



Legislation Details (With Text)

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Title: Planning and Building Department recommending the Board adopt and authorize the Chair to sign Resolution of Intention 001-2023 to Amend Title 130 of the County Zoning Ordinance, Chapter 130.68 - Post-Disaster Rebuilding.

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Approved Contract Routing Sheet, 2. B - Resolution of Intention to Amend Chapter 130.68 - Post-Disaster Rebuilding, 3. Executed Resolution 001-2023

Date	Ver.	Action By	Action	Result
1/3/2023	1	Board of Supervisors	Approved	Pass

Planning and Building Department recommending the Board adopt and authorize the Chair to sign Resolution of Intention **001-2023** to Amend Title 130 of the County Zoning Ordinance, Chapter 130.68 - Post-Disaster Rebuilding.

FUNDING: N/A

DISCUSSION / BACKGROUND

In 2021 and 2022, the County experienced two (2) fast-moving and widespread wildfires known as the Caldor Fire and the Mosquito Fire respectively. These fires quickly devastated homes in several communities within the County and forced residents to quickly evacuate and seek alternative shelter. Beginning on August 14, 2021 and contained 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. The Mosquito Fire, which began on September 6, 2022 and was contained on October 27, 2022, burned a total of 76,788 acres and destroyed a total of 31 structures, including 12 single family residences and 19 accessory structures. A local emergency for each fire was declared at the County level following a declaration of a State of Emergency by the Governor of California, with an additional declaration at the federal level by the President of the United States as a result of the Caldor Fire.

As an initial step in the recovery and rebuilding process following the Caldor Fire, the Planning and Building Department (Department) prepared an amendment to the County’s Zoning Ordinance under Urgency Ordinance 5150 entitled “Caldor Fire Resiliency and Rebuilding Ordinance,” adding Chapter 130.69 of Title 130, Article 6 of the El Dorado County Ordinance Code to address and provide for temporary emergency housing options for residents displaced by the Caldor Fire and also include provisions to aid during the repair and reconstruction of damaged and/or destroyed dwellings and other structures within the burn area through permit fee reductions and waivers based on eligibility criteria established within the ordinance. Urgency Ordinance 5150 was adopted by the Board on

September 10, 2021 (File No. 21-1469, Item No. 3). On December 14, 2021, (File No. 21-1971, Item No. 53), the Board adopted Urgency Ordinance 5156, further amending Chapter 130.69, adding Section 130.69.360, Community Services, to provide for the relocation of Community Services on a fire damaged lot in the burn area to an existing building in any Residential, Commercial, Agricultural, Rural, Resource, Industrial, or Research and Development Zone District under a Temporary Use Permit. Chapter 130.69 was again amended under Urgency Ordinance 5163, which was adopted by the Board on August 23, 2022 (File No. 22-1365, Item No. 19) and further established the permit fee waiver criteria.

While the County's initial response and recovery efforts following the Mosquito Fire are still ongoing, the Department prepared an additional amendment to the County's Zoning Ordinance under Urgency Ordinance 5172 entitled "Mosquito Fire Resiliency and Rebuilding Ordinance." Adding Chapter 130.69.A of Title 130, Article 6 of the El Dorado County Ordinance Code. Similar to the Caldor Fire Resiliency and Rebuilding Ordinance, including subsequent amendments, and consistent with previous Board approval and direction, Urgency Ordinance 5172 includes provisions to address temporary emergency housing options and permit fee waiver eligibility criteria for permit fees charged by the Planning and Building Department and Environmental Management Department.

During the preparation of the ordinance above for the Mosquito Fire, staff determined that a permanent amendment to the Zoning Ordinance to address the post-disaster rebuilding process was needed in order to respond in a more timely manner for future declared disasters. As evidenced by 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 and defined criteria for overall County disaster response.

In accordance with the County Zoning Ordinance, Title 130, Chapter 130.63, Section 130.63.020, Ordinance Amendments and Zone Change Applications, County-initiated Zoning Ordinance amendments must be initiated by a Resolution of Intention by the Board of Supervisors. Staff are recommending that the Board approved further amendments to the Zoning Ordinance, Chapter 130.68, Post-Disaster Rebuilding, which will be replaced in its entirety to create general County regulations related to declared disasters, including process and applicability requirements.

Key areas of focus for amendments to Chapter 130.68 include sections such as:

- Title
- Purpose and Applicability Process
- Definitions and Specialized Terms and Phrases
- Implementation
- Term and Expiration
- Conflict with State Law
- Temporary Permit Types
- Temporary Emergency Housing
- Permit Fee Reductions and Waivers
- Priority Permit Processing
- CEQA Exemption

Following the Board's adoption of this ROI, staff will prepare public review drafts of the proposed amendments to Chapter 130.68 and proceed with the preparation of all necessary documentation and environmental require as required by the California Environmental Quality Act. Upon completion, staff will schedule public hearings with the Planning Commission to receive public comment, review applicable environmental documents, and forward recommendations to the Board for consideration at the final adoption hearings.

ALTERNATIVES

The Board may choose not to adopt this ROI to amend Title 130, Chapter 130.68, and direct staff to explore other options.

PRIOR BOARD ACTION

See Discussion/Background above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

N/A

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

There is no change to Net County Cost associated with the Board's adoption of the proposed ROI. It's anticipated that the amendment to Title 130, Chapter 130.68, will be completed by staff and not require the use of consultant services. Costs associated with public noticing will be absorbed in the Department's Fiscal Year 2022-23 and/or Fiscal Year 2023-24 budget. Implementation of the Ordinance for future disasters may incur costs depending on the size and nature of the disaster and the specific application of the Ordinance as determined by the Board. The Ordinance will provide flexibility in applying rebuilding assistance considering all circumstances of the particular disaster. An estimate of potential costs will be provided at the time options are considered based on historical data and information available at the time of the disaster.

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) The Clerk of the Board will obtain the Chair's signature on one (1) original copy of the ROI; and
- 2) The Clerk of the Board will forward one (1) signed copy of the ROI to the Planning and Building Department, attention Tom Meyer, for further processing.

STRATEGIC PLAN COMPONENT

Good Governance, Healthy Communities, and Public Safety - The Board's adoption of the proposed ROI to amend Title 130, Chapter 130.68 supports these County Strategic Plan goals by establishing standards and procedures to help expedite the interim housing process by providing quicker access to safe and permitted temporary housing of those displaced by declared disasters while also lessening the financial burden of those affected through additional financial relief options.

CONTACT

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