

**RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF HUMBOLDT**

Resolution Number 23-041

Record Number PLN-2023-18064

Recommending that the Board of Supervisors make the required findings to adopt the Safety Element Update as a part of the General Plan

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 (2000) emphasizing the need for pre-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, 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 at California Government Code section 65302 (g)(6) requires all jurisdictions to update the Safety Element according to an eight-year time frame;

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, 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, 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, the Board of Forestry and Fire Protection/CAL FIRE provided an early 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;

NOW, THEREFORE BE IT RESOLVED, that the Planning Commission makes all the following findings:

REQUIRED FINDINGS OF APPROVAL

I. Required Findings of Approval:

The following table identifies evidence which supports finding that the proposed Safety Element Update is exempt from CEQA review, is in the public interest, is consistent with the General Plan, and does not reduce the residential density to below the requirements set by the Department of Housing and Community Development.

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA).

1.	FINDING:		The proposed Safety Element Update are exempt from environmental review.
	EVIDENCE:	a)	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.

CONSISTENCY WITH THE GENERAL PLAN.

2.	FINDING:		The Humboldt County General Plan states the General Plan may be amended if base information or physical conditions have changed. The base information and physical conditions underlying the General Plan have changed.
	EVIDENCE:	a)	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. Senate Bill (SB) 379 (approved in 2015) requires ta 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 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:		Humboldt County General Plan and state General Plan Law stipulate the General Plan Amendment must be in the public interest. The proposed amendment is in the public interest.
	EVIDENCE:	a)	The purpose of the Safety Element amendments are to comply with requirements of state law. The public deserves regulations that are current and do not conflict with state law; therefore, this amendment is in the public interest. Also, the proposed amendments include a set of goals, policies, and objectives based on a vulnerability assessment that identifies the risks that Climate Change poses and the geographic areas at risk from Climate Change impacts. They also identify evacuation routes 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. To increase resiliency of structures and the environment in unincorporated areas to man-made and natural disasters is in the public interest.

CONSISTENCY WITH STATE GENERAL PLAN LAW.		
4.	FINDING:	Government Code Section 65302.8 requires any General Plan Amendment that operates to limit the number of housing units which may be constructed on an annual basis to contain findings which justify reducing the housing opportunities of the region. The proposed amendment does not limit the number of housing units which may be constructed on an annual basis.
	EVIDENCE:	a) The purpose of the Safety Element amendments are to comply with requirements of state law. The proposed Senate Bill (SB) 379 (approved in 2015) requires ta 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 infer a range of emergency scenarios and identify residential developments in hazard areas that do not have at least two emergency evacuation routes. No changes in land use are proposed that would reduce housing opportunities in residential areas.

BE IT FURTHER RESOLVED that for the purposes of this proposed Safety Element Update, minor changes that 1) do not substantially affect the goals, policies, standards or implementation measures, 2) are reasonably based on credible information that is readily accessible to the public, and 3) respond to comments from Responsible or Trustee public agencies, shall not be considered substantial changes requiring further review by the Planning Commission.

BE IT FURTHER RESOLVED that for the purposes of this proposed Safety Element Update, minor changes that 1) do not substantially affect the goals, policies, standards or implementation measures as contained in the proposed Safety Element Update, and 2) are necessary to correct typographical or grammatical errors shall not be considered substantial changes requiring further review by the Planning Commission.

BE IT FURTHER RESOLVED that the Planning Commission recommends that the Board of Supervisors of the County of Humboldt:

1. Hold a public hearing in the manner prescribed by law.
2. Adopt the required findings prepared by Planning Staff.
3. 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.
4. Adopt the Planning Commission recommended Safety Element Update as a part of the General Plan in accordance California Government Code Section 65302(g).

5. 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.

Adopted after review and consideration of all the evidence on **April 20, 2023**

The motion was made by Brian Mitchell and seconded by Lonyx Landry and the following ROLL CALL vote:

AYES: Commissioners: Noah Levy, Brian Mitchell, Thomas Mulder, Iver Skavdal,
Lonyx Landry, Sarah West

NOES: Commissioners:

ABSTAIN: Commissioners: Peggy O'Neill

ABSENT: Commissioners:

DECISION: Motion carries 6/0

I, John Ford, Secretary to the Planning Commission of the County of Humboldt, do hereby certify the foregoing to be a true and correct record of the action taken on the above-entitled matter by said Commission at a meeting held on the date noted above.



John H. Ford, Director
Planning and Building Department