ORDINANCE 2017-1126

MEETING: August 8, 2017
TO: The Board of Supervisors
FROM: Sarah Williams, Planning Director
RE: Urgency Ordinance for Post-Disaster Recovery

RECOMMENDED ACTION AND JUSTIFICATION: Adopt an Interim Urgency Ordinance Establishing Mariposa County Code Chapter 18.05 Post-Disaster Recovery.

This recommendation is based on the immediate need for regulations and protocols within the Mariposa County Code to address citizen and agency needs following the Detwiler Fire, a local disaster for which a local emergency was declared on July 18, 2017 and a supporting resolution was passed by the Board of Supervisors on July 25, 2017.

The ordinance also responds to the unfortunate reality that Mariposa County will face future wildfires, flooding and other disasters. This chapter will enable Mariposa County to be prepared, in advance, to address appropriate temporary replacement housing and recovery facilities needed as a result of the Detwiler Fire disaster and any future disaster.

The proposed ordinance is the result of collaboration between the Planning, Building, and Health Departments and the County Counsel. The proposed ordinance has been reviewed for legal adequacy.

See attachments for additional information.

BACKGROUND AND HISTORY OF BOARD ACTIONS: On July 25, 2017, the Board of Supervisors adopted a resolution ratifying the proclamation of the existence of a local emergency due to the Detwiler Fire, and adopted a resolution ratifying the local health emergency declaration by the County Health Officer.

ALTERNATIVES AND CONSEQUENCES OF NEGATIVE ACTION: Not adopting an interim urgency ordinance will mean that residents displaced by the Detwiler Fire will have fewer options for temporary replacement housing, both on-site (on fire-impacted property) and off-site (on neighbor, friend or family's property, not impacted by fire). Public health and safety could be compromised.

ATTACHMENTS:
170803 Staff Report to BOS - Urgency Ordinance (DOCX)
CAO RECOMMENDATION
Requested Action Recommended

RESULT: ADOPTED [UNANIMOUS]
MOVER: Kevin Cann, District IV Supervisor
SECONDER: Rosemarie Smallcombe, District I Supervisor
AYES: Rosemarie Smallcombe, Marshall Long, Kevin Cann, Miles Menetrey
EXCUSED: Merlin Jones
MEMORANDUM

Date: August 3, 2017
To: Board of Supervisors
From: Sarah Williams, Director
Re: Adopt an Urgency Interim Ordinance Establishing Provisions for “Post-Disaster Recovery”

Staff Recommendation

Staff recommends that the County Board of Supervisors adopt an urgency interim ordinance in accordance with Government Code Section 65858(b) establishing provisions for post disaster recovery within a new chapter of the Mariposa County Code.

This recommendation is based on the immediate need for regulations and protocols within the Mariposa County Code to address citizen and agency needs following the Detwiler Fire, a local disaster for which a local emergency was declared on July 18, 2017 and a supporting resolution was passed by the Board of Supervisors on July 25, 2017.

The ordinance also responds to the unfortunate reality that Mariposa County will face future wildfires, flooding and other disasters. This chapter will enable Mariposa County to be prepared, in advance, to address appropriate temporary replacement housing and recovery facilities needed as a result of the Detwiler Fire disaster and any future disaster.

The proposed ordinance includes some provisions from a similar ordinance adopted in Calaveras County following the Butte Fire, and is the result of collaboration between the Planning, Building, and Health Departments and the County Counsel. The proposed ordinance has been reviewed for legal adequacy.

