

ORDINANCE NO. 2140

AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TEHAMA TO IMPLEMENT STANDARDS TO ALLOW FOR TEMPORARY HOUSING FOR PERSONS DISPLACED AS A RESULT OF THE PARK FIRE.

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

ARTICLE I. FINDINGS AND TITLE.

This Ordinance shall be known and may be cited as the **Park Fire Recovery Ordinance**.

Urgency 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. Pursuant to Article XI, Section 7 of the California Constitution, the County of Tehama ("County") may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety, and welfare of its residents.
- B. Pursuant to Government Code Section 25123, to protect against an immediate threat to the public peace, health, and safety, the County may adopt an urgency ordinance that takes effect immediately upon adoption by the Board of Supervisors (the "Board").
- C. Pursuant to Section 101080 of the California Health and Safety Code, the County Health Officer may declare a Local Health Emergency on determination that conditions of exposure to hazardous waste exist that pose an immediate threat to the public health, and requires the Local Health Emergency Ordinance to expire after seven days unless ratified by the Board, and requires the Board to review the need for continuing the Local Health Emergency at least once every thirty (30) days and proclaim the termination of the Local Health Emergency at the earliest possible date that conditions warrant the termination.
- D. Conditions of extreme peril to the safety of persons and property have arisen within the County of Tehama, as a result of the following Park Fire, which began on July²⁴,²⁰²⁴, as a vegetation fire, caused by suspected arson, in Upper Bidwell Park on the edge of Chico, California. According to CAL FIRE's Status Update Report dated September 4, 2024, the Park Fire has burned in Tehama and Butte Counties, consuming 429,603 acres of land and has become the fourth largest wildfire in state history. To date, in Tehama County, the Park Fire has burned 376,689 acres, destroyed and estimated 273 structures including residences and commercial buildings, and damaged another eight structures. This is in addition to significant acreage of timber that was burned and efforts to contain the fire remain ongoing.

- E. The Park Fire has caused conditions of extreme peril to the safety of persons and property within the County, prompting evacuation orders and warnings for thousands of residents in some of the unincorporated areas of the County.
- F. Pursuant to Government Code Section 8630, the Tehama County Sheriff (OES) proclaimed the existence of a local emergency resulting from the impacts of the Park Fire, which the Board ratified at meetings held on July 30, 2024, and reviewed and confirmed the emergency proclamation on August 27, 2024. The resolutions ratifying the local emergencies 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.
- G. On August 1, 2024, pursuant to California Health and Safety Code Section 101080, the County's Local Health Officer, Doctor Tim Peters, declared a local health emergency in response to the assessment of the potential public health risks associated with the Park Fire. The Board ratified that declaration in its meeting on August 6, 2024, and reviewed and confirmed the emergency proclamation on August 27, 2024. Dr. Peters' declarations state that the local health emergency was a consequence of the debris resulting from the Park Fire that contains hazardous material in the ash of the burned qualifying structures.
- H. On July 26, 2024, California Governor Gavin Newsom through the authority granted to him by the State Constitution and statutes, including the California Emergency Services Act, and in particular, Government Code section 8625, proclaimed a state of emergency in Tehama County due to the Park Fire.
- I. As of September 4, 2024, within the territorial limits of Tehama County, the Park Fire has consumed 376,689 acres of land, destroyed or damaged an estimated 281 structures including residences and commercial buildings, and resulted in evacuation orders or warnings which impacted hundreds of residents. As a result, the Park Fire has created significant debris and hazardous waste. Furthermore, the Park Fire is 99% contained. Even though all Evacuation Orders and Warnings have been lifted, numerous severe public health and safety hazards remain throughout the areas affected by the Park Fire, including many blocked or closed roads, burned trees and vehicles, loss of various public services and the presence of animal carcasses.
- J. Current threats to recovery include obstacles to rebuilding the Park Fire areas, including (1) a lack of available housing, (2) a lack of availability of homeowner's insurance for residents, (3) increased costs of labor and materials, and (4) an economic downturn and inflation, all of which contribute to residents being unable to rebuild their homes. Many Park Fire survivors continue to need access to temporary housing while awaiting resolution of the foregoing.
- K. In the aftermath of the Park Fire, there exists the potential for widespread toxic exposures and threats to public health and the environment, and debris and ash from

residential and commercial structure fires contain hazardous materials. This hazardous material may pose a substantial and/or present hazard to human health and the environment until the property is certified clean. The accumulated exposure to hazardous material over an extended period of time poses a severe hazard to human health and its harmful effects are well-documented.

