



The voice of our community

Land Use Committee Meeting

May 1, 2018 – 4:00 PM

1469 East Valley Road

Minutes

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Present – Bollay, Emmens, Gray, Hayman, Lee, Rosen, van Duinwyk

- I. Call to Order** – Hayman called the meeting to order at 4:02 pm. Hayman announced that Frank Blue had resigned. Dorinne Lee Johnson is expected to return to LUC in September. Her goal is to balance LUC with Board and community members. She notified Montecito Board and welcomes interest from a community member. She welcomed presenters Tom Fayram, Director, Santa Barbara County Flood Control District (SBCFCD); Tess Harris, Petra Leyva, & Rey Montano from County Planning & Development (P&D)
- II. Approval of Minutes** – May 1, 2018
Move to approve, with correction to add members present at the May 1, 2018 meeting & in future minutes (as amended Rosen / van Duinwyk, unanimous)
- III. Public Comment for Items not on Agenda** – None
- IV. Conference Agenda Items**
 - A. Tom Fayram, SBCFCD Update.**
 1. Hazardous Mitigation grants applied for by SBCFCD for Cold Springs, San Ysidro, Romero debris basins. Potential approach is to expand basins to existing right-of-way then increase efficiency as done for Gobernador Basin, with a slotted outlet that allows fine grains to flow through, but catches large debris.
 2. Steam gauges to be installed on San Ysidro Creek to get live feed data on rainfall & stream response. Likely that 0.8 inch rainfall per hour will trigger potential evacuations in coming rainy season. Tom Fayram looking for better data because, “every watershed behaves differently.”
 3. No more improvements to debris basins planned prior to rainy season; but SBCFCD will be ready to react to clear debris plugs when they occur rapidly.

4. Questions from LUC for Mr. Fayram:

- a. Hazardous Mitigation Program was originally estimated at \$3 million for each project, however preliminary engineering design phase estimates are higher.
- b. Private interest groups' pre-mitigation concepts present challenges due to remote, inaccessible access issues. Maintenance required to remove debris caught by nets would also be a challenge. Hydro-mulching is not a priority approach to hillside stabilization. Mr. Fayram said ensuring existing debris basins are cleared out is most practical approach. Over long-term, by winter of 2020, cost of additional basins may become a community issue. Mr. Fayram said he struggles with balancing consequences of debris flows with expected frequency, and used the analogy of engineering structures for major earthquakes.
- c. Mr. Fayram replied to Mr. Bollay that excavating deeper to enlarge capacity of debris basins is risky because over-excavating could create "dead storage" and possibly trigger a water storage permit. It would also make basin maintenance more difficult.
- d. Steelhead issue. Mr. Fayram would like to see National Marine Fisheries Service (NMFS) permit process more transparent to public. He thought that a letter from the community to Army Corps of Engineers requesting a public meeting would be appropriate. Steelhead are a listed threatened species and therefore protected, so NMFS has applied conditions for fish rack structures on Maria Ygnacia creek in Goleta. He encouraged the LUC to become more informed about this long-term issue for Montecito. However, repairing fish racks during on-going emergency repairs is not a condition in short-term. Mr. Fayram noted that Gobernador debris basin uses fish passes which work while allowing fine-grain sediments to flow to ocean.
- e. Mr. Fayram took questions from public. Mr. Fayram said that he would not propose a project that the SBCFCD couldn't pay for. He noted that SBCFC is a District that has a line item on property tax bills. The Board of Supervisors cannot reallocate money reserved for Flood Control projects. Prior to 1/9/18 SBCFCD had \$29 million in reserves; FEMA spent \$110 million to help clear debris basins, during recent emergency response.

5. FEMA maps. Upcoming meetings with FEMA next week, July 11 & 12, to review remaining discrepancies, and kick-off new Flood Insurance Rate Maps (FIRM). For those property owners who wish to comment, it is important to provide detailed information in writing about location, what & why map is wrong immediately, and email SBCFCD staff John Frye, with copy to Tom Fayram to review. SBCFCD staff will look at each issue to see if it has merit, but stated, "It is not a technical justification to say that map is incorrect because the property has never flooded." Mr. Fayram used the illustration of the flood plain level for Montecito Oaks which was shown on map as below ground level.

