



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

PLANNING COMMISSION

MEETING DATE October 24, 2013	CONTACT/PHONE Mike Wulkan 781-5608 mwulkan@co.slo.ca.us	APPLICANT County of San Luis Obispo	FILE NO. LRP2012-00005
SUBJECT Hearing to consider a request by the County of San Luis Obispo to amend the Safety Element of the County General Plan to incorporate by reference the adopted San Luis Obispo County Local Hazard Mitigation Plan. The Local Hazard Mitigation Plan presents a comprehensive risk assessment of natural hazards and suggests possible mitigation measures to reduce the effects of the potential hazards. The Local Hazard Mitigation Plan was developed by the County in accordance with the federal Disaster Mitigation Act of 2000, adopted by the Board of Supervisors and approved by the Federal Emergency Management Agency. State legislation requires the County to adopt a local hazard mitigation plan in accordance with the federal Disaster Mitigation Act of 2000 as part of the General Plan Safety Element in order to qualify for the maximum amount of disaster aid through the California Disaster Assistance Act. This proposal does not involve any substantive changes to the goals, policies, programs, or maps of the Safety Element.			
RECOMMENDED ACTION Adopt the resolution to recommend that the Board of Supervisors: 1) Approve the proposed General Rule Exemption in accordance with the applicable provisions of the California Environmental Quality Act (Public Resources Code 21000 et seq.); and 2) Adopt the amendment to the Safety Element of the County General Plan as set forth in Exhibit LRP2012-00005:B based on the findings in Exhibit LRP2012-00005:A.			
ENVIRONMENTAL DETERMINATION This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]			
LAND USE CATEGORY Not Applicable	COMBINING DESIGNATION Not Applicable	ASSESSOR PARCEL NUMBER Not Applicable	SUPERVISOR DISTRICT(S) 1,2,3,4 & 5
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			
PLANNING AREA STANDARDS: Not Applicable			
EXISTING USES: Not Applicable			
SURROUNDING LAND USE CATEGORIES AND USES: Not Applicable			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Community advisory groups; General Services, Office of Emergency Services and County Airport; Public Works; Public Health and Environmental Health; Agricultural Commissioner; APCD; SLOCOG; CAL FIRE; Regional Water Quality Control Board			
TOPOGRAPHY: Not Applicable		VEGETATION: Not Applicable	
PROPOSED SERVICES: Not Applicable		AUTHORIZED FOR PROCESSING DATE: Not Applicable	

PROJECT SUMMARY

This request is a County-initiated amendment to the Safety Element of the County General Plan to incorporate by reference the adopted San Luis Obispo County Local Hazard Mitigation Plan (LHMP). This proposal does not involve any substantive changes to the goals, policies, programs, or maps of the Safety Element.

The purpose of this amendment is to enable the County to qualify for the maximum amount of disaster aid in the event of a disaster such as an earthquake. Assembly Bill 2140 requires the County to adopt a local hazard mitigation plan in accordance with the federal Disaster Mitigation Act of 2000 as part of the General Plan Safety Element in order to qualify for additional funding through the California Disaster Assistance Act.

BACKGROUND

The LHMP, last adopted by the Board of Supervisors in August 2011, includes a comprehensive risk assessment of natural hazards and suggests possible mitigation measures to reduce the effects of potential hazards such as wildfires, floods, earthquakes, and landslides. The LHMP was prepared in accordance with the federal Disaster Mitigation Act of 2000 and approved by the Federal Emergency Management Agency (FEMA).

The County is currently in the process of updating the LHMP, including tying it and the Safety Element together to be in compliance with AB 2140. This effort is being led by the County Office of Emergency Services with the assistance of the consulting firm, Dewberry. In August 2013, your Commission conducted a study session on the update of the LHMP (the staff report is included as Attachment 3 for reference). The updated LHMP is expected to be considered by the Board of Supervisors by the end of the year.

In the near future, the Planning and Building Department plans to start a more comprehensive update to the Safety Element. At that time, the LHMP can be more fully integrated into the Safety Element. In the meantime, this request to incorporate the LHMP by reference into the Safety Element is needed so that the County is eligible for up to 100% of the state disaster fund reimbursements in those situations in which they are made available.

Under the California Disaster Assistance Act (CDAA), the County may apply to receive aid from the state for the repair, restoration, maintenance, or replacement of real property used for essential governmental services that was damaged or destroyed by the disaster. The Act limits the state's share of funding for such repair, restoration, maintenance, or replacement to 75 percent of total state eligible costs.

After many large disasters in California, the California legislature has approved reimbursing local agencies 100% of their costs if funding is available. While recent disasters involving the CDAA have not received 100% funding, should our County be in a situation in which the full disaster funding is made available and we are not in compliance with the AB 2140 provision to link the LHMP with the Safety Element, we could potentially lose millions of dollars.

