



ORDINANCE NO. 5163

**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 AMEND
SECTION 130.69.260 – PERMIT FEE REDUCTIONS AND WAIVERS AND ADD SECTION
130.69.370 – ENVIRONMENTAL MANAGEMENT DEPARTMENT PERMIT FEES**

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, as reported by 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; 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, on December 14, 2021, the Board of Supervisors adopted Ordinance 5156 amending Chapter 130.69 of Title 130, Article 6 of the El Dorado County Ordinance Code entitled “Caldor Fire Resiliency and Rebuilding” to add Section 130.69.360 “Community Services” to Chapter 130.69, making findings that such amendments are essential to immediately 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; and

WHEREAS, following the Board’s adoption of Urgency Ordinance 5150 and the containment of the Caldor Fire, the Planning and Building Department developed a Caldor Fire Permit Fee Reduction and Waiver Program consistent with the criteria under Chapter 130.69 of Title 130, Article 6, Section 130.69.130, Implementation, Section 130.69.260, Permit Fee Reductions and Waivers, in order to expedite the permit fee reduction and waiver process and provide a form of

financial relief to eligible displaced residents within the burn area during the rebuilding and recovery process and to facilitate the rebuilding of properties of displaced County residents; and

WHEREAS, through the Planning and Building Department's ongoing implementation of the Caldor Fire Permit Fee Reduction and Waiver Program, it has become evident that the majority of the Caldor Fire fee waiver applicants have insurance and are experiencing significant challenges in obtaining sufficient documentation from their insurance companies in order to meet the criteria of Section 130.69.260 and be considered eligible for a permit fee reduction or waiver; and

WHEREAS, in addition to permitting fees charged by the Planning and Building Department, the Environmental Management Department also has permitting requirements and fees for residential wells and septic systems that are applicable to residents displaced by the Caldor Fire; and

WHEREAS, upon concurrence from the Environmental Management Department Director, Environmental Management Department fees charged pursuant to Chapter 8.39, Well Construction and Water Supply Standards, of Title 8, and Chapter 110.32, Onsite Wastewater Treatment Systems, of Title 110, for residential wells and septic systems shall be included as eligible permitting fees to be reduced or waived under Chapter 130.69 of Title 130, as amended; and

WHEREAS, the Board of Supervisors finds that County residents continue to suffer housing and shelter displacement due to the effects of the Caldor Fire and urgent action on both Planning and Building and Environmental Management permit fee reductions and waivers is necessary to preserve the public health and safety of these displaced County residents; and

WHEREAS, the Board of Supervisors finds that amendments to Chapter 130.69 of Title 130, Article 6, Section 130.69.260, Permit Fee Reductions and Waivers, and the addition of Section 130.69.370, Environmental Management Department Permit Fees, of the El Dorado County Ordinance Code provide a significant and immediate public benefit and are necessary in order to provide an increased level of financial relief to residents displaced 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 replace Section 130.69.260, Permit Fee Reductions and Waivers, in its entirety and add Section 130.69.370, Environmental Management Department Permit Fees, as follows:

Section 130.69.260 – Permit Fee Reductions and Waivers

- A. Upon written request of an applicant, the Planning and Building Department Director, or designee, shall reduce or waive applicable permit fees adopted and charged by the Planning and Building Department and Environmental Management Department for:
1. Permits necessary for temporary emergency housing for displaced persons on fire-damaged lots in the burn area including, but not limited to, Temporary Mobile Home and Temporary Recreational Vehicle (RV) permits, Temporary Electrical permits, and Temporary Storage permits; or
 2. Permits necessary for demolition, repair, or replacement of a destroyed or damaged dwelling or structure on fire-damaged lots in the burn area, provided that the repair or replacement is substantially equivalent to the damaged or destroyed dwelling or structure, the applicant owned the lot as of August 14, 2021, and the permit application is submitted prior to the expiration of this Chapter 130.69; or
 3. Permits necessary for demolition, repair, or replacement of destroyed or damaged water wells and/or onsite wastewater treatment systems (septic systems) on fire-damaged lots in the burn area, provided that the repair or replacement is substantially equivalent to the damaged or destroyed water well and/or septic system, the applicant owned the lot as of August 14, 2021, and the permit application is submitted prior to the expiration of this Chapter 130.69.
- B. Before seeking a Caldor Fire permit fee reduction or waiver, an applicant must provide written documentation to the satisfaction of the Planning and Building Department Director, or his or her designee, establishing that the applicant (1) did not have insurance; or (2) did have insurance at the time of the damage or destruction of the dwelling or structure.

Upon review of an applicant's permit fee reduction or waiver request and confirmation of eligibility, the Planning and Building Department shall waive all applicable Caldor Fire permit fees as follows:

1. Applicants that did not have insurance are eligible for a waiver of one hundred percent (100%) of all applicable permit fees charged by the Planning and Building Department and Environmental Management Department; or
2. Applicants that did have insurance, regardless of the extent of dwelling and/or structure coverage or are determined to be underinsured, are eligible for a waiver of one hundred percent (100%) of all applicable permit fees charged by the Planning and Building Department and Environmental Management Department.

- C. No permit fee reduction or waiver may be granted for any permit for an illegal use or structure.
- D. Permit fee reductions and waivers under this section are exempt from the Board of Supervisors Policy B-2.

Section 130.69.370 – Environmental Management Department Permit Fees

- A. Notwithstanding any contrary provisions of Chapter 8.39 of Title 8, a water well permit is required for any digging, drilling, deepening, modifying, repairing, or destroying of a water well, cathodic protection well, soil boring, monitoring well, geothermal heat exchange well, or any other type of well excavation that may intersect groundwater. Prior to undergoing any of the aforementioned work, an applicant must apply for and receive a permit from the Environmental Management Department, unless exempted by law. Any associated permit fees for the demolition, repair, or replacement of a destroyed or damaged water well in the Caldor Fire burn area shall be waived in accordance with the provisions of Section 130.69.260.
- B. Notwithstanding any contrary provisions of Chapter 110.32 of Title 110, an onsite wastewater treatment system (OWTS) or septic system permit is required for any activities related to OWTS design and installation, as provided for in the County's OWTS manual, including but not limited to, site evaluation, percolation testing, and OWTS installation, alteration, repair, replacement, or destruction. Prior to undergoing any of the aforementioned work, an applicant must apply for any receive a permit from the Environmental Management Department. Any associated permit fees for the demolition, repair, or replacement of a destroyed or damaged OWTS in the Caldor Fire burn area shall be waived in accordance with the provisions of Section 130.69.260.

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 displaced 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 23rd day of August, 2022, by the following vote of said Board:

Ayes: Parlin, Thomas, Hidahl, Turnboo, Novasel

Noes: None

Absent: None

ATTEST

KIM DAWSON

Clerk of the Board of Supervisors

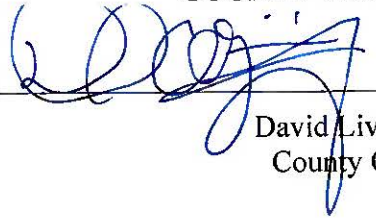


Deputy Clerk



Lori Parlin, Chair, Board of Supervisors

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

By: 
_____ David Livingston
County Counsel