

RESOLUTION NO. 07-13

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF MORRO BAY, CALIFORNIA
SUPPORTING CALIFORNIA COASTAL COMMISSION STAFF
RECOMMENDATION FOR DENIAL
OF APPLICATION NUMBER A-3-MRB-11-001**

**THE CITY COUNCIL
City of Morro Bay, California**

WHEREAS, the City of Morro Bay owns and operates 60% of a Wastewater Treatment Plant (WWTP) originally constructed in 1954; and,

WHEREAS, in 2003, the City of Morro Bay and Cayucos Sanitary District (MBCSD) began work efforts on upgrading the existing WWTP in order to phase out the need for the existing 301(h) modified discharge permit; and,

WHEREAS, in 2009, a flood analysis of the existing WWTP site concluded that “the flood elevation on neighboring properties would increase if new facilities are built within the existing WWTP footprint”; and,

WHEREAS, as a result of the flood analysis, the MBCSD designated the property to the south as the site for a new WWTP and changed the scope of the project from an on-site upgrade to demolition, relocation and construction of a new WWTP; and,

WHEREAS, on December 20, 2010 the Morro Bay Planning Commission unanimously denied the Coastal Development Permit and certification of the Environmental Impact Report, finding that the proposed project was not an upgrade but a new project and therefore required a more thorough alternative site analysis; and,

WHEREAS, on January 11, 2011 the Morro Bay City Council voted 4-1 to overturn the decision of the Planning Commission, approving the Coastal Development Permit and certifying the Environmental Impact Report; and,

WHEREAS, the Coastal Development Permit was appealed by numerous parties, including Commissioners Shallenberger and Stone, The Morro Bay Farmers & Ranchers Ag Coalition, Sierra Club and Surfrider Foundation; and,

WHEREAS, on March 11, 2011 the California Coastal Commission unanimously found Substantial Issue with the WWTP proposal and directed the applicant to conduct a thorough review of alternative WWTP site locations which may, among other benefits, provide greater protection from coastal hazards, have higher potential for beneficial reuse of the treated wastewater and allow for the restoration of the existing beachfront WWTP location for visitor serving purpose; and,

WHEREAS, the MBCSD conducted an alternative analysis and were presented the findings on November 10, 2011; and,

WHEREAS, although viable alternative sites exist, the MBCSD concluded the proposed site remained the best site; and,

WHEREAS, after the decision by the MBCSD on November 10, 2011 the MBCSD has held only four public meetings effectively limiting community dialogue on the proposed project; and,

WHEREAS, a new Morro Bay City Council was installed on December 10, 2012 with members who support the consideration of viable alternative WWTP sites; and

WHEREAS, the City Council requested a special MBCSD meeting for early January in order to review the relevant facts of the proposed WWTP project and provide direction to staff; and,

WHEREAS, the Cayucos Sanitary District was not able to attend said meeting, citing holiday conflicts; and,

WHEREAS, the City of Morro Bay held the special meeting on January 3, 2013; and,

WHEREAS, the de Novo hearing for the new WWTP is scheduled for January 10, 2013; and,

WHEREAS, Coastal Commission Staff recommends denial of the new WWTP, listed as application number A-3-MRB-11-001; and,

WHEREAS, in their report Coastal Commission staff states “the proposed project is inconsistent with the City’s LCP, including policies related to allowable uses and land use priorities, hazard avoidance and response, sustainable public infrastructure, and public view-shed protection...”; and,

WHEREAS, in their report Coastal Commission staff states “Fortunately, there appear to be feasible sites for WWTP development in the area, including inland sites evaluated by the Applicant”; and,

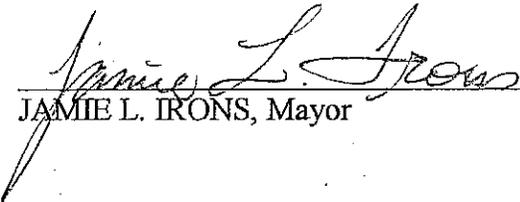
WHEREAS, in their report Coastal Commission staff concludes “a WWTP project is needed to address ongoing coastal resource impacts, but a project at the existing WWTP site cannot be found consistent with the LCP. In fact, an LCP amendment would first be necessary to make it an allowed use at the proposed location. Staff recommends that the Commission deny the CDP for the WWTP at the existing site, and further recommends that the Commission provide direction to the Applicant to pursue an alternative site that can meet LCP objectives and requirements. Staff believes that such a recommendation is good coastal planning and public policy, that it is required for LCP consistency, and that it will provide for a WWTP project that can appropriately address coastal resource problems in a manner that provides long-term sustainable public infrastructure.”; and,

WHEREAS, the Morro Bay City Council concurs with these statements, and seeks additional time to develop the most appropriate project for the MBCSD.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Morro Bay concurs with the Coastal Commission staff report on application number A-3-MRB-11-001 and formally supports Coastal Commission staff recommendation to deny the application.

PASSED AND ADOPTED by the City Council of the City of Morro Bay, at a special meeting thereof held on the 3rd day of January 2013, by the following vote:

AYES: Irons, C. Johnson, Smukler
NOES: N. Johnson, Leage
ABSENT: None



JAMIE L. IRONS, Mayor



DANA SWANSON, Deputy City Clerk