

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
ZONE 9 ADVISORY COMMITTEE

NOTICE IS HEREBY GIVEN that the Zone 9 Advisory Committee will hold a Regular Meeting at **1:30 PM** on **Wednesday, August 11, 2021** using **GoToMeeting** by accessing doing the following:

- To join from computer, tablet or smartphone: <https://global.gotomeeting.com/join/406607261>
- To dial in: United States: +1 (786) 535-3211, Access Code: 406-607-261

AGENDA

1. Introductions and roll call
2. Approval of June 9, 2021, meeting minutes
3. Endorsement of Updated City Annual Work Plan and Reimbursement Agreement
4. Ongoing Updates
 - a. Sustainable Groundwater Management Act (SGMA)
 - b. Mid-Higuera Bypass Project
 - c. Creek Maintenance
 - d. Arundo Removal
 - e. East Fork Limited Study
 - f. Miscellaneous
5. Public comment

At this time, the public may address the Committee on any item not appearing on the agenda that is within the subject matter jurisdiction of the Committee.
6. Future agenda items

Next Regular Meeting

Wednesday, October 13, 2021 at 1:30 PM

City of San Luis Obispo, Community Development Department

919 Palm Street, San Luis Obispo, CA 93401

“The purpose of the Zone 9 Advisory Committee: SECTION 1: To advise the County Board of Supervisors concerning all policy decisions relating to Zone 9. The Committee shall determine the needs, desires, and financial capabilities of the property owners in Zone 9 and, upon deliberation, shall convey to the Board of Supervisors their recommendations with respect to the objectives of said zone. SECTION 2: To recommend to the Board of Supervisors specific programs to alleviate and control flood damage within Zone 9 with recognition of the ecological and aesthetic values of the programs. Further, to recommend to the Board of Supervisors other programs within Zone 9 concerning the objects and purposes of the Flood Control District Act. SECTION 3: To recommend methods of financing programs for Zone 9.” – Excerpts from the By-Laws adopted March 1, 2011

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
ZONE 9 ADVISORY COMMITTEE

Meeting Minutes (DRAFT) – Wednesday, June 9, 2021

Members Present

Wayne Peterson, Chairperson, County At-Large
Brian Nelson, Member, City Staff
Carlyn Christianson, Member, City Council
Christine Mulholland, Member, City At-Large
Jon Hall, Member, County-At-Large

1. Introductions and roll call

Wayne Peterson calls the meeting to order at 1:30 PM. Quorum established.

2. Approval of Meeting Minutes – February 10, 2021

Motion by: **Carlyn Christianson**
Second by: **Christine Mulholland**

The Committee approves the February 10, 2021, meeting minutes (5-0-0).

3. Committee Membership update

Motion by: **Christine Mulholland**
Second by: **Carlyn Christianson**

The Committee approves Brian Nelson as the Vice Chair (5-0-0).

4. Fiscal Year 2021/22 Budget Presentation

Kellie Burns, County Public Works Finance, presented an overview of the Fiscal Year 2021/22 Flood Control Zone 9 Budget. Kellie went through the Schedule 15 form provided in the agenda packet. Following the Board of Supervisor budget hearings, the week of June 14, 2021, the new budget cycle will begin July 1, 2021.

5. Ongoing Updates

- Sustainable Groundwater Management Act (SGMA) Update
Sarah Crable, County Public Works, updates the committee on the most recent meetings held on the development of GSP Chapter 8: Sustainable Management

Criteria. An upcoming meeting on Chapter 9: Projects and Management actions will be held on June 21, 2021. Member, Christine Mulholland, asked for clarification on whether or not the recycling production water from the oil fields in Arroyo Grande was a proposed project. Release of Chapter 9 in the next weeks will clarify if this project is a proposed project in the GSP.

- Mid-Higuera Bypass Project Updates

Brian Nelson, City Engineer, updates the Committee that the design is currently at 95% design and the consultant is waiting on permits and minor design information from the County to proceed. Initial discussions have begun with the Madonna property owner about the Bianchi bridge relocation and utilization of a portion of their property. Discussions with Ronald Todd, Wally's Bike Shop owner, about removing the b have also begun. Both property owners understand the work and seem amenable to reaching a future agreement with the City to allow the project to proceed. DWR has notified the City that the Mid-Higuera Bypass project has been short listed for Prop 1 draft recommendations for a 6.0 million dollar grant with a match of 3.5 million being requested from Zone 9. City and County staff will discuss how this match will proceed. CNRA just notified the City that the project has been selected to move to phase 3 of the application process for the 6.0 million grant.

