

53-19. - Temporary log storage yards.

- A. Maximum Number of Sites. The number of temporary log storage yards shall be capped at a maximum of fifteen (15) for the unincorporated area of Butte County.
- B. Allowed Zones.
 - 1. Natural Resource Zones. Timber processing, as defined by the Butte County Zoning Ordinance is allowed by-right in the Timber Mountain (TM) and Timber Production (TPZ) zones. The provisions of this section do not apply to log storage yards in these zones.
 - 2. Industrial Zones. Timber processing, as defined by the Butte County Zoning Ordinance is allowed by-right in the Heavy Industrial (HI) zone, and with a conditional use permit in the General Industrial (GI) zone. The provisions of this section do not apply to log storage yards in these zones.
- C. Zones Requiring an Administrative Permit. Temporary log storage yards are allowed subject to approval of a temporary administrative permit and compliance with the standards set forth below in the following zones:
 - 1. Agriculture (AG) Zones, limited to those Agricultural zones classified as Grazing or Other lands by the California Department of Conservation's Farmland Mapping Program. Parcels shall be located near state highways or truck haul routes that access the Camp Fire area and outside of urban or congested areas.
 - 2. General Commercial (GC) zone.
 - 3. The Neal Road Recycling, Energy, and Waste Facility Overlay Zone (-RW).
 - 4. Foothill Residential (FR), Rural Residential (RR), Planned Development (PD), and Public (P).
- D. Standards. All temporary log storage yards shall meet the following standards:
 - 1. Application for Temporary Administrative Permit. The property owner or the property owner's authorized agent shall obtain a temporary administrative permit for the effective period. Written consent of the property owner is required in all cases.
 - 2. Site Plan Required. A detailed site plan meeting general architectural or engineering standards, legible and drawn to scale 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 temporary administrative permit. Partial site plans for a portion of a property may be submitted as long as a vicinity map for the entire property showing frontage streets, other uses and a cross reference of the area of the partial site plan is provided. All site plans shall show and label contours at maximum vertical intervals of five (5)

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 temporary administrative permit.

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 temporary log storage yard site shall be a minimum of five (5) acres in the GC zone, ten (10) acres in the FR, RR, PD, and P zones, and twenty (20) acres in other zones regardless of the actual area used for the temporary log storage yard. Adjacent parcels may be utilized to achieve this standard, provided each owner's consent is provided with the application. All parcels must be shown on the application, the site plan, and all property owners shall provide written permission.
5. Approved Access. Temporary log storage yards shall have access onto a public road. If the public road is a county road, the approach shall be made with an encroachment permit approved by the Department of Public Works. If the public road is a state highway, the approach shall be made with an approved encroachment permit issued by the California Department of Transportation (CalTrans) District 3 Office. If the public road is accessed by a private road, there shall be an approved encroachment permit as required in the prior two sentences where the private road connects to the public road, and there shall be an approved road maintenance agreement that allows for the proposed use along the private road.
6. On-site Roads, Driveways and Aisles. Temporary log storage yards shall have on-site roads, driveways and aisles. On-site roads, driveways and aisles shall have a 6-inch Class 2 aggregate base, a minimum width of twenty-five (25) feet, and shall be capable of supporting a forty thousand (40,000) lb. load that will allow for ingress and egress of fire apparatus to within one hundred fifty (150) feet of all piles and structures, and shall have a vertical clearance of no less than fifteen (15) feet.
7. Property Line Setbacks and Defensible Space. All log piles and other piles shall be setback a minimum of one hundred fifty (150) feet from all outside property lines and any permanent structures. There shall be an area of defensible space that is a minimum of one hundred fifty (150) 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, disking, 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. A biological report shall be furnished to the Department of Development Services demonstrating that the site does not contain wetlands and/or endangered or protected plants and animal species. A

temporary log storage yard shall not expand without providing a site plan and a biological report to cover the expanded area.

9. Butte County Fire Department/CAL-Fire Standards. Temporary log storage yards and the associated activities performed with them pose the risk of fire if fire suppression measures are not taken. The activities include working with and storing flammable materials in areas that have little to no water on-site and that are subject to fire. The County is setting the fire standards it believes are appropriate, but there are also state standards set out in California Fire Code Chapter 28 with respect to all log storage yards and incidental wood products stored there. Fire officials 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 (1) backpack pump-type fire extinguisher filled with water, two (2) axes, two (2) 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 (1) or more serviceable chainsaws of three and one-half (3½) or more horsepower with a cutting bar twenty (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 temporary administrative permit for review and approval by fire officials.
 - b. Smoking may only occur in designated locations shown on the site plan.
 - c. Log piles shall not exceed twenty (20) feet in height, three hundred (300) feet in width, and five hundred (500) feet in length. Log piles shall be stabilized by a means approved by the fire marshal.
 - d. Other piles made of incidental log related materials shall not exceed twenty (20) feet in height, one hundred fifty (150) feet in width, and two hundred fifty (250) feet in length.
 - e. All piles shall be separated from all other piles by one hundred (100) feet and shall include on-site roads, driveways, and aisles as discussed above.
 - f. All piles shall be monitored by a means approved by the fire marshal 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 application for the temporary administrative permit for review and approval by fire officials.
 - g. Regular inspections of the temporary log storage yard by trained fire personnel shall be allowed and facilitated by the

facility operator.

