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GENERAL PLAN AMENDMENT

DATE: May 9, 2024

TO: Planning Commission

FROM: Thea Graybill, Senior Planner
Bret Sampson, Planning Manager

SUBJECT: GPA24-0002/Safety Element Update - Amendment to General Plan to incorporate the Safety Element Update

RECOMMENDATION

Staff recommends the Planning Commission forward a recommendation to the Board of Supervisors to take the following actions:

1. Adopt the Addendum to El Dorado County's General Plan Environmental Impact Report (EIR) (Attachment B, Exhibit A), certified in May 2003 (State Clearinghouse Number 2001082030) demonstrating that the analysis in that EIR adequately addresses the potential physical impacts associated with implementation of the Public Health, Safety, and Noise Element (Safety Element) Update, and the Safety Element Update would not trigger any of the conditions described in California Environmental Quality Act (CEQA) Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration based on the analysis prepared; and
2. Approve General Plan Amendment GPA24-0002 amending the General Plan to incorporate the Safety Element Update based on Findings in Attachment D.

INTRODUCTION

The County updated the Safety Element, which is one of the seven mandatory elements of County's General Plan. The General Plan must contain a Safety Element that serves as a policy

guide to reduce the potential risk of death, injuries, property damage, economic loss, and social dislocation resulting from natural and human-caused hazards, such as drought, earthquakes, extreme heat, fire, flood, and landslides. The County has contracted with WSP USA Environment & Infrastructure Inc. (WSP) to assist with this effort.

The Safety Element Update identifies potential health and safety concerns in the unincorporated areas of the County and lays out goals and policies to protect the community. As a required element of the General Plan, the Safety Element provides a long-term framework on how the County will grow and keep communities and their assets safe through hazard identification, development of goals and policies, and implementation programs focused on hazard risk reduction and avoidance.

Recent changes to State law require that counties review their Safety Elements when their Housing Elements or their Local Hazard Mitigation Plans (LHMP) are updated, at least once every eight years, and make updates to include new information related to natural hazards, climate adaptation, resiliency strategies, and evacuation accessibility and to comply with statutory changes outlined in California Government Code Section 65302(g) and 65302.15 as updated by Senate Bills (SB) 1241, 379, 1035, and 99 as well as Assembly Bills (AB) 747 and 1409. The County updated its Housing Element on August 31, 2021, which necessitated the update to its Safety Element.

The Safety Element is a required component of the California Board of Forestry and Fire Protection's (Board of Forestry) Fire Risk Reduction Community List (FRRCL) application, which provides local jurisdictions an opportunity to receive funding priority, possible reductions in wildfire insurance costs, and possible eligibility to obtain wildfire insurance in the State. Local jurisdictions can submit a FRRCL application every two years, and it is due on April 1, 2024. The County submitted the revised draft Safety Element Update with the rest of the FRRCL application materials, as a placeholder, to meet the April 1, 2024 deadline. The Board of Forestry, however, agreed to extend the deadline for the Safety Element component of the FRRCL application until June 1, 2024, to allow for the County's BOS to possibly adopt the recently revised Safety Element Update. Any substantive revisions to the Safety Element Update, specifically in the wildfire sections, must be reviewed and approved by the Board of Forestry at its next regularly scheduled meeting, which would prevent the County from meeting the June 1, 2024 FRRCL application deadline.

BACKGROUND/HISTORY

California Government Code Section 65302(g) requires that Safety Elements contain hazard information, mapping, and goals and policies to protect communities from seismically induced surface rupture, ground shaking, and ground failure; tsunamis, seiches, and dam failure; slope instability leading to mudslides and landslides; subsidence; liquefaction; other seismic hazards; flooding; wildland and urban fires; and climate change. Safety Elements must also include a set of flexible strategies to adapt to climate change and consider evacuation route planning, peak load water supply, and military installations.

SB 379 requires the inclusion of a Climate Vulnerability Assessment (CVA) and integration of adaptation strategies in the Safety Element. A CVA identifies the risks that climate change poses to the County and the geographic areas at risk from climate change impacts. The CVA is integrated into the Safety Element Update and identifies how the County is vulnerable to wildfire, flooding, landslides, increased and earlier water runoff, reduced snowpack levels, and other relevant climate-related hazards. A CVA must be completed if the current LHMP does not meet the requirements of Government Code Section 65302(g)(4). The County's current 2019 LHMP does not meet the statutory requirements and, therefore, the County completed a CVA.

The Safety Element was last adopted in July 2004 and amended four times, most recently in August 2019, to comply with then current State law.

