

# Variance Request

05/02/2013

Margaret Heely Holstine  
Land Use Consultant

County of San Luis Obispo  
San Luis Obispo, Ca  
County Public Works (Tim Tomlinson)

Rocky Canyon Dog Kennel – Atascadero, Ca  
Owners; Robert and Melanie Tucker  
6805 Rocky Canyon Rd  
Atascadero, Ca  
APN: 034-551-025  
11.6 Acres, Property Zoned (Agricultural) Legal Lot County of SLO

To the Board of Supervisor (BOS) County of San Luis Obispo

COD2011-00677 – Construction w/o Permit 04/02/2012  
PMT2011-01817 – 04-18-2012, Application AS-Built metal barn for Rocky Canyon Kennels  
(3,395 sq ft) Includes Electrical  
Permit – ZON2011-00463 – Approved – Kennel Permit – Dog Kennel 2,400 sq ft.

Letter of Appeal; County Board of Supervisor (BOS) Resolution a variance and exception waiving certain construction standards of the Land Use Ordinance in a Flood Hazard Area  
Whereas, : The County of San Luis Obispo, State of California has been duly requested by Robert and Melanie Tucker to grant a variance waiving certain construction standards on a 11.6 acre parcel (APN. 034-551-025) located near the community of Atascadero; and  
WHEREAS, Land Use Ordinance Section 22.14. 060,070 – D.5 allows the Board of Supervisors to or modify the Construction Standards through the exception procedure set forth in the Code of Federal Regulations, Title 44, Chapter 1, Section 60.6; and  
WHEREAS, The findings that the Federal Emergency Management Agency requires for granting of a variance, the capacity of the floodway or increase flood heights on existing structures unless the adverse effect of the increase is rectified to the satisfaction of the Director of Public Works and the BOS.

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Cell: (805) 550-.3552  
1225 Spanish Camp Road  
Paso Robles, Ca 93446

## History and finding for Approval

1. APN 034-551-025; Created Jan 26, 1983 by Klaus Heilmann  
Home built in 1983 by Klaus Heilmann – Since 1983 to current 2013,  
the Salinas River has not had any flood challenges in this area where RCK is  
located in the past (30 Years)
  - a. Property located Atascadero, South Salinas River- One Rental house located on the  
far Southeast corner of property.
2. The Tucker's Purchased property – Sept 13, 1995 – From USA Vet Affairs
3. Rocky Canyon Dog Kennels business started 8/14/1996 and has operating for the past  
(17 Years)
4. County of SLO – P960127P – 08/14/1996; Commercial Kennel 26 Enclosed  
Kennels for dogs. **Exhibit #1.**
5. Rocky Canyon dog Kennel Business is one of the few left in the greater Atascadero  
area. Out of town guests use the facilities services for boarding their dogs, while  
enjoying the greater outdoors (Wine Country and all activities associated in the  
County of San Luis Obispo)
6. Rocky Canyon Dog Kennel; Family owned and operated business.
7. Land Use Approval 08/14/1996; Oct 1996 Issued Animal Services permit; AA11  
-Planning Intake 8/14/1996; AA13 FC Land Use Approval; AAM# Payment Issue  
PMT; Lo3 Business Lic- Plot; R01 Microfilm Rec/Minor; **Exhibit #1.**
- 8.. **Elevation** – County of SLO Public Works (BFE) Base Flood Elevation 842.00 Per  
Tim Tomlinson- Twin Cities Survey (BFE) 843.00 Per Skip Touchon Twin Cities  
Survey; see exhibit #2 Attached is plot of our survey, The existing slab varies from  
839.02 feet to 839.96 feet.  
County 842 ft. minus 839.96 ft.= 2.04ft – Twin Cities 843ft minus 839.96ft = 3.04 ft  
**Exhibit #2,#3, and #4.**

### **Exhibit:**

- Exhibit #1. Permit P960127P 08/14/1996 Commercial Kennel 26 Enclosed Kennels  
for dogs
- Exhibit #2. County of SLO- Elevations; Public Works 842.0
- Exhibit #3. Twin Cities; Elevations; Skip Touchon
- Exhibit #4. Emergency Fire Safety Plan
- Exhibit #5. Emergency Flood Plan – Dog removal to safety. The dogs would be  
relocated prior to water level reaching flood stage. Emergency 36 hours  
Notice before Salinas River crest. See Pictures Vans for dog removal
- Exhibit #6. Emergency Flood Plan Dis- Assembly - Removal of building RCK (A  
determination that the granting of the variances will not result in  
increased flood heights.  
The variance will not cause additional threats to public safety or  
create nuisances.

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Exhibit #7. FEMA and Code of Federal Regulations, Title 44, Chapter 1, Section 60.6 – Variances and exceptions

Exhibit #8. FEMA Dog Park **100 –year floodplain** –

Exhibit #9. Cal – Fire Addendum (PMT2011-01817

Exhibit #10. County fees paid \$10,062.89 as of 04/2012

Exhibit #11. Flood Insurance; Ted Hamm Insurance Services

Option: Appeal to Board Of Supervisors;; Request a waiver of flood zone requirements for property at 6805 Rocky Canyon Road; Etc; Variances and exceptions 44:CFR 60.6  
Resolution has been prepared based on requirements established by the Federal Emergency Management Agency (FEMA) **Exhibit #7.**

Land Use Ordinance Section 22.14.060.D.5 allow BOS to waive or modify the construction Standard through the exception procedure set for the in the Code of Federal Regulations Title 44 Chapter 1, Section 60.6 and findings that the Federal Emergency Management Agency requires for granting of a variance.

