



COUNTY OF MENDOCINO
DEPARTMENT OF PLANNING AND BUILDING SERVICES

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MEMORANDUM

DATE: APRIL 15, 2021
TO: PLANNING COMMISSION
FROM: NASH GONZALEZ, INTERIM PLANNING AND BUILDING SERVICES DIRECTOR
SUBJECT: GENERAL PLAN AMENDMENT GP_2021-0001: RECOMMENDATION OF SAFETY ELEMENT UPDATE ADOPTION TO THE BOARD OF SUPERVISORS

Introduction: The County of Mendocino has completed a comprehensive update to the Multi-Jurisdictional Hazard Mitigation Plan, prepared a Climate Adaptation Vulnerability Assessment, and updated the goals, policies, and implementation actions in the Development and Resource Management Elements of the General Plan.

Background: California State law (Government Code Section 65300) requires that each county and city prepare and adopt a comprehensive, long-term General Plan for its future development. State law permits these jurisdictions to include optional elements in their General Plans beyond the seven mandated elements (land use, housing, circulation, open space, noise, conservation, and safety), thereby providing local governments with the flexibility to address their jurisdiction's specific needs and unique character.

The General Plan is the fundamental policy document of Mendocino County. It provides the framework for management and use of the County's physical, economic, and human resources. By providing a basis for rational decision-making, this document guides county decisions regarding land use, the design and/or character of buildings and open spaces, the conservation of existing housing and the provision of new dwelling units, the provisions of supporting infrastructure and public services, the protection of environmental resources, the allocation of fiscal resources, and the protection of residents from natural and human-caused hazards.

The County's current Safety Element is integrated into the Development Element of the County's General Plan and was adopted by the Board of Supervisors on August 17, 2009. The Safety Element is one of seven mandatory elements of the General Plan. Its primary purpose is to identify potential risks within the County that could potentially endanger the public health, safety and welfare of the community. Each Safety Element must geographically identify the location and potential extent of each safety risk using maps, primarily those risks pertaining to seismicity, flooding, and fires. The Safety Element also functions as an intermediary between the General Plan and Local Hazard Mitigation Plan.

California Government Code Section 65302(g) establishes the legislative framework for all safety elements in the state of California. This framework consolidates the requirements from relevant federal and state agencies, ensuring that all counties are compliant with the numerous statutory mandates. These mandates include:

- Protecting against significant risks related to earthquakes, tsunamis, seiches, dam failure, landslides, subsidence, flooding, and fires as applicable.
- Including maps of known seismic and other geologic hazards.
- Addressing evacuation routes, military installations, peak-load water supply requirements, and minimum road widths and clearances around structures as related to fire and geologic hazards, if applicable to the community.
- Identifying areas subject to flooding and wildfires.
- Avoiding locating critical facilities within areas of high risk.
- Assessing the community's vulnerability to climate change.
- Establish a set of feasible implementation measures designed to carry out the goals, policies, and objectives established.

The State of California requires updates to the General Plan Housing Element on a periodic basis. The Mendocino County Housing Element was recently adopted, allowing for the eight-year planning cycle to continue through 2027. This Housing Element update triggered State-mandated updates to the General Plan Safety Element.

It should be noted that recent updates to the Government Code require some communities to address environmental justice requirements if a disadvantaged community is located within the jurisdiction. The current list of disadvantaged communities compiled by the State of California Office of Environmental Health Hazard Assessment does not identify any communities within the County. Based on this, the County is not required to prepare an Environmental Justice Element at this time. However, the Climate Adaptation Vulnerability Assessment and Multi-Jurisdictional Hazard Mitigation Plan look at vulnerable populations within the County and include policies and actions that address these issues.