A large loss of disaster funding could occur in the event of a serious earthquake causing extensive damage to County infrastructure such as buildings, dams, bridges, and roads. In that event, if damages totaled \$100,000,000, for example, then FEMA may reimburse the County for 75% of damages--\$75,000,000-- and the shortfall would then be \$25,000,000. Since CDAA reimbursement is a standard rate of 75% of the shortfall, the County would be reimbursed for 75% of the \$25,000,000 shortfall, which is \$18,750,000. That would leave the County with a shortfall of \$6,250,000 (\$25,000,000 - \$18,750,000). However, if the state were to provide a

100% reimbursement (through legislation) for that disaster and the County were in compliance with the requirement to link its Safety Element and LHMP, the County could receive the additional \$6,250,000. However, if the Safety Element and the LHMP were not linked, the County would not be eligible to receive the \$6,250,000.

PROPOSAL

The proposed amendment to the Safety Element is shown below and on attached Exhibit LRP 2008-00002:B. The proposal is to add a paragraph in Chapter 1, Introduction, that explains what the LHMP is, incorporates that plan into the Safety Element by reference and recommends consulting the LHMP when addressing hazards. The proposed language also notes that the goals and policies of the Safety Element are consistent with the recommended strategies in the LHMP to mitigate hazards.

Staff recommends that the Safety Element be revised by adding the second paragraph below on page 4 of the Safety Element under “Goals – Policies – Implementation Measures” to read as follows:

Goals – Policies –Implementation Measures

To make land use decisions that minimize the potential for loss of life, injury, and property damage from natural and human-caused hazards, it is necessary to have an understanding of the causes and potential effects of the hazards that may affect San Luis Obispo County. A description of the geologic, flooding, fire, and other safety hazards that may affect the County is provided in the Technical Background Report of this Element. A summary of the conclusions of the Technical Background Report that will influence future land use decisions is provided in each following section.

The San Luis Obispo County Local Hazard Mitigation Plan presents a comprehensive risk assessment of natural hazards that have the potential to affect San Luis Obispo County. The Local Hazard Mitigation Plan was developed by the County in accordance with the federal Disaster Mitigation Act of 2000, adopted by the Board of Supervisors and approved by the Federal Emergency Management Agency. The Local Hazard Mitigation Plan suggests possible mitigation measures for reducing the effects of the potential hazards. It is incorporated by this reference into the Safety Element and should be consulted when addressing known hazards to ensure the general health and safety of people within San Luis Obispo County. The goals and policies within this Safety Element support and are consistent with the recommended mitigation strategy within the Local Hazard Mitigation Plan.

STAFF COMMENTS

This short amendment to the Safety Element is needed so that the County is eligible for up to 100% of the state disaster fund reimbursements in those situations in which they are made available. This could amount to a substantial amount of money in the event of a serious disaster.

In the near future, the Planning and Building Department plans to start a more comprehensive update to the Safety Element. At that time, the LHMP can be more fully integrated into the Safety Element. That update will involve substantial public and agency outreach and will be considered at public hearings held by the Planning Commission and Board of Supervisors.

PUBLIC COMMENTS

Staff has not received any comments on this proposal from the advisory councils or the public.

OTHER AGENCY INVOLVEMENT

The Planning and Building Department is working closely with the County Office of Emergency Services to coordinate the LHMP update with the General Plan Safety Element. Other agencies involved in the LHMP are the Public Works Department, CAL FIRE, Agriculture Department, Public Health Department, the San Luis Obispo Council of Governments, and the San Luis Obispo Air Pollution Control District. These agencies are members of the LHMP Planning Group. Their focus is on the LHMP rather than this proposed amendment to the General Plan Safety Element.

The Office of Emergency Services supports this proposal and has been involved in the drafting of the proposed amendment.

ATTACHMENTS

1. Exhibit LRP2008-00002: A - Findings
2. Exhibit LRP2008-00002:B – Amendment to the Safety Element of the County General Plan
3. Planning Commission staff report for the August 22, 2013 study session on the Local Hazard Mitigation Plan

ATTACHMENT 1

EXHIBIT LRP2012-00005: A - FINDINGS

Environmental Determination

- A. This project is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this project may have a significant effect on the environment; therefore, the activity is not subject to CEQA. [Reference: State CEQA Guidelines sec. 15061(b)(3), General Rule Exemption]

Amendment

- B. The proposed amendment is consistent with the adopted elements of the general plan because the amendment incorporates by reference into the Safety Element the adopted San Luis Obispo County Local Hazard Mitigation Plan, the recommended strategies of which support and are consistent with the goals and policies of the Safety Element. The proposed amendment does not involve any substantive changes to the goals, policies, programs, or maps of the Safety Element.
- C. The proposed amendment will protect the public health, safety and welfare of the area residents, as it incorporates by reference into the Safety Element the adopted San Luis Obispo County Local Hazard Mitigation Plan, which includes measures to reduce the effects of the potential hazards such as fires, floods and earthquakes, and landslides.
- D. The proposed amendment will link the San Luis Obispo County Local Hazard Mitigation Plan with the Safety Element of the County General Plan in compliance with AB 2140, thereby making the County eligible for up to 100% of the state disaster fund reimbursements in those situations in which they are made available.

