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Commission Clerk

TO: MEMBERS OF THE COMMISSION

FROM: ROB FITZROY, EXECUTIVE OFFICER

IMELDA MARQUEZ, ANALYST

DATE: JANUARY 20, 2022

SUBJECT: LAFCO FILE 1-S-21: SPHERE OF INFULENCE AMENDMENT TO CITY

OF MORRO BAY (PANORAMA LOTS)

Recommendation. It is respectfully recommended that the Commission consider taking the following actions.

Action 1:

Acting as the Responsible Agency pursuant to the California Environmental Quality Act (CEQA), find by motion, that the Certified Environmental Impact Report (EIR) (SCH # 2017111026) adopted by the City of Morro Bay was reviewed, considered, and determined to be adequate for purposes specified in Section 15096 of the CEQA Guidelines and for use in considering approval of the proposed Sphere of Influence amendment.

Action 2:

Approve by resolution (Attachment A) the proposed Sphere of Influence amendment to the City of Morro Bay and adopt Findings of Fact and a Statement of Overriding Findings for compliance with CEQA (Exhibit A of Attachment A) with the following conditions:

1. This condition applies to the extent allowed by law. The applicant agrees to defend, indemnify, hold harmless and release the San Luis Obispo Local Agency Formation Commission (LAFCO), its officers, employees, attorneys, or agents from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on the proposal or on the environmental documents submitted to or prepared by LAFCO in connection with the proposal. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys' fees, and expert witness fees that may be asserted by any person or entity, including the Applicant, arising out of or in connection with the application. In the event of

such indemnification, LAFCO expressly reserves the right to provide its own defense at the reasonable expense of the applicant.

PROJECT OVERVIEW

Project Proponents: Resolution of Application by the City of Morro Bay (Attachment F).

<u>Certificate of Filing:</u> Issued on September 21, 2021.

<u>Acreage and Location:</u> The territory proposed for a sphere of influence amendment is comprised of 212.81 acres located within the western boundary of the County of San Luis Obispo and surround the northeastern portion of the City of Morro Bay with Highway 1 situated to the west. The vicinity maps in Attachment C show the sphere of influence (SOI) amendment area.

APNs: 073-075-002 and portions of 073-076-016

<u>Timeline:</u> In March 2021 the City approved Resolution 14-21 initiating proceedings for the proposed SOI Amendment before LAFCO today.

In May 2021, the City of Morro Bay certified their EIR for the Morro Bay General Plan Update Final Environmental Impact Report (SCH # 2017111026). The EIR for the General Plan studied the inclusion of future SOI areas, which in part included the proposed SOI for the panorama lots. As Responsible Agency, LAFCO will be relying upon the EIR for compliance with CEQA.

On June 28, 2021, the City applied to LAFCO with the SOI amendment proposal.

On July 28, 2021, within the 30-day response requirement period, staff provided the applicant with an information hold letter describing the items needed to continue processing the application. LAFCO solicited public comment during the referral process and included public comments in the information hold to the City, which included 600 plus signatures against the proposed SOI.

On August 19, 2021, the Commissioners considered a Study Session for this item. The Commission took the opportunity to get clarity on the project and ask questions to City representatives. At that time, the Commission raised questions and asked for clarification in regard to agricultural zoning, LAFCO conditions for agriculture easements, Coastal Commission involvement with the project, Accessory Dwelling Unit opportunities, Chevron's plan to sell the lots, development potential on the lots, preservation plans, slope stability, and the City's capacity to serve the properties.

On September 1, 2021, the applicant provided their response to LAFCO's information request to deem the application complete and allow staff to issue a Certificate of Filing, which was issued

on September 21, 2021. The City addressed community concerns in the information hold response letter included in Attachment G.

On November 18, 2021, the item was taken to the LAFCO Commission and in consultation with legal counsel the item was continued to January 20, 2022, due to a hearing notice issue.

Public Notification for January 2022 LAFCO Hearing: Notice was mailed to 886 property owners and registered voters within 300 feet of the proposed SOI area. Email notices were sent to the proponents, the City, applicable agencies, and other interested parties as required under government code section 56660 & 56661. All notices were sent out at least 21 days in advance of the hearing, consistent with Government Code section 56427. In addition, a 1/8-page display advertisement was placed in the Tribune on December 30, 2021, at least 21 days in advance of the hearing per Government Code section 56153. This item was originally scheduled to be heard by the Commission on November 18, 2021; however, there was a noticing issue in which property owners / registered voters were unintentionally omitted, as such the item was continued to January 20, 2022. The noticing issue was corrected and staff re-noticed all parties in accordance with all applicable requirements as noted above.

<u>Background:</u> The City's recent comprehensive General Plan Update considered, in part, various expansion areas, which included the Panorama Lots. The General Plan considers these expansion areas an opportunity to allow for some limited outward expansion beyond current City limits to achieve large-scale conservation of parcels and a small amount of rural-scale residential use as described in the City's 2021 General Plan Update. Although the properties are currently under the jurisdiction of the County of San Luis Obispo, they are an important element of Morro Bay's vision for the future according to the recently updated General Plan.

On March 18, 2021, the City of Morro Bay adopted a Resolution of Application (Resolution 14-21) to submit to LAFCO for a SOI amendment that would include the Panorama Lots (Morro Bay Staff Report Item C-1). As described in that staff report, the proposed Panorama Lot SOI amendment is directly related to other anticipated conservation actions between the City of Morro Bay, the Cayucos Sanitary District and the current landowner of the Panorama Lots, Chevron Land and Development Company. The three parties involved have a Memorandum of Agreement (MOU) in place as seen in Attachment H. The MOU specifies the City of Morro Bay's interest in preserving the Dog Beach lots, the Cayucos Sanitary District's interest in detaching their property located on the northern edge of the City's boundary (contains some district infrastructure), and Chevron's interest in including the Panorama Lots into the City's SOI. Today's proposed SOI action is related to the aforementioned MOU and phase I of a larger conservation effort to preserve the backdrop of the City as well as for the City to obtain the property, shown in Exhibit A of Attachment H, for continued use as a Dog Beach. After amending the sphere, phase II would follow in an effort to preserve the lots above panorama as seen in Attachment C. Numerous public meetings have occurred, and proposed SOI expansion plan has been vetted through the City as part of its General Plan Update process.

Project Description: On June 28, 2021, the City of Morro Bay submitted the application to LAFCO for the SOI amendment to include the Panorama Lots. The intent of bringing the lots into the SOI and eventually into the City through annexation is to maintain local control over development of the lots and to preserve the slopes above the City in an undeveloped state. The Resolution of Application states that each of the Panorama Lots would accommodate one (1) single family residence, for a total of no more than 5 homes with the opportunity of adding an accessory dwelling unit on each property per state law. Restrictions were outlined to allow development only in the lower portion of each Panorama Lot leaving the remainder of the hillside above Panorama Drive undeveloped thus, preserving the sight line, see Attachment C for vicinity maps. No development can occur on the sight and be served by the City as a result of the proposed SOI amendment; no development may occur until appropriate permits and entitlements have been obtained from the City, environmental review has been conducted, and annexation has been approved by LAFCO as a separate action from that occurring today. It is important to note that the Panorama Lots are within unincorporated County; under the existing land use designations of the County (Agriculture), one primary residence may be constructed on each lot currently. In addition, because the lots are designated as "Agriculture" under the Unincorporated County Code, various agriculturally-related structures could be built on the lots. As such, the intended future development potential of the Panorama Lots as described in the City's Resolution of Application would likely be similar or less intense to that currently allowed by the unincorporated County of San Luis Obispo.

ACTION 1 | ENVIRONMENTAL DETERMINATION

Environmental Determination: The City, Lead Agency, has certified an EIR for the General Plan Amendment that includes the proposed SOI expansion areas SCH# 2017111026 (Attachment B). Per the requirements of CEQA, a Responsible Agency relies on the Lead Agencies environmental documentation to approve the portion of the project under its jurisdiction. LAFCO acting as a Responsible Agency will rely upon the certified EIR for compliance with CEQA with the respect to the SOI component of the project. Staff has determined that the EIR is adequate for the proposed action before LAFCO. While LAFCO may rely upon the environmental documentation prepared by the City, LAFCO must adopt its own CEQA Findings of Fact and Overriding Considerations as found in Exhibit A of Attachment A.

In summary, mitigation measures are proposed to reduce potentially significant impacts to a less than significant level as related to construction air quality emission, special status species, wildlife movement, cumulative impacts to biological resources, archaeological resources, cumulative cultural resources impacts, ground borne vibration, cumulative noise impacts, pedestrian and bicycle travel, tribal cultural resources, and cumulative tribal cultural resources impacts. The City adopted overriding considerations based on significant and unavoidable impacts associated with clean air consistency, cumulative air quality impacts, vehicle miles travelled, and cumulative transportation impacts for all elements of the City's General Plan Update. The General Plan mentioned slope stability issues in this area. Site specific studies would be required to identify and address what the issues are for each of the individual lots at time of annexation.

ACTION 2 | SPHERE OF INFLUENCE AMENDMENT

Municipal Service Review (MSR): The Cortese-Knox-Hertzberg (CKH) Act advises that a current MSR be used to analyze a Sphere of Influence Amendment. The MSR is a study of the City's service capabilities and addresses seven factors described in Section 56430 of the CKH Act. LAFCO last adopted a SOI and MSR for the City of Morro Bay in August 2017. In addition to relying on the City's latest MSR adopted in August 2017, an updated brief analysis of the seven factors listed in 56430 (a) was provided in Attachment E.

<u>Sphere of Influence Amendment:</u> The SOI is a plan for the probable physical boundaries of a local agency as determined by LAFCO per GC 56076. This is the only action LAFCO will consider at today's hearing besides the already mentioned environmental determinations.

A SOI is defined by government code 56425 as "...a plan for the probable physical boundary and future service area of a local agency or municipality...". The City has evaluated the Panorama lots as a growth area as a part of its General Plan and associated EIR, and is now requesting a SOI amendment, which would allow the City to pursue an annexation when timing necessitates. Approval of an SOI amendment does not mean the subject area will be in the City's jurisdiction, this would not occur until annexation is considered and approved by LAFCO. The City must complete the land use planning entitlement process at the local level for a specific development plan, including CEQA, prior to an annexation being considered by LAFCO.

