

RESOLUTION 2024-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE MAKING THE REQUIRED FINDINGS TO AMEND THE FERNDALE GENERAL PLAN AND ADOPT THE SAFETY ELEMENT UPDATE

WHEREAS, State law requires each city to prepare and adopt a comprehensive, long-term General plan for the physical development of the city; and that California Government Code (“CGC”) 65358 permits cities to amend all or part of an adopted General Plan; and

WHEREAS, the 2024 Safety Element update to the Ferndale General Plan (“Project”) incorporates appropriate amendments to the General Plan of the City of Ferndale (“City”) addressing the Safety Element as required by State law; and

WHEREAS, the Safety Element update to the Ferndale General Plan is intended to replace and supersede the 1975 Public Safety Element; and

WHEREAS, the City of Ferndale’s 6th Cycle Housing Element for the 2019-2027 period was adopted by the Ferndale City Council October 16, 2019, and certified by the California Department of Housing and Community Development (“HCD”) on December 11, 2019; and

WHEREAS, the City’s 6th Cycle Housing Element includes Program 8; and Program 8 commits the City to completing the required environmental review pursuant to the California Environmental Quality Act (“CEQA”), and certifying the Safety Element update to minimize housing construction in environmentally hazardous areas in compliance with Section 65032 of the California Government Code; and

WHEREAS, enacted legislation, including Senate Bill 1035 (2018) and Senate Bill 379 (2015), require that jurisdictions update their General Plan Safety Elements every eight years, usually in conjunction with Housing Element updates; and

WHEREAS, an adopted Local or Multi-Jurisdictional Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple Federal Emergency Management Agency (“FEMA”) pre- and post-disaster mitigation grant programs; and

WHEREAS, the City fully participated in the FEMA-prescribed mitigation planning process conducted by the County of Humboldt known as the Humboldt County Operational Area Hazard Mitigation Plan (“Hazard Mitigation Plan”) and, that the California Governor’s Office of Emergency Services (“Cal OES”) approved the Hazard Mitigation Plan on October 24, 2019, and that on January 2, 2020, FEMA determined the Hazard Mitigation Plan to be eligible for approval pending adoption by participating jurisdictions; and

WHEREAS, on February 19, 2020, the City Council of Ferndale adopted Resolution 2020-02 adopting in its entirety, Volume I and the introduction, Volume II, Chapter 5 – the City of Ferndale, and the appendices of Volume II of the Humboldt County Operational Area Hazard Mitigation Plan as the official Local Hazard Mitigation Plan for the City of Ferndale; and

WHEREAS, the City of Ferndale 2024 Safety Element update incorporates by reference the current Hazard Mitigation Plan developed in accordance with the Disaster Mitigation Act of 2000, following the FEMA’s 2011 Local Hazard Mitigation Plan guidance, and pursuant to Assembly Bill 2140 (2006) to increase opportunities for financial assistance under the California Disasters Assistance Act; and

WHEREAS, the City of Ferndale posted the draft 2024 Safety Element update to the Ferndale General Plan on the City’s website for public comment for a period not less than 60 days; and

WHEREAS, the City of Ferndale submitted the draft 2024 Safety Element update to the California Geological Survey and revised the draft 2024 Safety Element update to address the comments received from the California Geological Survey; and

WHEREAS, adoption of the 2024 Safety Element update of the Ferndale General Plan will minimize or eliminate the exposure of people and property to natural and human-induced hazards within the City; and

WHEREAS, adoption of the 2024 Safety Element of the Ferndale General Plan implements and satisfies Program 8 of the City of Ferndale’s adopted and certified 6th Cycle Housing Element; and

WHEREAS, pursuant to CGC Sections 65352(a)(11) and 65352.3, the City requested consultation with local California Native American tribes as shown on the contact list provided by the California Native American Heritage Commission; and

WHEREAS, a Final Program Environmental Impact Report (PEIR) prepared for the City of Ferndale Safety update (State Clearinghouse No. 2023020217) was released for public review on November 4, 2024; and

WHEREAS, the City complied with the requirements of the California Environmental Quality Act, in the manner described in the City of Ferndale Resolution 2024-22 adopted on November 20, 2024, certifying the City of Ferndale General Plan Safety Element update; and

WHEREAS, on November 6, 2024, the City of Ferndale Planning Commission held a duly noticed public hearing on the Project, considered public testimony as well as materials in the staff report and accompanying documents for the Safety Element update, which hearing was publicly noticed in the Ferndale Enterprise (a newspaper of general circulation); further, staff published a Notice of Public Hearing online at <https://ci.ferndale.ca.us/>, and posted the same Notice of Public Hearing on two public bulletin boards, noticed affected public agencies, property owners, and persons requesting public notice; and