- Creek Maintenance Updates

Freddy Otte, City Biologist, informs the Committee about Fire Department concerns about fuel loads in the creek and relating it back to the transient populations, where a fire was reported this morning in Stenner Creek near Santa Rosa and Foothill. Freddy highlights the need for continued creek maintenance efforts for flood control and preparation for fall maintenance activities.

- Arundo Removal Updates

Jon Hall, Land Conservancy, informs the Committee that they are currently seeking grant funding to assist with the removal of larger Arundo stand populations. Currently access agreements are being updated with new property owners in order to begin Arundo removal activities in August.

- East Fork of San Luis Obispo Creek Limited Study updates

Sarah Crable, County Public Works, notified the Committee that the County is awaiting receipt of Right of Entry permissions from private property owners in the Buckley area in order to proceed with surveying. All surveying in public right-of-way has been completed.

6. Public Comment

Member, Christine Mulholland, has notified the Committee that on June 17, 2021 various Local, State, and Federal agencies will be accessing the Sunny Acres property for a site inspection regarding reports of fill placement activities possibly occurring in the Laguna Lake wetland.

7. Future Agenda Items

Meeting adjourned at approximately 2:44 PM.

TO: Zone 9 Advisory Committee

FROM: Sarah Crable, Water Resources Engineer, County Public Works

DATE: August 11, 2021

SUBJECT: Agenda Item #3: Endorsement of City’s Updated Fiscal Year 21/22 Annual Work Plan and Reimbursement Agreement

Recommendation

It is recommended that the Committee Endorse the updated Annual Work Plan as well as the updated Flood Control Zone 9 Reimbursement Agreement with the City of San Luis Obispo to allow City Staff to expand existing creek maintenance activities into County jurisdiction within Zone 9.

Discussion

A creek vegetation maintenance program was presented to, voted on, and approved by the Committee at the April 10, 2019 Zone 9 meeting. The program is an expansion of the existing creek maintenance activities that the City carries out annually and will focus on three priority locations within County jurisdiction: San Luis Obispo Creek upstream of Cuesta Park, Prefumo Creek upstream of Laguna Lake, and San Luis Obispo Creek and tributaries downstream of Buckley Road.

The City of San Luis Obispo’s Fiscal Year 2021/22 Annual Work Plan was presented to and subsequently endorsed by the Advisory Committee at the October 14, 2020, meeting. An update to the City’s Annual Work Plan is presented to reflect the additional budget request of \$60,000 for the City to perform creek vegetation maintenance activities in County areas of Zone 9. There are no other changes to the Annual Work Plan.

An update to the existing Reimbursement Agreement between the City and the Flood Control District will provide the basis for which these activities can be carried out by City staff in creek areas that are within County jurisdiction.

Estimated timeline of next steps:

August 11, 2021	Zone 9 Advisory Committee Endorsement
September 7, 2021	City Council agenda item for approval
September 14, 2021	Board of Supervisors consent agenda item for approval
September 21, 2021	Kickoff meeting with County and City Staff

Results

Endorsing both the Annual Work Plan and the updated Reimbursement Agreement will improve floodway capacity in the San Luis Obispo Creek watershed and provide value to taxpayers in County areas of Zone 9.



Public Works

919 Palm Street, San Luis Obispo, CA 93401-3218
805.781.7200
slocity.org

Date: September 30, 2020
To: Brenden Clark, Water Resources Engineer – County of San Luis Obispo
From: Matt Horn, Public Works Director - City of San Luis Obispo
Subject: 2021-2022 Zone 9 Budget Request

Based on the current status and future needs to continue making progress on several projects, the City is requesting the following funding from Zone 9 for the 2021-2022 Fiscal Year.

