

Mountain Democrat

PROOF OF PUBLICATION
(2015.5 C.C.P.)

Proof of Publication of ORDINANCE

STATE OF CALIFORNIA
County of El Dorado

I am a citizen of the United States and a resident of the County aforesaid; I'm over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am principal clerk of the printer at the Mountain Democrat, 2889 Ray Lawyer Drive, a newspaper of general circulation, printed and published Monday, Wednesday, and Friday, in the City of Placerville, County of El Dorado, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court to the County of El Dorado, State of California, under the date of March 7, 1952, Case Number 7258; that the notice, of which the annexed is a printed copy (set in type no smaller than non-pareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

**NOTICE TOO LONG FOR PAGE
PLEASE SEE ATTACHED**

9/17

All in the year 2021.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Dated at Placerville, California, this 17th day
of **SEPTEMBER, 2021**

Alison Ravis

Signature

RESILIENCY AND REBUILDING

Section 130.69.100 - Title
This chapter shall be known as the Caldor Fire Resiliency and Rebuilding Ordinance.
Section 130.69.110 - Purpose
This chapter is enacted for the purposes of modifying and temporarily suspending various County housing-related, permitting, and health and safety provisions and policies to expedite recovery and rebuilding of homes and communities destroyed or damaged by the Caldor Fire and to ensure that persons displaced as a result of the Caldor Fire are housed in safe, healthy, and habitable housing during the recovery period and can repair or rebuild damaged homes and communities as efficiently as possible while protecting public health and safety.

for recreational vehicles and maintains current registration with the Department of Motor Vehicles (DMV) for the motor home, travel trailer, vehicle utilized for the camper, or camping trailer.
Section 130.69.130 - Implementation
The Planning and Building Department Director or his or her designee may establish administrative standards for use in implementing this Chapter 130.69. Any administrative standards established pursuant to this Chapter 130.69 shall be in writing and made available to the public on the website of the Planning and Building Department with a copy provided upon request by a member of the public.

Section 130.40.320.D.4, but the permit shall expire and the shipping container shall be permitted in compliance with Section 130.40.320.D.4 or be removed from the parcel on which it is located no later than the expiration date of this Chapter 130.69 or within 30 days of issuance of the certificate of occupancy, whichever is earlier.
Section 130.69.190 - Temporary Emergency Housing in Accessory Structures
Notwithstanding the limitations in Section 130.40.030.D.6.c (Accessory Structures and Uses) or any other contrary provision of County Code and only during the term of this Chapter 130.69, existing legally permitted pool houses, workshops, artist studios, or other residential accessory structures within or outside of the burn area that do not satisfy the requirements of a guest house under Section 130.40.150 or an accessory dwelling unit may be used or rented as temporary emergency housing for displaced persons pursuant to an Administrative Permit under Section 130.52.010 and subject to all other existing regulations and limitations, including habitability standards and the Building Codes.

Section 130.69.320 are intended to apply. Neither Chapter 130.26 nor the Meyers Area Plan shall be construed to prevent any of the permits provided for in this Chapter 130.69. Any exceptions made to Chapter 130.26, the Matrix of Allowed Uses (Table 130.26.050), development standards in Section 130.26.060, or the Meyers Area Plan to allow for any permit under this Chapter 130.69 shall expire and no longer be a legal use after expiration of this Chapter 130.69. Any permit issued under this Chapter 130.69 within the Meyers Area Plan Zones shall comply with all of the requirements and limitations provided in this Chapter 130.69 for the particular permit.
Section 130.69.250 - Permit Revocation
A. The Planning and Building Department Director or his or her designee may revoke any permit issued under this Chapter 130.69, including but not limited to a Temporary Mobile Home Permit, an Administrative Permit, or a Temporary Use Permit, if the use, temporary emergency housing, structure, or condition violate this Chapter 130.69 or other County Code applicable to the permit, is unlawful under any state or federal law, appears to create a nuisance, such as by accumulation, proliferation, or dispersal of trash, debris, or personal possessions, or poses a threat to public health or safety.

