



AGENDA NO: A-5

MEETING DATE: September 28, 2021

**AGENDA CORRESPONDENCE
RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz <[REDACTED]>
Sent: Monday, September 27, 2021 9:33 PM
To: John Headding; Jeffrey Heller; Dawn Addis; Laurel Barton; Jennifer Ford
Cc: Dana Swanson; Chris Neumeyer
Subject: agenda item a-5

Dear City Council:

Whether I am for against this law is not my comment. What is of concern to me is how the City intends to notify the public that unwittingly they may be in violation of the law. Changing the law without noticing the populace is grossly unfair. Putting a notice on the City website is grossly insufficient.

This situation reminds me of the law on front yard fences. It states:

"Fences, walls and hedges, fifty percent or more of the surface of which is open to the passage of air and light, not exceed four feet in height may occupy any required street yard area....Solid fences, walls and hedges not exceeding three feet in height may occupy any required street yard area."

Many people were home during the pandemic. A lot of improvements to front yards occurred. I have counted a 1/2 dozen new front yard fences in just my end of town. Most of them violate the code because they are solid, 4-foot plus high fences. Apparently, people didn't research or ask if there is a code for fences. Since the City enforces via complaint by resident, not what is observed by staff, height violations continue with inconsistent enforcement. The violator may or may not even know.

I see the gun ordinance as similar. Gun owners will continue as they always have, not knowing they need to know there is a new law. If you truly believe this will make us safer, then you must notify the public so they can comply accordingly.

Sincerely,
Betty Winholtz



AGENDA NO: A-6

MEETING DATE: September 28, 2021

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RECEIVED BY THE CITY COUNCIL FOR
PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Tuesday, September 28, 2021 1:38 AM
To: John Heading; Jeffrey Heller; Dawn Addis; Laurel Barton; Jennifer Ford
Cc: Rob Livick; Dana Swanson
Subject: agenda item a-6

Dear City Council:

It is with a great deal of puzzlement on my part that this document is being presented tonight.

First, I want to make sure that the two Council Members who were not on City Council at the time of the CDP for the WRF know that this is one of 3 pieces of property the City is obliged to conserve. The other two are:

CDP Special Condition #3. "The REP [Riparian Enhancement Plan] shall provide for riparian enhancement in the unnamed creek and riparian area adjacent to the water reclamation facility site as generally shown on page 5 of Exhibit 1, where the goal of the REP shall be enhancing and restoring the area to a self-sustaining natural habitat state that can also function to help reduce downstream sedimentation and other pollutant loading."

CDP Special Condition #5. "[A]n agricultural conservation easement over agricultural property of a similar quality as the project site, and of a type that is potentially threatened by urban development, at a ratio of at least 2:1 for the loss of agricultural land associated with the approved project (i.e., the easement must cover at least 30 acres of such agricultural land)."

Regarding the USFWS/USEPA Conservation Covenant, my concerns with respect to approving this document tonight have to do with the Recitals not being met:

Recitals

1.2. An area of 19.5 acres, described and depicted in Exhibit B-1 and B-2, of the Real Property has been set aside pursuant to the Endangered Species Act Section 7 consultation between

USEPA and U.S. Fish and Wildlife Service (“USFWS”) defined below and referred to herein as the “Mitigation Property.” The Real Property identified is the landslide area and where the spoils are being dumped.

1.3. The Property possesses wildlife and habitat values (collectively, “conservation values”) of great importance to the United States. As a result of the landslide and spoils, this property no longer has habitat values.

1.5 Approximately 17 acres of California red-legged frog critical habitat composed of annual grassland for grading activities associated with construction of the Water Reclamation Facility. There is no grassland here.

2.2 The purpose of this Conservation Covenant is to ensure the Mitigation Property will be retained forever in a natural condition, defined below, and to prevent any use of

the Mitigation Property that will impair or interfere with the conservation values of the Mitigation Property. The "natural condition" no longer exists and has been "impair[ed] or interfere[d] with the conservation values."

2.2.1. The term “natural condition” shall initially mean the condition of the Mitigation Property at the time of this grant....(1) an aerial photograph of the Mitigation Property at an appropriate scale taken as close in time as possible to the date the grant is made; (2) on-site photographs showing all man-made improvements. The "natural condition" has changed since "the time of the this grant." The required "on-site photographs showing all man-made improvements" will exhibit the recent landslide and man-made activity on the site.

2.3.2. To prevent any activity on or use of the Mitigation Property that is inconsistent with Conservation Covenant. Surely dumping materials is not consistent with a Conservation Covenant.

2.3.3. Prohibited Uses:

2.3.3.5. Depositing of soil, trash, ashes, garbage, waste, bio-solids or any other material; Dumping of soil has happened here.

2.3.3.7. Otherwise altering the general topography of the Mitigation Property, including but not limited to building of roads and associated work; Altering the general topography has happened here.

In addition, Best Management Practices for dust abatement did not happen last week, which is part of the USFWS Biological Opinion. This begs the question of whether other conditions are being met such as a minimization of herbicides, stockpiles being covered nightly or fenced, and site preparedness for rain (as it was not last year).

Sincerely,
Betty Winholtz



AGENDA NO: C-1

MEETING DATE: September 28, 2021

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PUBLIC REVIEW PRIOR TO THE MEETING**

Dana Swanson

From: betty winholtz [REDACTED]
Sent: Tuesday, September 28, 2021 9:05 AM
To: John Headding; Jeffrey Heller; Dawn Addis; Laurel Barton; Jennifer Ford
Cc: Dana Swanson; Scott Collins
Subject: agenda item c-1

Dear City Council:

I am disappointed that you have chosen to renege on your promise to open up the Veteran's Hall to public city meetings. I understand the Governor has given you the means to keep our meetings on zoom, but you have the option.

Having attended in person the San Luis Coastal Unified School District's meeting last week, I know it is possible to safely hybrid a meeting. The last I checked, the SLO County Board of Supervisors and the City of San Luis Obispo are holding open meetings in person. Schools and churches are meeting in person.

Sincerely,
Betty Winholtz