

Agenda Correspondence

June 14, 2016 City Council Meeting

Agenda Item B-2

6/14/16 meeting
Item B-2
RECEIVED
City of Morro Bay

Dana Swanson

JUN 13 2016

From: B. Doerr [REDACTED]
Sent: Saturday, June 11, 2016 6:46 PM
To: Scot Graham; Dave Buckingham; Dana Swanson; Jamie Irons; John Headding; Noah Smukler; Christine Johnson; Matt Makowetski
Subject: Agenda Item B-2 Public Hearing - Vacation Rental Moratorium

Administration

Date: June 11, 2016
To: Mayor & City Council, City Manager, Com. Dev.
Director
From: Barbara Doerr
Subject: Morro Bay Vacation Rental Moratorium - Public Hearing

Please adopt the urgency moratorium Ordinance No. 604. Currently, Morro Bay has almost 4% (3.96%) of our dwelling units used for Vacation Rentals.

Yes, you are not alone in your acknowledgment that Vacation Rentals (VRs) are now causing problems in Morro Bay, especially with the vast short-term rental booking opportunities now available on the internet (Airbnb, VRBO, Homeaway, and others). State legislators, the League of California Cities, cities in California, across our Nation and in other nations (see der Spiegel below), have acknowledged the impacts from this recent proliferation of Vacation Rentals (VRs) in neighborhoods, and the potential damage they may cause as well as a loss of fulltime workforce rental housing.

The League of California Cities even sponsored a Webinar, February 25, 2015: "The Rise of Vacation/Short-Term Residential Rentals and What Cities Are Doing About It." Also, please respond to the League of California Cities 2015 request for city representatives to serve on a "staff working group" to study the Vacation Rental problem/issue. Following is an excerpt from the League web site:

"League of California Cities' staff recently sent a request to member cities to determine the level of interest in forming a staff-level working group on the issue of vacation or short-term rentals in residential neighborhoods. Member response showed a high level of interest in discussing this topic, so a Residential Vacation Rental Working Group was organized. The group has held several conference calls to discuss the impacts cities have experienced resulting from the increased popularity of these rentals, and related issues such as the effective collection of city transient occupancy tax related to the rentals."

"In addition, the League has received inquiries on this issue from cities and other interested stakeholders, and is aware of the continuing media coverage on the growth of residential vacation or short-term rentals throughout California."

"This webpage contains resources for cities on this issue including recent news articles and ordinances that various cities have adopted on this topic."

I urge you to investigate SB 593 which was to be re-introduced in January 2016 and provide your support, as appropriate..

Consider assigning Morro Bay code enforcement person to identify violators of current VR Business License regulation.

Suggested changes to proposed Ordinance No. 604:

1. Remove limit of “250” Vacation Rentals in Morro Bay, and instead add language to stop issuing new business licenses for VR’s until General Plan is updated or other regulation is approved. The “250” limit was never mentioned until 5/24/2016. Limit VRs to the currently legally licensed dwelling units (177). The “250” suggested VR limit is far too many. If you allow 250 units, you will force the proliferation of legal VRs, which Ord. 604 says you don’t want. The moratorium will allow for the establishment of safety inspections and new regulations to be established to protect the health, welfare, and safety of residents and VR guests.
2. Allow the continued use and permitting of “house sharing” Vacation Rentals.
3. If permits are granted during the moratorium, consider only allowing permits in the cities Commercial and Mixed Use land use districts.
4. Identify “MBMC Section 5.47.030” as a “Business License” regulation which permits Vacation Rentals. This outdated VR regulation was approved 9/25/2006 (Ordinance 520).
5. Emphasize that there has been a recent proliferation of online host sites advertising homes for Vacation Rentals for short-term lodging purposes, and a substantial increase in the number of unpermitted short-term lodging units (VR’s) in Morro Bay.
6. Express the City’s Housing Element goals to obtain more affordable rental housing for all market levels for consistency with City’s adopted General Plan Housing, and identify VRs as a constraint to accomplishing Housing Element goals. June 2, 2016 I emailed comments to the City for consideration with this Public Hearing. It points out how the Morro Bay Vacation Rental (VR) policy is inconsistent with and actually neutralizes your General Plan Housing Element goals and policies.
7. Acknowledge loss of fulltime workforce rental housing due to conversions from permanent residential housing to Vacation Rentals for tourists, thereby, in conflict with the Housing Element.

Consider for inclusion in future regulation of Vacation Rentals:

Limit Land Use Districts where VRs can be allowed. Specifically, prohibit use in residential zones, but consider allowing in Mixed Use, Commercial, and Visitor serving zones only.

Prohibit transfer of any VR license (i.e. permits do not run with the land).

If VRs are allowed in residential neighborhoods: Do not allow any closer than 1,000 feet to another; limit the number of VRs on a street and/or in a neighborhood, and limit the allowable number of rentable nights (one city’s limit is 90 nights a year).

Require Administrative Use Permit (AUP), Conditional Use Permit, or some other land use approval for dwelling use as VR.

Require inspections: require building code, fire, ADA compliance, and other safety inspections before certifying a VR permit or new/renewal of Business License.

Guarantee ADA compliance at VR dwellings?

Require adequate Insurance?

Require limits on both daytime and nighttime visitors (i.e. a party or BBQ can only have twice the number of allowable nighttime guests for such events). We once attended a Cal Poly graduation party at a Vacation Rental in Cayucos with more than 50 people attending.

F. Y. I. -- Laguna Beach

Laguna Beach is an example of another California coastal city facing similar problems with VRs, of course, along with many other cities. The Laguna Beach Vacation Rental emergency moratorium was adopted May 29,

2015, and will end October 1, 2016. They are currently working on new regulations which includes new prohibitions of VRs.

Please note comparisons between our cities. Laguna has a similar number of VRs, but they have twice our population, and twice the number of dwelling units we have in Morro Bay. Morro Bay has almost 4% (actual 3.96) of its dwelling units used for Vacation Rentals, while Laguna Beach has only 2% (actual 1.96%) of its dwelling units as Vacation Rentals (STL-Short Term Lodging). Proportionally, we have a greater problem than they do which would certainly indicate a need to adopt Morro Bay's Ordinance 604 for an emergency moratorium on the issuance of any more Vacation Rental Business Licenses/permits.

