

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
ACTION AGENDA SUMMARY

DEPT: Planning and Community Development *K Tall*

BOARD AGENDA # 6:40 p.m.

Urgent Routine

AGENDA DATE December 16, 2008

CEO Concurs with Recommendation YES NO
(Information Attached)

4/5 Vote Required YES NO

SUBJECT:

Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment #2008-05, a Minor Text Amendment to Add the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan to the Safety Element of the General Plan

PLANNING COMMISSION RECOMMENDATIONS:

After conducting a duly advertised public hearing at its regular meeting of November 20, 2008, the Planning Commission, on a 6-0 vote, recommend that the Board of Supervisors approve the project, subject to the following actions:

1. Find the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA guidelines, Section 15601(b)(3) and order the filing of the Notice of Exemption;

(Continued on Page 2)

FISCAL IMPACT:

There are no fiscal impacts associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2008-863

On motion of Supervisor Grover, Seconded by Supervisor O'Brien

and approved by the following vote,

Ayes: Supervisors: O'Brien, Grover, Monteith, and Vice Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: District Two vacant

Abstaining: Supervisor: None

1) X Approved as recommended

2) _____ Denied

3) _____ Approved as amended

4) _____ Other:

MOTION:

Christine Ferraro

ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.

Public Hearing to Consider Planning Commission's Recommendation for Approval of General Plan Amendment #2008-05, a Minor Text Amendment to Add the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan to the Safety Element of the General Plan

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PLANNING COMMISSION RECOMMENDATION: (Continued)

2. Find that:
 - a. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses; and
 - b. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.
3. Approve General Plan Amendment Application No. 2008-05 - Minor Text Amendment to add the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan to the Safety Element of the General Plan.

DISCUSSION

The purpose of this amendment is to incorporate language in the General Plan to comply with state law requiring that local jurisdictions include a local hazard mitigation plan as part of their Safety Element.

The County's Local Hazard Mitigation Plan (HMP) is a multi-jurisdictional plan that includes the County and 48 other jurisdictions in Stanislaus County including cities and various special districts. Stanislaus County identified five natural hazards that were addressed in our Multi-Jurisdictional Hazard Mitigation Plan. They are: Earthquake, Landslide, Dam Failure, Flood, and Wildfire. The HMP was approved by the Board of Supervisors on December 13, 2005.

The HMP includes a detailed risk assessment, goals, objectives and alternative mitigation actions, and a comprehensive mitigation plan and implementation strategy. The risk assessment section is a county-wide assessment of hazards. The HMP discusses jurisdiction-by-jurisdiction potential hazards, capabilities, existing plans, policies, ordinances, fiscal resources, goals, objectives, and actions, and is available for full review from the Clerk of the Board and on the Office of Emergency Services web page at: <http://www.scoes.info/oes.shtm>.

Since the adoption of the County's HMP by the Board of Supervisors, the State Legislature approved Assembly Bill (AB) 2140 adding Sections 8685.9 and 65302.6 to the Government Code. Section 65302.6 authorizes a city or county to adopt with its Safety Element a federally specified local hazard mitigation plan. It also proposes penalties on local jurisdictions that have not adopted a local hazard mitigation plan as part of the Safety Element. It would limit how much money the County may receive from the California Disaster Assistance Act in most cases to no more than 75% of the total state eligible costs unless "the County has adopted a local hazard mitigation plan... as part of the Safety Element of the General Plan."

Approval of General Plan Amendment #2008-05, a Minor Text Amendment to Add the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan to the Safety Element of the General Plan
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This proposal would modify Chapter 5 (the Safety Element) of the County's General Plan to incorporate the Multi-Jurisdictional Hazard Mitigation Plan as follows:

Add to Page 5-2:

Multi-Jurisdictional Hazard Mitigation Plan

The State Office of Emergency Services approved the County's Multi-Jurisdictional Hazard Mitigation Plan on April 29, 2005 and the plan was approved by the Federal Emergency Management Agency (FEMA) on July 22, 2005. The Board of Supervisors adopted the Plan on December 13, 2005.