The proposed urgency interim ordinance recognizes and addresses the following needs:

1. Procedures to facilitate the establishment of temporary housing for residents who have lost their homes due to a disaster;

Our Mission is to provide our clients with professional service and accurate information in a respectful, courteous, and enthusiastic manner resulting in a well-planned rural environment.
2. Provisions for reoccupation of properties damaged due to a disaster;

3. Requirements for clean-up of toxic materials and debris resulting from a disaster;

4. Procedures to clarify process for rebuilding structures damaged or destroyed as a result of a disaster;

5. Provisions for temporary facilities for post-disaster recovery operations; and

6. Protection of the public health and safety of the residents within a declared disaster area.

Authority

Section 65858 of the California Government Code authorizes the Board of Supervisors to adopt an Interim Urgency Ordinance to protect the public safety, health and welfare of the citizens of Mariposa County. If the recommended urgency ordinance is not adopted, there will be fewer available safe housing options for displaced residents. The ordinance articulates the need to have toxic materials and debris cleaned up, for safe reoccupation of an impacted property. Finally, the ordinance establishes requirements and authority for temporary facilities for post-disaster recovery operations to address recovery and clean-up operations needed for public health and welfare.

A 4/5th vote is required.

Result of Recommendation

If the recommended action is taken, the proposed regulations will be in effect immediately. Building staff have already been fielding inquiries from property owners wanting to reoccupy their damaged properties. Proposed regulations will:

- Provide clearly defined options and procedures for temporary replacement housing for persons displaced by the disaster.

- Specify requirements for reconstruction and replacement facilities.

- Enable limited county review of temporary facilities needed for recovery actions, to ensure nuisance impacts are addressed and to ensure the site(s) are appropriately reclaimed.

The urgency ordinance, once adopted is immediately effective for a period of forty-five (45) days. A ten (10) month and fifteen (15) day extension of the urgency ordinance may be made by the Board of Supervisors pursuant to California Government Code § 65858. Staff anticipates coming back to the Board within the forty-five (45) day time period to request an extension.

The urgency ordinance and extension will give time to staff to process the ordinance pursuant to normal procedures (which involve soliciting comments from affected agencies, preparation and processing of an environmental determination, preparation of a staff report, review of public input and conduct of Planning Commission and Board of Supervisors noticed public hearings).

Ordinance Provisions
The purpose of the urgency ordinance is to facilitate the establishment of temporary replacement housing for residents who have lost their homes due to a disaster and to establish procedures for rebuilding structures damaged or destroyed as a result of a disaster.

This ordinance is also intended to protect the public health and safety of the residents within a declared disaster area, and to provide for temporary facilities for post-disaster recovery operations.

Staff recommends that temporary replacement housing, consisting of recreational vehicles, be allowed both on-site (site of destroyed or damaged residence) and off-site (on friend or family parcel). This addresses specific property owner and renter requests following the Detwiler Fire, as already heard by County staff.

Provisions are established to ensure that, prior to re-occupancy of properties:

- environmental hazards resulting from the disaster are removed; and
- temporary replacement housing has adequate water, sewer and power facilities for basic health and safety needs of displaced occupants.

A recreational vehicle is specifically designed for short term human habitation, and is self-contained. A maximum of two recreational vehicles for temporary replacement housing is recommended on any parcel. Greater numbers of congregate temporary housing units necessitate greater investment in supporting improvements and infrastructure (roads, parking, sewer connections, water connections, power, management function, etc.) and create greater impacts (traffic, noise, parking, etc.). Staff’s recommended limit is intended to ensure that the temporary replacement housing allowed for displaced residents following is disaster can be quickly authorized by county staff and established by an applicant. Staff’s recommendation also ensures that the temporary replacement housing is truly temporary, and easily able to be ceased upon completion of a permanent housing solution.

Environmental Review

CEQA Guidelines §15629(e) exempts specific actions necessary to prevent or mitigate an emergency. This ordinance provides standards for the repair and restoration of property damaged by a disaster and helps to mitigate a future emergency. The ordinance only provides for the re-establishment of homes and structures legally permitted on parcels in the county and does not provide for any permanent new development not already previously authorized.