Sphere of Influence Factors. To amend the City's Sphere of Influence, the CKH act requires the following five specific determinations to be considered by LAFCO per gov code section 56425 (e):

1. The present and planned land uses in the area, including agricultural and open-space lands. The present land uses within the project area is zoned agriculture. The proposed land use will remain agriculture for the SOI Amendment.

Per the City's response to LAFCO policies 2.6, the Agricultural zoning in either jurisdiction allows one residence and an accessory dwelling unit on each of the 5 lots with the rest of the property used for agricultural purposes, such as grazing. The City wants to preserve its backdrop by annexing the properties from County jurisdiction into the City and, at the time of annexation, require the residences to be located in the designated building area adjacent to the City (see map 1 in Attachment C) and the property above the designated development area to be restricted to agricultural and / or open space uses. No change in zoning is proposed at this time. As such, the development potential would not change should the SOI be approved. Should the City pursue annexation in the future, as per the Resolution of Application, it is not their intent to change the zoning. As previously mentioned, the proposed SOI action is phase I of a larger conservation easement to preserve the backdrop of the City and for preservation and continued use of the Dog Beach lots as detailed out in the MOU in Attachment H.

- 2. The present and probable need for public facilities and services in the area. The City's recently adopted Final EIR analyzed public facilities and services for those areas in the planned SOI; which included the Panorama Lots area that is being considered today. No development proposal has been proposed at this time but at the time of annexation (a subsequent action required by LAFCO), there would be a need for services from the City. The MSR, EIR and submitted documents concluded that the City would have the capacity to serve further development in this area. Additional analysis would be required along with a revised detailed Plan for Services at time of annexation.
- 3. The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide. Per the City's MSR, EIR and submitted project materials the City has adequate resources to serve these five properties should the need arise in the future. Existing infrastructure providing access to City services is in the immediate area; each future landowner will install the connections as required.

The City has adequate water and sewer capacity to serve the property and connection to City infrastructure is readily available from the surrounding streets. The City also has adequate police and fire services to serve the property and the City maintains mutual aid agreements with the County related to fire (Cal Fire) and police services (Sheriff's office). Please refer to the City of Morro Bay's General Plan, One Water Plan, Final Water Reclamation Facility and EIR. General Plan Policies LU-1.1 and LU-3.1 sets parameters for locating new development and ensuring sufficient infrastructure and service capacity.

The City submitted a two-page plan for services with the SOI amendment application. The submitted plan for services briefly covers the 'Seven Service Review Factors' that are usually analyzed in the MSR process. This is a preliminary plan for services that would need to be revised at the time of annexation pursuant to the requirements specified in government code section 56653. Nonetheless, this provides sufficient analysis for this type of action. Please also see Attachment E that provides supplemental analysis of the seven review factors.

Additionally, in 2017, LAFCO adopted a SOI and MSR that included conditions of approval for any future annexations to the City of Morro Bay. These conditions of approval address LAFCO's primary policies when annexing into the City. Specifically, the conditions address water, wastewater, agriculture, and open space (conditions listed below). LAFCO has indicated that these conditions would be applied to any annexation for this area.

Water:

As a condition of an annexation application being filed with LAFCO, the City shall document with a water supply analysis that an adequate, reliable, and sustainable water supply is available and deliverable to serve the areas proposed for

annexation.

Wastewater:

As part of an annexation application, the City shall document the progress of the currently-planned upgrade to the wastewater treatment plant in compliance with a NPDES permit.

Agriculture & Open Space:

The City shall identify all agricultural and open space lands to be protected in the annexation areas when prezoning or preparing land use entitlements for an area.

Prior to LAFCO filing the certificate of completion (if an annexation is approved), conservation easement(s) or other appropriate mitigation measures as listed in LAFCO's Agricultural Policy 12, shall be recorded on the deed(s) of the properties affected by the annexation specifying the areas to be protected in perpetuity.

- 4. The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency. The proposed SOI does not have communities of interest since the area is uninhabited and is currently out of the City's jurisdiction. Additionally, there are no nearby areas of social or economic communities of interest or areas in the City limits that meets the Disadvantaged Communities definition.
- 5. For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence. A disadvantaged community is defined as a community with an annual median household income that is less than 80 percent of the statewide annual median household income. The existing SOI and proposed SOI amendment for the city does not have any disadvantaged communities that have a present and probable need for public facilities and services nor are the areas contiguous to the SOI qualify as a disadvantaged community.

The foregoing written statements are intended to comply with Government Code section 56425 (e).

Area of Concern. LAFCO received various comment letters from the public, prior to the release of the staff report (Attachment I). Staff has identified key areas of concern expressed by the public and provided a brief analysis in response to those concerns.

Geologic Concerns: A frequently raised area of concern was the SOI area's vulnerability to landslides and that the area is within a Geologic Study Area (GSA) according to County Estero Planning Area maps. It should be noted that being located within a GSA means that development projects within unincorporated County of San Luis Obispo would be required to conduct further geologic evaluation in context to the development being proposed, a GSA does not preclude development from occurring. Additionally, there was concern with the SOI area being rated "High" and "Very High" potential landslide risk areas according to the City's General Plan, Safety Element. LAFCO acknowledges public concern; however, LAFCO as a part of its approval process for the SOI amendment needs to consider the five factors noted above. Detailed information about the site's geology in context to a proposed development is not available at this time and therefore cannot be considered within this action. Such detailed information would however be prepared and considered during the annexation process wherein there would be a formal development plan, accompanying geologic analysis and other pertinent information available for consideration. Again, however such information is not available at this time and beyond the purview of the action being considered to amend the SOI. It should be noted that any future development plan would first need to go through the City's entitlement process, environmental review process, potentially the Coastal Commission prior to being considered for annexation by LAFCO. LAFCO can only consider annexation if all the necessary entitlements and approvals are in place. It is LAFCO's understanding that the City would require the future landowner / applicant to obtain a geotechnical analysis to establish specific building sites and guide construction requirements for the residences, at time of annexation, and ensure consistency with applicable General Plan policies and Building Code requirements as needed.

<u>Water Concerns:</u> Concerns were expressed with the City's capability to serve the five lots with water. The City's General Plan EIR, which considered the City's SOI expansion areas, concluded that impacts associated with future growth and expansion areas (including the proposed SOI amendment) would be Class III, less than significant impact. This is because development facilitated by the General Plan would increase the demand for water supply; however, the City of Morro Bay projects that city water supply is sufficient to meet the projected water demand under buildout associated with the General plan And LCP Update. For more information on the City's water portfolio, please refer to the General Plan, One Water Plan, and Certified EIR.

<u>Service Concerns</u>: In addition to water, there was general concern with the City's ability to serve the area with other services (police, fire, sewer, etc.) and the "financial burden" it would have on existing residents. The City's 2017 MSR, EIR, and General Plan demonstrated full range of services are adequately available as discussed in LAFCO determination 3 above. Existing infrastructure providing access to City services is in the immediate area; each future landowner will install the connections as required. The cost for installing connections for the services located in the streets adjacent to the properties will be the responsibility of landowners and future development would be required to pay development impact fees in accordance with the City's fee program. Also see Attachment E.

Agricultural Concerns: Concerns were expressed regarding loss of agricultural land. The

Panorama Lots area is currently zoned Agriculture land in the County and will continue to be designated as Agricultural land as set forth in the City of Morro Bay's Land Use Plan under the proposed SOI amendment and potential future annexation according to the City. It is important to note that the Panorama Lots are within unincorporated County; under the existing land use designations of the County (Agriculture), one primary residence may be constructed on each lot currently. In addition, because the lots are designated as "Agriculture" under the Unincorporated County Code, various agriculturally-related structures could be built on the lots. As such, the intended future development potential of the Panorama Lots as described in the City's Resolution of Application would likely be similar or less intense to that currently allowed by the unincorporated County of San Luis Obispo.

A benefit to bringing the properties into the City would be so that the City require the development to be located in the designated building area adjacent to the City (as seen in Attachment C) and the property above the designated development area to be restricted for conservation purposes.

Local Sphere of Influence Policies. The CKH Act requires that each commission establish written policies and procedures and exercise their powers consistent with those policies and procedures. The San Luis Obispo LAFCO's policies encourage and provide for well-ordered, efficient urban development patterns, balanced with preserving open space and agriculture land while discouraging urban sprawl. The SOI Update for the city is consistent with those policies and the purposes of LAFCO. Overall, this is a very common land use planning practice that is consistent with state law, wherein the city evaluates a growth area as a part of its general plan, then requests a SOI amendment, and finally pursues an annexation when timing necessitates.

Sphere of Influence Amendment Analysis and Conclusions. The SOI for the City is recommended as it is consistent with the City of Morro Bay's General Plan adopted May 2021. This is based on the information, application, studies, and documents provided and approved by the City and contained or referenced by in this Staff Report. The City has considered the impacts of this SOI Amendment on its service capacities.

As mentioned in the City's response to LAFCO's information request letter dated July 28, 2021, the proposed inclusion of the subject property in the City's SOI supports the City's goal to protect the scenic backdrop of the City. By including these properties in the SOI and limiting the location of residential development to the area shown in yellow in map 1 of Attachment C wherein the limited development may occur. This is consistent with a much larger effort initiated by Chevron to divest the Estero Terminal properties (generally located above the Panorama Lots) through cooperative efforts with the City, County, Cayucos Sanitary District, and a variety of conservation non-profit groups.

<u>County Department of Agriculture Comments:</u> The Agriculture Department provided a letter response to LAFCO regarding this project as shown in Attachment I. The letter did not express significant concern but asked for clarification on identifying a maximum square footage of

development area within the identified potential building areas to ensure impacts to agricultural resources are minimized. The City responded by stating that the building potential has been identified in Attachment C. Additionally, they'd wish to retain flexibility of site location and design until the design phase, when development constraints, environmental factors and design preferences will be addressed.