<u>City</u>	<u>Population</u>	<u>Vacation Rentals</u>	<u>Dwelling Units</u>	<u>VR Percent of Dwellings</u>
Morro Bay	10,317	252*	6,356	3.96 %
Laguna Beach	22,723	250**	12,958***	1.9%

* 5/24/16 MB Staff Report

** High estimate. LB Staff Report 11-17-2015 (175 to 200 unapproved; 64 approved but reduced to 54.)

*** LB Housing Element, Page II-6

Other actions taken in Laguna Beach:

At its August 18, 2015 meeting, the City Council also took the following actions: (1) Directed the City Manager to retain a temporary contract Code Enforcement Officer at an estimated cost of \$90,000 to conduct code enforcement on the estimated 200 unpermitted short-term lodging units, (2) strongly supported State legislation that will assist municipalities to address impacts associated with short-term lodging (e.g., Senate Bill 593 when it is reintroduced to the State Legislature in January 2016) and (3) directed staff to return to the City Council with a draft ordinance that would prohibit short-term lodging units in residential zones, explore the possibility of short-term lodging units in commercial zones with conditions, pursue penalties for listing sites that do not comply with the City's regulations, and provide information and options for dealing with existing short-term lodging units that might be terminated.

F. Y. I. – “der Spiegel, January 10, 2013”

“But today the stakes are even higher: Germany's capital is short anywhere from 12,000 to 14,000 apartments -- a deficit that is expected to increase. Critics have said the growing number of short-term vacation residencies in the city is exacerbating the problem, prompting Berlin's municipal senate to draft a bill banning the wrongful use of residencies in highly saturated districts. The piece of legislation is set to go before the Berlin state parliament later this month.”

“While Airbnb has said that it is actively discussing the laws of places like New York with state and city officials following the near-prosecution of one Airbnb user there to the tune of \$40,000, it is uncertain how passage and enforcement of the Berlin legislation will play out. Cities such as San Francisco and Paris already restrict vacation rentals in some way.”

Thank you for considering the above facts, comments and recommendations.

Barbara Doerr

Agenda Correspondence

June 14, 2016 City Council Meeting

Agenda Item C-1

6/14/16 meeting
Item C-1

Dana Swanson

RECEIVED
City of Mono Bay

From: Homer Alexander [REDACTED]
Sent: Sunday, June 12, 2016 1:45 PM
To: Council
Cc: Dave Buckingham; Susan Slayton; Barbara Spagnola
Subject: Item C-1 Budget-WRF p.182-186
Attachments: Comments-WRF F.Y. 2017 Budget.pdf

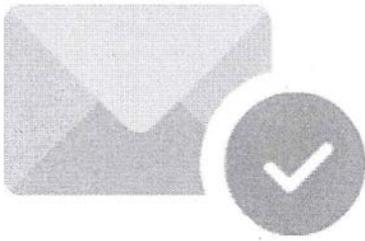
JUN 13 2016

Administration

Dear Mayor and City Council Members:

Attached are comments regarding item C-1 on your Tuesday evening's agenda that are specific to the Water Reclamation Facility budget.

Regards
Homer Alexander



Virus-free

June 12, 2016

Dear Mayor and City Council Members:

I am writing in reference to item C-1 the 2016-17 Budget (p. 182- Water Reclamation Facility).

I would recommend that you include in your motion to approve the 2016-17 City wide budget instructions to the City staff to improve (i.e. clean up) the Water Reclamation Facility budget before the final adopted budget document is published.

I realize that the City Manager's cover letter states that *some of the line items are quite broad* and the *project budget will be refined considerably in the first six months of the fiscal year*, however I believe that the existing budget, as presented, could be refined and therefore improved.

Remember when you adopt the City wide budget you are authorizing a staff directed spending plan for all departments and all funds.

Some items you may want to review or consider are:

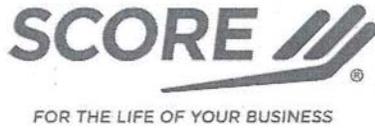
- The narrative in the cover letter should be converted to footnotes and added to the budget page. It should **not** be necessary to have both documents side by side to understand the budget.
- What do the initials stand for in the Planning/CEQA/Permitting section?
- Why are there numbers in the "prior years actual" column the same or very similar to the numbers to the numbers in the "amended budget" column? As a rule actuals and budget amounts differ. As an example, the \$25,000 option to purchase the Righetti site is listed twice.
- The \$200,000 allocated for staff is over 30% of the total Public Works personnel expenses. That seems like a lot of staff time considering that there is a \$900,000 a year project management team in place.
- There is a \$10.375M SRF loan included in the 2017 Full Year revenue lines, but there is no corresponding interest expense.
- Does the column "prior year's actual" include all the expenditures for the new plant from January 2013 thru June of 2015?
- After your approval, this budget will become the official document governing the WRF revenue and expenses until it is updated, therefore it should balance with the financial documents that are presented to the WRF Committee. **This is currently not the case.** This issue was briefly discussed at the Committee's last meeting. I suggest that you instruct staff to insure that all future financial reporting provided to the Committee be in balance with the approved budget.

Considering that the WRF budget for next year is a shade less \$6M, I think that all of us would like to have a better understanding of how the staff is spending our money.

Sincerely



Homer Alexander
Morro Bay Ratepayer



SCORE San Luis Obispo County
4251 S. Higuera Street, Suite 800
San Luis Obispo, CA 93401

Tel: 805/547-0779

Web: sanluisobispo.score.org
City of Morro Bay

JUN 13 2016

Honorable Morro Bay Mayor and Counsel Members.

SCORE is most appreciative of your past support. We have operated in SLO County for over 30 years and helped many local businesses thru the years. Since 2013 we have mentored 49 unique clients and 19 businesses from Morro Bay. These numbers do not include the Morro Bay clients that have participated in our workshops. Our half-day Workshop seminars, where we gather 15-40 people for specific in-depth subjects, have doubled in two years. We now offer many more subjects and our number of attendees has increased by more than 300%, to 536.

I would like you to be aware that SLO SCORE is among the top 10 chapters in the nation in client satisfaction scores, according to an annual Price Waterhouse Coopers survey.

It is because of the monies supplied to our efforts, by you, and our other donors and sponsors that we can maintain this level of service excellence. Our SCORE members are proud of this achievement.

