

March 8, 2016 City Council Meeting

Agenda Correspondence

Item C-1 – REVIEW AND DIRECTION REGARDING WRF

**Dana Swanson**

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**RECEIVED**  
City of Morro Bay

**From:** Greg Cordes <\_>  
**Sent:** Monday, March 07, 2016 3:03 PM  
**To:** Council  
**Subject:** Cordes Letter to MB CC re WRF  
**Attachments:** Cordes Letter to MB CC re WRF.pdf

MAR - 7 2016

Administration

Dear Morro Bay City Council and Staff,

Please accept this letter as comment on the proposed WRF project and include it in the minutes / filed documents on the issue. I would present it at the meeting but my work requires me to be out of town on March 8.

Thank you for your consideration.

Greg Cordes

March 7, 2016

Capt. Gregory R. Cordes

Morro Bay, CA 93442

Morro Bay City Council and Project Staff  
[council@morrobayca.gov](mailto:council@morrobayca.gov)

Re: WRF Project – Righetti Property Site

Dear Morro Bay City Council and Staff,

I am a concerned Morro Bay citizen whose home at \_\_\_\_\_ puts my family in close proximity to the proposed WRF site.

The strong citizen resistance to placing the WRF on the Righetti property should come as no surprise to the Council when one looks at what has been presented to the surrounding neighbors.

1. Contrary to the experience most everyone has had with ugly, foul smelling sewer plants, they are being told, “trust us”, this plant, unlike all the others you have ever seen, will look nice, not emit foul odors, nor subject nearby neighborhoods to chemical vapors or dangers.
2. They are then told to accept the fact that the city is considering putting an equipment yard on the property, with all of the unsightly parked vehicles, dust, diesel fuel, traffic and noise, placed next to our back yards. In many respects, this component of the plan is even worse than the WRF.
3. Then to top it off, for many of us, the purchase of the Righetti property by the city is viewed as opening the door to the development of the open spaces surrounding Morro Bay and adjacent to our homes, thereby not only putting in jeopardy one of the primary reasons many of us bought our homes in the first place, but also having the very real potential of destroying our property values as well.

Ask yourselves this; if you lived anywhere near the proposed site, what is there to like about this plan?

If the council really believes that this is the best site for a WRF than they may want to consider a few things that would ameliorate the negative impact on the surrounding neighbors.

1. Abandon the notion that this property would be suitable for parking the city equipment.
2. Make iron-clad assurances within the language of the permit itself that the Righetti property would be deeded and preserved as open space for perpetuity, and that this project would not be allowed to be growth inducing. Furthermore, make it part of the City's general plan that other than the WRF, no further development would ever be allowed on the Righetti property.

I appreciate your time and consideration.

Sincerely,

Greg Cordes

## Memorandum

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City of Morro Bay

MAR - 7 2016

Administration

**TO:** Mayor and City Council members  
**FROM:** Homer Alexander *H Alexander*  
**SUBJECT:** WRF-MB Water Supply  
**DATE:** March 7, 2016

As stated in the staff report the sewer/reclamation project has been on-going since 2006. In those ten years the project has moved from building a plant to merely treat the City's waste water to building a facility whose major objective is to reuse the treated waste water to supplement the City's water supply. The City Manager clearly makes that point in section 2 of his staff report.

Based on the importance that has been put on the new WRF's ability to produce a product that will enhance the potable water supply, I believe that before a site is selected your first priority is to have a very clear understanding of how the treated water was going to be used.

At the WRF Committee's February 2nd meeting, Paul Sorenson, a Hydrogeologist working for Fugro Consulting under an \$86K contract with the City made a presentation analyzing pond percolation and ground water recharge opportunities in the Morro Valley. I assume you all have read his report.

He concluded and I quote "pond percolation cannot be economically justified". He went on to say that there were limited options for direct ground water recharge in most of the Valley, but it might be possible at its western end at the confluence of Morro and Little Morro Creeks. He was not able to give a definitive answer on whether or not it was practical until he did additional field studies. In my opinion no decision should be made regarding a site in the Morro Valley until Mr. Sorenson's firm provides you with their complete analysis of the potential for meaningful ground water recharge. In my opinion without the ability to augment the City's Morro Valley wells it would make it difficult to justify building a plant in either of the preferred locations. I assume that you would want more flexibility than only being able to sell the treated water to avocado farmers (at a rate payer subsidized price) and dump what the farmers cannot use in the ocean.

Since a site on the Chevron property would not improve the Morro Bay water supply without significant additional pumping and piping, why are you even going to spend time reviewing it?

In addition to the other two properties (Gianni and Tri-W) that are mentioned in the staff report would it make sense to engage Fugro Consulting to study additional sites in the western end of the Chorro Valley? I know a lot of research was done on the CMC site, but the Rickenbach/Nunley Options Report of October 2013 never looked at sites in the Valley's western end. Even if ground water recharge or pond percolation was not possible, at least adding to the flow of Chorro Creek so the City's Chorro Valley wells could be used continuously would make more sense than selling heavily subsidize treated water to avocado farmers in the Morro Valley.

In summary, the #1 priority should be to determine where the most efficient/least expensive place is to put the treated water that will provide the greatest benefit to the City's water supply. Next priority should then be to determine the technology that will be used for the new WRF which will impact the foot print of the facility. Once these two facts are known, then the City and project team would be better positioned to look for the most suitable site that meets your goals for the new WRF.

I realize investigating the hydrology and geology of additional sites (assuming that the properties would be available) in the western Chorro Valley would add costs and probably additional time beyond the 60 day "pause" period. However, considering the 60 to 75 year life of a new plant, wouldn't it make sense to be sure you get it right?

c: David Buckingham

## Dana Swanson

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**From:** Christine Johnson  
**Sent:** Friday, March 04, 2016 2:02 PM  
**To:** Dana Swanson  
**Subject:** Fw: Opposition to Righetti Site

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City of Morro Bay

MAR - 4 2016

Administration

Dana,  
Agenda correspondence. FYI. Thanks.

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

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**From:** Linda Troller  
**Sent:** Friday, March 4, 2016 10:15 AM  
**To:** Jamie Irons; Christine Johnson; John Headding; nsmuckler@morrobayca.gov; dbuckingham@morrobaygov.com; mmatkowetski@morrobayca.gov  
**Cc:** jfrickenbach@aol.com; dlrudd@rrmdesign.com; Mike Nunley; Rob Livick; Joe Pannone; jfox@awattorneys.com; Tina Metzger  
**Subject:** Opposition to Righetti Site

As homeowners of \_\_\_\_\_ in North Morro Bay we are writing you in opposition to the Righetti Site for use as a water reclamation facility and corporation yard. Choosing this site runs completely contrary to the "City of Morro Bays Mission Statement!"

As a community, yes, we must all share in the financial responsibility for the sewer plant project but it appears that "North" Morro Bay residents are being asked to go far and beyond that.

It is a fact that an industrial facility of this magnitude will cause odor, air, light and noise pollution in our neighborhood. It is a fact that real estate disclosures, due to the proposed WRFPP will now be required in conjunction with the selling of the homes in North Morro Bay.

It is a fact that our neighborhood and homes will become less desirable and loose monetary value due to the close proximity to the proposed waste water treatment plant and city equipment storage lots. This will definitely decrease the neighborhoods "QUALITY of LIFE"! Who would choose to live next to a sewer waste water facility and city storage lot? We wouldn't. None of our neighbors would. Would you?

The board seemed to be on the right tract in the beginning. All the other proposed sites that we were aware of respected the need for distance between residential properties and the sewer plant. This decision is wrong and out of character for Morro Bay Beautiful. Please reject the Righetti site option!  
Please confirm receipt of this email.

Regards,  
Bob & Linda Troller

February 29, 2016

MAR - 2 2016

Administration

Dear Mayor Irons and City Council members,

My wife, Sherie, and I add our opposition to the purchase of the Righetti property and the location of the proposed WRF on that site. Others have amply defined the impact of the WRF on the nearby upscale neighborhoods. Our principle concern is the potential for the development of the land to meet vaguely defined "city goals".

The only known potential development is the relocation of the city yard to this site. This is a questionable because of the impact on traffic on Rte 41, a major access route to the city and potential adverse effect on the environments in this area. It seems you would have to make other plans for the use of 250 acres and that should be decided before the city invests in such a large property which is not needed for the WRF. It does not seem cost effective and Mr. Macelvaine is still interested in a discussion of selling his property.

We live on the \_\_\_\_\_ and throughly enjoy the rural views from our back windows. Our backyard is about 12 ft wide to the back fence, so a house or trail there would be very invasive to our property and privacy. The last thing we would want to see is construction of a house at our back fence or even people hiking and stopping at our back fence.

Please don't rush into judgement in this matter and please reopen consideration of the other sites or a more limited acquisition of acreage on the Righetti property.

Thank you for your time and consideration.

Respectfully,

  
  
Terry and Sherie Tennant

Morro Bay

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City of Morro Bay

MAR - 2 2016

Administration

March 2, 2016

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

Attention: Mayor and City Council:

This letter is to express my opposition to the proposed Righetti property for the location of the future sewage treatment facility. I urge you to reconsider your decision to vote on this matter at the upcoming March 8<sup>th</sup> City Council meeting.

My opposition is for the following reasons:

I believe there are too many unanswered questions and issues relative to this site.

It appears to me that the notification of the February 25<sup>th</sup> meeting violated the Brown Act notice requirements.

The location is adjacent to prime residential real estate and will negatively affect property values for those of us who hold property in this zone.

The installation of a sewage plant at this site negates the beautiful agricultural zone that currently exists and creates an undesirable industrial zone instead.

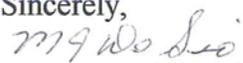
There are many other sites that should be reconsidered including the Chevron site, the Tri-W site, the current site, other previously reviewed sites, and the possible collaboration with Cayucos in the Toro Creek area.

It is a ridiculous waste of taxpayer monies for 2 adjacent communities of such small size to each build a sewage plant when collaboration has worked in the past and could again be possible.

Despite protestations from the Consulting firm, I believe there will be too much emphasis upon cost efficiency resulting in immediate, long-term, (or both), problems of noise, odors, traffic, lighting, and other as yet unknown problems that will be a lasting legacy of the failure to thoughtfully consider the issues in a TIMELY manner rather than a rushed vote absent full information.

I respectfully request that this item be removed from the March 8<sup>th</sup> agenda until all issues have been fully resolved to the satisfaction of the community.

Sincerely,

  
Mary Jo DeSio, EdD.

Morro Bay, CA 93442

**Dana Swanson**

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**From:** Jacqueline Marie <  
**Sent:** Tuesday, March 01, 2016 1:32 PM  
**To:** Council  
**Subject:** Fwd: Sewer Plant Location

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City of Morro Bay

MAR - 1 2016

Administration

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

From: Jacqueline Marie <j  
To: jmarieapp <  
Sent: Tue, Mar 1, 2016 1:28 pm  
Subject: Fwd: Sewer Plant Location

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

From: Jacqueline Marie <  
To: jmarieapp <  
Sent: Tue, Mar 1, 2016 1:21 pm  
Subject: Sewer Plant Location

Dear Morro Bay City Council,

I am writing this letter as a tax payer and resident of Morro Bay for your reconsideration regarding the use of the Historic Righetti Ranch for the use of a sewage treatment plant. I live at and I look directly onto the ranch house and barn therefore a sewage treatment plant would create many negative visual impacts as well as odors therefore reducing the value of my most important investment, my home! Converting ranch land into industrial use adjacent to prime residential I question! I know other residents have identified many other environmental and safety issues. There are other sites that present minimal impacts. Such as the Tri-W and the possibility of upgrading it in its current location. I urge the Morro Bay City Council to go back and re examine the issue and please hear the voice of the people of Morro Bay are strongly opposed to the use of the Reghetti Ranch for a sewer plant and corp yard. I also feel not enough notice was given to all residents and home owners of Morro Bay and why such a short time frame to make a final decision on such an important issue?

Jacqueline D. Marie

**Dana Swanson**

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City of Morro Bay

**From:** Jamie Irons  
**Sent:** Tuesday, March 01, 2016 9:15 AM  
**To:** Dana Swanson  
**Subject:** Fw: I am heartbroken

MAR - 1 2016

Administration

for the record

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**From:** Sherie Tennant <  
**Sent:** Monday, February 29, 2016 4:18 PM  
**To:** Jamie Irons  
**Subject:** I am heartbroken

Dear Mayor Irons,

My name is Sherie Tennant and I live on \_\_\_\_\_ in Morro Bay.

We bought our property over 25 years ago and have been lucky to live here in Morro Bay the last eight years. After purchasing the lot, we dreamed about it and visited as often as possible. After saving and retiring, we were able to build the house of our dreams. While waiting all those years, our young son looked forward to visiting Morro Bay, our property and petting the cows that visited at our back fence!! That young boy has grown up but still enjoys petting the cows. Of course, the drought has been hard and the cows are gone now, but not the green fields and not our memories.

We consider our back yard view of the ranch and hills as important as the front ocean view. We never thought our beloved city would not care about it's residents and throw our dreams away. I am disappointed and hope you will reconsider that the choice of the Righetti property for the WRF is not the right choice since it impacts so many people and homes. I would hope you would still be considering the other sites that don't have such an extreme impact on your homeowners! You don't want to make a choice at the expense of residents and beauty of your city entrance.

Thank you for your time and consideration.

Respectfully,  
Sherie Tennant

**Dana Swanson**

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**From:** Nick Jerkovich < >  
**Sent:** Tuesday, March 01, 2016 9:53 AM  
**To:** Council  
**Subject:** Sewage Treatment Site

**RECEIVED**  
City of Morro Bay

MAR - 1 2016

Administration

Dear City Council,

I am writing as a concerned resident and home owner in the North Morro Bay subdivision located directly over the hill from the proposed sewage treatment site (STS).

The STS that is being considered is the wrong direction we should be considering to take during a once in a lifetime opportunity to clean-up the town. Sad enough the current location of the sewage plant is right in prime real estate mixed in with RV camping and the beach access.

We have the opportunity to MOVE THE PLANT far away from the city and get the SMELL out of town. Why are we even considering a location where the wind will blow the smell right back into town with the Santa Lucia winds blow Oct-March each year. Not only is this right where everyone enters town from the 41, but it will only add to the mobile home parks and industrial vibe to the entrance of town. I won't even go into the proposed Sonic drive through...

As a home owner on the hill this will affect one of the nicer neighborhoods in Morro bay, especially if this smell comes over the hill. We can't afford to have another trashy area in Morro Bay. We have the opportunity to clean-up this town for the better. Let's get this out of town and not somewhere where it will effect property values, degrade the entrance to the town even more and create another problem.

There are MANY voices who do not want this site selected and I am one of them.

Let's make this city NICE by keeping this stank away from our neighborhoods and keep property values up.

Thank you,

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Nick Jerkovich

**Dana Swanson**

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City of Morro Bay

**From:** Jamie Irons  
**Sent:** Tuesday, March 01, 2016 9:14 AM  
**To:** Dana Swanson  
**Subject:** Fw: Dalton Family  
**Attachments:** Stop.pdf

MAR - 1 2016

Administration

for the record

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**From:** Paul Dalton <  
**Sent:** Monday, February 29, 2016 8:52 PM  
**To:** Jamie Irons; Christine Johnson; Noah Smukler; John Heading; Matt Makowetski  
**Subject:** Dalton Family

Please respond to attachment below at your convenience.

To the Mayor and City Council Members,

I know you all are overwhelmed with e-mails and phone calls on the subject of the purchase of the Righetti ranch, a site for the new sewage treatment facility. My family and I have lived at \_\_\_\_\_ for the last 25 years. We were lucky enough to purchase the property and call Morro Bay our home. My family and I have put everything we have into this property, like most family's do when there fortunate enough to buy a house they can call their own. I'm also very proud of what we have achieved here. So that being said you can see we're I have to express my sadness and disappointment to you in the most positive way I can. Our backyard has been a place for friends and family and neighbors to gather and have BBQ's and play games. Unfortunately I fear having a sewage plant directly behind our property will bring those good times to an end. My wife and I have a two year old Jacob Hunter Dalton and a four month old Autumn Grace Dalton. Whose health I take very **SERIOUS**. After being on the property this long I can tell you that the off shore winds are insane. That being said the most advanced sewer is still going to smell. I know everyone is repeating the same concerns. In my humble opinion this site hurts all my next door neighbors as well as my neighbors up and down surrounding streets. I would like to ask you Mr. Mayor and the City Council Members, why should anyone have to get hurt by **YOUR CHOICE** for we're the new sewer goes. I've had my share of sleepless nights on this issue but I truly believe you guys will look out after my family and my neighbors and all of Morro Bay's citizens and find a site that will work for everybody. Thank You.

