

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA

Certified copy of portion of proceedings; Meeting on June 27, 2023

Resolution No. 23-97

Resolution of the Board of Supervisors of the County of Humboldt AUTHORIZING THE ADOPTION OF THE SAFETY ELEMENT INTO THE GENERAL PLAN CONSISTENT WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

**WHEREAS**, the County of Humboldt recognizes the threat that natural hazards pose to people and property within our community; and

**WHEREAS**, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

**WHEREAS**, the U.S. Congress passed the Disaster Mitigation Act of 2000 emphasizing the need for pre- and post-disaster mitigation of potential hazards; and

**WHEREAS**, an adopted Local Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

**WHEREAS**, the Humboldt County Operational Area Hazard Mitigation Plan was approved by the California Governor's Office of Emergency Services (Cal OES) on 10/24/2019 and submitted to the Federal Emergency Management Agency (FEMA) for approval. On 1/2/2020, FEMA determined the Hazard Mitigation Plan is eligible for approval pending adoption by participating jurisdictions; and

**WHEREAS**, the Board of Supervisors adopted the Humboldt County Operational Area Hazard Mitigation Plan with Resolution No. 20-17, at a Public Hearing on 2/25/2020; and

**WHEREAS**, Humboldt County desires to comply with the requirements of the federal Disaster Mitigation Act of 2000 and to augment its emergency planning efforts by formally adopting the Humboldt County Local Hazard Mitigation Plan by reference into the Safety Element of the General Plan in accordance with the requirements of AB 2140;

**WHEREAS**, state law requires updates to the Safety Element or Local Hazard Mitigation Plan (LHMP) to incorporate updated mapping, risk analysis, and other data associated with hazard conditions within the County, including new data and applicable policies around particular topics, such as evacuation routes, identification of building footprints, drainage maintenance, and clearances around structures pursuant to Government Code Section 65302(g)(1);

**WHEREAS**, state law requires updates to the Safety Element include new flood mapping, historical data on flooding, and updated information on the regulatory policy framework associated with flooding pursuant to Government Code Section 65302(g)(2);

**WHEREAS**, state law requires updates to the Safety Element or LHMP to contain the most recent wildfire mapping, information about recent wildfire events, data on land uses in wildfire-prone areas, and information about agencies with responsibility for fire protection and where policies and implementation measures in the Safety Element ensure protection of new land uses, new essential public facilities, and key infrastructure against wildfires pursuant to Government Code Section 65302(g)(3);

**WHEREAS**, state law requires updates to the Safety Element to include a reference to the vulnerability assessment and to incorporate into the Safety Element a set of goals, policies, and implementation actions to improve community resilience pursuant to Government Code Section 65302(g)(4) (codifies Senate Bill SB 379);

**WHEREAS**, the Safety Element demonstrates the County's commitment to resilience by including a Climate Change Vulnerability Assessment to identify populations and assets at risk of harm and a set of strategies to promote adaptation to changing conditions, pursuant to Government Code Section 65302(g)(4);

**WHEREAS**, state law requires updates to the Safety Element to identify residential developments located in hazard-prone areas that lack at least two evacuation routes pursuant to Government Code Section 65302(g)(5) (codifies SB 99);

**WHEREAS**, state law requires counties that contain State Responsibility Areas (SRA) and Very High Fire Severity Zones (VHFHSZ) to submit their Safety Element to the Board of Forestry and Fire Protection/CAL FIRE and to local agencies that provide fire protection within their jurisdiction for review, pursuant to Government Code Section 65302.5(b);

**WHEREAS**, state law at California Government Code section 65302 (g)(6) requires all jurisdictions to update the Safety Element pursuant to an eight-year time frame;

**WHEREAS**, the Board of Forestry and California Department of Forestry and Fire Protection (CAL FIRE) provided a Formal Safety Element Assessment of the County's existing Safety Element which provided recommendations for additional information, policy revisions, and implementation measures which have been incorporated into the 2023 Safety Element Update;

**WHEREAS**, the County submitted the draft updated Safety Element to CAL FIRE and received and incorporated feedback and comments;

**WHEREAS**, on **April 20, 2023**, the Humboldt County Planning Commission held a duly noticed public hearing during which the Planning Commission reviewed, considered, and

discussed the Safety Element Update, reviewed and considered all evidence and testimony presented at the hearing, and recommended that the Board of Supervisors adopt the Safety Element as a part of the General Plan;

**Now, THEREFORE BE IT RESOLVED**, that the Board of Supervisors makes all the following findings:

**CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).**

**1. FINDING:** The project is exempt from CEQA because it can be seen with certainty that there is no possibility that the Safety Element Update may have a significant effect on the environment per the State CEQA Guidelines 15061(b)(3).