We are all volunteers, receiving no compensation, not even gas mileage reimbursement. Every penny we receive from our sponsors goes to help support our clients, No client ever pays for a local SCORE service.

Thank you for considering us again this year and I hope you will continue your support of SLO SCORE.

Bob Kerwin
SLO SCORE
Chapter Chairman

Agenda Correspondence

June 14, 2016 City Council Meeting

Agenda Item C-3

Dana Swanson

6/14/16 meeting
Itasca

RECEIVED

City of Morro Bay

From: Christine Johnson
Sent: Thursday, June 09, 2016 3:31 PM
To: Dana Swanson
Subject: Fwd: Sewer Treatment Plant

JUN - 9 2016

Administration

FYI. Agenda correspondence.

Christine Johnson
Councilmember, City of Morro Bay
805-305-3759
cjohnson@morrobayca.gov

Begin forwarded message:

From: Tim Hixson <[REDACTED]>
Date: June 9, 2016 at 3:23:08 PM PDT
To: cjohnson@morrobayca.gov
Subject: Sewer Treatment Plant

I understand that a new location on the Tri-W property to the east of Morro Bay Blvd. came up at an advisory committee meeting a few days ago & is being considered as a location for the new sewer treatment plant.

We are in total opposition to that site for the following reasons:

- 1) It is at the entrance to our city of Morro Bay. It is a horrible welcoming sight to greet our citizens & visitors entering & leaving Morro Bay on Morro Bay Blvd..
- 2) It's close proximity to neighbors in the Harbor View Tract as well as those at the east end of Morro Bay Blvd.

Please do not consider this location for the sewer treatment plant!!! It is unacceptable!!!

Sincerely, Tim Hixson

6/14/16 meeting
Item C-3
RECEIVED
City of Morro Bay

Dana Swanson

From: Christine Johnson
Sent: Thursday, June 09, 2016 3:31 PM
To: Dana Swanson
Subject: Fwd: Sewer Treatment Plant Location

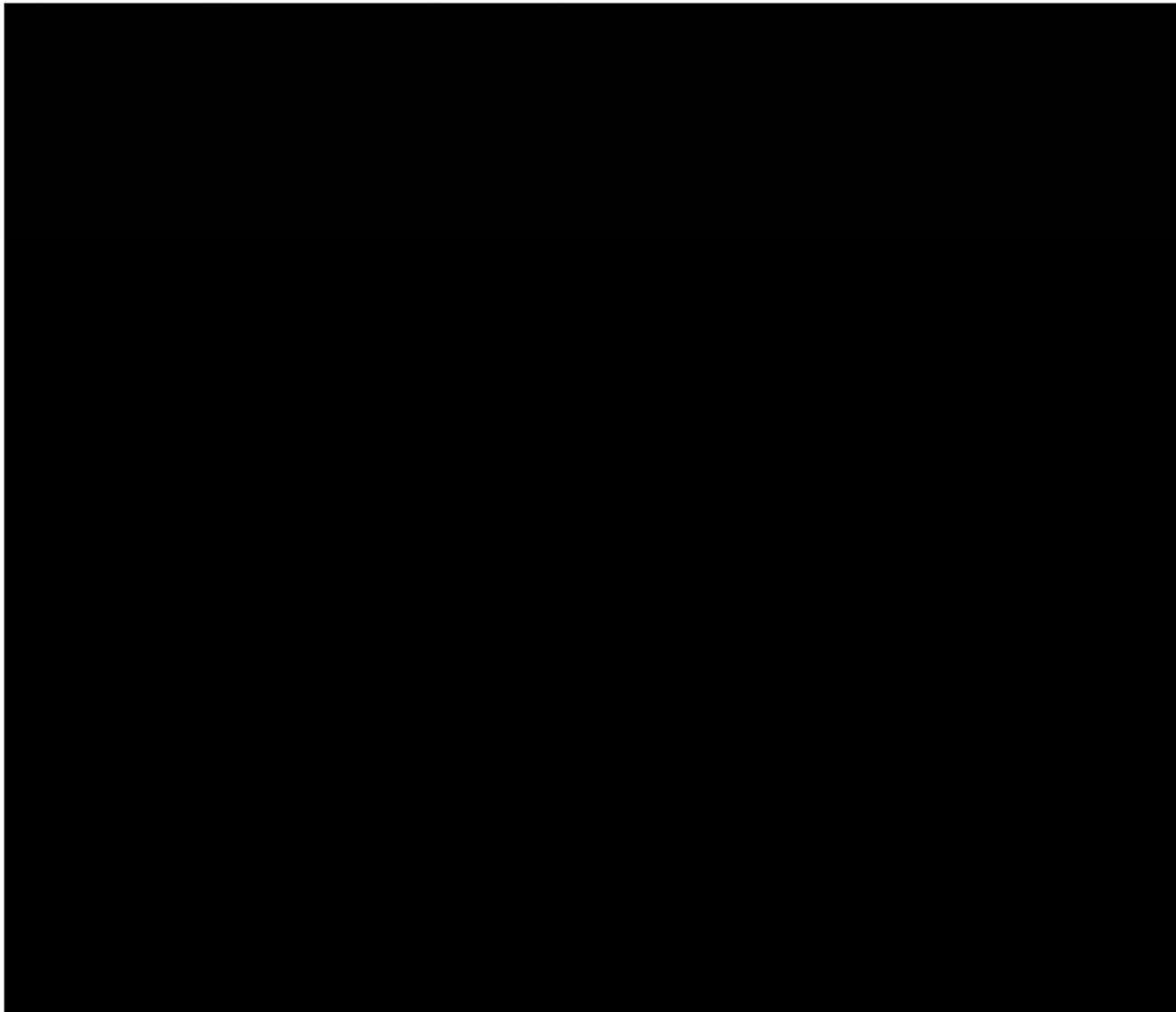
JUN - 9 2016

Administration

FYI...agenda correspondence.

Christine Johnson
Councilmember, City of Morro Bay
805-305-3759
cjohnson@morrobayca.gov

Begin forwarded message:



On Jun 9, 2016, at 2:52 PM, Dana Kim Hixson <[REDACTED]> wrote:

I understand that a new location on the Tri-W property to the east of Morro Bay Blvd. came up at an advisory committee meeting a few days ago & is being considered as a location for the new sewer treatment plant.