Title 22 Land Use Ordinances: 22.14.070 \*5/3-91 Exceptions to construction standards. The Standards of this section may be waived or modified by the Board of supervisor through the variance procedure set forth in Code of Federal Regulation, Title 44, Chapter 1, Section 60.6, instead of through the adjustment process in Section 22.70.030. Request for such waivers or modifications be filed with County Public Works for processing. Procedures for the granting of variances under Title 44 are available from County Public Works. **Exhibit #7**

(3) Variances 44:60.6 shall only be issued by a community upon

(i) a showing of good and sufficient cause

(ii) a determination that failure to grant the variance would result in Findings; **Exceptional Hardship to the Applicant Loss of revenue \$100,000.00 and boarding services to dog owners;** . Robert and Melanie Tucker –have paid property taxes on property for years. If approval can **not be resolved –Property would be worthless:** This is a legal lot in the County of SLO. County is collecting property taxes!!! Another loss of small family owned operated business would be a blight on the Community; **What is the property value? What is the Business value after 17 years of operation?** (Property Blight) Loss of all beneficial or productive use, deprivation of any reasonable return on the property, deprivation of all or any reasonable use, property rendered valueless; ( Loss of Income or revenue \$100,000.00)

(iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances; **Exhibit #4,#5, #6 and #7.**

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Paso Robles, Ca 93446

Dog Park; 23 acres; 100 – Year Floodplain; Lenoir County, North County  
Agility Course equipment, Public restrooms, fencing, Agility course where dogs can train and compete in the American Kennel Club ( AKC) championships, encircling the property is a ½ mile track, two ponds with high grass and berms where hunting dogs can train, The park also hosts two enclosed areas where owners can play with their dogs. Dog washing stations and a doggy water fountain are situated nearby; **Exhibit #8.**

Please read Dog Park information; **Exhibit #8**

CAL FIRE; Addendum (PMT201—01817) – April 23, 2013

Subject: Rocky Canyon Kennels – Fire Safety

As a result of the recent onsite inspection, CAL FIRE/San Luis Obispo County Fire Department has made the following addendum to the Fire Safety Plan provided on August 13, 2012.

- A fire sprinkler system shall not be required to be installed with the dog kennel/metal enclosure structure. **Exhibit, #10**

One other points of interest – County concerns; FEMA Insurance – Melanie Tucker has made contact with FEMA Insurance. Coverage is available to purchase under the Dog Kennel **Exhibit, #11**

With the down turn in the economy, several of the dog kennel in the North County have gone out business; Dog Kennel a much needed service!

mh

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# EXHIBIT

- Exhibit #1. Permit P960127P- 08/14/1996 Commercial Kennel  
26 Enclosed Kennels  
for dogs
- Exhibit #2. County of SLO- Elevations; Public Works BFE  
842.0
- Exhibit #3. Twin Cities; Elevations; Skip Touchon
- Exhibit #4. Emergency Fire Safety Plan
- Exhibit #5. Emergency Flood Plan – Dog removal to safety. The  
dogs would be relocated prior to water level  
reaching flood stage. Emergency 36 hours notice  
before Salinas River crest See Pictures of Vans for  
Dog removal.
- Exhibit #6. Emergency Flood Plan Dis-Assembly. Removal of  
building (RCK) (A determination that the  
granting of the variances will not result  
increased flood threats to public safety or create  
nuisances.
- Exhibit #7. FEMA and Code of Federal Regulations, Title 44,  
Chapter 1, Section 60.6 – Variances and exceptions
- Exhibit #8 FEMA Dog Park in 100 –year floodplain
- Exhibit #9. Cal – Fire Addendum (PMT2011-01817
- Exhibit #10 County paid \$10,062.89 as of 04/2012
- Exhibit #11 Flood Insurance; Ted Hamm Insurance Services

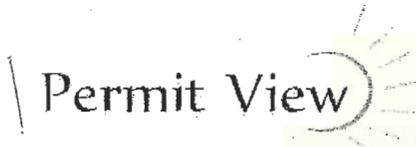


Exhibit #

[ Log On ]

Home Inspection Pay Fees Permits About

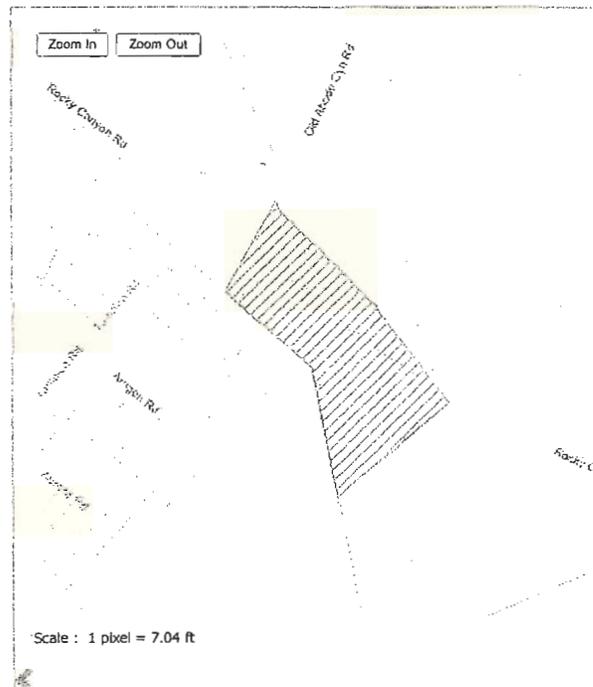
County of San Luis Obispo, Department of Planning and Building

Permit - P960127P Approved

- Permit Info
- Activities
- Fees

Home Occupation Personal Service  
 COMMERCIAL KENNEL 26 ENCLOSED KENNELS  
 FOR DOGS