B. All permits necessary for repair or reconstruction of a primary dwelling on a fire-damaged lot in the burn area submitted by the owner of the lot as of August 14, 2021 shall be prioritized over all other permits with the Planning and Building Department except for a permit that is subject to deadlines under state law and prioritizing that permit is necessary to meet the deadline in state law or the Planning and Building Department Director or his or her designee determines that prioritizing a permit is necessary to protect health or safety.
C. Notwithstanding Section 130.51.050 (Public Notice Requirements and Procedures) or any other provision in County Code, all permits under this Chapter 130.69 may be issued without any public notice or public oversight.
Section 130.69.290 - Mandatory Permit Language
The following statement shall be posted on the County website and provided to all applicants for building permits in the burn area: "Due to the large number of structures destroyed in the Caldor Fire, it is anticipated that there will be a large number of applications for building permits in the burn area after fire debris and hazardous materials have been cleaned up. Building permits in the Caldor Fire area will not be issued until after a property has been cleared of fire debris and hazardous materials as a result of the Caldor Fire. 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 hazardous 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 that 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 that 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."

Section 130.69.300 - Legal Nonconforming Uses and Structures
A. Consistent with Section 130.61.030, a legal nonconforming structure on a fire-damaged lot in the burn area may be repaired or reconstructed up to its pre-damaged size and placement so long as the construction is completed within three years of the effective date of this Chapter 130.69 if located within a Community Region or five years of the effective date of this Chapter 130.69 if located in the remaining unincorporated area of the County. This section does not alter any requirements in the Building Codes and Fire Code to comply with the current provisions for any repair or reconstruction. The version of the Fire Safe Regulations in existence at the time of the application shall apply to any legal nonconforming structure. Under the version of the Fire Safe Regulations in effect when this Chapter 130.69 was adopted, and notwithstanding Section 1270.02 (Scope), reconstruction of a legal nonconforming structure shall comply with Section 1276.01 (Setback for Structure Defensible Space).
B. Any legal nonconforming use prevented from continuation due to damage to a structure on a fire-damaged lot in the burn area may be restored if the structure necessary for the use is repaired or reconstructed consistent with subsection (A) above. Consistent with Section 130.61.040, any legal nonconforming use on a fire-damaged lot in the burn area where no structure was involved may be restored up to its pre-damaged size and intensity provided that it is reestablished within five years of the effective date of this Chapter 130.69. Any change or expansion in a legal nonconforming use shall be subject to Section 130.61.050. Nothing contained within this section shall be construed to allow a legal nonconforming use to be conducted in such a way as to constitute a public or private nuisance or a danger to the public health, safety, and welfare.
Section 130.69.310 - Lot Line Adjustments
Notwithstanding any contrary provision of County Code, a lot line adjustment approval that is valid and not expired as of August 14, 2021 is hereby extended one year beyond its current date of expiration.
Section 130.69.320 - Child Care, Educational, and Church Facilities
Notwithstanding any contrary provision of County Code, relocation of any Child Day Care Home, Child Day Care Center, Employer-Sponsored Child Day Care Center, Specialized Education and Training, Community Care Facility, Schools, including College and University and Elementary and Secondary, and Churches and Community Assembly on a fire-damaged lot in the burn area may be relocated to any existing buildings in any Commercial, Agricultural, Rural, and Resource, Industrial, or Research and Development Zone District subject only to an Administrative Permit in accordance with Section 130.52.010, and if required, a building permit for any renovations. Nothing in this title waives or affects any requirements under state law applicable to such facilities. The Administrative Permit shall expire on or before the expiration of this Chapter 130.69 and any subsequent use covered in this section shall be subject to the requirements under Title 130, including but not limited to the Matrix of Allowed Uses for each zone district.
Section 130.69.330 - Approved Discretionary Permits
A. Any time limit imposed consistent with Section 130.54.060 for a permit or authorization for which the permit or authorization was not exercised before the Caldor Fire on a fire-damaged lot in the burn area shall be automatically extended an additional two years.
B. Consistent with Section 130.68.050.C, conforming structures occupied by conforming uses which are subject to a discretionary permit, to include but not be limited to a Conditional/Minor Use Permit, Variance, or Design Review Permit, may be reconstructed subject to previously approved site and building plans, with review by staff to ensure compliance with the discretionary permit. In the case where an approved site plan is not available for review, the property owner shall obtain issuance of an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title, to ensure compliance with the previously approved discretionary permit and all applicable development standards for the zone.
Section 130.69.340 - CEQA Exemption
All applications and permits approved under the provisions of this Chapter 130.69 are exempt from the requirements of the California Environmental Quality Act (CEQA) in compliance with
Public Resources Code Subsections 21080(b)(1) and (b)(3) and Section 15269 of the CEQA Guidelines.
Section 130.69.350 - 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 respectively of whether one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases is held invalid or ineffective.
Section 3. The Board of Supervisors hereby finds and determines that the adoption of this urgency 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). The Caldor Fire Resiliency and Rebuilding Ordinance is necessary to implement future ministerial projects that will reduce threats to health and property caused by the Caldor Fire disaster and allow property owners to more efficiently repair or rebuild their damaged homes and communities.
Section 4. The Board of Supervisors hereby declares, based on the findings set forth above, that there is an immediate need to preserve the public health, safety, and welfare constituting the urgency for adoption of this ordinance pursuant to Government Code Sections 25131 and 25133. Accordingly, this ordinance is adopted as an urgency ordinance and shall take effect and be in force immediately upon adoption by the Board of Supervisors, and shall remain in effect from the date of its adoption through December 31, 2026, unless extended or modified by the Board of Supervisors.
PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the 10th day of September, 2021, by the following vote of said Board:
Ayes: Hidahl, Turnbo, Thomas, Parlin, Novasei
Noes: None
Absent: None
ATTEST
KIM DAWSON
Clerk of the Board of Supervisors
/s/ Kyle Kuperus
Deputy Clerk
/s/ John Hidahl
Chair, Board of Supervisors
APPROVED AS TO FORM
DAVID LIVINGSTON
COUNTY COUNSEL
By: /s/ Breann M. Moebius
Breann M. Moebius
Deputy County Counsel
9/17 9507

