

**TO: Board of Supervisors**

**FROM:** Planning and Building Services Choose an item.

**MEETING DATE:** June 22, 2021

**DEPARTMENT CONTACT:** Nash Gonzalez

**PHONE:** 234-6650

**DEPARTMENT CONTACT:** Julia Krog

**PHONE:** 234-6650

**ITEM TYPE:** Noticed Public Hearing

**TIME ALLOCATED FOR ITEM:** 30 minutes

**AGENDA TITLE:**

Noticed Public Hearing – Discussion and Possible Action Including Adoption of a Resolution Approving General Plan Amendment (GP\_2021-0001) for the Mendocino County General Plan Safety Element Update (County-Wide) and Addendum to the 2009 General Plan Environmental Impact Report Related Thereto. (Sponsor: Planning and Building Services)

**RECOMMENDED ACTION/MOTION:**

Adopt a Resolution Approving a General Plan Amendment (GP\_2021-0001) for the Mendocino County General Plan Safety Element Update and the Addendum to the 2009 General Plan Environmental Impact Report related thereto; and authorize Chair to sign same.

**PREVIOUS BOARD/BOARD COMMITTEE ACTIONS:**

On August 17, 2009, the County of Mendocino Board of Supervisors (Board) adopted Resolution #09-182 certifying the Final Environmental Impact Report (EIR) (State Clearinghouse No. 2008062074) including a Statement of Overriding Considerations and a Mitigation Monitoring and Reporting Program for the 2009 Mendocino County General Plan Update and adopted the updated Mendocino County General Plan. On February 25, 2020, the Board of Supervisors approved Agreement No. 20-009 with Atlas Planning Solutions for Hazard Mitigation Grant Program – Funded Local Multi-Jurisdictional Hazard Mitigation Plan and General Plan Safety Element Consulting in the amount of \$289,828.00, for the term effective upon execution by all parties through March 21, 2021 by a 5-0 vote. The Safety Element Update is the second in the two phase process of the scope to bring the Safety Element into conformance with SB 1241, SB379, and SB 99, specifically California Government Code Section 65302(g).

**SUMMARY OF REQUEST:**

The County's current Safety Element is integrated into the Development and Resource Management Elements of the 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. The 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 the 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.
- Identify 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 objective 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.

The following components were included in the 2021 Development and Resource Management Elements update, which include the Multi-Jurisdictional Hazard Mitigation Plan (MJHMP), which was adopted by the Board of Supervisors on December 8, 2020 and was further found in conformance with Code of Federal Regulations, Title 44, Part 201, Section 6 (44CFR 201.6) by FEMA pursuant to correspondence dated February 4, 2021. As part of the Development and Resource Management Elements update, the County's consulting team prepared a Climate Adaptation Vulnerability Assessment (CAVA) that ensures consistency with California Government Code 65301(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. 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 and Resource Management Element. The integration of these adaptation strategies and other changes 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.

Overall, the project is an update of the Mendocino County General Plan Development and Resource Management Elements, which constitute the County's General Plan Safety Element. This update includes 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 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. As updated, the County's General Plan Safety Element Update will be in conformance with SB 1241, SB 379 and SB 99.

The Planning Commission, at their April 15, 2021 meeting, adopted a resolution making a recommendation to the Board of Supervisors that they adopt General Plan Amendment GP\_2021-0001, including changes to the Development Element and Resource Management Element as part of the Update to the County's Safety Element, and the Addendum to the General Plan EIR related thereto, with modifications made at the meeting and as specified in their resolution.

The 2021 Development and Resource Management Elements, as revised by the Planning Commission, has been reviewed by California Department of Forestry and Fire Protection Staff and these elements were reviewed and approved by the California Board of Forestry and Fire Protection on June 8th 2021.

**ALTERNATIVE ACTION/MOTION:**

Provide direction to staff, noting that if the updated Safety Element is not adopted by the Board and changes are directed to be made, the Element may need to go back to the California Board of Forestry and Fire Protection.

**SUPERVISORIAL DISTRICT:** ALL

**VOTE REQUIREMENT:** Majority

**SUPPLEMENTAL INFORMATION AVAILABLE ONLINE AT:**

<https://www.mendocinocounty.org/government/planning-building-services/public-notice>

[Type text]

**FISCAL DETAILS:**

**SOURCE OF FUNDING:** Grant funding  
**CURRENT F/Y COST:** DR 4353-280, \$165,829, Match,  
\$41,457  
**ANNUAL RECURRING COST:** N/A

**BUDGETED IN CURRENT F/Y:** Yes  
**IF NO, PLEASE DESCRIBE:**

**REVENUE AGREEMENT:** Choose an item.

**BUDGET CLARIFICATION:** Grant funds to complete Safety Element Update

**AGREEMENT/RESOLUTION/ORDINANCE APPROVED BY COUNTY COUNSEL:** Yes

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**CEO LIAISON:** Steve Dunicliff, Deputy CEO

**CEO REVIEW:** Choose an item.

**CEO COMMENTS:**

**FOR COB USE ONLY**

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Executed By: Deputy Clerk

Date: Date Executed

**Note to Department**

Number of Original Agreements Returned to Dept: Choose an  
item.

