



ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 130, SECTION 130.69.160 - TEMPORARY RECREATIONAL VEHICLES

WHEREAS, conditions of extreme peril to the safety of persons and property within the County of El Dorado were caused by fast-moving and widespread wildfires, referred to as the Caldor Fire, commencing on the 14th day of August 2021, at which time the Board of Supervisors was not in session; and

WHEREAS, on August 17, 2021, the Sheriff, as the Director of the Office of Emergency Services, proclaimed a local emergency based on conditions of extreme peril to the safety of persons and property within the territorial limits of the County of El Dorado as a result of the Caldor Fire; and

WHEREAS, in Resolution 104-2021 adopted on August 19, 2021, the Board of Supervisors found that conditions of extreme peril exist due to an imminent and proximate threat to the safety of persons and property within the territorial limits of the County of El Dorado as a result of the Caldor Fire for reasons set forth in the proclamation of local emergency by the County's Sheriff, acting as the Director of the Office of Emergency Services, dated August 17, 2021, and ratified the local emergency proclamation, which continues in effect until terminated by the Board of Supervisors and has not been terminated on the date this urgency ordinance is adopted; and

WHEREAS, on August 17, 2021, the Governor of the State of California proclaimed a State of Emergency for El Dorado County due to the Caldor Fire; and

WHEREAS, on September 1, 2021, the President of the United States declared the existence of an emergency in the State of California and ordered Federal aid to supplement state and local recovery efforts due to the emergency conditions resulting from the Caldor Fire beginning on August 14, 2021, and continuing; and

WHEREAS, as reported by the California Department of Forestry and Fire Protection (CalFIRE) on September 3, 2021, the Caldor Fire to date had consumed over 212,907 acres in El Dorado County and had led to the destruction of at least 661 residential structures, 184 other structures, and 12 commercial properties with only 29% containment; and

WHEREAS, on September 10, 2021, the Board of Supervisors adopted Ordinance 5150 adding Chapter 130.69 of Title 130, Article 6 of the El Dorado County Ordinance Code entitled "Caldor Fire Resiliency and Rebuilding" which provides for temporary emergency housing options for persons displaced by the Caldor Fire during recovery and rebuilding and provisions to aid during repair and reconstruction of damaged dwellings and other structures in the burn area; and

WHEREAS, residents continue to struggle to rebuild, particularly those who were uninsured or underinsured; and

WHEREAS, the Title 25 program was adopted by the Board of Supervisors on May 21, 2024, and has provided a viable option for several residents in the Grizzly Flats area, the hardest hit community in the Caldor Fire, to begin rebuilding; and

WHEREAS, The Board of Supervisors wishes to extend the expiration date for the use of generators with an issued Temporary Recreational Vehicle permit to match the timelines of Ordinance 5150 to assist with the rebuilding efforts for residents displaced by the Caldor Fire.

NOW, THEREFORE, BE IT RESOLVED THAT THE EL DORADO COUNTY BOARD OF SUPERVISORS ORDAINS AS FOLLOWS.

Section 1. The Board of Supervisors finds and declares that the above recitals are true and correct and are incorporated herein.

Section 2. Section 130.69.160 - TEMPORARY RECREATIONAL VEHICLES of Article 6, of Title 130 of the El Dorado County Ordinance Code is hereby amended as follows:

“Section 130.69.160 – Temporary Recreational Vehicles

A. For fire-damaged lots in the burn area where the Caldor Fire destroyed or damaged a dwelling, two temporary recreational vehicles with an additional recreational vehicle for any legal accessory dwelling unit that was destroyed or damaged may be permitted in compliance with the permit requirements under Section 130.52.050.D.5 (Temporary Mobile Home Permit) unless otherwise stated herein. Notwithstanding Section 130.52.050.D.5, a temporary recreational vehicle on a fire-damaged lot in the burn area may be used as a rental unit for displaced persons only if a dwelling or accessory dwelling unit on that lot was made available for rent for a term more than 30 days within six months of the Caldor Fire.

B. No temporary recreational vehicle may be permitted or located on a fire-damaged lot without the concurrence of the Environmental Management Department. Any Temporary Mobile Home Permit may be denied because the debris on the property or status of debris removal results in health or safety hazards.

C. Within the burn area, temporary recreational vehicles may be located on fire-damaged lots within zoning ordinance setback areas, excluding riparian setback areas, if such location is necessary to allow for unobstructed reconstruction on the lot.

D. ~~During the first three years from the effective date of this Chapter 130.69, gG~~generators are an acceptable source of power for temporary recreational vehicles permitted under this Chapter 130.69 on fire-damaged lots in the burn area. ~~After the first three years from the effective date of this Chapter 130.69, generators are not an acceptable source of power for temporary recreational vehicles.”~~

E. Notwithstanding Section 130.52.050.E, a Temporary Mobile Home Permit under this section shall automatically expire on the expiration date of this Chapter 130.69 or within 30 days of issuance of the certificate of occupancy, whichever is earlier. Upon expiration, every temporary recreational vehicle used as temporary emergency housing pursuant to this chapter shall be disconnected from sewer, septic, water, and/or power connections and residential occupancy of the temporary recreational vehicle shall

no longer be a legal use unless authorized under State law or permitted under this Title 130 without the benefit of any exceptions under this Chapter 130.69.”

Section 3. The Board of Supervisors hereby finds and determines that the adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) (projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor); Public Resources Code Section 21080(b)(4) (actions necessary to mitigate an emergency); CEQA Guidelines Section 15269(a) (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); CEQA Guidelines Section 15269(c) (specific actions necessary to prevent or mitigate an emergency); and CEQA Guidelines Section 15061(b)(3) (common sense exemption).

Section 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this chapter irrespective of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.

Section 5. Effective Date. This ordinance shall become effective 30 days following adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the _____ day of _____, 2024, by the following vote of said Board:

ATTEST
Kim Dawson
Clerk of the Board of Supervisors

Ayes:

By _____
Deputy Clerk

Noes:

Absent:

Chair, Board of Supervisors

APPROVED AS TO FORM
DAVID LIVINGSTON
COUNTY COUNSEL

By: _____

Title: Deputy County Counsel _____