



## Legislation Text

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**File #:** 21-1469, **Version:** 1

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**HEARING** - Planning and Building Department, Planning Division staff, recommending the Board:

- 1) Adopt Urgency Ordinance **5150**, entitled "Caldor Fire Resiliency and Rebuilding Ordinance" (OR21-0001), adding Chapter 130.69 to Title 130 (Zoning) of the El Dorado County Ordinance Code, 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 or provide direction to staff to make modifications to the proposed urgency ordinance and return to the Board on September 21, 2021 for adoption;
- 2) If adopted, find that the urgency ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to statutory exemption Public Resource Code Section 21080(b)(3) (projects to maintain, repair, restore, or replace property or facilities damaged or destroyed as a result of a declared disaster); Public Resource 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); CEQA Guideline Section 15269(c) (specific actions necessary to prevent or mitigate an emergency); and CEQA Guideline Section 15061(b)(3) (Common Sense Exemption); and
- 3) If adopted, authorize the Chair to sign Urgency Ordinance **5150**. (4/5 vote required)

**FUNDING:** N/A

### **DISCUSSION / BACKGROUND**

On August 14, 2021, conditions of extreme peril to the safety of persons and property commenced within the County of El Dorado caused by the Caldor Fire, at which time the Board of Supervisors was not in session.

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.

According 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. The Sheriff as the Director of the Office of Emergency Services proclaimed a local emergency on August 17, 2021, based on conditions of extreme danger to the safety of person and property within the territorial limits of the County of El Dorado as result of the Caldor Fire.

On August 19, 2021, the Board of Supervisors ratified the local emergency proclaimed by the Sheriff as the County's Director of the Office of Emergency Services, by signing Resolution 104-2021. The Executed Resolution 104-2021, shall continue in effect until terminated by the Board of Supervisors.

The housing units destroyed by the Caldor Fire amplifies the County's existing lack of availability of temporary shelter to adequately house our most vulnerable populations and increases the need to provide for additional temporary housing units for families displaced by the Caldor Fire due to the destruction of their homes. The Ordinance provides for temporary housing options including the use of recreational vehicles and mobile homes as temporary emergency housing, rental of accessory

structures, and the potential for "safe parking sites". There is also a discussion of fee waivers for reconstruction or repair of structures, where the owner did not have insurance or where insurance was insufficient to cover fees. The Ordinance also addresses the waiver of certain requirements or permits to prioritize recovery efforts. County staff advises the Board of Supervisors find that amendments to the County's Title 130 Zoning Ordinance are necessary to allow for the fastest possible transition of displaced residents to interim and long-term shelter, including the rebuilding of homes and communities destroyed by the Caldor Fire.

The Urgency Ordinance for Caldor Fire Resiliency and Rebuilding complies with Government Code Section 25131, which allows urgency ordinances to be passed immediately upon introduction at either a regular or special meeting. Subsequently, 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 four-fifths vote of the Board of Supervisors, and are effective immediately.

### **OUTLINE OF DECISION MAKING POINTS**

In preparation of the proposed urgency ordinance, staff surveyed other jurisdictions and reviewed their ordinances to analyze how they have addressed key decision making topics related to fire disaster recovery. The Ordinance reflects staff's recommendation, but the Board could direct that staff make revisions if other policies are preferred. The survey and analysis can be found in the document entitled, "Survey of Recovery Ordinances" attached to this Legistar item (Attachment C). The proposed urgency ordinance addresses the following topics:

- Temporary Housing Options
- Shipping Containers for Temporary Storage
- Campground and Recreational Vehicle Parks
- Permit Revocation
- Caldor Fire Safe Parking Sites
- Meyers Area Plan (MAP) Zone
- Permit Fee Reductions and Waivers
- Development Impact Fees
- Legal Nonconforming Uses and Structures
- Lot Line Adjustments
- Child Care and Education Facilities
- Existing Discretionary Permits

### **ALTERNATIVES**

The Board could choose to not approve Caldor Fire Resiliency and Rebuilding Ordinance (OR21-0001), thereby prohibiting the use of temporary recreational vehicles, mobile homes, and other temporary housing options outlined in this ordinance, 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. The Board could also choose to provide direction to staff to make modifications to the proposed urgency ordinance and return to the Board on September 21, 2021 for adoption.

### **PRIOR BOARD ACTION**

On December 2, 2020 (Legistar 20-1377, Item 14) the Board of Supervisors approved and adopted Ordinance 5136 (Temporary Housing Option Recreational Vehicle), which temporarily amended restrictions for the limited use of recreational vehicles as a temporary housing option for hardship purposes for lots measure one acre or larger. The exception of Ordinance 5136 indicates a temporary recreational vehicle or temporary mobile home 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.

On August 19, 2021 (Legistar 20-1396, Item 1) the Board of Supervisors ratified the Local Emergency by signing Resolution 104-2021. The Local Emergency was originally proclaimed by the County Sheriff, who is the County's Director of the Office of Emergency Services due to conditions of extreme peril from an imminent and proximate threat from the Caldor Fire that began on August 14, 2021.

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

Building Division, Environmental Management Department, members from El Dorado County Fire Prevention Officers Association, Chief Administrative Office, and County Counsel. County Counsel reviewed and approved the (pending) urgency ordinance and program.

### **CAO RECOMMENDATION / COMMENTS**

Approve as recommended, or provide staff with feedback on provisions of the Ordinance and direct staff to return to the Board on September 21, 2021 with an updated version for adoption.

### **FINANCIAL IMPACT**

Additional resources, including additional staffing, will be necessary to implement this Ordinance and to respond to the Caldor Fire disaster without significantly impacting the Department's existing operations. The exact amount of resources needed is unknown at this time, as the situation is still developing. Staff will return to the Board once the magnitude of the disaster is known and an accurate estimate can be provided. No new or additional funding is required to adopt this urgency ordinance.

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

- 1) Obtain the Chair's signature on the urgency ordinance.
- 2) Publish the 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**

Good Governance, Healthy Communities, and Public Safety - The Urgency Ordinance for Caldor Fire Resiliency and Rebuilding supports the County's Strategic Plan goal of Good Governance by establishing standards and procedures to help expedite the interim housing of those affected by the Caldor Fire. Providing temporary emergency housing options supports the Healthy Communities goal by providing Caldor Fire displaced persons with housing. The urgency ordinance establishes procedures for when temporary emergency housing may be permitted or located on a fire-damaged lot with concurrence from environmental management to support the County's Strategic Plan goal of Public Safety.

### **CONTACT**

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