



**BOARD OF SUPERVISORS
AGENDA LETTER**

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Planning and Development
Department No.: 053
For Agenda Of: July 11, 2023
Placement: Departmental
Estimated Time:
Continued Item: 1 hour
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors
FROM: Department Lisa Plowman, Director, Planning and Development (P&D)
Director (805) 568-2085
Contact Info: Alex Tuttle, Deputy Director, Long Range Planning Division
(LRP) (805) 884-6844
SUBJECT: Wildfire Amendments to the Seismic Safety and Safety Element of the Comprehensive Plan

County Counsel Concurrence

As to form: Yes

Other Concurrence: Select_Other

As to form: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors (Board) consider recommendations of the Montecito Planning Commission and the County Planning Commission to adopt a Comprehensive Plan amendment (Case No. 22GPA-00000-00005), amending the wildfire hazard information and policies in the Seismic Safety and Safety Element, and take the following actions:

- a) Make the required findings for approval of the proposed Comprehensive Plan amendment, Case No. 22GPA-00000-00005, including California Environmental Quality Act (CEQA) findings (Attachment A).
- b) Find the proposed Comprehensive Plan amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and the Notice of Exemption (Attachment B).
- c) Adopt a resolution to approve Case No. 22GPA-00000-00005, amending wildfire information and policies within the Santa Barbara County Comprehensive Plan Seismic Safety and Safety Element (Attachment C).
- d) Direct Planning and Development to update relevant maps and text references in the Seismic Safety and Safety Element, upon the State Board of Forestry and Fire Protection adoption of revised State Fire Hazard Severity Zone Maps for the State Responsibility Areas.

Please refer the matter to staff for appropriate actions and findings if the Board takes other than the recommended actions.

Summary Text:

The proposed Seismic Safety and Safety Element (Safety Element) amendment:

- Complies with some of the current legislative requirements for Safety Element updates (other concurrent phases of the Safety Element Update addressing climate vulnerabilities, adaptation strategies, and evacuation will address the remaining legislative requirements);
- Updates current wildfire information, resources, and maps; and,
- Incorporates the 2022 Multi-Jurisdictional Hazard Mitigation Plan (MJHMP) by reference into the Safety Element, making the County eligible for additional State disaster relief funding.

Proposed wildfire policy amendments largely reflect standards and regulations with which the County must already comply, or complies with as part of regular practice. These standards and regulations include State and local Building and Fire Codes and the State Fire Safe Regulations.

Planning and Development (P&D) staff have worked with the fire districts and other County departments and divisions to get input and review on mapping, ensure consistency with existing practices, and get concurrence on any proposed changes. The State Board of Forestry and Fire Protection (BOF) reviewed the County's amended Safety Element and stated it had no official comments on recommended changes to the County's Safety Element.

Background: The Safety Element was last updated in 2015, largely in order to comply with provisions of Government Code §65302(g)(3). Many of these requirements were met by the 2015 Safety Element Update; however, the State Board of Forestry and Fire Protection's (BOF) comment letter to the County dated November 7, 2014, stated the Safety Element had not met all of the requirements and intent of SB 1241 (Government Code §65302(g), §65302.5, §65040.20 and §66474.02). The County evaluated and identified the BOF recommendations that had not been met, or were only partially met, and stated in a response letter to BOF that the unmet and partially unmet requirements would be addressed in a future Safety Element Update.

The following are the primary drivers behind the proposed Safety Element update:

- Compliance with current legislative requirements for Safety Element updates, per Government Code §65302;
- Compliance with SB 99, which requires that Safety Elements identify residential developments in hazard areas that do not have at least two emergency evacuation routes. A list of these residential developments and a map are included in the proposed Safety Element update; and
- The County Board of Supervisors adopted the updated 2022 MJHMP on April 4, 2023. Government Code §65302.6 allows the County to be eligible for full disaster relief funding when the most recent version of the MJHMP has been adopted as part of the Safety Element. Staff's recommended actions include adopting the updated MJHMP by reference into the Safety Element, as was done with the 2017 MJHMP.

