



## Legislation Details (With Text)

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**Type:** Agenda Item      **Status:** Approved

**File created:** 11/18/2020      **In control:** Board of Supervisors

**On agenda:** 12/2/2020      **Final action:** 12/2/2020

**Title:** Planning and Building Department, Planning Division, Long Range Planning, and the Urgency Housing Ad Hoc Committee, recommending the Board:

- 1) Approve Urgency Ordinance 5136, adopting amendments to Title 130 of the El Dorado County Ordinance Code to temporarily amend restrictions for the limited use of recreational vehicles as a temporary housing option for hardship purposes;
- 2) Find that 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); and
- 3) Direct staff to report to the Board in two years concerning the implementation and status of the limited use of recreational vehicles as a temporary housing option for hardship purposes. (4/5 vote required)

FUNDING: N/A

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. A - Blue Route Urgency Ordinance.pdf, 2. B - Urgency Housing Ordinance.pdf, 3. C - Summary Ordinance\_Urgency Ordinance Temp Use of RVs.pdf, 4. Public Comment BOS Rcvd 11-30-2020, 5. Public Comment BOS Rcvd 12-1-2020, 6. Proof of Publication, 7. Executed Ordinance 5136, 8. Proof of Publication-Mt Democrat (Summary of Proposed Ordinance)

Date	Ver.	Action By	Action	Result
12/2/2020	1	Board of Supervisors	Approved	Pass

Planning and Building Department, Planning Division, Long Range Planning, and the Urgency Housing Ad Hoc Committee, recommending the Board:

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- 3) Direct staff to report to the Board in two years concerning the implementation and status of the limited use of recreational vehicles as a temporary housing option for hardship purposes. (4/5 vote required)

**FUNDING:** N/A

### DISCUSSION / BACKGROUND

The COVID-19 pandemic and the corresponding Executive Orders by Governor Newsom threaten to exacerbate the housing crisis within El Dorado County for our most vulnerable populations affecting

individual and community-wide health and safety unless specific temporary housing measures are taken while provisions for permanent housing are sought.

On May 5, 2020 (Legistar 20-0396, Item 24) the Board of Supervisors established an Ad Hoc Committee to address the immediate need for affordable housing alternatives and to consider options to allow for the limited use of recreational vehicles as temporary housing. The Ad Hoc Committee was tasked to address health and safety measures necessary 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.

The Ad Hoc Committee included Supervisors Parlin and Veerkamp, representatives and input from the Planning and Building Department, including the Planning Division, Building Division, Code Enforcement Division, Economic Development Division and Long Range Planning Unit, along with the Environmental Management Department, the Chief Administrative Office and County Counsel.

The Committee reviewed similar ordinances in other jurisdictions and considered procedural options to meet the urgent needs of local citizens while protecting the healthy safety and welfare of all county residents. It was determined that amendments to Title 130 of the El Dorado County Ordinance Code to temporarily amend restrictions for the limited use of recreational vehicles as a temporary housing option for hardship purposes would be the most expedient and accountable method to address the current crisis given that the option to use a recreational vehicle as temporary housing aligns with the process and procedures established for the County's Temporary Mobile Home Permit program.

The Urgency Ordinance for Temporary Housing Options complies with Government Code 25131 which allows urgency ordinances to be passed immediately upon introduction at either a regular or special meeting, and Government Code 25123 which 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 four-fifths vote of the Board of Supervisors, and are effective immediately.

### **GENERAL PROVISIONS FOR RVs AS TEMPORARY HOUSING**

The Urgency Ordinance for Temporary Housing Options would establish that a "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 Title 130.

If approved, a TRV may be used to provide temporary housing for a property owner or family member or to allow for in-home care of family members who reside on the lot. A TRV may also be used to provide temporary housing for a caretaker where the purpose of the caretaker is to assist elderly or disabled homeowner(s) with their personal care or the care and protection of their property.

For the purposes of the Urgency Ordinance for Temporary Housing Options, a Temporary Recreational Vehicle is defined 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.

The applicant for a TRV shall comply with all development standards for the zone and any other statutes and ordinances relating to building, fire, and health codes. A Temporary Mobile Home Permit for a TRV is valid for two years subject to meeting County standards. The County may revoke a Temporary Mobile Home Permit for a TRV if the placement or occupancy of the recreational vehicle is in violation of any local, state or federal laws or regulations, or creates a nuisance.

The Urgency Ordinance for Temporary Housing Options would sunset three years from the date of adoption (December 2, 2023) upon which date no new TRV permits may be issued or renewed. Staff, if so directed, would return to the Board in two years (December of 2022) with a report on the implementation and status of the program allowing the Board time to consider extending the program beyond three years or allowing it to sunset in 2023.

### **ENVIRONMENTAL CLEARANCE**

This action 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 for Temporary Housing Options is required to implement future ministerial projects that will reduce threats to health and property, while increasing a temporary housing stock. The limited use of 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 for Temporary Housing Options would not have the potential to cause a significant environmental impact, and no further CEQA analysis is needed.

### **ALTERNATIVES**

The Board could choose to not approve the Urgency Ordinance for Temporary Housing Options, thereby prohibiting the use of recreational vehicles as temporary housing, except as currently allowed under limited instances described in Section 130.52.050 (Temporary Mobile Home Permit) in Article 5 (Planning Permit Processing) of Title 130.

### **PRIOR BOARD ACTION**

On May 5, 2020 (Legistar 20-0396, Item 24) the Board of Supervisors established an Ad Hoc Committee to address the immediate need for affordable housing alternatives and to consider options to allow for the limited use of recreational vehicles as temporary housing.

### **OTHER DEPARTMENT / AGENCY INVOLVEMENT**

Planning and Building Department, including the Planning Division, Building Division, Code Enforcement Division, Economic Development Division and Long Range Planning Unit, Environmental Management Department, the Chief Administrative Office and County Counsel. County Counsel reviewed and approved (pending) the Ordinance and the program.

### **FINANCIAL IMPACT**

No new or additional funding is required to implement or administer this Urgency Ordinance.

### **CAO RECOMMENDATION/COMMENTS**

Approve as recommended.

### **CLERK OF THE BOARD FOLLOW UP ACTIONS**

- 1) Obtain the Chair's signature on the urgency ordinance summary and publish in the newspaper no less than 5 days prior to Final Passage.
- 2) Publish the summary ordinance to include the final Board vote within 15 days after Final Passage.
- 3) Send the full ordinance to Municode for codification following Final Passage.

### **STRATEGIC PLAN COMPONENT**

Economic Development & Healthy Communities - The Urgency Ordinance for Temporary Housing Options supports the County's Strategic Plan goal of Economic Development by developing affordable housing options. Providing affordable housing options supports the Healthy Communities goal by providing low-income residents with housing.

### **CONTACT**

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