The following components were included in the 2021 Development and Resource Management Elements update:

Multi-Jurisdictional Hazard Mitigation Plan: A current and approved hazard mitigation plan is a prerequisite for jurisdictions wishing to pursue funding under FEMA's Hazard Mitigation Assistance Program (HMA). The Mendocino County MJHMP must be updated every five (5) years to remain in compliance with regulations and Federal mitigation grant conditions. The purpose of the Mendocino MJHMP is to reduce property losses and avoid injury and casualties resulting from natural disasters. This MJHMP:

- Provides an explanation of prevalent hazards within the County and describes how hazards may affect the County and participating jurisdictions differently based upon various relationships to natural hazards.
- Includes a discussion of hazard location, size of a typical event, historical occurrences, and the probability of future occurrences for each identified hazard.
- Identifies risks to vulnerable assets, both people and property.
- Provides a mitigation strategy that responds to the identified vulnerabilities within each community and provides prescriptions or actions to achieve the greatest risk reduction based upon available resources.

In 2020, an update to the 2014 Hazard Mitigation Plan was developed by the MJHMP Planning Committee, made up of participants from the County and Participating Jurisdictions (Cities of Ukiah, Fort Bragg, Point Arena, Willits, and Mendocino County Office of Education) advising on

hazard and mitigation action priorities both for the County as a whole and each jurisdiction individually, with expertise from the consulting team led by Atlas Planning Solutions. The plan underwent review by the County and Participating Jurisdictions, the general public (Review period occurred from October 13-26, 2020) and was approved by both the California Office of Emergency Services (Cal OES) and the Federal Emergency Management Agency (FEMA) on February 4, 2021. In December 2020, the County and Participating Jurisdictions adopted the plan, which, coupled with FEMA approval, ensures all participants are eligible for future FEMA hazard mitigation grants.

Climate Adaptation Vulnerability Assessment: As part of the Development and Resource Management Elements update, the consulting team prepared a Climate Adaptation Vulnerability Assessment (CAVA) that ensures consistency with Government Code Section 65302(g)(4) (Senate Bill 379). These requirements identify the need for the County to identify the climate change-related hazards that may impact all or some portions of the County.

The CAVA identified 75 populations and assets in Mendocino County that are highly or severely vulnerable to one or more hazard conditions. The critical vulnerabilities of each population or asset categories provide context for the proposed adaptation strategies to address these issues. Recognizing that existing policies and implementation strategies in the Development Element and Resource Management Element address some of the vulnerabilities, recommendations were made to revise existing policies where possible and add new policies only where needed.

New and revised policies within the general plan were based on the adaptation strategies developed in the CAVA, which were added to the Development Element or Resource Management Element. The integration of these adaptation strategies and other changes proposed by the consultant team will ensure that the County meets the requirements of California Government Code Section 65302(g)(4) to address climate adaptation and resiliency in the General Plan. This document:

- Identifies the main vulnerabilities that populations and assets within the County face due to climate change hazards.
- Provides adaptation policies that can be integrated into existing goals within the Development Element and Resource Management Element of the General Plan.
- Provides new goals and policies specific to climate change hazards to create a more resilient community that is prepared for, responsive to, and recoverable from hazards created or made worse by climate change.

General Plan Safety Element: The final component of this project is the update of the Mendocino County General Plan Development and Resource Management Elements, which constitute the County's General Plan Safety Element. This update included new and expanded policies and implementation actions surrounding evacuation and wildfire, based on the results of the MJHMP, CAVA, and the recently completed Fire Vulnerability Assessment and Evacuation Plan prepared for the Mendocino Council of Governments. The Safety Element addresses a wide range of natural and human-caused hazards and consists of goals and policies aimed to reduce the risks associated with these hazards, such as loss of life, injuries, property damage, and economic and social dislocation. The update consists of a comprehensive update to the existing element, which was adopted in 2009. Since 2009, a number of revisions to the California Government Code have been enacted, which require an update of the Safety Element. The update will comply with the following recently enacted State mandates:

