



ORDINANCE NO. _____

**AN URGENCY ORDINANCE
AMENDING ARTICLE 6, TITLE 130 OF THE EL DORADO COUNTY CODE
TO ADDRESS TEMPORARY EMERGENCY HOUSING,
RESILIENCY, AND REBUILDING AFTER THE 2021 CALDOR FIRE TO ADD SECTION
130.69.360 – COMMUNITY SERVICES**

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 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, in addition to displacing residents, the Caldor Fire has also destroyed buildings which previously housed essential community services, including a Pioneer Fire Protection District station and a U.S. Post Office; and

WHEREAS, the Board of Supervisors finds that amendments to Chapter 130.69 of Title 130, Article 6 of the El Dorado County Ordinance Code are essential immediately to allow the fastest possible transition for displaced Community Services in order to continue supporting the health and safety of the communities destroyed by the Caldor Fire.

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. Article 6, Title 130 of the El Dorado County Ordinance Code entitled “Caldor Fire Resiliency and Rebuilding” is hereby amended to add Section 130.69.360 “Community Services” to Chapter 130.69 as follows:

Section 130.69.360 – Community Services

Notwithstanding any contrary provision of County Code, any Community Services on a fire-damaged lot in the burn area may be relocated to an existing building in any Residential, Commercial, Agricultural, Rural, and Resource, Industrial, or Research and Development Zone District subject only to a Temporary Use Permit in accordance with Section 130.52.060, and if required, a building permit for renovations. Nothing in this title waives or affects any requirements

under state law applicable to such facilities. The Temporary Use 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 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.

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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 _____, 2021, by the following vote of said Board:

Ayes:

Noes:

Absent:

ATTEST

KIM DAWSON

Clerk of the Board of Supervisors

Deputy Clerk

John Hidahl, Chair, Board of Supervisors

**APPROVED AS TO FORM
DAVID LIVINGSTON
COUNTY COUNSEL**

By: _____

David Livingston
County Counsel