General Plan

The Mariposa County General Plan includes a number of policies to support this ordinance. These include land use goals regarding continued use of legally established uses, safety element goals protecting public health and safety, housing goals and policies to reduce costs of housing while protecting the public health and safety and accommodate special needs housing, including providing emergency shelter.
MARIPOSA COUNTY ORDINANCE NO. 1126

AN INTERIM URGENCY ORDINANCE ESTABLISHING
A NEW MARIPOSA COUNTY CODE, CHAPTER 18.05
FOR POST-DISASTER RECOVERY

WHEREAS, Section 65858 of the California Government Code empowers the Mariposa County Board of Supervisors to adopt an Interim Urgency Ordinance to protect the public safety, health and welfare of the citizens of Mariposa County; and

WHEREAS, on July 16, 2017, the Detwiler Fire, a wildland fire, started in Hunters Valley, Mariposa County, approximately 15 miles north-northwest of the town of Mariposa. The rapidly expanding fire was not contained by initial attack, escaped containment efforts several times over the following 12 days, and forced the evacuation of thousands of residents; and

WHEREAS, a local state of emergency was declared on July 18, 2017, and a supporting resolution was passed by the Board of Supervisors on July 25, 2017; and

WHEREAS, a State Emergency Proclamation was requested and approved by California Government Brown on July 18, 2017; and

WHEREAS, a Local Public Health Emergency was declared by the County Health Officer on July 21 and approved by the Board of Supervisors on July 25, 2017; and

WHEREAS, the Detwiler Fire ultimately consumed 81,623 acres of land within Mariposa County and impacted 796 parcels; and

WHEREAS, to date, 152 structures within the fire area have been identified as having been damaged or destroyed with 63 residences, 67 outbuildings, and one commercial structure destroyed and 13 residences and 8 outbuildings damaged displacing residents and disrupting livelihoods. It is likely that additional damaged or destroyed structures will be identified as assessment teams gather additional data. Agricultural land including pasture, ranches, and forests were burned over and will likely require restoration. Critical infrastructure including phone and power service was impacted. There was also damage to roads including county roads and state highways; and

WHEREAS, Mariposa County has not established procedures and standards to address post-disaster recovery efforts, including provisions for temporary replacement housing for persons displaced by a disaster. The absence of these provisions means that many displaced residents will not have access to safe and adequate housing, or will occupy potentially contaminated impacted sites prior to Health Department approval of site restoration activities to remove toxic materials and debris; and

WHEREAS, as a result of the lack of any regulations and procedures to address the immediate temporary housing needs of residents impacted by a disaster, and the needs for recovery facilities, an Interim Urgency Ordinance is necessary to protect the public safety, health and welfare of the citizens of Mariposa County as delineated in the findings below; and
WHEREAS, during this interim urgency period, county staff is directed to prepare and process necessary documents, including a resolution, ordinance and CEQA determination, to amend Mariposa County Code to establish a new Chapter 18.05 for Post-Disaster Recovery. Staff is directed to process this project pursuant to County Code, which includes scheduling and noticing public hearings for the Planning Commission and Board of Supervisors.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF MARIPOSA COUNTY, a political subdivision of the State of California, does ordain as follows:

Section I: During the dates this Interim Urgency Ordinance and any extension thereof is effective, the provisions of Mariposa County Code Chapter 18.05 Post-Disaster Recover, as shown in Attachment 1, shall be applicable.

Section II: The purpose of this Interim Urgency Ordinance is to protect the public safety, health and welfare of the citizens of Mariposa County and is based upon the following findings:

A. The Board of Supervisors hereby finds and declares that the ordinance promotes public health, safety, and general welfare of County residents by providing an expedited process to help County residents, whose homes are damaged or destroyed in a disaster, to obtain or establish safe temporary housing in-county, while repairing or rebuilding their homes and clearing hazardous debris.

B. The County has received multiple inquiries regarding the establishment of temporary replacement housing, since the date the Detwiler Fire started. The establishment of temporary replacement housing is not currently allowed by Mariposa County Code, without the issuance of a building permit for a single family dwelling. The Board finds that, the establishment of these county code provisions for temporary replacement housing, with minimum relevant and necessary standards, will protect impacted residents and neighborhoods, enable quick re-occupation of properties, while addressing potential hazards to public health, safety, and welfare.