Project Name	Requested FY 2021/22
General Creek Maintenance	\$130,500
General Creek Maintenance in County Areas	\$60,000
Silt Removal	\$130,000
Mid Higuera Bypass	\$40,000
Total	\$360,500

General Creek Maintenance

\$130,500 to fund ongoing general creek maintenance which includes channel clearing, including removal of trees, vegetation, and arundo from creeks. Funding is planned to be used as follows:

- 1. Contract Labor - Channel Clearing: \$51,500
- 2. Channel Tree Removals: \$46,000
- 3. Vegetation Disposal: \$ 5,000
- 4. Arundo Removal: \$28,000

General Creek Maintenance in County Areas

\$60,000 to fund ongoing assessment and maintenance of creeks and waterways that come into or leave the City and cross County jurisdictional area. This will be an expansion of the existing work program the City currently undertakes in City-limits. Prioritization will be completed where flooding or backwatering has occurred in the past to ensure proper drainage exists. Funding is planned to be used as follows:

- 1. Creek Assessment and Mapping: \$3,000
- 2. Contract Labor - Channel Clearing: \$52,000
- 3. Vegetation Disposal: \$ 5,000

Silt Removal

Existing funding to support Silt Removal is approximately \$230,000. Available funding remains high due to lower than expected design and construction costs for prior projects. As a result, these remaining funds will support design and permitting work for 2021 silt removal locations.

Typically, silt removal projects address 1-2 locations per year. Existing funds, in addition to the request of \$130,000, will support an expansion of the program in 2021 and fund design, permitting, and construction at up to five creek locations. Currently, the following locations are prioritized:

1. Prefumo ARM – Prefumo Creek at LOVR
2. Unnamed Tributary to Acacia Creek - Sacramento at Ricardo Court
3. Sydney Creek – East of Railroad Safety crossing, south of Sinsheimer Park
4. Prefumo Creek – South of Madonna at Laguna Lake outfall
5. San Luis Creek Bypass channel at LOVR and HWY 101

Mid Higuera Bypass

\$40,000 is requested for the Mid Higuera Bypass project for consultant work to negotiate with adjacent property owners regarding project right of way, construction access, and demolition of the “pinch-point” structure at 306 Higuera Street.

**REIMBURSEMENT AGREEMENT BETWEEN SAN LUIS OBISPO COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT AND THE CITY OF SAN LUIS OBISPO FOR WATERSHED
MAINTENANCE AND EDUCATION PROGRAM**

This Reimbursement Agreement (“Agreement”) is entered into on this _____ day of _____ 2021 by and between the San Luis Obispo County Flood Control and Water Conservation District (“District”), acting on behalf of District Flood Control Zone 9 (“Zone 9”), and the City of San Luis Obispo (“City”) (each a “Party” and collectively, “Parties”).

WHEREAS, Zone 9 includes the San Luis Obispo Creek (“Creek”) watershed (“Watershed”) and its tributaries; and

WHEREAS, the City is located wholly within the Watershed and the Zone 9 boundaries; and

WHEREAS, by coordinating in Watershed maintenance and education activities, the City and District can more economically address issues within the Watershed; and

WHEREAS, such a cooperative program has been successfully completed in the past pursuant to prior reimbursement agreements between the District and City, including but not limited to the reimbursement agreements dated September 6, 2013 and August 21, 2018 (collectively, “Prior Agreements”) and in accordance with the Waterway Management Plan and associated Environmental Impact Report certified by the District on February 10, 2004; and

WHEREAS, the Parties desire to continue in and expand their coordination with respect to Watershed maintenance and education activities, both within and outside of City limits, as described in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants, conditions, promises and agreements herein set forth, the District and City mutually covenant and agree as follows:

A. REIMBURSABLE EXPENSES

The City shall be eligible for reimbursement for expenses incurred by the City pursuant to the terms and conditions set forth in this Agreement subject to the following:

1. Type of Activities Eligible for Reimbursement.

Only those activities within Zone 9 identified below are eligible for reimbursement:

Removal of debris, sediment and vegetation which adversely affect the capacity of waterways or which might be more difficult or costly to remove if moved by flood flows to different locations where they could cause damage to the Creek or flooding to adjacent improved property.

Removal and proper disposal of detrimental exotic plants from throughout the Watershed and any re-vegetation project to minimize damage from flood flows or for restoration after removal of exotic plants.

Stabilization of Creek banks to prevent erosion causing sedimentation or property damage.

Development and construction of projects identified in the Waterway Management Plan adopted by the City on October 21, 2003 and District by Resolution 2004-51 on February 10, 2004.

