



**Planning Department
168 North Edwards Street
Post Office Drawer L
Independence, California 93526**

Phone: (760) 878-0263

FAX: (760) 872-2712

E-Mail: inyoplanning@inyocounty.us

AGENDA ITEM NO.: 6 (Action Item and Public Hearing)

**PLANNING COMMISSION
MEETING DATE:**

August 22, 2018

SUBJECT:

General Plan Amendment (GPA) 2018-02/ Inyo County – Multi-Jurisdictional Hazard Mitigation Plan (MHMP)¹.

EXECUTIVE SUMMARY

The County is proposing to amend the Public Safety Element of its General Plan by adding, by reference, the Inyo County/City of Bishop MHMP (Attachment 1). On January 21, 2007 the State of California enacted Assembly Bill (AB) 2140. It provides that local jurisdictions can adopt a current Federal Emergency Management Agency (FEMA) approved Local Hazard Mitigation Plan and include it in the Safety Element of their General Plans. By doing so the jurisdiction is eligible for consideration for part or all if its local costs on eligible public assistance to be provided by the State share funding through the California Disaster Assistance Act (CDAA). The CDAA allows the State to pay a portion of the non-federal share (federal share is up to 75% of cost) that would otherwise be the responsibility of the local agency to pay for public assistance and hazard mitigation projects. In December 2017 the County adopted the FEMA approved MHMP. As a final step in meeting the requirements of AB 2140, the MHMP must now be incorporated into in the County General Plan.

PROJECT INFORMATION

Supervisory District: All

Applicant: Inyo County

Recommended Action:

- 1.) Make certain findings with respect to and recommend the Board of Supervisors adopt the resolution approving GPA 2018-02/ Inyo County-MHMP, amending the Public Safety Element by adding, by

¹ The MHMP can be found at: <http://www.inyoplanning.org/InyoHazardMitigationProject.htm>

reference, the MHMP and certify that it is exempt from CEQA.

Alternatives:

- 1.) Specify modifications to the proposal.
- 2.) Make specific findings and deny the proposal.
- 3.) Continue the public hearing to a future date, and provide specific direction to staff regarding additional information and analysis needed.

Project Planner:

Cathreen Richards

BACKGROUND

Over the last decade, the State of California has seen a dramatic increase in the number of disaster events, each costing millions and sometimes billions of dollars for jurisdictions to recover from. This uptick in disasters caused state government agencies to look at why so many homes end up destroyed, people injured or killed, and what actions local jurisdictions are taking to correct these problems. These evaluations found that what was being learned from each disaster was not being adapted into policy direction or new regulations and included in General Plans and zoning ordinances as a means of preventing and mitigating future impacts from disaster events. To correct this problem and motivate local officials to take a proactive stance, AB 2140 was enacted in January, 2007. AB 2140 states that in order to maintain the ability to be considered for 100% funding for disaster assistance, the County must comply with two elements of the bill:

1. Have a FEMA-approved Local Hazard Mitigation Plan that identifies potential disaster level events that can impact the county, and that includes policies, objectives and measures for prevention and mitigation.
2. The Board of Supervisors adopts by resolution the County’s Local Hazard Mitigation Plan, (the MHMP) into the County’s Safety Element of the General Plan.

The first requirement has been completed with the adoption of the MHMP. The second will be covered by this proposed action to include the MHMP into the Public Safety Element of the County’s General Plan.

STAFF ANALYSIS

The Office of Emergency Services (OES) is responsible for responding to natural and man-made disasters, as well as preparing for such responses. Disasters include: wildfires, floods, avalanches, hazardous spills, and other events that threaten the lives and well-being of the County’s residents. County staff worked with OES staff, other state and federal agency and City of Bishop staff, county stakeholders and citizens in developing the MHMP.

The MHMP establishes a strategy for Inyo County to reduce hazard impacts. It includes an inventory of the different types of hazards; analysis of the different types of impacts each hazard type can create, within different locations throughout the County; and, to what varying degrees

of severity. All disaster types have the potential to severely harm human health and safety, private and public property, ecosystems, and services. Inyo County could face substantial damage, injury or loss of life, interruptions to critical services, and other major issues due to natural hazard impacts. The MHMP was developed to mitigate some of those impacts.