1. Updates to the Safety Element

Proposed Safety Element wildfire policy updates largely reflect standards and regulations with which the County must already comply, or standards and regulations the County complies with as part of regular practice. Many of these standards and regulations are found in the County's Fire and Building Codes, which largely mirror the regulations found in the State Fire and Building Codes. They also include regulations found in other state codes and the California Code of Regulations, such as the State Fire Safe Regulations (14 CCR 1270-1276.05). The Fire Safe Regulations ensure proposed development meets standards for ingress/egress, signing and building numbering, emergency water, siting, setback, and fuel modification standards. The County ensures the Fire Safe Regulations are met primarily through application of wildfire development standards and County Fire Code requirements to development projects.

The BOF is recommending local agencies incorporate policy statements in the Safety Element that demonstrate how jurisdictions will comply with such regulations. Consequently, many of the updated policies in the Safety Element state that the County will comply with regulations and standards with which it already complies.

Updates to the Safety Element include:

- Hyperlinks to online resources and maps;
- New maps and updates to existing maps;
- Updated wildfire information such as ignition sources and causes, major wildfires, and hazard reduction measures;
- Updated wildfire related plans and services;
- Information on public outreach programs for defensible space and emergency preparedness;
- Measures, tools, and programs to diminish wildfire risk;
- Identification of single egress neighborhoods (pursuant to SB 99);
- Applicable local, state, and federal codes and regulations;
- Updated policies and actions; and
- Updated references and citations (as applicable).

a. Wildfire Policies and Actions

The ten previous wildfire policies in the Safety Element were broad policies that characterized general practices of County Government and the fire districts. The Wildfire policies have undergone a comprehensive update with new numbering. Some existing policies have been carried forward, often with minor changes, and new policies have been added. The previous Safety Element contained "Implementation Measures" that helped the County take specific actions to implement policies. The implementation measures are now referred to as "Actions" and belong to a specific policy to improve its clarity. Implementation measures previously were more general and often applied to more than one policy. For a detailed summary of the changes to policies and policy additions, see Attachment D: Policy Change and New Policy Crosswalk.

b. Changes in Policy

The following is a summary of the policy changes in the Safety Element that will result in a change in practice by the County. No updates to County Code are necessary as a result of updates to the Safety Element:

Access standards for New Subdivisions in the Very High Fire Hazard Severity Zone (Policies 1.1 and 8.0)

Policies 1.1 and 8.0 require new subdivisions in the VHFHSZ provide secondary access where feasible, or “substantial mitigations and management plans are required to offset the known risks,” a Wildfire Protection Plan is prepared and approved, and an appropriate setback from wildland vegetation is implemented prior to development. These are new policies that address BOF recommendations to avoid or minimize residential developments and define minimum standards for evacuation of residential areas in VHFHSZs.

Subdivision Access (Policy 1.5)

Policy 1.5 requires subdivision projects to site access roads between new homes and wildland areas in order to maximize defensible space, provide access for fire suppression, provide adequate egress for the landowner, and reduce wildfire risk to new homes and structures on that property. The policy also requires that the siting of this access road also minimize disturbance to sensitive environmental resources. This policy recognizes that an access road can serve as a buffer between wildland vegetation and structures that results in defensible space that also provides space for fire suppression equipment and staff to defend structures during a fire.

Wildfire Protection Plans (Policy 3.2 and 3.3)

Policies 3.2 and 3.3 require a Wildfire Protection Plan (WPP) for all new large developments, including subdivisions, mixed-use development, commercial cannabis activities, multi-family housing, businesses open to the public, and large assembly uses and/or events. WPPs are currently required by fire districts and are referenced in the County Fire Code (Chapter 15) and typically require landowners or a Homeowner’s Association to implement and comply with the WPP. The new policy clarifies that WPPs include measures for modifying fuel loading, a maintenance plan to ensure measures are maintained, and a site plan with locations of any roads or existing structures that may act as a fuel barrier. Policy 3.2 codifies current standard practice and addresses the BOF recommendation that fire protection plans are required for new development in VHFHSZs. Policy 3.3 is a new policy that addresses Government Code §65302(g) Section 3.C.ii.