ORDINANCE NO. 5150

AN URGENCY ORDINANCE
ADDING CHAPTER 130.69 TO
TITLE 130 OF THE
EL DORADO COUNTY CODE
TO ADDRESS TEMPORARY
EMERGENCY HOUSING,
RESILIENCY, AND REBUILDING
AFTER THE 2021 CALDOR FIRE
WHEREAS, Government Code Section 25131 allows urgency ordinances to be passed immediately upon introduction at either a regular or special meeting and Government Code Section 25123 states that ordinances adopted for the immediate preservation of the public peace, health, or safety shall contain a declaration of the facts constituting the urgency, must be passed by 4/5ths vote of the Board of Supervisors, and are effective immediately; and
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, pursuant to El Dorado County Ordinance Code Chapter 2.21, the Sheriff is designated as the Director of the Office of Emergency Services and, as such, is authorized to proclaim a local emergency; 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 has consumed over 212,907 acres in El Dorado County and has led to the destruction of at least 661 residential structures, 184 other structures, and 12 commercial properties with only 29% containment; and
WHEREAS, pursuant to Government Code Section 65852.150, the California Legislature found and declared that, among other things, California faces a severe housing crisis and is falling far short of meeting current and future housing demand; and
WHEREAS, even prior to the Caldor Fire, the Board of Supervisors previously found when adopting Ordinance 5136 that there is insufficient availability of temporary shelter to adequately house more vulnerable populations; and
WHEREAS, the housing units destroyed by the Caldor Fire increased this housing shortage and increased the need for temporary housing units for families displaced by the Caldor Fire due to the destruction of their homes; and
WHEREAS, the Board of Supervisors finds that amendments to the County's Zoning Ordinance are necessary to allow the fastest possible transition of displaced residents to interim and long-term shelter, including the rebuilding of homes and communities destroyed by the Caldor Fire; and
WHEREAS, it is essential that the changes made by this ordinance to the El Dorado County Code and various County housing, permitting, and health and safety policies related to use and occupancy of dwellings and rebuilding of homes and communities be implemented immediately.
NOW, THEREFORE, BE IT RESOLVED THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO 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. Chapter 130.69 of Title 130, Article 6 of the El Dorado County Ordinance Code entitled "Caldor Fire Resiliency and Rebuilding" is hereby added to read as follows:
ARTICLE 6 - ZONING ORDINANCE
ADMINISTRATION
CHAPTER 130.69 - CALDOR FIRE