- a. Ms. Hayman asked a procedural question on how the Montecito Association could encourage a contract extension allowing FEMA to do additional work to correct maps. Mr. Fayram responded that since FEMA is a Federal Agency, request should be directed to office of Congressman Salud Carbajal and indicated he would also look into it.
- b. Tom Bollay asked what the new assumptions would be for the FIRM process. Mr. Fayram said FIRM would not assume a burned watershed. Bridge clogging would be an item of discussion since he believes future bridge clogging is realistic.
- c. Tom Bollay described his review of FEMA maps where a majority of homes damaged above State Highway 192/East Valley Road are not shown to be flood hazard zones, but yet received significant damage. He voiced his concerns about maps which he

recommends should be a tool for architects & engineers, rather than set policy. Bollay expressed concern that damaged/destroyed homeowners would not have the benefit of the like for like ordinance with this anomaly as there would be no requirement for an increase in the BFE. He noted that insurance would not cover an increase in BFE unless the FEMA map required it. He noted also that architects may be causing problems for others who were not previously affected, by altering topography or creating obstructions, like walls. Mr. Fayram responded that above Hwy 192 FEMA flood elevations were lower due to scour. Most difficult to model are alluvial fans. He would consider asking FEMA to remodel relevant portions of East Valley Road/192 where anomalies exist, such as the Randall Road damage, noted by Mr. Bollay. Mr. Fayram noted that making FEMA maps advisory could affect insurance coverage.

d. Charles Newman (MPC) noted that insurance would not pay for upgrades unless BFEs were mandatory. He asked P&D staff to describe how FEMA maps were utilized during property owners one-on-one meetings with SBCFCD staff, Building Department grading permits, and P&D during rebuilding process under “Like for Like” ordinance.

B. Santa Barbara County P&D Update.

a. P&D planners Petra Leyva & Rey Montano reported about 40 meetings have been held at rate of four per day since mid-July. In response to Charles Newman, these meetings are an opportunity for property owners to note FEMA BFE discrepancies to SBCFCD staff. P&D issues listed in handout: (1) owners need to bring their building or architectural plans for previously approved structures and finished floor elevations onsite, for meetings to be beneficial. (2) Owners need a professional survey of existing topography and site boundaries. (3) Most rebuilding requests are being processed under “Like for Like”, however difficulties are in having plans, pictures, paint chips of what existed prior to 1/9/18. (4) FEMA maps are being misread, so affected property owners need to meet with SBCFCD staff. Community meeting on July 12 will help community understand FEMA BFE maps.

Questions from LUC for P&D staff:

- a.** What if there are no building plans for structures damaged or destroyed? P&D can help research County Assessor files. Structures built prior to 1923 will not have plans stored in AIA Archive Library (due to 1925 earthquake). Historic photo archives, aerial photos, Google maps, personal photos are helpful in determining architectural features that existed. P&D staff recommended that all property owners locate copies of plans and store them “in the cloud” for safe-keeping for future disasters. If plans cannot be located, consider retaining professional draftspersons to create plans of existing structures. Rosen recommended that MA send this message out to members so they can plan for future fire, flood or earthquake events.
- b.** People are concerned about neighboring properties where BFEs require property owners to raise structure elevations, thus diverting flood flows. Lee, Bollay & Hayman asked which agency would evaluate altered flows cumulatively in neighborhood. Ms. Harris said AIA through Recovery Center hosted neighborhood meetings, but was not sure if this issue was being addressed. Ms. Leyva said P&D would call in a Grading Inspector upon complaint by neighbor about obstructions that did not require building permits, such as walls under six feet high outside 50’ creek setback (Lee). Mr. Fayram said neighbors could face civil liability for diverting flow on to neighboring properties. In response to Planner Burns, Mr. Fayram clarified that Storm Water Pollution Protection Plans

(SWPPP) would not be required to address cumulative flooding impact to neighbors.

- c. Motion to provide input to July 18, 2018 MPC/MBAR FEMA Flood Hazard Map Joint workshop showing the FEMA map anomalies, mostly above East Valley Road, with a recommendation to extend FEMA contract (Bollay/Rosen passed 6/1 (Gray abstained)

VII. Old Business -None

VII. New Business. Announcements: Ms. Hayman noted upcoming FEMA workshop, July 11th at Montecito Union School, sponsored by MA.

Adjournment: The meeting adjourned at 5:35 pm