- L. 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.
- M. 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.
- N. 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 Park Fire.
- O. The Department of Toxic Substances Control (“DTSC”) has issued reports regarding the assessment of burn debris from wildfires in the past. The studies of burned residential homes and structures from large scale wildland fires indicated that the resulting ash and debris can contain asbestos and toxic concentrated amounts of heavy metals such as antimony, arsenic, cadmium, copper, lead, and zinc. Additionally, the ash and debris may contain higher concentrations of lead if the home was built prior to 1978 when lead was banned from household paint in the United States. The reports indicated that the residual ash of burned residential homes and structures has high concentrations of heavy metals that can be toxic and can have significant impacts to individual properties, local communities, and watersheds if the ash and debris is not removed safely and promptly.
- P. 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, to facilitate the orderly response to the Park Fire disaster, and to provide for the temporary housing of displaced persons and the return of those individuals to permanent housing.

ARTICLE II. DEBRIS REMOVAL.

See information available at County of Tehama's website at www.tehama.gov

ARTICLE III. EMERGENCY TEMPORARY HOUSING.

Purpose.

The 2024 Park Fire has created an additional need for housing that follows on the overwhelming need for housing that was created by previous wildfire disasters, including the 2018 Camp Fire and Carr Fire. This Ordinance is enacted to carve out exceptions to Zoning Ordinances, regulations, and policies for residents made homeless or displaced by the Park Fire to allow the fastest possible transition to temporary and long-term shelter. It allows for additional temporary housing opportunities outside of the boundaries of the Park Fires to meet the urgent need for housing of displaced persons.

Although there are exceptions that apply to the areas within the Park Fire affected areas, there are some additional conditions that must be met before any redevelopment within these areas can be permitted. While public safety hazards are being mitigated, persons moving back to the area do so at their own risk and should make themselves aware of potential public safety hazards, including but not limited to falling trees or telephone poles adjacent to the roadways, damaged or unsafe roadways and bridges, and potable water issues. The Ordinance allows persons to place temporary housing on a property after debris and Hazardous Materials have been removed in the area where the structure is to be placed. The purpose of this Ordinance is to develop reasonable standards that allow persons to move back into the Park Fire affected areas recognizing that a massive debris removal program must be implemented and, at the same time, provide temporary shelter for Tehama County residents on private property during this housing crisis.

Prohibition.

It is prohibited for any individual, including a Displaced Person, to reside on any premises on which a residential dwelling has been destroyed or damaged by the Park Fire until the premises has been certified clean by the Department of Environmental Health ("DEH") or, in the case of an individual, including a Displaced Person, residing in a recreational vehicle during the Transitory Period that does not qualify as a Temporary Dwelling, the individual can establish to the satisfaction of DEH that the area in which the recreational vehicle is situated does not contain Hazardous Materials and does not affect burn area footprint.

Administration.

This Article shall be administered under the direction of the Board, by and through the executive leadership of departments specified herein.

Effective Period.

- A. The provisions in this article shall be temporary. Unless extended or modified by the Board, this article shall expire three years from the date this **Park Fire**

Recovery Ordinance is adopted and be of no further force or effect after that time.

- B. Except as otherwise provided herein, no residential recreational vehicle use or temporary housing authorized pursuant to this article shall be used in a manner inconsistent with the Tehama County Code Titles 15 or 17 after the expiration date of this article.

Definitions.

The following definitions shall govern the construction of the words and phrases used in Article:

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

“Director” means the Director of the Tehama County Department of Environmental Health, the Building Official, or the Planning Director, whether interim or acting, or their designee.

“Displaced Person(s)” means a County resident or residents whose residential dwelling has been destroyed or damaged by the Park Fire, such that the resident(s) cannot occupy the dwelling. Displaced Person(s) may be required to provide verification to the County to substantiate their eligibility for uses, permits and/or approvals described in this article. Evidence may consist of verification by 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 Park Fire, as determined by the County. Such a determination may be made by the Director or other County personnel.

“Effective Date” means the date of the Board adoption of this article.