<u>County Air Pollution Control District (APCD) Comments:</u> APCD provided a summarized email, after receiving their 21-day notice, explaining why they had no comments (Attachment I). APCD concluded that the goals of this proposed SOI are consistent with the General Plan and land-use strategies in the APCD's Clean Air Plan and SLOCOG's Regional Transportation Plan/Sustainable Community Strategy.

<u>Public Comment / Correspondence:</u> LAFCO received numerous comments and approximately 900 petitions against the project from the public. All comments received prior to the release of the staff report (01/13/2022) were attached to this report and considered by the Commission (Attachment I). All comments received prior to July 28, 2021, were shared with the City and the City was asked to respond as part LAFCO's request for additional information (Attachment G).

STAFF RECOMMENDATION

At the conclusion of its consideration, the Commission may approve the request, with or without amendment, wholly, partially, or conditionally, or disapprove the request. The Commission has discretion in light of the whole record to make its decision. If your Commission moves to approve the sphere of influence amendment, staff recommends that one roll call vote be taken for each of the following actions:

Action 1:

Acting as the Responsible Agency pursuant to the California Environmental Quality Act (CEQA), find by motion, that the Certified Environmental Impact Report (EIR) (SCH # 2017111026) adopted by the City of Morro Bay was reviewed, considered, and determined to be adequate for purposes specified in Section 15096 of the CEQA Guidelines and for use in considering approval of the proposed Sphere of Influence amendment.

Action 2:

Approve by resolution as contained in Attachment A the proposed Sphere of Influence amendment to the City of Morro Bay and adopt Findings of Fact and a Statement of Overriding Findings for compliance with CEQA (Exhibit A of Attachment A) with the following conditions:

1. This condition applies to the extent allowed by law. The applicant agrees to defend, indemnify, hold harmless and release the San Luis Obispo Local Agency Formation Commission (LAFCO), its officers, employees, attorneys, or agents from any claim, action

or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on the proposal or on the environmental documents submitted to or prepared by LAFCO in connection with the proposal. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys' fees, and expert witness fees that may be asserted by any person or entity, including the Applicant, arising out of or in connection with the application. In the event of such indemnification, LAFCO expressly reserves the right to provide its own defense at the reasonable expense of the applicant.

Attachment A: Draft LAFCO Resolution Approving the Sphere of Influence

Exhibit A: Findings of Fact & Overriding Considerations

Exhibit B: SOI Map and Legal Description

Attachment B: City of Morro Bay General Plan and LCP Update - Final Environmental Impact Report, & Statement of Overriding Considerations (Available Online)

Attachment C: Vicinity Maps

Attachment D: City's Projected Plan for Services

Attachment E: LAFCO Review of Factors – Government Code Section 56430

Attachment F: Resolution of Application by the City of Morro Bay

Attachment G: Info Hold Letter dated July 28, 2021, response from the City

Attachment H: Memorandum of Understanding (City of Morro Bay, Cayucos Sanitary District and Chevron)

Attachment I: Comment Letters Submitted Prior to the Release of the Item (01/13/2022)

Attachment A

Draft LAFCO Resolution Approving the Sphere of Influence

IN THE LOCAL AGENCY FORMATION COMMISSION COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

Thursday, January 20, 2022

PRESENT:

ABSENT:

RESOLUTION NO. 2022-XX

RESOLUTION APPROVING SPHERE OF INFLUENCE AMENDMENT TO THE CITY OF MORRO BAY (PANORAMA LOTS)

The following resolution is now offered and read:

WHEREAS, on September 21, 2021, the Executive Officer filed a Certificate of Filing regarding a request to consider a proposal for the Sphere of Influence Amendment to the City of Morro Bay (Panorama Lots); and

WHEREAS, following the issuance of the certificate of filing, the executive officer proceeded to set the proposal for hearing not more than 90 days after the application was deemed to have been accepted per government code section 56658. The hearing was held on November 18, 2021, where the Commission voted to continue the item to January 20, 2022, consistent with government code section 56428(d); and

WHEREAS, the Executive Officer has given the notices required by law and forwarded copies of his report to officers, persons and public agencies prescribed by law; and

WHEREAS, the matter was set for public hearing at 1:00 p.m. on January 20, 2022, and the public hearing was duly conducted and determined and a decision was made on January 20, 2022; and

WHEREAS, at said hearing this Commission heard and received all oral and written protests, objections and evidence, which were made, presented or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to the proposal and report; and

WHEREAS, the Commission determined that the environmental review documentation, including the Environmental Impact Report (State Clearinghouse Number 2017111026), certified by

Resolution No. 2022-XX Page 2 of 3

the City of Morro Bay, meets the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, the Commission determined that the environmental mitigations and statement of overriding consideration adopted by the City of Morro Bay are appropriate and acting as a Responsible Agency LAFCO adopts its own Findings of Fact and statement of overriding consideration that meets the requirements of the CEQA as contained in Exhibit A hereto; and

WHEREAS, the Commission has considered all Sphere of Influence factors required to be considered by Government Code Section 56430 and 56425 (e) and adopts as its written statements of determinations therein, the determination set in the Executive Officer's Staff Report dated January 20, 2022, said determinations being incorporated by reference herein as though set forth in full; and

WHEREAS, the Commission duly considered the proposal and finds that the proposal to amend the Sphere of Influence for the City of Morro Bay should be approved.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Local Agency Formation Commission of the County of San Luis Obispo, State of California, as follows:

- 1. That the recitals set forth hereinabove are true, correct, and valid.
- 2. That the Certified Environmental Impact Report (EIR) (SCH # 2017111026) adopted by the City of Morro Bay was reviewed, considered, and determined to be adequate for purposes specified in Section 15096 of the CEQA Guidelines and for use in considering approval of the proposed Sphere of Influence amendment.
- 3. That the Executive Officer of this Commission is authorized and directed to send copies of this resolution in the manner provided by law.
- 4. That the Sphere of Influence Update for the City of Morro Bay pursuant to the map and legal description in Exhibit B of this Resolution is hereby approved with the following conditions:
 - 1. This condition applies to the extent allowed by law. The applicant agrees to defend, indemnify, hold harmless and release the San Luis Obispo Local Agency Formation

Resolution No. 2022-XX Page 3 of 3

Commission (LAFCO), its officers, employees, attorneys, or agents from any claim, action or proceeding brought against any of them, the purpose of which is to attack, set aside, void, or annul, in whole or in part, LAFCO's action on the proposal or on the environmental documents submitted to or prepared by LAFCO in connection with the proposal. This indemnification obligation shall include, but not be limited to, damages, costs, expenses, attorneys' fees, and expert witness fees that may be asserted by any person or entity, including the Applicant, arising out of or in connection with the application. In the event of such indemnification, LAFCO expressly reserves the right to provide its own defense at the reasonable expense of the applicant.

Upon a motion of Commissioner	, seconded by Commissioner	, and on
the following roll call vote:		
AYES:		
NAYS:		
ABSTAINING:		
The foregoing resolution is hereby adopted.		
	Robert Enns, Chair Local Agency Formation Com	Date mission
ATTEST:		
Rob Fitzroy Date LAFCO Executive Officer		
APPROVED AS TO FORM AND LEGAL EF	FECT:	
Brian Pierik Date LAFCO Legal Counsel		

Exhibit A: CEQA Findings of Fact & Overriding Considerations

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San Luis Obispo Loca	I Agency Formation	Commission
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LAFCO No. 1-S-21

Sphere of Influence Amendment to the City of Morro Bay (Panorama Lots)

CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

Prepared by San Luis Obispo LAFCO

1. Consideration of the Environmental Impact Report

The Commission, as a Responsible Agency, has reviewed and considered the information in the Final Environmental Impact Report (EIR) for the Morro Bay General Plan and LCP Update; State Clearinghouse Number 2017111026, among other documents and has concluded that the EIR is adequate for the purposes of the Commissions' compliance with CEQA (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) for the proposed action. The Commission has reached its own conclusion whether and how to approve the proposed Sphere of Influence (SOI) Amendment for the City of Morro Bay and the associated Panorama Lots area.

As a Responsible Agency, the Commission must rely upon the EIR prepared for the project and concur with its conclusions relative to the action before the Commission. The action of the Commission would allow the City to amend the area known as the Panorama Lots area into its SOI boundaries. As such, the EIR was reviewed in this context to ensure the annexation would adequately address any potential environmental impacts. The Commission concluded that no substantial changes are proposed in the project which will require major revision of the previously certified EIR, no substantial changes have occurred with respect to the circumstances under which the project is undertaken which will require major revision of the previously certified EIR, and no new information of substantial importance has been identified which was not known at the time that the previous EIR was certified.

Mitigation measures are proposed to reduce potentially significant impacts to a less than significant level as related to construction air quality emission, special status species, wildlife movement, cumulative impacts to biological resources, archaeological resources, cumulative cultural resources impacts, ground borne vibration, cumulative noise impacts, pedestrian and bicycle travel, tribal cultural resources, and cumulative tribal cultural resources impacts. The City adopted overriding considerations based on significant and unavoidable impacts associated with clean air consistency, cumulative air quality impacts, vehicle miles travelled, and cumulative transportation impacts for all elements of the City's General Plan Update. Overriding findings are proposed for impacts that were determined to be significant and unavoidable.

These findings and determinations constitute the independent findings and determinations by the Commission in all respects and are fully and completely supported by substantial evidence, both oral and written, in the entire record relating to the proposal before the Commission.