- EVIDENCE:**
- a) The Safety Element does not entitle development but requires consideration of information important to protect the public health and safety as part of new development.
  - b) The update of the Safety Element does not involve ground disturbance or ground disturbing activities.
  - b) The update of the Safety Element does not pose the possibility of creating or amplifying impacts already identified or mitigated for.
  - d) Items which have been included in this General Plan Amendment only strengthen or clarify information that is already known.
  - f) The amendments are necessary to comply with state requirements and increase resiliency of structures and the environment in unincorporated areas to man-made and natural disasters, a main focus of the CEQA Guidelines.

**CONSISTENCY WITH THE GENERAL PLAN AND STATE LAW.**

**2. FINDING:** The Safety Element Update is necessary for County operation in order to comply with State Statute. This is a required change to the General Plan.

- EVIDENCE:**
- a) General Plan Policy GP-7 provides that the General Plan undergo periodic review and update for consistency with state law.
  - b) The proposed Safety Element Update responds to new requirements of state law regarding General Plans, which are considered changes to the base information of the General Plan.
  - c) Senate Bill (SB) 379 (approved in 2015) requires the Safety Element update to include a set of goals, policies, and objectives based on a vulnerability assessment that identifies the risks that Climate Change

poses on a local jurisdiction and the geographic areas at risk from Climate Change impacts.

- d) Assembly Bill (AB) 747 and SB 99 require local agencies to identify evacuation and evaluate their capacity, safety, and viability infer a range of emergency scenarios and identify residential developments in hazard areas that do not have at least two emergency evacuation routes.

3. **FINDING:** The updated Safety Element has been appropriately reviewed as required by the California Government Code

- EVIDENCE:**
- a) An Initial Review the 2017 Safety Element was conducted by CAL FIRE on August 29, 2018. The Safety Element Update was amended responding to these comments.
  - b) Humboldt County's request for additional engagement was responded to, and staff met with CAL FIRE on April 25, 2023. CAL FIRE stated that there would be two informal reviews conducted by their agency prior to a submission to the Board of Forestry for comment.
  - c) The first CAL FIRE review was submitted on May 24, 2023, and comments were received on May 26, 2023.
  - d) The second CAL FIRE review was submitted on May 31, 2023, and comments on June 2, 2023. All comments were responded to adequately and a Formal Review was requested and received on June 5, 2023.
  - e) The Safety Element Update was formally sent to the Board of Forestry on June 5, 2023, to be considered for comments on July 25, 2023.
  - f) California Office of Emergency Services (Cal OES) responded with no comment on May 22, 2023. Cal OES provides local government reimbursements through the California Disaster Relief Act.

4. **FINDING:** The proposed amendment is in the public interest.

- EVIDENCE:**
- a) The Safety Element Update aims to reduce the potential short- and long-term risks of death, injury, property damage, and economic and social dislocation resulting from fires, floods, droughts, earthquakes, landslides, and climate change.

- b) The Safety Element Update addresses regulations that are current and do not conflict with state law.
- c) The Safety Element contains goals, policies, standards, and implementation measures which have been established on a basis of the hazard vulnerability assessments completed as a part of the Humboldt County Operational Area Hazard Mitigation Plan's vulnerability assessment.
- d) The Safety Element Update makes Humboldt County eligible for one hundred percent of Disaster Relief Funding from the State via Assembly Bill 2140 and the Disaster Relief Act, by formally adopting the Humboldt County Operational Area Hazard Mitigation Plan into the Safety Element.

