

## **ORDINANCE NO 21 - 1136**

### **AN URGENCY ORDINANCE OF THE COUNTY OF PLUMAS, CONCERNING DEBRIS REMOVAL FROM THE DIXIE FIRE AND BECKWOURTH COMPLEX FIRE**

#### **Section 1. Emergency Findings and Declarations.**

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

- A. On June 30, 2021 and July 2, 2021, lightning strikes sparked the Beckwourth Complex Fire, previously the Dotta and Sugar Fires, in Plumas County. Conditions of extreme peril to the safety of persons and property within the County of Plumas were caused by wildfire known as the Beckwourth Complex Fire on the 8th day of July, 2021, at which time the Board of Supervisors was not in session. A map depicting the Beckwourth Complex Fire area is attached hereto as Exhibit A-1.
- B. On July 13, 2021, the Dixie Fire was started, and on July 22, 2021, the Fly Fire was started. The cause of both fires is still under investigation. On July 26, 2021, the two fires merged and became known as the Dixie Fire. (As the fires have merged, references to the Dixie Fire refer to both the Dixie and Fly Fires.) Conditions of extreme peril to the safety of persons and property within the County of Plumas were caused by wildfire known as the Dixie Fire on the 19th day of July, 2021, and by the Fly Fire on the 23<sup>rd</sup> day of July, 2021, at which times the Board of Supervisors was not in session. A map depicting the current Dixie Fire area is attached hereto as Exhibit A-2.
- C. California Government Code Section 8630 empowers the Director of Emergency Services 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.
- D. On July 8, 2021, the Director of Emergency Services of the County of Plumas proclaimed the existence of a local emergency within the County due to the Beckwourth Complex Fire. The Plumas County Board of Supervisors ratified the emergency proclamation for the Beckwourth Complex on July 13, 2021, in Resolution 21-8601.
- E. On July 19, 2021, the Director of Emergency Services of the County of Plumas proclaimed the existence of a local emergency within the County due to the Dixie Fire. On July 23, 2021, the Director of Emergency Services of the County of Plumas proclaimed the existence of a local emergency within the County due to the Fly Fire. The Plumas County Board of Supervisors ratified the emergency proclamation of the Dixie Fire on July 20, 2021 in Resolution 21-8605, and the emergency proclamation of the Fly Fire on July 23, 2021, in Resolution 21-8608. The resolutions 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.

- F. On July 16, 2021, the Governor of the State of California proclaimed a State of Emergency for multiple fires caused by lightning strike, including the Beckwourth Complex Fire pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.
- G. On July 23, 2021, the Governor of the State of California proclaimed a State of Emergency for the Dixie and Fly Fires pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code.
- H. On July 26, 2021, Dr. Mark Satterfield, the County of Plumas's Local Health Officer, issued a Declaration of Health Emergency pursuant to California Health and Safety Code Section 101080. Dr. Satterfield's declaration stated that the Beckwourth Complex Fire, Dixie Fire and Fly Fire have created certain hazardous waste conditions in Plumas County in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of residences and structure; and the hazardous waste debris poses a substantial present or potential hazard to human health and the environment unless immediately addressed and managed; and there is an imminent and proximate threat of infections or communicable disease and/or non-communicable agents due to fire related debris; and that a local health emergency exists in the County of Plumas, due to hazardous waste in the form of contaminated debris from the hazardous waste/material and structural debris from the ongoing Beckwourth Complex Fire, Dixie Fire and Fly Fire.
- I. As of August 22, 2021, the Beckwourth Complex Fire has consumed over 105,670 acres, destroyed 62 structures, and resulted in evacuation orders affecting 454 persons. As of August 13, 2021, 1,109 structures in Plumas County had been destroyed by the Dixie Fire, including 584 residential structures (3% residential structures), 131 commercial (15% commercial structures) and 394 other structures., with an additional 72 structures were damaged, As of August 20, 2021, the Dixie Fire has consumed over 700,630, acres, and resulted in evacuation orders or warnings which impacted over 2,600 Plumas residents. As a result, the Beckwourth Complex and Dixie Fires have created an enormous amount of debris, and injured three firefighters. The Dixie Fire is still burning through the County and despite firefighters' best efforts, the wildfire has not been contained. Evacuation orders are currently in place and numerous severe public health and safety hazards are present in both the Beckwourth Complex, and Dixie Fires area, including many blocked roads from fallen power lines, burned trees and vehicles, no available utilities, no available public services and the presence of animal carcasses.
- J. 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.
- K. 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.

- L. 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.
- M. Standards and removal procedures are needed immediately to protect the public safety, 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 Beckwourth Complex and Dixie Fires disaster.
- N. The Dixie Fire and Beckwourth Complex have created hazardous waste conditions in the County of Plumas in the form of contaminated debris from household hazardous waste/materials and structural debris resulting from the destruction of hundreds 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.
- O. At this time, Plumas County has requested the state's assistance to participate in the State's Consolidated Debris Removal Program for both the Dixie Fire and the Beckwourth Complex. References to "Beckwourth Complex and Dixie Fires" are intended to refer to the fires that Cal OES agrees to include in the government program.
- P. The Department of Toxic Substances Control 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 impacts to individual properties, local communities, and watersheds if the ash and debris is not removed safely and promptly.
- Q. 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.
- R. It is essential that this Urgency Ordinance become immediately effective 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 Beckwourth Complex and Dixie Fires disaster.