Annual notice to property owners along the Creek, and wet weather flood prevention information distributed to the general public, including flyers, public service announcements and web sites.

2. Inclusion in Work Plan.

Only those work activities properly identified in the annual Work Plan (described below) prepared by the City and included in the District's current fiscal year budget as adopted by the District's Board of Supervisors ("Board") are eligible for reimbursement.

3. Compliance with Agreement.

Only activities performed in compliance with the provisions of this Agreement are eligible for reimbursement.

B. OBLIGATIONS OF CITY

The City shall submit a work plan to the District for each upcoming fiscal year, prior to December 1 of each year ("Work Plan"). The Work Plan shall include a description and budget for the work activities proposed by the City for the upcoming fiscal year.

The City shall act as the lead agency in complying with the California Environmental Quality Act ("CEQA") for all work done within the City limits with the following limited exception: the City shall act as the responsible agency in complying with CEQA for the Mid-Higuera Bypass Project.

The City shall acquire all permits for work within its jurisdiction with the following limited exception: the City shall not be responsible for providing staffing or other resources to acquire regulatory environmental permits for the Mid-Higuera Bypass Project.

The City shall be responsible for acquiring any landowner permission needed to accomplish any work within its jurisdiction.

Should any work within the City involve the abatement of nuisances, the removal of trees, or other obstructions, such shall be performed in accordance with due process of law under the City's abatement ordinances or State law. The abatement of said nuisances shall be the sole responsibility of the City.

Any streambed clearing work identified in the Work Plan shall be carried out prior to the rainy season with follow-up work done during the rainy season as appropriate.

The City shall comply with all applicable federal, state and local laws and regulations in performing any activities related to this Agreement.

The City shall provide quarterly statements to the District documenting the expenses for which the City is seeking reimbursement. Said statements shall specify the activities related to the expenses for which the City seeks reimbursement.

The City shall recognize and acknowledge the District's financial contribution to the activities identified in Section A of this Agreement through prominent mention during any oral presentation or in writing on any signs, promotional materials, press releases, publications, advertisements, or exhibits prepared in connection with or referring to the reimbursable activities.

C. OBLIGATIONS OF DISTRICT

District staff shall review the Work Plan submitted by the City and shall coordinate with the City to refine the Work Plan, as appropriate, so that it is consistent with the intent of this Agreement and the District's budgetary plans. District staff thereafter shall prepare a draft Zone 9 budget request for the upcoming fiscal year to include those activities that District staff considers consistent with the intent of this Agreement and the District's budgetary plans. The District shall include on an agenda the draft budget request for review by the Zone 9 Advisory Committee ("Committee") to allow the Committee to make a recommendation to the Board regarding said budget request.

The District shall provide reimbursement to the City for eligible City expenses incurred pursuant to this Agreement on a periodic basis as funds are available, within the budgetary limits approved by the Board or its designee provided that the City submits satisfactory documentation of City's expenses and work performed.

The District shall act as the lead agency in complying CEQA for: (1) all work done by the City outside of City limits; and (2) the Mid-Higuera Bypass Project.

The District shall be responsible for acquiring any landowner permissions [and completing any reporting and mitigation to the California Department of Fish and Wildlife that may be necessary to accomplish work done by the City outside of City limits in furtherance of its obligations under this Agreement.](#)

The District shall provide staffing and other resources to obtain all necessary permits for: (1) work done by the City outside of City limits; and (2) the Mid-Higuera Bypass Project on behalf of the City who shall be the permittee.

The City is under no obligation, and this Agreement does not contemplate, commencement of formal nuisance abatement actions by the City outside of the City's jurisdiction.

The District shall comply with all applicable federal, state and local laws and regulations in performing any activities related to this Agreement.

D. GENERAL TERMS

1. Term.

This Agreement shall become effective on the date fully executed by the Parties and shall have an initial term of five (5) years. This Agreement shall renew automatically for four (4) successive five (5) year terms. Notwithstanding the foregoing, either Party may terminate this Agreement at any time by giving ninety (90) days written notice of termination to the other Party.