- h. Cutting activities shall comply with California Fire Code Chapter 35.
10. Butte County Public Health, Environmental Health Division Standards.
- a. 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, Butte County Environmental Health, to determine if there exists a requirement to register for a permit status as a solid waste facility in accordance with Title 14 of the California Code of Regulations.
 - b. For sanitation purposes there shall be a minimum of one (1) portable toilet and one (1) 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 following requirements: if there are twenty-five (25) or more people/day consuming the water, the facility operator shall contact the Butte County Environmental Health Division for public water system permitting requirements and must operate in accordance with those requirements; if there are fewer than twenty-five (25) people/day consuming the water, the facility shall have the water tested for and be in compliance with minimum bacteriological standards as required by the Butte County Environmental Health Division. If bottled water is provided, there are no requirements for testing.
 - 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 Division of the Department of Public Health.
11. Butte 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 injury to any adjacent improvements, residential sites, or adjoining areas. 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 (1) 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 (1) 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 satisfaction of the Director of Development Services to address:
- a. Mobile and stationary toxic air contaminants; and
 - b. Fugitive dust and ash. Best practice measures shall comply with the Butte County Air Quality Management District's Rule 205—Fugitive Dust Requirements and shall include, but not be limited to, the following:
 1. Reduce the amount of the disturbed area where possible. Stabilize disturbed area soils during use and at project completion.
 2. Apply water or a stabilizing agent in sufficient quantities to prevent the generation of visible dust plumes.
 3. Limit vehicle speeds to fifteen (15) miles per hour on any unpaved surfaces at the project site.
 4. Clean visible track-out onto adjacent paved roadways daily. Track-out shall not extend more than twenty-five (25)

feet in cumulative length from the active project site.

5. Post a sign in a prominent location visible to the public with the telephone numbers of the contractor and Air District for any questions or concerns about dust from the project.
13. Storage or Processing of Debris Prohibited. The storage or processing of debris from the Butte County Camp Fire Consolidated Debris Removal Program at any temporary log storage yard, including the storage of trucks or equipment loaded with debris, is expressly prohibited.
14. Noise. Quiet hours shall be maintained from 7:00 p.m. to 7:00 a.m. seven (7) days a week. During quiet hours, generators and heavy equipment shall not be operated and noise levels shall conform to Butte County Code Chapter 41 A, Noise Control. Outside of quiet hours, noise sources associated with temporary log storage yards shall be exempt from the requirements of Butte County Code Chapter 41A, Noise Control.
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 the Butte County Zoning Ordinance, Article 14, Outdoor Lighting.
16. Reclamation Required. The application for a temporary administrative permit for a temporary log storage yard shall be accompanied by a detailed plan for the restoration or reclamation of the subject property to the satisfaction of the Director of Development Services. There shall be no grading of the site without the prior approval of the Director of Development Services, but if grading is allowed, topsoil shall be conserved to be used for reclamation. At minimum, a plan for restoration or reclamation shall include:
 - a. Clearance of the site of all vehicles, equipment and materials utilized as part of the temporary log storage yard; and
 - b. Stabilization of the site, implementation of erosion control measures, and successful revegetation to the satisfaction of the Director of Development Services in order to render the site suitable for the use for which it was zoned, for example:
 1. Continued agricultural production in the case of lands zoned Agriculture (AG).
17. Performance Guarantee. In approving a temporary administrative permit for a temporary log storage yard, the Director of Development Services shall require a performance guarantee as provided by Section 24-245 of the Butte County Code in the amount of two thousand dollars (\$2,000.00) per acre of land disturbed in order to guarantee the proper completion of any

approved work and to ensure that site reclamation is completed to the satisfaction of the Director of Development Services. Lands shall be restored or reclaimed to the satisfaction of the Director of Development Services prior to release of the performance guarantee.

18. 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.
 19. Additional Requirements. The temporary administrative permit may be subject to additional requirements from Butte County Fire, Butte County Public Works, the Butte County Air Quality Management District, the California Department of Transportation, the Butte County Public Health Department, and the State Regional Water Quality Control Board.
- E. Notice. At least ten (10) days prior to issuance of a temporary administrative permit, pursuant to this section, the Butte County Department of Development Services shall provide a mailed notice to property owners within one thousand two hundred (1,200) feet of the property line of the subject parcel(s). The notice shall include all applicable standards and limitations placed upon the temporary log storage yard, the Butte County administrative permit number, as well as the name, phone number and email of a designated contact for concerns regarding the yard's operation. The temporary administrative permit shall be issued without a formal hearing, unless one is requested by either the applicant or other affected persons. If a hearing is requested, it shall be scheduled for the next available Planning Commission meeting and the Planning Commission shall hear the request. The Planning Commission may impose conditions and requirements in addition to the standards set forth above, or may deny the administrative permit, to mitigate impacts to uses on surrounding properties. Unless otherwise appealed, the decision of the Planning Commission shall be final.
- F. 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 Director of Development Services may initiate enforcement using any process set forth in the Butte County Code, including, but not limited to, Code Enforcement pursuant to Chapter 41 and Nuisance Abatement pursuant to Chapter 32A, and may seek the imposition of costs and civil penalties pursuant to the Butte County Code. Nothing in this provision is intended to prevent alternative enforcement mechanisms.
 3. If the Chapter 41 Code Enforcement process is used, the penalties set forth in section 41-5 are increased because the health and safety hazards to the public are greater than in the general code enforcement context. The increased penalties are a fine of one thousand dollars (\$1,000.00) for the first conviction, a fine of three thousand dollars (\$3,000.00) for the second

conviction within a twelve (12) month period, and a fine of five thousand dollars (\$5,000.00) for a third conviction, as well as all additional convictions, within a twelve (12) month period.

(Ord. No. 4164, § 3, 7-23-19; Ord. No. 4165, § 4, 8-13-19)