- SB 1241 – Fire Hazard Safety – requires that the Safety Elements of general plans be revised upon the next update of the Housing Element to address State Responsibility Areas (SRAs) and Very High Fire Hazard Severity Zones. The revision must include information about wildfire hazards as well as goals, policies, and objectives and feasible implementation measures for the protection of the community from the unreasonable risk of wildfire. Senate Bill 1241 (2012) requires General Plan Safety Elements to be updated to address Fire Hazard Impacts. Lands designated as Very High Fire Hazard Severity Zones in Local Response Areas need to comply with Government Code Sections 65302(g)(3), 65302.5, and 66474.02.
- SB 379 – Natural Hazard Adaptation and Resiliency – Requires general plans' safety elements to be reviewed and updated to include climate adaptation and resiliency strategies. The review and update must consist of the following components:
 1. A vulnerability assessment that identifies the risks climate change poses to the local jurisdiction and the geographic areas at risk from climate change.
 2. Set of adaptation and resilience goals, policies, and objectives based on the information specified in the vulnerability assessment.
 3. Set of feasible implementation measures designed to carry out the goals, policies, and objectives identified in the adaptation objectives. It supports the State's overall adaptation strategy, Safeguarding California, by ensuring cities and counties are providing for the safety of their communities and planning for adaptation to climate change impacts.
- SB 99 - Upon the next revision of the housing element on or after January 1, 2020, the safety element shall be reviewed and updated as necessary to identify residential developments in any hazard area identified in the safety element that do not have at least two emergency evacuation routes.

These updated elements achieve the following:

- Provides an assessment of hazards in the County, including but not limited to, earthquakes, landslides, wildfire, flooding, and other hazards of concern.
- Provides a framework by which safety considerations are considered in the land use planning process.
- Recommends amendments to the County plans, regulations, standards, and requirements, by facilitating the identification and mitigation of hazards for new development.
- Provides policies directed at identifying and reducing hazards in existing development.
- Strengthens emergency preparedness planning and post-disaster reconstruction policies.
- Expands the potential connections of changing climatic conditions and hazards that could impact County function and operations.
- Addresses evacuation concerns within the County by identifying neighborhoods with limited ingress/egress and policies and implementation actions for future efforts to address these issues in the County.

California Geologic Survey (CGS) Review: Pursuant to Section 65302.5(a) of the California Government Code, on October 5, 2020 the County's consultant consulted with CGS and received review comments of the Safety Element for compliance with this state statute, based on discussions with the Department of Conservation staff. This consultation verified that the latest information available has been incorporated into the element and future updates should incorporate new information pertaining to tsunami inundation, which is currently being developed by the State.

California Department of Forestry/Board of Forestry Review: Pursuant to Section 65302.5(b)(1) of the California Government Code, on March 2, 2021 the draft safety element was transmitted to the California Department of Forestry Land Use Planning Program for review. This review is a statutory requirement under code section 65302(g)(3), and ensures that Cal Fire and the California Board of Forestry and Fire Protection review general plan safety elements and ensure they address wildfire hazards. The 2021 Development and Resource Management Elements are currently being reviewed by Cal Fire staff and upon completion, will be transmitted to the Board of Forestry and Fire Protection for adoption prior to County adoption.

Environmental Determination: The Mendocino County Department of Planning and Building Services prepared an Addendum to the General Plan Environmental Impact Report related to the proposed Project (“Addendum”). This addendum to the County of Mendocino General Plan Environmental Impact Report (EIR) (State Clearinghouse Number 2008062074) demonstrates that the analysis contained in that EIR adequately addresses the potential physical impacts associated with implementation of the proposed Safety Element Update and that none of the conditions described in the California Environmental Quality Act (CEQA) Guidelines Section 15162 calling for the preparation of a subsequent EIR or Negative Declaration have occurred.

Recommended Action: The Planning Commission recommends adoption of the updated Development and Resource Management Elements of the General Plan to the Board of Supervisors, which incorporates the recently adopted Multi-Jurisdictional Hazard Mitigation Plan (MJHMP), and Climate Adaptation Vulnerability Assessment prepared as part of this comprehensive project and adopts the attached resolution.

Attachments

Attachment 1: Adopted Multi-Jurisdictional Hazard Mitigation Plan

Attachment 2: Final Climate Adaptation Vulnerability Assessment

Attachment 3: Cal Fire Review Draft Development and Resource Management Elements

Attachment 4: Addendum to General Plan EIR for 2021 Development & Resource Elements Update

Attachment 5: Planning Commission Resolution Recommending Approval to Board of Supervisors