



Legislation Details (With Text)

File #: 23-0637 **Version:** 1
Type: Resolution **Status:** Agenda Ready
File created: 4/6/2023 **In control:** Board of Supervisors
On agenda: 5/2/2023 **Final action:** 12/31/2023
Title: PUBLIC HEARING 9:00 AM - Proposed General Plan Amendment: Safety Element Update

Interim Director of Planning, Building and Environmental Services requests the Chair hold a public hearing and adopt a resolution replacing the 2009 Safety Element with the 2023 Safety Element Update.

Sponsors: Board of Supervisors

Indexes:

Code sections:

Attachments: 1. Board of Supervisors Safety Element Resolution, 2. Napa County Final Draft Safety Element Update (Clean), 3. Napa County Final Draft Safety Element Update (Redline), 4. Napa County Final Draft Safety Element Update (Planning Commission Redline Draft), 5. CalFire Checklist, 6. PowerPoint Presentation (added after meeting)

Date	Ver.	Action By	Action	Result
5/2/2023	1	Board of Supervisors		

TO: Board of Supervisors
FROM: Brian Bordona - Interim Director of Planning, Building & Environmental Services
REPORT BY: Trevor Hawkes - Supervising Planner
SUBJECT: Amendment to the Safety Element of the Napa County General Plan

RECOMMENDATION

PUBLIC HEARING 9:00 AM - Proposed General Plan Amendment: Safety Element Update

Interim Director of Planning, Building and Environmental Services requests the Chair hold a public hearing and adopt a resolution replacing the 2009 Safety Element with the 2023 Safety Element Update.

EXECUTIVE SUMMARY

This is a County-initiated general plan amendment to bring the Safety Element into compliance with current State law. State law requires the County to review, and update as needed, its Safety Element every eight years,

concurrent with the County’s adoption of either the General Plan Housing Element or the Local Hazard Mitigation Plan. The 2023 update to the Napa County General Plan Safety Element (referred herein as “SEU” or “Safety Element Update”) replaces the 2009 Safety Element.

The Safety Element Update is required by Government Code Section 65302(g) upon the County’s recent update to the Housing Element (2023-2031), which was adopted in January 2023 by the Board of Supervisors, and the Napa County Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) Update, which was adopted in 2020.

Proposed Actions:

That the Board of Supervisors:

1. Hold a public hearing; and
2. Adopt the attached resolution (Attachment A) replacing the 2009 Safety Element of the General Plan with the 2023 Safety Element Update.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Planning, Building and Environmental Services Budget Unit
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	Yes
Future fiscal impact:	Any future expenses will be budgeted accordingly.
Consequences if not approved:	County will be out of compliance with State Law if Update is not completed, which may disqualify the County from some categories of State funding and may allow challenge to the General Plan.
County Strategic Plan pillar addressed:	Healthy, Safe, and Welcoming Place to Live, Work, and Visit
Additional Information	Update addresses multiple Strategic Plan Pillars

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Final Environmental Impact Report (FEIR) prepared, circulated and adopted (State Clearinghouse #2022010309).

Consideration and possible determination that the Amendment to the Safety Element of the Napa County General Plan is within the scope of the program approved earlier and the Final Environmental Impact Report (FEIR) for the Housing Element and Safety Element Updates to the Napa County General Plan prepared, circulated and adopted (State Clearinghouse #2022010309) by the Napa County Board of Supervisors on January 24, 2023 adequately describes the activity for the purposes of CEQA.

BACKGROUND AND DISCUSSION

Every city and county in California must prepare, adopt, and implement a General Plan, which establishes overall goals and policies for future growth of the jurisdiction. As set forth in the California Government Code, a county's General Plan must include a Housing Element and Safety Element among the seven mandatory elements. In accordance with State law, the County adopted its Housing Element (2023-2031) on January 24, 2023. In accordance with State law, the Safety Element of the General Plan must also be updated when the Housing Element is updated. The Final Draft Safety Element Update is included as Attachment B.