**NOW, THEREFORE**, the Board of Supervisors of the County of Plumas ordains as follows:

## **Section 2. Definitions**

The following definitions will apply to the entirety of Title 4, Chapter 9:

**“Alternative Program”** means the requirements for inspections, clean up and disposal of Structural Debris established by the County for property owners that opt out of or are disqualified from the Government Program.

**“Arborist”** means an ISA Certified Arborist with a Tree Risk Assessment Qualification (TRAQ).

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

**“Beckwourth Complex.”** The Beckwourth Complex Fire derived from lightning strikes in Plumas County on June 30, 2021 and July 2, 2021. The Beckwourth Complex destroyed 62 structures, of which 48 were residences and 14 were other structures. The Beckwourth Complex damaged an additional eight (8) structures. 454 people were impacted by mandatory evacuation orders caused by the Beckwourth Complex. California Department of Forestry and Fire Protection (CAL FIRE) maintains a map showing the boundaries of the Beckwourth. In Plumas County, the Beckwourth Complex Fire affected the communities of Beckwourth, Vinton, Chilcoot, and Frenchman Lake.

**“Beckwourth Complex and Dixie Fires.”** In the event that Phase II work is not authorized for either the Beckwourth Complex or the Dixie Fire, instances of “Beckwourth Complex and Dixie Fires” shall be deemed to refer to only that fire which has been approved for inclusion in the Government Program.

**“Board”** means the Plumas County Board of Supervisors.

**“Cal OES.”** The California Governor’s Office of Emergency Services.

**“County”** means the County of Plumas.

**“Director of Emergency Services”** means the Director of the Plumas County Office of Emergency Services.

**“Displaced Person(s).”** A Plumas County resident or residents whose residential dwelling has been destroyed or damaged by the Beckwourth Complex or Dixie Fires, 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 CAL OES or 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 Beckwourth Complex or Dixie Fires, as determined by the County. Such determination may be made by the Director of Emergency Services or other authorized County personnel.

**“Dixie Fire.”** The Dixie Fire derived from causes still under investigation on July 13, 2021. As of August 13, 2021, 1,109 structures in Plumas County had been destroyed by the Dixie Fire, including 584 residential structures (3% residential structures), 131 commercial (15% commercial structures) and 394 other structures., with an additional 72 structures were damaged, , and over six thousand (6,000) individuals have been evacuated from the fire area. Cal FIRE maintains a map showing the boundaries of the and Dixie Fires. In Plumas County, the Dixie Fire affected the communities of Bucks Lake, Meadow Valley, Quincy, Butterfly Valley, Indian Falls, Crescent Mills, Taylorsville, Greenville, Canyon Dam, Chester, Lake Almanor, Prattville, Genesee, Belden, Storrie, Tobin, Twain, as well as many additional rural areas.

**“Effective Date.”** The date of the Board of Supervisors adoption of this Chapter.

**“Eligible Parcel(s)”** means a parcel that is an improved public property.

**“Eligible Road(s)”** means a public road or right-of-way.

**“Enforcement Officer”** means the Hazard Tree Enforcement Officer or Structural Debris Enforcement Officer.

**“Environmental Health Director”** means the Plumas County Director of Environmental Health, or his or her designee(s). Such designee(s) may be a County employee(s) or third-party provider(s).

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

**“Fire Debris”** and **“Hazardous Materials”** means Structural Debris and Hazard Trees; including debris, ash, metals, and completely or partially incinerated substances from qualifying structures.

**“Forester”** means a Registered Professional Forester, qualified pursuant to California Public Resources Code Section 752, "Professional forester."

**“Government Program”** means the State’s Consolidated Debris Removal Program for the Beckwourth Complex and Dixie Fires in conjunction with other State and Federal agencies.

**“Hazard Tree”** means a wildfire-damaged tree that in the professional opinion of an Arborist and/or Forester:

- A. Has been so severely damaged by the Beckwourth Complex or Dixie Fires that its structural integrity is compromised; and
- B. Poses an imminent danger of falling onto an Eligible Road or Eligible Parcel.

**“Hazard Tree Enforcement Officer”** means the Plumas County Public Works Director or his/her designee(s). Such designee(s) may be a County employee(s) or third-party provider(s).

**“Inspection access form”** means the permit for providing access to the Enforcement Officer to inspect private property of owners opting to use the Private Tree Program approved by the County for use in the cleanup after the Beckwourth Complex and Dixie Fires.

**“Phase I”** means the household hazardous waste cleanup performed by the United States Environmental Protection Agency and/or Department of Toxic Substances Control on certain properties impacted by the Beckwourth Complex or Dixie Fires.

**“Phase II”** means the ash and debris cleanup work performed pursuant to the Government Program and/or the Alternative Program.