The County and 48 other jurisdictions participated in the Multi-Jurisdictional Hazard Mitigation Plan. Each of these 48 participating jurisdictions had their governing body formally adopt the County of Stanislaus Multi-Jurisdictional Hazard Mitigation Plan, along with their individual plan, as their own Local Hazard Mitigation Plan. The County's plan serves as the umbrella plan with each individual jurisdiction's plan considered an annex. The Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan is incorporated into the Safety Element of the General Plan and shall be implemented as appropriate.

Modify POLICY ONE of GOAL ONE in the Safety Element as follows:

POLICY ONE

The County will adopt (and implement as necessary) plans, ***inclusive of the Multi-Jurisdictional Hazard Mitigation Plan***, to minimize the impacts of a natural ***and man-made*** disasters.

Add Implementation Measure Number 6 to POLICY ONE as follows:

6. The County has adopted a Multi-Jurisdictional Hazard Mitigation Plan, and will implement and evaluate the Plan on a regular basis as necessary to comply with state and federal laws. Responsible Department: Office of Emergency Services.

Environmental Review

This action is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA guidelines, Section 15601(b)(3). No significant comments were received during review.

Findings Required

General Plan amendments affect the entire County and any evaluation must give primary concern to the County as a whole; therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical and social well-being of the County in general?" Additionally, the County, in reviewing General Plan amendments shall consider how the levels of public and private service might be affected. In each case, in order to take affirmative action regarding the General Plan amendment application, it must be found that:

- a. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses; and
- b. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.

The Planning Commission met on November 20, 2008, and with very little discussion, believed that the findings above could be made and recommended that the Board of Supervisors approve General Plan Amendment Application No. 2008-05 - Minor Text Amendment to add the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan to the Safety Element of the General Plan.

STAFFING IMPACT

None.

ATTACHMENTS:

1. Stanislaus Multi-Jurisdictional Hazard Mitigation Plan (**Available from the Clerk and on line at: <http://www.scoes.info/oes.shtm>**)
2. Planning Commission Staff Report, November 20, 2008
3. Minutes, Planning Commission Meeting, November 20, 2008

ATTACHMENT 1

STANISLAUS MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN

**(Available from the Clerk of the Board
and online at:**

<http://www.scoes.info/oes.shtm>)



November 20, 2008

TO: Stanislaus County Planning Commission

FROM: Stanislaus County Planning and Community Development Department

SUBJECT: GENERAL PLAN AMENDMENT APPLICATION NO. 2008-05 - MINOR TEXT AMENDMENT TO ADD THE STANISLAUS COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN TO THE SAFETY ELEMENT OF THE GENERAL PLAN

Overview

The purpose of this amendment is to incorporate language in the General Plan to comply with state law requiring that local jurisdictions include a local hazard mitigation plan as part of their Safety Element.

Background

The County's Local Hazard Mitigation Plan (HMP) is a multi-jurisdictional plan that includes the County and 48 other jurisdictions in Stanislaus County including cities and various special districts. Stanislaus County identified five natural hazards that were addressed in our Multi-Jurisdictional Hazard Mitigation Plan. They are: Earthquake, Landslide, Dam Failure, Flood, and Wildfire. The HMP was approved by the Board of Supervisors on December 13, 2005.

The HMP includes a detailed risk assessment, goals, objectives and alternative mitigation actions, and a comprehensive mitigation plan and implementation strategy. The risk assessment section is a county-wide assessment of hazards. The HMP discusses jurisdiction-by-jurisdiction potential hazards, capabilities, existing plans, policies, ordinances, fiscal resources, goals, objectives, and actions, and is available for full review on the Office of Emergency Services web page at: <http://www.scoes.info/oes.shtm>.