The proposed Safety Element Update incorporates new policies based on updated local and regional data, as necessary to address the requirements of the following recently adopted State laws:

- Assembly Bill (AB) 747 (2019) requires each jurisdiction to review and update as necessary the Safety Element to identify evacuation routes and capacity, safety, and viability under a range of emergency scenarios. The Safety Element Update therefore identifies emergency scenarios and goals, policies, and implementation programs to mitigate potential impacts associated with emergency evacuation. Information about emergency evacuation routes is shown in the maps found in Appendix B, AB 747 Emergency Evacuation Assessment, of the Safety Element Update. These six maps identify areas and communities with only one access route, particularly in residential areas, distances to evacuation gateways, and destinations for three different evacuation scenarios.
- Senate Bill (SB) 99 (2018) requires jurisdictions, upon the next revision of the Housing Element on or after January 1, 2020, to review and update the safety element to include information identifying residential developments in hazard areas that do not have at least two emergency evacuation routes. As previously mentioned above, information about emergency evacuation routes is shown on the six maps found in Appendix B, AB 747 Emergency Evacuation Assessment, of the Safety Element, which identify residential areas and communities with only one access route. The Safety Element Update therefore includes information about residential developments in hazard areas that do not have at least two emergency evacuation routes, as well as an assessment of residential emergency evacuation routes.
- SB 379 (2015) requires Safety Elements to include a climate change vulnerability assessment, measures to address vulnerabilities, and a comprehensive hazard mitigation and emergency response strategy. Similarly, SB 1035 (2018) requires cities and counties to update their safety element during a housing element or local hazard mitigation plan update cycle, but not less than once every eight years, if new information on flood hazards, fire hazards, or climate adaptation or resilience is available that was not available during the previous revision of the safety element. As previously mentioned, the Safety Element Update incorporated the Napa County MJHMP 2020 Update. The MJHMP includes a detailed assessment of prevalent hazards within the County, including a vulnerability assessment that illustrates how each hazard may affect populations, property, and critical facilities within the County's jurisdiction. The MJHMP presents mitigation strategies and actions that work to achieve the greatest risk reduction based upon available resources. Many of these mitigation measures have been incorporated into the goals and policies of the SEU.. The vulnerability assessments for each hazard have also been summarized and incorporated into the Safety Element Update.

- SB 1241 (2012) requires review and update of the Safety Element, upon the next revision of the housing element on or after January 1, 2014, as necessary to address the risk of fire in state responsibility areas and very high fire hazard severity zones. Accordingly, the Safety Element Update includes new goals, policies and programs related to fire hazard planning and preparedness consistent with CAL FIRE requirements.

ENVIRONMENTAL IMPACT REPORT

The Safety Element Update was analyzed as part of the Environmental Impact Report (EIR) prepared for the Housing Element Update (SCH# 2022010309). The amendment to the Safety Element of the Napa County General Plan is within the scope of the program approved earlier and the Final Environmental Impact Report (FEIR) for the Housing Element and Safety Element Updates to the Napa County General Plan prepared, circulated and adopted by the Napa County Board of Supervisors on January 24, 2023, adequately describes the activity for the purposes of CEQA.

As discussed in the EIR, the Safety Element Update would involve updates to safety goals, policies, and programs to ensure consistency of the Safety Element with the 2020 Napa County Multi-Jurisdictional Hazard Mitigation Plan and to comply with recent changes in State law. These updates would affect goals, policies, and programs of the current Safety Element, and incorporate results of an analysis of emergency evacuation routes consistent with requirements of Assembly Bill 747 and Senate Bill 99. The Safety Element and associated policy updates would not result in development that would result in any significant environmental impacts.

Rather, the SEU is intended to improve policies associated with geologic and seismic risks (e.g., slope stability and earthquake preparedness for new and existing structures); reducing hazards caused by climate change, with climate change adaptation; policies associated with hazardous materials or other risks (e.g., emergency response or evacuation plans, and wildland fires); policies associated with flood risks; policies associated with emergency response; and policies associated with wildfire risks (e.g., emergency response and evacuation plans).