2. Indemnification.

Each Party hereto shall defend, indemnify and save harmless the other Party and other Party's officers, agents and employees from and against all loss, claims, demands, liabilities, costs, expenses, damages, causes of action, ~~including but not limited to inverse condemnation and~~ judgments arising out of the indemnifying Party's performance or attempt to perform its obligations pursuant to the provisions of this Agreement, including both acts and omissions to act, failure to secure necessary landowner permissions and permits, and failure to complete any reporting and mitigation that may be necessary to perform obligations pursuant to this Agreement both within and outside of City limits.

3. Cooperation.

The District agrees to cooperate with the City in the defense of any such claims or litigation, and the City agrees to cooperate with the District.

4. Full Agreement.

This Agreement encompasses the entire agreement of the Parties, and supersedes all previous understandings and agreements between the Parties, whether oral or written, including but not limited to the Prior Agreements.

IN WITNESS WHEREOF, the Parties have executed this Agreement on the dates set forth below:

SAN LUIS OBISPO COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

By: _____ Date: _____
Chairperson of the Board
San Luis Obispo County Flood Control and
Water Conservation District
State of California

ATTEST:

By: _____ Date: _____
County Clerk and Ex-Officio Clerk of the
Board of Supervisors, County of San Luis Obispo,
State of California

APPROVED AS TO FORM AND LEGAL EFFECT:
RITA L. NEAL
County Counsel

By: _____ Date: _____
Deputy County Counsel

CITY OF SAN LUIS OBISPO

By: _____ Date: _____
Derek Johnson
City Manager

APPROVED AS TO FORM AND LEGAL EFFECT:
J. Christine Dietrick
City Attorney

By: _____ Date: _____

DRAFT

TO: Zone 9 Advisory Committee

FROM: Dick Tzou, Water Resources Engineer, County Public Works

DATE: August 11, 2021

SUBJECT: Agenda Item #4a: Sustainable Groundwater Management Act (SGMA) Updates

Update

- **June 21, 2021** – A regular virtual GSC meeting was held June 21, 2021. The following topics were presented and discussed:
 - Response to comments received on Draft GSP Chapter 8 – Sustainable Management Criteria
 - Recommended Draft GSP Chapter 9: Projects and Management Actions and Chapter 10 Implementation Plan to be received and filed by the GSAs and released for public comment.
 - Recommended Draft Technical Memorandum on GDEs in the San Luis Obispo Valley Groundwater Basin to be received and filed by the GSAs and released for public comment.
- **August 18, 2021** – A regular virtual GSC meeting will be held August 18, 2021. The following topics were presented and discussed:
 - Response to comments received on Draft GSP Chapters 9 &10 – Projects and Management Actions and Implementation Plan, respectively.
 - Recommended the complete Draft GSP including all appendices to be received and filed by the GSAs and released for public comment.
 - Discussed the location and installation of a new proposed monitoring well as described in the GSP Monitoring Network.
- **August 24, 2021** – The County Board of Supervisors, acting as the San Luis Obispo Valley Basin – County of San Luis Obispo Groundwater Sustainability Agency (County GSA), will receive and file a presentation on the San Luis Obispo Valley Draft GSP, and authorized the Director of Public Works, or designee, to provide notice to the City of San Luis Obispo of the Draft GSP, and to review and consider any comment by the City in accordance with the requirements of Water Code Section 10728.4.

For additional information, please contact:

Dick Tzou
Water Resources Engineer, County Public Works
dtzou@co.slo.ca.us
(805) 781-4473

TO: Zone 9 Advisory Committee

FROM: Brian Nelson, Acting City Engineer, City of San Luis Obispo
Blaize Uva, Environmental Specialist, County Public Works

DATE: August 11, 2021

SUBJECT: Agenda Item #4b: Mid-Higuera Bypass Project Updates

Update

- Grant Funding Applications
 - CNRA Grant (\$6,000,000) – In February, the City presented a virtual tour of the project site, its benefits, and scope to CNRA as a part of step 2 of the grant process. The City progressed to step 3, where we were asked to provide additional information to the grant review committee by July 9. Notice of award is anticipated in August.
 - DWR Grant (\$6,078,707) – The City submitted this grant in November 2020. The Mid-Higuera Bypass project has been listed on the draft grant award list, with final award expected in October.