We are in total opposition to that site for the following reasons:

- 1) It is at the entrance to our city of Morro Bay. It is a horrible welcoming sight to greet our citizens & visitors entering & leaving Morro Bay on Morro Bay Blvd..
- 2) It's close proximity to neighbors in the Harbor View Tract as well as those at the east end of Morro Bay Blvd.

Please do not consider this location for the sewer treatment plant!!! It is unacceptable!!!

Sincerely, Tim & Kim Hixson

Dana Kimberly Hixson
Oil Paintings On Wood
[REDACTED]

Dana Swanson

6/14/16 meeting
Item C-3
RECEIVED

City of Morro Bay

From: Josh Martin [REDACTED]
Sent: Thursday, June 09, 2016 4:33 PM
To: Council; Mike Nunley
Subject: water reclamation site

JUN - 9 2016

Administration

To whom it may concern,

My name is Josh Martin and I am an RN at French Hospital Medical Center in the Intensive Care Unit and the homeowner of [REDACTED] in Morro Bay. I have been following the proposed sites for the water treatment facility and was aware of the recommendation for South Bay Blvd. I feel that the South Bay site is far enough from most of Morro Bay and would not bother its citizens. That is why I did not attend this last meeting. I spoke with Debbie Rudd from RRM recently and she stated there was another site proposed off of Morro Bay Blvd. This is directly behind our neighborhood and we strongly oppose. The noise, visibility, lighting, and smell would be of major concern to the residents if this site is considered and implemented. I will continue to support the South Bay Blvd. location and will be at Tuesdays meeting if you have any further questions. Please feel free to call or email anytime and I look forward to speaking with you Tuesday. Thank you.

Josh Martin

[REDACTED]
Morro Bay, CA 93442

6/14/16 meeting
Item C-3

Dana Swanson

RECEIVED
City of Morro Bay

From: Tina Metzger <[REDACTED]>
Sent: Friday, June 10, 2016 2:28 PM
To: Mike Nunley; Council
Cc: Dave Buckingham; Rob Livick; Karen Luhmann; Dana Swanson, WRF CAC Administration
Subject: Asbestos on Righetti
Attachments: SewerLetterMay10.pdf

JUN 13 2016

Mike,
Karen Luhmann forwarded your email to me.

We are well aware that, as long as the MB City Council refuses to honor the Water Reclamation Facility Citizens Advisory Committee (WRFCAC) Recommendation to remove the Righetti property from the WRF Project list of possible sites, the Council can choose the Righetti property for the WRF Project site. The Righetti property should never have been a possible WRF site in the first place, and it is high time for the Council and staff/consultants to stop wasting Morro Bay citizens' money promoting it as a viable WRF Project site. (Please see my attached letter to MB City Council, dated May 10, 2016, listing six Fatal Flaws of the Righetti property.)

From John Rickenbach's Report to the City Council on Potential WRF Sites (April 28, 2016), we know that Naturally Occurring Asbestos (NOA) on the Righetti site will require "special handling requirements . . ." (Rickenbach, April 28, 2016, p. 21). According to the California Environmental Protection Agency, concerning Naturally Occurring Asbestos, "When rock containing asbestos is broken or crushed, asbestos fibers may be released and become airborne. Exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest and abdominal cavity), and asbestosis (a non-cancerous lung disease which causes scarring of the lungs)."

During the grading and construction of the proposed two major phases of the WRF Project at the Righetti site, there will be no realistic and effective way to control the released airborne asbestos fibers, and no effective way to keep the fibers contained within the boundaries of the Righetti property. The Morro Valley is a major airstream, with howling winds during the night from the east (this is not an exaggeration), and strong northwest winds typically during the day.

Mike, you must not be familiar with the strong winds in our area of town. Just ask the roofing companies and the sheet metal contractors in Morro Bay about the wind in our neighborhood. The requirements/regulations of the Air Resources Board (which are more complex than your summary in your email) for controlling asbestos fibers during grading and construction would never safely work on the Righetti site because of the strong winds, day and night in the Morro Valley. What recourse would we residents have when the asbestos fibers blow onto our homes, yards, streets, vehicles, and into our windows? How would we avoid breathing the airborne asbestos fibers into our lungs?

Remove the Righetti property from the WRF Project site list NOW.

Sincerely,
Tina Metzger

Begin forwarded message:

From: Mike Nunley <mnunley@morrobayca.gov>
Date: June 9, 2016 at 9:54:25 AM PDT
To: Karen Luhmann <[REDACTED]>, Council <council@morrobayca.gov>, Christine Johnson <cjohnson@morrobayca.gov>
Cc: Rob Livick <rlivick@morrobayca.gov>, Dave Buckingham <dbuckingham@morrobayca.gov>, Eileen Shields <eshields@mknassociates.us>
Subject: RE: Advisory Meeting 06.07.16

Hello Ms. Luhmann,

Thank you for attending the WRFCAC and Council meetings and for sending your comments and questions. As you know, staff is recommending that Council move forward with the Tri-W site. However, I wanted to address your concerns about serpentine rock and naturally occurring asbestos (NOA) that is relevant to many of the sites that have been considered in the past.

Serpentine rock (which contains asbestos) is common in San Luis Obispo County and contractors follow well-defined requirements for ensuring any asbestos that may be released during excavation is contained onsite. After excavation is completed, any areas with exposed serpentine rock are paved or covered with soil and/or vegetation to prevent wind from carrying dust offsite. These requirements are very similar to the dust mitigation requirements for any construction site (even if serpentine is not found there).

Airborne asbestos is regulated by the Air Resources Board under the Asbestos Airborne Toxic Control Measure for Construction, Grading, Quarrying, and Surface Mining Operations (California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 7.5, Section 93105). The regulation applies to any construction, grading, quarrying, or surface mining operation on any property that has naturally-occurring asbestos (or serpentine rock).

