



# COUNTY OF HUMBOLDT

## Legislation Text

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**File #:** 23-846, **Version:** 1

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**To:** Board of Supervisors

**From:** Planning and Building Department

**Agenda Section:** Public Hearing

**Vote Requirement:** Majority

**SUBJECT:**

Public Hearing on the Draft Safety Element Update (Chapter 14 of the General Plan); Record # LRP-2023-18064

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Open the public hearing, receive and consider the staff report, and accept public comment; and
2. Deliberate and comment on the draft amendments and alternatives presented; and
3. Adopt the attached resolution to take the following actions:
  - a. Find the amendment to the Safety Element exempt from further CEQA analysis; and
  - b. Make all the required findings; and
  - c. Adopt the proposed amendments to the Safety Element of the General Plan.

**SOURCE OF FUNDING:**

The salary funding for preparing this item is from the General Fund contribution to the Long-Range Planning unit, 1100-282.

**DISCUSSION:**

The proposed updates to the Safety Element will bring it into compliance with new requirements of state law. Proposed additions include maps reflecting the new fire hazard severity zones approved by the state, the new airport land use safety compatibility criteria, and new discussion and policy responding to hazards from the effects of climate change.

The Safety Element is one of seven state-mandated elements included in the county's General Plan. The purpose of the Safety Element is to build into the planning and decision-making process policies ensuring future development will minimize the risk of personal injury, loss of life, property damage, and environmental damage associated with natural and human-made disasters. The county's current Safety Element was adopted and updated in 2017. It covers the following topics: Geologic/Seismic Safety, Flooding and Drainage, Fire Hazards, Airport Safety, Industrial Hazards, and Emergency

## Management.

New state law requires the county to review, and update as needed, the Safety Element every 8 years, concurrent with the county's adoption of either the General Plan Housing Element or the Local Hazard Mitigation Plan (LHMP). The Housing Element and LHMP were both updated in 2019. Adopting the proposed amendments to the Safety Element update by June 30, 2023, will make the county eligible to qualify for full reimbursement of costs incurred responding to the December, 2022 earthquake.

Government Code Section 65302(g) requires the Safety Element address seismic and geologic hazards, evacuation routes, flood hazards, and fire hazards as follows:

- Protect the community from risks associated with a variety of hazards, including seismic activity, landslides, flooding, and wildfire, as required by the California Government Code Section 65302(g)(1).
- Map and assess the risk associated with flood hazards, develop policies to minimize the flood risk to new development and essential public facilities, and establish effective working relationships among agencies with flood protection responsibilities, as required by California Government Code Section 65302(g)(2).
- Map and assess the risk associated with wildfire hazards, develop policies to reduce the wildfire risk to new land uses and essential facilities, ensure there is adequate road and water infrastructure to respond to wildfire emergencies, and establish cooperative relationships with wildfire protection agencies, as required by California Government Code Section 63502(g)(3).
- Assess the risks associated with climate change on local assets, populations, and resources. The element needs to:
  - Identify existing and planned development in at-risk areas and identify agencies responsible for providing public health and safety and environmental protection; and
  - Develop goals, policies, and objectives to reduce the risks associated with climate change impacts, including locating new public facilities outside of at-risk areas, providing adequate infrastructure in at-risk areas, and supporting natural infrastructure for climate adaptation, as required by California Government Code Section 65302(g)(4); and
  - Identify residential developments in any hazard area identified that does not have at least two emergency evacuation routes, as required by California Government Code Section 65302(g)(5).

Senate Bill (SB) 379 (approved in 2015) requires the Safety Element update 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. Assembly Bill (AB) 747 and SB 99 require local agencies to identify evacuation routes and evaluate their capacity, safety, and viability in a range of emergency scenarios and identify residential developments in hazard areas that do not have at least two emergency evacuation routes.

Lastly, all jurisdictions that incorporate their LHMP's into their Safety Elements are eligible to have their disaster recovery costs fully reimbursed by the state through the California Disaster Assistance Act. Compliance with this option incentivizes local jurisdictions to become more resilient to the impacts of natural disasters.