- Project Design
 - Wallace Group is reviewing the City’s comments on the 90% specifications and making additional revisions.
 - Permitting
 - Utility B & C letters
 - Final project report (HEC-RAS)
 - Hamner-Jewell is continuing the appraisal process for the three properties that will be directly impacted by the proposed design. This includes:
 - A proposed property swap between the City of SLO and Madonna Properties, near Bianchi Lane.
 - The removal of a structure at risk of bank failure owned by the Todd R. Trust.
 - Grading at 304 Higuera Street.
 - Currently City staff are addressing questions from the property owners with regards to Hamner-Jewell’s work.

- Project Permitting
 - Permit applications have been prepared. Supplementary permit documents are undergoing internal review (Habitat Mitigation and Monitoring Plan [HMMP], Jurisdictional Determination, and Biological Resources Assessment).
 - A biological field visit with City staff was conducted on 7/20/21 to obtain information requested by the Army Corps of Engineers to the HMMP.
 - Once supplementary documents are finalized by County and City, the permit application packages will be sent to the regulatory agencies.

TO: Zone 9 Advisory Committee
FROM: Freddy Otte, Biologist, City of San Luis Obispo
DATE: August 11, 2021
SUBJECT: Agenda Item #4c: Creek Maintenance Updates

Update

Most recently, the focus has been setting up the flood control program for this winter by rehiring the two Flood Control Techs, getting the new tree contractor on board through establishing a Purchase Order, etc., and working on the expanded partnership through the update of the existing Reimbursement agreement with the County.

TO: Zone 9 Advisory Committee
FROM: Sarah Crable, Water Resources Engineer, County Public Works
DATE: August 11, 2021
SUBJECT: Agenda Item #4e: East Fork Limited Study Updates

Update

The East Fork Limited Study consultant, Schaaf & Wheeler, and their subconsultant, MBS, wrapped up the final surveying needs on private property over the course of two days: July 9 and July 20, 2021. Of particular interest to the consultant were the widths and depths of bridges over creek crossings since they may have an effect on flow constriction. Another interest of the consultant was the creek channel vegetation downstream of Buckley Road to understand the correct assumptions for channel roughness. The other area of interest downstream of Buckley Road was the berm along the creek and adjacent borrow ditch and understanding the ground elevations of those. The consultant is now integrating the field data into their model.

TO: Zone 9 Advisory Committee

FROM: Sarah Crable, Water Resources Engineer, County Public Works

DATE: August 11, 2021

SUBJECT: Agenda Item #4f: Miscellaneous

Update

- **Budget policy.** County Staff is currently developing a budget policy for Zone 9 to ensure that annual operational costs, funding of permitting and future studies, and project implementation support are sustainable. A proposed timeline for developing the budget policy is provided:

October 2021	Committee Agenda Item for Discussion: Boundaries and Initial Thoughts Formation of Sub-committee (if desired)
December 2021	Draft Budget Policy Presentation
February 2022	Policy Approval by Committee
March 2022	Board of Supervisors Board Item

- **Future meetings.** The moratorium on the Brown Act will expire September 30, 2021. All future Advisory Committee meetings will be held in person with the ability to call in for public comment. Committee members will be required to be present in person to establish a quorum. Meeting location:

City of San Luis Obispo, Community Development Department
919 Palm Street, San Luis Obispo, 93401
- **Watershed related.** The Advisory Committee was carbon copied on a Cease-and-Desist letter (attached below) from the County Public Works Department to Daniel DeVaul regarding placement of fill material activities. Any questions should be directed to County Public Works Deputy Director John Waddell at (805) 781-5252.



COUNTY OF SAN LUIS OBISPO
Department of Public Works
John Diodati, Interim Director

July 2, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Daniel DeVaul
10660 Los Osos Valley Road
San Luis Obispo, CA 93401

Subject: Cease and Desist All Grading and Placement of Fill Material Activities,
10660 Los Osos Valley Road, San Luis Obispo, CA

Dear Mr. DeVaul:

It has been brought to the attention of the County of San Luis Obispo Departments of Public Works and Planning and Building that grading and fill material placement has occurred in the Special Flood Hazard Area designated by the Federal Emergency Management Agency (FEMA) that overlays much of your property (APN 067-091-012). Placement of fill material within this Special Flood Hazard Area is a violation of Title 44 Code of Federal Regulations, Section 60.3 and San Luis Obispo County Code, Title 22 Land Use Ordinance Sections 22.14.060 and 22.52.110.