ATTACHMENT 2

Exhibit LRP 20012-00005:B Amendment to the Safety Element of the County General Plan

- I. Amend the Safety Element of the County General Plan as follows:
 - A. Revise the section titled **Goals – Policies –Implementation Measures** on page 4 of Chapter 1 by adding the second paragraph below to read as follows:

Goals – Policies –Implementation Measures

To make land use decisions that minimize the potential for loss of life, injury, and property damage from natural and human-caused hazards, it is necessary to have an understanding of the causes and potential effects of the hazards that may affect San Luis Obispo County. A description of the geologic, flooding, fire, and other safety hazards that may affect the County is provided in the Technical Background Report of this Element. A summary of the conclusions of the Technical Background Report that will influence future land use decisions is provided in each following section.

The San Luis Obispo County Local Hazard Mitigation Plan presents a comprehensive risk assessment of natural hazards that have the potential to affect San Luis Obispo County. The Local Hazard Mitigation Plan was developed by the County in accordance with the federal Disaster Mitigation Act of 2000, adopted by the Board of Supervisors and approved by the Federal Emergency Management Agency. The Local Hazard Mitigation Plan suggests possible mitigation measures for reducing the effects of the potential hazards. It is incorporated by this reference into the Safety Element and should be consulted when addressing known hazards to ensure the general health and safety of people within San Luis Obispo County. The goals and policies within this Safety Element support and are consistent with the recommended mitigation strategy within the Local Hazard Mitigation Plan.

ATTACHMENT 3

Exhibit LRP 2012-00005:C

**Planning Commission staff report for the August 22, 2013 study
session on the Local Hazard Mitigation Plan**



DEPARTMENT OF PLANNING AND BUILDING

Promoting the Wise Use of Land – Helping to Build Great Communities

TO: Planning Commission

FROM: Mike Wulkan, Supervising Planner

DATE: August 22, 2013

SUBJECT: Study Session on the Local Hazard Mitigation Plan

Staff recommends that your Planning Commission conduct a study session on the 2013 draft San Luis Obispo County Local Hazard Mitigation Plan (LHMP) and receive public comments.

The LHMP provides guidance on how to reduce risk from natural hazards. It is prepared by the County Office of Emergency Services through collaboration with a county-wide planning team and is adopted by the Board of Supervisors. It is not part of the County General Plan, but works in conjunction with other County plans, including the General Plan and hazard mitigation plans developed for specific programs such as flood control and fire prevention.

Although the LHMP will not come before your Commission for formal action, we welcome your comments. This study session also enables a public forum for this important planning effort.

Please refer to the attached report prepared by the County Office of Emergency Services. The public review draft of the LHMP can be viewed on the County's web site at:

<http://www.slocounty.ca.gov/oes.htm>

County of San Luis Obispo

COUNTY GOVERNMENT CENTER, RM. D430 • SAN LUIS OBISPO, CALIFORNIA 93408 • (805) 781-5011



Dan Buckshi
COUNTY ADMINISTRATOR

DATE: August 22, 2013

TO: Planning Commission

FROM: Ron Alsop, Emergency Services Manager
San Luis Obispo County Office of Emergency Services

SUBJECT: Study Session on the Local Hazard Mitigation Plan Update

RECOMMENDATION

Staff recommends that your Commission conduct a study session on the County's Local Hazard Mitigation Plan (LHMP) and receive public comments.

DISCUSSION

The original County of San Luis Obispo LHMP was developed as a result of federal legislation referred to as the federal Disaster Mitigation Act of 2000 (DMA 2000). Congress' goal in passing DMA 2000 was to encourage local governments and states to develop plans and undertake projects to mitigate the impact of natural disasters on infrastructure, health, housing, the economy, government services, education, the environment, and land use before disasters occur. As a result, DMA 2000 requires all local governments to develop and adopt a LHMP in order to be eligible for federal pre and post disaster hazard mitigation grant funds (such as grants for flood control, fire prevention, or earthquake hazard mitigation).

The County's initial LHMP was adopted in 2005 by the Board of Supervisors and approved in 2006 by FEMA. In order to remain eligible for the various mitigation grants, the LHMP must be updated and approved by FEMA every five years.