**“Planning Director”** means the Plumas County Director of Planning, or his or her designee(s). Such designee(s) may be a County employee(s) or third-party provider(s).

**“Private Action”** means the removal of Fire Debris from private property damaged by the Beckwourth Complex and Dixie Fires by persons disqualified from or opting out of the Government Program and participating in the Alternative Program.

**“Private Tree Program”** means the requirements for inspections, removal and disposal of Hazard Trees established by the County for property owners that opt out of or are disqualified from the Government Program. The program provides owners with the option of identifying and removing Hazard Tree(s) on their property at their own cost.

**“Public Works Director”** means the Plumas County Director of Public Works, or his or her designee(s). Such designee(s) may be a County employee(s) or third-party provider(s).

**“Qualifying structure”** means a structure of 120 square feet or greater.

**“Right of Entry Permit”** means the Right-of-Entry Permit for Debris and/or Hazard Tree Removal on Private Property approved by the Cal OES for use in the cleanup after the Beckwourth Complex and Dixie Fires.

**“Storage and Distribution Facility.”** A facility operated in an existing commercial or industrial building and used to store and distribute emergency supplies and commodities to Displaced Persons.

**“Structural Debris”** means the wildfire-generated debris including but not limited to burned or partially burned structures of 120 square feet or greater, ash, concrete foundations, contaminated soil, vehicles, trailers, waste or other debris from the property.

**“Temporary Log Storage Yards”** means sites (also known as log decks) where piles of logs and other piles of vegetation removed from the Beckwourth Complex and Dixie Fires affected areas are temporarily stored and processed before transfer to trucks or rail. The logs and vegetation must be associated with the Beckwourth Complex and Dixie Fires recovery effort, i.e., logs and vegetation that are burn-damaged or otherwise removed due to safety issues associated with the Beckwourth Complex and Dixie Fires. Logs and wood waste originating from routine utility line maintenance shall not be stored at Temporary Log Storage Yards. This definition and Section 4-9.212 do not apply to logs and/or vegetation harvested or cleared as part of a timber harvest plan or exemption under the Forest Practice Rule that are stored and/or processed on the property on which they were harvested or cleared. This definition and Section 4-9.212 only applies to logs and vegetation transported to another property. A Temporary Log Storage Yard shall not exist beyond the Effective Period. No Structural Debris or Hazardous Materials may be brought onto or stored in the yard including any that may have been deposited on logs or vegetation. Temporary Log Storage Yards allow for the processing of logs and vegetation (e.g., chipping, milling, etc.) but not the burning of logs and vegetation, and may include associated equipment repair, construction trailers, employee parking, and portable bathroom facilities set up for use by the personnel assigned to the yard.

**“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 Plumas County Beckwourth Complex and Dixie Fires 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.

**“Zoning Clearance Certificate.”** A zoning clearance certificate, approved by the Planning Director, certifies that a proposed development or project conforms with all current requirements of the zoning regulations and, if applicable, the terms and conditions of any previously approved development permit or variance.

### **Section 3. Mandatory Debris and Hazard Tree Removal**

#### **A. Mandatory Structural Debris and Hazard Tree Removal Requirements.**

This Article establishes a mandatory Fire Debris removal requirement that sets forth the manner in which Structural Debris and Hazard Trees will be identified and removed. Structural Debris and Hazard Trees must be removed for the immediate preservation of the public peace, health and safety.

#### **B. Effective Period.**

This Article relating to Fire Debris removal shall take effect immediately upon adoption and shall remain in effect until Fire Debris removal has been completed on all properties damaged by the Beckwourth Complex and Dixie Fires. Regardless of when Fire Debris removal has been completed, Section 4-9.211 relating to Temporary Log Storage Yards, as well as any sections within this Article that relate to it, shall remain in effect until December 31, 2024.

#### **C. Prohibition on Removal of Structural Debris from Private Property.**

Any removal of Structural Debris from private property is prohibited except pursuant to the requirements of the table below. For purposes of this Section, the prohibition refers to the removal, transport and disposal of Structural Debris, but it does not include the removal of personal property from residential sites unless such removal of personal property involves cleanup and the removal of ash from the private property.

	<b>No structure on burned private property</b>	<b>Non-qualifying structures (Structures less than 120 square feet only on burned private property)</b>	<b>Qualifying structures (Structures 120 square feet and over on burned private property)</b>
<b>Prior to completion of Phase I cleanup</b>	Owner may remove debris	Debris removal prohibited	Debris removal prohibited
<b>Prior to completion of Phase II cleanup</b>	Owner may remove debris	Owner may remove debris with certificate from the Right of Entry Processing Center or the Department of Environmental Health	Government or Alternative Program contractors only may remove debris

<b>Following Phase II cleanup</b>	Owner may remove debris	Owner may remove debris with certificate from the Right of Entry Processing Center or the Department of Environmental Health	Owner may remove remaining debris not removed during Phase II with certificate from the Right of Entry Processing Center or the Department Environmental Health
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For the purposes of this Article, the requirement to enter into the Government Program or the Alternative Program shall apply only to properties that contained a qualifying structure or Hazard Trees under the Government Program. The requirement shall not apply to properties that only contained non-qualifying structures, including but not limited to sheds, canopies, carports, well houses, greenhouses, chicken coops or fencing. Whether debris is derived from a qualifying or non-qualifying structure shall be determined by the Environmental Health Director, or his or her designee, in consultation with the State's Consolidated Debris Removal Program.