**5. FINDING:**

The Safety Element is consistent with the requirements of California Government Code Section 65302(g)(5), Assembly Bill 747, and Senate Bill 99 because it identifies hazard areas that do not have at least two emergency evacuation routes.

**EVIDENCE:**

- a) The Humboldt County GIS has been updated to include a "dead-end roads" layer identifying all roadways within the County which do not have at least two emergency evacuation routes.
- b) GIS also includes a "structures footprint" layer within the housing layer dropdown which allows the viewing of existing structures on any property within the County.
- c) The Safety Element has policy and implementation measures to address residential development in areas without two emergency access routes described below.

*S-P57. Evacuation Routes for New Residential Development.*

Require new residential subdivisions within high and very high fire hazard severity zones to have a minimum of two evacuation routes on roads with adequate width for emergency vehicle access.

*S-IM28. Residential Subdivision Restriction.*

New residential subdivisions shall be prohibited in areas not served by at least two emergency evacuation routes in high and very high fire severity zones or where roads do not meet adequate width requirements for emergency vehicle access consistent with State Fire Safe Regulations.

*S-IM39 Sustainable Evacuation Routes.*

The County shall ensure that the next update of the Humboldt County Operational Area Hazard Mitigation Plan (LHMP) include plans to address evacuation routes, their capacity, safety, and viability under a range of emergency scenarios consistent with Assembly Bill 747.

*S-IM40 Improving Inadequate Evacuation Routes.*

The County shall identify areas and populations with inadequate access/evacuation routes. After identifying these routes, improvement plans with specific mitigation measures shall be developed and implemented.

6. **FINDING:** The requirements for government-to-government consultation under SB 18 (Government Code §65352.3) have been complied with.
- EVIDENCE:** a) On February 21, 2023, an invitation for consultation was sent to the Native American Heritage Commission (NAHC).
- b) Letters were sent to the Tribes on February 22, 2023, seeking consultation and establishing a 90-day review period.
- c) On May 22, 2023, the 90-day consultation period came to an end and no requests for consultation were received.
7. **FINDING:** The proposed amendment does not limit the number of housing units which may be constructed on an annual basis, consistent with Government Code Section 65302.8.
- EVIDENCE:** a) No changes in land use are proposed.
- b) There will be no reduction of housing opportunities in residential areas.

NOW, THEREFORE, the Humboldt County Board of Supervisors does hereby:

1. Adopt the Humboldt County Operational Area Hazard Mitigation Plan by reference into the Safety Element of the General Plan in accordance with the requirements of AB 2140.
2. Adopt Safety Element Update including the Humboldt County Operational Area Hazard Mitigation Plan as a part of the General Plan in accordance California Government Code Section 65302(g).
3. Direct staff to submit the adoption resolution to the California Office of Emergency Services and FEMA Region IX officials to enable the plan's final

approval in accordance with the requirements of the Disaster Mitigation Act of 2000 and to establish conformance with the requirements of AB 2140.

4. Direct staff to file a Notice of Exemption pursuant to CEQA.
5. Direct staff to modify the Safety Element Update addressing the following items:
  - a) Rename the “Southern Humboldt Community Clinic” to “Jerod Phelps Community Hospital” within the critical facility map, page 14-27; and
  - b) Include Samoa Field Airport on the Airport map, page 14-42; and
  - c) Include a zoomed-in granular exhibit to the Tsunami Hazard Areas Map on page 14-19, showing areas specifically surrounding Humboldt Bay; and
  - d) Strike mention of Eureka Fire Protection District on page 14-23.


The foregoing Resolution is hereby passed and adopted by the Board of Supervisors on June 27, 2023, by the following vote:

Adopted on motion by Supervisor Arroyo, seconded by Supervisor Wilson and the following vote:

AYES: Supervisors: Arroyo, Wilson, Madrone, Bohn, Bushnell

NOES: Supervisors:

ABSENT: Supervisors:

  
\_\_\_\_\_  
Steve Madrone, Chair  
Humboldt County Board of Supervisors

(SEAL)

ATTEST:  
Kathy Hayes, Clerk of the Board of Supervisors  
of the County of Humboldt, State of California

By:   
\_\_\_\_\_  
Nikki Turner, Deputy Clerk of the Board