2. Record of Proceedings

Supporting documentation and other materials (including documents maintained in electronic format) that constitute the record of proceedings upon which this determination is based can be found online and in the custody of the Commission's Executive Officer at office address:

San Luis Obispo Local Agency Formation Commission 1042 Pacific Street, Suite A San Luis Obispo, CA 93401

The record of proceedings for Commission decisions on the proposal includes, but is not limited to, the following documents:

- a) August 2017 the preparation of Municipal Service Review Determinations and Sphere of Influence update statements of its determinations:
 - LAFCO prepared a Municipal Service Review pursuant to Government Code section 56430 in 2017.
 - Written determination has been prepared pursuant to Government Code section 56430 (a) and section 56425 (e).
- b) March 2021 the City of Morro Bay City Council adopted the following:

Resolution 14-21 Initiating Proceedings to amend the Sphere of Influence

- Exhibit A Legal Description
- Exhibit B Proposed SOI Map
- Exhibit C SOI Land Use
- Exhibit D Plan for Services
- c) May 2021 the EIR for the Morro Bay General Plan and LCP Update (SCH # 2017111026) was Certified.
- d) On May 25, 2021, the City Council adopted Plan Morro Bay which is a comprehensive update of the City's 1988 General Plan and 1984 LCP (Coastal Land Use Plan).
- e) On August 12, 2021, the California Coastal Commission voted unanimously to certify the Coastal Land Use Plan (LUP) via LCP Amendment #LCP-3-MRB-21-0047-1.
- f) June 28, 2021, the City submitted their Resolution of Application to LAFCO.
- g) Public notices issued by the Commission associated with the proposal.

Notice was mailed to 886 property owners and registered voters within 300 feet of the proposed SOI area. Email notices were sent to the proponents, the City, applicable agencies, and other interested parties as required under government code section 56660 & 56661. All notices were sent out at least 21 days in advance of the hearing, consistent with Government Code section 56427. In addition, a 1/8-page display advertisement was placed in the Tribune on December 30, 2021, at least 21 days in advance of the hearing per Government Code section 56153.

Although the findings below identify specific pages within the record in support of various conclusions, the Commission incorporates by reference and adopts as its own, the reasoning set forth in the EIR and related documents, and thus relies on that reasoning, even where not specifically mentioned or cited below, in reaching the conclusions herein.

3. Significant Impacts Identified in the EIR

The City certified the EIR for the Morro Bay General Plan and LCP Update in May 2021, which evaluated environmental impacts on the expansion of the City's service area. Other than approving the SOI expansion analyzed in the EIR, changes and alterations to avoid or substantially lessen the significant environmental effects as identified in the EIR are within the responsibility and jurisdiction of the City and not the Commission.

The Commission's jurisdiction to impose conditions on the Project is limited under Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) and CEQA Guidelines sections 15050 (Lead Agency Concept) and 15096 (Process for a Responsible Agency). As a responsible agency, the Commission has responsibility for mitigating or avoiding only the direct or indirect environmental effects of those parts of the Project that it decides to carry out, finance, or approve. (CEQA Guidelines, section 15096(g)(1)).

The Commission hereby makes the following findings regarding the significant effects of the project, pursuant to Public Resources Code section 21081, and section 15091 of the CEQA Guidelines. The discussion below does not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the discussion provides a summary of each potentially significant impact, describes the applicable mitigation measures identified in the Draft EIR or Final EIR as adopted by the City of Morro Bay, and states the Commission's findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the DEIR and FEIR, and these findings hereby incorporate by reference the discussion and analysis in those documents supporting the FEIR's determinations regarding mitigation measures and the Project's impacts and mitigation measures designed to address those impacts.

In order for LAFCO to consider the proposed SOI expansion, a Statement of Findings is provided for the following impacts identified in the EIR as significant and unavoidable. LAFCO, as a Responsible Agency, has prepared the following Findings as required per CEQA Guidelines section 15096 (h).

The EIR identified several beneficial (Class IV) and less than significant impacts (Class III), which the Commission has reviewed and considered and concurs with the conclusions of those respective impact analyses. The findings below, as required by CEQA Guidelines Section 15091, are associated with significant impacts, which includes significant impacts that are mitigable and significant impacts that are not mitigable.

CLASS I. Significant Unavoidable Impacts that cannot be fully Mitigated

Impact AQ-1:

The General Plan and LCP Update would result in an increase in VMT that would exceed the projected rate of population growth in Morro Bay, which would be inconsistent with the SLOAPCD Clean Air Plan. This would be a significant and unavoidable impact.

- a. <u>Mitigation Measures:</u> The General Plan and LCP Update would comply with applicable General Plan and LCP Update goals and policies that would reduce VMT to the extent feasible. In addition, individual development projects in the planning area would require project-level environmental review, including evaluation of future projects for consistency with the applicable air quality plan in accordance with the SLOAPCD CEQA Air Quality Handbook, which could result in the implementation of project-specific mitigation measures to reduce VMT. However, no additional policy-oriented mitigation is available that would reduce projected VMT, therefore this impact remains significant and unavoidable. (FEIR p. 4.2-10 4.2-19.)
- b. <u>Finding:</u> The Commission finds specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final EIR. No mitigation is available that would reduce the project rate of VMT growth below the

projected rate of population growth in Morro Bay. Therefore, the General Plan and LCP Update would be inconsistent with the SLOAPCD Clean Air Plan, and impacts related to consistency with the 2001 CAP would remain significant and unavoidable. A statement of overriding considerations for this impact is made in Section 5.

Impact T-2:

The General Plan and LCP Update anticipates land use growth that would result in a long-term increase in vehicle miles traveled (VMT) within the City's Sphere of Influence (SOI). The General Plan and LCP Update Circulation Element includes goals and policies that reduce reliance on passenger vehicles, facilitate pedestrian and bicycle transportation, and establish local targets for VMT reduction. However, future development in Morro Bay would result in increased per service population VMT, and no feasible mitigation is available that would fully address the anticipated increase in VMT. This impact would be significant and unavoidable.

- a. <u>Mitigation Measures:</u> Future development in Morro Bay would result in increased long-term VMT, even with implementation of identified goals and policies that would reduce VMT to an extent. No additional feasible mitigation is available that would fully address the anticipated increase in VMT resulting from the General Plan and LCP Update.
- a. <u>Finding:</u> The Commission finds specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the FEIR. Mitigation is not available that would fully address the anticipated increase in VMT resulting from the General Plan and LCP Update. A statement of overriding considerations for this impact is made in Section 5.

CLASS II. Significant but Mitigable Impacts

Impact AQ-2:

Buildout of the General Plan and LCP Update would result in short-term emissions of criteria pollutants. Construction emissions from future project in the planning area would be quantified once project details are known and evaluated for potential impacts in accordance with SLOAPCD guidance. This impact would be less than significant with mitigation.

- a. <u>Mitigation Measures:</u> Proponents of individual land use projects, or other projects requiring grading or building permits, shall require construction contractors to incorporate the following standard mitigation measures, as applicable, to reduce ROG, NOX, and DPM emissions from construction equipment. Mitigation measures shall be listed on project construction plans and the project proponent shall perform periodic site inspections during construction to ensure that mitigation measures are being implemented.
 - Maintain all construction equipment in proper condition according to manufacturer's specifications

- Fuel all off-road and portable diesel-powered equipment with ARB-certified motor vehicle diesel fuel (non-taxed version suitable for use off-road)
- Use diesel construction equipment meeting ARB's Tier 2 certified engines or cleaner off-road heavy-duty diesel engines, and comply with the State Off-Road Regulation
- Use on-road heavy-duty trucks that meet ARB's 2007 or cleaner certification standard for on-road heavy-duty diesel engines, and comply with the State On-Road Regulation
- Construction or trucking companies with fleets that that do not have engines in their fleet
 that meet the engine standards identified in the above two measures (e.g., captive or NO_X
 exempt area fleets) may be eligible by proving alternative compliance
- All on and off-road diesel equipment shall not idle for more than 5 minutes. Signs shall be
 posted in the designated queuing areas and or job sites to remind drivers and operators of
 the 5-minute idling limit
- Diesel idling within 1,000 feet of sensitive receptors is not permitted
- Staging and queuing areas shall not be located within 1,000 feet of sensitive receptors
- Electrify equipment when feasible
- Substitute gasoline-powered in place of diesel-powered equipment, where feasible Use alternatively fueled construction equipment on-site where feasible, such as compressed natural gas (CNG), liquefied natural gas (LNG), propane or biodiesel.
- b. <u>Finding:</u> The Commission finds changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR. Mitigation Measure AQ-2 would reduce the significant impact to a less than significant level.

Impact BIO-1:

New development facilitated by the General Plan and LCP Update could impact listed and other individual special status species and foraging and breeding habitat for special status wildlife and habitat for special status plants. This impact would be less than significant with incorporation of mitigation.

- a. <u>Mitigation Measures:</u> BIO-1(a) Avoidance and Minimization during Development. Policy C-1.3 shall be updated to read:
 - Policy C-1.3. Biological Site Assessments. A biological assessment shall be required for any development proposed on sites that include or are within 100 feet of mapped ESHA in Figure C-2, and all other sites with natural vegetation regardless of whether ESHA has been mapped in Figure C-2, and for all other projects for which evidence indicates that ESHA may be present either on or adjacent to the site. The best available information about the location of ESHA in the City shall be used. Such assessment shall be prepared at the owner's expense by a qualified biologist approved by the City and shall, at minimum:
 - a. Identify and confirm the extent of the ESHA,
 - b. Document any site constraints and the presence of sensitive plant or animal species,

- c. Recommend buffers and development setbacks and standards to protect the ESHA,
- d. Recommend mitigation measures to address any allowable impacts If listed species, other special status species, or nesting birds are present or have potential to occur, specify avoidance and minimization measures, including compensatory mitigation, to be implemented to avoid or minimize take of individuals and loss of occupied habitat, and specify the necessary consultation pathway(s) with USFWS, NMFS, and/or CDFW to obtain incidental take coverage, where necessary, and
- e. Include any other information and analyses necessary to understand potential ESHA impacts as well as measures necessary to protect the resource as required by the Local Coastal Program.

If the site contains the potential for monarch overwintering or rookeries due to the presence of appropriately sized trees and groves, a seasonally timed survey appropriate for detecting the target species must also be included in the study.

BIO-1(b): External Impacts. Policy OS-7.1 shall be updated to read:

Policy OS-7.1 Account for External Impacts. If any portion of the area outside the city limits is included in the City's sphere of influence in the future, prepare and adopt a plan for the affected parcels that includes infrastructure and services provided by the City of Morro Bay. The plan shall also identify policies for the protection of natural resources in the affected areas.