#### **D. Removal of Structural Debris and Hazard Trees through the Government Program.**

- i. The Government Program will remove Fire Debris at no out-of-pocket cost to the owner. If an owner does not participate in the Government Program and there is Fire Debris on their property, the owners are required to remove such Fire Debris at their own cost.
- ii. To participate in the Government Program, owners must complete and submit a Right of Entry Permit. The Right of Entry Permit shall function as the sole permit and authorization for participation in the Government Program. Notwithstanding any contrary provision in Plumas County Code, no County approvals or permits for the removal of Structural Debris and Hazard Trees are required for properties participating in the Government Program, other than the Right of Entry Permit.
- iii. If a property contains Fire Debris and the owner of the property does not participate in the Government Program, the Alternative Program or the Private Tree Program (as applicable), the County will enforce this Article and charge the owners with any administrative and abatement costs related to such enforcement as described below. The costs of the Alternative Program and Private Tree Program are paid by the property owner.
- iv. In implementing the Government Program, it is the Board's preference that property owners who have submitted an application for a development permit have priority in the Government Program.

#### **E. Owner's Removal of Structural Debris through the Alternative Program.**

- i. The County shall administratively adopt and administer the Alternative Program in the unincorporated areas of Plumas County under the supervision of the Environmental Health Director or his or her designee. The County shall utilize the wildfire debris removal state and federal standards and cleanup goals of the Government Program as the standards for the Alternative Program. Under the supervision of the Environmental Health Director or his or her designee, the County may administratively update these standards as necessary

to address ongoing changes in the administration of the Government Program and the need to efficiently remove hazardous Structural Debris from the community.

- ii. For those persons who are disqualified from the Government Program, or who opt out of the Government Program, Private Action to remove Structural Debris from fire-damaged properties is prohibited unless and until a hazardous materials inspection has been performed and authorization from the Department of Environmental Health has been provided pursuant to the Alternative Program.
- iii. The Alternative Program shall require an application and work plan that identifies the appropriate licensed contractors who will perform the work and the submission of plans that demonstrate that the standards established in the Alternative Program will be met. Work shall not begin until the County approves the application and work plan. The County may rely upon the subject matter expertise of multiple departments in deciding whether to approve the application and work plan.
- iv. Upon completion of the work described in the approved work plan, the Alternative Program shall require an application for certification of successful completion of the work required by the Alternative Program. The Alternative Program will require that: (1) the debris removal and clean-up work on the property meets or exceeds the standards set by the State of California for debris removal; and (2) the owner completely remove and dispose of the foundation or submit a letter from a licensed civil or structural engineer certifying that the foundation is acceptable for rebuild. The letter shall certify structural reasons for the decision and include the process and procedure used to reach the conclusion.
- v. Notwithstanding any contrary provision in Plumas County Code, no County demolition permit shall be required for private debris removal work for which the Alternative Program has issued an approval to allow such work to proceed.

#### **F. Owner's Removal of Hazard Trees through the Private Tree Program.**

- i. As an alternative to the Government Program's removal of Hazard Trees, the Private Tree Program provides the owner with the option of identifying and removing Hazard Tree(s) on their property at their own cost. To participate in the Private Tree Program, owners shall submit either (1) an inspection access form or (2) an Arborist's/Forester's Certification for their property. Following the owner's identification and removal of Hazard Trees and submittal of an inspection access form, the Private Tree Program shall require the Enforcement Officer to make a visual confirmation of the removal of Hazard Trees on the subject property. This visual inspection of compliance with the Private Tree Program shall be sufficient for meeting the requirements of this Section. When a property owner submits an inspection access form, whether the Hazard Tree removal is adequate shall be in the sole discretion of the Enforcement Officer. In the alternative, when a property owner submits an Arborist's/Forester's Certification, that shall be sufficient for meeting the requirements of this Section.
- ii. Notwithstanding anything herein to the contrary, in the Private Tree Program, owners may choose to temporarily retain and promptly utilize felled hazard trees which were standing on their property. This temporary retention and utilization by the owner shall be permitted only to the extent felled hazard trees and incidental foliage, slash, tree branches or limbs and chipped or mulched vegetation do not constitute a fire hazard as prohibited by

applicable law, including, but not limited to, California Public Resources Code Section 4291 et seq., Title 19 of the California Code of Regulations and Title 8, Chapter 14 of the Plumas County Code. Such requirements include but are not limited to the following:

- (1) In storing such hazard trees prior to utilization, unless otherwise approved by the appropriate fire protection entity an owner shall be required to:
  - (a) Maintain a setback of no less than one hundred (100) feet from any inhabited building or structure;
  - (b) Maintain a setback of no less than thirty (30) feet from any uninhabited building or structure; and
  - (c) Maintain a setback around the parcel's property lines of no less than thirty (30) feet wide.
- (2) If an owner utilizes felled hazard trees for wood chips, the owner shall be required to spread the wood chips to a depth of no greater than three (3) inches while maintaining a setback of no less than five (5) feet from any building or structure.