“Effective Period” means the three-year period after the Effective Date

“Mobile/Manufactured Home” means a housing structure transportable in one (1) or more sections, designed and equipped to be used with or without a foundation system, certified under the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Section 5401 et seq.). The County shall not grant a permit for the installation of a mobile/manufactured home if such mobile/manufactured home was manufactured before 2014. 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” means a structure utilized as living quarters by one household that is licensed by and registered 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.

“**PARK FIRE**” means the wildfire that began July 24, 2024, respectively. As of September 4, 2024, within the territorial limits of Tehama County, the Park Fire has consumed 376,689 acres of land destroyed or damaged an estimated 281 structures including residences and commercial buildings and caused the evacuation of thousands of residents from the fire areas. CAL FIRE maintains a map showing the boundaries of the Park Fire. This fire affected Butte and Tehama Counties.

“**Premises**” shall mean a single, legal parcel of property. Where contiguous legal parcels are under common ownership or control, such contiguous legal parcels shall be counted as a single “premises” for purposes of this Ordinance.

“**Qualifying Structure**” means a structure of 330 square feet and over.

“**Recreational Vehicle**” means 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.

“**Temporary Dwelling**” means a recreational vehicle, mobile/manufactured home, or movable tiny house in which a Displaced Person resides.

“**Transitory Period**” means the time period after the Park Fire during which recreational vehicles do not need to meet the water, sewage disposal, and electricity hook-up standards. The Transitory Period ends on June 30, 2026.

Use of Cargo Storage Containers.

The use of Cargo Storage Containers within the Park Fire affected areas shall be allowed, subject to the applicable requirements set forth under the **Standards** section below.

Residential Use of Recreational Vehicles and Temporary Dwellings.

- A. **Temporary Dwellings with Utility Hook-ups.** Residential use and occupancy of up to one (1) Temporary Dwelling with hook-ups for water, sewage disposal, and electricity consistent with the Tehama County Code shall be allowed per premises during the Effective Period subject to a temporary administrative permit.
- B. **Recreational Vehicles without Hook-ups.** Residential use and occupancy of up to one (1) recreational vehicle which does not meet the water, sewage disposal, and electricity hook-up standards shall be allowed per premises without a Temporary Dwelling thereon during the Transitory Period.
- C. **Standards.**
 1. During the Effective Period, the following standards shall apply outside of the Park Fire affected areas:

- a. Temporary Dwellings shall have full hook-ups to water, sewage disposal, and electricity.
 - b. The property owner or the property owner's authorized agent shall obtain a temporary administrative permit for the Effective Period. Written consent of the property owner is required in all cases.
 - c. Use of Temporary Dwellings is contingent on proof of a damaged or destroyed residence as verified by the Director based on prior final building permit or Assessor's records, or other documentation satisfactory to the Director.
 - d. The residential use of recreational vehicles and Temporary Dwellings is limited to vehicles and dwellings not on a permanent foundation and used to house Displaced Persons during the Effective Period.
 - e. The residential use of recreational vehicles and Temporary Dwellings shall be located outside of required setbacks established in Chapter 17 of the Tehama County Code, unless the applicant can establish to the satisfaction of the Director that there is no other available location outside of the setback area.
 - f. The residential use of recreational vehicles and Temporary Dwellings shall be located outside of the boundaries of any recorded easements.
 - g. The Temporary Dwelling shall be connected to an approved source of water meeting one of the following criteria:
 - 1) Public water supply;
 - 2) Existing well provided that it has been approved by the Department of Environmental Health as safe for domestic consumption.
 - 3) Other water source as approved by the Department of Environmental Health.
 - h. The Temporary Dwelling shall be connected to an approved sewage disposal system meeting one of the following criteria:
 - 1) Public sewer system;
 - 2) Existing on-site sewage disposal system that has been approved by the Department of Environmental Health to be intact, adequately sized, and functioning following the disaster.
 - i. The Temporary Dwelling shall be connected to an approved source of electricity meeting one of the following criteria:
 - 1) Permitted electrical service hook-up.
 - 2) Other power source approved by the Tehama County Building Department.
2. During the Effective Period, the following standards shall apply inside of the Park Fire affected areas
- a. Temporary Dwellings shall have full hook-ups to water, sewage disposal, and electricity.
 - b. The property owner or the property owner's authorized agent shall obtain all county permits for all Temporary Dwellings. Written consent of the property owner is required in all cases.
 - c. The residential use of recreational vehicles and Temporary Dwellings is limited to vehicles and dwellings not on a permanent foundation and used to house persons displaced by the Park Fire during the Effective Period

