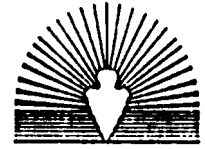




**LAND USE SERVICES DEPARTMENT
PLANNING STAFF REPORT**



HEARING DATE: December 19, 2013

AGENDA ITEM NO: 4

Project Description:

Applicant: Land Use Services Department

Proposal: First Cycle 2014 General Plan Safety Element Amendment to add a goal and four policies relative to the County's Hazard Mitigation Plan.

Community: Countywide

JCS: P201300609

Staff: Jim Squire

Background

The Disaster Mitigation Act of 2000 (DMA 2000, Public Law 106-390) requires that local governments must have an approved Hazard Mitigation Plan to be eligible to receive federal funding for both pre-disaster and post-disaster mitigation project funding after November 1, 2004. The County adopted its Hazard Mitigation Plan as a multi-jurisdictional plan on April 5, 2005 and adopted an update to that plan on September 27, 2011. FEMA approved the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan on October 11, 2011.

In order for San Bernardino County to be eligible for increased state share of funds made available under the California Disaster Assistance Act (CDAA) [California Government Code, Title 2, Division 1, Chapter 7.5, Sections 8680 et. seq.], the County must incorporate its Multi-Jurisdictional Hazard Mitigation Plan (HMP) as part of the General Plan Safety Element. Resolution 2011-186, adopting the update to HMP in 2011, acknowledged that "once approved the HMP will be considered to be incorporated into the County's General Plan." Even with this acknowledgement, an additional goal and four additional policies need to be added to the Safety Element of the General Plan to formally recognize the Plan as part of that element.

Upon adoption of the Resolution adding this goal and these policies to the Safety Element, staff will send a certified copy of the Resolution to the California Governor's Office of Emergency Services (CalOES) for review and certification. With this action, the County will be ensured to be eligible for the enhanced funding allowed by Government Code Section 8586.9. Enhanced eligibility is contingent upon availability of state funds.

ENVIRONMENTAL DETERMINATION:

The proposed General Plan Text Amendment is exempt from the California Environmental Quality Act (CEQA) because the proposed amendment will not result in a direct or reasonably foreseeable indirect change in the environment (Section 15060(c)(2) of the CEQA Guidelines) and the amendments are covered by the general rule that CEQA applies only to projects that have the potential for causing a significant effect on the environment (Section 15061(b)(3) of the CEQA Guidelines).

Action taken by the Planning Commission on this item may be appealed to the Board. Yes No

Note: Recommendations to the Board of Supervisors are not appealable.

FINDINGS:

The following findings and evidence to support such findings must be made by the Commission in making its recommendation to the Board to approve the proposed General Plan Amendment:

1. The proposed amendment is internally consistent with all other provisions of the General Plan and any applicable community plan or specific plan in that the proposed modifications are adopted with the intent to reduce and/or eliminate risk that may result in loss of life and property during and after a disaster.
2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County in that the proposed modifications include safeguards designed to protect the public interest, health, safety, convenience or welfare of the County's residents, including the disabled.

RECOMMENDATION: The Planning Commission recommends that the Board of Supervisors:

- A. ADOPT the First Cycle 2014 General Plan Safety Element Amendment to add a goal and four policies relative to the County's Hazard Mitigation Plan;
- B. ADOPT the findings as contained in the staff report; and
- C. FILE the Notice of Exemption.

ATTACHMENTS:

1. [Proposed General Plan Safety Element Text Amendment](#)
2. [Report/Recommendation to the Board of Supervisors, dated September 27, 2011](#)
3. [Resolution 2011-186](#)
4. [California Government Code Section 8685.9](#)

ATTACHMENT 1

Proposed General Plan Safety Element Text Amendment

Draft General Plan Goal/Policies Relative to Hazard Mitigation Plan

Goal S 10. The County will provide a Hazard Mitigation Plan (HMP) with the intent to reduce and/or eliminate risk that may result in loss of life and property.