iii. If any temporary retention and utilization of hazard trees constitutes a fire hazard, it is a public nuisance and may be abated using any available legal remedy. If the owner chooses to temporarily retain and utilize felled hazard trees, the owner is required to utilize such hazard trees prior to the Enforcing Officer's visit to the property to confirm compliance with the Private Tree Program. For the purposes of this Section, any temporary retention and utilization of felled hazard trees by the property owner is not a Temporary Log Storage Yard (i.e., log deck) as described in this Title 4, Chapter 9. Owners may not receive felled trees from other properties.

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

#### **G. Hold on Building Permits.**

Any issued County of Plumas building permit to repair or reconstruct a fire damaged structure or private infrastructure shall be held in abeyance and not acted upon until Structural Debris cleanup is completed on the affected property and completion is confirmed to the County Building Official, either through the Government Program or the Alternative Program, as applicable. Notwithstanding the foregoing, this Section shall not apply to permits relating to wells or septic systems through the Environmental Health Department.

#### **H. Deadlines and Enforcement.**

- i. The Board may set a deadline for filing an acceptable application for the Alternative Program and Private Tree Program by resolution.
- ii. Properties that have Fire Debris from the Beckwourth Complex and Dixie Fires and that have not submitted an approved (1) Right of Entry Permit for the Government Program, (2) application for the Alternative Program (for Structural Debris), (3) inspection access form for the Private Tree Program (for Hazard Trees) and/or (4) an approved

Arborist's/Forester's Certification for the Private Tree Program (for Hazard Trees) (as applicable) by the deadline(s) set by the Board are declared a nuisance and health hazard and such properties may be abated pursuant to this Chapter.

- iii. The Board may set deadlines for the completion of work in the Alternative Program and Private Tree Program by resolution. Properties that have Fire Debris from the Beckwourth Complex and Dixie Fires after the deadline set by the Board are declared a nuisance and health hazard and such properties may be abated pursuant to this Chapter.
- iv. The Board's intent is to facilitate orderly remediation of a large scale disaster. Nothing in these deadlines shall limit the authority of the County to abate hazards more quickly where required by exigent circumstances. Nothing in this Article or in these deadlines shall limit the authority of the Health Officer to require preventive measures as defined in California Health and Safety Code Section 101040.
- v. Enforcement and Abatement.
  - (1) General Enforcement Action. When the Enforcement Officer determines that an activity is being performed in violation of this Article, the Enforcement Officer may initiate an enforcement action using any process set forth in California law and/or in the Plumas County Code and may seek the imposition of costs and civil penalties pursuant to California law and/or the Plumas County Code. Nothing in this provision is intended to prevent alternate enforcement mechanisms, including but not limited to, Health Officer orders pursuant to California Health and Safety Code Section 101040.
  - (2) Summary Abatement. Pursuant to the authority of Cal. Const., art. XI, Section 7; California Health and Safety Code Section 101040, California Government Code Section 25845, and the Plumas County Code, if the Enforcement Officer determines that a violation of this Article has created an emergency condition which seriously endangers the public health or safety, the County may abate the condition within the unincorporated territory of the County of Plumas. The costs shall be charged to the property owner(s) and the County may, at its option, recover the same in an administrative action as described below or a civil action. Such charges shall be in addition to any penalty for a violation of this Article.
    - (a) Pre-Abatement Notice. Unless emergency conditions preclude doing so, the Structural Debris Enforcement Officer shall issue a Summary Abatement Notice and Order with reasonable notice. The Notice and Order shall be mailed to the property owner(s) as listed on the last equalized tax roll. A summary of the Notice and Order shall be posted in a conspicuous location on the property to be abated at least 10 calendar days prior to the summary abatement action.
    - (b) Appeal and Waiver. The property owner(s) or any person or entity having a legal interest in the property may submit a written appeal of the Structural Debris Enforcement Officer's Order to the Health Officer or his or her designee no later than 10 calendar days from the date of mailing of the Notice and Order. The written appeal shall state the basis for the appeal. The Health Officer or his/her designee shall review the appeal and shall issue a written decision (the "Decision") no later than 10 calendar days after receipt. The Decision shall uphold, rescind or modify the determination of the Notice and Order. The Decision on the appeal shall be final. Failure to appeal within the time prescribed shall constitute a waiver of the right to contest the summary abatement.

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

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

(3) Abatement and Administrative Costs. If a public nuisance is found to be present on the property in violation of this Article, the Enforcement Officer shall pursue payment for Abatement and Administrative Costs from the owner and the owner of the property shall be responsible for paying all of the County's Abatement Costs and Administrative Costs.

(a) The term "Abatement Costs" means any costs or expenses reasonably related to the abatement of conditions which violate this Article of the County Code, and shall include, but not be limited to enforcement, investigation, collection and administrative costs, and the costs associated with the removal or correction of the violation.