The requirements for construction and grading operations for areas greater than 1 acre are summarized below:

An Asbestos Dust Mitigation Plan for the operation must be submitted and approved by the San Luis Obispo Air Pollution Control District (APCD), which regulates air quality locally, before start of any construction or grading; and the provisions of the dust mitigation plan must be implemented at the beginning and maintained throughout the duration of the construction or grading activity. The Plan must specify dust mitigation practices which are sufficient to ensure that no equipment or operation emits dust that is visible crossing the property line, and must include provisions such as:

- Sweeping or vacuuming of vehicle tracks where vehicles exit the work site;
- Wheel washing or gravel pad to clean tires of exiting vehicles
- Keeping active storage piles wetted or covered with tarps
- Reducing potential for generating dust by limiting construction speeds onsite, pre-wetting surfaces before excavation, and other methods

Cover and stabilization of disturbed areas is required soon after construction is completed. This can include paving, soil cover, and vegetation.

APCD may also require air monitoring during and after construction if they deem it necessary.

I hope this is helpful.

Sincerely,
Mike Nunley

-----Original Message-----

From: Karen Luhmann [REDACTED]
Sent: Wednesday, June 08, 2016 11:06 AM
To: Council; Mike Nunley; Christine Johnson
Subject: Advisory Meeting 06.07.16

Good morning

I just had a couple of things to address about the advisory meeting yesterday. In opening, I appreciate the advisory committee's time and attention given to this entire endeavor. They seem to really have listened to the residents that are in such close proximity to the Righetti site, and I of course appreciate that greatly. My first concern is the comment addressed by Tina Metzger yesterday, and previously by discussed by Donna Burke, regarding asbestos already identified as being located on the Righetti Ranch?! As I stated yesterday, I have Valley Fever, I moved to Morro Bay 2 years ago from the valley, to live where the air quality is much better. I can not be the only one in our pre-existing neighborhoods who's health will be greatly affected negatively by these types of particulate matter dispersed. I will definitely be giving this concern much further investigation with all entities associated.

I do not feel safe to have the WTF in such close proximity to my residence.

Secondly, I am in complete agreement with the council, advisory committee, and project managers, that ALL the residents of Morro Bay be notified of all the potential rate hikes and costs associated with this project regardless of it's location. It was very clear to me, and the other attendants, that we have no idea how much money has been spent already, where it's gone and what is next. To simply provide constituents and neighbors slanted information that pits us against one another, I'm pretty confident that a line by line full financial disclosure in the New Times about this project will unite us all on key points of COST once and for all.

Thanks for listening.
Karen Luhmann

Sent from my iPhone

May 10, 2016

City Council
City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

RE: City Council Meeting, May 10, 2016, Agenda Item C-2: Update on Potential Water Reclamation Facilities Sites and Public Outreach Efforts

Dear Mayor Irons and Council Members Johnson, Makowetski, Smukler, and Heading:

This letter is in support of the wisdom and intelligence of the members of the Water Reclamation Facility Citizen Advisory Committee's (WRFCAC) May 3, 2016, Recommendation to Council to take the Righetti site off the list of possible sites for the new Water Reclamation Facility (WRF) Project (6-2 vote); and to move forward with the Staff Recommendation (April 29, 2016) to select the Tri-W site.

The Righetti site is not a viable option for the WRF Project, and it never will be.
There are too many 'Fatal Flaws' with the Righetti site.

Fatal Flaw # 1.

Every neighborhood in Morro Bay would fight the WRF sewage plant industrial development if it were proposed next to their homes. Each of you Council members would fight the WRF sewage plant industrial development, if it were proposed next to YOUR homes. The WRF is a radically incompatible land use next to the many homes in the adjacent single-family R-1 subdivisions. Land use case law supports us in our fight against the WRF Project incompatible land use. Zoning codes exist to prevent such incompatible land uses next to, or near each other, for reasons of health and safety, and nuisance issues.

Fatal Flaw # 2.

In addition to the problems with visual impacts, odors, noise, night lighting, and the detrimental effect on property values and quality of life, the proposed sewage plant industrial development of the Righetti property will have serious health and safety issues for our area of town. The serpentinite bedrock on the Righetti property contains Naturally-Occurring Asbestos (NOA). There would be no effective way to control the asbestos fibers released during the massive site grading and large area of construction. Because of the prevailing high winds from the east (at night), and the afternoon prevailing high winds

from the northwest (the Morro Valley is a major airstream), there would be no effective way to comply with the California Environmental Protection Agency (EPA) Regulations for Asbestos Airborne Toxic Control Measures for Construction and Grading on Areas Greater Than One (1) Acre (see Section 93105).

Fatal Flaw # 3.

The exhaust from all of the diesel trucks and heavy equipment during construction on site, and on Hwy 41 and at the intersection of Main Street/Hwy 41, will drastically affect the air quality of the area. During the life of the project, the many diesel trucks needed daily to transport the sewage sludge to a Santa Maria licensed receiver will also daily degrade air quality, as will the many diesel trucks on their way south to a landfill with all the things people flush down the toilet and are screened out of the waste stream – tampons, paper, plastics, etc. The portable toilets emptied outdoors at the Righetti WRF sewage treatment plant will have to be transported to and from the WRF site by huge diesel trucks, and those trucks will also degrade air quality. Think of the MB High School students affected, in addition to the families in the neighborhoods near the proposed WRF site at Righetti. Consider the currently congested traffic problems at Hwy 41 and Main Street and at the on/off ramps of Hwy 1, and add the many diesel trucks to what is already a traffic problem area.

Fatal Flaw # 4.

The development of the proposed WRF Project at the Righetti site is inconsistent with Local Coastal Plan (LCP) Policies and would result in highly visible large industrial facilities in violation of **LCP Chapter 10 Visual and Scenic Resources**, particularly **Policy 2** (Site Selection for New Development), **Policy 4** (New Development in Rural Areas), and **Policy 5** (Landform Alterations).

Fatal Flaw # 5.

The combined efforts for planning, design, permitting and construction of a project at the Righetti site is expected to take approximately ten years (source: Dudek, Alternative Sites Evaluation, November 2011). That assessment by Dudek, in 2011, did not take into account the long and expensive fight by property owners in the neighborhoods adjacent to the site. We will **never** allow such a noxious sewage plant industrial development to be built next to our homes and families. It will be extremely fiscally irresponsible of the Council to ignore this fact.

Fatal Flaw # 6.