Sincerely,  
Paul, Hannah, Jacob & Autumn Dalton

**Dana Swanson**

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**From:** Jamie Irons  
**Sent:** Tuesday, March 01, 2016 9:14 AM  
**To:** Dana Swanson  
**Subject:** Fw: Morro Bay WTF

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City of Morro Bay

MAR - 1 2016

Administration

for the record

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**From:** Suzi Torres  
**Sent:** Monday, February 29, 2016 5:49 PM  
**To:** Council  
**Subject:** Morro Bay WTF

To whom it may concern:

I, Manuel Torres and my wife, Suzi, are the proud owners of the property at \_\_\_\_\_ in Morro Bay. We are very concerned about the Morro Bay Sewage Treatment Facility project. Considering that the city of MB started with 17 potential sites to possibly locate the new WRF, we are astonished and disappointed that a site which is close to residential homes is being considered as a possibility, when, in fact, a very high percentage of the other potential sites are located a good distance from residential homes. It makes no sense to us that Righetti Ranch is now being considered the preferred site, considering its close location to residential properties. Our main concern, among many others, is the effect this will have on the property values in the Morro Del Mar Tracts 1&2, Dirk's Tract, Sunset Plateau Tract, and Morro Garden Farms Tract. Other concerns include odor, traffic, noise, to name a few. Keep in mind that if a property owner decides to sell his property, informing a potential buyer of the location of the sewage treatment facility would have to be disclosed. My question is how would that information affect the buyer's decision? We will be joining other property owners in, hopefully, persuading the city council to consider other sites which are further away from Morro Bay residential neighborhoods. Thank you for your consideration and diligent attention to this matter.

Manuel Torres

Sent from my iPad

**Dana Swanson**

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City of Morro Bay

**From:** Jamie Irons  
**Sent:** Tuesday, March 01, 2016 9:16 AM  
**To:** Dana Swanson  
**Subject:** Fw: Sewage Plant

MAR - 1 2016

Administration

for the record

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**From:** Gayle Bingaman  
**Sent:** Monday, February 29, 2016 11:41 AM  
**To:** Council  
**Subject:** Sewage Plant

Dear Council Members,

Please do not allow the sewage plant to be built on the Righetti property. It will greatly de-value the enjoyment we have had for the past 30 years at our family home. My husband and I are ready to retire and planned to live full time at the Bingaman home in Morro Bay. This is a home we hoped to pass on to our grandchildren.

The odor from this facility would ruin our enjoyment at home and at the Del Mar Park, which we always go to.

The facility should be situated as far away from Morro Bay as possible. Let's keep this city as a destination place for the future.

Please vote no on the Righetti Property.

Thank you,

Gayle Bingaman

Sent from my iPhone

**Dana Swanson**

**RECEIVED**  
City of Morro Bay

**From:** Jamie Irons  
**Sent:** Tuesday, March 01, 2016 9:15 AM  
**To:** Dana Swanson  
**Subject:** Fw: new sewer treatment facility

MAR - 1 2016

Administration

for the record

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**From:** Cyndi Wheeler  
**Sent:** Monday, February 29, 2016 2:41 PM  
**To:** Jamie Irons; Christine Johnson; Matt Makowetski; John Headding; Noah Smukler  
**Subject:** new sewer treatment facility

Greetings Mayor and City Council Members

As homeowners in North Morro Bay we would like to express our deep concern and distress over the proposed location of the new sewer treatment facility anywhere along the Hwy 41 corridor, but especially on the Righetti Ranch property. We understand that the newly proposed location is less than a quarter of a mile from homes and is sure to be smelled by the entire neighborhood in spite of the newest odor mitigation technology. This will effect our quality of life as well as the neighborhood's property values. Please consider other locations such as the old Chevron terminal site or south of the city limits along Hwy 1.

Thank you for your consideration,

Cynthia and Greg Wheeler

**Dana Swanson**

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**From:** Sam Bingaman  
**Sent:** Monday, February 29, 2016 12:06 PM  
**To:** Council  
**Subject:** Regarding Sewage treatment

**RECEIVED**  
City of Morro Bay

FEB 29 2016

Administration

The wind blows east to west almost every morning. It settles down around noon, and then blows west to east for the afternoon.

Can you imagine blanketing the city every morning in sewage odor? Wouldn't that cause the city of Morro Bay to lose its appeal?

Please do not use the hill adjacent to houses.

Sam

Sent from my iPhone

FEB 29 2016

Administration

FEBRUARY 29, 2016

EMAIL STATEMENT OF MARK D. OLSON, J.D., M.A., M.B.A.,  
IN OPPOSITION TO THE PROPOSED RIGHETTI SITE  
FOR THE MORRO BAY WATER RECLAMATION FACILITY,  
AND ITS ASSOCIATED CITY CORPORATION "JUNK" YARD

Dear Mayor Irons, Honorable Councilmembers, and members of the WRF Citizens Advisory Committee,

In a December 2014 article, it was reported that Morro Bay's WRF project manager was a "loud voice" for the Rancho Colina site, and not the California Men's Colony. As a resident in Morro Bay, and really only as a passing observer of city business and politics, my first thought was that this sounded reasonable.

At the time, I paid no significant attention to the particulars...just that it appeared to be common sense not to build a plant 8 miles away from the city, and that we needed the WRF to be closer to the city for obvious economic, practical and jurisdictional reasons. As a Morro Bay resident living on Nutmeg Avenue, issues of "neighborhood proximity" did not strike me as an issue, as Rancho Colina was not adjacent to my neighborhood, so that seemed fine. I trusted that the city was trying to do the right thing.

Regretfully, I did not know that there was also a vibrant community next to the Rancho Colina proposed site, where there are also people who also have legitimate issues with WRF "neighborhood proximity." (I will say more about the Rancho Colina WRF site issues later in this statement).

Anyway, matters appeared to progress in January 2015 when the Water Reclamation Facility Citizen's Advisory Committee (WRFCAC) appeared to approve the Rancho Colina site as the optimal and most feasible site. Once again, as an ordinary citizen and resident of Morro Bay, I didn't have reason to doubt that the city was doing the right thing, and I did not read or research the specifics of the WRF process or proposal at the time.

On February 13, 2016, just about two weeks ago, I received an alarming "wake-up call" when the San Luis Obispo Tribune published an article that the City of Morro Bay was selecting and advocating the Righetti Ranch as the proposed WRF site, right in our backyard. But, particularly alarming was the announcement that the city had already entered into a Memo of Understanding (MOU) for an option to purchase the land from Paul Madonna, who controls the land under the Clarice E. Righetti Trust. (We knew Clarice Righetti, and always had her home telephone number posted, and would call her from time to time if there was some type of problem with the cows, or something else on the land she would want to know about. She was a nice lady, and we considered her to be our neighbor).

What was particularly alarming to me about the February 13, 2016 Tribune article were the quotes of WRF Project Manager John Rickenbach, who was quoted as saying (in writing) that "With the MOU, the city could own the entire property, and control all future activities there." And, more importantly was the alarming and brash comment that "There would be no limits on what could be built related to achieving the city's goals."

"NO LIMITS ON WHAT COULD BE BUILT RELATED TO ACHIEVING THE CITY'S GOALS"? ALL ON 250 ACRES OF CITY OWNED LAND? Now, that caused me to ask, frankly, what the hell is going on? I asked myself, what exactly are the City's goals? How did we get such a sudden and surprising switch to the Righetti site, when everything previously pointed to Rancho Colina? Having over 35 years of legal training, and with the recent receipt of the "flyer" announcing a Public Workshop on February 25, I knew it was time for me to dive deep into the weeds of this issue to discover what was really going on.

It appears that the City's goals and objectives are not just building a Water Reclamation Facility (WRF), but rather building a WRF that also includes a set of vague and ambiguous "mutually exclusive" goals and objectives. The City appears to be obsessed with these "other goals," many of which are completely incongruous and incompatible with a safe and environmentally sound WRF. These "other goals" include a noisy and noxious City Corporation Yard for the city's trucks and maintenance, and all other types of activities that often go with these municipal "Corporation Yards," including being a depository or receiving center for electronic garbage and toxic wastes.

And once this precedent is set, all manners of other annoying and environmentally disturbing activities will be proposed, with the WRF serving as the "open door" for a type of "mission creep" that will pillage the entirety of the 250 acres of Righetti. After all, as the Project Manager John Rickenbach said, "There would be no limits on what could be built related to achieving the city's goals."

The Righetti Ranch has served Morro Bay as some of the most pristine agricultural land in the Morro Bay area. The Righetti Ranch has been a valuable, unofficial "green belt" that has contributed to Morro Bay's unique quality of life status and reputation as not only a small "coastal community," but also as a "rural community" that is not encumbered by the blight of unbridled and unfettered industrialization. The allure of Morro Bay for our tourists and our residents is not just that it is a coastal community, but that it is also a rural community.

It is important to note at this point that as I will criticize various positions and statements of the city and its paid consultants, I have great respect for our public servants, and I believe until proven otherwise that all are professional and talented at doing their jobs, and are acting in good faith, albeit perhaps misguided from time to time.

With that being said, it is only fair to question what exactly are the jobs of the various consultants, contractors and subcontractors that have now been unleashed to pursue what appears to be the city's over-ambitious, vague and contradictory goals and objectives? What does their work portend as the city must build an efficient and cost effective WRF that is environmentally pristine and aesthetic, but also demands that the city's "other goals" must be met? In what "alternate universe" can the two competing and contradictory goals be met?

How do you build an environmentally sound WRF with all manners of pretty aesthetics to make it appear to blend in with the natural environment while at the same time planning to put an unsightly and noisy Corporation Yard on top of or adjacent to it? It makes no sense whatsoever. The two competing goals are irreconcilable, and in the end, if the City gets its way to "own the entire [Righetti] property" where "there would be no limitations on what could be built," well then let's say "welcome to urbanization and industrial blight." There's no limit to what future City Councils and professional planners, developers, and other Morro Bay "power players" can imagine to create as the Righetti site will become the Central Coast's new regional sewage and waste center depository.

In doing some preliminary research on our Project Manager's resume, I found that John Rickenbach has many superb technical and professional qualities. In participating in the Public Workshop on February 25, I found him to be personable and patient in listening to our community input and objections. However, he has a job to do, and that is the job as it was set forth by our city leaders. In performing the job assigned to him, it concerns me that he has listed online, at one point or another, that his "technical capabilities" include "His particular expertise in planning within rural communities, and for cities in the process of urbanizing." Is that what the City of Morro Bay is doing? Is the WRF merely a "backdoor" for the urbanization of our city, and specifically, the Morro Valley?

So what does having a consultant that specializes in "urbanizing" rural cities and communities mean for the citizens of Morro Bay, when we have city leadership that insists upon "other goals" to be accomplished with the development of the WRF? These "other goals" are purposely vague and ambiguous, and when you consider that examples of such "other goals" include something as environmentally noxious as a City Corporation Yard, one wonders why does the City even bother to pay "lip service" to developing a WRF with minimal negative environmental and visual impacts?

Inclusion of, and insistence upon, the city's "other goals" that include the location of industrial developments is simply oxymoronic.

It is impossible to achieve WRF goals and "other goals" as these two objectives are "mutually exclusive" if you want to achieve minimal visual and environmental impacts. And, now we hear that the Harbor Advisory Committee is possibly floating the idea of the Righetti site also being used for the harbor's "dredge spoils." What else can possibly go wrong?

"The first rule of any game is to know that you're in one."

– Sandy Lerner, Cisco Systems Co-Founder, regarding her brutal firing from the company.

It should go without saying that we are now playing a great game with vast and potential consequences, both for good and bad. The rules of this game are set by the California Coastal Commission (CCC), which also serves as the referee. It would be sheer folly and municipal malpractice if we did not follow closely the words and guidance of the CCC as we proceed with the planning and development of the WRF.

It was a disappointment to many citizens and residents of Morro Bay that the CCC rejected an upgrade/rebuild of a WRF on the current site at 160 Atascadero Road. The 237 page Appeal Staff Report in 2011 contains lengthy documentation, including some appellant filings with some incoherent handwritten ramblings about "global warming," "climate change," and "Katrina" and the "City of New Orleans," as if Morro Bay was similarly situated. Maybe it is, maybe it isn't. It is unfortunate that just by invoking these fearful images of "climate change," "flooding" and "tsunamis" that we should therefore cease talking about practical ways that a facility could be safely built on the existing site. Many people still believe that a new WRF could have been built on the existing site at 160 Atascadero Road, and it is a disappointment that the city withdrew from the fight and didn't challenge some of the CCC's assumptions regarding various fears, real or imagined, that the site was unsafe location. This is especially true in that many of the real or imagined catastrophes that the CCC was concerned about will probably also affect the Righetti site if they ever happen. And, if these feared events ever do happen, we're going to have a lot more widespread problems with the sewer system regardless of where the WRF is located. Nonetheless, these arguments all appear to be water under the bridge now as the CCC has made clear its firm position against a new WRF development at the current site at 160 Atascadero Road, and the time to fight for the existing site appears to be over.

It is still fair to say that there are many legitimate environmental hazards to locating at the current site at 160 Atascadero Road, including bona fide Chapter X "Hazards" identified in the Morro Bay Local Coastal Plan (LCP). I point this out now because there are also substantial Chapter X "Hazards" associated with the Righetti site, which will be discussed more further on in this statement. For now, it suffices to say that we cannot ban the one project under Chapter X "Hazards," and then completely ignore the Chapter X "Hazards" associated with the Righetti site by virtue of the Morro Bay "Nutmeg Ridgeline."

The entire Nutmeg Ridgeline is recognized in the Morro Bay LCP as being unstable and subject to landslide. The Nutmeg Ridgeline is immediately adjacent to and dependent upon the stability of the land at the Righetti site property. In addition to being unstable, it sits directly on a a earthquake fault line in the Alquist-Priolo Earthquake Fault Zone, with an earthquake fault line that runs along Nutmeg and down into Righetti, and then further on to Rancho Colina.

Morro Bay leaders, consultants and staff must certainly know the California Coastal Commission (CCC) has clearly laid out the game plan for properly identifying and considering all "feasible alternatives" for an environmentally compatible Water Reclamation Facility (WRF). This guidance and directive can be found in the CCC's 12 page letter dated November 12, 2011 to Morro Bay Public Services Director, Rob Livick. The CCC clearly states that it is "insufficient to evaluate only one alternative location, but the analysis needs to be focused on a co-equal evaluation across the

same range of factors” of all feasible alternatives. That means that all potential sites should be equally studied and examined, not just one preference, like Righetti, only because the property happens to be “for sale.”

The CCC also said in 2011 that the Draft Environmental Impact Report (DEIR) “must identify and account for additional sites that would be capable of accommodating a wastewater treatment plant.” The CCC also directs that “the City’s DEIR must evaluate the costs and benefits equally across alternatives so that decision-makers can proceed to deliberate and make decisions based on such information.”

It appears that Morro Bay has not faithfully followed this criteria by not giving a fair and factual evaluation of other “feasible alternatives” equally, as the CCC explained and directed, and the City appears to have given short-shrift and dismissal to other superior WRF sites such as the Tri-W property in the Chorro Valley. The Tri-W Chorro Valley WRF site, according to a fair reading of the governing CCC December 10, 2013 letter, appears to be an excellent WRF site alternative with minimal negative environmental impacts. It’s described by some as roughly 150 acres of flat land inside the city limits and under city jurisdiction, and reportedly may also be “for sale.”

The City appears to have abandoned full, complete, sound and rational environmental analysis of all “feasible alternatives,” by making an abrupt shift and commitment to Righetti just two weeks ago. As will be proven, Righetti is the most inferior environmental site among all reasonable and feasible alternatives. It appears to have been abruptly and surprisingly selected, without adequate opportunity for full and informed public comment, for no other apparent reason that “it is for sale by the owner” (and the city will have 250 acres to befoul in any way they see fit to accomplish the city’s “other goals”). Such “other goals” include building and operating a city Corporation “Junk” Yard, and other noxious and obnoxious urbanization and industrial development of the entire Righetti Ranch, as the City appears to lust for various uses of the 250 acres that are “without restriction.”

The Righetti WRF site will inevitably become the “gateway drug” for Morro Bay “power players” and developers to pursue unbridled development and urbanization of the entire Morro Valley, especially when large amounts of “reclaimed water” become available with a new WRF. So, in effect, the city’s “other goals” appear to be so intoxicating to city leadership that a sound and rational comparative analysis of all the other “feasible alternatives” has been pushed aside for a “Morro Bay Land Grab” announced just two weeks ago with a signed MOU and \$25,000 paid by Morro Bay to the Righetti owner, Paul Madonna. Now we, the citizens, are supposed to have “skin in the game,” and the further we go down the road of this Righetti site “sewage folly,” the more time and taxpayer money the City of Morro Bay will waste on what is an environmentally inferior WRF site.

By all appearances, important WRF environmental objectives have taken a “backseat” to overriding vague and ambiguous “other goals” of the city. It is now becoming apparent that the WRF “environmental goals” and the city’s “other goals” are turning out to be wholly incompatible with each other, and that these two objectives have become “mutually exclusive” with the rush to commit to the Righetti WRF site.

On December 10, 2013, after the final rejection of the 160 Atascadero Road rebuild of the existing site, the California Coastal Commission (CCC) sent a three (3) page letter addressed to Mayor Jamie Irons and the Morro Bay City Council. In this letter, the CCC made clear what the priorities and preferences were for selecting the best “feasible alternatives” for the WRF. This CCC letter is included in the current 95 page Joint Council WRFCAC Updated Report on Council Recommended Sites as the “governing document” regarding the proper decision making process for making the best WRF choice.