(b) The term "Administrative Costs," shall include the cost of County staff time reasonably related to enforcement, for items including, but not limited to, site inspections, travel time, investigations, telephone contacts and time spent preparing summaries, reports, notices, correspondence, warrants and hearing packets. The time expended by the Enforcement Officer and Auditor-Controller staff, to calculate the above costs and prepare itemized invoices, may also be recovered.

(4) Burden of Proof of Public Nuisance. When an owner maintains a public nuisance on his or her property in violation of this Article, the burden of proof shall rest with the Enforcement Officer making the allegation or determination and shall be based on a preponderance of the evidence as follows:

Evidence supporting an allegation of the existence of a public nuisance as described in this Article shall demonstrate the following:

(a) the property has Structural Debris and/or one or more Hazard Trees on the property; and

(b) the property owner has not entered into or complied with the requirements of the Government Program, Alternative Program and/or Private Tree Program, as applicable.

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

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

(7) Abatement procedure.

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

**NOTICE OF BECKWOURTH COMPLEX AND DIXIE FIRES DEBRIS NUISANCE ABATEMENT HEARING**

The owner(s) and occupant(s) of real property described on the latest equalized Plumas County tax roll as Assessor Parcel Number \_\_\_\_\_ and having a street address of \_\_\_\_\_ is (are) hereby notified to appear before a Hearing Officer of the County of Plumas at \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ m., to show cause, if any there be, why the use of said real property should not be found to be a public nuisance and abated pursuant to the Plumas County Code. The Enforcement Officer(s) for the Structural Debris and/or Hazard Tree Removal Program has determined that conditions exist on the above property which constitute a public nuisance and violate Plumas County Code Section(s) \_\_\_\_\_, as follows: \_\_\_\_\_. After hearing, if a violation is found to have existed at the time the Notice of Beckwourth Complex and Dixie Fires Debris Nuisance Abatement Hearing was posted on the property, the cost of abating such violation, including, but not limited to, the cost of the Hearing Officer, the cost of prior time and expenses associated with bringing the matter to hearing, the cost of judicially abating the violation, the cost of labor and material necessary to physically abate the violation, and the cost of securing expert and other witnesses may become a lien against the subject property. If an abatement lien is recorded, it will have the same force and effect as an abstract of judgment which is recorded as a money judgment obtained in a court of law. If you fail to appear at the hearing or if you fail to raise any defense or assert any relevant point at the time of hearing, the County will

assert, in later judicial proceedings to enforce an order of abatement, that you have waived all rights to assert such defenses or such points.

In preparing for such hearing, you should be aware that if an initial showing is made by the County, sufficient to persuade the Hearing Officer that a public nuisance existed on your property at the time the Notice of Beckwourth Complex and Dixie Fires Debris Nuisance Abatement Hearing was posted on the property, you will then have the burden of proving that no public nuisance exists on your property. Therefore, you should be prepared to introduce oral and documentary evidence proving why, in your opinion, your use of the property is not a public nuisance as defined in the Plumas County Code. A copy of Article II of Plumas County Code Title 4, Chapter 9 relating to Mandatory Debris and Hazard Tree Removal and related abatement hearings is enclosed to assist you in the preparation of your presentation.

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

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

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

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

Dated: \_\_\_\_\_

**COUNTY OF PLUMAS**

**BECKWOURTH COMPLEX AND DIXIE FIRES RECOVERY - STRUCTURAL DEBRIS/HAZARD TREE REMOVAL**

**ENFORCEMENT OFFICER**

By: \_\_\_\_\_

Enclosure: Article II of Plumas County Code, Title 4, Chapter 9

(b) All hearings conducted under this Chapter shall be held before a Hearing Officer designated pursuant to the protocol set forth in Title 1, Chapter 8, Administrative Citations.

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

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

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

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

calendar days from service of the bill may result in the recording of a lien against the property.

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

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

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

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

(i) The decision of the Hearing Officer or Board of Supervisors may be recorded by the Enforcement Officer. In the event of such recordation and in the further event that the violation is corrected, a notice of such correction shall be recorded. The Enforcement Officer is authorized to prepare and record a notice of correction. Correction of the violation shall not excuse the property owner's liability for costs incurred during the

administrative abatement process (Abatement Costs and Administrative Costs as defined in Section 4-9. 208(E)(3) of this Chapter). If the property owner has not fully compensated the County for costs incurred during the administrative abatement process, a notice of correction shall not be recorded unless the fee specified in Section 8-19.02 of this Code has been paid. Payment of the fee specified in Section 8-19.02 of this Code does not excuse the property owner's liability for costs incurred during the administrative abatement process (Abatement Costs and Administrative Costs as defined in Section 4-9.208 (E)(3) of this chapter).