According to the MHMP, there are four phases of emergency management:

- Response: Taking action to save lives, limit injury, and prevent further damage of infrastructure in a disaster.
- Recovery: Returning actions to normal conditions directly following a disaster.
- Mitigation: Establishing strategies to prevent future disasters and/or to minimize their impacts.
- Preparedness: Preparing to save lives and critical infrastructure and to help response and rescue operations in and directly following a disaster.

The MHMP focuses on the mitigation aspect of emergency management. It identifies feasible actions to reduce the risks posed by potential hazards. It also provides mitigation measures to strengthen community resilience, which helps ensure coordinated and consistent hazard mitigation activities across Inyo County.

Incorporating the MHMP into the Public Safety Element of the County's General Plan will be beneficial in two ways: 1) it adds identification of potential hazards, analysis, and mitigation language to the General Plan; and 2) it will open up more funding opportunities to the County in the event of a disaster. Based on the language in AB 2140, a resolution (Attachment 2) adopting the MHMP into the Public Safety Element of the County's General Plan must be done by the Board of Supervisors. By taking no action, the County's access to possible funds for disaster response would be reduced to 75% of the costs of that response.

ENVIRONMENTAL REVIEW

General Plan Amendment No. 2018-02 is an Amendment to the Public Safety Element of the County General Plan that provides planning and implementation strategies for specific potential disasters in the County to reduce the negative effects of such disasters on Inyo County citizens and the environment. The implementation of the MHMP will not result in significant changes to the environment as it does not include a development proposal or create or change landuse designations to provide for future development, and since it addresses disaster planning and remediation it will be beneficial to the environment; therefore, General Plan Amendment No. 2018-02/Inyo County-MHMP is exempt from the California Environmental Act (CEQA), per general rule 15061(b)(3).

TRIBAL CONSULTATION

General Plan updates require that jurisdictions offer consultation opportunities to local Tribes. Pursuant to Government Code Section 65352.3, Tribes have 90-days, after receiving invitations to consult on GPAs to request consultation opportunities. Staff mailed consultation invitations on June 1 of, 2018 to the: Lone Pine Paiute-Shoshone Tribe, Kern Valley Indian Council, Fort Independence Indian Community of Paiutes, Walker River Reservation, Timbisha Shoshone Tribe, Bishop Paiute Tribe, Twenty-Nine Palms Band of Mission Indians and the Big Pine Paiute Tribe of the Owens Valley, no requests for consultation have been received to date. The

Tribes have until August 29th to request consultation and the County cannot approve the General Plan Amendment until the 90-day window for a consultation request has passed.

NOTICING

A public Hearing Notice for General Plan Amendment 2018-02/ Inyo County-MHMP was posted in the Inyo Register on August 11, 2018. Planning staff has received no comments to date.

GENERAL PLAN CONSISTENCY

Adding the MHMP, by reference to the Public Safety Element of the General Plan is consistent with, and will not change or be in conflict with, the policies already found in the Public Safety Element, as well as, the rest of the General Plan. The proposed General Plan Amendment provides a more in depth evaluation of hazards in the County and additional mitigation strategies that result in better tools to help protect the safety of the County's citizens. The MHMP works to help meet the Safety Element Goals of:

- FLD-1 Provide adequate flood protection to minimize hazards and structural damage.
- AVL-1 Minimize hazards and structural damage resulting from avalanches.
- WF-1 Prevent wildfires and provide public safety from wildfire hazards.
- GEO-1 Minimize exposure to hazards and structural damage from geologic and seismic conditions.

RECOMMENDATIONS

Planning Department staff is recommending that the Planning Commission make a recommendation to the Board of Supervisors to approve General Plan Amendment 2018-02/Inyo County MHMP and certify that it is Exempt from CEQA.

Recommended Findings

1. Based on the substantial evidence the Planning Commission recommends that the Board of Supervisors certify that General Plan Amendment No. 2018-02/Inyo County-MHMP is Exempt from CEQA.

