



BOARD AGENDA FACT SHEET

CLERK USE ONLY
BOS ACTION

Planning & Development Services Dept.
 Department /Agency

November 22, 2022
 Requested Board Date

1. Request:

Board Approval

XX

Information
 Only/Presentation
 Schedule Hearing
 Time: 06:45 P.M

XX

Other (specify)

2. Requested Action: *Type requested action below*

The Imperial County Planning & Development Services Department, as recommended by the Planning Commission, respectfully request that the Board of Supervisors conduct a public hearing to consider General Plan Amendment #21-0004 proposing a Seismic & Public Safety Element Update to the Imperial County General Plan.

A. Adopt the Negative Declaration for General Plan Amendment #21-0004; and
 B. Make the De Minimus Findings that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the Fish and Games Codes; and
 C. Approve General Plan Amendment #21-0004 for updates to the Seismic and Public Safety Element.

3. Cost \$ 0 Source: N/A

4. If approval of Contract, reviewed/approved by County Counsel on: N/A

By: N/A

Action Request: # N/A
Assigned by County Counsel's Office

5. If approval of position allocation change, approved by Human Resources on: N/A

By: N/A

6. Electronic copy submittal date: 10/26/2022 By: Rosa A. Soto, Office Supervisor II

Sor [Signature]
 Department Head/Agency Representative

INSTRUCTIONS: Back-up must be submitted 11 BUSINESS days prior to requested date. Back-up submitted must contain an Original and 6 copies. Copies must be submitted double sided and three (3) hole punched. Back-up must be submitted in a PDF format to cobstaff@co.imperial.ca.us.

CEO/CLERK USE ONLY:

DATE STAMP

BOARD DATE: _____

Action _____

Filing _____

Consent _____

Presentation _____

Hearing _____

CEO Approval _____

Other (specify)

CEO _____



Imperial County Planning & Development Services Planning / Building

Jim Minnick
DIRECTOR

TO: Board of Supervisors

October 25, 2022

FROM: Jim Minnick, Director of Planning & Development Services

M/O _____

SUBJECT: General Plan Amendment #21-0004 (Seismic & Public Safety Element Update)

Dear Board Members:

REQUESTED ACTION:

The Imperial County Planning & Development Services Department, as recommended by the Planning Commission, respectfully request that the Board of Supervisors conduct a public hearing to consider General Plan Amendment #21-0004 proposing a Seismic & Public Safety Element Update to the Imperial County General Plan:

- A. Adopt the Negative Declaration for General Plan Amendment #21-0004; and,
- B. Make the De Minimus Findings that the project will not individually or cumulatively have an adverse effect on Fish and Wildlife Resources, as defined in Section 711.2 of the Fish and Games Codes; and,
- C. Approve General Plan Amendment #21-0004 for updates to the Seismic and Public Safety Element.

Project Location:

Countywide

BACKGROUND:

The Planning Commission, on October 12, 2022, at a public meeting, heard and recommended for approval to the Board of Supervisors, the proposed General Plan Amendment #21-0004. The County Environmental Evaluation Committee evaluated the project and Initial Study on July 28, 2022, and recommended a Negative Declaration.

Imperial County Planning and Development Services (ICPDS) Department has submitted General Plan Amendment #21-0004 pursuant to the State's law and requirements in regards to Seismic and Public Safety plans. This update addresses this topic in accordance with state requirements, which are laid out in California law, particularly in Section 65302(g) of the California Government Code.

Upon adoption, the proposed 2021 Seismic and Public Safety Element Update (proposed project) will replace the existing 1997 Seismic and Public Safety Element as Imperial County's (County) guiding policy document on safety and resilience.

The project is Countywide and the proposed Seismic and Public Safety General Plan Element update is consistent with the land uses detailed in the County's General Plan; the proposed project would not remove policies that protect environmental resources. The proposed project does not change land use designations or permit development not already identified in the General Plan.

The proposed project does not include any specific development proposals, nor does it permit any entitlements for development.

The Government Code ties the Housing Element and to the Safety Element are in a few places: Sections 65302(g)(2), 65302(g)(3), and 65302(g)(5). Each of these sections require a safety element to be reviewed and updated as necessary upon the next revision of the housing element.

Government Code Section 65302(g) (4) has a similar requirement, but ties the safety element to the local hazard mitigation plan, which was also recently updated in Imperial County.

Government Code Section 65302(g) (6) then requires the review and update of the safety element when either the housing element or local hazard mitigation plan are updated, but no less than every 8 years.

Fiscal Impacts to County: This Seismic and Public Safety Element update costs are paid from Imperial County General Plan fees collected on Time and Material (T&M) projects per County Land Use Ordinance Division 9, Section 90910.00 thru 90904.05. Additionally, the County received \$160,000 from a SB-2 Housing Grant to help in the payment for the Housing Element update and the Public Safety Element updates per above State requirements.