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

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

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

## **Section K. Temporary Log Storage Yards.**

- i. Allowed Zones.
  - (1) Timberland Production Zone (TPZ). Log storage areas, log landings, and temporary portable wood processing equipment are permitted uses in TPZ and compatible with timber production. The provisions of this Section apply as permitted in TPZ.
  - (2) Heavy (I-1) and Light (I-2) Industrial Zones. Processing and storage are permitted uses in I-1 and I-2 and integral to provide for industry. The provisions of this Section apply as permitted in I-1 and I-2.
- ii. Standards. All Temporary Log Storage Yards shall meet the following standards:
  - (1) Application for Zoning Clearance Certificate. The property owner or the property owner's authorized agent shall obtain a Zoning Clearance Certificate for the Effective Period. Written consent of the property owner is required in all cases.
  - (2) Site Plan Required. A detailed site plan drawn using a standard architectural or engineering scale that shows all the proposed activities that will occur on-site, as well as the approximate location of each activity, shall be provided with the application for a Zoning Clearance Certificate. Partial site plans for a portion of a property may be submitted as long as a vicinity map for the entire property showing frontage streets, other uses and a cross reference of the area of the partial site plan is provided. All site plans shall show and label contours at maximum vertical intervals of five feet; areas of proposed grading and fill; the width of access roads to and around parking, log piles and other piles, and buildings; and turnaround areas for fire and emergency services. Any change in the type of

activity that will occur on-site or the location of any activity requires the owner or operator to apply for a new Zoning Clearance Certificate.

- (3) Siting Criteria. To the extent practicable, Temporary Log Storage Yards shall be located on flat areas of the site that are already disturbed and in such a manner to decrease impacts to uses on surrounding properties.
- (4) Parcel Size. The total acreage of the area proposed to be utilized for the Temporary Log Storage Yard site shall be indicated on the site plan and addressed through the Zoning Clearance Certificate.
- (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 2 Office. If the Temporary Log Storage Yard is accessed by a private road, there shall be an approved road maintenance agreement that allows for the proposed use along the private road.
- (6) On-site Roads and Aisles. Temporary Log Storage Yards shall have on-site roads and aisles. On-site roads shall be constructed to the minimum standards of CAL FIRE regulations in place at the time of construction.
- (7) Property Line Setbacks and Defensible Space. All log piles and other piles shall be setback a minimum of 100 feet from all outside property lines and any permanent structures. There shall be an area of defensible space that is a minimum of 100 feet wide around the perimeter of the temporary log storage area that shall not be graded but shall be kept clear of grass and vegetation to support fire protection by clearing, disk ing, grubbing, and/or scraping. CAL FIRE shall have discretion to address unique circumstances.
- (8) Biological Resources. Temporary Log Storage Yards shall not be located on lands containing wetlands, and/or endangered and protected plants and animal species as shown on available biological resource maps.
- (9) Fire Risk and Hazards. Temporary Log Storage Yards and the associated activities pose the risk of fire if fire suppression measures are not taken. These activities include working with and storing flammable materials in areas that have little to no water on-site and that are subject to fire. The County is setting the fire standards it believes are appropriate, but there are also State standards set out in California Fire Code Chapter 28 with respect to all log storage yards and incidental wood products stored there. The appropriate fire protection entity shall enforce the most stringent standards. Per California Public Resource Code, Section 4428, each site shall have a sealed box of tools that shall be located, within the operating area, at a point accessible in the event of fire. This fire toolbox shall contain: one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools, and a sufficient number of shovels so that each employee at the operation can be equipped to fight fire. In addition, one or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area.
  - (a) When a fire starts, a telephone call must be made to 911 immediately to inform that there is a fire. The facility operator shall develop a plan for monitoring, controlling, and

extinguishing fires. The plan shall be submitted with the application for the Zoning Clearance Certificate for review and approval by the appropriate fire protection entity.

(b) Log piles shall not exceed 20 feet in height, 300 feet in width, and 500 feet in length. Log piles shall be stabilized by a means approved by the appropriate fire protection entity.

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

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

(e) All piles shall be monitored to measure temperatures. Internal pile temperatures shall be monitored and recorded weekly. A plan by the permittee for restricting and mitigating excessive temperatures shall be submitted with the Zoning Clearance Certificate application for review and approval by the appropriate fire protection entity.

(f) Regular inspections of the Temporary Log Storage Yard by trained fire personnel shall be allowed and facilitated by the facility operator.

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

(10) Plumas County Environmental Health Department Standards.

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

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

(c) For water that is provided for human consumption, either from an on-site well or transported to the facility and held in a storage tank, the facility operator must meet the requirements of the Plumas County Environmental Health Department for water system permitting requirements and must operate in accordance with those requirements. If commercially bottled water is provided, there are no requirements for testing.

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

(11) Plumas County Public Works Department Standards.

(a) Perimeter stormwater control – When the Temporary Log Storage Yard is prepared for operations or the soil is disturbed, improvements shall be designed and implemented such that water accumulating within the project will be carried away from the project without adverse impacts to any adjacent improvements, residential sites, or adjoining area, or detained on-sites. The design shall be prepared by a Qualified Stormwater Developer who holds the certification required by the CA Water Quality Control Board's Construction General Permit 2009-009-DWQ. All natural drainage that enters the project area must leave

the project area at its original horizontal and vertical alignment and with the same pre-improvement quantity. Implementation of erosion control within the project area and sediment control basins at drainage outlets shall conform with California Stormwater Quality Association (CASQA) design criteria. Sites that meet EPA's criteria for a Rainfall Erosivity Waiver (<https://www.epa.gov/sites/production/files/2015-10/documents/fact3-1.pdf>) or are fully stabilized with erosion control measures are not required to install sediment control basins.

