



## RESOLUTION NO. 001-2023

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO

### RESOLUTION OF INTENTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO TO AMEND THE ZONING ORDINANCE (TITLE 130)

**WHEREAS**, the County of El Dorado is mandated by the State of California to maintain an adequate and proper General Plan; and

**WHEREAS**, the County of El Dorado adopted a General Plan in 2004; and

**WHEREAS**, many policies, programs, and implementation measures are implemented through the Zoning Ordinance; and

**WHEREAS**, on December 15, 2015, the Board adopted Ordinance No. 5030, a comprehensive update to Title 130 (Zoning Ordinance), which became effective on January 15, 2016; and

**WHEREAS**, on August 14, 2018, the Board adopted Ordinance 5090, a comprehensive minor amendment to Title 130 with the exception of Article 9, which became effective on September 14, 2018 and included minor changes to Article 6 – Zoning Ordinance Administration; 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**, on August 17, 2021, the Sheriff, as 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 Emergency Services, dated August 17, 2021, and ratified the local emergency proclamation, which continues in effect until terminated by the Board of Supervisors; 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 emergency conditions resulting from the Caldor Fire beginning on August 14, 2021; and

**WHEREAS**, on September 10, 2021, the Board adopted Urgency Ordinance 5150, an amendment to Title 130, adding Chapter 130.69 – Caldor Fire Resiliency and Rebuilding Ordinance, to address temporary emergency housing, resiliency, and rebuilding in response to the 2021 Caldor Fire; and

**WHEREAS**, as reported by the California Department of Forestry and Fire Protection (CalFIRE) upon full containment of the Caldor Fire on October 21, 2021, the Caldor Fire burned a total of 221,835 acres and destroyed a total of 1,003 structures, including 782 single family residences, 18 commercial properties, and 203 accessory structures, and damaged an additional 81 structures within El Dorado County; and

**WHEREAS**, on December 14, 2021, the Board adopted Urgency Ordinance 5156, an amendment to Title 130, Chapter 130.69 – Caldor Fire Resiliency and Rebuilding Ordinance, adding section 130.69.360 – Community Services, to address immediate transition for displaced community services destroyed by the Caldor Fire; and

**WHEREAS**, on August 23, 2022, the Board adopted Urgency Ordinance 5163, an amendment to Title 130, Chapter 130.69 – Caldor Fire Resiliency and Rebuilding Ordinance, amending Section 130.69.260 – Permit Fee Reductions and Waivers, and adding Section 130.69.370 – Environmental Management Department Permit Fees, to further address Caldor Fire fee waivers; and

**WHEREAS**, conditions of extreme peril to the safety of persons and property within the County of El Dorado were again caused by fast-moving and widespread wildfires, referred to as the Mosquito Fire, commencing on the 6th day of September 2022, at which time the Board of Supervisors was not in session; and

**WHEREAS**, on September 8, 2022, the Governor of the State of California proclaimed a State of Emergency for El Dorado County and Placer County as a result of the Mosquito Fire; and

**WHEREAS**, on September 9, 2022, 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 Mosquito Fire; and

**WHEREAS**, in Resolution 142-2022 adopted on September 13, 2022, 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 Mosquito 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 September 9, 2022, and ratified the local proclamation, which continues in effect until terminated by the Board of Supervisors; and

**WHEREAS**, as reported by CalFIRE upon full containment of the Mosquito Fire on October 27, 2022, the Mosquito Fire burned a total of 76,788 acres and destroyed a total of 31 structures, including 12 single family residences and 19 accessory structures within El Dorado County; and

**WHEREAS**, on January 3, 2023, the Board adopted Urgency Ordinance 5172, an amendment to Title 130, adding Chapter 130.69.A – Mosquito Fire Resiliency and Rebuilding Ordinance, to address temporary emergency housing, resiliency, and rebuilding in response to the 2022 Mosquito Fire; 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 2021 Caldor Fire and 2022 Mosquito 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 both the 2021 Caldor Fire and 2022 Mosquito Fire increased this housing shortage and increased the need for temporary housing units for families displaced by these fires due to the damage and/or destruction of their homes; and

**WHEREAS**, the Board of Supervisors finds that amendments to the County’s Zoning Ordinance continue to be necessary to allow the fastest possible transition of displaced residents to interim and long-term shelter, including the rebuilding of homes damaged and/or destroyed by wildfires or other local, state, or federal declared disasters; and

**WHEREAS**, as evidenced following the 2021 Caldor Fire and 2022 Mosquito Fire, it has become essential to have established temporary emergency housing and fee waiver options for displaced persons, and that amendments to the Zoning Ordinance and various County housing, permitting, and health and safety policies related to use and occupancy of dwellings and rebuilding of homes and communities to be implemented immediately would be beneficial and could be used more broadly for subsequent post-disaster rebuilding and result in efficiencies for overall County disaster response; and

**WHEREAS**, pursuant to Section 130.63.020 of the Zoning Ordinance, which requires County-initiated Zoning Ordinance amendments to be initiated by a Resolution of Intention by the Board of Supervisors, staff recommend the Board approve further amendments to the Zoning Ordinance, Chapter 130.68 – Post-Disaster Rebuilding, to be replaced in its entirety to create general County regulations related to declared disasters, including process and applicability requirements.

**NOW, THEREFORE, BE IT RESOLVED**, that in order to proceed with the above amendments to Title 130, Chapter 130.68 – Post Disaster Rebuilding, and as provided for by state law, the El Dorado County Board of Supervisors will set a public hearing to consider proposed amendments to the El Dorado County Zoning Code (Title 130) of the County Code of Ordinances, generally described below, including but not limited to:

- A. Replacing in its entirety Article 6, Sections 130.68.010 through 130.68.070 to include sections such as:
  - 1. Title
  - 2. Purpose and Applicability Process
  - 3. Definitions and Specialized Terms and Phrases
  - 4. Implementation
  - 5. Term and Expiration

6. Conflict with State Law
7. Temporary Permit Types
8. Temporary Emergency Housing
9. Permit Fee Reductions and Waivers
10. Priority Permit Processing
11. CEQA Exemption

**B.** Any other sections determined necessary in order to meet the objectives of this amendment and address potential future declared disasters.

**BE IT FURTHER RESOLVED** that the Board of Supervisors hereby authorizes the Planning and Building Department to proceed with the preparation of all necessary documentation and environmental review requirements pursuant to the California Environmental Quality Act; and

**BE IT FURTHER RESOLVED** that the Planning Commission and Board of Supervisors will hold public hearings to consider the proposed amendments; and

**NOW, THEREFORE, BE IT RESOLVED,** that the Board of Supervisors hereby authorizes the Planning and Building Department, to proceed with the preparation of the above stated amendments to the Zoning Ordinance.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by the following vote of said Board:

Attest:  
Kim Dawson  
Clerk of the Board of Supervisors

Ayes:  
Noes:  
Absent:

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Chair, Board of Supervisors