Original Agreement Delivered to Auditor? Choose an item.

Final Status:Item Status

Executed Item Number: item Number:



**COUNTY OF MENDOCINO**  
**DEPARTMENT OF PLANNING AND BUILDING SERVICES**

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June 7, 2021

**TO:** Ukiah Daily Journal  
**FROM:** James Feenan, Commission Services Supervisor  
**SUBJECT:** Publication of Legal Notice.

Please publish the following notice at least 1/8 page in size, one time on June 10, 2021 in the Legal Notices Section of the Ukiah Daily Journal.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT the Mendocino County Board of Supervisors, at their meeting on Tuesday, June 22, 2021, at 9:00 a.m. or as soon thereafter as the item may be heard, will conduct a public hearing on the ordinance listed below. This meeting will be conducted virtually and not available for in person public participation (pursuant to State Executive Order N-29-20). Meetings are live streamed and available for viewing online on the Mendocino County YouTube page, at <https://www.youtube.com/MendocinoCountyVideo> or by toll-free, telephonic live stream at 888-544-8306.

**CASE#:** GP\_2021-0001

**DATE FILED:** 01/02/2021

**APPLICANT:** COUNTY OF MENDOCINO

**AGENT:** PLANNING AND BUILDING SERVICES

**REQUEST:** General Plan Amendment to update the Safety Element of the General Plan for the County of Mendocino, as required by State law (Section 65302(g) of the California Government Code) and SB1241 (2012) and SB379 (2015), by amending and updating the Development and Resource Management Elements of the General Plan, and incorporating the recently adopted Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) and Climate Adaption Vulnerability Assessment prepared as part of the General Plan Safety Element Update, which applies to the entire County.

**ENVIRONMENTAL DETERMINATION:** Addendum to the previously adopted County of Mendocino General Plan Environmental Impact Report (EIR) (State Clearinghouse Number

2008062074).

**LOCATION:** All unincorporated areas within Mendocino County.

**SUPERVISORIAL DISTRICT:** All

**STAFF PLANNER:** IGNACIO GONZALEZ

**PLANNING COMMISSION RECOMMENDATION:** The Planning Commission, at their April 15, 2021 meeting, adopted a resolution making a recommendation to the Board of Supervisors that they adopt General Plan Amendment GP\_2021-0001, including changes to the Development Element and Resource Management Element as part of the Update to the County's Safety Element, and the Addendum to the General Plan EIR related thereto, with modifications made at the meeting and as specified in their resolution.

The Planning Commission's resolution, staff reports, notices and related materials will be available for public review 10 days prior to the scheduled hearing on the Department of Planning and Building Services website at: <https://www.mendocinocounty.org/government/planning-building-services/public-notices>.

In order to minimize the risk of exposure during this time of emergency, the public may participate digitally in meetings in lieu of personal attendance. Comment may be made in any of the following ways: via written comment to [bos@mendocinocounty.org](mailto:bos@mendocinocounty.org), through our online eComment platform at <https://mendocino.legistar.com/Calendar.aspx>, through voicemail messaging by calling 707-234-6333, or by telephone via telecomment. Information regarding telecomment participation can be found here: <https://www.mendocinocounty.org/government/board-of-supervisors/agendas-and-minutes>. All written public comment will be made available to the Supervisors, staff, and the general public after processing by Clerk of the Board staff, and can be viewed as attachments to this meeting agenda at <https://mendocino.legistar.com/Calendar.aspx>.

For details and a complete list of the latest available options by which to engage with agenda items, please visit:

<https://www.mendocinocounty.org/government/board-of-supervisors/public-engagement>.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Clerk of the Board of Supervisors or the Board of Supervisors at, or prior to, the public hearing. All persons are invited to appear and present testimony in this matter.

Additional information regarding the above noted item may be obtained by calling the Clerk of the Board of Supervisors at 707-463-4441, or the Department of Planning and Building Services at 707-234-6650, Monday through Friday, 8:00 a.m. through 5:00 p.m. Should you desire notification of the decision of the Board of Supervisors you may do so by requesting notification in writing and providing a self-addressed stamped envelope to the Clerk of the Board of Supervisors.

The County of Mendocino complies with ADA requirements and upon request, will attempt to reasonably accommodate individuals with disabilities by making meeting material available in appropriate alternative formats (pursuant to Government Code Section 54953.2). Anyone requiring reasonable accommodation to participate in the meeting should contact Clerk of the Board of Supervisors at 707-463-4441 at least five days prior to the meeting.

IGNACIO GONZALEZ, Interim Director of Planning & Building Services