With the proposed amendments to the Safety Element (Attachment 4) it will meet all the above statutory requirements. The updated information includes all the following:

- 1) The addition of a Climate Change section which identifies the greatest risks associated with Climate Change in the county. This includes a discussion of mitigation and resiliency strategies associated with each identified risk factor.
- 2) Enhancements to the Fire Hazards section consistent with comments from CAL FIRE. This includes new FRAP 2022 Fire Hazard Severity Mapping.
- 3) Inclusion of the new Airport Land Use Compatibility Table Criteria, approved in 2021.
- 4) New Dead End Roads Layer on Humboldt GIS which identifies areas that do not have more than one entry or exit for evacuation planning.
- 5) Enhanced discussion of existing sections, with additional Goals, Policies, Standards, and Implementation Measures, consistent with state law. Some Implementation Measures have been removed from the previous document since they have been accomplished since the last update.

The Planning Commission recommended that the Board of Supervisors adopt the Draft Safety Element Update at a public hearing on April 20, 2023 with a unanimous vote.

#### Environmental Review

The proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed amendments may have a significant effect on the environment. Updating the Safety Element requires consideration of information important to protect the public health and safety as part of new development. The update of the Safety Element does not entitle development and does not involve ground disturbing activities. 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, which is a main focus of the CEQA Guidelines.

#### FINANCIAL IMPACT:

During December of 2022 and early January of this year, the county experienced strong earthquakes, killing two and injuring dozens. Rio Dell specifically experienced the blunt of the hit and the city's public response services were severely impacted and overwhelmed. The County of Humboldt allocated funds to offer services to those who may have experienced loss, damage, or require inspection of their home. The county incurred significant costs assisting the City of Rio Dell by sending them Building Inspectors to help identify homes that were no longer safe for occupancy. Additionally, county staff

provided guidance on how to access and apply for emergency assistance to repair or rebuild homes damaged by the earthquake.

Assembly Bill 2140 (passed in 2006) authorizes reimbursement of the costs of disaster assistance to local jurisdictions. If an LHMP is included in the Safety Element the jurisdiction is eligible for full reimbursement of disaster response costs. Adopting the proposed amendments to the Safety Element update by June 30, 2023, would allow up to 100% compensation of the funds allocated from the General Fund in this assistance effort.

It should be understood that if both alternatives to staff recommendation are desired by the Board of Supervisors, that the action would compromise eligibility for Disaster Relief Funding.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework priority of creating opportunities for improved safety and health by strengthening existing policy and framework within the General Plan intended to reduce loss of life, injury and property.

OTHER AGENCY INVOLVEMENT:

Tribal Consultation was initiated in conformance with Senate Bill (SB) 18 on Feb. 21, 2023. This consultation period was 90 days and ended on May 22, 2023. To date, no Tribal requests were received to engage in the review of the Safety Element update.

California Department of Forestry and Fire Protection (CAL FIRE) reviewed the existing Safety Element and identified changes necessary to meet state requirements (Attachment 4).

An Initial Review of the 2017 Safety Element was conducted by CAL FIRE on Aug. 29, 2018. The Safety Element Update was amended responding to these comments. 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.

The First Review was received on May 24, 2023, and responded to on May 26, 2023. The Second Review was received on May 31, 2023, and responded to on June 2, 2023. All comments were responded to adequately and a Formal Review was requested and received on June 5, 2023.

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.

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.

The draft Element was sent to the reviewing agencies on April 11, 2023, and again on June 5, 2023. The department has not received any responses.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors could elect to make specific modifications to the proposed Safety Element update at its discretion. Alternatively, the Board could elect not to approve and adopt the Safety Element Update into the General Plan, finding that the evidence presented does not support making all the required findings. In that case the existing Safety Element would continue to be implemented. Based on the information in this staff report, Planning staff believes the evidence supports making all the required findings and does not recommend further consideration of this alternative.

ATTACHMENTS:

1. Resolution recommending that the Board of Supervisors adopt the Safety Element Update into the General Plan.
2. Resolution of the Planning Commission action on April 20, 2023, recommending that the Board of Supervisors adopt the Safety Element Updates into the General Plan.
3. Resolution No. 20-17, LHMP Adoption February 2020.
4. Safety Element.
5. Agency/Public Comment.

PREVIOUS ACTION/REFERRAL:

Meeting of: April 20, 2023

File No.: 23-549