New Essential Public Facilities in the VHFHSZ (Policy 6.0)

Policy 6.0 prohibits siting new essential public facilities, including, but not limited to, hospitals and health care facilities, emergency shelters, emergency command centers, and emergency communications facilities in the VHFHSZ unless all feasible risk reduction measures have been incorporated. Policy 6.0 also addresses Government Code §65302(g) Section 3.C.ii.

Evaluating Future Service Needs with Standard of Cover Studies (Policy 6.2 and Action 6.2.1)

Policy 6.2 requires that the County’s fire districts periodically prepare or update a Standard of Cover Study to assess future emergency service needs and identify resources and services needs. This policy codifies existing practices as the fire districts periodically prepare or update these studies to ensure they have the staff and resources necessary to meet service demands according to changes in

population. Action 6.2.1 requires that maps in the Safety Element be updated with this service coverage information and clearly demonstrate any areas that lack adequate service.

Action to Develop a Wildfire Like for Like Ordinance (Action 7.2.1)

Action 7.2.1 requires the County to develop an ordinance that would incentivize landowners who rebuild on the same property after a wildfire to do so in a location that has less wildfire risk (e.g. set back further from a steep slope, further from wildland vegetation, etc.) without the need for a discretionary entitlement. The ordinance would likely include similar elements to those developed for the 1/9 Debris Flow Like for Like Ordinance in the Montecito Land Use Development Code. The ordinance could include requirements to rebuild at pre-existing total floor area, compliance with other zoning and environmental regulations, and restrictions if there are potentially significant impacts to environmental resources.

c. State and County Review Processes

The BOF utilizes a Safety Element Assessment to review safety elements under Government Code §65302.5. P&D staff met with California Department of Forestry and Fire Protection (CAL FIRE) Land Use Planning staff on April 8, 2022 to discuss the review process and previous policy work. CAL FIRE's initial assessment of the existing Safety Element was provided to staff on May 2, 2022. Staff met with and corresponded with CAL FIRE staff periodically between June 2022 and January 2023 to seek clarification on recommendations and request relevant example policies to use as guidance. As instructed by the Safety Element Assessment, P&D staff reviewed the Governor's Office of Planning and Research's Fire Hazard Planning, General Plan Technical Advice Series and incorporated some of its recommended policies after vetting them with County Fire, Office of Emergency Management, and Parks staff. Long Range Planning staff coordinated information and policy update reviews within P&D (with the Development Review Division) and other relevant County departments. This included requesting comments and edits on draft updates and convening meetings to discuss and finalize updates.

County Fire was keeping the other fire districts apprised of potential policy changes that were underway during work on the wildfire policy updates. This happened primarily through briefings at the monthly meeting of fire district chiefs and periodic updates to district Fire Marshals.

Per Government Code §65302.5, the Safety Element amendments were sent to the California Geological Survey of the Department of Conservation more than 45 days prior to the Board hearing date. Staff received comments consisting of updated information on tsunami hazards. Staff responded that much of this information is found in the 2022 MJHMP, which is proposed to be incorporated by reference into the Safety Element as part of the proposed amendments. The proposed Safety Element amendments were also sent to the California Governor's Office of Emergency Services (CalOES) for comment, consistent with Government Code §65302(g)(8). CalOES responded with information on the hazards addressed by the County's Safety Element and 2022 MJHMP, and provided the guidelines used to assist with updates to a general plan.

At least 90 days prior to the adoption or amendment of the Safety Element, the County is required to submit the Safety Element to the BOF for review. The BOF responds with comments regarding the uses of land and the methods and strategies for wildfire risk reduction and prevention within the County's State Responsibility Areas (SRAs) or Very High Fire Hazard Severity Zones (VHFHSZs). Minor edits were

incorporated after an initial review by CAL FIRE staff, and the Final Draft Safety Element was submitted to the BOF on February 15, 2023.

The County’s Safety Element was presented by CAL FIRE Staff at the BOF’s Resource Protection Committee hearing on March 7, 2023. The BOF notified the County that it has no official comments or recommendations on changes to the Safety Element.