- b. <u>Finding:</u> The Commission finds changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR. Mitigation Measures BIO-1(a) and BIO-1(b) would reduce the significant impact to a less than significant level.
 - Impact BIO-3: New development facilitated by the General Plan and LCP Update may remove trees, encroach on rookeries and breeding sites, impede movement of terrestrial and aquatic wildlife, and otherwise interfere with the movement of wildlife. Impacts to wildlife corridors, rookeries, and nest sites would be less than significant with incorporation of mitigation.
- a. <u>Mitigation Measures:</u> Wildlife Movement Corridors Protection. The following policy shall be added to the Conservation Element.
 - Policy C-1.17. Project Design for Wildlife Connectivity. Design new stream crossing structures and extensions or modifications of existing structures to accommodate wildlife movement. At a minimum, structures within steelhead streams must be designed in consultation with a fisheries biologist and shall not impede movement. New project with long segments of fencing and lighting shall be designed to minimize impacts to wildlife. Fencing or other project components shall not block wildlife movement through riparian or other natural habitat. Where fencing or other project components that may disrupt wildlife movement is required for public safety concerns, they shall be designed to permit wildlife movement.
- a. <u>Finding:</u> The Commission finds changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in

the FEIR. Mitigation Measure BIO-3 would reduce the significant impact to a less than significant level.

Impact CR-1: Development facilitated by the General Plan and LCP Update has the potential to impact historical and unique archaeological resources. Implementation of applicable General Plan and LCP Update goals and policies would minimize or avoid potential adverse impacts to historical and archaeological resources. This impact would be less than significant with incorporation of mitigation.

a. <u>Mitigation Measures:</u> CR-1(a). Avoidance or Minimization of Historic, Cultural, and Archaeological Resources Impacts. Policy C-2.3 of the General Plan and LCP Update shall be revised to read:

Policy C-2.3. Protection of Cultural Resources. Ensure the protection of historic, cultural, and archeological resources during development, construction, and other similar activities. Development shall avoid, to the maximum extent feasible, adversely impacting historic, cultural, and/or archaeological resources, and shall include adequate BMPs to address any such resources that may be identified during construction, including avoidance, minimization, and mitigation measures sufficient to allow documentation, preservation, and other forms of mitigation. If the resource(s) in question are of Native American origin, develop avoidance or minimization measures in consultation with appropriate Native American tribe(s).

CR-1(b). Cultural Resources Study Implementation Action. The following implementation action for Goal C-2 shall be added to the General Plan and LCP Update:

Require all discretionary proposals within the cultural resources overlay to consider the potential to disturb cultural resources. If preliminary reconnaissance suggests that cultural resources may exist, a Phase I cultural resources study shall be performed by a qualified professional meeting the Secretary of the Interior's (SOI) Professional Qualification Standard (PQS) for archaeology and/or architectural history, as appropriate (NPS 1983).

A Phase I cultural resources study shall include a pedestrian survey of the project site and sufficient background research and field sampling to determine whether subsurface prehistoric or historic remains may be present. Archival research should include a records formation Center (CCIC) and a Sacred Lands File (SLF) search with the Native American Heritage Commission (NAHC). Where identified or potential resources are of Native American origin, the appropriate Native American tribe(s) will participate with the qualified professional. The technical report documenting the study shall include recommendations to avoid or, if avoidance is not feasible, reduce impacts to cultural resources.

b. <u>Finding:</u> The Commission finds changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR. Mitigation Measures CR-1(a) and CR-1(b) would reduce the significant impact to a less than significant level.

Impact N-2: Construction of individual projects facilitated by the General Plan and LCP Update could temporarily generate ground borne vibration, potentially affecting adjacent sensitive land uses. Although the Morro Bay Municipal Code's timing restrictions on construction activity would limit vibration disturbance, high vibration levels during working

construction hours could potentially disturb people or damage fragile buildings. This impact would be less than significant with mitigation. The impact of land sliding and slope instability is a significant impact that can be mitigated with appropriate mitigation measures.

- a. <u>Mitigation Measures:</u> Construction Vibration Control Measures and Notification. The following new policies shall be added to the Noise Element under Goal NOI-3:
 - Policy NOI-3.5. Vibration Control. Control construction vibration by avoiding the use of vibratory rollers near vibration-sensitive receptors and scheduling construction activities with the highest potential to produce vibration to hours with the least potential to affect sensitive land uses.
 - Policy NOI-3.6. Construction Vibration Notification. Developers shall notify neighbors of scheduled construction activities that would generate vibration._Mitigation Measure N-2 would be required.
- b. <u>Finding:</u> The Commission finds changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR. Mitigation Measure N-2 would reduce the significant impact to a less than significant level.
- Implementation of the General Plan and LCP Update would increase vehicle traffic volumes, which have the potential to interfere with pedestrian and bicycle travel on or along roadways. The General Plan and LCP Update includes goals and policies to improve safety, access, and performance of public transit, bicycle, and pedestrian transportation modes. Implementing specific pedestrian circulation improvement measures at affected facilities would further improve the performance of pedestrian transportation modes. Therefore, impacts to pedestrian operations would be reduced to a less than significant level with mitigation. The impact of soil erosion and loss of topsoil due to construction and operation of Project components is a significant impact that can be mitigated with appropriate mitigation measures.
 - a. <u>Mitigation Measures:</u> Pedestrian Facility Improvements. The following pedestrian facility improvements shall be added to the list of "Planned Circulation Improvements" in the General Plan and LCP Update Circulation Element.
 - Embarcadero North of Beach Street: Provide sidewalks and a vehicular connection shifting traffic away from Beach Street for the redeveloped Morro Bay Power Plant site.
 - Morro Bay Boulevard: Provide a landscaped buffer at least two feet wide between the sidewalk and travel lanes.
 - Main Street south of Radcliffe Drive: Provide continuous sidewalks to provide acceptable pedestrian operations.
 - SR 41 east of Main Street: Provide sidewalks with a landscaped buffer when adjacent properties are redeveloped.

In addition, Policy CIR-1.8 shall be revised as follows:

- Policy CIR-1.8. Capital Improvement Program. Use the City's Capital Improvement Program (CIP) process to prioritize, fund, and build roadway, and bikeway, and pedestrian improvements, and to address phasing and construction of traffic infrastructure throughout the city.
- b. <u>Finding:</u> The Commission finds changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR. Mitigation Measure T-1 would reduce the significant impact to a less than significant level.

4. Findings Regarding Alternatives Analyzed in the EIR

CEQA requires that the discussion focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the Project. Only locations that would avoid or substantially lessen any of the significant effects of the Project need be considered for inclusion in the EIR (CEQA Guidelines Section 15126.6[f][2][A]).

An evaluation of an alternative to the Project location is appropriate for a site-specific development project. In the case of the SOI Amendment, the City of Morro Bay City Council considered the required no project alternative. The rest of the alternatives considered do not specifically pertain to the SOI amendment since the sphere itself would not be considered a site-specific development.

Nonetheless, since LAFCO will be relying on this EIR for the purpose of the SOI amendment, LAFCO will address the alternatives that were required to be examined for the proposed General Plan and LCP Update per CEQA guidelines. Of these, the FEIR identified that Alternative 2 would be the environmentally superior alternative when considering overall environmental impacts relative to the performance metrics. Although Alternative 2 is infeasible because it fails to meet some of the project objectives identified in the General Plan and LCP Update vision and values.

Pursuant to CEQA, the City Council Members considered the following alternatives to the Proposed Project as described in the FEIR, which would reduce or avoid project-specific and cumulative impacts, and rejected them as infeasible as follows:

- Alternative 1: No Project/Continue using 1988 General Plan and 1984 LCP
- Alternative 2: Proposed General Plan and LCP Update without Morro Bay Power Plant/WWTP Redevelopment
- Alternative 3: Reduced Commercial Floor Area Ratio

<u>Alternative 1: No Project – No Development</u>

Subdivision 15126.6(e) of the CEQA Guidelines requires a "no project" alternative be evaluated in an EIR to allow decision makers to compare the impacts of approving a proposed project with the impacts of not approving that project. CEQA Guidelines subdivision 15126.6(e)(3) describes the two general types of no project alternative: (1) when the project is the revision of an existing land use or regulatory plan, policy, or ongoing operation, the no project alternative would be the continuation of that plan; and (2) when the project is not a land use/regulatory plan, such as a specific development on an identifiable property, the no project alternative is the circumstance under which that project is not processed (i.e., no development

occurs). Alternative 1 represents the former type of no project alternative and assumes the continued implementation of the 1988 General Plan and 1984 LCP.

This alternative is comprised of a land use pattern that reflects the land use identified in the existing 1988 General Plan. Under this alternative, the proposed General Plan and LCP Update would not be adopted and the existing General Plan and LCP, including the land use map and all of the General Plan and LCP goals and policies, would remain in place through the horizon year of 2040. Thus, any new development in Morro Bay would occur consistent with the existing land use designations and the allowed uses within each designation. Similarly, any new infrastructure would occur as envisioned in the existing 1988 General Plan. Development under this alternative is anticipated to be generally similar in much of the planning area but would not include mixed-use development in the downtown area, or the identified redevelopment of the former Morro Bay Power Plant and City wastewater treatment plant (WWTP) sites, resulting in more non-residential development than under the General Plan and LCP Update. As a result, overall development and anticipated growth would be reduced under the No Project Alternative compared to the General Plan and LCP Update.

This alternative assumes that the City's Sphere of Influence (SOI) would not be extended to include 1,077 acres of the planning area beyond the city limits that is identified as a future extension of Morro Bay's SOI. Therefore, the planning area for this alternative encompasses the existing city limits and SOI. (FEIR p. 7-2-7-10.)

Alternative 2: Alternative Site

One of the primary long-term strategies of the proposed General Plan and LCP Update land use plan is redevelopment of the former Morro Bay Power Plant and City WWTP sites with uses that respond to their unique site attributes to provide future growth areas for the city within the existing city limit. Under the General Plan and LCP Update land use plan, the former Morro Bay Power Plant and City WWTP sites are planned to accommodate Mixed Use, Public/Institutional, Visitor Serving Commercial, and Open Space/Recreation uses with much of the development being new. Approximately 50 percent of the planned non-residential land use growth (from existing to buildout) and approximately 80 percent of the visitor-serving commercial growth would occur at the former Morro Bay Power Plant and City WWTP sites. The General Plan and LCP Update Land Use Element includes Policy LU-5.4 and Policy LU-5.5, which require the city to develop master plans for these sites and the surrounding areas.