Since the adoption of the County's HMP by the Board of Supervisors, the State Legislature approved Assembly Bill (AB) 2140 adding Sections 8685.9 and 65302.6 to the Government Code. Section 65302.6 authorizes a city or county to adopt with its Safety Element a federally specified local hazard mitigation plan. It also proposes penalties on local jurisdictions that have not adopted a local hazard mitigation plan as part of the Safety Element. It would limit how much money the County may receive from the California Disaster Assistance Act in most cases to no more than 75% of the total state eligible costs unless "the County has adopted a local hazard mitigation plan... as part of the Safety Element of the General Plan."

Staff Proposal

This proposal would modify Chapter 5 (the Safety Element) of the County's General Plan to incorporate the Multi-Jurisdictional Hazard Mitigation Plan as follows:

Add to Page 5-2:

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The State Office of Emergency Services approved the County's Multi-Jurisdictional Hazard Mitigation Plan on April 29, 2005 and the plan was approved by the Federal Emergency Management Agency (FEMA) on July 22, 2005. The Board of Supervisors adopted the Plan on December 13, 2005.

The County and 48 other jurisdictions participated in the Multi-Jurisdictional Hazard Mitigation Plan. Each of these 48 participating jurisdictions had their governing body formally adopt the County of Stanislaus Multi-Jurisdictional Hazard Mitigation Plan, along with their individual plan, as their own Local Hazard Mitigation Plan. The County's plan serves as the umbrella plan with each individual jurisdiction's plan considered an annex. The Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan is incorporated into the Safety Element of the General Plan and shall be implemented as appropriate.

Modify POLICY ONE of GOAL ONE in the Safety Element as follows:

POLICY ONE

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Add Implementation Measure Number 6 to POLICY ONE as follows:

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Environmental Review

This action is exempt from the California Environmental Quality Act (CEQA), pursuant to State CEQA guidelines, Section 15601(b)(3).

Findings Required

General Plan amendments affect the entire County and any evaluation must give primary concern to the County as a whole; therefore, a fundamental question must be asked in each case: "Will this amendment, if adopted, generally improve the economic, physical and social well-being of the

County in general?" Additionally, the County, in reviewing General Plan amendments shall consider how the levels of public and private service might be affected. In each case, in order to take affirmative action regarding the General Plan amendment application, it must be found that:

- a. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses; and
- b. The County and other affected government agencies will be able to maintain levels of service consistent with the ability of the government agencies to provide a reasonable level of service.

Staff believes both findings can be made.


Recommendation

Based on all evidence on the record, and on the ongoing discussion, staff recommends that the Planning Commission recommend that the Board of Supervisors approve General Plan Amendment Application No. 2008-05 - Minor Text Amendment to add the Stanislaus County Multi-Jurisdictional Hazard Mitigation Plan to the Safety Element of the General Plan, subject to the following actions:

1. Find the project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA guidelines, Section 15601(b)(3) and order the filing of the Notice of Exemption;
2. Find that:
 - a. The General Plan amendment will maintain a logical land use pattern without detriment to existing and planned land uses; and
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- D. **GENERAL PLAN AMENDMENT APPLICATION NO. 2008-05 - MINOR TEXT AMENDMENT TO ADD THE STANISLAUS COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN TO THE SAFETY ELEMENT OF THE GENERAL PLAN** - Overview: The purpose of this amendment is to incorporate language in the General Plan to comply with state law requiring that local jurisdictions include a local hazard mitigation plan as part of their Safety Element.
Staff Report: Kirk Ford Recommends **APPROVAL TO THE BOARD OF SUPERVISORS.**
Public hearing opened.
OPPOSITION: No one spoke.
FAVOR: No one spoke.
Public hearing closed.
Layman/Poore, Unanimous (6-0), **APPROVED THE STAFF RECOMMENDATIONS AS OUTLINED IN THE STAFF REPORT, AND RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS.**

EXCERPT
PLANNING COMMISSION
MINUTES



Secretary, Planning Commission

12/05/08

Date