WHEREAS, on November 6, 2024, the City of Ferndale Planning Commission unanimously adopted Resolution 2024-20, recommending that the City Council make the required findings to and adopt the Safety Element update; and

WHEREAS, on November 7, 2024, staff published a Notice of Public Hearing on the proposed General Plan amendment online at <https://ci.ferndale.ca.us/>, and posted the same Notice of Public Hearing on two public bulletin boards; and

WHEREAS, all legal prerequisites to the adoption of this resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FERNDALE, DOES HEREBY RESOLVE, AS FOLLOWS:

- Section 1. Based upon the evidence presented, the City Council hereby finds and determines as follows:
1. Each fact set forth in the recitals above is true and correct, and incorporated in full herein by reference.
- Section 2. Public hearing and notices and public participation:
1. All necessary public hearings and opportunities for public testimony and comment have been conducted in compliance with State law.
- Section 3. The following findings are made:
1. Required Findings of Adoption:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. FINDING:** The processing and approval of the Safety Element update is in compliance with the requirements of the California Environmental Quality Act (CEQA).
- 1) A Final PEIR was prepared for the City of Ferndale Safety Element update, and which was certified by the City Council on November 20, 2024 to have been prepared in compliance with the requirements of the California Environmental Quality Act pursuant to Resolution 2024-22, and which was reviewed and considered by the City Council.

PUBLIC INTEREST.

- B. FINDING:** The 2024 Safety Element update, that will amend the Ferndale General Plan, is in the public interest.
- 1) The proposed amendment promotes the health, safety, and general welfare of the City of Ferndale and its residents. The 2024 Safety Element update addresses natural hazards including fire, seismic and flood risks by providing goals, policies, and actions by outlining community resilience strategies that protect the health, safety, and general welfare of the residents, property, and infrastructure. Furthermore, the 2024 Safety Element update will better inform the preparation of local plans, including the Local Hazard Mitigation Plan making the City better prepared, eligible, and more competitive to receive State and federal funds.

CONSISTENCY WITH THE FERNDALE GENERAL PLAN.

- C. FINDING:** The 2024 Safety Element update, that will amend the Ferndale General Plan, is consistent with all other adopted elements of the Ferndale General Plan.
- 1) The amendment is internally consistent with all other adopted elements of the General Plan. The 2024 Safety Element update is in conformance with all the General Plan requirements of State Code 65300 in that the General Plan will continue to contain all required elements and is internally consistent. The proposed amendment is required to bring the Safety Element of the General

Plan into compliance with new State law and is consistent with sound planning principles in that the proposed policies and proposed implementation programs are compatible and ensure that the goals and policies of the General Plan can be implemented to achieve the stated goals. The proposed amendment is consistent with all other elements of the Ferndale General Plan adopted by the City. Furthermore, the City will ensure consistency between the Safety Element and other elements of the General Plan, and as new policies are introduced, they will be reviewed for consistency with existing elements. If any General Plan elements are updated, the Safety Element may also be modified to maintain consistency within the General Plan.

- 2) Adoption of the 2024 Safety Element update implements and satisfies Program 8 of the City's 6th Cycle Housing Element. Program 15 commits the City to completing environmental review in accordance with CEQA and certifying (aka adopting) the Safety Element. The process to update and adopt the Safety Element has been a multiple year process. Adopting the 2024 Safety Element will complete Program 8 and also will minimize or eliminate the exposure of people and property to natural and human-induced hazards within the City.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the City Council of the City of Ferndale hereby adopts the Safety Element update, dated November 20, 2024, which incorporates all of the mitigation measures described in the Final PEIR, and amends the Ferndale General Plan; and

BE IT FURTHER RESOLVED, order and determined that the City of Ferndale City Manager is authorized to make minor corrections to the text of the Safety Element of the City of Ferndale General Plan to correct grammar and typos; and

BE IT FURTHER RESOLVED, order and determined that all of the amendments described in this resolution shall become effective thirty (30) days after its adoption by the City Council.

THE FOREGOING RESOLUTION IS HEREBY PASSED, APPROVED, AND ADOPTED by the City Council of the City of Ferndale, State of California this 20th day of November 2024, by the following ROLL CALL vote of the City Council for the City of Ferndale:

YES: 5 (LUND/OSTLER)
NO: 0
ABSTAIN: 0
ABSENT: 0



Randy Cady, Mayor

ATTEST:



Kristene Hall, City Clerk