The CCC clearly states that in the Morro Valley, the two most feasible alternatives are Righetti and Rancho Colina, with the CCC indicating very clearly that based upon criteria and research that the Rancho Colina site is the more favored site, as Rancho Colina was the least environmentally damaging feasible alternative. Yet, the 95 page (pdf file) February 9, 2016 Joint Council WRFCAC Report (“Updated Report on Council Recommended WRF Sites”) gives the false and mistaken impression that

the CCC said that between the two feasible sites in the Morro Valley, Righetti was the best site. The CCC said no such thing and no fair reading of the 3-page letter from the CCC can be interpreted this way. The CCC letter, which is included in the 95 page Updated Report, states that “analysis of the Rancho Colina site determines that the identified optimal site may have reduced visual impacts compared to the Righetti site as it is located further from Highway 41.”

The CCC also indicated that there was another feasible alternative that “is of interest as it includes a new property,” located in the Chorro Valley and specifically now includes the Tri-W property (APN 068-401-013). The CCC letter states the “The Chorro Valley site was assessed as very similar to the Morro Valley site but was ranked third due largely to the increased costs of development. The newly included Tri-W property is located on Highway 1; however the identified optimal site is located away from the road and the analysis suggests it would present minimal visual impacts.” The CCC went on to say that “minimizing the visual impact of the new WRT is an important consideration when assessing the appropriateness of each site.”

It appears that the CCC wanted the Chorro Valley Tri-W site to be given further assessment and evaluation, and there is no reasonable articulated or substantiated reason why this apparently superior site is not being investigated and pursued.

The Chorro Valley Tri-W site is the best of the feasible alternatives as Righetti and Rancho Colina both have extremely negative environmental impacts for the Morro Creek and Morro Valley watershed, as well as creating dangerous traffic consequences for Highway 41, which also includes dangerous implications for emergency vehicles in and out of Morro Bay should there be come type of catastrophic failure at the plant that blocks Highway 41. The only other major ingress and egress for Morro Bay is Highway 1, and should any type of emergency evacuation ever be required, the dangerous consequences for Highway 41 traffic are too large to ignore and not address.

As previously mentioned, the Nutmeg Avenue ridgeline is a Chapter X “Hazard” in the Morro Bay Local Coastal Plan (LCP), as the land is unstable, with parts subject to potential landslides. The Nutmeg ridgeline is also directly on an earthquake fault line, which is reported to stretch into the Righetti Ranch, and further on to Rancho Colina. The Nutmeg ridgeline area is in the Alquist-Priore Fault Zone. It cannot be stressed enough how much the integrity of the Nutmeg ridgeline depends upon the continued integrity of the adjacent Righetti land mass, and any WRF project involving grading and earth-moving creates unknown and unpredictable high risk factors.

Our family built our first house on Nutmeg in 1961, when it was known as “14<sup>th</sup> Street.” The street was nothing more than a bulldozed adobe dirt road. Ours was the first house on the hill on Nutmeg. Later, in 1977, my father built the home where I live now on Nutmeg. At the time, my father was required by the Coastal Commission to go through many considerable additional safety precautions in building and fortifying the house, as by that time, we were informed that the property was on an earthquake fault.

Very few people understand the nature of the land here in the hills and valleys of North Morro Bay as well of the people who live here. You talk to anyone who knows about Nutmeg Avenue and has walked the street, and they will tell you about the springs where water flows almost continuously into the street from the Righetti property. People also know what happens here when we get heavy rains. Those of us who know what actually happens know that when conditions are such that it floods down by the current sewer plant at 160 Atascadero Road, the lower parts of the Righetti Ranch also flood.

There are at least three (3) “ephemeral streams” that run throughout the Righetti property, which our city consultants list merely as “drainage.” But, these streams are more than just drainage. They are actually long and established “tributaries” of Morro Creek which are vital for the Morro Valley riparian ecosystem. It cannot be stated how much environmental damage will be permanently done by grading and developing a WRF anywhere on the Righetti property.

The February 9, 2016 Updated Report says that the Righetti site “could present regulatory or logistical challenges that could make site development problematic.” This is an understatement. The

Righetti site drainages, which are in fact “tributaries” to Morro Creek, are and should be protected as “Waters of the United States” (“WOTUS”) and “Waters of the State of California,” and the city will face serious legal and permitting restrictions that go far beyond just the California Coastal Commission. These obstacles to the WRF at Righetti include federal regulation and permitting by the U.S. Environmental Protection Agency (EPA), the Army Corps of Engineers, FEMA, and other agencies. In that Righetti drainages are arguably “jurisdictional waters” subject to such environmental laws and regulations, the city will have to deal with the time and expense associated with various legal challenges by the many various governmental agencies (and the citizens and groups who file oppositions to the city), as well as the inherent follow-on litigation in state and federal courts which could take years to resolve favorably, if at all.

The February 9, 2016 Updated Report on Council Recommended WRF Sites acknowledges this reality and recognizes that Rancho Colina is a better site than Righetti because of “site flexibility” and the “ability to more easily avoid jurisdictional waters with respect to permitting.” (page 2/page 4 pdf) Therefore, Righetti should not be selected due to important environmental concerns, including an irreparable negative impact on the Morro Creek riparian ecosystem. The citizens of Morro Bay, through their representatives, are literally and figuratively at a “watershed” moment and turning point in the final decisions we are about to make.

It should also be noted that the December 10, 2013 CCC three (3) page letter, which is incorporated within the 95 page (pdf) February 9, 2016 WRFCAC Updated Report, also discusses how “all efforts should be made to avoid impacts to prime agricultural land.” The CCC letter and WRFCAC Report also goes on to discuss that the County LCP does allow for agricultural land such as Righetti to be rezoned, but only “if it is determined to be the least environmentally damaging feasible alternative.” For the reasons previously stated, and well as many other conditions that make a WRF at the Righetti site a visual and environmental nuisance and hazard, the Righetti site is definitely not the “least environmentally damaging feasible alternative.” In fact, it could be rationally argued that among the choices between Righetti, Rancho Colina, and Tri-W in the Chorro Valley, Righetti is in fact the “most environmentally damaging” when all factors are taken in equal consideration as required by the CCC.

Morro Bay residents and citizens have been alarmed at the “last minute” abrupt change to the Righetti site for our WRF. For the public, this is a dramatic turn of events that appears to disregard significant public input, regardless of how nice consultant “workshops” and public meetings seem to be involving the public. The apparent sudden rush to decision, within a matter of weeks with little time left for the public to respond and object, has many people saying that they think that “no matter what the people say or object to, the city is going to go ahead and do what they want anyway.”

With the few weeks the public and affected neighborhoods have had to respond to this shocking and disturbing news, we have also learned that the city has already put good taxpayer money towards a Righetti site purchase. In the short time the public has had to react to this disappointing news, here are some of the objections and concerns already being expressed by many Morro Bay citizens and residents as to “Why The Righetti Site is a Bad Decision”:

- There are only 2 flat useable acres of land after the original farm buildings are demolished.
- There are at least two blue line streams indicated on the property, with at least one spring
- The existing area floods under heavy rain storms as it did in 1995/98
- The cost of earth work to fill in the flood zone area needed to facilitate enough flat land to build the WRF plant and the city corporation yard would be astronomical.
- Grading and earth work at the Righetti site will greatly destabilize the Nutmeg Ridgeline and hills around Righetti, subjecting residents and the site to landslide events
- The Righetti site is on and adjacent to an earthquake fault and is in the Alquist-Priolo Fault Zone

- The prevailing wind direction blows towards the housing and area residents will be subject to odors and particulate matter at all times.
- Highway 41 does not allow for easy access for a left turn lane into the property. This is a huge safety issue as the city wants to move the city corporation yard to this location. Slow moving heavy equipment will need to be driven onto Highway 41 to perform city maintenance. Large equipment can't be driven on the shoulder of the highway there, and moving any equipment will block the traffic lane and represent additional hazards for motorists and vehicular traffic
- Making Highway 41 wider to facilitate a turn lane will require construction work to be done on the south side of the highway encroaching on the 100 foot line to the creek area's sensitive habitat, requiring more coastal commission and Native American inspections and reports.
- Significant additional traffic and dangerous driving conditions will be added to the problems Highway 41 already has for vehicles entering Morro Bay. Permitting and negotiations with Cal-Trans will be required for the WRF.
- Righetti is also a poor spot for a WRF "sewer plant" as it is one of the two main gateways to the city and will be seen by everyone on Highway 41. Also it can be seen from the Highway 1 overpass if you're looking in that direction. Morro Bay risks its reputation as a "bird sanctuary" by allowing the estuary and wetlands associated with the Morro Valley to be spoiled by a "sewer plant" and become what some people will call a "turd sanctuary."
- It makes no sense for the city to say it's pursuing the development of a WRF that is the "least environmentally damaging feasible site" with minimal negative "visual impact" while the city is also concurrently pursuing "other goals" which are contradictory, such as placing the city "Corporation Yard" at the site. Why bother telling the public that you're designing an aesthetically pleasing WRF that blends in with the natural environment when the city is also planning to put in an ugly, noisy, polluting corporation "junk yard" right next to it?
- The Righetti site is valuable agricultural land that contains "drainages" which are legally considered to be "tributaries" of Morro Creek, and which are protected as "jurisdictional waters" under the EPA's Clean Water Rules under the Clean Water Act. The February 9, 2016 Updated Report on Council Recommended WRF Sites acknowledges that this issue is "problematic."
- Why has there not been more effort to explore more thoroughly the CCC's third option for the best feasible alternative for a WRF site, the Tri-W property in the Chorro Valley? That property has been reported by some as being available "for sale," and it has 150 acres of mostly flat land that is already in the city's jurisdiction and can more easily be rezoned than the Righetti agricultural land.

Thank you for your kind and thoughtful consideration of these many concerns, and for allowing me to in express my objection to the WRF site at the Righetti property.

Respectfully submitted,

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

Morro Bay, California 93442

Email:

Dana Swanson

FEB 29 2016

**From:** Gail Johnson <  
**Sent:** Sunday, February 28, 2016 8:26 AM  
**To:** Council; Jamie Irons; Christine Johnson; Noah Smukler; John Headding; Matt Makowetski  
**Subject:** Morro Bay Sewage Treatment Facility at Righetti site

Administration

Dear Councilpeople -

I own a home at \_\_\_\_\_ and just became aware of your plan to purchase property, know as the Righetti Site, for our new sewage treatment plant.

My business is located about a half mile east of the San Luis Obispo sewage treatment plant on Prado Road. **I know from experience that a sewage treatment plant is not a benign neighbor.** The new Morro Bay facility should be located far from existing neighborhoods where the traffic, smell and potential seepage will not affect the quality of life of the residents.

The choice of location for a sewage treatment plant will impact a community for generations. You have acted quickly and quietly to secure this site. Why?

Gail Johnson

**Dana Swanson**

**RECEIVED**  
City of Morro Bay

**From:** Catherine Kornreich  
**Sent:** Friday, February 26, 2016 3:38 PM  
**To:** Council  
**Subject:** WRF concerns

FEB 26 2016

Administration

**Hello City Council Members, and City Manager Buckingham -  
I was at last night's WRF workshop, and was very  
disappointed...on many levels.**

**I find it impossible to believe that the City would be moving so quickly ahead on this site, with all of its problems ... and investing non-refundable funds...without even notifying the next-door neighborhood. Isn't this illegal? Don't we have a legal right to vote on a waste facility that's being put in (literally) our back yards?**

**I understand that numerous sites have been considered. Here too, I find it impossible to believe that a site so close to our established neighborhood and homes would move up the list AT ALL, let alone before thoroughly investigating other VIABLE sites.**

**I also understand that some of these other sites are still on the table. Why aren't you further researching THOSE sites before investing huge sums of money on a ridiculous location?**

**The reason people were so angry last night is that the presenters tried to convince us that the noise, smell, traffic, construction, property value, etc., "were being worked out". Wait. WHAT? You have been spending our money on this site BEFORE getting feedback? The feedback that was quoted, which you kept referring to, was feedback based on a generic location. NOT RIGHETTI.**

**WE DO NOT WANT THIS LOCATION. It is unfathomable to think that ANYONE would want a sewer facility (yes, it's water reclamation, too, but please, let's call it what it is) in their backyard. Unfathomable.**

**Please accept that the money spent on this site is gone...stop throwing good money after bad, and move along to the next site.**

**Catherine "Kiki" Kornreich**

**Morro Bay, CA 93442**

Dana Swanson

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**From:** GARY KURIS <  
**Sent:** Friday, February 26, 2016 10:16 AM  
**To:** Council; Dave Buckingham  
**Subject:** WRF feedback

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City of Morro Bay

FEB 26 2016

Administration

Some thoughts after last night's WRF workshop:

- Choice of the Righetti site will meet unanimous opposition from the community.
- Whoever has been responsible for community outreach should be replaced immediately.
- Every day the site even remains in consideration imposes an intolerable burden on homeowners.
- Conversations with realtors and appraisers leave no doubt at all that a sewage facility 1,000 yards from a neighborhood, though it looks like the Taj Mahal and smells like Chanel No.5, will result in a catastrophic drop in property values.
- Every penny spent on further "investigation" of Righetti is money down the sewer--likewise, further nonrefundable deposits on the option-to-buy.
- After three years of payments to consultants, the repeated assurances that "we'll look into" the scores of concerns raised last night did nothing to inspire confidence; these issues were all raised years ago.
- The City government itself has lost the confidence of the community that put it in office. People are very angry indeed, and as more people learn about this looming fiasco, the level of anger will only rise.

\* \* \*

Having attended the initial workshops, I'm not surprised by any of this. Only new thought after last night's meeting? My feeling about the *Rancho Colina* site has changed from reluctant acceptance of a lesser evil to outright opposition; it is only marginally preferable to Righetti. Imposing any major facility on Route 41-- sewage plant, corporate yard, condo development, outlet mall, Walmart, or bowling alley--would be an act of folly and will be met with ferocious opposition from the residents of Morro Bay.

With every good wish,

Gary Kuris

Morro Bay

**Dana Swanson**

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**RECEIVED**  
City of Morro Bay

**From:** Karen Luhmann  
**Sent:** Thursday, February 25, 2016 6:50 PM  
**To:** Council  
**Subject:** Rebecca Mays, BRE Consumer Affairs

FEB 26 2016

Administration

Dear MB Council

Even at this eleventh hour, you are not advised to approve of any purchase of the Righetti property.

No independent appraisals have been completed to compensate home and land owners under Eminent Domain, given the devastating conditions associated with a SEWAGE treatment plant, literally in the backyards of million dollar real estate.

Civil action suits, and unrest are sure to follow.

Would you want this in your neighborhood?

There is not such thing as a self-contained sewer plant.

Dan and Karen Luhmann

Sent from my iPhone



March 8, 2016 City Council Meeting

Agenda Correspondence

Item C-2 – COMMUNITY ENHANCEMENT (CODE  
ENFORCEMENT) PROGRAM STATUS/DISCUSSION

**Dana Swanson**

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**From:** Bruce Elster  
**Sent:** Tuesday, March 08, 2016 2:31 PM  
**To:** Council  
**Subject:** Item C-2 2016-03-08

**RECEIVED**  
City of Morro Bay

MAR - 8 2016

Administration

Reference Item C-2 - Community Enhancement (Code Enforcement) Program Status/Discussion

This correspondence is directed to the Council expressing concern for code enforcement for boats and RV's in the City of Morro Bay.

I have been made aware that a change in code enforcement regarding the storage of boats and recreational vehicles on private property is up for discussion.

Storage of well-maintained boats and recreational vehicles should not be an enforcement issue. There are other code enforcement issues that are certainly more relevant.

1. Boat storage on private property.

- Morro Bay is a fishing and boating community. Boat storage comes with the territory.
- Our daughter and her husband work in the commercial fishing industry. It is a tough business. They use a small trailerable boat so they can follow the fish from here to Moss Landing, Bodega Bay, etc. The commercial fishing industry is moving toward more vessels that are smaller and trailerable so they can be more nimble in following the fish. We, as a community, should be supporting our younger families who are following in the long established local tradition of commercial fishing.
- Recreational boaters should be supported. Recreational boating brings money and visitors to the community and should be supported.
- Boat storage off-site is difficult to find. Our business has three boats. All are trailered. Two are stored out of town. One stored at the business. The primary vessel is set up with special engineering and life-safety equipment. There are no storage sites locally that provide secure and covered storage for our vessel and so it is kept out of town when not in use. There are times when the vessel is stored at our home, secure, well-maintained.
- The City is encouraged to develop increased opportunities for secure boat storage. The new sewer treatment plant site could be a candidate.

2. Recreational vehicle storage on private property.

- Morro Bay is a retirement community as well as a community that promotes recreation. We have among the highest ratios of citizens over 65 per capita in the state. Many of our citizens have recreational vehicles as well they should.
- Off-site storage locally is a problem as well for recreational vehicles.

I believe Morro Bay is a community that supports/promotes its fishing community (both commercial and recreational); and its citizens (retired and the rest of us) that own recreational vehicles.