Policies

- S 10.1** Prepare a Multi-Jurisdictional Hazard Mitigation Plan that assists in developing sustainable, self-reliant, disaster-resistant communities within the County. By this policy, the Hazard Mitigation Plan shall be part of this Safety Element of the County General Plan.

Programs

1. The Office of Emergency Services shall organize and preside over a coalition of local jurisdictions governed by the Board of Supervisors, participating agencies, pertinent stakeholders and emergency responders in the preparation of a comprehensive Multi-Jurisdictional Hazard Mitigation Plan that is regional in nature.
2. The Office of Emergency Services shall develop a County Planning Team to participate in the development and implementation of the Multi-Jurisdictional Hazard Mitigation Plan to include, but not limited to:
 - a. The County,
 - b. The County Fire Department/Fire Protection District,
 - c. The Flood Control District,
 - d. The Special Districts Department,
 - e. The Land Use Services Department,
 - f. The Big Bear Recreation and Parks District, and
 - g. The Bloomington Recreation and Parks District.

- S 10.2** The County Planning Team shall meet annually to review the status of the Multi-Jurisdictional Hazard Mitigation Plan and all associated projects and take necessary actions to ensure compliance with the Plan.

Programs

1. Complete pre-disaster and post-disaster actions required by the plan as funding and circumstances permit.
2. Analyze the current situation annually at the County Planning Team meeting to add, remove, or modify projects as projects are completed, identified, or project priorities/rankings are changed by the individual jurisdictions/departments responsible for the projects.

3. Track all projects including those completed, in progress, waiting funding, in planning and development stage, or projects removed from lists for any reason. Project tracking shall be included in the next update cycle of the Multi-Jurisdictional Hazard Mitigation Plan.

- S 10.3** Every five years, starting with the latest FEMA Approval Date for the MJHMP, submit completed necessary revisions, updates and additions to the latest FEMA approved Multi-Jurisdictional Hazard Mitigation Plan. Plan updates will be a joint project of the County Planning Team with input from the public as indicated in the Federal Emergency Management Agency guidance documents.
- S 10.4** After disasters, complete the necessary repairs and reconstruction as quickly as possible as funding permits to restore a sense of normalcy to the affected communities while following the guidelines established by the Multi-Jurisdictional Hazard Mitigation Plan and other plans, regulations and laws that apply.

ATTACHMENT 2

**Report/Recommendation to the Board of Supervisors,
dated September 27, 2011**

**REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
SITTING AS THE GOVERNING BOARD OF THE FOLLOWING:
SAN BERNARDINO COUNTY, CALIFORNIA
COUNTY FLOOD CONTROL DISTRICT
BOARD GOVERNED COUNTY SERVICE AREAS
AND RECORD OF ACTION**

**REPORT/RECOMMENDATION TO THE BOARD OF DIRECTORS
OF THE FOLLOWING:
SAN BERNARDINO COUNTY FIRE PROTECTION DISTRICT
BIG BEAR VALLEY RECREATION AND PARK DISTRICT
BLOOMINGTON RECREATION AND PARK DISTRICT
AND RECORD OF ACTION**

September 27, 2011

**FROM: MARK A. HARTWIG, Fire Chief
San Bernardino County Fire Protection District**

**FROM: GRANVILLE M. BOWMAN, Flood Control Engineer
Flood Control District**

**FROM: JEFFREY O. RIGNEY, Director
Special Districts Department**

**SUBJECT: SAN BERNARDINO COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION
PLAN**

RECOMMENDATION(S)

1. Acting as the governing body of San Bernardino County, adopt the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan dated March 2011, adopt a **Resolution No. 2011-186** adopting the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan, and authorize the San Bernardino County Fire Protection District Office of Emergency Services Division Manager to implement future non-substantive amendments to the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan.
2. Acting as the governing body of the San Bernardino County Fire Protection District, adopt the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan dated March 2011, adopt a **Resolution No. 2011-187** adopting the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan, and authorize the San Bernardino County Fire Protection District Office of Emergency Services Division Manager to implement future non-substantive amendments to the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan.

