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ORDINANCE NO. 5136

**AN URGENCY ORDINANCE OF EL DORADO COUNTY BOARD OF SUPERVISORS
ADOPTING AMENDMENTS TO TITLE 130 OF THE EL DORADO COUNTY
ORDINANCE CODE TO TEMPORARILY AMEND RESTRICTIONS ON THE USE OF
RECREATIONAL VEHICLES AS A TEMPORARY HOUSING OPTION**

WHEREAS, Government Code 25131 allows urgency ordinances to be passed immediately upon introduction at either a regular or special meeting and Government Code 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, it must be passed by 4/5ths vote of the Board of Supervisors and such urgency ordinance is effective immediately; 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 with serious consequences for the state's economy, our ability to build green infill consistent with state greenhouse gas reduction goals, and the well-being of our citizens, particularly lower and middle-income earners; and

WHEREAS, on January 8, 2020, Governor Gavin Newsom issued Executive Order N-23-20 declaring that California faces a severe housing crisis that has made housing unaffordable for too many Californians and, in turn, exacerbated the problem of homelessness; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19 to public health and safety throughout the entire State of California; and

WHEREAS, on March 16, 2020, Governor Gavin Newsom issued Executive Order N-28-20 that authorizes local governments to halt evictions for renters and homeowners, slows foreclosures, and protects against utility shutoffs for Californians affected by COVID-19 noting that "People shouldn't lose or be forced out of their home because of the spread of COVID-19"; and

WHEREAS, on March 19, 2020, Governor Gavin Newsom issued Executive Order N-33-20 to order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain continuity of operations of the federal critical infrastructure sectors; and

WHEREAS, on March 19, 2020, the El Dorado County Public Health Director, Dr. Nancy Williams, issued a Public Health Directive to require "all individuals living in the county remain in their place of residence to the fullest extent possible." The directive exempts individuals experiencing homelessness but urges them to find shelter and seek existing public services to meet their needs; and

WHEREAS, there is insufficient availability of temporary shelter to adequately house special populations financially or physically impacted by COVID-19 or other health conditions that require the care of family members and who may otherwise be homeless; and

WHEREAS, the public health crisis is threatening to exacerbate the housing crisis for our most vulnerable populations affecting individual and community-wide health and safety unless specific temporary measures are taken while provisions for permanent housing are sought; and

WHEREAS, the Board of Supervisors finds that it needs to take action to provide a temporary housing option in order to address the urgency issues set forth above; and

WHEREAS, the Board of Supervisors finds that minor text edits to the County's Zoning Ordinance are necessary to implement a temporary housing option that allows for the temporary use of a Recreational Vehicle (RV) for temporary housing upon issuance of a Temporary Mobile Home Permit; and

WHEREAS, the provisions of this Ordinance are separate and severable. If any provision of this Ordinance is for any reason held by a court to be invalid, the Board declares that it would have passed this Ordinance irrespective of the invalidity of the provision held to be invalid and such invalidity shall therefore not affect the remaining provisions of this Ordinance or the validity of its application to other persons or circumstances; and

WHEREAS, the following Sections of Title 130 of the El Dorado County Zoning Ordinance shall be amended as shown, on an interim uncodified basis, for the effective period of this Urgency Ordinance for Temporary Housing Options (Ordinance).

NOW THEREFORE, BE IT RESOLVED THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES ORDAIN AS FOLLOWS:

Section 1. The Board of Supervisors finds and declares that the above recitals are true and correct and are incorporated herein. Such recitals constitute a declaration of the facts constituting the urgency.

Section 2. Subsection 130.40.190.B entitled "Mobile/Manufactured Homes - Permit Requirements" is amended to add Subsection 8 entitled "Temporary Housing Option Recreational Vehicle" as set forth below:

8. **Temporary Housing Option Recreational Vehicle.** One "Temporary Recreational Vehicle" (TRV) may be allowed on a lot measuring one acre or larger, in compliance with permit requirements under Section 130.52.050 (Temporary Mobile Home Permit) in Article 5 (Planning Permit Processing) of this Title.
 - a. A "Temporary Recreational Vehicle" (TRV) is defined in this Section as meaning a motor home or travel trailer with or without motive power, originally designed for human habitation that is: designed for recreational or emergency occupancy; contains less than 320 square feet of internal living room area, excluding built-in equipment, including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms; contains 400 square feet or less of gross area measured at maximum horizontal projections; is built on a single chassis; is self-propelled or permanently towable on

California roadways bearing the state or federal insignia of approval for recreational vehicles and maintains current registration with the Department of Motor Vehicles (DMV).

- b. A TRV is for the following uses:
To provide temporary housing for a property owner or family member and/or to allow for in-home care of family members who reside on the lot; or by a caretaker where the purpose of the caretaker is to assist elderly or disabled homeowner(s) with their personal care and/or the care and protection of their property.. The elderly or disabled owner(s) must reside in the primary dwelling or accessory dwelling unit. Under this Section “elderly” shall mean a person 62 years of age or older.
- c. Exceptions: A TRV may be allowed on a lot of less than one acre in the event of fire, flood, or other disaster, which has destroyed or damaged a dwelling to the point where it is no longer habitable and the property owner needs a temporary mobile home or TRV in which to reside.
- d. This Urgency Ordinance for Temporary Housing Options is set to sunset from this Title three years from the date of adoption (December xx, 2020) upon which date no new TRV permits may be issued or renewed.