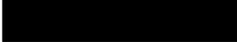
The number of Regulatory Agencies, Regulatory Permits, Authorizations, and Approvals, concerning the WRF sewage plant development of the Righetti site, is overwhelming and too long to list here. The May 5, 2016, Report to City Council on Potential WRF Sites by Rickenbach Consulting, does not begin to address this important time and money issue. In the Dudek Report of November 2011, nine regulatory agencies are listed that have to be dealt with, and 14 regulatory permits, authorizations, or approvals are required for the development of the Righetti site.

Finally, listen to your WRF Project stakeholders; understand and respect the health of the community, and respect the vested interests of property owners, families and school children. **Above all, uphold your oath “to the preservation and enhancement of the quality of life” in Morro Bay.** This does not mean the enhancement of the quality of life in only your neighborhood, where each of you Council members live, but all of Morro Bay.

I respectfully request that you respond to the many Morro Bay citizens who have voiced their serious concerns with the Righetti site for the WRF. I respectfully request that you respond to the members of the WRFCAC in their thoughtful and intelligent May 3rd Recommendations to Council. **Remove the Righetti property from the City’s list of WRF sites tonight, once and for all.**

Sincerely,

Tina Metzger



Morro Bay

6/14/16 Meeting
Hem c-3

Dana Swanson

From: Jamie Irons
Sent: Saturday, June 11, 2016 9:19 AM
To: Dana Kim Hixson
Cc: mnunley@mknassociates.us; Dana Swanson
Subject: Re: Sewer Treatment Plant Location

RECEIVED
City of Morro Bay

JUN -13th 2016

Administration



From: Dana Kim Hixson [REDACTED]
Sent: Friday, June 10, 2016 2:37 PM
To: Jamie Irons
Subject: Sewer Treatment Plant Location

Hello Mayor Irons, could you please confirm or deny this for me. I've heard that at an advisory committee meeting on June 7th someone suggested locating the WRF on the Tri-W property to the east of Morro Bay Blvd. & it is being considered for a WRF site. I am NOT confusing this Tri-W site with the other Tri-W site outside the city limits back behind Casa De Flores to the east of South Bay Blvd. Thank You for your prompt reply.

Tim & Kim Hixson

Dana Kimberly Hixson
Oil Paintings On Wood
[REDACTED]

6/14/16 Meeting
Item C-3

Dana Swanson

RECEIVED
City of Morro Bay

From: Linda Troller [REDACTED]
Sent: Saturday, June 11, 2016 3:39 PM
To: Council
Cc: yair.chaver@coastal.ca.gov; Tina Metzger; bgibson@co.slo.ca.us
Subject: Righetti site

JUN 13 2016

Administration

Dear Mayor Irons and City Council Members Headding, Smukler, Makowetski and Johnson:

We are in agreement with the WRFAC and their recommendation to remove the Righetti property from the list of viable sites to be considered for the WRF/industrial complex. As residents of north Morro Bay we continue to request that you remove this site. As we understood at the last city council meeting there is no legal reason for not taking the Righetti property off the table completely.

Our decision to reject this location as a viable WRF/industrial complex is not emotionally based. It is based on facts, life lessons and good old common sense. We too believe in the "six fatal flaws". (Ref: Tina Metzger Fatal Flaws email to city council dated May 10, 2016). We believe the decision to propose a project of this size and magnitude backed up to an established residential neighborhood is completely inappropriate. It is just the sort of project our city council is elected to protect us against.

The property owners of north Morro Bay affected by the proposal have spoken. Take the Righetti property off the list now. Please concentrate your efforts on a viable site.

Respectfully,
Robert and Linda Troller
[REDACTED] Morro Bay

Sent from my iPad

6/14/16 meeting
Item C-3

Dana Swanson

RECEIVED

City of Morro Bay

From: Christine Johnson
Sent: Sunday, June 12, 2016 6:38 PM
To: Dana Swanson
Subject: Fw: Possible new location for wastewater sewer facility

JUN 13 2016

Administration

FYI...agenda correspondance.

Christine Johnson, Councilmember
City of Morro Bay
805.305.3759
cjohnson@morrobayca.gov

From: p sines [REDACTED]
Sent: Friday, June 10, 2016 4:41 PM
To: Jamie Irons; Christine Johnson; Matt Makowetski; John Heading; nsmuckler@morrobayca.gov; John Rickenbach; Mike Nunley
Subject: Possible new location for wastewater sewer facility

Dear Mayor, Council, Committee Members, and/or Consultants -

I am a resident living in the Harbor Tract subdivision. I was recently made aware that during a recent committee meeting it was suggested that a new location be considered on the Tri-W property. That portion of the Tri-W property is at the top end of Morro Bay Blvd. As a resident of the Harbor Tract subdivision, I am **opposed** to the committee and council considering this previously unconsidered portion of the Tri-W property. I believe it is an inappropriate location for the facility, it will negatively impact the residents of the Harbor Tract, and it is being brought forth much too late for proper Notice or consideration.

Sincerely,
Pamla Sines
[REDACTED]
Morro Bay, CA 93442

6/14/16 meeting
Item-3

RECEIVED
City of Morro Bay

Dana Swanson

From: Jamie Irons
Sent: Monday, June 13, 2016 8:37 AM
To: Tim Hixson
Cc: Dana Swanson
Subject: Re: WRFCAC Location

JUN 13 2016

Administration

Thanks for submitting your comment Tim. I am copying our City Clerk so your email is part of the record.

Best,
Jamie

Jamie Irons
Mayor
City of Morro Bay

From: Tim Hixson [REDACTED]
Sent: Sunday, June 12, 2016 3:40 PM
To: Jamie Irons
Subject: WRFCAC Location

After some research & several confirmations from City staff and design staff for the WRFCAC I have learned that in fact a new location on the Tri-W property to the east of Morro Bay Blvd. is being considered as a location for the new Sewer Treatment plant.

I live in the Harbor Tract To the North West of the site I've mentioned. I have done some door to door surveys in the neighborhood here in the Harbor Tract. Without exception we are all in total opposition to this site. Following are but a few reasons:

1) It is at the entrance to our city of Morro Bay. It is a horrible welcoming sight to greet our citizens & visitors entering & leaving Morro Bay on Morro Bay Blvd. At the entrance to Morro Bay coming north on Highway 1 a Morro Bay promotional sign reads "Picture This". So I ask you to "picture this". You arrive to our beautiful town of Morro Bay & are greeted by a Sewer Plant.