Alternative 2 would remove Policy LU-5.4 and Policy LU-5.5 from the General Plan and LCP Update and would revise the land use plan to include the former Morro Bay Power Plant and City WWTP sites in Open Space/Recreation, preserving natural areas and resources, and providing future recreational opportunities, consistent with other goals of the General Plan and LCP Update. This alternative would build on the preservation of natural areas within the planning area by reducing the amount of new development compared to the proposed General Plan and LCP Update.

Under Alternative 2, approximately 3.1 million square feet of new commercial development could be constructed in the planning area. This would be 5.7 million fewer square feet of new commercial square footage than could be constructed compared to the General Plan and LCP Update. Additionally, approximately 300 fewer residential units could be constructed within the planning area, as a result of the elimination of the mixed-use overlay in the Morro Bay Power Plant redevelopment area. A comparison

of the development that could occur under Alternative 2 and the General Plan and LCP Update is provided in Table 7-1.

Because 300 fewer dwelling units would be constructed under Alternative 2, population density of the city would be slightly reduced compared to the General Plan and LCP Update. Assuming 1.65 people per household, full buildout of Alternative 2 would result in a population of 11,541 in 2040. This would be approximately 521 fewer residents compared to the year 2040 population under full implementation of the General Plan and LCP Update (12,062 people). Overall, Alternative 2 would reduce the growth in population in Morro Bay through the year 2040 by approximately 4 percent and would reduce the net growth in non-residential development through the year 2040 by approximately 52 percent compared to the General Plan and LCP Update. (FEIR p. 7-10 – 7.16.)

Alternative 3: Alternative Ocean Outfall Pipe

Under the Reduced Commercial Floor Area Ratio (FAR) Alternative, the maximum allowable FAR for the Community Commercial and Visitor-Serving Commercial land use designations would be reduced from 1.25 to 1.0 to reduce commercial density and overall vehicle miles traveled associated with new non-residential development. Approximately 75 percent of the potential new commercial development identified in Table 2-5 of the Final EIR is comprised of Community Commercial and Visitor-Serving Commercial land use (approximately 1.1 million square feet of Community Commercial and approximately 5.5 million square feet of Visitor Serving Commercial). Due to the reduction in overall growth, this alternative would incrementally reduce new vehicle traffic. Development under Alternative 3 assumes that all goals and policies put in place by the General Plan and LCP Update will be in force.

Under Alternative 3, approximately 7.5 million square feet of new commercial development could be constructed in the planning area. This would be 1.3 million fewer square feet of new commercial square footage than could be constructed under the General Plan and LCP Update. Additionally, approximately 103 fewer residential units could be constructed within the planning area, as a result of the FAR reduction within the planned mixed-use overlay areas. A comparison of the development that could occur under Alternative 3 and the General Plan and LCP Update is provided in Table 7-1.

Because 103 fewer dwelling units would be constructed under Alternative 3, population density of the city would be slightly reduced compared to the General Plan and LCP Update. Assuming 1.65 people per household, full buildout of Alternative 3 would result in a population of 11,867 in 2040. This would be approximately 195 fewer residents compared to the 2040 population under full implementation of the General Plan and LCP Update (12,062 people). Overall, Alternative 3 would reduce the growth in population in Morro Bay through the year 2040 by approximately 2 percent and would reduce the net growth in non-residential development through the year 2040 by approximately 12 percent compared to the General Plan and LCP Update. (FEIR p. 7.17-23.)

ENVIRONMENTALLY SUPERIOR ALTERNATIVE AND FEASIBILITY OF PROJECT ALTERNATIVES

1. Finding: The No Project Alternative (Alternative 1) would be environmentally superior in comparison to the General Plan and LCP Update because it would continue implementation of the existing 1988 General Plan, which would accommodate less development and growth then the General Plan and LCP Update, Alternatives 2, or Alternative 3. Although Alternative 1 would entail continued growth as dictated by the existing 1988 General Plan, this alternative would not

implement new policy language included in the General Plan and LCP Update, such as policies intended to provide guidance for future development and reduce long-term community impacts associated with growth. Alternative 1 would eliminate significant and unavoidable impacts to air quality because it would result in substantially less new growth and associated new vehicle traffic and would therefore be consistent with the assumptions in the 2001 Clean Air Plan. However, Alternative 1 would not eliminate the significant and unavoidable project-level or cumulative impacts associated with increased VMT. (FEIR p. 7.25-26.)

- The Commission finds the No Project Alternative is infeasible because it fails to meet any of the project objectives, including the Project's objective to guide land use decisions within the City planning area through the year 2040.
- 2. Finding: Alternative 2, Proposed General Plan and LCP Update without Morro Bay Power Plant/WWTP Redevelopment, would perform similar or better to the General Plan and LCP Update for all environmental resource areas. This alternative would result in no new development on the former Morro Bay Power Plant and City WWTP redevelopment sites, instead designating these sites as Open Space/Recreation. As a result of this reduction in future development and growth, Alternative 2 would result in reduced impacts to issue areas including aesthetic resources, GHG emissions, biological and cultural resources, geology, hazards, hydrology, noise, and transportation. However, Alternative 2 would not eliminate the significant and unavoidable impacts associated with air quality plan consistency or project-level or cumulative impacts associated with increased VMT, because this alternative would still result in substantial new growth and the associated increase in new vehicle traffic. (FEIR p. 7.25-26.)
 - While Alternative 2 is environmentally similar to the project and would partially meet the project objective to guide land use decisions within the city planning area through the year 2040, the Commission finds Alternative 2 is infeasible because it fails to meet some of the project objectives identified in the General Plan and LCP Update vision and values, including attracting new businesses and investors, providing head-of-household jobs and affordable housing options, and providing suitable urban infill and mixed-use development that accommodates modest residential and commercial growth.
- 3. Finding: Alternative 3, the Reduced Commercial Floor Area Ratio (FAR) Alternative, would perform similar or better to the General Plan and LCP Update for all environmental resource areas. This alternative would result in less new commercial growth and development overall due to the reduction in commercial FAR. As a result of this reduction in future development and growth, Alternative 3 would result in reduced impacts to issue areas including aesthetic resources, GHG emissions, noise, recreation, and transportation. However, Alternative 3 would not eliminate any of the significant and unavoidable impacts associated with the General Plan and LCP Update, because this alternative would still result in substantial new growth and the associated increase in new vehicle traffic. Based on the information presented herein, Alternative 2 would be the environmentally superior alternative when considering overall environmental impacts relative to the performance metrics. However, designating the former Morro Bay Power Plant and City WWTP redevelopment sites as Open Space/Recreation would be inconsistent with the vision and objectives of the General Plan and LCP Update because it would eliminate urban development from areas the city has determined would contribute substantially to a pattern of compact future development, reducing long-term development pressure on agricultural lands outside the

planning area. Additionally, reduced growth in these targeted redevelopment locations would be inconsistent with the goals of the General Plan and LCP Update to attract new businesses and investors and provide head-of-household jobs and affordable housing options. (FEIR p. 7.25-26.)

- While Alternative 3 is environmentally similar to the project and would partially meet the project objective to guide land use decisions within the city planning area through the year 2040, the Commission finds Alternative 3 is infeasible because it fails to meet some of the of the project objectives identified in the General Plan and LCP Update vision and values, including attracting new businesses and investors, providing head-of-household jobs and affordable housing options, and providing suitable urban infill and mixed-use development that accommodates modest residential and commercial growth.

For further discussion on the Project Alternative details and ability to achieve project objectives or feasibility please refer to the Final EIR for the General Plan and LCP Update Section 7 and the City's Findings of Fact and Statement of Overriding Considerations.

5. Process as Responsible Agency, Findings, and Statement of Overriding Considerations, (CEQA Guidelines Section 15096 (g)(1), 15091, 15093, and 15096 (h))

As a Responsible Agency under CEQA, LAFCO has discretionary authority over the City's request for the SOI amendment. Under CEQA, Responsible Agencies are required to independently review and approve the CEQA document previously prepared by the Lead Agency to comply with environmental review requirements. As such, in light of the City's request, LAFCO reviewed and considered the City's Draft EIR and Final EIR prepared and adopted by the City of Morro Bay's City Council for the 2021 Morro Bay General Plan and LCP Update Environmental Impact Report.

The City, acting as the Lead Agency, adopted a Statement of Overriding Considerations for its adopted Morro Bay General Plan and LCP Update Environmental Report (EIR SCH# 2017111026).

The Commission has made a reasonable and good faith effort to evaluate any alternatives or mitigation measures that would eliminate or substantially mitigate the environmental impacts. The Commission has reviewed the actions by the City Council to eliminate or substantially mitigate the environmental impacts, particularly the City's various mitigation measures in the Draft & Final EIR, and goals and policies identified in the General Plan.

For the reasons set forth below, the Commission determines that any significant environmental impacts caused by the proposed SOI Amendment has been minimized to the extent feasible, and where not feasible, has been outweighed and counterbalanced by the significant economic, fiscal, social, and landuse benefits to be generated to the City. This Statement of Overriding Considerations justifies finding the unavoidable adverse environmental impacts from the Proposal as acceptable.

The Commission finds that any one of the benefits set forth below is sufficient to warrant approval of the Proposal and justify the unavoidable adverse environmental impacts from the City's implementation of the proposed SOI amendment. This determination is based on the findings herein and the evidence in the record. Having balanced the unavoidable adverse environmental impacts against each of the benefits,

the Commission hereby adopts this Statement of Overriding Considerations, for the following reasons in accordance with CEQA Section 21081(b) and State CEQA Guideline Section 15093.