OVERVIEW OF THE SAFETY ELEMENT UPDATE

The 2009 Safety Element addressed the following hazards: seismic hazards, fire, flooding, landslides, manmade hazards, terrorism and other threats. The Safety Element Update includes revisions to categories from the 2009 Safety Element and provides new information to address potential and existing hazards in the County, as outlined in the following categories: Agricultural Disaster, Dam Failure, Drought, Flooding, Geologic and Seismic Hazards, Hazardous Materials, Pandemic Disease, Severe Weather, Slope Failure, and Wildfire Hazards.

Senate Bill 379 (approved in 2015) also requires that the risks of climate change are identified in the Safety Element Update. To comply with this requirement, the additional category of “Climate Change” has been added to the Safety Element, and the MJHMP climate risk assessments for each hazard have been summarized and incorporated into the Safety Element Update to serve as important background and context for the preparation of goals, policies, and actions.

As previously mentioned, AB 747 (approved in 2019) requires the Safety Element identify evacuation routes and assess the capacity, safety, and viability of those routes under a range of emergency scenarios and SB 99 similarly requires the County identify residential developments in hazard areas that do not have at least two

emergency evacuation routes. To comply with this requirement, the additional category of “Emergency Preparedness and Evacuation Planning” has been added.

The Safety Element Update is organized as follows:

- Introduction
- Statutory Requirements
- Existing Conditions
- Relationship to Other General Plan Elements
- Napa County Multi-Jurisdictional Hazard Mitigation Plan
- Safety Hazards in Napa County
 - Climate Change, Agricultural Disaster, Dam Failure, Drought, Flooding, Geologic and Seismic Hazards, Hazardous Materials, Pandemic Disease, Severe Weather, Slope Failure, Wildfire Hazards, and Emergency Preparedness and Evacuation Planning
- Safety Element Goals and Policies
 - Emergency Preparedness, Drought, Geologic and Seismic, Disease and Pandemic, Wildfire, Flooding, Severe Weather, Hazards from Human Activities, and Climate Change Adaptation
- Appendices
 - Appendix A: Napa County Safety Element Existing Conditions Report
 - Appendix B: AB 747 Emergency Evacuation Assessment

EXISTING CONDITIONS KEY FINDINGS

The following provides a brief description of each hazard and key findings addressed in the Safety Element Update:

1. Climate Change and Adaptation: Key findings of this section include types of climate change impacts that may affect the County and the populations that are at risk as a result of climate change. The section identifies impacts from extreme weather, flooding, sea level rise, wildfires, and air pollution of which agricultural activity, industrial operations, and truck traffic are the largest contributors.
2. Agricultural Disaster: This section identifies agricultural land in the County and climate change impacts that may exacerbate the threat of an “agricultural disaster”, which is defined as an impact from a natural disaster or human-induced event on agricultural lands. Key findings from the analysis concluded that agricultural pests, changing climate conditions, and wildfires as the most prevalent threats to agriculture in the County.
3. Dam Failure: This hazard was in the “Flooding” section of the 2009 Safety Element and has been updated to include mapping of dam inundation zones and identification of vulnerable populations and

critical facilities that would be at risk from dam failure. Key findings from the analysis identified 12 percent of the population as living within dam inundation zones; however, as of 2022, no dams have failed in the County and chances of dam failure are low.