Parcel: 034-551-025  
 Address: 06805 ROCKY CANYON RD  
 RELPO  
 Application Date: 8/14/1996  
 Issued Date: 8/14/1996  
 Expiration Date: 2/28/1998  
 Finaled Date:  
 Community: Rural El Pomar  
 Planning Area: El Pomar-Estrella  
 Coastal Zone: No  
 Staff Assigned: BGM  
 Status: Approved



Drainage/Flood Hazard Review (\$1,100)

Encroachment Permit (\$409 fee\*), Damage Bond (\$1000 estimated\*), when paying your fee discuss your driveway approach requirements with Public Works staff. ✓

Exhibit #2

#### PUBLIC WORKS FLOOD HAZARD CORRECTIONS REQUIRED:

This as-built structure lies in a regulatory floodway of the Salinas River (flood zone AE, an area of detailed study 100 year flood hazard, Base Flood Elevation (BFE)= 842.0 NAVD 1929). Per County Ordinance 22.14.060 D.1 "No construction or grading shall limit the capacity of the floodway or increase flood heights on existing structures unless the adverse effect of the increase is rectified to the satisfaction of the Director of Public Works. In no case shall flood heights be increased above that allowed under the Federal Flood Insurance Program". This Program requires that in a regulatory floodway we "Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge". What this means is that no structure is normally allowed to be built at this location.

As I see it your courses of action are as follows:

- 1) You can convert this building permit into a demolition permit and remove this illegal structure and remove any appurtenant fill that may have been added along with it. This would be the simplest.
- 2) You can have an appropriately licensed engineer prepare the required hydrologic and hydraulic analyses that would show that this location is not subject to 100 year flooding and submit that information to the Federal Emergency Management Agency for review to determine if they would remove the special flood hazard zone from it by issuing a Letter of Map Change (LOMC). This would remove any flood hazard requirements that this permit would impose on you, but not alleviate all of your problems with Public Works (additional corrections below). This would be costly and I do not think that it would be likely that any new engineering study here would be likely to show that you were not subject to 100 year flooding. I don't think that FEMA would issue the LOMC.
- 3) You could apply to the Board of Supervisors to waive these requirements. This would involve

**Exhibit #3**

Exhibit #3

**From:** John Kudla [mailto:john.jkengineering@gmail.com]  
**Sent:** Thursday, July 05, 2012 10:25 AM  
**To:** 'ttmlinson@co.slo.ca.us'; 'Melanie Tucker'  
**Subject:** ROBERT AND MELANIE TUCKER COD 2011 00677

