



Legislation Details (With Text)

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On agenda: 12/14/2021 **Final action:** 12/14/2021

Title: HEARING - Planning and Building Department, Planning Division, recommending the Board:
1) Adopt and authorize the Chair to sign Urgency Ordinance 5156, adding Section 360, Community Services, to Chapter 130.69, Caldor Fire Resiliency and Rebuilding, of Title 130 (Zoning) of the El Dorado County Ordinance Code, to provide for the relocation of Community Services on a fire-damaged lot in the burn area to be relocated to an existing building;
2) 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) (4/5 vote required).

FUNDING: N/A

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Counsel Approval, 2. B - Section 130.69.360 Community Services Red-line, 3. C - Community Services Ordinance 130.69.360, 4. Executed Ordinance 5156

Date	Ver.	Action By	Action	Result
12/14/2021	1	Board of Supervisors	Approved	Pass

HEARING - Planning and Building Department, Planning Division, recommending the Board:
1) Adopt and authorize the Chair to sign Urgency Ordinance **5156**, adding Section 360, Community Services, to Chapter 130.69, Caldor Fire Resiliency and Rebuilding, of Title 130 (Zoning) of the El Dorado County Ordinance Code, to provide for the relocation of Community Services on a fire-damaged lot in the burn area to be relocated to an existing building;
2) 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) (4/5 vote required).

FUNDING: N/A

DISCUSSION / BACKGROUND

On August 14, 2021, the Caldor Fire erupted in El Dorado County, quickly spread, and threatened the safety of residents and property. While the fire continued to burn, the Board of Supervisors

acknowledged the need 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.

On September 10, 2021, the Board of Supervisors adopted an urgency ordinance (Ordinance 5150), adding Chapter 130.69 of Title 130, Article 6 of the El Dorado County Ordinance Code entitled “Caldor Fire Resiliency and Rebuilding” to provide 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.

It has come to the attention of staff that, in addition to displacing residents, the Caldor Fire has also destroyed buildings which previously housed essential community services, including the Pioneer Fire Protection District. Such services are critical to the ongoing recovery effort, and to continue supporting the health and safety of the communities destroyed by the Caldor Fire. The proposed section 130.69.360, Community Services, allows for Community Services on a fire-damaged lot in the burn area to be relocated to an existing building in any Residential, Commercial, Agricultural, Rural, and Resource, Industrial, or Research and Development Zone District subject to a Temporary Use Permit in accordance with Section 130.52.060, and if required, a building permit for renovations.

This amendment to 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.

ALTERNATIVES

The Board could choose to not approve the amendment to the Caldor Fire Resiliency and Rebuilding Ordinance. The Board could also choose to provide direction to staff to make modifications to the proposed urgency ordinance and return to the Board at a later date for adoption.

PRIOR BOARD ACTION

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.

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.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

Building Division, Environmental Management Department, members from El Dorado County Fire Prevention Officers Association, Chief Administrative Office, and County Counsel.

CAO RECOMMENDATION / COMMENTS

Approve as recommended.

FINANCIAL IMPACT

No new or additional funding is anticipated to be needed in order to implement this change to the 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 the relocation of community services to support the County's Strategic Plan goal of Public Safety.

CONTACT

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