cc: w/resolutions:
Flood Control-Bowman, Watkins & Blakeslee
SBCFPD-Hartwig
Special Districts-Rigney & Booker
CAO-Brown
Public Works-Valdez
File - SDD-SBCFPD w/resolution, Special Districts-Board Governed CSA
w/resolution, Flood Control w/resolution, SDD-Big Bear Valley Rec & Park
w/resolution & SDD-Bloomington Rec & Park w/resolution
ml 09/28/11
ITEM 96

Record of Action of the Board of Supervisors
APPROVED (CONSENT CALENDAR)
COUNTY OF SAN BERNARDINO
Board of Supervisors

MOTION	<u> AYE </u>	<u> SECOND </u>	<u> RECUSED </u>	<u> MOVE </u>	<u> AYE </u>
	1	2	3	4	5

LAURA H. WELCH, CLERK OF THE BOARD
BY _____ 7
DATED: September 27, 2011

**SAN BERNARDINO COUNTY MULTI-JURISDICTIONAL HAZARD
MITIGATION PLAN
SEPTEMBER 27, 2011
PAGE 2 OF 4**

3. Acting as the governing body of the County Flood Control District, adopt the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan dated March 2011, adopt a **Resolution No. 2011-188** adopting the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan, and authorize the San Bernardino County Fire Protection District Office of Emergency Services Division Manager to implement future non-substantive amendments to the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan.
4. Acting as the governing body of Board Governed County Service Areas and their Zones, adopt the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan dated March 2011, adopt a **Resolution No. 2011-189** adopting the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan, and authorize the San Bernardino County Fire Protection District Office of Emergency Services Division Manager to implement future non-substantive amendments to the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan.
5. Acting as the governing body of Big Bear Valley Recreation and Park District, adopt the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan dated March 2011, adopt a **Resolution No. 2011-190** adopting the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan, and authorize the San Bernardino County Fire Protection District Office of Emergency Services Division Manager to implement future non-substantive amendments to the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan.
6. Acting as the governing body of Bloomington Recreation and Park District, adopt the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan dated March 2011, adopt a **Resolution No. 2011-191** adopting the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan, and authorize the San Bernardino County Fire Protection District Office of Emergency Services Division Manager to implement future non-substantive amendments to the San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan.

(Affected Districts: All)

(Presenter: Mark Hartwig, Fire Chief, 387-5948)

BOARD OF SUPERVISORS COUNTY GOALS AND OBJECTIVES

Maintain Public Safety.

FINANCIAL IMPACT

There is no Net County Cost (Discretionary General Funding) associated with the approval of this item. The San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan (HMP) project was fully funded by the Fiscal Year 2008 Homeland Security Grant Program in the amount of \$49,923, the Fiscal Year 2009 Homeland Security Grant Program in the amount of \$22,661.78, and the Fiscal Year 2010 Pre-Disaster Mitigation Grant Program in the amount of \$150,000. This action involves a federal program or the use of federal funds.

BACKGROUND INFORMATION

The Disaster Mitigation Act of 2000 (DMA 2000, Public Law 106-390) requires that local governments must have an approved HMP to be eligible to apply for federal funding for both pre-disaster and post-disaster mitigation projects after November 1, 2004. Additional funding sources affected by the Disaster Mitigation Act of 2000 are the Flood Mitigation Assistance program, the Pre Disaster Mitigation grant programs, Severe Repetitive Loss program, and the U.S. Small Business Administration's low-interest, post-disaster, small business loan program.

