



Meeting Date: 10/26/2022
Item Number: 3b
Time Estimate: N/A - Consent

PLANNING COMMISSION AGENDA REPORT

SUBJECT: GENERAL PLAN CONFORMITY REPORT FOR THE ACQUISITION OF EASEMENTS REQUIRED FOR THE MID-HIGUERA BYPASS PROJECT

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APPLICANT: City of San Luis Obispo

REPRESENTATIVE: Shelsie Moore

RECOMMENDATION

Adopt a Draft Resolution determining General Plan Conformance for the acquisition of permanent and temporary easements required to complete the Mid-Higuera Bypass Project (GENP-0553-2022).

1.0 COMMISSION'S PURVIEW

Section 65402 of the California Government Code requires the local planning agency make a finding of General Plan conformance whenever a governmental entity proposes to acquire or dispose of a property. Specifically, Section 65402 requires that the location, purpose, and extent of real property acquisition (and disposition) be submitted to and reported upon by the planning agency having jurisdiction as to conformity with the City's adopted general plan (Cal. Gov't Code § 65402(c)).

2.0 SUMMARY

San Luis Obispo has experienced catastrophic flooding due to the nature of its watershed. Most recently, in 1995, flooding caused damage throughout the San Luis Obispo watershed, with creeks breaching their banks and creek bank failures. In response to the damage, and to protect residents, businesses, and infrastructure, the City requested permits from regulatory agencies to repair the damage to public facilities. The Army Corps of Engineers and other regulators requested the City prepare a comprehensive Waterway Management Plan (WMP) that could be used as the basis for future project planning, decision making, and permitting.

The Waterway Management Plan (WMP) preparation was approved by Council in the fall of 1999. In January 2002, the WMP was presented to Council and direction was received for various aspects of the program, which included flood protection levels, major capital projects, and design policies. On October 21, 2003, Council adopted the WMP, a three-volume document, which includes components for stream management and maintenance, a drainage design, and a flood management plan identifying potential flood management projects.

Mid-Higuera Bypass Project

The Mid-Higuera Bypass Project is the highest priority project identified in the WMP and is located along the stretch of the San Luis Obispo Creek between Marsh Street and Madonna Road (See Figure 1). This project will increase flood protection by removing sediment and creek vegetation overgrowth, creating pathways for flood waters to return to the creek, creating flood bypass channels within City open space, widening narrow sections of creek for increased capacity, and replacing the existing Bianchi Lane Bridge with a larger span bridge in order to widen the creek and increase flow capacity at that location.



Figure 1: Mid-Higuera Bypass Project Location

The County Flood Control and Water Conservation District Zone 9 Advisory Committee (Zone 9) with contributing oversight from staff and members of the public from both the City and County, oversees implementation of projects recommended in the WMP. Since Zone 9 initially approved County funding for planning and design work on the Mid-Higuera Bypass project, a feasibility study, a Final Supplemental Environmental Impact Report (Final SEIR), and 90% level plans and specifications have been completed. The City is coordinating with County of San Luis Obispo staff on environmental permits for project construction.

The next step is for the City to coordinate with adjacent property owners for areas where the creek work impacts private property. There are 25 properties adjacent to the project limits including six parcels that are owned by the City. The majority of the work is within the City owned parcels, but some work will be required on private property. The City plans to work with adjacent property owners to secure temporary and permanent easements to complete the work.

Staff have identified seven properties that will require permanent and temporary construction easements in order to construct the project improvements. These permanent easements will be for creek channel widening work including widening necessary for the replacement of Bianchi Lane Bridge and associated infrastructure and utilities. There are twelve properties that will only need temporary construction easements, which are necessary for creek cleanup, vegetation removal, new plantings, and temporary irrigation. The parcels requiring easements are identified in Attachment B. The specific easement boundaries will vary by parcel and are not yet identified at this time.

3.0 PREVIOUS REVIEW

[On April 28, 2021, the Planning Commission reviewed](#) and approved the Capital Improvement Plan of the 2021-23 Financial Plan for General Plan Conformity, which included Mid-Higuera Bypass (row 280), but the location, purpose, and extent of the necessary easement acquisition was not specifically provided. Additionally, [on May 25, 2022, the Planning Commission reviewed](#) and approved the Capital Improvement Plan from the FY 22-23 Budget Supplement for General Plan Conformity.

4.0 PROJECT ANALYSIS

The Mid-Higuera Bypass Project was listed under conformance with the Safety Element during the review of the 2021-23 Capital Improvement Plan. Specifically, the project is in compliance with the Safety Element 2.1 Policy S: Flood Hazard Avoidance and Reduction Item B:

The City should allow flood waters to move through natural channels. Flow should be accommodated by removing debris and man-made obstructions. The City recognized that many natural channels cannot contain runoff from a storm greater than a 25-year event. Areas flooded by storms as large as a 100-year event will be mapped.

The Mid-Higuera Bypass project including all easements needed to complete the work is in compliance with the Safety Element listed above. Staff recommends finding General Plan Conformity for any easement needed along the project limits to complete the project. The proposed temporary and permanent easements will fulfill the City's Safety Element Policy and help achieve the Safety Goal of minimizing damage to public and private property due to flooding.

5.0 ENVIRONMENTAL REVIEW

A Final Supplemental Environmental Impact Report (SEIR) (Attachment C) was prepared by County Staff for the project focusing on the following mitigations: biological resources, cultural resources, air quality, visual resources, hazardous materials, drainage/erosion and sedimentation, and noise. On August 21, 2018, San Luis Obispo County Board of Supervisors certified the SEIR. SEIR State Clearinghouse Number is SCH2016021077.

In accordance with recommendations of the SEIR, County Staff are applying for permits with the Water Resources Control Board, California Fish and Wildlife, and Army Corp of Engineers.

6.0 OTHER DEPARTMENT COMMENTS

There is concurrence from the Administration and Utilities Departments on this project.

7.0 ALTERNATIVES

1. Continue consideration of the proposal, with direction to staff on items needed or necessary information to make a decision on General Plan conformity.
2. Deny that the proposed easement acquisitions for the Mid-Higuera Bypass Project are in conformance with the General Plan based on finding(s) of inconsistency with the General Plan. Staff does not recommend this alternative as the project is a critical safety improvement for flooding in the Mid-Higuera area.

8.0 ATTACHMENTS

- A - Draft Planning Commission Resolution determining General Plan Conformance for the acquisition of easements for the Mid-Higuera Bypass Project
- B - Exhibit A to Draft Resolution - Mid-Higuera Bypass Parcels
- C - Final Supplemental Environmental Impact Report (SEIR) without Appendices