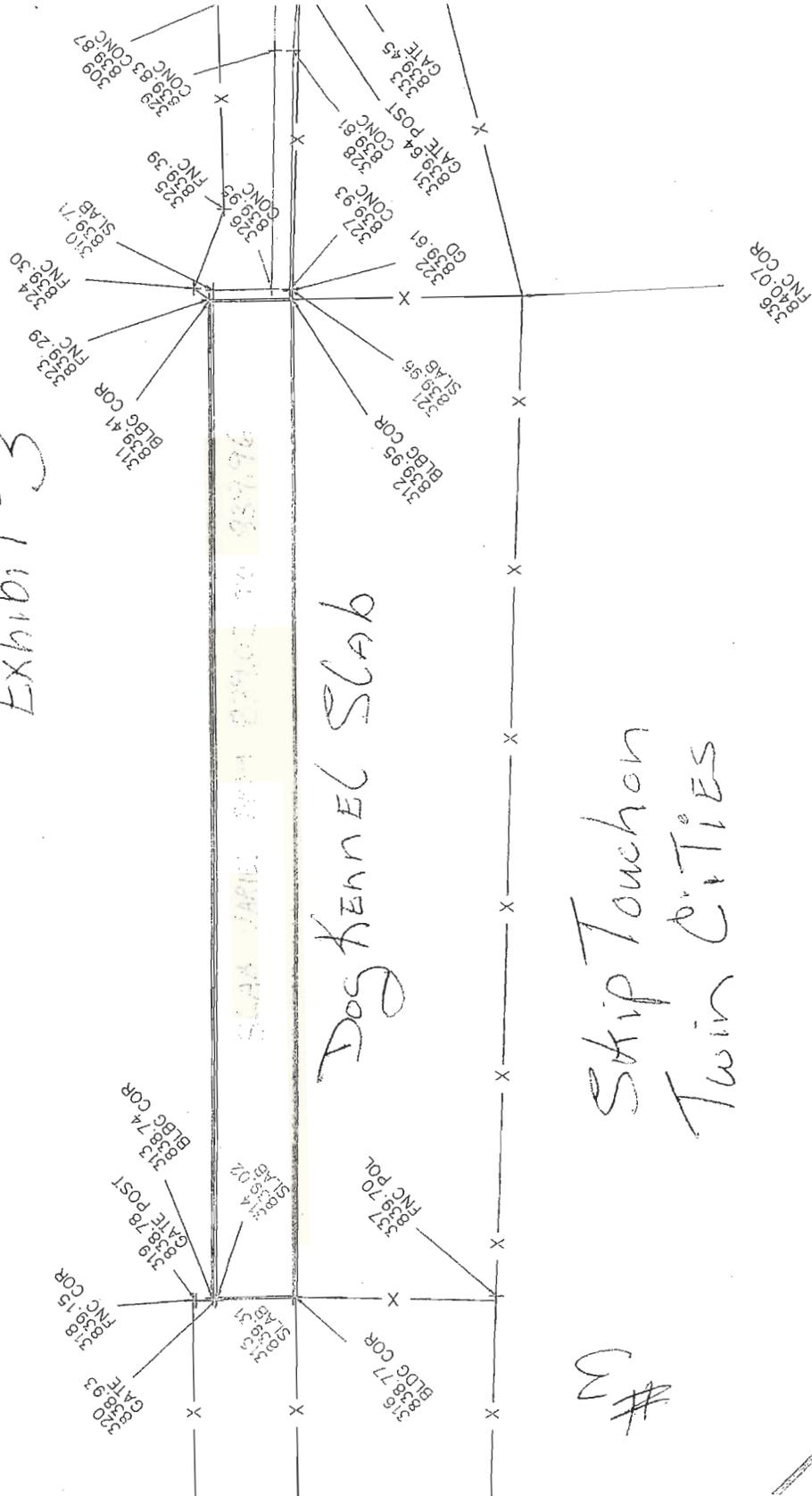
2 PAGES

Tim: Attached is survey elevations from Twin Cities Survey showing that the lowest finish floor elevation to be 3.98 feet below 100 year flood elevation. I will recommend to my client to write a letter to appeal the conditions to the board of supervisors to waive this project by considering it an open structure with a shade roof for the dog kennel. We all know that if there was the chance to see a 100 year flood, the dogs would be relocated prior to water level reaching the slab height.

**From:** Skip Touchon [mailto:stouchon@twincitiessurvey.com]  
**Sent:** Friday, June 29, 2012 11:24 AM  
**To:** MELANIE TUCKER  
**Cc:** JOHN KUDLA  
**Subject:** SURVEY RESULTS

ATTACHED IS PLOT OF OUR SURVEY. THE EXISTING SLAB VARIES FROM 839.02 FEET TO 839.96 FEET AT THE FOUR LOCATIONS WE WERE ABLE TO SURVEY. THIS IS WELL BELOW THE 843 FOOT BASE FLOOD ELEVATION AS INDICATED ON THE FIRM.

Exhibit #3



#3

Exhibit #4

Emergency Fire Safety Plan  
Rocky Canyon Dog Kennel (RCK)  
6803 Rocky Canyon Rd  
Atascadero, Ca  
Owners - Melanie Tucker

At Rocky Canyon Kennel it is our job to make sure the dogs in our care are happy and safe, give their families of peace of mind while they are on vacation.

Call; 911

Cal – Fire Emergency number (805)238-2211  
Atascadero Fire Department 805-461-5051

Rocky Canyon facilities, metal siding – concrete slab

1. All fire safety information posted at drop off point for dogs
2. Dog owners will be notified as soon as dogs are safe!
3. Fire Extinguishers are on site. All Fire exits will be clearly marked. The facility is well equipped with fire extinguishers and the closest fire rescue squad is a few
4. On site 2,500 Gallon Water storage tank; Fire connection outlet valve 2-1/2 brass national standard.
5. We have multiple areas that play a key role in quickly and efficiently evacuating the dogs,”. Grouping the

#### Exhibit #4

smaller dogs from the larger ones, as well as containing non social dogs, our staff whose single goal isto get the dogs out of harm's way with as little stress and chaos as possible

6. We practicing our escape routes and we will be sure that your pets are part of our organized evacuation plan. We rehearse our plan repeatedly with all dogs. We keep collars on and leashes ready in case we have to evacuate quickly with your pet or firefighters need to rescue your pet.
7. Evacuate all dogs from buildings in to fence service area  
- Evacuate all dogs on a leash or in pet carrier, load Dogs into vans to safety area away from fire; Vans equipped to haul many dogs at a time to safety

#### Emergency Number: Contacts

Melanie Tucker (805) 423-8016

Nancy Lillo (805) 423-8020 - Mother

Aaron Mills (805) 610-2740 (805) 610-1256

Roy McDaniel (805) 462-8739 – Lives on the property

## Exhibit #5

### Exhibit #5

# Emergency Flood Plan Rocky Canyon Dog Kennel (RCK) Emergency Plan –Remove Dogs to Safety 6803 Rocky Canyon Rd Atascadero, Ca Owner; Melanie Tucker

## It is RCK's responsibility for the Health and safety of Animals

1. History has proven that the, Salinas River does not flood overnight. It takes weeks and sometimes months of rain even get to flooding stage.
2. History has shown through radio, emergency services, Salinas River has a 36 hours notification system alerting the public Salinas will be over flowing and cresting 5:03pm today.
3. If the forecast calls for heavy rain and/or flooding of the Salinas River, the dogs are to be moved to our facility at 9410 Asuncion Rd. All owners will be notified at once.
4. We have Two (2) vans that can each move 10-15 dogs at a time. Our max capacity at RCK is 40 dogs. It would take two trips – we have two (2) vans to evacuate all dogs from RCK. Our facility on Asuncion Rd is large enough to handle the over 70 dogs and can easily be adjusted to handle the extra doge from RCK in case of an emergency.
5. See Picture below – Vans to move dogs



One of our vans

The other van

Inside the vans

**Exhibit #5**

**Emergency Number: Contacts**

Melanie Tucker (805) 423-8016

Nancy Lillo (805) 423-8020 - Mother

Aaron Mills (805) 610-2740 (805) 610-1256

Roy McDaniel (805) 462-8739 – Lives on the  
property

Exhibit #6

Emergency Flooding Plan  
Building Dis-Assembly  
Rocky Canyon Dog Kennel (RCK)  
6803 Rocky Canyon Rd  
Atascadero, Ca  
Owner; Melanie Tucker

In Case of Heavy Rain and/or Flooding;