Section 3. Subsection 130.52.050.D entitled “Temporary Mobile Home Permit Requirements” is amended to add Subsection 6 as set forth below:

- 6. In addition to the provisions in Subsection B.2 (Applicability) above in this Section, in residential and agricultural zones suitable for residential development on lots measuring one acre or larger, one “Temporary Recreational Vehicle” (TRV), as defined in Subsection 130.40.190.B.8, may be allowed on site as a temporary housing option, under a Temporary Mobile Home Permit pursuant to the following criteria:
 - a. The method of establishing suitability for residential development may be based on topography, access and connections to groundwater (or public water) or septic (or sewer) capability in accordance with Title 110 – Buildings and Construction, Section 110.32.150 (Temporary Mobile Homes), including enforcement thereof as stated in Section 110.32.250 (Enforcement), and other utility infrastructure requirements. The parcel’s suitability for residential development, given the evidence and information provided will be evaluated during the Temporary Mobile Home Permit application process including but not limited to the following:
 - (1) Proof that there is an adequate potable water supply consisting of an operating well or water service connection is provided on the site as required by the Department of Environmental Management. Any alternative water system for the TRV shall be approved by the Department of Environmental Management prior to the issuance of a TRV permit. .
 - (2) A functioning septic system or public sewer system connection shall exist at the site. Septic systems connections or alternative wastewater disposal methods require review and approval by the El Dorado County Environmental Management Department.
 - (3) The site shall contain electrical service to a TRV used for temporary housing.

- b. If the parcel has an existing permitted primary dwelling, then establishing suitability for residential development is not required as long as the proposed TRV meets the development standards for the zone with the appropriate groundwater (public water), septic (sewer) capacity, and power hook-ups.

- c. The applicant shall comply with all development standards for the zone and any other statutes and ordinances relating to building, fire, and health codes in addition to the following:
 - (1) A current DMV registration and operating permit shall be required and maintained on the TRV at all times;
 - (2) A TRV used for temporary housing shall be structurally sound and protect its occupants against the outdoor elements, including snow load;
 - (3) Alterations to a TRV are prohibited;
 - (4) Property owner must certify that a TRV used for temporary housing shall be equipped with smoke alarm/carbon detectors;
 - (5) The parking site for a TRV used for temporary housing must be located on the lot and shall be paved with hard durable surface with adequate drainage; and
 - (6) A TRV used for temporary housing shall not be used as a rental unit.

- d. Permit Revocation: The County may revoke a Temporary Mobile Home Permit for a TRV if the placement or occupancy of the recreational vehicle:
 - (1) Is in violation of any local, state or federal laws or regulations, or
 - (2) Appears to create a nuisance, such as by:
 - i. Accumulation, proliferation, or dispersal of trash, debris, or personal possessions; or
 - ii. Constitutes an unlawful activity; or
 - iii. Creates a disturbance that exceeds the standard outlined in Section 130.37.060 (Noise Standards) in Article 3 of this Title.
 - (3) If a property owner or owners who hold a Temporary Mobile Home Permit violate any provisions of the permit or of this subsection, the property owner or owners will be served with a notice setting forth the nature of the violation. If, within a period of 30 days from the date of such notice, the property owner or owners have not complied with the provisions of the permit or of this subsection, the permit shall be revoked.
 - (4) Property owner(s) must certify in a statement that if violations concerning the Temporary Mobile Home Permit are not removed or abated by the property owner by the specified date in a notice, that such materials, up to and including the TRV, may be removed under authority of the County, and the costs of such removal and abatement may be made a legal charge against the owner or owners of the property, a lien imposed on and recorded against the property in the amount of such costs, and such costs referred to the County Auditor for collection together with property taxes on such property pursuant to the provisions of Health and Safety Code Sections 14875 through 14931, and Government Code Section 25845. Upon full recovery of County costs, a new

TRV permit may be obtained after compliance with the provisions of this chapter and the payment of a fee as specified in the building fee schedule as adopted by the Board.

- (5) The conditions in this subsection also pertain to violations by a property owner or owners with an expired Temporary Mobile Home Permit.

Section 4. The Board hereby finds and determines that the adoption of the urgency ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to statutory exemption 21080(b)(4) (Emergency Projects); 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 urgency ordinance is required to implement future ministerial projects that will reduce threats to health and property, while increasing a temporary housing stock. The use of temporary recreational vehicles as temporary housing options are restricted to lots that meet the standards under subsection 130.52.050.D (Temporary Mobile Home Permit Requirements) in Article 5 of Title 130 (Zoning); therefore, the adoption of the urgency ordinance would not have the potential to cause a significant environmental impact, and no further CEQA analysis is needed.

Section 5. The Board 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 25123. 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 for three years.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 2nd day of December, 2020, by the following vote of said Board:

ATTEST
KIM DAWSON
Clerk of the Board of Supervisors

By: 
Deputy Clerk

Ayes: Hidahl, Frentzen, Veerkamp, Parlin, Novasel

Noes: None

Absent: None


Brian K. Veerkamp
Chair, Board of Supervisors

APPROVED AS TO FORM
DAVID LIVINGSTON
COUNTY COUNSEL

By: 
Title: County Counsel