Staff Recommendation: After review of the information submitted on November 22, 2022, it is recommended that the Board of Supervisors approve the updates for the Imperial County Seismic & Public Safety Element as recommended by the Planning Commission.

Staff will attempt to answer any questions that you may have. Thank you.

Attachments:

- a. CEQA Resolution
- b. GPA #21-0004 Resolution
- c. Seismic and Public Safety Element
- d. PC Packet

cc: Miguel Figueroa, County Executive Officer
Erik Havens, County Counsel
Jim Minnick, Director of ICPDS
Michael Abraham, AICP Assistant Director of ICPDS
Diana Robinson, Planning Division Manager

Attachment A
CEQA Resolution

RESOLUTION NO.

A RESOLUTION OF THE BOARD OF SUPERVISORS FOR THE COUNTY OF IMPERIAL, CALIFORNIA, TO ADOPT THE NEGATIVE DECLARATION FOR “GENERAL PLAN AMENDMENT #21-0004” FOR THE GENERAL PLAN SEISMIC AND PUBLIC SAFETY ELEMENT UPDATE.

WHEREAS, on or about July 17, 2022, a publication was made in a newspaper of greatest circulation advising of the Environmental Evaluation Committee hearing scheduled for July 28, 2022;

WHEREAS, a Negative Declaration and CEQA findings were prepared in accordance with the requirements of the California Environmental Quality Act, State Guidelines, and the County’s “Guidelines and Regulations to Implement CEQA, as Amended;”

WHEREAS, the Environmental Evaluation Committee recommended the adoption of the Negative Declaration for the General Plan Amendment #21-0004 Seismic and Public Safety Element update;

WHEREAS, the Negative Declaration was noticed locally and circulated with the State Clearinghouse for agency & public review from August 2, 2022 through September 9, 2022; and

WHEREAS, the Board of Supervisors of the County of Imperial reviewed the recommendation for approval by the Planning Commission on November 22, 2022; and

WHEREAS, the Board of Supervisors of the County of Imperial has been designated with the responsibility of adoptions and certifications.

NOW, THEREFORE, the Board of Supervisors of the County of Imperial **DOES HEREBY RESOLVE** as follows:

The Board of Supervisor has reviewed the attached Negative Declaration (ND) prior to making a decision to adopt the Negative Declaration for the General Plan Amendment #21-0004 Seismic and Public Safety Element.

The Board of Supervisors finds and determines that the Negative Declaration is adequate and prepared in accordance with the requirements of the Imperial County General Plan and Land Use Ordinance, and the California Environmental Quality Act (CEQA), which analyzes the project’s environmental effects, based upon the following findings and determinations:

1. That the recital set forth herein is true, correct, and valid;
2. That the Board of Supervisors has reviewed the attached Negative Declaration for the General Plan Amendment #21-0004 Seismic and Public Safety Element update, considered the information contained in the Negative Declaration together with any comments received during the public review period and prior to this recommendation for approving the General Plan Amendment #21-0004 Seismic and Public Safety Element);

3. That the project will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Code and this element update is not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat. The Seismic and Public Safety Element update also seeks to minimize physical harm to the buildings and infrastructure in Imperial County to reduce damage to local and regional economic systems, community services, and ecosystems.
4. That the Negative Declaration reflects the Board of Supervisor's independent judgment and analysis.

NOW, THEREFORE, the County of Imperial Board of Supervisors **DOES HEREBY** adopt the Negative Declaration for the General Plan Amendment #21-0004-Seismic and Public Safety Element update.

Jesus Eduardo Escobar, Chairperson
Imperial County Board of Supervisors

I hereby certify that the preceding resolution was taken by the Board of Supervisors at a meeting conducted on November 22, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Blanca Acosta
Clerk of the Board of Supervisors

Attachment B
GPA21-0004 Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL, CALIFORNIA, ON THE APPROVAL OF "GENERAL PLAN AMENDMENT #21-0004" FOR THE IMPERIAL COUNTY GENERAL PLAN SEISMIC AND PUBLIC SAFETY ELEMENT UPDATE.

WHEREAS, Imperial County Planning and Development Services Department has submitted General Plan Amendment #21-0004 pursuant to the State's law and requirements in regards to Seismic and Public Safety plans. This update addresses this topic in accordance with state requirements, which are laid out in California law, particularly in Section 65302(g) of the California Government Code. Upon adoption, the proposed 2021 Seismic and Public Safety Element update (proposed project) will replace the existing 1997 Seismic and Public Safety Element as Imperial County's (County) guiding policy document on safety and resilience.

WHEREAS, the project is Countywide and the proposed Seismic and Public Safety General Plan Element update is consistent with the land uses detailed in the County's General Plan; the proposed project would not remove policies that protect environmental resources. The proposed project does not change land use designations or permit development not already identified in the General Plan. The proposed project does not include any specific development proposals, nor does it permit any entitlements for development.