1. Safety Plan has been put in place and determination that the granting of the variances will not result in increased flood heights; Internal alterations will not result in an increase in flood heights
2. RCK at the highest point of dog kennel is less than 3 ft in flood-way.
3. History has shown through radio, emergency, Salinas River has a 24 hours notification system alerting the public about the river cresting.
4. History; 1983 Klaus Heilmann created the legal parcel – built house on property in 1983 – 2013 – as of 30 years later that property has never flooded;
5. History has proven that the, Salinas River does not flood overnight. It takes weeks and sometime months of rain even get to flood stage.
6. Emergency Plan Solutions: Option of removing our building from Rocky Canyon Road in the event of a potential flood. Aaron Mills Emergency contact number where he can be reached at ( Number ) Aaron Mills is a metal building contractor and has stated that he would be able to dis-assembly the siding of the building and remove them from the premises in less than a 8 hours period.  
Mr. Mills has crews of several experienced workers that would Assist in the remove metal siding and allow the water to run freely through the open space. Mr. Mills has portable generators in case of a power outage to run equipment. Mr. Mills has trailers, trucks and all the necessary equipment to complete the task.
7. Even though our building is less than 3 feet in the flood zone and complete removal would not be necessary; RCK is offering this solution to continue our business for our valuable customers;

**Exhibit #6**

**Emergency Number: Contacts**

**Melanie Tucker (805) 423-8016**

**Nancy Lillo (805) 423-8020 - Mother**

**Aaron Mills (805) 610-2740 (805) 610-1256**

**Roy McDaniel (805) 462-8739 – Lives on the  
property**



Payment History For  
Case #: PMT2011-01817

Exhibit #10

1/25/2013  
1:32PM

Exhibit #10

Type	Fee ID #	Description	Fees	Paid	Date Paid	Check #	Receipt #	Recorded By	Due History
PLCK	201204181557128980	Plan Check Fee-1	1,109.90	1,109.90	4/18/2012		29201100000000002965	PSM	0.00
INSP	201204181557141960	Inspection Fee-2	1,689.52	1,689.52	4/18/2012		29201100000000002965	PSM	0.00
R20	201204181557142320	R20-Address w/Bldg	77.00	77.00	4/18/2012		29201100000000002965	PSM	0.00
X74A	201204181557142680	Permit-1 X74A-PW Building	75.00	75.00	4/18/2012		29201100000000002965	PSM	0.00
X74B	201204181557142930	Permit-1 X74B-Acct Transfer	3.00	3.00	4/18/2012		29201100000000002965	PSM	0.00
Z09A	201204181557144150	Fee-1 Z09A-Cal FireComl Fire	704.00	704.00	4/18/2012		29201100000000002965	PSM	0.00
Z09B	201204181557144680	Pln-1 Z09B-Acct Transfer	3.00	3.00	4/18/2012		29201100000000002965	PSM	0.00
Z19	201204181557145420	Fee-1 Z19-Earthquake SMIP	37.73	37.73	4/18/2012		29201100000000002965	PSM	0.00
BSAF	201204181557146240	Tax-2 Bldg Stds Admin Fund	8.00	8.00	4/18/2012		29201100000000002965	PSM	0.00
L06	201204181557293370	L06-Plot Plan ZC Add	111.00	111.00	4/18/2012		29201100000000002965	PSM	0.00
FIRE	201204181557469530	Struc-1 FIRE-Combined Fire	3,120.64	3,120.64	4/18/2012		29201100000000002965	PSM	0.00
ZIND	201204181557500420	Fee-2 ZIND-Combined	1,991.10	1,991.10	4/18/2012		29201100000000002965	PSM	0.00
A05A	201204181605422800	Industrial-2 A05A-Unpermit Built	1,000.00	1,000.00	4/18/2012		29201100000000002965	PSM	0.00
V04	201204181613492450	Hourly-1 V04-Invest-Bldg Pmt	133.00	133.00	4/18/2012		29201100000000002965	PSM	0.00
		Viol -1							
			Total Fees: \$10,062.89	Paid: \$10,062.89				TOTAL REMAINING DUE:	\$0.00

RESPONSIBLE ? @ END OF PROJECT

## Exhibit #7

44 CFR 60.6 - Variances and exceptions: - Code of Federal Regulations - Title 44: Emergency M... Page 1 of 4

To ensure compliance, know what regulations you need to comply with

Your source for free online CLE Quality. Convenience. Affordability

Safety training videos, booklets, DVDs, posters and more!

Permanent & 100% Leak Free Not just smarter, Safer!

FEMA  
Exhibit #7  
2 pages

AdChoices

## 44 CFR 60.6 - Variances and exceptions.

Updated to: October 01, 2010

Linked as: <http://cfr.vlex.com/vid/60-6-variances-and-exceptions-19832401>

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Text

Title 44: Emergency Management and Assistance ✓

CHAPTER I: FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY

SUBCHAPTER B: INSURANCE AND HAZARD MITIGATION

National Flood Insurance Program

PART 60: CRITERIA FOR LAND MANAGEMENT AND USE

Subpart A: Requirements for Flood Plain Management Regulations

60.6 - Variances and exceptions. ✓

a) The Federal Insurance Administrator does not set forth absolute criteria for granting variances from the criteria set forth in ?? 60.3, 60.4, and 60.5. The issuance of a variance is for flood plain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance. The community, after examining the applicant's hardships, shall approve or disapprove a request. While the granting of variances generally is limited to a lot size less than one-half acre (as set forth in paragraph (a)(2) of this section), deviations from that limitation may occur. However, as the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases. The Federal Insurance Administrator may review a community's findings justifying the granting of variances, and if that

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## Exhibit #7

4 CFR 60.6 - Variances and exceptions. - Code of Federal Regulations - Title 44: Emergency M... Page 2 of 4

evic ✓ indicates a pattern inconsistent with the objectives of sound flood plain management, the Federal Insurance Administrator may take appropriate action under § 59.24(b) of this subchapter. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Procedures for the granting of variances by a community are as follows:

#7

- 1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result;
  - 2) Variances may be issued by a community for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of paragraphs (a) (3), (4), (5) and (6) of this section;
  - 3) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances;
  - 4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;
  - 5) A community shall notify the applicant in writing over the signature of a community official that (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (ii) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions as required in paragraph (a)(6) of this section; and
  - 6) A community shall (i) maintain a record of all variance actions, including justification for their issuance, and (ii) report such variances issued in its annual or biennial report submitted to the Federal Insurance Administrator.
  - 7) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria of paragraphs (a)(1) through (a)(4) of this section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
- b)(1) The requirement that each flood-prone, mudslide (i.e., mudflow)-prone, and flood-related erosion prone community must adopt and submit adequate flood plain management regulations as a condition of initial and continued flood insurance eligibility is statutory and cannot be waived, and such regulations shall be adopted by a community within the time periods specified in §§ 60.3, 60.4 or § 60.5. However, certain exceptions from the standards contained in this subpart may be permitted where the Federal Insurance Administrator recognizes that, because of extraordinary circumstances, local conditions may render the application of certain standards the cause for severe hardship and gross inequity for a particular community. Consequently, a community proposing the adoption of flood plain management regulations which vary from the standards set forth in §§ 60.3, 60.4, or § 60.5, shall explain in writing to the Federal Insurance Administrator the nature and extent of and the reasons for the exception request and shall include sufficient supporting economic, environmental, topographic, hydrologic, and other scientific and technical data, and data with respect to the impact on public safety and the environment.
- 2) The Federal Insurance Administrator shall prepare a Special Environmental Clearance to determine whether the proposal for an exception under paragraph (b)(1) of this section will have significant impact on the human

[http://efr.vlex.com/vid/60.6-variances-and-exceptions-198324019iv\\_resultado=2\\_0&over=5Rbu](http://efr.vlex.com/vid/60.6-variances-and-exceptions-198324019iv_resultado=2_0&over=5Rbu) 1/17/2013

# Exhibit #8

Federal Emergency Management Agency

Home About Contact Us FAQs Languages



What are you for?

Exhibit #8  
5 PAGES include pictures

### Plan, Prepare & Mitigate

Build a Safer Future & Avoid Disasters

### Disaster Survivor Assistance

Hazardous Waste Cleanup Assistance Disaster Declaration

### Response & Recovery

Emergency Response Incident & Post-Disaster Assistance

### Topics & Audiences

Leaders How to Help Private Sector Small Business

### Blog, Newsroom, Videos & Photos

News Resources Social Media Mobile Data Feed

### About FEMA

History Contact Emergency Field Offices FEMA

## Junkyard Dogs No Longer



### Full Mitigation Best Practice Story

#### Lenoir County, North Carolina

With so much history and natural resources attracting visitors to Kinston, North Carolina, residents wanted to draw attention away from a junkyard situated west of the intersection of Highway 70/258 and E. King Street. Sitting in a 100-year floodplain next to the Neuse River, the junkyard was not only an eyesore, but was also a source of hazardous waste contamination.

Following Hurricane Floyd's rampage through North Carolina in September 1999, money was allocated by the legislature to address problems caused by flooding in the 100-year floodplain. Early in 2000, North Carolina was permitted to use a portion of the funds to institute a buyout program intended to reduce the cleanup costs associated with repetitive flooding of junkyards in the area. The state agreed to purchase the junkyard for \$35,000 and reimburse cleanup costs. Although the owners retain title to the property and are not permitted to sell, the city purchased a conservation easement allowing public access. Responsibility for maintaining the land remains with the owner.

Following the purchase, Kinston city officials left the land vacant until 2009 when the Lenoir County Parks and Recreation Department proposed reinvigorating the property by creating a dog park. The local Rotary Club was approached to sponsor the project. The transformation began with \$45,000 (\$25,000 from a private donation and \$10,000 each from Lenoir County and the Rotary Club). One hundred volunteers from a local church built the restrooms in May 2011, arousing interest and momentum in the project. From there, plans quickly fell into place as the community eagerly jumped on board, donating time, money, and materials.

Kinston citizens have been working on the park since 2009, adding things as they could. "We did most of this work with volunteers," said Bill Ellis, Kinston's interim City Manager. Ellis, usually acting as Lenoir County's Director of Parks and Recreation, has been integrally involved in the process. "We've done some of this with Parks and Recreation staff," he said, noting that there was no additional expense because they are Lenoir County employees. The agility course equipment was built and paid for by the Chamber of Commerce Young Professionals Leadership Class. A local plumbing company offered to plumb the public restrooms for free, charging only their cost for fixtures. Volunteers installed fencing paid for by the county, followed by a local fencing company that leveled and straightened it for free. Kinston High School's Future Farmers of America (FFA) club put in trees and landscaping.

The Rotary Dog Park, with its 23 acres, includes an agility course where dogs can train and compete in the American Kennel Club (AKC) championships, also held here. Encircling the property is a 1/2-mile track funded by a health insurance provider for those who simply want to enjoy a leisurely stroll. In the back are two large ponds with high grass and berms where hunting dogs, some from as far away as Minnesota, come and train. Eight field trials per year are held there from novice to masters class levels for dogs. Channels dug to create a sequence of land, water, land, and water add to the challenge. The park also hosts two enclosed areas where owners can play with their dogs. Dog washing stations and a doggy water fountain are situated nearby.