- d. Use of Temporary Dwellings is contingent on proof of a damaged or destroyed residence as verified by the Director based on prior final building permit or Assessor's records, or other documentation satisfactory to the Director
- e. Recreational vehicles, Temporary Dwellings, and cargo storage containers shall be located outside the boundaries of any setbacks established by Chapter 17, unless the applicant can establish to the satisfaction of the Director that there is no other available location outside of the setback area, as well as located outside of recorded easements, roads, driveways, designated flood hazard locations, or areas prone to landslide or debris flow.
- f. At all times, use of a cargo storage container shall be for storage of personal and household belongings only.
- g. For water hook-ups, the recreational vehicle or Temporary Dwelling shall be connected to an approved source of water meeting one (1) of the following criteria:
 - 1) Public water supply;
 - 2) Existing well provided that it has been approved by the Department of Environmental Health as safe for domestic consumption; or Other water source approved by the Department of Environmental Health.
- h. For sewage disposal hook-ups, the recreational vehicle, or Temporary Dwelling shall be connected to an approved sewage disposal system meeting one of the following criteria:
 - 1) Public sewer system;
 - 2) A new or existing on-site sewage disposal system that has been approved by the Department of Environmental Health Director to be intact, adequately sized, and functioning correctly.
 - 3) Temporary holding tank with a contract with a pumping company for regular pumping. A copy of the contract shall be provided to the Department of Environmental Health; or
 - 4) Other method of sewage disposal approved by the Department of Environmental Health.
- i. For electricity hook-ups, the recreational vehicle or Temporary Dwelling shall be connected to an approved source of electricity meeting one of the following criteria:
 - 1) Permitted electrical service hook-up; or
 - 2) Other power source approved by the Director.

Reconstruction of a legal nonconforming structure.

Reconstruction of a legal nonconforming structure that has been destroyed or damaged shall begin within five (5) years after the fire debris removal is signed-off as complete by the Department of Environmental and shall be completed within three-years after issuance of the building permit. Any reconstruction is subject to all applicable permit requirements and current building standards.

Use of accessory residential structures for temporary habitation.

For the Effective Period of this article, accessory residential structures, which meet Residential Group occupancies as established by the California Residential Code adopted by

Tehama County, may be used as temporary housing for persons displaced by the Park Fire. During this period, said use shall not be subject to the provisions of existing deed restrictions required by Tehama County, but shall remain subject to all other existing regulations and limitations.

Use of Accommodations, Homestays, Bed and Breakfast, or other similar uses.

Notwithstanding any contrary provision in the Tehama County Code or any use permit conditions, use of existing promotional or marketing accommodations, homestays, bed and breakfast, or other similar visitor serving uses shall be allowed as temporary housing for persons displaced by the Park Fire subject to approval by the establishment owner.

Removal and disconnection.

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

Rebuilding Warning.

The following statement shall be supplied to all individuals applying for a building permit:

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

ARTICLE IV. CEQA

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.

ARTICLE 5. SEVERABILITY.

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

ARTICLE 6. EFFECTIVE DATE AND PUBLICATION.

This Ordinance shall be and the same is hereby declared to be in full force and effect immediately upon its passage by a four-fifths (4/5) or greater vote. The Clerk of the Board of Supervisors is authorized and directed to publish this Ordinance in accordance with Government Code Section 25124. A complete copy of this Ordinance is on file with the Clerk of the Board of Supervisors and is available for public inspection and copying during regular business hours in the office of the Clerk of the Board of Supervisors, 633 Washington Street, Red Bluff, California and on the County’s website at www.Tehama.gov.

PASSED AND ADOPTED by the Board of Supervisors of the County of Tehama, State of California, on the _____ day of _____, 2024 by the following vote:

AYES:

NOES:

ABSENT or NOT VOTING:

JOHN LEACH, Chair
Tehama County Board of Supervisors

I, SEAN HOUGHTBY, County Clerk and ex-officio Clerk of the Board of Supervisors of the County of Tehama, State of California, hereby certify the above and forgoing to be a full, true and correct copy of an ordinance adopted by the Board of Supervisors on the _____ day of _____, 2024.

Dated: This _____ day of _____ 2024.

SEAN HOUGHTBY, County Clerk and
ex-officio Clerk of the Board of
Supervisors of the County of
Tehama, State of California.

By: _____
Deputy