2) It's close proximity to neighbors in the Harbor Tract as well as those at the east end of Morro Bay Blvd.

Please do not consider this location for the sewer treatment plant!!! It is unacceptable!!!

Sincerely, Tim Hixson

6/14/16 meeting
Item C-3

Dana Swanson

RECEIVED

City of Morro Bay

From: John Maino [REDACTED]
Sent: Monday, June 13, 2016 6:06 AM
To: Council
Subject: tri w site issues
Attachments: triw wtf.docx

JUN 13 2016

Administration

Attached is a letter listing some of my concerns regarding the Tri W site locations.

[REDACTED]
Morro Bay, CA 93442

June 11, 2016

Honorable Council:

I am a neighbor to the Tri W site to the east of the property. Access to the project will require an easement through part of my property. The proposed sites indicated on the map will be very close, perhaps within a few hundred feet, of my property boundary. This will no doubt decrease the value of my land as well as have other undesirable effects.

I run a cattle business. In the early 1990's in cooperation with the local Resource Conservation District and the Soil Conservation service we implemented an extensive water distribution and fencing system to facilitate changing the way we had historically grazed our cattle with the main focus to decrease sedimentation in to Morro Bay. We have operated a managed grazing program since this time. This system of livestock management has many environmental rewards, but also has challenges. Proximity of human activity, especially at certain times of the year, can be especially difficult. The location of the sewer plant at the Tri W locations, although certainly not desired, is not my greatest concern, the unnecessary addition of a park and corporation yard is.

If one of the Tri W sites is chosen, please do not include these other uses. Keep the use limited to what is necessary for the operation and maintenance of the plant and the footprint as small as possible. Expanding the size and uses not only would be more impactful to us but could increase mitigation costs for the city to an already costly location. The city has a corporation yard near the existing plant. When the old plant is removed there will be even more room for the yard and a park if that is what is desired. These are urban uses and should be kept there, not put in the coastal agricultural zone, decreasing available agriculture land and adding conflicts to those of us who work the land.

My family has owned the land next to the Tri W site for 100 years. I have lived on and managed the property my entire adult life. We put the property in a conservation easement a number of years ago with the Bay Foundation as the easement holder. By doing this we have protected the views from Highway 1, limited development and environmentally protected the land in perpetuity. Please don't complicate our ability to continue managing our agricultural operation by the addition of activities unrelated to the operation and maintenance of the plant itself.

I had suggested another, possibly less expensive location, on the Tri W property has any consideration been given to that idea? My phone number is [REDACTED]

Thank you for your consideration of my concerns.

Sincerely,

John J. Maino

6/14/16 Meeting
Item C-3

Dana Swanson

From: Mark Olson [REDACTED]
Sent: Monday, June 13, 2016 11:05 AM
To: Council
Cc: Mark Olson
Subject: Agenda Correspondence TRI-W WRF Item C-3

RECEIVED
City of Morro Bay

JUN 13 2016

Administration

Dear Honorable Councilmembers,

I am glad to see that Council will be voting to recommend the Tri-W (South Bay Boulevard) site for the new WRF at the June 14th meeting.

However, I continue to object to Righetti being included as a "backup" or alternative site if Tri-W is later determined to have fatal flaws. Fatal flaws have already been set forth for the Righetti site in previous Agenda Correspondence from myself, and many other concerned citizens of Morro Bay. By any reasonable analysis, Righetti has many fatal flaws that cannot be mitigated in a cost effective manner, if at all.

It is understood that other feasible sites have been removed from the list of alternative sites, including allegations that the Power Plant site was dropped based upon complaints from nearby neighbors to that location. If the Power Plant location can be dropped from the list for that reason, then so can Righetti. The inclusion of one, and the exclusion of the other, is without a rational basis, is arbitrary and capricious, and violates due process.

Furthermore, I ask that City Council specifically prohibit the City Manager from making any more payments to Mr. Madonna under the Righetti MOU. No further public monies should be wasted on the Righetti location, and to do so would be irresponsible.

In addition to recommending the Tri-W location, WRFCAC has also voted to recommend that the Righetti site be dropped altogether. I hope the Council will follow all of those recommendations in good faith, in the same manner that WRFCAC has exercised good faith (and sound judgment).

Thank you for your time and consideration of this important matter.

Respectfully submitted,
Mark D. Olson, J.D., M.A., M.B.A.

[REDACTED]

Monday morning, June 13, 2016

6/14/16 Meeting
Item C-3

Dana Swanson

RECEIVED
City of Morro Bay

From: Jamie Irons
Sent: Tuesday, June 14, 2016 8:29 AM
To: Dana Swanson
Subject: Fw: Tri W WTF Concerns

JUN 14 2016

Administration

agenda correspondence

From: Rob Thoresen <[REDACTED]>
Sent: Monday, June 13, 2016 12:11 PM
To: Jamie Irons; Christine Johnson; Matt Makowetski; John Heading; Noah Smukler
Cc: [REDACTED] D Thoresen
Subject: Tri W WTF Concerns

Greetings Council Members:

My name is Rob Thoresen and I am owner/representative of one of the neighboring parcels to the prospective South Bay Blvd./Tri W water reclamation facility project sites. Over the last week I have had the opportunity to attend the recent Advisory Council meeting and convene with Jaime, Mike, Noah and John Maino in order to gather as much information regarding the proposed project as possible. In reviewing all that I have learned over the last couple of weeks I would like to communicate the following concerns:

- Relocating the plant facility into existing areas that are agriculturally zoned is not congruent to the surrounding dedicated agricultural land uses.
- Both John Maino and myself conduct beef cattle operations directly adjacent to the proposed sites that will be negatively impacted by the multi-purpose installation which includes the water treatment plant, corporation yard and possible park/education center for the public.
- John Maino and I have made significant efforts to preserve the lands for agricultural use with John's Conservation program and my efforts that include entering into the Williamson Act. The conversion of the proposed Tri W property to industrial purposes is 180 degrees out of phase with these efforts.
- Of particular concern is the possibility of public use of the property to include a park and trails. Proximity of public to our beef cattle operations is potentially devastating in that we have management practices in place that are intended to keep the stresses on our cattle as low as possible. Calving, breeding and grazing will be negatively affected by public activity in the surrounding area.
- Neither John Maino or myself was notified until approximately three weeks ago about the South Bay proposed location. I found this particularly interesting in reviewing the materials released to the public, Advisory Committee and Council whereby one of the major goals was to communicate with the surrounding community/stake holders. Additionally, it was stated that there were no potential impacted neighbors to the South Bay sites which is completely untrue.