[Evidence: General Plan Amendment No. 2018-02 is an Amendment to the Public Safety Element of the County General Plan that provides planning and implementation strategies for specific potential disasters in the County to reduce the negative effects of such disasters on Inyo County citizens and the environment. The implementation of the MHMP will not result in significant changes to the environment as it does not include a development proposal or create or change landuse designations to provide for future development, and since it addresses disaster planning and remediation it will be beneficial to the environment; therefore, General Plan Amendment No. 2018-02/Inyo County-MHMP is exempt from the California Environmental Act (CEQA), per general rule 15061(b)(3).]

2. Based on substantial evidence in the record, the Planning Commission recommends that the Board of Supervisors find that General Plan Amendment General Plan Amendment No. 2018-02/Inyo County-MHMP is conformance with the Goals and Objectives of the Inyo County General Plan.

[Evidence: Adding the MHMP, by reference to the Public Safety Element of the General Plan is consistent with, and will not change or be in conflict with, the policies already found

in the Public Safety Element, as well as, the rest of the General Plan. The proposed General Plan Amendment adding the MHMP provides a more in depth evaluation of hazards in the County and additional mitigation strategies that result in better tools to help protect the safety of the County's citizens and helps to promote the General Plan's Public Safety Elements Goals.]

Attachments:

- Proposed update to the Public Safety Element of the General Plan
- Resolution

Public Safety

9.1 Introduction

Multi-Jurisdictional Hazard Mitigation Plan

9.8 Multi-Jurisdictional Hazard Mitigation Plan

The County recognizes the importance of effective hazard mitigation planning as an important component in reducing the impacts of disasters on its communities and the health, safety and welfare of its citizens.

GOAL MHMP 9.8.1 – Reduce the potential impacts from possible disasters in the County by implementing the Multi-Jurisdictional Hazard Mitigation Plan.

Implementation Measure 1.0 - The Inyo County/ City of Bishop Multi-jurisdictional Local Hazard Mitigation Plan (MHMP) shall serve as the implementation program for the coordination of hazard planning and disaster response efforts within the County and is hereby incorporated by reference to the Public Safety Element.

RESOLUTION NO. 2018-

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF INYO, STATE OF CALIFORNIA, CERTIFYING THAT GENERAL PLAN AMENDMENT NO. 2018-02/INYO COUNTY-MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO THE GENERAL RULE AND MAKE CERTAIN FINDINGS WITH RESPECT TO AND APPROVE, GENERAL PLAN AMENDMENT NO. 2018-02/INYO COUNTY-MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

WHEREAS, California Government Code Section 65300 et seq. indicates that the legislative body of each county shall adopt a comprehensive, long-term general plan for its physical development, including the following seven required elements: (1) land use, (2) circulation, (3) housing, (4) conservation, (5) open space, (6) noise, and (7) safety

WHEREAS, the County adopted a comprehensive update to its General Plan in 2001, but the General Plan presently does not address Hazard Mitigation Planning in compliance with current state and federal regulations

WHEREAS, On January 21, 2007 the State of California enacted Assembly Bill (AB) 2140 that allows for local jurisdictions to adopt a current Federal Emergency Management Agency (FEMA) approved Local Hazard Mitigation Plan into the Safety Element of their General Plans making the jurisdiction eligible for consideration for part or all if its local costs on eligible public assistance to be provided by the State share funding through the California Disaster Assistance Act (CDAA)

WHEREAS, the CDAA allows the State to pay a portion of the non-federal share (federal share is up to 75% of cost) that would otherwise be the responsibility of the local agency to pay for public assistance and hazard mitigation projects

WHEREAS, Inyo County supports the State and Federal Governments' efforts to address local disasters through planning efforts and funding opportunities

WHEREAS, Inyo County developed a Local Hazard Mitigation Plan in accordance with the Disaster Mitigation Act of 2000. It was adopted by the Inyo County Board of Supervisors on December 12, 2017 and FEMA approved it on December 18, 2017. Titled the Multi-Jurisdictional Hazard Mitigation Plan (MHMP), it provides guidance and insight to the hazards that exist in Inyo County and suggests possible mitigation projects and can be consulted when addressing known hazards to ensure the general health and safety of Inyo County residents

WHEREAS, for the County to be fully compliant with California AB-2140, the MHMP must now be included the County's Plan Public Safety Element

WHEREAS, the County is proposing to amend its General Plan to include, by reference, the MHMP into the Public Safety Element