Code enforcement should be directed to those that do not keep their properties in good order.

Do not punish the rest of the community that behaves and act in a responsible manner.

**Bruce S. Elster, PE**

**Shoreline Engineering, Inc**

Morro Bay, CA 93442

**Dana Swanson**

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RECEIVED  
City of Morro Bay

**From:** Christine Johnson  
**Sent:** Tuesday, March 08, 2016 10:42 AM  
**To:** Dana Swanson  
**Cc:** Scot Graham; Dave Buckingham  
**Subject:** Fw: Code Enforcement

MAR - 8 2016

Administration

FYI...agenda correspondance.

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

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**From:** Sonny Hyde  
**Sent:** Tuesday, March 8, 2016 9:20 AM  
**To:** Jamie Irons; Christine Johnson; John Headding; Matt Makowetski; Noah Smukler  
**Subject:** Code Enforcement

I am writing to voice my concerns about item C-2 (code enforcement) on tonight's agenda. A few years ago we asked the city about RV parking on our property and we were told it was okay to park on our property. We also asked if it was okay to stay in the trailer while on the property the couple of times of year we come over. We were told that was also okay as long as no one was living in it.

My husband and I have been working on the property, cleaning out the garage and dropping trees this last year with the plan to move to Morro Bay to make it our home within the next 24 months. We currently have my niece staying in the house due to the vandals that were breaking into the garage and casing the house. Having the trailer on the property has allowed us to come over to make repairs and still stay on our property.

We have since received information and it seems we may have been misinformed according to code 17.48.060. As the city has been lenient on enforcing these codes for quite some time, to just make the change back to enforcing the code seems to punish the residents for what has been a lack of communication to the public on the laws regarding the RV parking and storage until the recent code enforcement officers sent out letters to all the residents.

Maybe the law should be amended to make allowances for some of these vehicles to be stored or parked on the property with some restrictions, as Morro Bay is a touristy town. Also, perhaps allowing a period to park and stay in recreational vehicles on their property for 7-14 days for those on vacation or visiting (with some allowances for hookups). Perhaps a permit process for this would be an option. I hope you would consider making some of these amendments.

Should this not be the case, I would hope that the council would take into consideration the time and effort it would take for some to move and/or store their vehicles. A week would be too short or even a month may not be long enough for some to make this transition.

I will be attending the meeting tonight and would like to thank you for your consideration in this matter.

*Sonny Hyde*

*Morro Bay, CA 93442*

**Dana Swanson**

**RECEIVED**  
City of Morro Bay

**From:** Scot Graham  
**Sent:** Tuesday, March 08, 2016 11:18 AM  
**To:** Dana Swanson  
**Subject:** FW: Travel Trailer Issue

MAR - 8 2016

Administration

C-2 correspondence.

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**From:** Kristen Headland  
**Sent:** Tuesday, March 08, 2016 11:12 AM  
**To:** Scot Graham <sgraham@morrobayca.gov>  
**Subject:** Travel Trailer Issue

Hello,

My husband and I have a big concern regarding the Morro Bay Municipal Code 17.48.060, "Outside Maintenance of Recreational Vehicle and Boat Storage".

First we would like to introduce ourselves. Morro Bay is a wonderful place to live, we feel blessed to be here. We bought our home in Morro Bay in 1991. In April of 2010, my husband retired and we bought a small 2009 sixteen-foot Travel Trailer. I would like to note that our home sits on a corner lot. We have parked our Travel Trailer on our private property with no complaints from the city or any neighbors. Our property is always nicely maintained and we take pride in the way it looks. You could say we're a part of "Morro Bay Beautiful".

I understand the Municipal Code has identified the area where we park our Travel Trailer as a "Side Street Yard". Therefore, we are in violation of the city code so I would like to be proactive to work with the City of Morro Bay staff to amend Municipal Code 17.48.060. I would like this code to be review and amended so it grants us permission to park our Travel Trailer on our private property.

Can you provide me some direction on this matter?

Thank you for your time,

Don and Kris

**Dana Swanson**

**RECEIVED**  
City of Morro Bay

**From:** Steve  
**Sent:** Tuesday, March 08, 2016 7:08 AM  
**To:** Council  
**Subject:** Zone enforcement

MAR - 8 2016

Administration

Hoping to get to the meeting tonight, but I would like to send in my opinion in case I cannot get out of work on time. I have written to the council previously with my opinion on the new enforcement. We have a small trailer that we use most weekends in the summer, which we park on our driveway , completely off the street and with no line of sight issues.

My wife and I both work, and forcing us to store the trailer would preclude us from using it on weekends as we usually prep it during the workweek.

Storage would be an additional financial burden for us.

I think we need to look at the current codes. Due to some strange lot splits in the past, I can look out the back window and see 2 boats and a large trailer which meet code, and out the front about 3 trailers and a boat that won't meet code. If one is offended by the aesthetics of this , it would only be fair to ban all of these vehicles from properties.

This is the direction of the grand jury process, and I am sure that is the next step for the "concerned citizen" who brought this to the grand jury. Interestingly I have not been able to find out who brought this to process, and would not be surprised if it is backed by some developer or business interest.

We are not an HOA community and most of the long term residents do not want that type of community. We are a fishing town, with mixed socioeconomic residents.

Bringing in a ton of tourists decreases quality of life for the residents and does not create living standard jobs. No-one working in the service industries makes enough money to buy a home here. It does bring in taxes for the city, and money for business owners.

I would like the city to consider current zone parking laws for rvs and boats , and make them fairer for all of us, given the types of lots we have in town.

Our trailer gives us a great quality of life in the summer and that is why we live here.

Don't allow the yuppies to take it away.

I thank you for all your hard work.

Steve Kerr.

Sent from my iPad

**Dana Swanson**

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**From:** Diane Arnoldi <  
**Sent:** Sunday, March 06, 2016 5:10 PM  
**To:** Council  
**Subject:** Ordinance prohibiting boat parking on private property

**RECEIVED**  
City of Morro Bay

MAR - 7 2016

Administration

Dear Morro Bay City Council,

My name is Fred Arnoldi. I have lived in Morro Bay since the mid 1970's. I became a property owner in the late 1970's. I am a commercial fisherman and have a 20ft. commercial fishing vessel which I currently park in my driveway.

I would like to go on record stating I am not in favor of the ordinance prohibiting storage of a boat or RV on private property.

The ordinance or code is ridiculous and should not be in force in a fishing community.

Thank you for your consideration.

Fred Arnoldi,

Property Owner in Morro Bay

Sent from [Mail](#) for Windows 10

**Dana Swanson**

**RECEIVED**  
City of Morro Bay

**From:** Christine Johnson  
**Sent:** Monday, March 07, 2016 2:46 PM  
**To:** Dana Swanson  
**Subject:** Fw: Enforcement of City Ordinances

MAR - 7 2016

Administration

FYI

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

---

**From:** Richard Strassel  
**Sent:** Sunday, March 6, 2016 5:13 PM  
**To:** Noah Smukler; Christine Johnson; mmatowetski@morrobayca.gov; jheading@morrobayca.gov  
**Subject:** Fw: Enforcement of City Ordinances

On Sunday, March 6, 2016 5:09 PM, Richard Strassel wrote:

Dear Mayor and City Council,

I am writing this letter because I feel very strongly about property rights in MB. I believe an individual should be allowed to store a boat, a trailer, and/or a motorhome in his yard irregardless if it is kept in the side, rear, or front yard. I do however, believe it should be maintained and registered.

If the current ordinances are enforced, I believe the citizens of MB will treated unfairly and be presented with an unnecessary financial hardship.

Sincerely, Richard Strassel

**Dana Swanson**

**RECEIVED**  
City of Morro Bay

**From:** Christine Johnson  
**Sent:** Monday, March 07, 2016 2:46 PM  
**To:** Dana Swanson  
**Subject:** Fw: Storm Brewing II

MAR - 7 2016

Administration

FYI

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

---

**From:** Don Lockwood <  
**Sent:** Monday, March 7, 2016 11:42 AM  
**To:** Jamie Irons; Christine Johnson; Matt Makowetski; John Heading; Noah Smukler; Don Lockwood  
**Subject:** Storm Brewing II

Hi Council People,

Here is your weekly Dear Don Advice column for lonely Council People. First, thank you for the very nice email Jamie it helped clear up some things. Also, I talked at length with Ms. Johnson (thank you Christine) and she was able to clarify some of the rumors and misconceptions floating around. She also gave me some of the background information on RV and boat parking in our driveways, (DocumentCenter/View/9279 and DocumentCenter/View/9278). These documents do lay out the Cities position on these vehicles pretty clearly. They are however a little vague regarding how long boats and RVs may be parked or if they are even permitted in our driveways at all.

The basic problem I see with this ordinance is that it appears that the city sees boats and RVs as eyesores and that, if they are to be allowed in Morro Bay at all, they must be kept hidden. I don't think that is your feeling at least I hope not. Unless there are additional ordinances covering this, it would appear that a 1 ½ ton flat bed truck or a one ton E300 ford van is OK but a 10 foot teardrop camp trailer is not. That just doesn't seem right.

I feel that any rewrite of any ordinance should first identify its objective, do you want to ban boats and RVs or to you want something else such as protecting views, keeping Morro Bay looking nice, insuring that people are not using these vehicles as granny units or whatever but singling out boats as being undesirable in a beach town doesn't seem to make sense.

So much for the gripe here is a suggested solution.

Set a maximum X,Y,Z dimensions on any vehicle parked in a driveway.

Require vehicles to be parked on hard surfaces.

Unightly vehicles or conditions should not be permitted.

Vehicles should not extend into the sidewalk area.

If a citizen wants to park a vehicle that exceeds the maximums, they might, with no objections from immediate neighbors, pay a yearly fee and receive a sticker to place on their vehicle.

I'm sure there are other restriction that should probably be considered but I have a pressing engagement. Monday's I meet with four other old veterans for lunch and we tell each other war stories. Most of our stories have as much truth as fairy tales but we just ignore little things like that. So I must be off.

Kindest Regards  
Don Lockwood

**Dana Swanson**

---

RECEIVED  
City of Morro Bay

**From:**  
**Sent:** Monday, March 07, 2016 7:49 AM  
**To:** Council  
**Subject:** RV Storage

MAR - 7 2016

Administration

I received a courtesy letter advising me that my RV was illegally parked in the driveway at the front of the house. It is physically impossible for me to store it legally as the code is written as there is no room either side of the house and the lot line. Please consider rewriting the code so that residents who are otherwise in compliance with the code may store RV's in front driveways.

Sincerely,

W. H. Taylor

Morro Bay

## Dana Swanson

---

**From:** Scot Graham  
**Sent:** Friday, March 04, 2016 3:25 PM  
**To:** Dana Swanson  
**Subject:** FW: RV on private property in Morro Bay

RECEIVED  
City of Morro Bay

MAR - 4 2016

FYI

Administration

---

**From:** Kathleen E. Martin  
**Sent:** Friday, March 04, 2016 3:23 PM  
**To:** Scot Graham <sgraham@morrobayca.gov>; Jamie Irons <jirons@morrobayca.gov>; Matt Makowetski <mmakowetski@morrobayca.gov>; John Headding <jheadding@morrobayca.gov>; Christine Johnson <cjohnson@morrobayca.gov>; Noah Smukler <nsmukler@morrobayca.gov>  
**Subject:** Fw: RV on private property in Morro Bay

Dear Mayor, Community Development Manager, and Council Members:

I live at \_\_\_\_\_ in Morro Bay with my husband, Richard Strassel. Rich has lived in Morro Bay for 37 years and owns two businesses on the Embarcadero. I am a Licensed Clinical Social Worker with the Veterans Affairs clinic in SLO. We are full-time residents, tax payers, and homeowners in this community. We are solidly middle class and as such have a very modest residence within the city limits.

We received a Code Enforcement Notice dated 2/10/2016 citing us for our RV. We have a 22-foot motor home that is well kept, licensed, registered, and insured. It is fully operational and we use it regularly. We bought this size motor home with the specific intention of parking it in our driveway so we can make use of it frequently. However, no one is living in it, it is not blocking the street, or access to our front door or garage. It is plugged in to a "trickle charger" to keep the battery from dying. We recently put a new cover on it to protect it from the winter rains. Please see attached photos.

Please know - I fully support some code enforcement in this city! There are many non-operational and unregistered vehicles parked throughout the city that are an eyesore and take up valuable parking spaces. We have at least one neighbor who owns multiple vehicles parked on the street (or on vacant lots) that haven't been moved in months. One block away there is a travel trailer on the street that someone is clearly living in. Obviously these are the targets of this new code enforcement effort.

However, I think this city code (17.48.060) needs to be amended to allow for some exceptions. Morro Bay is a community in the midst of an ocean and nature-loving population. We take our motor home to places near and far to enjoy our environment. I am sure we are not alone in that endeavor. It is unreasonable and unfair to arbitrarily dictate that there be NO place to lawfully park boats, motor homes and other RVs vehicles in Morro Bay - except to pay to store them elsewhere (unless of course you are wealthy enough to own a larger piece of property).

**I would like to petition that you revise this code to NOT include fully operational and registered recreational vehicles that do not occupy the public right-of-way, or obstruct entry or exit into buildings and homes.**

Thank you for your attention to this matter. I look forward to your thoughtful response.

Respectfully,

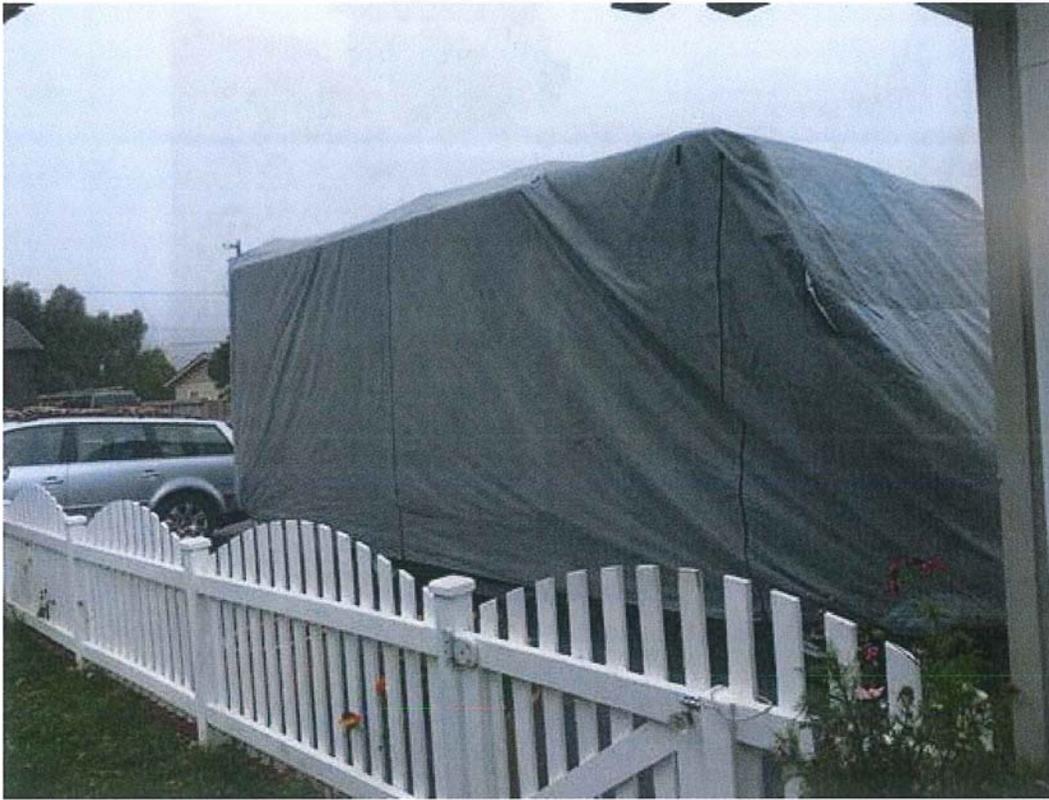
Kathleen E. Martin

Begin forwarded message:

**From:** "Kathleen E. Martin" <  
**Subject:** RV on private property in Morro Bay  
**Date:** March 4, 2016 at 2:12:40 PM PST  
**To:** "Kathleen E. Martin"







Sent from my iPhone

JON WICKSTROM  
MORRO BAY, CA 93442

RECEIVED  
City of Morro Bay

MAR - 4 2016

Administration

March 4, 2016

City of Morro Bay  
Attn: Mayor Irons and City Council  
595 Harbor Street  
Morro Bay, CA 93442

RE: Code Enforcement for Boats and RV's within the City of Morro Bay

Dear Mayor Irons and Morro Bay Council Members,

I write this letter in response to the recent indication of an upcoming change in the code enforcement with regard to the storing of boats and recreational vehicles on private property. I completely agree with keeping our neighborhoods, and City, beautiful and safe. I can see taking action, and enforcing the code, if there is a non-operable eyesore without current registration, or if the location of the storing of a boat or RV is creating a safety hazard. However, Morro Bay is historically a fishing and retirement city, and to keep its residents from storing operable, and maintained, boats and RV's at their home doesn't seem consistent with this community history. In addition, the act of finding an alternative location for storage of boats and RV's presents a significant problem, as there are minimal boat and/or RV storage facilities within the City of Morro Bay.