The local Society for the Prevention of Cruelty to Animals (SPCA) donated funds and labor toward the success of the dog park. In addition, twice a year, rabies shots

<http://www.fema.gov/mitigationbp/bestPracticeDetail.do?sessionId=65291822C7B139E178ED59...> 5/20/2013

## Exhibit #8

#8

or pets are offered for \$5 and discount coupons for pets to be spayed or neutered are distributed. Donations are regularly made by local citizens, so a donation box is slated to be set up where people can conveniently support the park's success. A pet memorial area is also slated to be established, following the wishes of a local long-time veterinarian who passed away. In his memory, his family donated money for a seating area where families can spread ashes of beloved pets, quietly paying tribute to their special bond.

The park isn't just for dog lovers, either. Day camps are organized for children and exhibitions are staged by local police canine units. Everyone is welcome to use the facilities. Canoes can be rented from the nearby nature center and brought to the dog park ponds where people can fish or simply paddle around the water. Fishing videos are held for children in the spring and summer. No one would guess that this natural setting was once a junkyard.

The area has been made "flood resistant, not flood proof," notes Ellis. "We've made a lot of different changes, learned a lot of good lessons." Ellis used to joke about property located nearby, saying, "It wouldn't flood down here, we'll be fine. And then, three months later, we were under water." Thanks to the innovation and spirit of its citizens, coupled with donations augmenting federal, state, and local funding, the area is no longer threatened by contaminated floodwaters requiring expensive cleanup. Now if the area floods, it will require only natural debris removal.

Although no FEMA funds were used in this project, FEMA has provided money for projects nearby. Ellis is grateful for FEMA's assistance, stating, "FEMA has been very, very, very good to us. As a city and a county, and we wouldn't be where we are today without FEMA, I know that much."

Activity/Project Location	
Geographical Area:	Single County In a State
FEMA Region:	Region IV
State:	North Carolina
County:	Lenoir County
City/Community:	Kinston

Key Activity/Project Information	
Sector:	Public
Hazard Type:	Flooding
Activity/Project Type:	Acquisition/Buyouts
Activity/Project Start Date:	06/2009
Activity/Project End Date:	Ongoing
Funding Source:	State sources

Activity/Project Economic Analysis	
Cost:	Amount Not Available

Activity/Project Disaster Information	
Mitigation Resulted From Federal Disaster?	No
Year of disaster that resulted in mitigation effort:	1999
Value Tested By Disaster?	Yes
Tested By Federal Disaster #:	4019, 08/31/2011
Repetitive Loss Property?	Yes

Reference URLs	
No URLs were submitted	

Hide Main Points

Main Points	
No Main Points have been entered.	

Attachments	

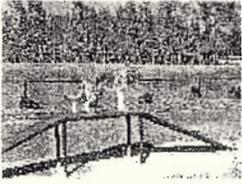
<http://www.fema.gov/mitigationbp/bestPracticeDetail.do?sessionId=65291822C7B139E178ED59...> 5/20/2013

**Exhibit #8**

FEMA: Mitigation Best Practices Portfolio



*Rotary Dog Park*



*German Shepherd at Agility Course*



*ponds in Rotary Dog Park*

**Exhibit #8**

**Photo Image Detail**

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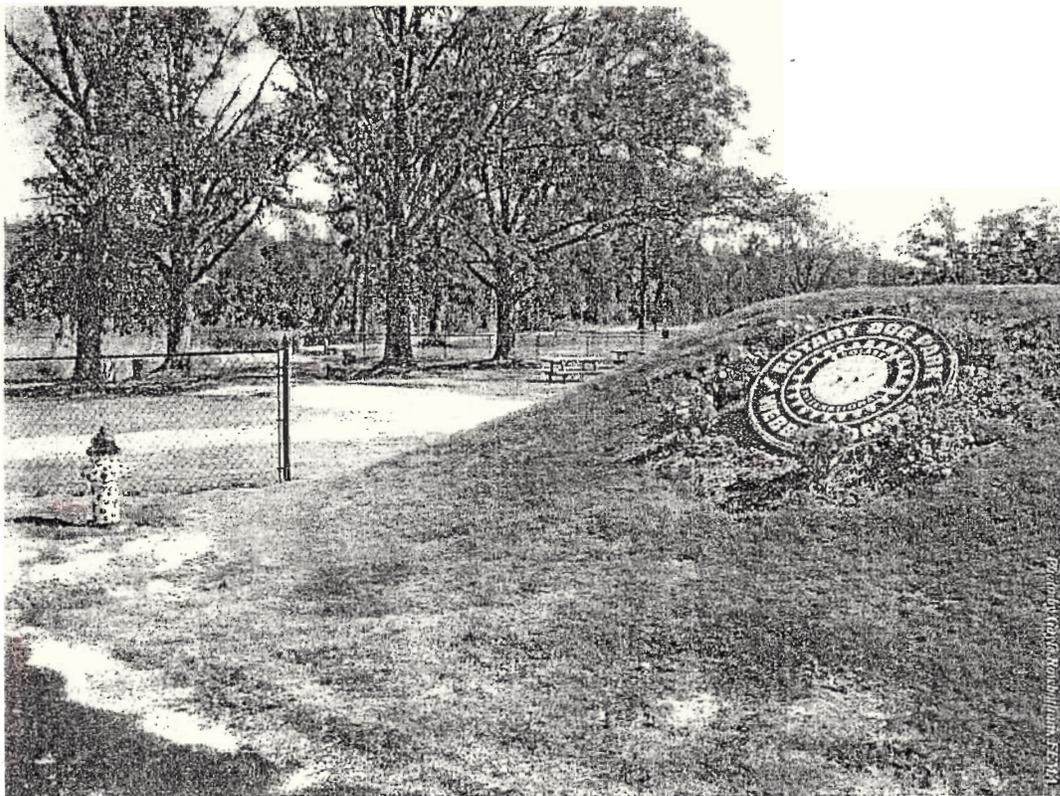
Title: **Rotary Dog Park**