C. There are immediate temporary public facility needs following a disaster, including for timely removal of debris, stabilization of soils, erosion control and re-establishment of public services. The establishment of temporary public facility needs following a disaster is not currently addressed by Mariposa County Code. The Board finds that the establishment of these county code provisions for temporary public facility needs will enable critical facilities to be established immediately during a disaster, and enable nuisance impacts to be addressed. The process will ensure adequate site restoration following the disaster.

D. The Board of Supervisors finds the action to adopt this urgency ordinance to be consistent with the Mariposa County General Plan, which includes a number of policies to support the ordinance. The General Plan includes land use goals regarding continued use of legally established uses, safety element goals protecting public health and safety, housing goals and policies to reduce costs of housing while protecting the public health and safety and goals to accommodate special needs housing, including providing emergency shelter.
Section III: Failure to adopt this ordinance may result in significant human health and safety impacts to Mariposa County residents impacted by the Detwiler Fire.

Section IV: Based on the foregoing, the Board of Supervisors does hereby declare this urgency ordinance is necessary to protect the public health, safety, and welfare following a locally declared disaster.

Section V: This Interim Urgency Ordinance is adopted under the authority of California Government Code Section 65858 and shall become effective immediately upon adoption and shall be in effect for forty-five (45) days unless extended by the Board of Supervisors pursuant to California Government Code § 65858.

PASSED AND ADOPTED on this 8th day of August, 2017 by the following vote:

AYES: SMALLCOMBE, LONG, CANN, MENETREY
NOES NONE
ABSTAINED: NONE
EXCUSED: JONES

[Signature]
Marshall Long, Chair
Mariposa County Board of Supervisors

ATTEST:

[Signature]
René LaRoche
Clerk of the Board

APPROVED AS TO FORM:

[Signature]
Steve W. Dahlem
County Counsel
ATTACHMENT 1

Chapter 18.05

Post-Disaster Recovery

Sections:

18.05.010 Purpose
18.05.020 Declaration of emergency; duration
18.05.030 Definitions
18.05.040 Temporary replacement housing on-site
18.05.050 Replacement of damaged or destroyed housing or other structures
18.05.060 Repair Criteria
18.05.070 Temporary replacement housing off-site
18.05.080 Fees; Replacement of damaged or destroyed housing or other structures
18.05.090 Debris removal; site approval required
18.05.100 Temporary facilities for post-disaster recovery
18.05.110 Severability and pre-emption

18.05.010 Purpose.
The purpose of this chapter is to facilitate the establishment of temporary replacement housing for residents who have lost their homes due to a disaster and to establish procedures for rebuilding structures damaged or destroyed as a result of a disaster. This chapter is also intended to protect the public health and safety of the residents within a declared disaster area, and to provide for temporary facilities for post-disaster recovery operations.

18.05.020 Declaration of emergency; duration.
The provisions of this chapter are applicable for a period of two (2) years following the date of action by the Board of Supervisors to declare a local emergency following a disaster. These provisions shall take precedence over any conflicting ordinances in the Mariposa County Code that would apply in the absence of the emergency. By resolution of the Board of Supervisors, the provisions of this chapter may be extended for one (1) additional year.

18.05.030 Definitions.
The following terms as used in this chapter shall have the following meanings, unless the context in which a term is used plainly requires another meaning:

A. “Disaster” means a wildfire, flood, earthquake, or other natural or human-caused event that damages or destroys dwellings or other property and displaces people, and which is the basis for a declared local state of emergency.

B. “Footprint” means the area that falls directly beneath and shares the perimeter of a structure and any area in which debris from a destroyed building or structure remained after the disaster.
C. "Recreational vehicle" means a motor home, travel trailer, truck camper, or camping trailer which is self-contained and designed for human habitation for recreational or emergency occupancy; which is self-propelled, truck-mounted, or permanently towable on California roadways; and which is a California Department of Motor Vehicles licensed vehicle.