I love living in Morro Bay and take pride in my home, in my neighborhood, in my City. I also own a boat, which I store at my home, in my driveway. I don't feel this is a "you against us" issue, and respectfully ask that we work together, to come to a solution.

Sincerely,

Jon Wickstrom

Dana Swanson

RECEIVED  
City of Morro Bay

**From:** Sue DeVoe  
**Sent:** Tuesday, March 01, 2016 12:16 PM  
**To:** Council  
**Subject:** Code Enforcement Boats/RVs

MAR - 1 2016

Administration

Dear Sirs and Ms.,

Morro Bay is a fishing community! The new push to punish boat owners/ fishermen for having their boats parked on their own property seems ridiculous.

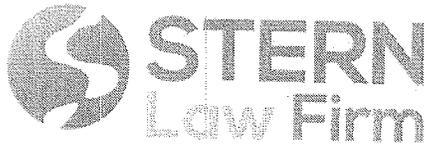
Please consider changing the law regarding this. I have owned property in Morro Bay since 1973 and have enjoyed being able to launch my little skiff when conditions are right for a day of fishing. Where are residents supposed to store their boats? The increase in our sewer/water bills was enough for this senior and now I am expected to pay another \$100.00 to store my boat?

The current CODE ENFORCEMENT feels very similar to belonging to a Home Owners Association. I moved from Orange County to avoid this type of restriction 43 years ago. It troubles me to see Morro Bay go in this direction and I feel it puts an unfair financial burden on citizens.

Sincerely,

Susan DeVoe





March 1, 2016

Morro Bay City Council  
955 Shasta Avenue  
Morro Bay, CA 93442

RE: RECOMMENDATION TO CITY COUNCIL FOR AMENDMENT TO  
CODE SECTION MBMC 17.48(100D)(2)(3), AND WALLS AND FENCES

Dear Members of Morro Bay City Council:

I represent Linda F. Marsh and her sister, Judy Van Hoy, two senior citizens who have been under extreme duress and the infliction of emotional distress since receiving two notices of code violation on or about August 7, 2015 from the Morro Bay Community Development Department. The duress and distress stem from the fact the City ultimately seeks to kill approximately 125 cypress trees that served as their playground as children in the 1930s, when their parents purchased the property, and which has been part of Morro Bay's history and landscape ever since.

The initial notice of violation was likely triggered by a neighbor who acquired their property well aware of the existence of the trees, but speculated that their property value would increase greatly with the potential of an enhanced ocean view. Despite providing substantial evidence of vested property rights in these trees 30-40 years before Morro Bay became a city, and likely 70 years before the current hedge/tree/fence code was adopted (attached), one of the City's new enforcement officers rifled off another code violation notice. Mr. Kristofek's letter provides four options, two of which would kill more the 125 trees, one option would kill about 60 trees, and the last option, a request for a variance, he states that staff would not support.

Based on this analysis, there seems to be very little knowledge of - and respect for - the pre-existing, vested property rights of Morro Bay residents. As well as to the creation of Ex Post Facto Laws that apply to no more than aesthetic perspectives. As we can agree, perspectives on what's aesthetically pleasing changes from the composition from one city council to the next, but once you chop down 60 or 125 trees with 90 years of history - they're gone!

1026 Palm Street, Suite 215  
San Luis Obispo, CA 93401

A Professional Law Corporation

[www.Stephensternlawfirm.com](http://www.Stephensternlawfirm.com)  
[Stephen@Stephensternlawfirm.com](mailto:Stephen@Stephensternlawfirm.com)

Therefore, I respectfully request that this City Council re-evaluate its applicable codes with a focus on preserving Morro Bay's History while also respecting the vested property rights of its citizens and residents. This should not only include trees and hedges, but also walls and fences.

Towards that end, I recommend the Council initiate an administrative process that proactively certifies grandfathered, nonconforming property based on the obviousness of the circumstances, such as my client's vested property rights. This certification would preempt the homeowner from any current or future applicable codes, subject to a compelling government interest for health, safety and welfare and that code is narrowly tailored for that particular purpose.

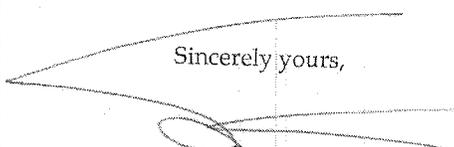
For properties that are not so obviousness (based on either determining tree age by a licensed arborist or historical photos), the City should provide direct and indirect notice to all homeowners of an open registration period to apply for the certification. The application should contain a request for evidence (tree age/historical photos) to receive the certification for code preemption.

For those homeowners who are unable to provide evidence of pre-existing, vested rights, the City should provide the opportunity for neighbors to work together to resolve these issues within a certain timeframe. If unsuccessful, then the city should proceed with its code enforcement efforts.

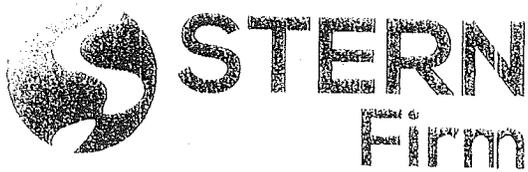
This same process should apply to pre-existing walls and fences that homeowners also invested in many years ago and which have also become part of the Morro Bay landscape.

In closing, I would respectfully request that the City immediately rescind the wrongful allegations of code violations against my client. The ongoing threat of removal or litigation continues to wear heavily on their emotional and physical state, which is extremely unhealthy and dangerous for senior citizens.

Sincerely yours,



Stephen M. Stern, Esq.



November 13, 2015

City of Morro Bay  
Community Development Department  
Ms. Joan Gargiulo, Contract Planner  
Mr. Clark Lockridge, Building Inspector  
955 Shasta Avenue  
Morro Bay, CA 93442

Re:

Alleged violation of MBMC 17.48(100D)(2),(3)

Dear Ms. Gargiulo and Mr. Lockridge:

I represent Ms. Linda F. Marsh and her sister, Judy Van Hoy, the owners of the property located at [REDACTED]. Please note that your letter of August 7, 2015 (Exhibit A) states an alleged violation of MBMC Section 17.48100(D) at [REDACTED], Morro Bay, which does not exist according to the San Luis Obispo County Recorder's Office and the Assessor's Office. Based on the co-referenced Assessor Parcel Number [REDACTED] your letter may have intended to reference the cypress trees located at [REDACTED].

Ms. Marsh and Ms. Van Hoy, both in their late seventies, have resided -- off an on -- at [REDACTED] since the late 1930s. Their parents, Emerson W. Fisher and Ednah H. Fisher purchased this house on July 14, 1936 (Exhibit B, Deed of Conveyance, SLO County Recorder), which Ms. Marsh and Ms. Van Hoy inherited.

The house was built in 1918 (See Exhibit C, Residential Building Record, SLO Assessor's Office) and Ms. Van Hoy and Ms. Marsh believe the cypress trees, allegedly in question, were planted in the late 1920s. Ms. Marsh and Ms. Van Hoy recall playing around these cypress trees throughout their adolescence. Kevin J. Small, an ISA Certified Arborist (WE-733A) who inspected the cypress trees, estimates that they are approximately 90 years old.

1026 Palm Street, Suite 215  
San Luis Obispo, CA 93401

Therefore, the trees were planted and nurtured at their current location for approximately 45 years before the City of Morro Bay was incorporated in July 1968, and likely an additional 30 years prior to the enactment of any related municipal codes focusing on tree or hedge height.

Moreover, the cypress trees are legal non-conforming under their grandfathered roots, which dovetails with MBMC 17.12.464 **Nonconforming Use**:

*"Nonconforming use" means a use of a structure or land which was lawfully established and maintained prior to the adoption of the ordinance codified in this title but which under said ordinance does not conform with the use regulations for new uses within the district in which it is located (ord. 445 § 3 (part), 1995).*

Through my client's rights are firmly rooted with approximately 75 years of grandfathering, it's also important to note that according to Mr. Small, cutting the cypress trees to conform to a three-foot height would kill all the cypress trees. Based on an average annual maintenance cost of \$100 per tree for more than 100 trees over a period of 90 years, this would be a tremendously expensive government taking of property. (See Exhibit D, The Costs and Benefits of Trees).

Lastly, the property and its trees located at \_\_\_\_\_ are part of the larger landscape and history of Morro Bay. This property stands as visual testimony to the early pioneer spirit that helped build this city and for the natural beauty that surrounds it. Most important, it would be a tremendous loss to the entire City of Morro Bay to lose its history over ever-changing interpretations of aesthetic beauty from one council to the next.

Therefore, we respectfully request an official written determination that the cypress trees located at \_\_\_\_\_ are a legal, nonconforming use.

Respectfully yours,

A handwritten signature in black ink, appearing to read "Stephen M. Stern", written over a horizontal line.

Stephen M. Stern, Esq

C: Ms. Van Hoy, Ms. Marsh

# EXHIBIT A



CITY OF MORRO BAY  
COMMUNITY DEVELOPMENT DEPARTMENT  
955 Shasta Avenue  
Morro Bay, CA 93442

235-3137  
C

August 7<sup>th</sup>, 2015

Linda Fisher Marsh

rec'd 8/15/15

RE: Morro Bay Municipal Code Enforcement:

Morro Bay

Dear Ms. Fisher Marsh,

The Community Development Department has become aware of vegetation located within the exterior side-yard setback of your property at

Pursuant to MBMC Section 17.48.100(D) General Fencing, Hedge, and Wall Standards, the hedge within the side setback along Kern Avenue, must be trimmed to a height of no more than three feet. See code section below:

**17.48.100(D)**

(2) **Solid Fences, Walls, and Hedges.** Solid fences, walls, hedges not exceeding three feet in height may occupy any street yard area.

(3) **Side or Rear Yard Areas.** Fences, walls, and hedges not exceeding six feet, six inches in height may occupy any side or rear-yard area, provided:

- a. That such fence, wall, or hedge does not extend into any required front yard;
- b. That in the case of a corner lot, such fence does not extend into the street side yard.

Based upon the above mentioned Sections of the MBMC, the vegetation shall be trimmed, removed, or otherwise modified to comply. Please contact the Public Works Department concerning vegetation allowed within the public right-of-way; Damaris Hanson is a good contact, her telephone number is (805) 772-6265. Following corrective action, please contact this office, as soon as possible, to schedule an inspection to verify compliance with the applicable Codes.

**You have until September 7, 2015 to comply with this notice.**

Thank you for your cooperation in this matter. If you have any questions, please contact Joan Gargiulo, Contract Planner or Carl Lockridge, Building Inspector at the contact information listed below.

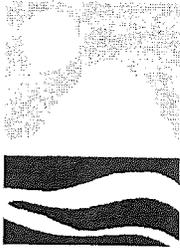
Sincerely,

Joan Gargiulo  
Contract Planner

[jgargiulo@morro-bay.ca.us](mailto:jgargiulo@morro-bay.ca.us)  
(805) 772-6270

Carl Lockridge  
Building Inspector

[clockridge@morro-bay.ca.us](mailto:clockridge@morro-bay.ca.us)  
(805) 772-6214



# CITY OF MORRO BAY

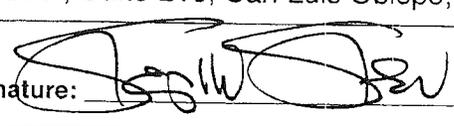
Public Services Department  
Planning Division

955 Shasta Avenue  
Morro Bay, CA 93442  
(805) 772-6577

## APPEAL FORM

**In CCC Appeals Jurisdiction?**

- YES - No Fee  
 NO - Fee Paid:  Yes  No

Project Address being appealed: _____, <u>Morro Bay</u>	
Appeal from the decision or action of (governing body or City officer): <input checked="" type="checkbox"/> <u>CITY CODE ENFORCEMENT OFFICER</u>	
<input type="checkbox"/> Administrative Decision <input type="checkbox"/> Planning Commission <input type="checkbox"/> City Council	
Appeal of action or specific condition of approval: Appeal from Alleged Code Violation MBMC Section 17.48.100(D)	
Permit number and type being appealed (ie. coastal permit, use permit, tentative subdivision): _____	
Date decision or action rendered: <u>January 6, 2016</u>	
Grounds for the appeal (attach additional sheets as necessary): Vested rights based on trees at issue being planted and maintained since the 1920s, which predates by 45 years the City of Morro Bay's incorporation in 1968. and the ex post facto codes at issue. Prosecution of stated vest rights would also amount to a taking of property, valued at more \$100,000 based on planting, maintenance and watering costs of more than 100 trees during the past 90 years. The Owner/ Occupants inherited the property from their parents who purchased the property in the 1930s. (see attached letter dated Nov. 13, 2015).	
Requested relief or action: City of Morro Bay dismisses its pending allegation of code violation with prejudice based on pre-existing vested legal rights, non-conforming.	
Appellant (please print): <u>Linda Marsh/Judy Van Joy via Stephen M. Stern, Esq</u>	Phone: <u>(805) 543-5297</u>
Address: <u>1026 Palm Street, Suite 215, San Luis Obispo, CA 93401</u>	
Appellant Signature: 	Date: <u>2/5/2016</u>

### FOR OFFICE USE ONLY

Accepted by: _____	Date appeal filed: _____
Appeal body: _____	Date of appeal hearing: _____



## CITY OF MORRO BAY

955 Shasta Avenue  
Morro Bay, CA 93442

January 6, 2016

Stephen M. Stern, Esq.  
1026 Palm Street, Suite 215  
San Luis Obispo, CA 93401

Subject: **HEDGES OVER 3 FEET HIGH AT :** , MORRO BAY, CA.

Mr. Stern:

Thank you for your letter expressing your concerns about the hedges at :  
Street, Morro Bay, CA,

One of your concerns was that the cypress trees are a legal non-conforming use. The cypress trees are not a recognized use within the City of Morro Bay Municipal Code. The use of a parcel means the purpose of which land or a building is designed, or arranged or intended or for which either land or building is or may be occupied or maintained. Therefore the use of this property was not to grow cypress trees in the 1920's. The cypress trees were planted for landscaping purposes and must be maintained to meet standards set by the City of Morro Bay.

I am one of two code enforcement officers hired the first part of December 2015. On Monday, January 4, 2016 I went out to the property to re-inspect the situation and found that the hedges in question are in fact approximately ten (10) feet high and must be trimmed down to three (3) feet. (See attachment)

**This leaves you with four options: (1) trim the hedges down to three (3) feet high along the side street; (2) trim the hedge such that space is provided between each cypress tree so that they are no longer considered a hedge. The distance between the canopies of individual trees would need to be a minimum of two feet so as to no longer be considered a hedge; (3) remove the hedges; or (4) submit an application to the Planning Division for a variance from the City's hedge requirements. A variance request would require approval by the Planning Commission: however staff would not support such a request.**

Please call me at your earliest convenience to discuss the matter further. I am in the office on Monday - Wednesday - Friday from 9:00 - 3:30. My phone number is 805-772-2224.

Please resolve the above issue within thirty (30) days (**February 8, 2016**). 6

**CODE ENFORCEMENT**

The City of Morro Bay partners with community members for strong community enhancement by ensuring that nuisances and other code violations related to public health and safety are remedied efficiently and professionally.