WHEREAS, on May 29, 2018 the Native American Heritage Commission transmitted a list of appropriate tribal contacts for purposes of consultation pursuant to Government Code Section 65352.3 to the County

WHEREAS, on June 1, 2018 the County transmitted correspondence to the list of tribal contacts provided by the Native American Heritage Commission inviting consultation pursuant to Government Code Section 65352.3

WHEREAS, the last day that the Tribes could request consultation was September 4, 2018 and no Tribe requested consultation

WHEREAS, the Inyo County Board of Supervisors, through Section 15.12.040 of the Inyo County Code, has designated the Planning Commission to serve as the Environmental Review Board pursuant to Section 15022 of the California Environmental Quality Act (CEQA) Guidelines, which is responsible for the environmental review of all County projects

WHEREAS, General Plan Amendment No. 2018-02 is an Amendment to the Public Safety Element of the County General Plan that provides planning and implementation strategies for specific potential disasters in the County to reduce the negative effects of such disasters on Inyo County citizens and the environment

WHEREAS, the implementation of the MHMP will not result in significant changes to the environment, and since it addresses disaster planning and remediation it will be beneficial to the environment, General Plan Amendment No. 2018-02/Inyo County-MHMP is exempt from the California Environmental Act (CEQA), per general rule 15061(b)(3)

WHEREAS, in compliance with the ten-day noticing requirement for public hearings, on August 11, 2018 a notice of public hearing by the Inyo County Planning Commission, for General Plan Amendment 2018-02/Inyo County-MHMP, was published in the Inyo Register

WHEREAS, on August 22, 2018, the Planning Commission held a public hearing, took public comment on Draft General Plan Amendment No. 2018-02/Inyo County-MHMP and recommended that the Board of Supervisors certify that General Plan Amendment No. 2018-02/Inyo County-MHMP is exempt from CEQA, per the general rule 15061(b)(3), and make certain findings, and approve

WHEREAS, in compliance with the ten-day noticing requirement for public hearings, a notice of public hearing by the Inyo County Board of Supervisors, for General Plan Amendment No. 2018-02/Inyo County was published in the Inyo Register on September 1, 2018

WHEREAS, on September 11, 2018 the Inyo County Board of Supervisors held a public hearing and took public comment on General Plan Amendment No. 2018-02/Inyo County-MHMP

WHEREAS, this Board does hereby find and declare adoption of General Plan Amendment No. 2018-02/Inyo County-MHMP to be in the public interest and will cause the County to be compliant with California AB-2140

NOW THEREFORE, BE IT HEREBY RESOLVED, based on all of the written and oral comments and input received at the September 11, 2018 hearing, including the staff report and recommendation from the Planning Commission, this Board of Supervisors makes the following findings with regard to General Plan Amendment No. 2018-02/Inyo County-MHMP:

Attachment 2

- 1.) General Plan Amendment No. 2018-02/Inyo County is exempt from CEQA, per the general rule 15061(b)(3), as it will not result in significant changes to the environment.
- 2.) Based on substantial evidence in the record, the proposed Amendment to update the Public Safety Element of the County General Plan with the MHMP is consistent with the Goals and Policies of the Inyo County General Plan.
- 3.) Based on substantial evidence in the record, the Amendment to update Public Safety Element of the County General Plan with the MHMP, complies with California Government Code Section 65300 et seq. (i.e., the State's regulations for the General Plan).

BE IT FURTHER RESOLVED, that the Board of Supervisors of the County of Inyo, State of California, does hereby certify General Plan Amendment No. 2018-02/Inyo County-MHMP is exempt from CEQA, per the general rule 15061(b)(3) and approves General Plan Amendment No. 2018-02 to update the Public Safety Element of the County General Plan by including, by reference, the Multi-Jurisdictional Hazard Mitigation Plan, based on all of the information in the public record and upon recommendation of the Planning Commission.

PASSED AND ADOPTED THIS 11 DAY OF SEPTEMBER, 2018:

AYES:
NOES:
ABSTAIN:
ABSENT:

Chair, Inyo County Board of Supervisors

ATTEST:

Clerk of the Board

By _____
Darcy Ellis, Assistant