D. "Displaced resident or residents" means a Mariposa County resident or residents whose residential dwelling has been destroyed or damaged by a disaster, such that the resident(s) cannot occupy the dwelling as determined by the Building Department. Displaced resident(s) may be required to provide verification to the Building Department, to substantiate their eligibility for permits as described in this chapter. Evidence may consist of 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 disaster.

E. "Health Department" shall mean the Director of the Health Department or designee

F. "Building Department" shall mean the Director of the Building Department or designee.

G. "Planning Department" shall mean the Director of the Planning Department or designee.

18.05.040 Temporary replacement housing on-site.

Temporary replacement housing for displaced resident(s), consisting of a recreational vehicle or recreational vehicles, as defined herein, located on a legal parcel which sustained damage as a result of a disaster shall be authorized by the Building Department subject to the following provisions:

A. Except as provided in Section 18.05.040.B, temporary replacement housing authorized pursuant to this chapter shall no longer be used in lieu of permanent housing within two (2) years of the date of the Board of Supervisors' action declaring the local emergency, unless a one-year (1 year) extension is granted by the Board of Supervisors pursuant to section 18.05.020, in which case it shall be removed within three (3) years.

B. Temporary replacement housing shall no longer be used in lieu of permanent housing immediately following issuance by the Building Department of a final inspection or certificate of occupancy for a permanent replacement dwelling unit on-site.

C. Temporary replacement housing may only be occupied by a displaced resident or residents.

D. Temporary replacement housing shall meet the following standards:

1. The property owner or the property owner's authorized agent shall apply for a permit from the Building Department.

2. The permit shall only be considered for a parcel on which a permitted or legally established residence was destroyed, or substantially or partially uninhabitable as determined by the Building Department as a result of the disaster. Proof that a destroyed or damaged residence was permitted or legally established shall be verified by the Building Department based on prior finaled building permit or assessor's records, or other documentation satisfactory to the Building Department.

3. No more than two (2) recreational vehicles used for temporary replacement housing shall be permitted per parcel.

4. If the temporary replacement housing is utilized prior to
approval by the Health Department of the site as being free of all public hazards and toxic debris, the following provisions shall apply:

   a. A waiver of County liability, approved as to legal form and sufficiency by County Counsel, shall be signed by the property owner and any authorized agent.

   b. The temporary replacement housing shall be located a minimum of one hundred and fifty (150) feet from the footprint of any damaged structure and in a manner that does not impede the debris removal process. Lesser setbacks may be approved by the Health Department on a case by case basis.

   c. The property owner and all occupants shall implement mitigation measures adequate to prevent exposure of hazardous wastes and safety risks to humans and animals, as determined necessary by the Health Department.

5. Except as provided in Section 18.05.040.D.4, a permit for temporary replacement housing shall not be issued by the Building Department until the site is approved by the Health Department as being free of all public hazards and all toxic debris or residue caused by the disaster.

6. The temporary replacement housing shall be located outside the boundaries of any recorded easements and may be located within the Zoning Ordinance required setback areas such that placement of the temporary replacement housing will allow for unobstructed reconstruction on the site.

7. The temporary replacement housing shall be connected to an approved source of water meeting one of the following criteria:

   a. Public water supply;

   b. Existing well provided that it has been approved by the Health Department as safe for domestic consumption; or

   c. Other water source approved by the Health Department.

8. The temporary replacement housing shall be connected to an approved sewage disposal system meeting one of the following criteria:

   a. Public sewer system;

   b. Existing on-site sewage disposal system that has been approved by the Health Department to be intact, adequately sized, and functioning following the disaster;

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

   d. Other method of sewage disposal approved by the Health Department.

9. The temporary replacement housing shall be connected to an approved source of electricity meeting one of the following criteria:

   a. Permitted electrical service hook-up; or

   b. Other power source approved by the Building Department.