4. Drought: This section includes key findings about drought conditions in the County and the potential impact to the water supply, water quality, access to recreational opportunities, air quality, health, and the economy. Key findings from the analysis concluded that drought could have a devastating and cascading impact on the wine industry and local economy, specifically by reducing agricultural productivity. The section identifies water users in unincorporated Napa County areas as being in greatest risk of water shortage due to reliance on wells and groundwater.
5. Flooding: This hazard was included in the 2009 Safety Element. The section has been updated with current data from the Federal Emergency Management Agency (FEMA), which identifies all lands near the Napa River as being subject to flooding. Key findings from this analysis concluded that a total of 12 percent of the population is living within a flood risk area, critical infrastructure and facilities such as major roads, bridges, levees, water and sewer infrastructure are also exposed to flooding.
6. Geological and Seismic Hazards: This hazard was addressed in the “Seismic Hazards” section of the 2009 Safety Element. The section has been updated with current data, updated maps on earthquakes and earthquake exposure, and information from the MJHMP. Key findings for this hazard include a determination that all people, property, and environments in the County would be exposed to direct and indirect impacts from earthquakes. Additionally, seismic risks, or losses, that are likely to result from exposure to seismic hazards, which include: utility outages; economic losses; effects of roads or railroads that may become blocked or damaged; and isolation of residents and emergency service providers have been identified.
7. Hazardous Materials: This hazard was addressed in the “Manmade Hazards” section of the 2009 Safety Element. The section has been updated with current data, updated map, and information on how the County responds to hazards. Key findings include the amount of facilities and types of hazardous materials in the County, which are more often associated with select commercial, industrial, and agricultural operations. These types of hazardous materials have potential to present harm to the health of humans and the environment through groundwater and/or soil contamination. Key threats include household hazardous waste; byproducts of industrial manufacturing and providers of diesel, gasoline, propane, lubricants, and compressed natural gas; agricultural contaminants, such as pesticides commonly used on vineyards; and lack of education about chemical exposure risks.
8. Pandemic Disease: This section includes information on major diseases and how the County responds to the threat of disease. Major diseases that have been found to be present in Napa County include Lyme Disease, Rocky Mountain Spotted Fever, Influenza, H1N1 flu, and COVID-19.

9. Severe Weather: This section identifies severe-weather conditions in the County. The types of severe weather conditions in the County include thunderstorms, powerful winds, heavy rains, hail, and heat waves, which can affect all people, property, and environments in Napa County. Key findings concluded that vulnerable populations such as the elderly, low-income or linguistically isolated populations, the unsheltered, people with life-threatening illnesses, and residents of areas isolated from major roads have the potential to suffer to a greater extent during severe-weather events. Populations living in higher elevations with large trees and surrounding power lines are also vulnerable as they may be more susceptible to wind damage and blackouts.

10. Slope Failure: This hazard was in the “Landslides” section of the 2009 Safety Element. The section has been updated with current data, updated maps on landslide susceptibility areas, and information from the MJHMP. Key findings concluded that landslides, debris flow, and rockfall are hazardous concerns to the County and high-susceptibility areas include the hilly regions bordering the Napa Valley. Landslides in the County are most frequently triggered in November and April during periods of high rainfall; and the amount of people exposed to slope failure is approximately 19,942 persons, or 58 percent of the County population (34,147).

11. Wildfire Hazard: This hazard was in the “Fire” section of the 2009 Safety Element. The section has been updated with current data as well as updated maps showing State Responsibility Areas (SRAs) and Local Responsibility Areas that are within moderate, high, and very high Fire Hazard Severity Zones. Key findings for this hazard identified major factors that contribute to wildfire events such as: vegetation diversity and density, weather and fire behavior, fire history, and development in Wildland Urban Interface (WUI) areas. The history of wildfires in Napa County from 2000-2019 burned over 1,000 acres in Napa County; and approximately 20,859, or 36 percent of the Napa County population live within wildfire hazard severity zones.

12. Emergency Preparedness and Evacuation Planning: Pursuant to SB 99 and AB 747, the County is required to identify and evaluate evacuation routes. An evacuation route analysis (Appendix B of The Safety Element Update) identified residential communities with only one access route, distances to evacuation gateways, and destinations for three different evacuation scenarios. The evacuation route analysis for the Safety Element Update is primarily concerned with (and planning for) wildfires as the cause of emergency evacuations.

Key Revisions and Amendments

Key revisions that were made to the 2009 Safety Element include: 1) updating the data, information, figures, and references with more current sources; 2) incorporating additional language to comply with new and/or amended state laws; 3) revising goals and policies where progress has been made or where changes in situations have occurred; and 4) incorporating the MJHMP by reference. With these updates, information on the following topics has been included that was not previously provided in the 2009 Safety Element: statutory requirements, existing conditions, relationship to other General Plan elements, the County MJHMP, and the inclusion of new analysis for: agricultural disaster, climate change adaptation, drought, pandemic disease, severe weather, and emergency preparedness and evacuation planning. The goals, policies and actions from the

2009 Safety Element have been updated to reflect the current discussion and hazards in the Safety Element Update revisions.