ENVIRONMENTAL REVIEW

The Addendum to El Dorado County's General Plan EIR, certified in May 2003 (State Clearinghouse Number 2001082030) (Attachment A, Exhibit A) demonstrates that the analysis in that EIR adequately addresses the potential physical impacts associated with implementation of the proposed project and the proposed project would not trigger any of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration.

The General Plan is the foundation development policy document of the County. It defines the framework by which the physical, economic, and human resources of the County are to be managed and used over time. The General Plan acts to clarify and articulate the intentions of the County with respect to the rights and expectations of the public, property owners, and prospective investors and business interests. The General Plan informs these citizens of the goals, objectives, policies, and standards for natural and human-caused hazards in the County and the responsibilities of all sectors in meeting these.

As a policy document, the Safety Element does not result in physical changes to the environmental but identifies potential health and safety concerns in the unincorporated areas of the County and lays out goals and policies to protect the community. None of the policies in the proposed Safety Element Update would change the existing land use pattern, as established by the General Plan, and evaluated in the General Plan EIR. All future projects that are a result of the Safety Element must comply with the General Plan and any applicable laws. In addition, future discretionary actions require independent and project-specific environmental review to comply with CEQA.

The Addendum to the County's General Plan EIR, certified in May 2003 (State Clearinghouse Number 2001082030), (Attachment A, Exhibit A), demonstrates that the analysis in that EIR adequately addresses the potential physical impacts associated with implementation of the Safety Element Update. The Safety Element Update would not trigger any of the conditions described in CEQA Guidelines Section 15162 calling for the preparation of a subsequent EIR or negative declaration.

STAFF ANALYSIS

The Safety Element is a comprehensive report by the County describing potential health and safety concerns of the unincorporated area and how the County's goals and policies protect the community. According to the State of California General Plan Guidelines, the goal of the Safety Element is "to reduce the potential short and long-term risk of death, injuries, property damage, and economic and social dislocation resulting from fires, floods, droughts, earthquakes, landslides, climate change, and other hazards." Safety Elements contain hazard profiles and mapping that identify fire hazard severity zones (FHSZ), floodplains, and fault zones that help the County decide where to direct development and how to protect the community in the event there is a hazard-related emergency, such as a wildfire or flood.

State law requires that jurisdictions regularly update the Safety Element upon revision of the Housing Element, which El Dorado County updated on August 31, 2021 (File No. 21-1397, Item No. 44). Recent changes to State law require that cities and counties review their Safety Elements when their Housing Elements or their Local Hazard Mitigation Plans (LHMP) are updated, at least once every eight years, and make updates to include new information and to comply with statutory changes outlined in California Government Code section 65302(g) as updated by Senate Bills (SB) 1241, 379, and 1035. The update will address fire risk in state responsibility areas (SRA) and land classified as very high FHSZs in SRAs as well as other wildfire hazard areas, identify existing and planned uses in very high FHSZs, avoidance of wildfire hazards with respect to new land uses, identify the locations of essential public facilities outside high fire risk areas, ensure adequate infrastructure for new development, and list local and state agencies with responsibilities for fire protection (defined in section 51177; SB 1241). The County will also ensure the Safety Element addresses climate change hazards, includes a CVA, and incorporates climate adaptation and resiliency strategies (SB 379) that complement the LHMP (Assembly Bill [AB] 2140). This recent legislation is described below.

| Bill Number | Specific Safety Element Requirement |
|-------------|---|
| SB 379 | Requires the inclusion of a CVA and integration of adaptation strategies in the Safety Element and encourages a climate change discussion in the LHMP. A CVA must be completed if the current LHMP does not meet the requirements of Government Code §65302(g)(4) (2015). |
| SB 1035 | Addresses climate adaptation strategies in Safety Element and requires an update of climate data at least every 8 years (2018). |
| AB 747 | Requires a Safety Element to identify evacuation routes and evaluate their capacity, safety, and viability under a range of emergency scenarios. Requirements are in Government Code §65302.15 related to land use (2019). |
| AB 1409 | Requires the Safety Element be reviewed and updated to identify evacuation locations (2021). |
| SB 99 | Requires a Safety Element to identify residential developments in hazard areas that do not have at least two emergency evacuation routes (2019). |
| SB 1241 | Requires a Safety Element to address wildfire risks in SRAs and very high FHSZs pursuant to Government Code §65302(g)(3), develop policies to |