After BOF approval, staff changed the language of Policy 1.2 to eliminate concerns that it could be interpreted as potentially reducing the number, or burden development of, housing opportunity sites within the 2023-2031 Housing Element as a result of a need to comply with Government Code §65302.8. This Government Code provision states that if the County’s Comprehensive Plan policies (e.g. Safety Element wildfire policies) operate to limit the number of housing units constructed on an annual basis, certain findings must be made to do so. The table below shows the former proposed and current proposed language for Policy 1.2.

Former Proposed Language of Policy 1.2	Current Proposed Language of Policy 1.2
<p>Discourage High-Risk Uses in Hazard Zones: The County shall discourage land uses that could put people at unreasonable risk in High or Very High Fire Hazard Severity Zones.</p>	<p>Minimize Risks in Hazard Zones: The County will consider risks from hazards when reviewing plans for development and occupancies in High or Very High Fire Hazard Severity Zones and take action to minimize risks to occupants to the greatest extent feasible.</p>

Staff presented the Safety Element amendment to the Montecito and County Planning Commissions on May 17th and May 31st, respectively. The Montecito and County Planning Commission action letters, and resolutions recommending the Board adopt the proposed Safety Element amendment, are included in Attachment E and F. Attachment G provides the entire proposed Safety Element text.

2. Environmental Review

The wildfire updates in the Safety Element are not subject to CEQA according to CEQA Guidelines Section 15061(b)(3), which exempts projects that have no possibility of a significant effect on the environment. The policy updates are required by State law and would not result in substantial increases in vegetation management or other actions that could have a substantial effect on the environment. In addition, impacts associated with development projects that are subject to these policies will continue to be evaluated under CEQA, as appropriate. P&D staff prepared a Notice of Exemption for the proposed amendment (Attachment B). The Safety Element does not authorize new uses or development of land.

3. Native American Consultation (SB 18)

Government Code Sections 65352.3 and 65352.4 require cities and counties to contact and, if requested, consult with Native American tribes before adopting or amending a general plan (comprehensive plan). The Native American Heritage Commission (NAHC) maintains a consultation contact list of tribes that have expressed interest in preserving cultural places located within specific cities and counties.

P&D staff contacted the NAHC and received lists with 18 tribal contacts. Between January 25, and January 31, 2023, staff sent letters to all 18 tribal contacts. The letters described the proposed amendment and offered to consult with the tribes. P&D did not receive a request to consult with any of the tribes.

4. Policy Consistency

The proposed Comprehensive Plan amendments are a state mandated update or are consistent with state guidance, and are consistent with all applicable policies and development standards of the County's Comprehensive Plan, including community plans. The proposed amendments largely reflect ongoing practices and standards with which the County must comply or are standard practice, based on other regulations and codes. The policy changes reflect minor changes to development that may occur in high wildfire risk areas and the measures necessary to minimize risks to development in these areas. The amendments will not expand or otherwise change allowed uses and/or development of land.

Fiscal and Facilities Impacts:

Budgeted: Yes

Funding for the Safety Element Update is budgeted in P&D's Long Range Planning Budget Program on page 387 of the County of Santa Barbara Adopted Budget, Fiscal Year 2022–2023. There are no facilities impacts.

Special Instructions:

Planning and Development Department will satisfy all noticing requirements.

The Clerk of the Board shall forward a copy of the minute order and a signed copy of the Board Resolution to the Planning and Development Department, attention Whitney Wilkinson.

Attachments:

- A. Findings for Approval
- B. Notice of Exemption – CEQA Guidelines Section 15061(b)(3)
- C. Resolution of the Board of Supervisors Amending the Wildfire Information and Policies in the Seismic Safety and Safety Element (Case No. 22GPA-00000-00005)
 - a. Exhibit 1: Amended Text of the Seismic Safety and Safety Element
- D. Policy Change and New Policy Crosswalk
- E. County Planning Commission Action Letter and Resolution, Hearing date May 31, 2023
- F. Montecito Planning Commission Action Letter and Resolution, Hearing Date May 17, 2023
- G. 2023 Proposed Seismic Safety and Safety Element

Authored by:

Whitney Wilkinson, Senior Planner, Long Range Planning Division, (805) 568-2067

cc:

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