Voluntary compliance of the City's laws on nuisances is our first priority. Should education and voluntary compliance be ineffective, however, City staff then utilize various laws to remedy the nuisance

Sincerely,  
  
Tim Kristofek  
Code Enforcement Officer

(805)-772-2224

# EXHIBIT B





# EXHIBIT C

# RESIDENTIAL BUILDING RECORD

PARCEL SHEET OF SHEET

ADDRESS \_\_\_\_\_

CLASS/SHAPE ARCHITECTURE		DESCRIPTION OF BUILDING										ROOMS		ROOM AND FINISH DETAIL			INTERIOR FINISH	
		CONSTRUCTION	STRUCTURAL	EXTERIOR	ROOF	LIGHTING	AIR CONDITION	FLOORS	FLOOR FINISH	TRIM	Walls			CEILING				
X	Standard	Light	Frame	Stucco on	Flat	Wiring	Forced	4/4	X	X	1	2	TRG	DD	PU	PU	PU	
	Sub-Standard	Sheathing	Concrete Block	Siding	Hip	X	X	4/4	X	X	1	1	TRG	DD	PU	PU	PU	
	Above-Standard	Concrete Block	B&B	Shingles	Shed	FIXTURES	X	4/4	X	X	1	1	TRG	DD	PU	PU	PU	
	Special	Brick	Brick	Shingles	Cut Up	Few	X	4/4	X	X	1	1	TRG	DD	PU	PU	PU	
	Single	FOUNDATION	Adobe	Shakes	Dormers	PLUMBING	X	4/4	X	X	1	1	TRG	DD	PU	PU	PU	
	Double	Concrete	Floor Joist	Shakes	Gutters	Poor	X	4/4	X	X	1	1	TRG	DD	PU	PU	PU	
	Duplex	Reinforced	1st: 2" x 4" JL	Brick	Shingle	Good	X	4/4	X	X	1	1	TRG	DD	PU	PU	PU	
	Apartment	Brick	2nd: " x "	Stone	Shake	PLUMBING	X	4/4	X	X	1	1	TRG	DD	PU	PU	PU	
	Flat	Wood	Sub Floor	Windows	Tile	PLUMBING	X	4/4	X	X	1	1	TRG	DD	PU	PU	PU	
	Condo	Piers	Insulated Ceilings	Steel Sash	Tile	PLUMBING	X	4/4	X	X	1	1	TRG	DD	PU	PU	PU	
	Units	Light	Insulated Walls	Screens	Compo. Shingle	PLUMBING	X	4/4	X	X	1	1	TRG	DD	PU	PU	PU	
	Heavy	Light	Insulated Walls	Screens	Compo. Shingle	PLUMBING	X	4/4	X	X	1	1	TRG	DD	PU	PU	PU	
CONSTRUCTION RECORD		EFFEC. YEAR		APPR. YEAR		NORMAL %		GOOD		RATING (E.G. A.F.P.)		BATH DETAIL		SPECIAL FEATURES				
No.	Permit	Amount	Date	Year	Year	%	%	%	%	%	%	Fl. No.	Work-Shop	Work-Shop	Work-Shop			
1520	ADD	\$ 35,000	4/15/52	1936	1952	100	100	100	100	100	100	1	A	A	A			
				1936	1952	100	100	100	100	100	100	1	A	A	A			
				1936	1952	100	100	100	100	100	100	1	A	A	A			
				1936	1952	100	100	100	100	100	100	1	A	A	A			
				1936	1952	100	100	100	100	100	100	1	A	A	A			

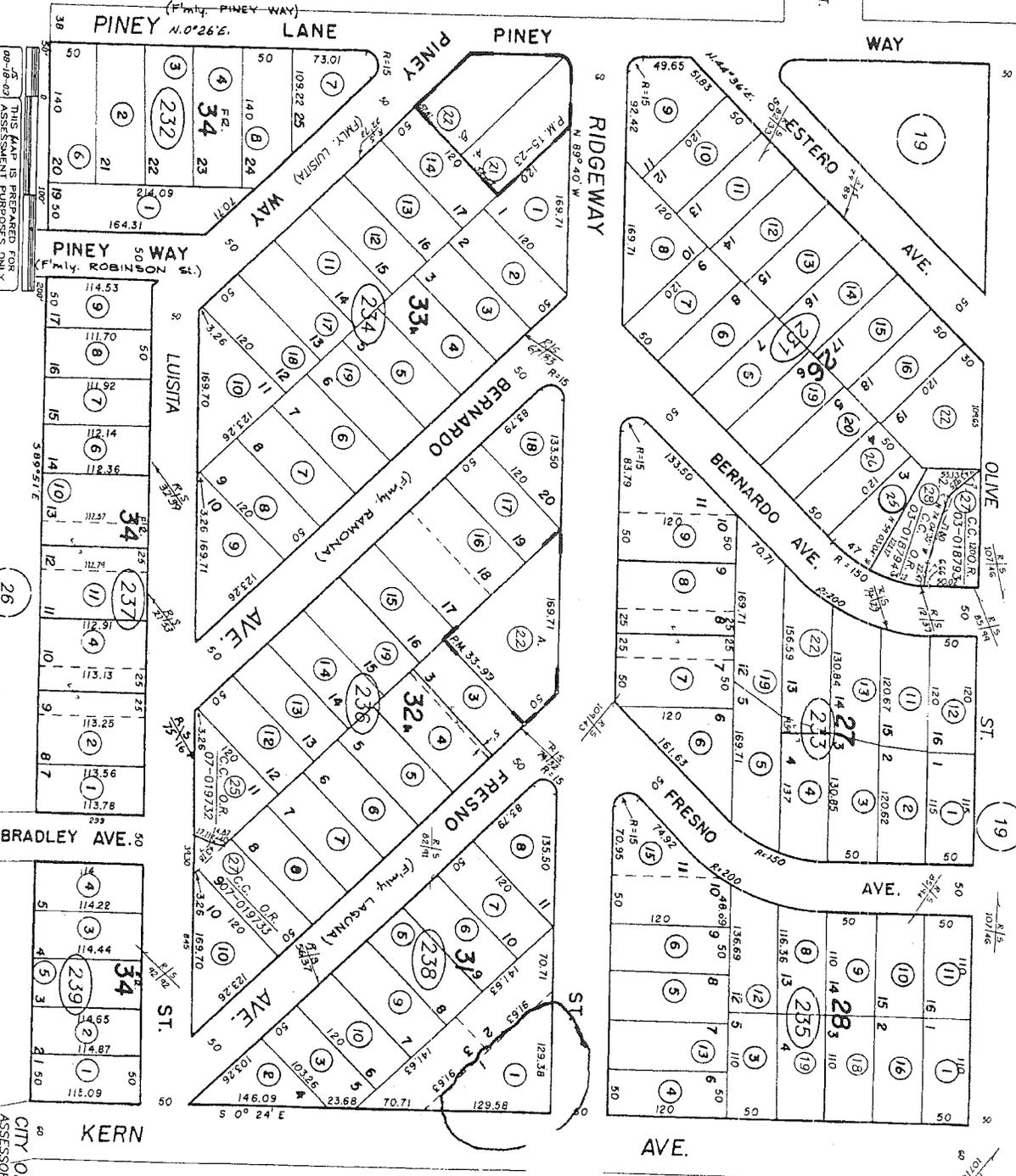
DO NOT NEED THIS FOR 'OWNERS OR ARCH'

## Residential Building Record Public Information

**Disclaimer:**

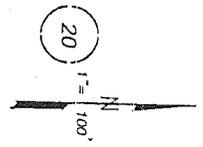
The data contained in this database is deemed reliable but not guaranteed. This information should be used for informational use only and does not constitute a legal document for the description of these properties. Every effort has been made to ensure the accuracy of this data; however, this material may be slightly dated which would have an impact on its accuracy. The San Luis Obispo County Assessor's Office disclaims any responsibility or liability for any direct or indirect damages resulting from the use of this data.

REV. NO.	DATE	REVISIONS
04-068	08-18-03	
06-071	02-08-05	
08-071	02-17-07	
15-043	08-05-14	



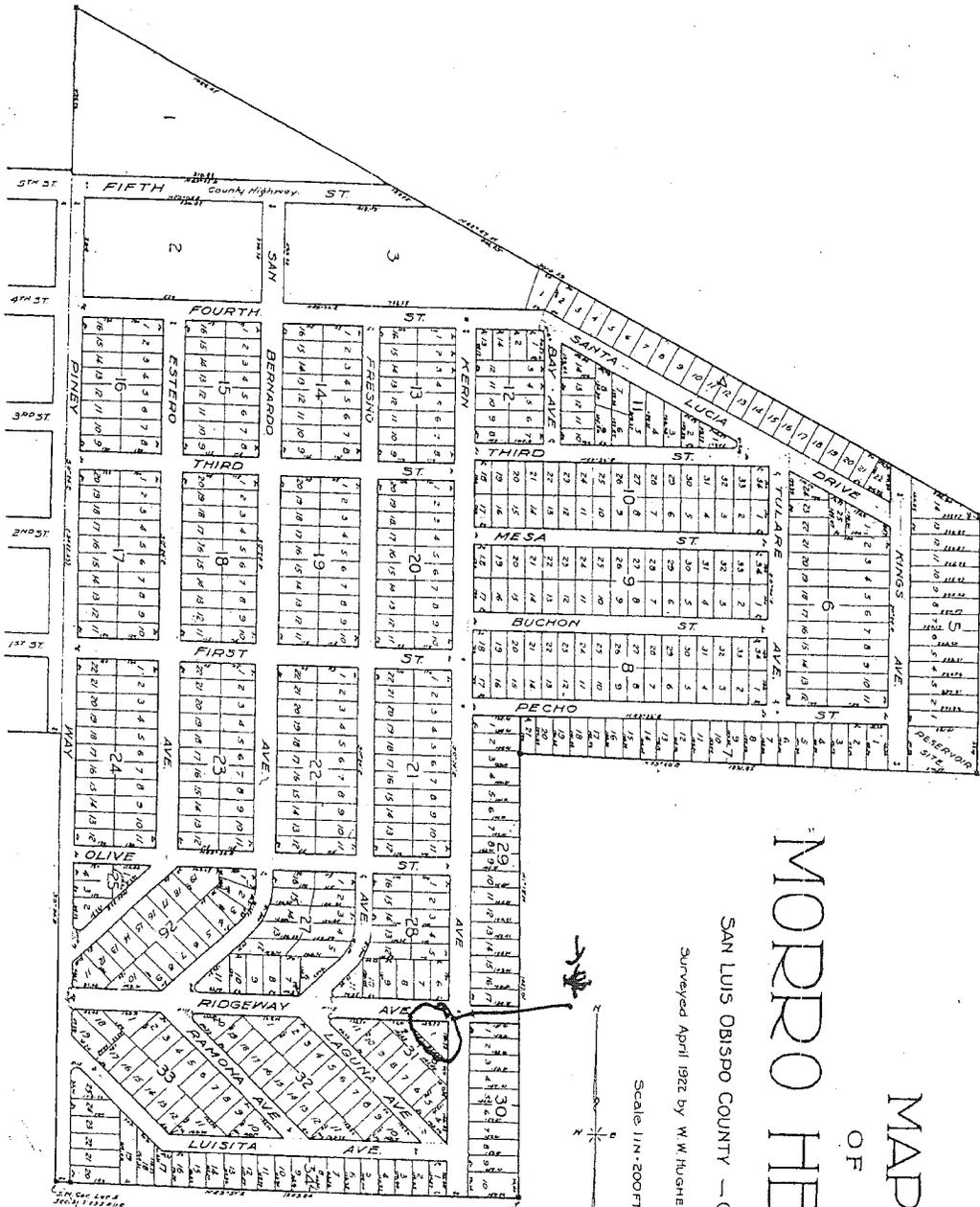
MORRO HEIGHTS, R.M. Bk. 3, Pg. 4.

CITY OF MORRO BAY  
 ASSESSOR'S MAP COUNTY OF  
 SAN LUIS OBISPO, CA.  
 BOOK 056 PAGE 23



066-23

W



# MORRO HEIGHTS

MAP OF

SAN LUIS OBISPO COUNTY — CALIFORNIA.

Surveyed April 1922 by W.W. Hughes Civil Engr.

Scale 1/4" = 200 FT.

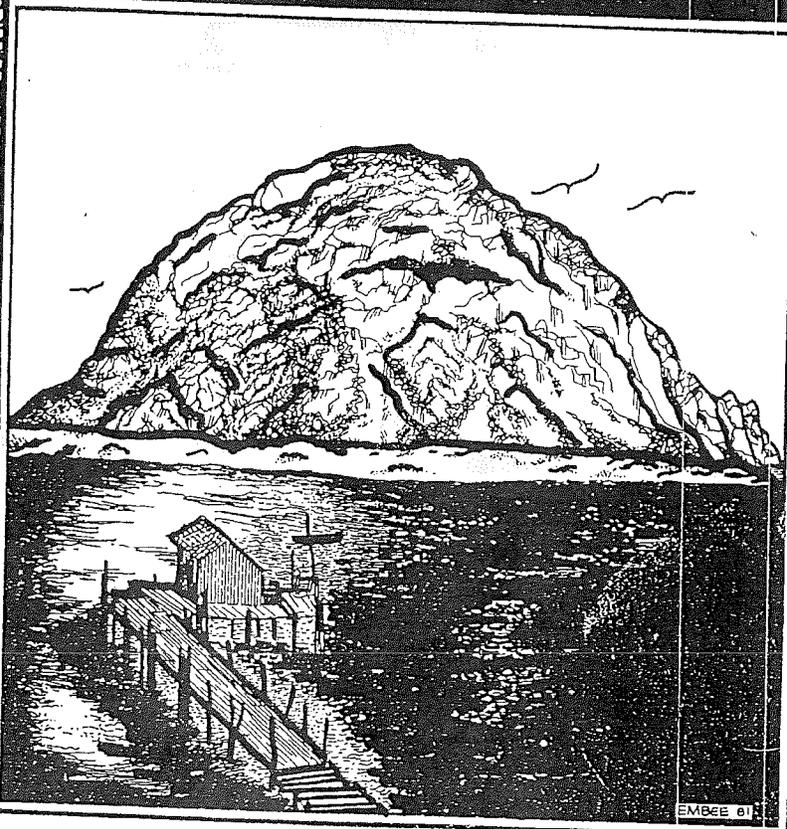
See Declaration of Assurances and notes on all p.p.

Map of Morro Heights, San Luis Obispo County, California, as shown on sheets 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

SHEET 2 OF 2 SHEETS

14

# MORRO BAY'S YESTERDAYS



REF ID: A111111  
APR 10 1911  
MORRO BAY PUBLIC LIBRARY

## Vignettes of Our City's Lives & Times

DOROTHY L. GATES  
JANE H. BAILEY



Stage set in Fresno during 1920's promoting lot sales in Atascadero Beach Tract, E.G. Lewis development.

BILL ROY

at the time. The Board sold the Atascadero Beach properties to John Den Dulk.

What happened to the Cloisters Inn? Tom Hopkins was managing it at the time of Pearl Harbor. There was much fear for the safety of the West Coast, and a regiment of Coast Artillery was quickly brought to guard the Union Oil property between Morro and Cayucos. Hopkins made arrangements with the state to have the armed forces housed at the Inn. Soldiers, all of them were black, stayed in the cottages, and the white officers had rooms at the Inn

itself.

About two years later it became evident that no foreign enemy was a danger to the Pacific Coast, and the artillery was withdrawn and sent overseas. For about a year thereafter, the government maintained a small military guard at the Inn property, but after it was withdrawn, the empty buildings were quickly destroyed by vandals. The hardwood floors were ripped up and removed, as lumber was at a premium. The Spanish roofing tiles disappeared gradually. In a very short time, the Cloisters Inn was no more.

D.L. Gates

### A LITTLE BIT OF EDEN Part 2

The E.G. Lewis Atascadero Beach development lay on what was then the very outer fringes of Morro. The first real subdivision within the town proper was that promoted by James Goulding and his Morro Heights Syndicate. The lots went on sale in 1922. Mr. Goulding had been manager of both the Paso Robles Inn and the Andrews Hotel in San Luis Obispo. He was also an insurance agent.

The Morro Heights Syndicate purchased the Olmstead ranch, which was bounded approximately by what is now Piney Way, Luisita, Kern, down to Pecho, then jogged east and went up to Kings. For this ranch they paid \$25,000.

Shares in the syndicate were about \$1,660 each, and each share represented 1/15 of the capital.

James Goulding held three shares, J.H. Knickerbocker of the Union Oil pipeline owned two shares, and most of the other shareholders had one share each. They included Dr. Wilmar of Paso Robles, Bill Groundwater, head of the Union Oil pipelines in San Luis Obispo, and William C. O'Donnell, who was later for many years postmaster of San Luis Obispo. Mr. O'Donnell, who was the source of our information, whimsically said that he had to borrow money to buy his share.

Lots on Ridgeway were \$500 each, on Kern Street, about \$150. Lots averaged \$300 each.