COMMUNITY AND STAKEHOLDER ENGAGEMENT

The community outreach and engagement undertaken for the Safety Element update informed the development of the Safety Element update. Outreach activities included gathering information and feedback from stakeholders in frontline communities (communities that are the most vulnerable and have experienced the greatest impacts from hazards), and receiving comments from the community during release of the Safety The community outreach and engagement undertaken for the Safety Element Update informed its development. Outreach activities included gathering information and feedback from stakeholders in frontline communities (communities that are the most vulnerable and have experienced the greatest impacts from hazards) and receiving comments from the community during release of the Safety Element Public Review Draft. These activities and responses are summarized below.

Stakeholder Interviews

The Safety Element Stakeholder Interviews occurred virtually in February 2022 to inform the Safety Element Update. The stakeholders listed below were invited to participate in a virtual meeting to facilitate dialogue and gather their feedback via focused interviews with Napa County emergency management staff and professionals involved in disaster response and recovery. Input was requested on current hazard, resilience, and emergency management services within Napa County; current capacity needs or issues to effectively respond to hazardous events and emergencies; and opportunities to improve current emergency hazard, resilience, and emergency management services within Napa County. In addition, stakeholders were asked questions particular to the categories of the Safety Element Update including agricultural disaster, climate change and adaptation (air quality and sea level rise), dam failure, drought, flooding, geologic and seismic hazards, hazardous materials, pandemic disease, severe weather, slope failure, and wildfire. The following stakeholders were invited to participate in interviews:

- American Canyon Plant
- California Department of Toxic Substances Control (DTSC)
- California Department of Water Resources Division of Dam Safety
- CAL FIRE - Napa County Fire, LNU Deputy Chief
- Napa County DEH (CUPA)
- Napa County Flood Control and Water Conservation District
- Napa County Office of Emergency Management
- Napa County Office of Emergency Services
- Napa County Farm Bureau
- Napa Sanitation District Water Treatment Plant
- Napa Valley Vintners

- U.S. Federal Emergency Management Agency (FEMA)

Out of the above list of stakeholders, the Napa County Farm Bureau, Napa County Fire, and County DEH participated in the virtual interviews held in February 2022.

The public review draft of the Safety Element Update was released on September 21, 2022, with the public review period ending on November 13, 2022. On November 16, 2022, staff held a Study Session on the Draft SEU with the Napa County Planning Commission

Responses to Comments

Following the Planning Commission Safety Element Update study session on November 16, 2022, the SEU was edited in response to comments received (below) from Commissioners, one public agency (the California Geological Survey (CGS) of the California Department of Conservation) and one resident. A summary of these comments together with responses are summarized below:

1. Planning Commission - The Planning Commission comments included:

- Concerns with permitting applications for ingress/egress in new developments.
 - Policy SAF 6.8 *New development compliance with fire safety standards* addresses these concerns stating, “Fire protection plans shall be referred to the appropriate fire agency and other public agencies for comment as to...traffic flow and ingress/egress for residents and emergency vehicles.”
- Agriculture threats such as invasive species.
 - In response the Safety Element Update was reviewed by the County Agricultural Commissioner/Sealer and no additional edits were recommended.
 - Policy SAF 5.2 *Disseminate outbreak and disease information to agriculture sector* addresses this stating, “...Enlist the assistance of the Napa County Farm Bureau and other agricultural organizations to disseminate information and guidance to the agricultural sector regarding outbreaks and disease.”
- Threats to drinking water if contamination occurred along a state highway.
 - Policy SAF 9.5 *Ensure safety of all people in maintenance and construction of roadways* addresses this stating, “...Safety measures should factor in protection from potential hazardous material spills, where spills could contaminate adjacent property and water bodies...”
- Aircraft Hazards including disaster mitigation for military aircraft practices from nearby base.
 - Policy SAF 9.6 *Review plan compatibility of zoning and land uses within airport areas and facilities* addresses this stating, “...For maximum safety, all land uses and zoning within airport areas shall be reviewed for compatibility with the adopted plans for the Napa County Airport, Angwin Airport, and other general aviation facilities in the County.”