WHEREAS, Whereas the Imperial County Seismic and Public Safety Element incorporates by reference the Imperial County Multi-Jurisdictional Hazard Mitigation Plan, approved by the Federal Emergency Management Agency in 2021, as required by Assembly Bill 2140 to increase opportunities for financial assistance under the California Disaster Assistance Act.

WHEREAS, the Board of Supervisors for the County of Imperial have been delegated with the responsibility with reviews and approvals regarding the Imperial County General Plan updates for the Seismic and Public Safety Element;

WHEREAS, the General Plan Amendment #21-0004 Seismic and Public Safety Element Update was provided in a timely manner to public agencies;

WHEREAS, timely public notice of the Board of Supervisors public hearing on the Project has been given, and the Board of Supervisors has considered for approval at a public hearing on November 22, 2022 and reviewed evidence presented at the Planning Commission, Imperial County Planning and Development Services Department and other interested parties at this public hearing held with respect to this item on November 22, 2022;

NOW THEREFORE, the Board of Supervisors of the County of Imperial **DOES HEREBY RESOLVE** as follows:

SECTION 1. The Board of Supervisors independently has reviewed and considered the proposed General Plan Amendment #21-0004 Seismic and Safety Element Update prior to making a decision to recommend that the Board of Supervisors adopt the proposed update and the following Findings of Fact.

SECTION 2. That in accordance with CEQA, State Planning and Zoning law and the County of Imperial Land Use Ordinance, the following Findings for approval are being made as follows:

1. That the Board of Supervisors independently reviewed, analyzed, and considered the proposed General Plan Amendment #21-0004 Seismic and Safety Element Update, and the entire Record of Proceedings prior to approval.
2. That these Findings reflect the independent judgment of the County.
3. The Findings are supported by substantial evidence.
4. That the Project will not individually or cumulative have an unmitigated adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
5. The proposed project complies with all requirements of the Land Use Ordinance and is being prepared to be consistent with the General Plan and latest State law.
6. On July 28, 2022, the project was environmentally assessed and reviewed by the Environmental Evaluation Committee (EEC). EEC found that the project would not have a significant effect on the environment and recommended approval of a Negative Declaration.
7. Planning Commission held a public hearing at a regular scheduled hearing on October 12, 2022 and made a recommendation to the Board of Supervisors to approve of the General Plan Amendment for an updated Seismic and Public Safety Element.
8. The Seismic and Public Safety Element conveys the County's goals, policies, and actions to minimize hazards to safety and welfare in Imperial County. This element identifies the natural and human-caused hazards that affect existing and future development and provides guidelines for protecting residents, employees, visitors, and other community members from injury and death.
9. The Project is not likely to cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat. The Seismic and Public Safety Element also seeks to minimize physical harm to the buildings and infrastructure in Imperial County to reduce damage to local and regional economic systems, community services, and ecosystems.
10. The Project is not likely to cause serious health problems. All future construction in Imperial County must comply with the General Plan, zoning ordinance, state and federal permits, and local development standards.
11. As a policy document, the Seismic and Public Safety Element of the General Plan does not result in physical changes to the environment but requires the implementation of safety and emergency measures in future development. None of the policies in the proposed project would change the existing land use pattern established by the General Plan and evaluated in the General Plan EIR. All future construction in Imperial County must comply with the General Plan, zoning ordinance, state and federal permits, and local development standards.
12. That the Record of Proceedings consists of the General Plan Amendment #21-0004 Seismic and Public Safety Element Update, the County staff reports; CEQA Findings; the documents referenced therein; all other planning documents prepared and/or utilized by the County staff; documents submitted by members of the public and public agencies in connection with the Project; minutes and transcripts of all public meetings and public hearings. All written and verbal public testimony presented during a noticed public hearing for the proposed Project which such testimony was taken and any and all other materials which constitute the record of proceeding pursuant to Public Resources Code, Section 21167.6(e); and matters of common knowledge to the County staff, Planning Commission, and Board of Supervisors including, but not limited to the County General Plan, the County Land Use Ordinance, and County policies, which may be found at the Clerk of Board's Office located at 940 Main Street, Suite 209, El Centro, CA, 92243 during regular business

hours, and the Imperial County Planning & Development Services Department at 801 Main Street, El Centro, CA 92243.

NOW, THEREFORE, based on the above findings, the Board of Supervisors of the County of Imperial **DOES HEREBY APPROVE** General Plan Amendment #21-0004, for the Seismic and Public Safety Element Update.

Jesus Eduardo Escobar, Chairman
Board of Supervisors, County of Imperial

I hereby certify that the preceding resolution was taken by the Board of Supervisors at a meeting conducted on November 22, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Blanca Acosta
Clerk of the Board of Supervisors
County of Imperial