As we move toward tomorrow's Council meeting I would urge the Council to consider the following points:

- Please fully research the possible location at the top of Morro Bay Blvd at the old Domenghini Dairy. It is well away from all interested parties and out of sight. Additionally, this site would be significantly more economical.
- If relocation of the water treatment plant must be made to the Tri W South Bay site it should be located at the most southerly of the two proposed footprints. This is the site on the highway side of the water shed. This is furthest away from both Mr. Maino's and my properties.
- The site should be single use that being the water reclamation plant and NOT the corporation yard or public access facilities.

- The water treatment plant should be constructed in a manner that it blends with the surrounding agrarian use.

In closing, I wish to thank all parties who have graciously considered our concerns. I believe with careful planning and decision making that a harmonious solution can be ascertained.

Thank you.

Sincerely,
Rob Thoresen

6/14/16 meeting
Ham C-3

Dana Swanson

RECEIVED
City of Morro Bay

From: William Todd <[REDACTED]>
Sent: Tuesday, June 14, 2016 8:55 AM
To: Council
Cc: [REDACTED]
Subject: Removal of Rhighetti site

JUN 14 2016

Administration

Dear city council members

Please remove the Rhighetti site from the possible sites for sewage plant due to its close proximity to neighbors, reduction in property values and prospective buyers, added traffic congestion and "possibility" of noise and smell from this plant.

I have been to several WRFCAC and city council meetings on this issue and it appears to me that there are a LOT of concerned citizens that are against this proposal to put sewer at Rhighetti. The WRFCAC has voted to remove the site and it still hangs on in the city council.

When asked at the last city council meeting, if there were any members within 2500 feet of the proposed Rhighetti ranch. It appears that none of the members are, and that concerns me that our city council would consider this property when the council itself will not suffer or be affected by the consequences of their decision.

Please add my name to the list of people against the Rhighetti ranch and remove it from possible alternatives for the sewage plant

A [REDACTED] resident

Bill Todd



Virus-free. www.avast.com

Public Meeting
Item C-3

Dana Swanson

From: Tina Metzger [REDACTED]
Sent: Tuesday, June 14, 2016 12:04 PM
To: Council
Cc: Dana Swanson; Dave Buckingham; WRFCAC
Subject: Letter to Council - WRF Project
Attachments: SewerLetterJune14.pdf

RECEIVED
City of Morro Bay

JUN 14 2016

Administration

Dear Morro Bay Council,
Attached is my letter to you concerning WRF Project Public Outreach problems. I would like this letter to be included in the June 14, 2016 Council Agenda Item C-3 WRF Project correspondence.

Sincerely,
Tina Metzger

June 14, 2016

City Council
City of Morro Bay
595 Harbor Street
Morro Bay, CA 93442

RE: Problems With Water Reclamation Facility (WRF) Project Public Outreach Efforts

Dear Mayor Irons and Council Members Johnson, Makowetski, Smukler, and Heading:

The purpose of this letter is to bring to your attention the problems with the City's public outreach efforts concerning the Water Treatment Facility Project (WRF). When Morro Bay citizens do not receive your varied attempts at public outreach, in a timely manner, you are denying them their due process and the opportunity to seriously consider the issues and information that you are presenting to them. The following are a list of current problems:

- 1.) Many property owners (including me) in our north Morro Bay neighborhood did not receive the City of Morro Bay "WRF Project Update -Ways to Engage" color postcard from the City Manager, that the City recently mailed out, via U.S.P.S. I have to assume some property owners in other sections of town also did not receive the postcard. (A neighbor on Ponderosa St. gave me his postcard.) Please use the County Tax Collector address rolls to ensure that all property owners in Morro Bay receive your mailed attempts at public outreach.**
- 2.) The mailed color postcard referred to above failed to list the many industrial facilities of WRF Project.** Why would you omit this vital information from Morro Bay citizens? In the future, all attempts at WRF Project public outreach must state that the WRF Project includes: Sewage Treatment Plant (xxx gallons/day); Water Reclamation Facility; Corporation Yard; Solar Farms; Household Hazardous Waste Disposal Site; Desalination Plant; Onsite Sewage Waste Residuals Composting (or multiple diesel semi trucks daily removing 'grits'); Port-a-Potty Sewage Receptor for the region; RV sewage receptor for the region; Administration Building. Most Morro Bay citizens do not know the extent of the proposed WRF Project. To withhold this list of industrial facilities of the Project from public outreach efforts only serves to convince the public that the Council does not wish MB citizens to know this information.
- 3.) If there is a Council/staff field trip planned in the future to sewage treatment plant sites, the public needs to be made aware in plenty of time to plan to attend the field trip.** When the sewage plant tours are planned at different towns, it is a shame that Morro Bay

citizens are excluded because of lack of notification. This is an important type of public outreach that has not been addressed properly.

4.) Because Morro Bay citizens are paying for the Council/staff to attend these field trips, a **report at the next Council meeting should be on the Council Agenda on the observations of those sewage plant tours, what it would be like to live near the sewage plants, etc.**

Why hasn't this happened?

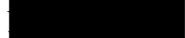
5.) Concerning the problems with the City's listserv@civicplus.com email notifications of Council/Planning Commission/Advisory Committee agendas, staff reports, **many Morro Bay citizens have remarked to me that they are suddenly dropped from receiving these important and timely notification email links and have had to re-enlist multiple times during the last four months.** It sounds like this is a problem at the City's end. Please check into this issue.

6.) **When stating costs per month in user rates in comparing the different potential sites, you need to state how you arrived at those costs, because those numbers are dependent on many variables yet to be determined. It is not as clear cut as you have promoted this issue to be.**

7.) When visually showing, in your PR flyers/postcards/staff reports, where the different proposed project sites will be located at the different properties, you need to show how the Project will take up many acres on that location. **To show the Project as a tiny red speck on the different properties (see recent postcard mailer) is false advertising.**

Sincerely,

Tina Metzger



Morro Bay