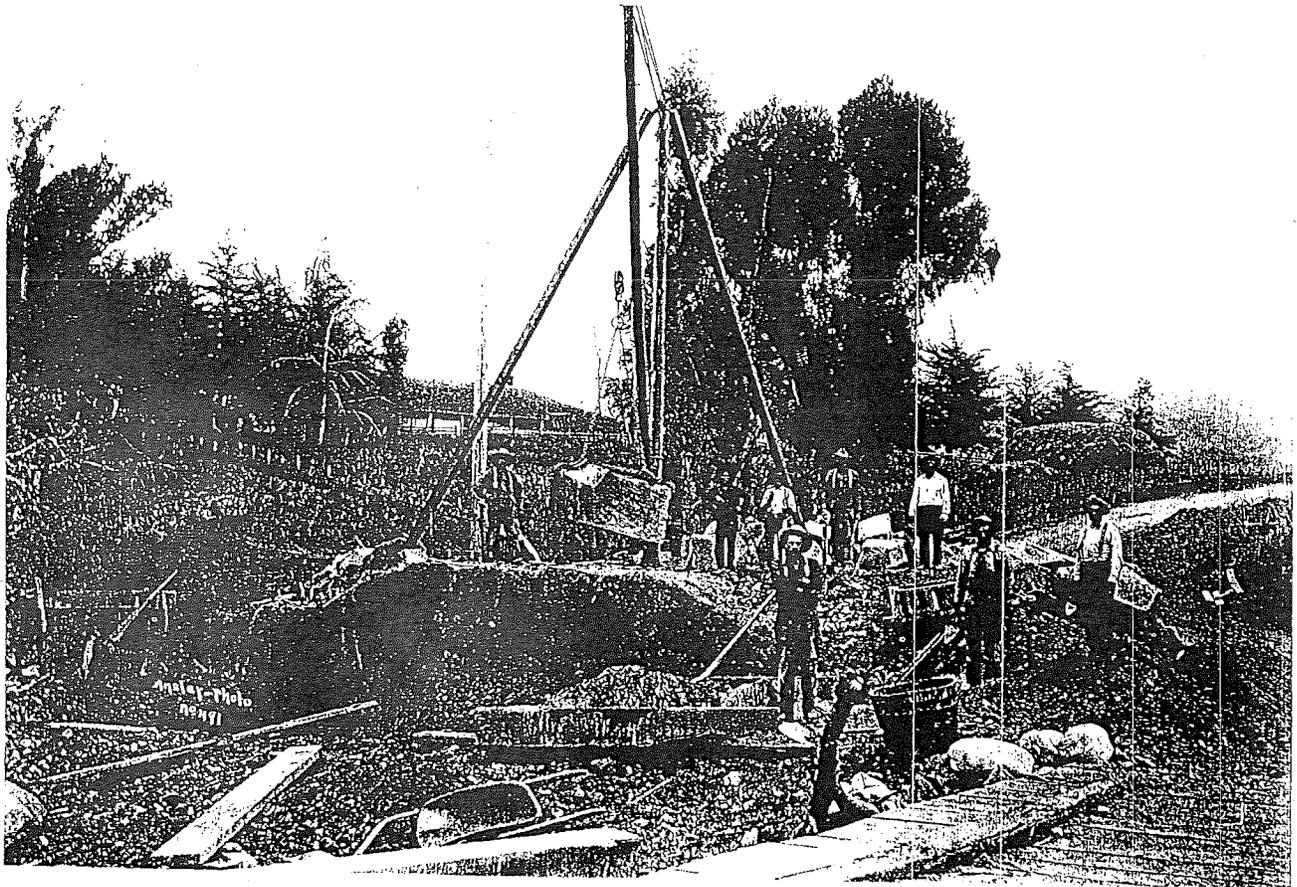
The Depression of the 1930's hit before all the lots were sold. The syndicate was liquidated by deeding the unsold lots to individual members of the syndicate, proportionately. Mr. O'Donnell got eleven lots at that time. After the end of World War II, he bought some houses used by the Army for recreational purposes in Pismo Beach, set them up and built three, which sold readily when placed on his lots. He sold the last of his Morro Heights lots in 1956.

Mr. and Mrs. Goulding were great additions to the community of Morro Bay, from 1920 until the 1950's. They lived at first in a redwood house on the southwest corner of Ridgeway and Kern. Stella Goulding organized the first Women's Club in Morro, Las Amigas, in 1928, whose membership has remained always limited to fifty. This club did a great deal toward "putting Morro on the map," in the 1920's and 1930's. They met first in T.J. Lawrence's Administration building on Kings Street. Their clubhouse was built later on Piney Way, on land donated by A. Manford Brown, that colorful real estate promoter of early Morro Bay. They had \$1200 on hand when they built the

clubhouse, and raised another \$1200 by unceasing effort through several years. Their attractive building has been free of debt for a long time.

When President Warren G. Harding died in August, 1923, Mr. Goulding arranged a community memorial service for the dead president in the tiny park in the center of town, with a troop of high school-age Girl Scouts from Atascadero, who were camping in the Willows. They sang Kipling's "Recessional," dressed in their uniforms. This author, who happened to be one of these girls, vividly remembers being entertained afterward at the Goulding's home—and the beautiful sunset they watched from the living room window on Ridgeway, the view unobstructed by other houses or trees!

James Goulding was very active in the Chamber of Commerce, and in all projects directed toward building and promoting the town of Morro. One of these projects was an outboard motorboat race down the bay channel, in the summer of 1932. Originally set for a date in June, this conflicted with a big project of the Monday Club in San Luis Obispo to sponsor tours of the Hearst Castle (very private property then) to make money for building the Monday



TONINI FAMILY

Building the bridge over San Bernardo Creek in the early twenties when the road between San Luis Obispo and Morro was constructed. Stone is from Bishop's Peak, the building is the "Morro Castle" or Canet Adobe. Ben Tonini, road foreman, stands in foreground at right. Other are: Pedro Marquez, Ralph Kester, and John Reis.

Clubhouse. Planning meetings for the motorboat race were held over a period of several months in Goulding's office. But the race was finally held on July 15th, with six classes of boats, and brought considerable favorable publicity to the town. Mr. Goulding had gotten the Motorboat Association of Fresno to sponsor it.

Goulding planted the Monterey Pines along Ridgeway, Piney Way and Kings Street about 1925, which greatly enhance the beauty of the area. Mrs. Goulding, about the same time, scattered the sweet alyssum and linaria, which even into the 1980's added a touch of loveliness to the few vacant lots left in that part of town.

As the Depression of the 1930's deepened and fewer lots were selling, the Gouldings moved from their home on Ridgeway to an apartment back of the real estate office which Mr. Goulding had built on the corner of Morro Bay Boulevard and Bernardo Avenue, which in the mid-1970's was occupied by a ceramics studio, then a silver crafts studio. About this time James Goulding contributed a nostalgic poem to *The Scribblers' Quarterly*, which was published in 1933 by a group of Morro friends who managed to have a good time doing creative things during the Depression. The poem commemorates the old highway from Atascadero to Morro, a road which was narrow and steep; the dangerous summit was called Devil's Gap. With its curves encouraging motion sickness the road was called "butterfly highway" by many oldtimers. A new highway was under construction.

Remembering the difficulties of those times, we quote a part of Mr. Goulding's poem:

#### *The New Road*

Soon, by a perfect highway, scorning hills,  
The rush of traffic will be gliding free,  
With the old grade unknown or soon forgot,  
But a warm, living memory to me.  
The old grade! By the stream, then up the slope  
With many a sudden pitch and bootless quirk,  
Sharp corners where the opposing frightful truck  
Or vagrant cow seemed purposely to lurk.  
But oh! the beauty of it! Trees came close,  
Wild mustard's banks of gold, and chaparral,  
And with each crazy curve the vista grew;  
The world will not remember, but I shall.  
I shall remember (as I see their purpose)  
The jolts of life with blessing, not with blame,  
Shall deem the bad curves precious, somehow miss them,  
Like the old road before the highway came.

A person of quite a different type from James Goulding, yet also a dreamer of sorts, was A. Manford Brown, referred to as having donated the land for the Las Amigas clubhouse. His nickname, "Pickhandle Brown," came from his having been previously the railroad section foreman at Paso Robles. When oil wells began producing in the Kettleman Hills area, in the early 1920's, he felt there would be big developments there. But when Standard Oil Company

developed the town of Avenal, Kettleman City died.

However, Pickhandle Brown had not put all his eggs in one basket. He had seen even better possibilities in Morro Bay. He sold lots for James Goulding's Morro Heights development, then started his own "A. Manford Brown Acres," about three miles south of town, approximately where the Ashhurst religious commune, Roandoak, was situated in the 1970's. Later he built the "Log Cabins," Morro Bay's first good motel.

Everyone who remembers Morro Bay in the 1920's and 1930's speaks of "Pickhandle Brown," an unforgettable character. When Amy Warner's husband, Francis Gillette Warner, a very dignified gentleman, and probably the wealthiest man in town, put a gate across the end of the street near his home (Morro Street near South Street), A. Manford Brown crashed through the gate purposely with his car. Mr. Warner never replaced it!

"Pickhandle Brown" was responsible for bringing to Morro Bay the Rohrberg family, who soon joined the leading real estate developers of the community, with almost entirely local capital.

John Rohrberg, a real estate sales manager from Aberdeen, Washington, was enroute with his family to Los Angeles, then a mecca for people in that business. Staying at a cabin in Morro Bay, they were impressed with the attractiveness of the beach, the bay, and the town in general. A. Manford Brown's real estate office was directly across the street from their cabin. He told them about the bright prospects for land sales there, and it wasn't long before Rohrberg had a small real estate office across from the Cloisters Inn, with a fountain in front. He was the subdivider and broker for Ocean Heights. Later, this little building stood on the corner of Harbor and Shasta Streets where the City Hall was later located, and later still, with quite an addition, it became a dwelling near the Halfway Market on Atascadero-Morro Road.

John Rohrberg was also the subdivider and broker for Morro Strand, on both sides of the highway.

In 1927 the Rohrbergs founded the Morro Bay Holding Company, to buy the Joe Enos ranch on Atascadero Road, west of the present Masonic Hall. It consisted of 320 acres, which they were to buy for \$32,000. However, the Depression hit before much was accomplished with this, so they got the release only on 50 acres, and the rest went back to Mr. Enos, who had a dairy. He sold it later to Dr. Wilmar of Paso Robles, who had other Morro Bay investments, and he later sold a good deal of it to the Texaco Company. The Morro Bay Holding Company had among its stockholders "Pete" Peterson, editor of *The Midway Driller*, Chet Schlegel, Jr., his father, Chet Sr., and Harold Gott of Taft.

Milton Rohrberg and his brother, Ted, both got their real estate license as soon as they were eighteen years old, and were involved with the Morro Bay Holding Company.

Soon after the end of World War II, Curt Davis, a famous baseball player, bought two houses from Milton Rohrberg in Cambria. He had been a pitcher for the Brooklyn Dodg-

# EXHIBIT D

# **The Costs and Benefits of Trees**

SDA Conference - Keystone

9/20/12

Bob Howey

Tree Analysis Group, LLC

## **Crash Course on Trees**

- The Benefits of Trees
- The Costs of Trees
- Tree Management – Planting, Pruning, PHC, and Removals
- Trees: FAQ's / Hot Topics
- Q & A

## **The Value of Trees**

- Trees in both natural and urbanized areas are important to people and our lives.
- Trees evoke emotional benefits to us all and to some even spiritual significance.
- All of us are innately drawn to trees - both consciously and subconsciously.

## **The Functions of Trees**

- Most trees in cities or communities are planted or preserved to provide beauty, shade, or other important functions.
- Trees serve many purposes and it is helpful to consider the functions that they may fulfill. Trees provide: shading, cooling, screening, producing oxygen, absorbing pollutants, food, wildlife habitat, provide privacy, and creating a sense of place.

## **Community Benefits of Trees**

- Though trees may be on private property, their size and location often makes them part of the community.
- Since tree canopies can occupy considerable space, planning is required for all to benefit.
- With proper selection and maintenance, trees can enhance and function on one property without infringing on the rights of neighbors and can be beneficial to the adjacent properties – the converse is also true.

## **Environmental Benefits**

- Trees alter the environment in which we live by moderating climate, improving air quality, conserving water, and harboring wildlife.
- Climate control from trees is obtained by moderating the effects of sun, wind, and rain.
- The leaves of deciduous trees absorb or reflect radiant energy in the summer and when the leaves fall, this allows warming sun on a building or area in the winter.

## **Environmental Benefits**

- Wind speed and direction can be affected by trees. The more dense the foliage is on a tree or group of trees, the greater the influence as a windbreak.
- Trees should be planted on the windward side of the prevailing winds, but consider also possible snow drifting that can occur downwind of these breaks.

# **Environmental Benefits**

...

- Trees make the environment cooler in the summer and warmer in the winter by regulating the sun's radiant energy and by transpirational cooling.
- To obtain these benefits, is best to plant deciduous trees on the West, East, and South side of homes or buildings.

## **Environmental Benefits**

...

- The downward fall and impact(s) of rain, sleet, and hail is initially absorbed or deflected by trees, which provides some protection for the people and property below.
- Trees intercept precipitation, slow its flow and release, store some water, help reduce storm water runoff, and lessen the possibility of flooding.

# Environmental Benefits

\*\*\*

- The temperatures in the vicinity of trees are cooler than it is away from or without trees.
- The larger the tree canopy, the greater the shading and transpirational cooling that is provided.
- By using trees in the cities, we are able to moderate the heat-island effect caused by pavement and buildings in urban areas.

# Environmental Benefits - last

- Air quality can be improved through the use of trees. Leaves filter the air we breathe removing pollutants, harmful gases, dust, and other particulates.
- Trees take up and absorb carbon dioxide from the air and also absorb air pollutants—such as ozone, carbon monoxide, and sulfur dioxide—and they generate and give off oxygen as a by-product.
- Carbon sequestration - Carbon “captured” from the air and is used or stored by trees and they serve to reduce the carbon dioxide in the atmosphere that comes from the burning of various fuels.
- By planting trees in areas, we create a more natural, more inviting, and a less artificial environment. Birds and other wildlife are also more attracted to areas with trees.

## **Economic Benefits**

- Trees have value and that can be appraised, but the variability of species, size, condition, location, and their function makes determining their economic value more complex and requires a consulting arborist to determine.
- Trees can add 5-20% to the appraised value of a property and trees generally increase in value from the time they are planted until they are mature.
- The economic benefits of trees are both direct and indirect. Direct economic benefits are usually associated with reduced energy costs and increased property values.

## **Economic Benefits**

- Indirect economic value and benefits are tied to the trees' added aesthetics and beauty which are harder though still possible to value.
- Lowered electricity bills are paid by customers when power companies are able to use less water in their cooling towers, build fewer new facilities to meet peak demands, use reduced amounts of fossil fuel in their furnaces, and use fewer measures to control air pollution.
- Communities also save if fewer facilities must be built and maintained to control storm water.

## **Savings from Trees**

- The energy savings, lessening of runoff, reduce pollution, and carbon sequestration benefits which can be accurately valued and are worth calculating especially when discussing larger quantities of trees.
- These cost savings can be calculated and given hard valuation via the USDA Forest Service UFORE and/or American Forests - City Green models. Let me know if you would like more information about or help in calculating these cost savings.

## **Costs: Trees Require an Investment**

- An investment is required for trees to provide the desired benefits.
- The single biggest, one time cost of a tree occurs when it is purchased and planted. Planting should include an irrigation system and also supplemental watering during establishment.
- Leaf clean up, pruning, fertilization, insect/disease control, removals, and the disposal can be costly and should be planned and accounted for.

## **Costs: Trees Require an Investment**

- To function well in the landscape, trees require ongoing care, attention, and maintenance. A professional arborist, whether on staff or under contract, should be utilized to manage and maintain trees. Arborists have the knowledge and equipment needed to prune, spray, fertilize, and otherwise maintain trees.
- Ongoing tree care is the often underestimated and not adequately budgeted for. It also is an easy budget line item to cut or defer. When tree maintenance gets cut from the budget (and maybe not reappear), this often leads to poor or substandard trees over time.
- A Consulting Arborist, Community Forester, or Extension Agent can provide unbiased answers about tree maintenance, suggested treatments, or recommend qualified arborists and tree care companies for providing the needed tree services.

## Tree Costs - 20 year Cost of Ownership

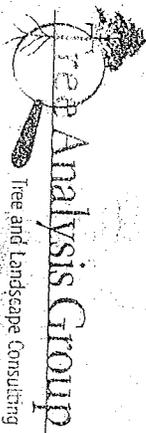
The following are my own estimates/projections of tree care costs based on actual field experience for the 20 year tree care, "retail" costs for a tree and tree care. All costs will vary especially with tree quantities involved and quality of work factors, but this provides at least a starting point for decision making, budgeting and other considerations.

- Installation/Planting: \$630 - 2" Deciduous or 6 foot Evergreen tree
    - staked and mulched, connected with irrigation system
  - Maintenance excluding Fall leaf clean up and special watering:
    - > Pruning - every 4 years \$60 average x 5 = \$300, lower in early years
    - > Plant Healthcare - Annual Spraying \$15 x 20 = \$300
      - Fertilization - every 3 years \$10 x 7 = \$70
    - ≥ Irrigation Maintenance/Water Cost - ongoing \$30 x 20 = \$600
- TOTAL - 20 Year Cost = \$1940 per tree**  
- \$1270 (\$62.50/year) Maintenance plus Initial Planting \$670

# Annual Tree Maintenance Costs

- A study published by Virginia Tech University listed annual tree maintenance costs at \$84 to \$100 per tree per year depending on the size of the tree. Virginia Cooperative Extension, Publication #420-121
- Most Properties/Communities/Metrodistricts do not allow for anywhere near this much in their budget to maintain their tree assets. It is often just 10-25% of this needed amount.

**For more tree questions,  
information, or assistance - please  
contact us:**



**Bob Howey**

ISA Certified Arborist and ASCA Consulting  
Arborist, QS, Horticulturist, MBA

**303-726-1952 or [bob@treanalysis.com](mailto:bob@treanalysis.com)**

Please contact us if we can help you with any tree management, water conservation, or landscape issues or advisement - both one time items or ongoing support.

February 22, 2016

To: City of Morro Bay council@morrobayca.gov  
Attn: Mayor and City Council  
595 Harbor Street  
Morro Bay, CA 93442

City of Morro Bay  
FEB 29 2016  
Rec'd City Hall

From: Walter Schob  
  
Morro Bay, CA 93442

Subject: Code Enforcement Notice---"1. RV and Boat Parking on front or street side yard"

Dear Mayor and City Council:

I received subject Code Enforcement Notice dated 2/8/2016 (Attachment 1). I request relief from this Code Enforcement Notice for the following reasons:

I bought my house in Morro Bay 20 years ago (7/22/1996) and one of the items, pointed out by the real estate agent, that influenced my purchase, was the special feature: "a paved parking area for an RV or a boat".

