



COUNTY OF HUMBOLDT

For the meeting of: 4/20/2023

File #: 23-549

To: Planning Commission

From: Planning and Building Department

Agenda Section: Public Hearing

SUBJECT:

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

RECOMMENDATION(S):

That the Planning Commission:

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. Based on evidence in the staff report and public testimony, make all the required findings and adopt the attached Resolution recommending that the Humboldt County Board of Supervisors find that the proposed amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15061, and adopt the proposed amendments to the General Plan

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 eight 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, would make the County eligible to qualify for full reimbursement of costs incurred responding to the December 2022 earthquake.

Government Code Section 63502(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. Note existing and planned development in at-risk areas and identify agencies responsible for providing public health and safety and environmental protection. 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).
- 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 under 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 2) 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 CalFire. 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.

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. 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.

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 their 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

OTHER AGENCY INVOLVEMENT:

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

CalFire reviewed the existing Safety Element and identified changes necessary to meet state requirements (Attachment 3). The draft Element was sent to the reviewing agencies on April 11, 2023. To date the Department has not received any responses. If responses are received, they will be forwarded to the Planning Commission prior to the public hearing on the item.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Planning Commission can choose to recommend to the Board of Supervisors specific modifications to the proposed Safety Element update at its discretion. Alternatively, the Planning Commission could recommend that the Board of Supervisors not approve the Safety Element Update if the Commission finds 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 Updates into the General Plan.
2. Safety Element.
3. Agency/Public Comment.