By: 
16 Deputy