10. Temporary replacement housing shall not be located in either of the following areas:

    a. A flood hazard area established by separate action of the Board of Supervisors or other authorized Federal, State, or local official; or

    b. an area affected by the disaster which, due to hazards to health and safety directly or indirectly resulting from the disaster,
require in-depth study before allowing rebuilding of any kind as determined by the Building Department or Health Department.

11. The temporary replacement housing allowed by this chapter may be converted to temporary construction housing upon issuance of a building permit for a permanent residence, pursuant to County Code Section 15.10.270.B.

**18.05.050 Permanent replacement of damaged or destroyed housing or other structures.**

Structures damaged or destroyed by a disaster may be replaced pursuant to the following provisions:

A. Structures illegally constructed before the disaster may only be reconstructed if all current and applicable state and local requirements are satisfied.

B. Structures legally constructed before the disaster may be reconstructed provided all current and applicable state and local requirements are satisfied, including Zoning Ordinance provisions for nonconforming structures.

C. Prior to the issuance of a Building Permit, the site of the structure shall be approved by the Health Department as being free of all public hazards and toxic debris or residue caused by the disaster.


E. A garage or storage building may be permitted as an accessory structure prior to the issuance of a permit for a single family dwelling on any parcel on which a residence was destroyed by a disaster.

**18.05.060 Repair criteria.**

Permitted of legally established structures that have been damaged as the result of a disaster shall be repaired in accordance with the following criteria:

A. When the estimated value of repair is less than fifty percent (50%) of the replacement value of the structure, the damaged elements may be repaired. Any repairs must comply with the current California Code of Regulations, Title 24 standards.

B. When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the entire structure shall be brought into conformance with the current California Code of Regulations, Title 24 standards.

C. Determinations made relative to the provisions within this section shall be the authority of the Building Department.

**18.05.070 Temporary replacement housing off-site.**

Installation of temporary replacement housing off-site for displaced resident(s), consisting of a recreational vehicle or recreational vehicles, as defined herein, may be authorized by the Building Department subject to the following provisions:

A. A maximum of two (2) recreational vehicles shall be authorized on
a privately owned parcel which is off-site from the disaster and which is zoned for primary residential use as determined by the Planning Department.

B. Except as provided in Section 18.05.070.C, temporary replacement housing off-site authorized pursuant to this section shall no longer be used in lieu of permanent housing within two (2) years of the date of the Board action declaring the local emergency, unless a one-year (1 year) extension is granted by the Board of Supervisors pursuant to 18.05.020, in which case it shall be removed within three (3) years.

C. Temporary replacement housing off-site shall no longer be used in lieu of permanent housing immediately following issuance by the Building Department of a final inspection or certificate of occupancy for a permanent replacement dwelling unit for the displaced resident or residents.

D. The permit for temporary replacement housing off-site shall only be considered for a displaced resident who occupied a permitted or legally established residence that was destroyed, or substantially or partially damaged and uninhabitable as determined by the Building Department as a result of the disaster. Proof that a destroyed or damaged residence was permitted or legally established shall be verified by the Building Department based on prior finaled building permit or assessor's records, or other documentation satisfactory to the Building Department.

E. Temporary replacement housing shall be occupied by a displaced resident or residents.

F. Temporary replacement housing off-site shall be located outside the boundaries of any recorded easements and shall comply with all Zoning Ordinance setback requirements.

G. Temporary replacement housing off-site shall meet the following standards:

1. The property owner or the property owner's authorized agent shall apply for a permit from the Building Department.

2. The temporary replacement housing off-site shall be connected to an approved source of water meeting one of the following criteria:
   a. Public water supply;
   b. Existing well provided that it has been approved by the Health Department as safe for domestic consumption; or
   c. Other water source approved by the Health Department.