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| | mitigate wildfire risk, and include review by the California State Board of Forestry and Fire Protection (2012). |
| SB 1000 | Requires inclusion of environmental justice and equity goals and policies in the Safety Element – "Climate Equity". It includes the identification of Disadvantaged Communities (DACs) and policies to reduce unique health risks, promote public engagement, and prioritize improvements that address the needs of DACs pursuant to Government Code §65040.12(e) (2016). |
| AB 2140 | Links LHMPs and Safety Elements by encouraging the incorporation by reference of LHMPs into Safety Elements and by tying State funding eligibility to the adoption of LHMPs into the Safety Element (2006). |

The current Safety Element, last updated in August 2019, does not address the statutory requirements outlined above. Therefore, the County modernized the Safety Element and brought it into compliance with state law as described in detail below.

PROPOSED REVISIONS

This revision is an update to the Safety Element, not a comprehensive rewrite. The underlined text in the Safety Element Update refers to new and revised text additions that are a part of this update process. The strikethrough text in the Safety Element Update refers to the text deletions. Any text that is not underlined or has strikethrough has not been updated as a part of this process.

The major changes of this Safety Element Update are centered on 1) addressing wildfire risks in Very High FHSZ and developing policies to mitigate that risk, 2) addressing climate change hazards and incorporating the CVA to integrate climate adaptation and resiliency strategies, 3) referencing the soon-to-be updated LHMP and traffic evacuation analysis that will evaluate the capacity, safety, and viability of the routes in the plan under a range of scenarios, and 4) identifying residential developments in hazard areas that do not have at least two emergency evacuation routes. Furthermore, the goals, policies, and implementation measures have been updated to reflect changes in state law as described above and based on minor recommendations from the Board of Forestry.

These goals, policies, and implementation measure revisions are summarized in more detail below.

Wildfire

The proposed Safety Element wildfire policy updates largely reflect standards and regulations that the County must already comply, or standards and regulations the County complies with as required under the State Fire Safe Regulations. Updates to the wildfire section in the Safety Element include:

- new maps and updates to existing maps;
- updated wildfire information such as ignition sources and causes, major wildfires, and hazard reduction measures;
- hyperlinks to online resources and related plans, such as the LHMP, Community Wildfire Protection Plans, and Emergency Operations Plan;
- updated wildfire related plans and services;

- information on public outreach programs for defensible space and emergency preparedness;
- measures, tools and programs to reduce wildfire risk;
- identification of single egress neighborhoods (pursuant to SB 99); and
- applicable local, state, and federal codes and regulations.

The Safety Element also contains updated objectives, policies, and actions, including one revised objective and one new objective as well as four revised policies and 15 new policies. Each of these policies was drafted to meet requirements in California Government Code Section 65302(g).

Evacuation Planning

Evacuation planning is required to be addressed in the Safety Element, pursuant to SB 99 (2019), AB 747 (2019), and AB 1409 (2021). To meet the requirements in these bills, one objective was drafted to address SB 99, requiring the identification of residential neighborhoods without at least two means of egress, and one objective to address AB 747 and AB 1409, requiring the identification of evacuation routes and their capacity, safety, and viability under a range of emergency scenarios, as well as evacuation locations in the County. Two policies were added to meet the requirements laid out in SB 99, five policies were added to meet the requirements of AB 747 and AB 1409, and an additional policy addressed all three bills. Additionally, one policy was added to support the County's efforts to extend safety and evacuation information to vulnerable populations.

The County is planning to meet this by incorporating by reference both the County's Sheriff's Office, Office of Emergency Services 2024 Multi-Jurisdictional Hazard Mitigation Plan Update (MJHMP) and the County's Transportation Commission's (EDCTC) Greater Placerville Wildfire Evacuation Preparedness, Community Safety, and Resiliency Study (Evacuation Study). At the time of this Planning Commission hearing, however, both the MJHMP and Evacuation Study are still in process and are public draft documents that are scheduled to be finalized on or around June 1.

Climate

SB 379 (2016) requires the Safety Element to address climate adaptation and resiliency strategies, including a set of goals, policies, and objectives for the County based on the vulnerability assessment, as well as implementation measures, including the conservation and implementation of natural infrastructure that may be used in adaptation projects. To address requirements in this section, a CVA was drafted, and will be added as an appendix to the Safety Element. The CVA includes:

- Information from the Internet based Cal-Adapt tool;
- Information from the most recent version of the California Adaptation Planning guide;
- Identification of local populations most sensitive to climate change exposures;
- Information regarding the ability of local agencies to deal with the impacts of climate change;
- Identification of historical data on natural events and hazards, including sites

- that have been repeatedly damaged; and
- Maps showing existing and planned development in at-risk areas.