The Special Flood Hazard Area on your property is specified as Zone AE with a Base Flood Elevation of 129 feet NAVD88 and no identified regulatory floodway. A portion of the current Flood Insurance Rate Map (FIRM) illustrating the Special Flood Hazard Area on your property is enclosed. In addition, your property is within a Special Floodplain Management Zone specified by the City and County of San Luis Obispo's Waterway Management Plan.

As a community participant in the National Flood Insurance Program, the County is obligated to enforce floodplain management criteria in Title 44 Code of Federal Regulations, Section 60.3. Title 44 Code of Federal Regulations, Section 60.3(c) states: "When the Federal Insurance Administrator has provided a notice of final flood elevations for one or more special flood hazard areas on the community's FIRM and, if appropriate, has designated other special flood hazard areas without base flood elevations on the community's FIRM, but has not identified a regulatory floodway or coastal high hazard area, the community shall... [r]equire until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community."

County of San Luis Obispo Department of Public Works

County Govt Center, Room 206 | San Luis Obispo, CA 93408 | (P) 805-781-5252 | (F) 805-781-1229
pwd@co.slo.ca.us | slocounty.ca.gov

In addition, San Luis Obispo County Code, Title 22 Land Use Ordinance Sections 22.14.060 and 22.52.110 require the County to evaluate grading and placement of fill activities in areas known to be subject to potential inundation by the 1% annual probability flood. The Special Floodplain Management Zone specified by the City and County of San Luis Obispo's Waterway Management Plan identifies areas subject to potential inundation by the 1% annual probability flood where placement of fill must be evaluated for potential adverse impacts on flood elevations.

All grading and placement of fill material in the Special Flood Hazard Area must immediately cease and desist. The owner must submit a grading permit application to the County of San Luis Obispo Department of Planning and Building. The applicant will be required to submit a grading plan that identifies the locations of grading activity with fill locations and quantities in relation to the Special Flood Hazard Area. The applicant will be required to submit a flood study with appropriate hydrologic and hydraulic analyses, completed by a licensed Civil Engineer, to evaluate the effects of grading and placement of fill material in the Special Flood Hazard Area.

Furthermore, the applicant may be required to obtain a Letter of Map Revision from FEMA that addresses how grading and fill material has affected the established Special Flood Hazard Area and associated Base Flood Elevation.

Please contact Troy Barnhart with the Department of Public Works at (805) 781-4245 or tbarnhart@co.slo.ca.us to discuss resolving this violation.

Sincerely,



JOHN WADDELL

Floodplain Administrator, County of San Luis Obispo
Deputy Director, Department of Public Works

Enclosure: Vicinity FIRMette

c: Supervisor Gibson, District 2
Supervisor Ortiz-Legg, District 3
John Diodati, Director, Department of Public Works
Trevor Keith, Director, Department of Planning & Building
Jill Coomer, Code Enforcement, Department of Planning & Building
Daniel Solish, County Counsel
Hal Hannula, Floodplain Administrator, City of San Luis Obispo
Flood Control Zone 9 Advisory Committee, San Luis Obispo Flood Control and Water Conservation District
Brian Trushinski, FEMA Region IX
Daniel Burgett, California Department of Water Resources South Central Region