In July 2010 the County completed a Notice of Interest for a federal mitigation grant to update our LHMP in order to meet the five year renewal time for FEMA approval; our plan was set to "expire" in July 2011. In October 2010 we completed and submitted the formal grant application itself. In December 2010, the County suffered flooding to the extent that homes were flooded, particularly in the Oceano area, and enough public agency infrastructure and other damages that the County received a federal disaster declaration for public agencies. Part of the federal disaster assistance included making available federal hazard mitigation grant funds for, among other eligible projects, flood control.

As spring 2011 approached, it became obvious that if the grant applied for in October 2010 even was awarded, there would be no time to update the LHMP in order for it to be completed and receive FEMA approval by July 2011. That would mean the County would not be eligible to apply for either a standard federal hazard mitigation program grant program or the hazard mitigation grant program made available due to the 2010 federal storm disaster declaration. As such, it was decided by County staff to proceed with a straight-forward, basic LHMP update that could be done as promptly as possible with the use of a local contract firm familiar with our county.

The update proceeded, using 100% County General Fund dollars. In the meantime, the standard federal grant hazard mitigation grant program became available and Public Works applied for a significant flood control project; their application was initially denied since it was then past July 2011 and our LHMP had expired. However, upon learning our LHMP was on a fast track update, Cal EMA (now the Governor's Office of Emergency Services, or Cal OES), which administers the federal grant program, did reverse themselves and accept the grant application from Public Works.

The FEMA formal approval date for the above noted updated plan was December 2, 2011.

State Legislation and the Safety Element of the General Plan

In October 2006, the California legislature passed AB 2140, which became effective January 1, 2007. AB 2140 limits the funding of a state share of disaster recovery dollars unless the local jurisdiction has complied with the provisions set forth in the legislation. Specifically, the California Disaster Assistance Act (CDAA) allows the state to reimburse local agencies 75% of the local agency costs for certain disaster recovery damages.

However, after many large disasters in California the state legislature has approved reimbursing local agencies 100% of their costs if funding is available. AB 2140 requires that the FEMA approved Local Hazard Mitigation Plan for each jurisdiction has been adopted into the Safety Element of the jurisdiction's General Plan in order to be eligible for any potential 100% CDAA reimbursement.

While recent disasters with state CDAA involvement have not received 100% funding – in fact, Governor Brown recently vetoed legislation allowing such for a recent disaster recovery – and Cal OES has in some cases not reimbursed for some recent disasters at all – should we find our County in a situation in which it is made available and we are not in compliance with AB 2140, we could potentially lose millions of dollars.

This scenario of such a large loss would most likely be caused by a serious earthquake, which is possible. If we have a very significant earthquake with extensive damage to County infrastructure – buildings, dams damaged, bridges, roads – that totaled \$100,000,000 then FEMA may reimburse us 75% - which would be \$75,000,000 – and thus we would then be out

\$25,000,000. Since CDAA reimburses at a standard rate of 75% of what we are out, they would reimburse us 75% of the \$25,000,000 or \$18,750,000. That then leaves us out \$6,250,000. However, if the state provided a 100% reimbursement through legislation for that disaster and we are in compliance with the General Plan – LHMP requirement, we would receive the additional \$6,250,000. If in such case we were not in compliance with AB 2140 we would be out the \$6,250,000. Of course one can extrapolate the above down to a moderate earthquake of about \$10,000,000 in County government damages to figure out that we would be out about \$625,000 in that scenario.

Since we had to fast track the 2011 update in order to remain eligible for the federal grant programs, the update did not include taking the time to link the General Plan safety element and the LHMP. As such, we are now in the position of needing to update our LHMP and Safety Element to meet the General Plan requirements of AB 2140.

We have since been awarded the federal hazard mitigation grant we applied for in October 2010. Since it is a three-year grant, the grant period is open into the year 2014. We are thus using this grant to offset 75% of our costs and are proceeding with an update of the LHMP and the Safety Element to include a reference link between the two plans.

Current Status

Using the above noted grant to offset 75% of our costs, we have contracted with Dewberry to assist San Luis Obispo County with the update of the LHMP, to include tying it and the Safety Element together. The goal is both to have the LHMP updated and to be in compliance with AB 2140. As such, this update of the LHMP will be incorporated into the General Plan Safety Element by reference for compliance with AB 2140. This will be accomplished through a separate amendment to the Safety Element that will be brought to your Commission for consideration through the normal general plan amendment process later this year. Completing the update of the LHMP to link it with the County General Plan will ensure we are in compliance with the state's AB 2140 and remain eligible for up to 100% state disaster fund reimbursements in those situations in which they are made available.

Through work as noted in the Executive Summary and the Planning Process section of the draft LHMP, a planning team from County departments, APCD, and the Flood Control and Water Conservation District worked together with the Dewberry representative to develop the update.

As the document will be incorporated into the General Plan by reference and also simply due to the nature of the information in the plan, we are presenting this to the Planning Commission for informational purposes. We welcome your comments and suggestions.