Short Description: **entrance to Rotary Dog Park**

Long Description: **entrance to Rotary Dog Park in Kinston, NC**

Image: **8137\_rotary\_park\_picture\_158.jpg (171.94K)**

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## Exhibit #8

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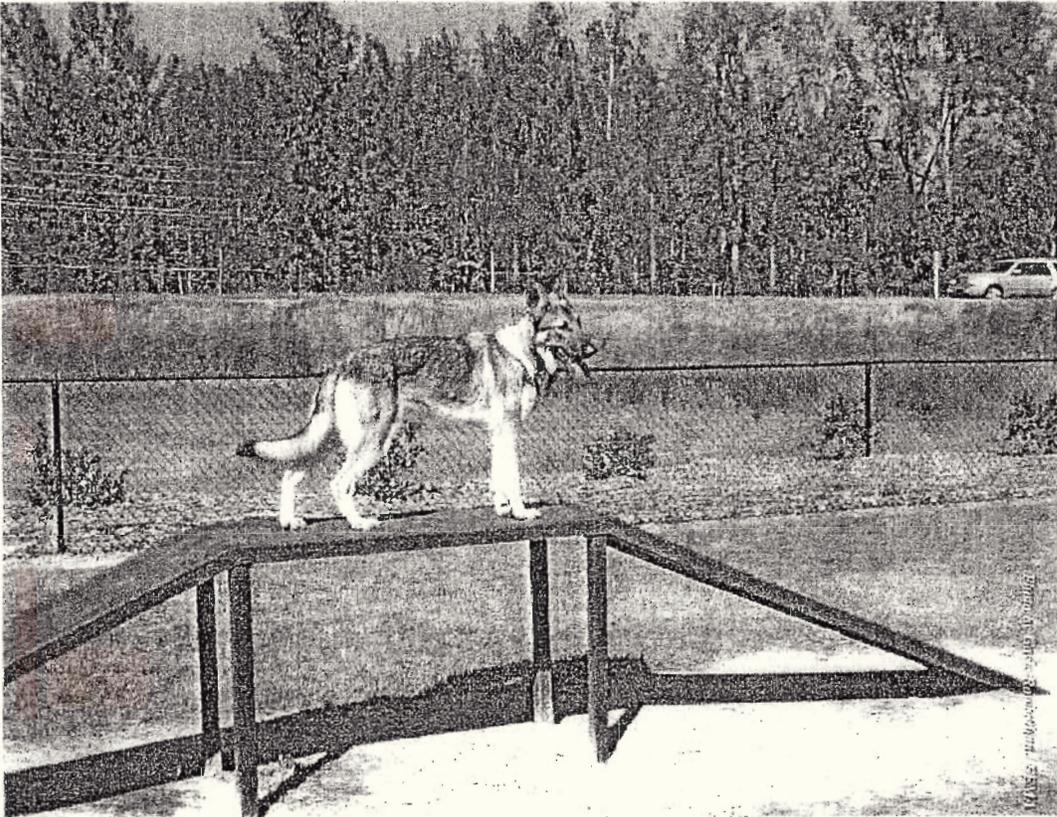
Title: German Shepherd at Agility Course

Short Description: German Shepherd on Agility Course Equipment

Long Description: German Shepherd on Agility Course Equipment at Kinston Rotary Dog Park

Image: 8138\_german\_shepherd\_picture\_160.jpg (170.41K)

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**CAL FIRE**  
**San Luis Obispo**  
**County Fire Department**

Exhibit # ~~10~~ 9

635 N. Santa Rosa • San Luis Obispo, CA 93405  
Phone: 805-543-4244 • Fax: 805-543-4248  
www.calfireslo.org



*Robert Lewin, Fire Chief*

April 23, 2013

Rocky Canyon Kennels  
Robert Tucker  
9400 Asuncion Road  
Atascadero, CA. 93422

Subject: Rocky Canyon Kennels – Fire Safety Plan Addendum (PMT2011-01817)

Mr. and Mrs. Tucker,

As a result of the recent onsite inspection, CAL FIRE/San Luis Obispo County Fire Department has made the following addendum to the Fire Safety Plan provided on August 13, 2012.

- A fire sprinkler system shall not be required to be installed within the dog kennel/metal enclosure structure.

This determination was made based upon the following circumstances –

1. The existing kennel operation and associated metal enclosure pre-date the current 1,000 square foot fire sprinkler ordinance.
2. The general public is not allowed routine access to the dog kennel/metal enclosure.
3. Based upon the design and construction of the dog kennel/metal enclosure, the installation of a code compliant fire sprinkler system would present significant challenges.
4. The building materials for the dog kennel/metal enclosure are of a non-combustible and/or non-flammable nature.

All remaining requirements set forth within the Fire Safety Plan must be satisfied prior to this department conducting a final inspection.

Sincerely,

  
Clinton I. Bullard  
Fire Inspector

Exhibit #11



License #0554020

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# Ted Hamm Insurance Services

*Crop Insurance • Farm • Ranch • Home • Auto • Health • Life • Worker's Compensation*

June 3, 2013

To Whom It May Concern:

The subject property at Rocky Canyon Road is eligible for flood insurance. The elevation certification will be used to establish the rate and acceptance. In preliminary checking with the flood carriers it is insurable

Thank you

A handwritten signature in black ink, appearing to read 'Ted Hamm', written over a horizontal line.

Ted Hamm

Map 26 of 1923-Klaus Holman  
CREATED  
Hans Bult 1983