As of August 16, 2011, the plan includes the County of San Bernardino (County) as one of 48 partners each preparing a HMP. The HMP partners include the County, 23 cities and towns, and 24 self-governed special districts such as fire, water, and school districts. Each of the HMP partners will have their jurisdictional plans adopted by their governing bodies. The HMP provides

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a coordinated effort to support mitigation activities and measures to combat hazards within our County, as well as displaying the partnership of the County with Cities, Towns, and Special Districts. The County's HMP was last updated in 2005, in accordance to the five year required update cycle.

The County retained ICF Consulting Services, LLC to provide consultant and planning services with respect to the San Bernardino County HMP update project. ICF Consulting Services, LLC also developed a Multi-Jurisdictional rollup summary that was recommended by the Federal Emergency Management Agency (FEMA), which integrates information from each of the 48 individual HMP's.

The HMP identifies the most likely natural hazards within the County. As part of the Plan, a vulnerability analysis was conducted for the top three hazards facing the County; fire, flood, and earthquakes. This approach of developing a San Bernardino County HMP strengthens the County's probability to receive pre-disaster and post-disaster mitigation funding. The development of the HMP included a County Planning Team consisting of representatives from the following County Departments: County Fire, Land Use Services, Sheriff-Coroner, Public Works, County Flood Control District, Special Districts (representing the 102 Board-Governed districts), Arrowhead Regional Medical Center, and Information Services. Public outreach to gain input into the County's HMP involved community outreach through attendance at meetings and briefings to community groups such as mountain mutual aid organizations, local fire safe councils and special district advisory committees. Once adopted, the HMP will be considered to be incorporated into the County's General Plan during the next update of the General Plan.

On March 9, 2011, the County received FEMA conditional approval and notification that the County HMP was eligible for final approval pending its adoption by the San Bernardino County.

Following the FEMA conditional approval, on August 9, 2011, the County's Office of Emergency Services was notified by the California Emergency Management Agency that additional language needed to be added to the plan to address the separate legal entities within the County. The language ensures that these entities will be eligible to apply for any federal pre-disaster and/or post-disaster mitigation funding. The entities include the San Bernardino County Fire Protection District, County Flood Control District, Special Districts Department, Big Bear Valley Recreation and Park District, and the Bloomington Recreation and Park District. Therefore, all separate legal entities must also have their respective governing bodies adopt the County HMP as required under the Disaster Mitigation Act of 2000 to be eligible to apply for federal funds for disaster recovery and mitigation assistance. This revision will only be adding information related to the entities and to their priority hazards within their jurisdictions, which will result in no deletions of information and meet California Emergency Management Agency requirements.

These revisions are currently underway and once completed the County HMP will be resubmitted to FEMA for review. FEMA's review process may not be completed until October or November of this year. However, ICF Consulting Services, LLC has indicated that the feedback from FEMA should not be substantive based on FEMA's extensive review of the plan earlier this year.

REVIEWBYOTHERS

This item has been reviewed by the County Administrative Office (Jessica Brown, Administrative Analyst, 387-5510 on September 14, 2011 and Beatriz Valdez, Public Works Chief Financial Officer, 387-1852 on September 7, 2011; County Counsel (Charles S. Scolastico, Principal Assistant County Counsel, 387-5281 on September 7, 2011, and Dawn Messer, Deputy County Counsel, 387-4322 on September 8, 2011); County Flood Control District (Kevin Blakeslee,

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Deputy Flood Control Engineer, 387-7906) on September 7, 2011; and Special Districts Department (Randy Booker, Budget Division Manager, 387-5971) on September 2, 2011.

ATTACHMENT 3

Resolution 2011-186

RESOLUTION NO. 2011-186

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, ADOPTING THE SAN BERNARDINO COUNTY MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN DATED MARCH 2011, AND AUTHORIZING FUTURE NON-SUBSTANTIVE AMENDMENTS TO THE PLAN

On Tuesday, September 27, 2011, on motion of Supervisor Ovitt, duly seconded by Supervisor Rutherford and carried, the following resolution is adopted by the Board of Supervisors of San Bernardino County, State of California.

