

RESOLUTION NO. 21-

RESOLUTION OF THE MENDOCINO COUNTY BOARD OF SUPERVISORS ADOPTING THE GENERAL PLAN SAFETY ELEMENT UPDATE AND ADOPTING THE ADDENDUM TO THE GENERAL PLAN EIR RELATED THERETO

WHEREAS, the County of Mendocino desires to amend its General Plan to update the Safety Element as required by State law (Section 65301(g) of the California Government Code); and

WHEREAS, pursuant to correspondence received from FEMA to the County of Mendocino, dated February 4, 2021, FEMA completed its final review of the County's Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) 2020 update, which was officially adopted by the Board of Supervisors on December 8, 2020 and was found to be in conformance with Code of Federal Regulations, Title 44, Part 201, Section 6 (44 CFR 201.6); and

WHEREAS, the 2021 Safety Element Update contains new and expanded policies and implementation actions surrounding evacuation and wildfire, based on the results of the Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) and the Fire Vulnerability Assessment and Evacuation Plan prepared by the Mendocino Council of Governments (MCOG), the Safety Element addresses a wide range of natural and human-caused hazards and consists of goals and policies aimed to reduce the risk 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 on August 17, 2009. Since 2009, a number of revisions to the California Government Code have been enacted, which require an update of the Safety Element to be in compliance with SB 1241, SB 379 and SB 99 defined under State law (Section 65302(g) of the California Government Code) (the "Project"); and

WHEREAS, the Safety Element and its applicable goals and policies are embedded within the Development and Resource Management Elements of the Mendocino County General Plan, and

WHEREAS, California Government Code Section 65302(g) requires an update to the Safety Element of the General Plan; and

WHEREAS, as part of the Development and Resource Management Elements update, a Climate Adaptation Vulnerability Assessment (CAVA) that ensures consistency with California Government Code Section 65302(g)(4) (Senate Bill 379) has been prepared and incorporated into the update of the Safety Element, recognizing that existing policies and implementation strategies in the Development Element and Resource Management Element addresses some of the vulnerabilities, and incorporated revisions to population or asset categories identified in the CAVA; and

WHEREAS, the Safety Element Update, consisting of the updated Development and Resource Elements, was initially submitted to the California Department of Forestry and Fire Protection (Cal Fire) on March 2, 2021 for preliminary review and comments, and on April 13, 2021, Cal Fire provided recommended changes to the Development Element to ensure compliance with Cal Fire requirements and allow for the Safety Element Update to be submitted to the State Board of Forestry for certification; and

WHEREAS, pursuant to Government Code Section 65354, the Planning Commission, at their April 15, 2021 meeting provided its report and recommendation to the Board of Supervisors on the Project; and

WHEREAS, the Safety Element Update was submitted to the State Board of Forestry for their review and certification, and at its regular meeting on June 8, 2021, the State Board of Forestry certified Mendocino County's Safety Element Update as consistent and in conformance with State statute; and

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (Public Resources Code section 21000 et seq.; "CEQA") and the CEQA Guidelines (Title 14 California Code of Regulations section 15000 et seq.) an Environmental Impact Report was prepared for the 2009 Mendocino County General Plan Update, which determined adoption of said General Plan Update may potentially significant impacts to the environment that can be mitigated to less than significant levels or which cannot be mitigated to less than significant levels and which are thus significant and unavoidable; and

WHEREAS, on August 17, 2009, the County of Mendocino Board of Supervisors adopted Resolution #09-182 certifying the Final Environmental Impact Report (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; and

WHEREAS, the Mendocino County Department of Planning and Building Services has prepared an Addendum to the General Plan Environmental Impact Report related to the proposed Safety Element Update which is attached to this resolution as Exhibit A and incorporated herein by this reference ("Addendum"), and which determines that none of the conditions described in CEQA Guidelines section 15162 will occur; and

WHEREAS, the Board of Supervisors has had the opportunity to review this Resolution and finds it accurately sets forth the intentions of the Board of Supervisors regarding the Addendum and the Safety Element Update; and

WHEREAS, in accordance with applicable provisions of law, the Mendocino County Board of Supervisors held a public hearing on June 22, 2021, at which time the Mendocino County Board of Supervisors heard and received all relevant testimony and evidence presented orally or in writing regarding the Addendum and the Project. All interested persons were given an opportunity to hear and be heard regarding the Addendum and the Project.

NOW, THEREFORE, BE IT RESOLVED that the Mendocino County Board of Supervisors based on the evidence contained in the record for this matter, by the Mendocino County Board of Supervisors as follows:

1. The foregoing recitals are true and correct and incorporated herein by this reference.
2. The Addendum to the General Plan EIR prepared for the 2021 Safety Element Update has been completed in compliance with CEQA and the CEQA Guidelines.
3. The Addendum to the General Plan EIR was presented to the Board of Supervisors, which independently reviewed and considered the Addendum and the Board of Supervisors has exercised its independent judgement in making the findings and determinations set forth herein.
4. Based on the evidence submitted and as demonstrated by analysis and findings included in the Addendum, none of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent environmental impact report have occurred.

5. The 2021 Safety Element Update is an update of the County's General Plan as was prepared as required by an in accordance with State law (65302(g) of the California Government Code).
6. The 2021 Safety Element Update is consistent with the all of the Elements of the County's General Plan.

BE IT FURTHER RESOLVED, based on the findings set forth in this Resolution and the evidence contained in the record for this matter, that the Mendocino County Board of Supervisors hereby adopts the Addendum to the General Plan EIR prepared for the 2021 Safety Element Update, attached hereto as Exhibit A and incorporated herein by reference; and

BE IT FURTHER RESOLVED, based on the findings set forth in this Resolution and the evidence contained in the record for this matter, the Mendocino County Board of Supervisors hereby adopts the 2021 Safety Element Update of the Mendocino County General Plan, attached hereto as Exhibit B and incorporated herein by this reference; and

BE IT FURTHER RESOLVED, that the Mendocino County Board of Supervisors designates the Clerk of the Board as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the Clerk of the Board, 501 Low Gap Road, Room 1010, Ukiah, California 95482.

The foregoing Resolution introduced by Supervisor _____, seconded by Supervisor _____, and carried this 22nd day of June, 2021, by the following vote:

AYES:
NOES:
ABSENT:

WHEREUPON, the Chair declared said Resolution adopted and SO ORDERED.

ATTEST: CARMEL J. ANGELO
Clerk of the Board

DAN GJERDE, Chair
Mendocino County Board of Supervisors

Deputy

I hereby certify that according to the provisions of Government Code Section 25103, delivery of this document has been made.

APPROVED AS TO FORM:
CHRISTIAN M. CURTIS
County Counsel

BY: CARMEL J. ANGELO
Clerk of the Board

Deputy