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

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

- (a) Mobile and stationary toxic air contaminants; and
- (b) Dust and ash. Best practice measures shall comply with the Northern Sierra Air Quality Management District Rule 226—*Dust Control*.

(13) Storage or Processing of Debris Prohibited. The storage or processing of debris from the Plumas County Beckwourth Complex and Dixie Fires Consolidated Debris Removal Program at any Temporary Log Storage Yard, including the storage of trucks or equipment loaded with debris, is expressly prohibited.

(14) Noise. Quiet hours shall be maintained from 7 pm to 7 am seven days a week when Temporary Log Storage Yard activities are within 300 feet of an occupied residence. During quiet hours, generators and heavy equipment shall not be operated.

(15) Outdoor Lighting. All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way in accordance with Plumas County Code Section 9-2.411 (Lighting facilities).

- (16) Property Restoration. The application for a Zoning Clearance Certificate for a Temporary Log Storage Yard shall include a plan for the restoration of the subject property to the condition in which it was prior to the log storage activities. At minimum, a plan for restoration shall include clearance of the site of all vehicles, equipment and materials utilized as part of the Temporary Log Storage Yard; and stabilization of the site, implementation of erosion control measures, and/or successful revegetation to the satisfaction of the Public Works Director.
- (17) Performance Guarantee. If a Zoning Clearance Certificate is approved for a Temporary Log Storage Yard on County-owned property, the Applicant shall provide a restoration plan and restoration plan cost estimate to the satisfaction of the Public Works Director. Following approval of the restoration plan and associated cost estimate, the applicant shall provide a financial guarantee in the form of a cash deposit or bond equivalent to the cost proposed in the restoration plan. County lands shall be restored to the satisfaction of the Public Works Director as set forth in the approved restoration plan prior to release of the performance guarantee.
- (18) Grading. There shall be no grading of the site without the prior consultation with the Public Works Director.
- (19) 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.
- (20) Additional Requirements. The Zoning Clearance Certificate may be subject to additional requirements from Plumas County Public Works, the Northern Sierra Air Quality Management District, Caltrans, CAL FIRE, the Plumas County Public Health Department, Plumas County Environmental Health Department, Plumas County Building, Plumas County Planning, and the State Regional Water Quality Control Board.

iii. Violations, Enforcement, and Penalties.

- (1) A Temporary Log Storage Yard that is operating in violation of this Section poses a health and safety hazard and is found to be a public nuisance.
- (2) The Plumas County Code Enforcement Officer may initiate enforcement using any process set forth in the Plumas County Code including, but not limited to, Title 8, Chapter 19. Nothing in this provision is intended to prevent alternative enforcement mechanisms.

### **Section 3. PERMIT EXCEPTIONS AND WAIVERS**

**Section A. Waiver of Zoning Requirements for Storage and Distribution Facilities.** Notwithstanding any contrary provision in the Plumas County Code, any existing permitted building located in the C-1 (Core Commercial), C-2 (Periphery Commercial), C-3 (Convenience Commercial), R-C (Recreation Commercial), I-2 (Light Industrial), or I-1 (Heavy Industrial) may be used on a temporary basis as a Storage and Distribution Facility for the storage and distribution of supplies and commodities to Displaced Persons.

**Section B. Waiver of County Special Use Permit Requirement for Relocation of Damaged Child Care and Educational Facilities.** Notwithstanding any contrary provision in the Plumas County Code, any existing small or large child day care facility or child care center, elementary school, junior high school, high school or institution of higher education that was housed in premises made uninhabitable by the Dixie and Beckwourth Complex Fires may be temporarily relocated to existing buildings in the C-2 (Periphery Commercial), R-C (Recreation Commercial), and any public use building located in M-R (Multiple Family Residential) or 2-R, 3-R, 7-R (Single Family Residential) zones or any site within an existing religious facility, subject to an Administrative Use Permit and any existing applicable standards, and subject to a building permit if any renovations are required. Nothing in this Section waives or affects any State law requirements applicable to such facilities.

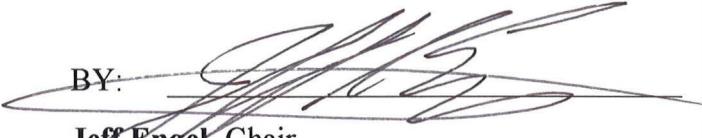
**PASSED AND ADOPTED** by the Board of Supervisors of the County of Plumas, State of California, on the 24<sup>th</sup> day of August, 2021 by the following vote:

**AYES:** Supervisor(s) Hagwood, Thrall, Goss, and Engel

**NOES:** None

**ABSENT:** Supervisor Ceresola

**NOT VOTING:**

BY:   
Jeff Engel, Chair  
Plumas County Board of Supervisors

**ATTEST:**

By:   
Heidi Putnam

Clerk of the Board of Supervisor