File: CF 490.70.01

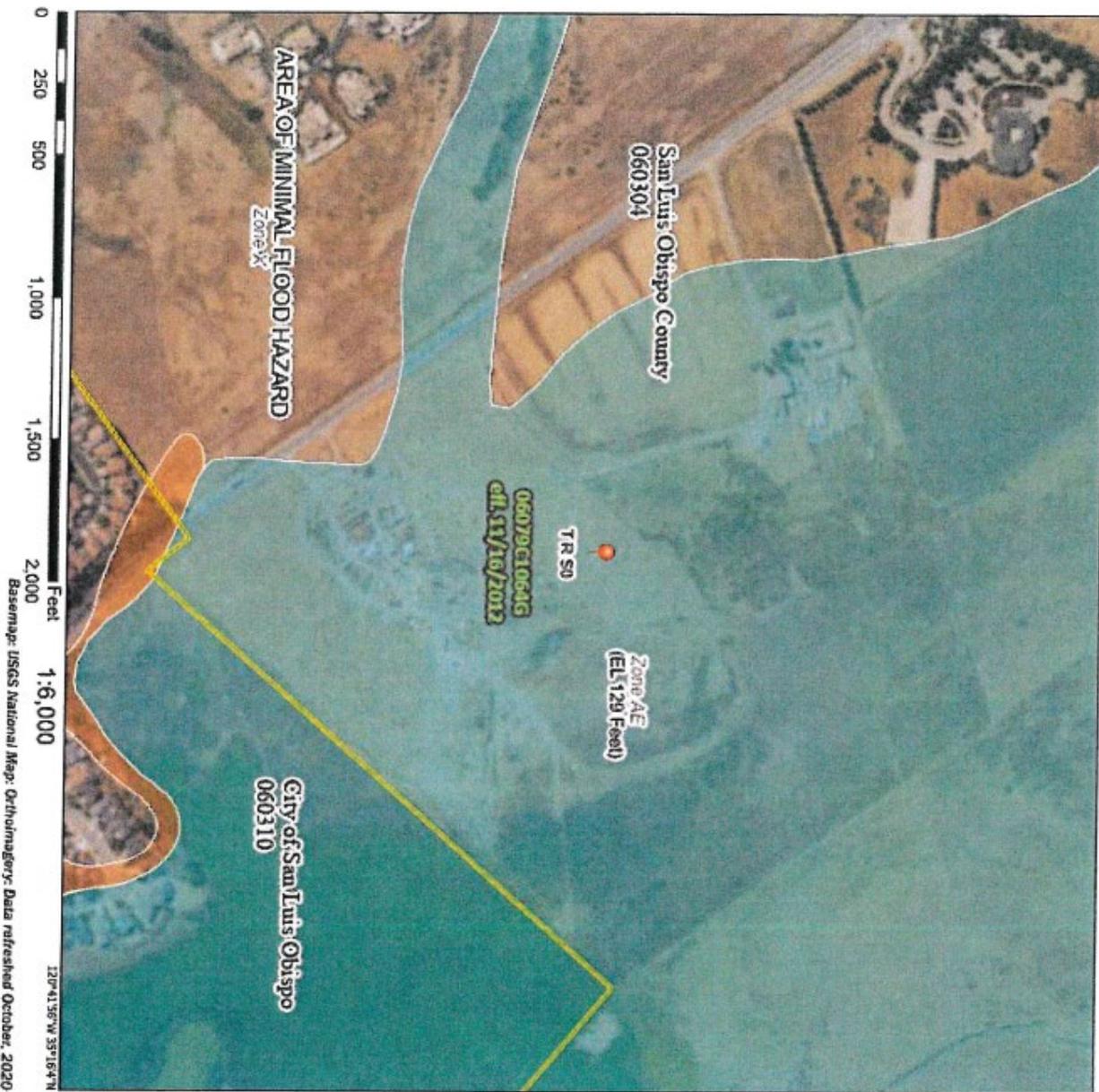
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Department of Public Works

County Govt Center, Room 206 | San Luis Obispo, CA 93408 | (P) 805-781-5252 | (F) 805-781-1229
pwd@co.slo.ca.us | slocounty.ca.gov

National Flood Hazard Layer FIRMette

120°42'34"W 35°16'33"N



Legend

SEE FOR REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS	Without Base Flood Elevation (BFE) Zone A, V, X, AP	With BFE or Depth Zone AF, AE, AH, I, AP
Regulatory Floodway	0.2% Annual Chance Flood Hazard. Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone A	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Areas with Reduced Flood Risk due to Levees, Sea Walls, Zone A	Areas with Flood Risk due to Levees Zone B

OTHER AREAS OF FLOOD HAZARD
No Section Areas of Minimal Flood Hazard Zone F
Effective LOMFRs

OTHER AREAS GENERAL STRUCTURES
Channel, Culvert, or Storm Sewer
Levee, Dam, or Floodwall

OTHER FEATURES
Cross Sections with 1% Annual Chance Water Surface Elevation
Base Flood Elevation Line (BFE)
Limit of Study
Jurisdiction Boundary
Coastal Transect Baseline Profile Baseline
Hydrographic Feature

MAP PANELS
Digital Data Available
No Digital Data Available
Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap when compiled with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was generated on 6/30/2021 at 6:56 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifier, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.