LAFCO Policies

- 1. LAFCO's policies encourage and provide for well-ordered, efficient urban development patterns, balanced with preserving open space and agriculture land while discouraging urban sprawl. The SOI Update is consistent with those policies and the purposes of LAFCO.
- 2. LAFCO has reviewed and considered the Statement of Overriding Considerations approved by the City and the evidence that supports that Statement as set forth in the Environmental Documentation and has concluded that any adverse environmental effects of the project are outweighed by the benefits of the project that would be provided to the city, including:
 - a. Natural resource preservation
 - b. Creating of jobs and housing
 - c. Economic vitality
 - d. New/needed infrastructure and amenities
 - e. Increased mobility and access
 - f. Increase resident services
- 3. The SOI amendment of these properties is a logical and planned expansion of the City of Morro Bay.
- 4. The proposed SOI action is phase I of a larger conservation easement to preserve the backdrop of the city.
- 5. After amending the sphere, phase II would follow in an effort to preserve the lots above panorama.
- 6. Overall, the approach for the SOI amendment is consistent with state law, wherein the city evaluates a growth area as a part of its general plan, then requests a SOI amendment, and finally pursues an annexation when timing necessitates.

Exhibit B: Sphere of Influence Map and Legal Description



EXHIBIT "A"

Benefited Property

Legal Description

Those portions of the Rancho Morro y Cayucos in the County of San Luis Obispo, State of California according to the map of the subdivision of said Rancho filed in Book A, at Page 160 of Maps in the office of the Recorder for said County, more particularly described as follows:

"Lot 33"

Parcel 8 of SUB2010-00027, according to that Certificate of Compliance filed as Document No. 2011-031200 of Official Records in the office of the Recorder for said County;

Lot 1, Block 1E of Atascadero Beach Subdivision, County of San Luis Obispo, State of California designated according to the map of Atascadero Beach filed in Book 2, at Page 15 of Maps in the office of the Recorder for said County, more particularly described as follows:

Beginning at the most northerly corner of said Lot 1;

Thence, along the northwesterly boundary of said Lot 1, South 47°00'47" West, 1748.71 feet to the easterly boundary of the California State Highway 1 Right-of-Way (former designation V-SLO-56-D) conveyed to the State of California by Grant Deed recorded October 26th, 1960, filed in Volume 1090, at Page 263 of Official Records in the office of the Recorder for said County;

Thence, along the easterly boundary of said Highway 1 Right-of-Way, South 33°35'38" East, 177.39 feet to the northern terminus of Course 35 described in said Grant Deed recorded October 26th, 1960, being 370 feet right of Station 793+20.00 "D" L.O. centerline as shown on that Division of Highways-District 5, Right-of-Way Map for Route 05-SLO-01, Post Mile 32.1 on file in the Right-of-Way Engineering Office of Caltrans;

Thence, continue along the easterly boundary of said Highway 1 Right-of-Way, South 05°44'44" West, 368.63 feet to a corner thereon at the northern terminus of Course 36 described in said Grant Deed;

Thence, continue along the easterly boundary of said Highway 1 Right-of-Way, South 23°48'22" East, 130.12 feet to the centerline Logan Avenue (formerly Hill Street as shown on Sheet No. 2 of said map of Atascadero Beach);

Thence, along said centerline Logan Avenue the following three courses:

North 87°55'17" East, 109.13 feet to an angle point thereon at the corner of Lots 7 and 8, Block 3A as shown on Sheet No. 10 of said map of Atascadero Beach;

Thence, South 57°04'43" East, 152.00 feet;

Thence, North 79°36'17" East, 468.42 feet to the centerline of Zanzibar Street (formerly "3rd" Street as designated on said Map of Atascadero Beach);

Thence, leaving the centerline of Logan Avenue, along said centerline of Zanzibar Street, North 47°54'47" East, 249.00 feet to a point thereon 100.00 feet southwesterly from the intersection with the centerline of Panorama Drive (formerly "O" Street as designated on said map of Atascadero Beach);

Thence, leaving said centerline of Zanzibar Street, along a line that is parallel with the centerline of Panorama Drive (being the westerly line of Blocks 1A and 1B as designated on said map of Atascadero Beach), North 20°05'43" West, 85.00 feet;

Thence, along a line parallel with said centerline of Zanzibar Street, North 47°54'47" East, 100.00 feet to an intersection with said centerline of Panorama Drive;

Thence, along said centerline of Panorama Drive, North 20°05'43" West, 255.00 feet to the centerline of Blanca Street (formerly "1st" Street as designated on said map of Atascadero Beach);

Thence, leaving the centerline of Panorama Drive, along said centerline of Blanca Street, North 69°54'17" East, 320.00 feet to a point thereon 330.00 feet southwesterly from the intersection with the centerline of Tuscan Avenue (formerly "P" Street as designated on said map of Atascadero Beach), said point being the southern most corner of that parcel of land conveyed to the Morro Del Mar County Water District by Quitclaim Deed and Transfer of Assets, recorded March 14th, 1963, filed in Volume 1230, at Page 337 of Official Records in the office of the Recorder for said County;

Thence, along the southwesterly boundary of said parcel of land conveyed to the Morro Del Mar County Water District, leaving said centerline of Blanca Street at a right angle therefrom, North 20°05'43" West, 125.00 feet;

Thence, along the northwesterly boundary of said parcel of land conveyed to the Morro Del Mar County Water District, along a line parallel with said centerline of Blanca Street, North 69°54'17" East, 100.00 feet:

Thence, along the northeasterly boundary of said parcel of land conveyed to the Morro Del Mar County Water District, South 20°05'43" East, 125.00 feet to said centerline of Blanca Street;

Thence, leaving the northeasterly boundary of said parcel of land conveyed to the Morro Del Mar County Water District, along said centerline of Blanca Street, North 69°54'17" East, 230.00 feet to the intersection with said centerline of Tuscan Avenue and the most easterly corner of said Lot 1;

Thence, leaving the centerline intersection of Blanca Street with Tuscan Avenue, North 15°15'13" West, 1081.60 feet to the point of beginning.

The above described portion of said Lot 1 contains 34.52 acres.

"Lot 34"

Parcel 9 of SUB2010-00027, according to that Certificate of Compliance filed as Document No. 2011-031201 of Official Records in the office of the Recorder for said County;

All of Lot 2, Block 1E of Atascadero Beach in the County of San Luis Obispo, State of California as said Lot is designated according to the map of Atascadero Beach filed in Book 2, at Page 15 of Maps in the office of the Recorder for said County.

"Lot 36"

Parcel 10 of SUB2010-00027, according to that Certificate of Compliance filed as Document No. 2011-031202 of Official Records in the office of the Recorder for said County;

All that portion of Lot 8, Block 1E of Atascadero Beach Subdivision, County of San Luis Obispo, State of California designated according to the Map of Atascadero Beach filed in Book 2, at Page 15 of Maps in the office of the Recorder for said County, more particularly described as follows:

Beginning at the most northerly corner of said Lot 8 at a point in common with Lots 2 and 3, Block 1E of said Subdivision;

Thence, along the northwesterly boundary of said Lot 8 and the southeasterly boundary of said Lot 2, South 63°15'47" West, 1610.02 feet to the centerline of Tuscan Avenue (formerly "P" Street as designated on said map of Atascadero Beach);

Thence, along said centerline of Tuscan Avenue, South 13°54'17" West, 179.23 feet to the northern boundary of that parcel of land taken by United States of America, by Declaration of Taking No.1, as

recorded October 27th, 1960, filed in Volume 1092, at Page 104 of Official Records in the office of the Recorder for said County;

Thence, leaving said centerline of Tuscan Avenue, along the northern boundary of said parcel of land taken by United States of America, North 69°54'17" East, 361.28 feet;

Thence, continue along the boundary of said parcel of land taken by United States of America, South 19°16'13" East, 736.12 feet;

Thence, South 47°54'47" West, 387.98 feet to the centerline of Panorama Drive (formerly "O" Street as designated on said map of Atascadero Beach);

Thence, leaving the boundary of said parcel of land taken by United States of America, along said centerline of Panorama Drive, South 42°05'13" East, 265.00 feet to the southern most corner of said Lot 8:

Thence, leaving said centerline of Panorama Drive, along the southeasterly boundary of said Lot 8, North 60°08'17" East, 2021.55 feet to the eastern most corner thereof;

Thence, along the northeastern boundary of said Lot 8, North 35°21'03" West, 812.21 feet to a corner on the northwesterly boundary thereof in common with the southern most corner of said Lot 3;

Thence, continue along the northeastern boundary of said Lot 8, North 46°52'43" West, 375.63 feet to the point of beginning.

The above described portion of said Lot 8 contains 46.99 acres.

"Lot 38"

Parcel 11 of SUB2010-00027, according to that Certificate of Compliance filed as Document No. 2011-031203 of Official Records in the office of the Recorder for said County;

All of Lot 7, Block 1E of Atascadero Beach in the County of San Luis Obispo, State of California as said Lot is designated according to the map of Atascadero Beach filed in Book 2, at Page 15 of Maps in the office of the Recorder for said County.

"Lot 40"

Parcel 12 of SUB2010-00027, according to that Certificate of Compliance filed as Document No. 2011-031204 of Official Records in the office of the Recorder for said County;

All that portion of Lot 6, Block 1E of Atascadero Beach Subdivision, County of San Luis Obispo, State of California designated according to the Map of Atascadero Beach filed in Book 2, at Page 15 of Maps in the office of the Recorder for said County, more particularly described as follows:

Beginning at the most westerly corner of said Lot 6 at a point in common with Lot 7 of said Subdivision and on the centerline of Panorama Drive (formerly "O" Street as designated on said Map);

Thence, along the southwesterly boundary of said Lot 6 and the centerline of said Drive, South 25°59'13" East, 799.89 feet to the northerly boundary of that parcel of land conveyed to the City of Morro Bay by Corporation Grant Deed, recorded August 28th, 1978, as filed in Volume 2096, at Page 140 of Official Records in the office of the Recorder for said County;

Thence, leaving the centerline of said Drive, and along the northerly boundary of said parcel of land conveyed to the City of Morro Bay, South 75°08'10" East, 394.75 feet;

Thence, continue along the northerly boundary of said parcel of land conveyed to the City of Morro Bay, South 39°18'50" East, 63.98 feet to the southerly boundary of said Lot 6;

Thence, leaving the northerly boundary of said parcel of land conveyed to the City of Morro Bay, along the southeasterly boundary of said Lot 6, North 79°14′17" East, 459.96 feet;

Thence, North 40°05'17" East, 992.00 feet;

Thence, North 53°16'17" East, 600.07 feet to the most easterly corner of said Lot 6;

Thence, along the northeasterly boundary of said Lot 6, North 35°21'03" West, 1035.07 feet to the most northerly corner of said Lot 6, being a corner in common with Lots 4, 5 and 7 of said Block 1E;

Thence, along the northwesterly boundary of said Lot 6, South 55°58'47" West, 2105.73

feet to the point of beginning.