I have lived in my house for 20 years and have parked (like a car) my RV (trailer) on the paved parking area during the days when my wife and I are not on the road camping in the trailer.

When parked, the trailer is not used for human habitation and is not connected to utilities. It is parked on a paved driveway area designed for an RV and/or a boat and is not maintained in any required front yard or side street yard.

I can find nothing in Morro Bay Municipal Code, Title 8, Chapter 8.04---Health Codes and Chapter 8.14---Public Nuisances

That applies to parking my trailer on a paved parking area specifically designed for RV or boat parking.

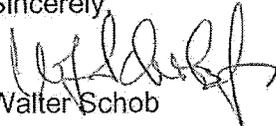
That mentions any health and safety issues with parking my trailer on a paved parking area specifically designed for RV or boat parking.

When parked, the trailer CANNOT be considered harmful and/or deleterious to public health, safety and welfare of the citizens of Morro Bay. And DOES NOT affect the appearance and safety of my/our community. It is kept clean, covers conceal the tires and foliage that conceals the West side of the trailer is kept neatly trimmed.

I have attached two pictures showing the trailer parked on the paved parking area specifically designed for RV parking.

I request relief from this Code Enforcement Notice.

Sincerely,

  
Walter Schob

Attachment 1: Code Enforcement Notice---"1. RV and Boat Parking on front or street side yard"  
Attachment 2: Two pictures of trailer parked on the paved parking area designed for RV parking

# CODE ENFORCEMENT NOTICE



Date: 2/18/2016

Dear owner/occupants:

Address: \_\_\_\_\_

Morro Bay, CA 93442

The City of Morro Bay partners with community members for strong community enhancement by ensuring that nuisances and other code violations related to public health and safety are remedied efficiently and professionally.

Community enhancement involves Community Development Department code enforcement staff and other City staff members first working to educate the community about the municipal code. Voluntary compliance of the City's laws on nuisances is our first priority. Should education and voluntary compliance be ineffective, however, Code Enforcement will then utilize various laws to remedy the nuisance.

The City of Morro Bay hired two (2) part time code enforcement officers (David Crockett and Tim Kristofek) to enforce the city ordinances. At this time the officers are responding to called in complaints on properties. On April 1, 2016 the officers will take a pro-active stance. This means if they see a code violation on properties, owners and occupants will receive a 30 day letter explaining the violation and options on how to comply.

For the months of January, February and March the officers are doing neighborhood sweeps and sending flyers explaining and educating the public on specific City violations.

*Once April 1<sup>st</sup> arrives official letters will be sent out to all violators.*

**The following check marks (with flyers attached) are violations observed on your property during a neighborhood inspection.**

- |   |   |
|---|---|
| <input checked="" type="checkbox"/> 1. RV and Boat Parking on front or street side yard.  | <input type="checkbox"/> 5. Fence - Hedge height, location. |
| <input type="checkbox"/> 2. Garbage cans – visible from street.                           | <input type="checkbox"/> 6. Parking inoperable vehicles.    |
| <input type="checkbox"/> 3. Improvements in the right of way or encroachments.            | <input type="checkbox"/> 7. Shrubbery – site distance.      |
| <input type="checkbox"/> 4. Unsightly conditions on private property-junk/trash on a lot. | <input type="checkbox"/> 8. Illegal camping.                |
|   | <input type="checkbox"/> 9. Illegal signs.                  |
|   | <input type="checkbox"/> 10. Excessive water use.           |

Please feel free to call either Code Enforcement Officer Tim Kristofek or Code Enforcement Officer David Crockett at (805) 772-2223 to discuss any matters or question you have concerning this program.

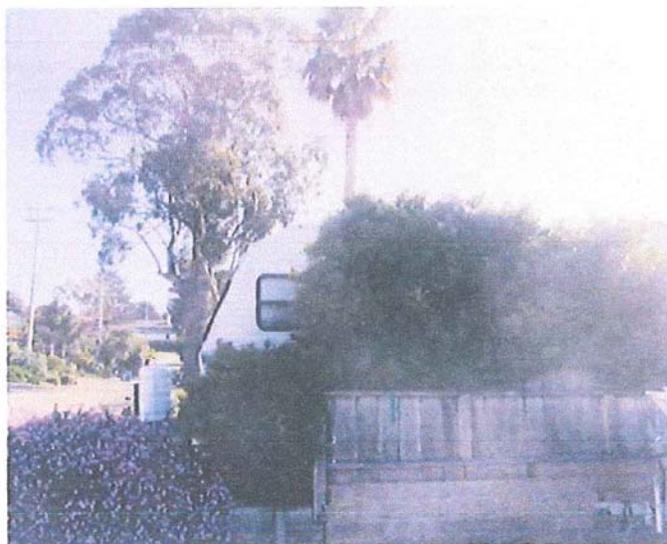
*Tim Kristofek*

Attachment 2:

Pictures of trailer parked on paved parking area designed for RV parking



Looking West



Looking East

RECEIVED  
City of Morro Bay

FEB 29 2016

Administration

**Dana Swanson**

---

**From:** CHARLES AWBREY  
**Sent:** Sunday, February 28, 2016 7:27 PM  
**To:** Council  
**Subject:** Citation of Cypress Hedge on Kern Street

Mrs. Van Noy, a long time resident of Morro Bay, has lived here since 1938. The hedge in question is on the Kern side

of her property and stretches about 71 yards. The triangular lot borders and the backyards of homes on Fresno Avenue.

We live or The removal of the hedge would affect us due to the increase in noise from traffic on Kern.

The hedge has been in place since before Morro Bay was incorporated as a city. It does not impede turning from

Cutting the existing hedge down to three feet would undoubtedly kill these old growth plants. The cypress hedge has been home to

small nesting birds, keeping them safe from hawks. Where are they now to go?

Compliance with this citation does nothing but satisfy an inflexible rule without regard to the cost or the overall privacy of the resident.

Respectfully,

Carol and Bill Awbrey

Morro Bay

Dana Swanson

FEB 29 2016

**From:** Don Lockwood  
**Sent:** Sunday, February 28, 2016 11:19 AM  
**To:** Council; Jamie Irons; Christine Johnson; Matt Makowetski; John Heading; Noah Smukler; Don Lockwood  
**Subject:** Storm brewing

Administration

Hi to the MB City Council

First: My name is Don Lockwood, I am a citizen of Morro Bay, and I have lived here for forty years. I have also served on your Harbor Advisory Board and was the Chairman for about ten years.

The subject of this message is The Code Enforcement question. To start with I am of the school of "Don't fix it if it aint broke." Unfortunately with your recent policy change I feel you may have broke something. I have read with interest that change in the code enforcement policy i.e. to "Proactively enforce the various ordinances." As I interpret that policy it seems that you are preparing to aggressively enforce the ordinances where ever and when ever the officers can find them. That they will actively go on patrol looking for violations. I am assuming that since the Fire Department, the Building Department, the Harbor Department and the Police Department all have code enforcement duties and responsibilities, that the two new code enforcement officers will be primarily concerned with the Public Nuisance ordinances. I'm sorry but I think you have opened a large can of worms.

Considering how poorly that ordinance is written those two officers will have no trouble documenting more than enough violations to justify their positions. As an example read the following taken directly from the ordinance:

"Public nuisance" means and includes anything which is injurious to health, or is **indecent or offensive to the senses.**"

I guess my question is who gets to decide what is indecent, who gets to take offense and which of the five senses are to be employed?

Having spent many hours sitting up on the podium, like you, listening to people complain, I am very sympathetic to your situation. So instead of just griping I will offer what may be a solution to the fire storm that is brewing.

First, call off the enforcers at least until the code or codes have been cleaned up.

Second, establish an advisory panel made up of Morro Bay citizens to study and recommend changes to code or codes identified by you. I suggest the panel should have no more than seven members none of which are employees of The City of Morro Bay. To function in a productive manner it should have access to all Departments, be able to call public input meetings and establish small independent working groups to address specific problem areas.

Last, they should be free of all but minimal input or control from the City Manager. The reason for this is that there is a growing concern here in North Morro Bay that he is part of the problem not the solution.

I think if you had something along these lines in the works you might be able to defuse a volatile problem situation before it starts.

Thank you for being our Council. I feel you have done a fine job. There is still a lot of work to do. Please don't let this problem distract you.

Kindest regards Don

Dana Swanson

---

FEB 29 2016

**From:** Steve Francis < >  
**Sent:** Friday, February 26, 2016 4:56 PM  
**To:** Council  
**Subject:** Letter in Support of Morro Bay Code Enforcement  
**Attachments:** Letter in support of Morro Bay Code Enforcement - Steve and Cathy Francis.pdf

Administration

Please see attached letter. We support the recent code enforcement actions.

Steve Francis

Steve and Cathy Francis

Morro Bay, CA 93442

February 26, 2016

Letter Regarding Enforcement of the City Code:

We were glad to receive the Community Enhancement information in the mail. We live in the Beach Tract, where lots are very small and houses are close together. We have seen some flagrant code violations:

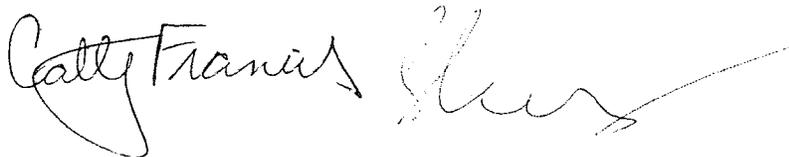
1. neighbors parking a horse trailer in their front yard
2. people camping on the street in their RVs (with power cords plugged into the house).
3. neighbors continually parking in front of the mailboxes and the mail carrier refused to deliver the mail at that point. This resulted in the mailbox owners having to pay a contractor to have the mailbox moved because these people kept parking their boat and truck in front of the mail boxes.

In all cases, polite requests to the neighbors asking them to be more considerate have resulted in profanity, anger, and no positive change.

Human nature being what it is, most people seem to think that they should be able to do anything that they want to. Often there is little thought for how their actions affect other people. The guy who wants his boat or RV in his side yard doesn't think about the fact that his neighbors don't really want to look at his boat or RV (or his trash cans) and views these things as an eyesore. We have a motor home that we think is beautiful! However, we don't think it looks beautiful sitting on the side of our lot or in the street in front of our house. Our neighbors probably agree with this thought.

Another issue solved by the enforcement of the city codes is neighborhood aesthetics. Aesthetics contribute to property values and to the ability to attract visitors to this community, supporting our tourism industry. Property values will go down and visitors will be less inclined to visit and pay top dollar when the place they are visiting looks tacky.

So we support the city of Morro Bay enforcing the existing codes. Note that we think that the city of San Luis Obispo has gone a little overboard with their zealously. But when we drive around Oceano we see strong value in code enforcement.

A handwritten signature in cursive script that reads "Cathy Francis". The signature is written in dark ink and is positioned above the typed name of the sender.

Steve and Cathy Francis

Dana Swanson

RECEIVED  
City of Morro Bay

**From:** CRAIG PORTER <  
**Sent:** Friday, February 26, 2016 10:09 AM  
**To:** Council  
**Cc:** Noah Smukler  
**Subject:** code enforcement.

FEB 26 2016

Administration

AS a resident as well as someone who uses their boat as a source of income, the new code enforcement tactics are concerning. In recent weeks I have had numerous residents stop by my house and express concern about the new policies being put in place by this council. Boats, RV's and trailers not in public parking spaces in our town, but rather in the owners private property should cause little concern to anyone. If you have done your homework you will understand that in other coastal cities such as Santa Barbara, or Monterey the boat owners play 72 hour shuffle with their boats in on street parking. Our beautiful city's image is not harmed by people owning or parking these items in their yards, but having these items parked on street all over town will do no one any good. Also of concern is the rule that a boat can not be hooked up in any way to utilities. I plug my boat into electric to maintain the batteries so I don't get stuck offshore. I have talked to over 100 people who have expressed the same opinions on this. I appreciate your time and look forward to a response..

E. Craig Porter

## Dana Swanson

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**From:** Lou Kranz  
**Sent:** Thursday, February 18, 2016 2:14 PM  
**To:** Council  
**Subject:** Code Enforcement

Hi - I will be out of town on March 8th and unable to attend the meeting. That being said, I can't tell you how happy I am that we have code enforcers. I moved from a city with a strict HOA and all of the yards and houses looked nice. We were not able to park RV's, boats, or trailers on our property. This kept the neighborhood looking very nice. When it came time to sell my house, it sold quickly and I moved here. As I walk around Morro Bay, I am appalled at some of the things I see. Some streets look like junk yards. If I had it to do all over again, I wouldn't move here. I realize that people feel that since it is their own property, they can do as they please, but this affects the property values.

I say, ENFORCE, ENFORCE, ENFORCE !

Thanks,

An unhappy homeowner

FEB 16 2016

Administration

**Memorandum - Two Pages**

**Date:** February 16, 2016  
**To:** Morro Bay City Council  
**From:** Ron Reisner, Morro Bay Resident  
**Subject:** City of Morro Bay Municipal Ordinances and Code Enforcement

With all the talk concerning tight budgets and fiscal responsibility in our little town, I find myself confused by certain aspects of the current spate of Municipal Ordinance Code enforcement - enforcement which now represent at least \$100,000 of annual City budget, without regard to the inevitably associated costs of other City employees and City resources.

I and other citizens are familiar with the May 2015 San Luis Obispo County (SLO) Grand Jury findings concerning City of Morro Bay Code Enforcement. As we know, the Grand Jury made four recommendations:

- R1: Establish a proactive managed code enforcement process.
- R2: Fund and hire a full-time municipal code enforcement officer.
- R3: Acquire, install and use a municipal code management software package to track all code violation complaints.
- R4: Train staff on use of the new system.

We are also familiar with Mayor Irons July 14, 2015 response to judge Harman following the Grand Jury findings.

Unfortunately, neither the Grand Jury investigation and its findings, nor the Mayor's response to the court, nor the City's current Goals and Objectives item 4.d., nor the City's code enforcement process to date seem to include the all-important element of a comprehensive City Municipal Ordinance review. Or, perhaps I am ignorant of the City sharing with its citizens the results of such a comprehensive review.

Given that Ordinances are laws created by the City, and Codes are standards or administrative interpretations of those Ordinances, the question is not whether a City needs Ordinances (and the Code enforcement of those Ordinances), but rather what City Ordinances are appropriate and necessary?

No responsible citizen would argue against the need for City Municipal Ordinances that meaningfully protect health and safety. However, two exemplar issues regarding current City health and safety Ordinances raise questions regarding meaningfulness. The first relates to the storage of non-derelict recreational vehicles and boats on private property, irrespective of whether some portion of those RV's or boats sit on a zoning set-back within the boundaries of that private property. The second relates to the height of hedges on private property when the height does not interfere with traffic sight lines. It is difficult to understand how these two examples of private property use have a negative impact on the City's health or safety.

**My question is, since the May 2015 SLO Grand Jury findings, and the subsequent actions of the City of Morro Bay relative to Municipal Ordinance Code enforcement, have those actions been preceded by and/or included a comprehensive review of City Municipal Ordinances, as well as the associated public input?**

In the City's December "Information" release, the "10 most common [Code] violations" are featured. Taking them in turn: Water conservation, which under present circumstances cannot be argued; Control of commercial signage, very likely necessary; Prohibiting public nuisance junk, debris, and trash on private property, which makes sense; Prohibiting shrubbery heights that impeded traffic safety – sure; Prohibitions against encroaching on City property – understandable; Prohibition against illegal camping – if only that one was actually enforced. That leaves us with City Ordinances addressing: "Improper Parking of RV's and Boats"; "Fences"; "Garbage Cans – Visible from Street".

So, seven of the 10 most common violations appear worthy of being City Municipal Ordinances, while in the light of rational review, three of the 10 (or portions thereof) may not. In order to justify the application of City resources, City budget, and City taxpayer funds to Ordinance enforcement, it is logical that an Ordinance must materially and specifically contribute to public "health and safety". What then is the litmus test for such contribution, and who decides?

I do not know how many Morro Bay Municipal Ordinances exist that relate to health and safety, as well as to the associated use by private land owners of their property, but there appears to be a need for comprehensive and substantial review. Using the example of the 10 most common violations, approximately 30% of existing Municipal Ordinances relating to public health and safety might be called in to question relative to their rationale and relevance. If even a fraction of this is the case, a reasoned and rational review of Morro Bay Municipal public health and safety Ordinances is necessary. This is especially true in light of the impact on the City budget and taxpayer dollars from the Code enforcement process. Even if the City were awash in budget funds and taxpayer funding, a reasoned and rational approach to the specific nature and existence of City Municipal Ordinances, much less their enforcement, is a prime responsibility of City government.

**Please advise relative to your position regarding the need for a comprehensive and substantive review of City Municipal Ordinances, especially those relating to public health and safety – a review which focuses on reasonableness and relevance, and which factors in the responsible use of public funds for enforcement. Further, please advise as to your position regarding conducting that review prior to expending City budget and taxpayer dollars on relevant aspects of Municipal Ordinance enforcement.**

I look forward to your response.

Sincerely,

Ron Reisner  
Morro Bay Resident