The Safety Element also includes a set of adaptation and resiliency goals, policies, and objectives based on the findings in the CVA, as well as a set of feasible implementation measures designed to carry out these goals, policies, and objectives. Hazards addressed by the CVA and the Safety Element include drought and water supply issues, agricultural and forestry disease, extreme heat, high wind, severe weather, human health hazards, and general climate change adaptation and resiliency. The Climate and Adaptation section of the Safety Element contains eight new climate adaptation policies, in addition to nine new drought and water supply policies, four new agriculture and forestry disease policies, two new extreme heat policies, and three new severe weather policies. This set of policies ensures the County includes an adaptation framework in the Safety Element in compliance with SB 379.

The Safety Element also consisted of revisions to other hazard sections, primarily to address current hazard and human-health risks. Six additional policies were added to the existing geologic and seismic hazards section, eight new human-health policies, and one additional policy was added to the existing flood section on dam failure inundation.

In all, the Safety Element includes 41 implementation measures – 24 measures are from the prior Safety Element and are in progress or ongoing, and 17 are new measures that have been added (see listed below).

New Implementation Measures:

- HS-Y: Update Defensible Space Ordinance
- HS-Z: Develop development standards, coordinated emergency notification, and evacuation plans and procedures for development in the WUI, SRA, or very high FHSZ
- HS-AA: Coordinate climate resiliency efforts
- HS-BB: Designate facilities to be cooling centers or resilience hubs
- HS-CC: Promote water conservation
- HS-DD: Support EDCWA's water resource programs and drought plans
- HS-EE: Ensure free or discounted vaccination
- HS-FF: Update emergency plans and procedures every 5 years
- HS-GG: Develop and implement Drought Task Force and Drought Resilience Plan
- HS-HH: Implement Stormwater Management Plan
- HS-II: Analyze environmental impacts when a project is in hazardous location
- HS-JJ: Educate County decision makers about climate change and adaptation projects
- HS-KK: Support biomass utilization
- HS-LL: Support safe evacuation by notifying residents in neighborhoods with one means of egress
- HS-MM: Conduct survey targeting individuals and communities with access and functional needs to inform them about emergency and shelter requirements

- HS-NN: Develop Mass Evacuation and Sheltering Plan that address needs of at-risk communities
- HS-OO: Require Fire Protection Plans for new development to comply with fire protection standards.

Additional revisions were made to the public draft version of the Safety Element Update in response to direction received during the joint informational workshop with the Board of Supervisors and Planning Commission as well as in response to public comments and recommendations received from the Board of Forestry. Those revisions to the Safety Element Update are shown in track changes in Attachment B, Exhibit B and a clean version as Attachment B, Exhibit C. The revisions are also summarized in Attachment C. There are several Appendices to the Safety Element Update, including Appendix A – List of Acronyms (Attachment B, Exhibit D), Appendix B – Background Report (Attachment A, Exhibit E), Appendix C – Climate Vulnerability Assessment (Attachment B, Exhibit F), and Appendix D – Dam Inundation Maps (Attachment B, Exhibit G).

The current Safety Element Update has a total of 73 policies and 24 implementation measures. The proposed Safety Element Update has 139 policies and 41 implementation measures, which amounts to 66 new policies, 6 revised policies, and 17 new implementation measures. Most of the new policies and implementation measures as part of this Safety Element Update process relate to wildfire hazards, evacuation accessibility, and climate change adaptation to meet statutory requirements and/or are already being implemented by the County.

Out of the proposed new policies, there are only 29 that the Board of Supervisors and Planning Commission have discretion over or flexibility to revise and are not required by State law or are not currently being implemented by the County. The remaining 37 proposed policies are mandated by the State and are mostly under the discretion of the Board of Forestry, which if substantively revised by the Board of Supervisors and Planning Commission, those policies would need to be reviewed again by the Board of Forestry as explained above.

PUBLIC PARTICIPATION

Opportunities for residents and stakeholders to provide input on safety issues and recommend strategies is critical to the development of the Safety Element Update. With the help of the County's consultant, WSP, staff developed a robust outreach strategy, which outlines the process through which the County and its citizens, public officials, and stakeholders may participate in the development of the CVA and Safety Element.