3. The temporary replacement housing off-site shall be connected to an approved sewage disposal system meeting one of the following criteria:
   a. Public sewer system;
   b. Existing on-site sewage disposal system that has been approved by the Health Department to be intact and functioning following the disaster and adequately sized;
   c. Temporary holding tank with a contract with a pumping company for regular pumping. A copy of the contract shall be provided to the Health Department; or
   d. Other method of sewage disposal approved by the Health Department.

4. The temporary replacement housing off-site shall be connected to an approved source of electricity meeting one of the following criteria:
   a. Permitted electrical service hook-up; or
   b. Other power source approved by the Building Director.
5. Temporary replacement housing off-site shall not be located in either of the following:
   a. a flood hazard area established by separate action of the Board of Supervisors or other authorized Federal, State, or local official; or
   b. an area affected by the disaster which, due to hazards to health and safety caused by the disaster, require in-depth study before allowing rebuilding of any kind as determined by the Building Department or Health Department.

18.05.080 Fees; replacement of damaged or destroyed housing or other structures.
   A. All current permit fees apply, including demolition permit fees, unless otherwise modified or waived by the Board of Supervisors.
   B. During the time period when this chapter is applicable pursuant to Section 18.05.020, application plan check fees that are normally paid at the time an application is submitted may be deferred by the Building Department, at the applicant's request, and paid at the time the permit is issued.
   C. The current process for determining school impact fees, which involves the Mariposa County Unified School District, shall be followed.

18.05.090 Debris removal; site approval required.
   1. All hazardous materials and debris, including but not limited to household hazardous wastes, asbestos, ash from burned structures, metals, damaged or destroyed vehicles, and all public hazards shall be removed prior to reconstruction or reuse of property damaged by the disaster and shall, in all cases, be removed and disposed of within one hundred eighty (180) days of the disaster for which the local state of emergency was declared unless the Health Department grants a discretionary ninety (90) day extension upon a showing of good cause. Debris removal and disposal shall comply with all laws and regulations and shall be within the time period described herein. Upon completion of debris removal, the site shall be approved by the Health Department as being free of all toxic debris or residue caused by the disaster.
   2. A demolition permit for hazardous materials and debris removal may be required by the Building Department, unless a county-approved hazardous materials and debris removal program is utilized by the property owner.

18.05.100 Temporary facilities for post-disaster recovery.
   Temporary facilities necessary for the timely removal of debris, stabilization of soils, erosion control, and other needs as determined by the agency or agencies directing post-disaster recovery and clean-up operations may be established as needed. Temporary facilities may include staging areas for equipment, vehicles, and storage on private property. Temporary facilities may also include off-site processing and storage, recycling, or other handling of disaster-generated debris. Temporary facilities are subject to all of the following provisions:
   A. The duration of the temporary facilities shall not exceed the time period established by Section 18.05.020 or the duration of the local emergency, whichever is more.
   B. Temporary facilities shall be subject to issuance of an
administrative use permit pursuant to County Code Chapter 17.114, prior to establishment or within 30 days of establishment.

C. In addition to the requirements established by County Code Chapter 17.114, approval of temporary facilities shall be based upon a finding that the site zoning allows for public uses and the proposed temporary facilities provide or address an immediate public need or immediate public purpose.

D. The administrative use permit shall identify the expiration date of the approval and shall specify clean-up and restoration provisions for the site upon termination of the use.

E. The administrative use permit may address impacts resulting from the temporary use, including but not limited to dust, noise, water quality, traffic safety, lighting, trespass and any secondary impacts.

F. Alternative sites that may be available resulting in fewer impacts shall be considered prior to issuance of an administrative use permit.

G. Temporary facilities on public land shall be subject to the authorization of the agency managing said land.

18.05.120 Severability and pre-emption.
A. If any section, subsection, sentence, clause, or phrase of this chapter, is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any or all other portions of this chapter.

B. To the extent that any part of this chapter conflicts with any portion of an executive order signed by the Governor of the State of California related to a disaster for which this chapter is invoked, the executive order shall control.