WHEREAS, the preservation of life and property is an inherent responsibility of local, state and federal government, including the County of San Bernardino, and the San Bernardino County Office of Emergency Services, to prepare a local Multi-Jurisdictional Hazard Mitigation Plan (HMP) for the San Bernardino County to define hazard mitigation measures to reduce or eliminate loss of life and/or property; and

WHEREAS, this HMP represents a comprehensive description of the County's commitment to reducing, preventing or eliminating potential impacts of disasters caused by natural hazards; and

WHEREAS, the HMP is a Federal requirement under the Disaster Mitigation Act of 2000 for the County to be eligible to apply for federal funds for disaster recovery and mitigation assistance; and

WHEREAS, the HMP established a coordinated effort to support mitigation activities, identifies measures to combat natural hazards within our County; and

WHEREAS, the HMP is an extension of the State of California Multi-Hazard Mitigation Plan, and will be reviewed periodically and revised as necessary to meet changing conditions; and

WHEREAS, the Board of Supervisors agrees to adopt this HMP and urges all officials, employees, public and private organizations, and citizens, individually and collectively, to do their share in furthering the preparation of hazard mitigation within the County of San Bernardino;

NOW, THEREFORE, BE IT RESOLVED THAT:

The Board of Supervisors of the County of San Bernardino, a public entity established under the laws of the State of California, hereby authorizes this HMP to be adopted, that the San Bernardino County Fire Protection District Office of Emergency Services Division Manager is hereby authorized to implement future non-substantive amendments, recommended by the Federal Emergency Management Agency upon their review, to the HMP, that a copy of the Board of Supervisors' approved San Bernardino County Hazard Mitigation Plan be forwarded to the Federal Emergency Management Agency and the California Emergency Management Agency, that once approved the HMP will be considered to be incorporated into the County's General Plan, and this plan become effective immediately.

PASSED AND ADOPTED by the Board of Supervisors of the County of San Bernardino, State of California, by the following vote:

AYES: SUPERVISORS: Mitzelfelt, Rutherford, Ovitt, Gonzales

NOES: SUPERVISORS: None

ABSENT: SUPERVISORS: None

RECUSED: SUPERVISORS: Derry

* * * * *

STATE OF CALIFORNIA)
)
COUNTY OF SAN BERNARDINO) ss.

I, **LAURA H. WELCH**, Clerk of the Board of Supervisors of the County of San Bernardino, State of California, hereby certify the foregoing to be a full, true and correct copy of the record of the action taken by the Board of Supervisors, by vote of the members present, as the same appears in the Official Minutes of said Board at its meeting of September 27, 2011. Item #96, ml.

LAURA H. WELCH
Clerk of the Board of Supervisors

By _____
Deputy

ATTACHMENT 4

California Government Code Section 8685.9

**GOVERNMENT CODE
SECTION 8685.9**

TITLE 2. GOVERNMENT OF THE STATE OF CALIFORNIA [8000 - 22980]

(Title 2 enacted by Stats. 1943, Ch. 134.)

DIVISION 1. GENERAL [8000 - 8899.24]

(Division 1 enacted by Stats. 1943, Ch. 134.)

CHAPTER 7.5. California Disaster Assistance Act [8680 - 8692]

(Heading of Chapter 7.5 amended by Stats. 2005, Ch. 158, Sec. 3.2.)

ARTICLE 4. Allocations to Local Agencies [8685 - 8687.8]

(Article 4 added by Stats. 1974, Ch. 290.)

Section 8685.9.

Notwithstanding any other provision of law, including Section 8686, for any eligible project, the state share shall not exceed 75 percent of total state eligible costs unless the local agency is located within a city, county, or city and county that has adopted a local hazard mitigation plan in accordance with the federal Disaster Mitigation Act of 2000 (P.L. 106-390) as part of the safety element of its general plan adopted pursuant to subdivision (g) of Section 65302. In that situation, the Legislature may provide for a state share of local costs that exceeds 75 percent of total state eligible costs.