There are several different key groups involved in the Safety Element Update. The County formed a Safety Element Advisory Committee (SEAC), which was established to inform and review the CVA and Safety Element Update; develop the updated goals, policies, and implementation programs for the Safety Element; and support public outreach and engagement for the development of the Safety Element Update. The SEAC is comprised of staff from the County and relevant agencies, such as the County's Office of Wildfire Prevention and Resilience (OWPR), the California Department of Forestry and Fire Protection, El Dorado County Water

Agency, El Dorado County Transportation Commission, multiple local fire protection districts, and others. In addition, the County has engaged with key stakeholders comprised of federal, state, and local agencies, and community-based organizations that can affect or be affected by a course of action associated with this Safety Element Update effort. The County has also been engaging with members of the public to ensure citizens understand risk and vulnerability as well as work with us to support policies, actions, and tools to address and reduce harm and future losses.

The County has used various coordination and outreach tools and touchpoints during the development of the Safety Element Update. These tools include developing a webpage; conducting a bi-lingual public survey; circulating announcements and flyers in local newspapers, and social media posts about the Safety Element update process; and advertising/soliciting feedback on draft documents; and touchpoints, such as hosting workshops; holding various one-on-one coordination meetings with stakeholders.

Several workshops were conducted to facilitate this process and ensure the broadest range of input. The County hosted a total of two virtual stakeholder workshops (January 5, 2023 and August 17, 2023) and four virtual public workshops (March 9, 2023; May 9, 2023; September 13, 2023; and December 5, 2023) for the CVA and/or Safety Element Update.

The County also hosted a joint informational workshop with the Board of Supervisors and Planning Commission on November 14, 2023, to solicit input and encourage public participation during the process of developing the Safety Element Update. The public draft Safety Element Update was released on November 8, 2023, in advance of a public workshop and the joint informational workshop, to solicit public comments. During the joint informational workshop, the Board of Supervisors decided to extend the public comment period – originally set to December 8, 2023, was extended to January 5, 2024. Input received at these workshops and during the public comment period has been considered and has been incorporated in the Safety Element Update, if appropriate.

The revised draft Safety Element Update was submitted to the Board of Forestry for review on February 20, 2024, and the California Geological Survey on March 1, 2024. The Board of Forestry reviewed the County's revised draft Safety Element Update on March 5, 2024, with a list of minor, editorial recommended revisions. In summary, the Safety Element Update was well received by the Board of Forestry with minimal recommendations. The County has not received any recommended revisions from the California Geological Survey currently.

RATIONALE FOR RECOMMENDATION

Staff has revised the Safety Element to address the Board of Forestry's minor comments and recommended revisions and, upon adoption by the Board of Supervisors, will submit the final Safety Element Update to the Board of Forestry as a component of the FRRCL application. Additional substantive revisions to the Safety Element Update would require further consideration and approval by the Board of Supervisors as well as California Department of Forestry and Fire Protection Planning Unit staff and the Board of Forestry at its next available meeting.

As explained above, any delay in recommending adoption to the Board of Supervisors means that the County likely would not be eligible for the FRRCL as the final Safety Element Update is due to the Board of Forestry by June 1, 2024. Any substantive revisions to the Safety Element Update, specifically in the wildfire sections, must be reviewed and approved by the Board Of Forestry at its next regularly scheduled meeting, which would prevent the County from meeting the June 1, 2024 FRRCL application deadline. Local jurisdictions on the FRRCL are provided priority when applying for grant funding opportunities, possible reductions in wildfire insurance costs, and possible eligibility to obtain wildfire insurance in the State. This would be a missed opportunity for the County as it would not be able to apply to the FRRCL for another two years – 2026.

NEXT STEPS

Following this Planning Commission public hearing, staff will 1) review the comments received from the public and the Planning Commission and 2) prepare any necessary revisions to the proposed General Plan Amendment. Staff will present the proposed General Plan Amendment and the Planning Commission recommendation for the Board of Supervisors consideration and approval. The Board of Supervisors public hearing will be held on May 21, 2024.

Upon possible adoption, the final Safety Element Update will be submitted to the Board of Forestry as a component of the FRRCL application by June 1, 2024.

EXHIBITS (Attachment B)

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| Exhibit A | CEQA - Addendum to El Dorado County's General Plan EIR, certified in May 2003 (State Clearinghouse Number 2001082030) |
| Exhibit B | Safety Element Update – Track Changes |
| Exhibit C | Safety Element Update – Clean |
| Exhibit D | Appendix A – List of Acronyms |
| Exhibit E | Appendix B – Background Report |
| Exhibit F | Appendix C – Climate Vulnerability Assessment |
| Exhibit G | Appendix D – Dam Inundation Map |