2. **California Geological Survey (CGS) of the Department of Conservation** - The County received a letter from CGS on October 13, 2021. CGS commented that CGS has not yet mapped earthquake zones of required investigation for liquefaction or landslide risk in the County; however, CGS noted that the Safety Element Update should still include a general discussion of liquefaction and tsunami as a secondary hazard that could be triggered by an earthquake. In response to these comments, the Safety Element Update now includes a discussion of these hazards including maps illustrating areas of liquefaction susceptibility and Tsunami Hazard Areas. The tsunami hazard zones in Napa County lie adjacent to the San Pablo Bay in the southern part of the County surrounding the Napa-Sonoma Marshes Wildlife Area. Liquefaction susceptibility zones are primarily high or moderate in the County and are most concentrated in the center of the County near State Route 29.
3. **Resident** - A resident commented on September 29, 2022 on the following topics: the definition of “Agriculture”; references to the Multi-Jurisdictional Hazard Mitigation Plan; what is permitted in the wildland urban interface areas; evacuations in fire hazard severity zones and WUI areas; fuel reduction programs; fire prevention policies; additional survey of local road conditions for evacuation routes; updating the County’s road maintenance program; revising the road standards where in conflict with state responsibility areas; upgrading road infrastructure; hiring a geologist to identify areas of potential slope failures; and updating the Napa County General Plan to include policies, actions, and funding for road infrastructure improvements in compliance with state regulations. The Final Draft Safety Element Update responded to many of these resident concerns as feasible with the following:
 - Updating the definition of Agriculture in the existing conditions report
 - Added requirements for specific language to differentiate standards according to location, especially in the Fire Hazard Severity Zones and WUI areas.
 - Added policies related to minimum standards for ingress and egress for hazard evacuation.
 - Added a policy and action to prioritize capital improvements on evacuation or emergency access routes needing repair, maintenance, or replacement, especially in wildland urban interface areas.

CAL FIRE & BOARD OF FORESTRY REVIEW

County staff and the consultant team met several times with the CAL FIRE Land Use Planning Program staff to review the Safety Element Update for compliance with Government Code Section 65302(g), which requires mapping of wildfire hazard zones; goals, policies and actions to avoid, minimize and mitigate fire risks for new development; and maintenance of public facilities. CAL FIRE provided a General Plan Safety Element Assessment checklist (refer to Attachment E) to County staff and the consultant team to review for compliance with State requirements. Edits to the Safety Element Update in accordance with this checklist included:

- Updated fire hazard severity maps indicating the locations of essential public facilities.
- Added policies to avoid or minimize the wildfire hazards associated with new uses of land.
- Added policies to address the risk of fire for land classified as state responsibility areas and land classified as very high fire hazard severity zones.
- Edited policies to conform with specific statewide standards and regulations for fire and public safety.

On January 7, 2023, CAL FIRE personnel performed a formal review of the Safety Element Update by evaluating its adherence to requirements outlined in the CAL FIRE General Plan Safety Element Assessment.

The SEU was then cleared for hearing by the Board of Forestry (BOF) Resource Protection Committee. At the BOF hearing on January 17, 2023, the Resource Protection Committee provided no additional recommendations for the Safety Element Update.

PLANNING COMMISSION PUBLIC HEARING ON THE FINAL DRAFT SAFETY ELEMENT

On April 19, 2023, the Napa County Planning Commission held a public hearing on the Final Draft Safety Element Update. The Planning Commission recommended a few non-substantive clerical edits and inquired about how dam inspection information is collected but did not recommend any substantive changes to the goals, policies or programs in the Final Draft SEU. At the conclusion of the meeting the Planning Commission adopted a resolution recommending that the Board of Supervisors adopt the Final Draft of the Safety Element Update.

SUPPORTING DOCUMENTS

- A. Draft Resolution regarding Safety Element Adoption
- B. Final Draft Safety Element Update (Clean Version)
- C. Final Draft Safety Element Update (Redline Version)
- D. Final Draft Safety Element Update (Planning Commission Redline Version)
- E. CAL FIRE Checklist