The herein above described parcel of land contains 57.22 acres.

End Description

Attachment B

City of Morro Bay General Plan and LCP Update – Final Environmental Impact Report and Statement of Overriding Considerations

NOTE: Due to file size, we have made this document available on the LAFCO website at www.slolafco.com

Attachment C

Vicinity Maps

POTENTIAL BUILDING AREA

	ESTERO - PANORAMA LOTS				
LOT	APN	AREA	ACRES		
33	073-075-002	Potential Building Area 6.			
		Total Lot Area	34.3		
34	073-076-016	Potential Building Area	4.3		
		Total Lot Area	33.5		
36	073-076-016	Potential Building Area	14.8		
		Total Lot Area	47.0		
38	073-076-016	Potential Building Area	7.8		
		Total Lot Area	40.7		
40	073-076-016	Potential Building Area	10.4		
		Total Lot Area	57.4		

NOTES

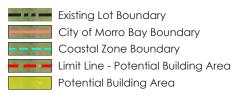
- 1. Potential Building Area as shown includes constraints such as landslides per the County GIS Maps, easements, steep slopes, difficult access, etc.
- 2. Actual residence locations will be sited within the Potential Building Areas after field inspections and surveys.
- 3. Lot Line Adjustments may be needed to provide a residence location on each lot within the Potential Building Area.



Panorama Lots SAN LUIS OBISPO COUNTY, CA

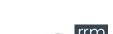
Potential Building Area

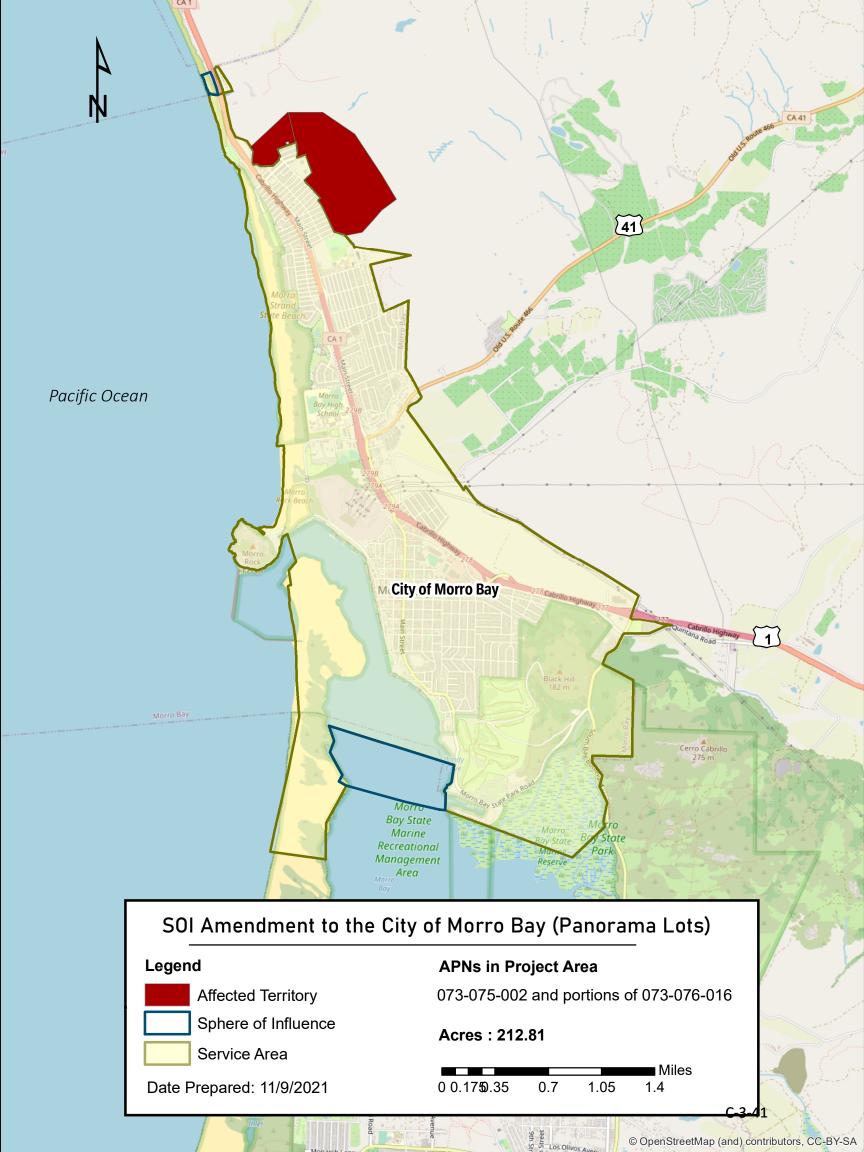
FEB 26, 2020

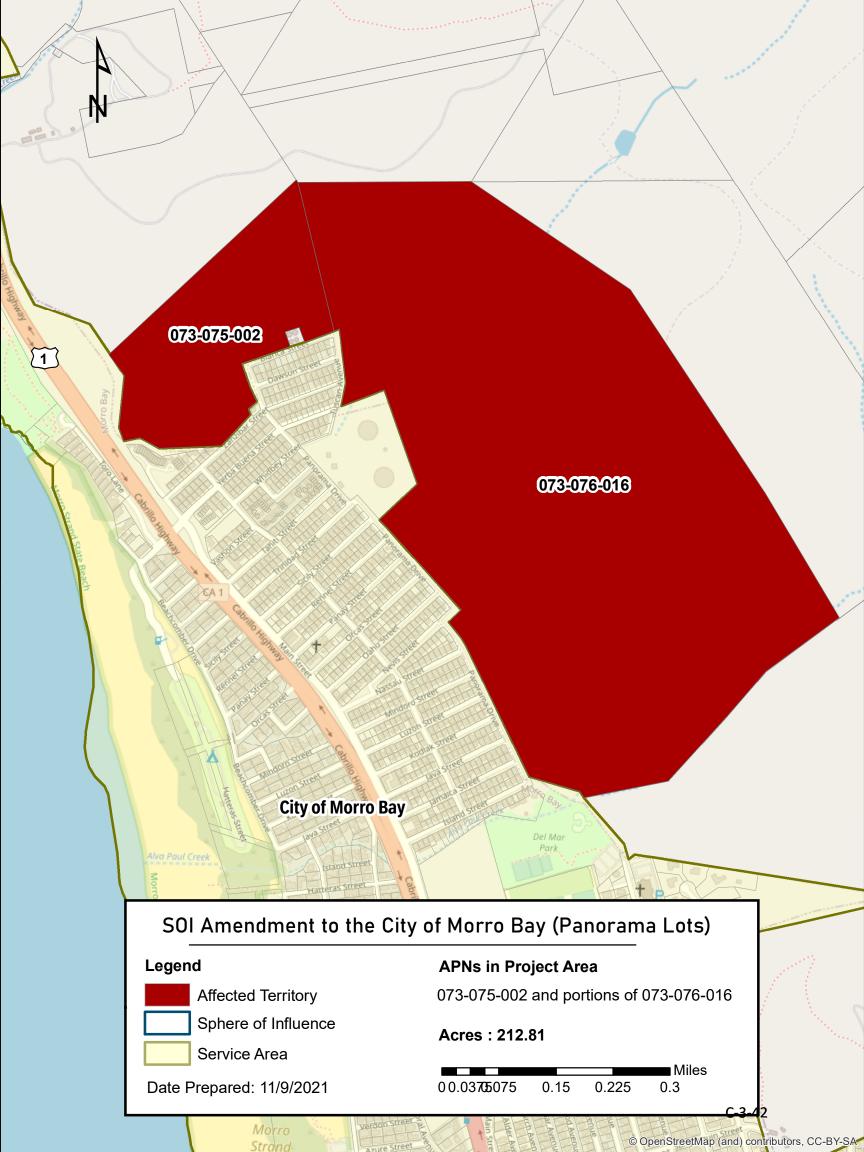


NOTES/SOURCES

- Aerial photo and parcel data from Cannon.
 Contour interval is 100-feet.
- Other data from County of San Luis Obispo.
 This map is for illustrative purposes only.







Attachment D

City's Projected Plan for Services

Plan for Services

The Sphere of Influence (SOI) Amendment requested for APNs: 073-075-002 and portions of 073-076-016 within the City's Future Sphere of Influence are evaluated on the 'Seven Service Review Factors' outlined in the City of Morro Bay's 2017 Municipal Service Review (MSR).

1. Growth and population projections for the affected area

No development proposal has been proposed at this time. Will Serve letters will be requested from appropriate service entities and provided at time of the annexation request.

2. <u>Location and characteristics of any disadvantaged unincorporated communities</u>

According to the San Luis Obispo County Council of Government's Disadvantaged Communities Map Viewer, a majority of the City of Morro Bay has been designated as a Disadvantaged Community, with the following variable point totals. It is important to note that based on the State's definition of disadvantaged communities, no census tracts within the San Luis Obispo region are designated as a disadvantaged community. However, creating a regional definition of disadvantaged communities for the San Luis Obispo region provides better competition for grant funding, equitable distribution of funds, and meet the state and federal environmental justice requirements. p The total number of points available is 350.

Disadvantaged Unincorporated Communities Variables	Total Point Value	
Racial Minority	0	
Ethnic Minority	0	
Disability Status	40	
Household Income	10	
Free or Reduced-Price Meals	10	
Educational Attainment	15	
Language Proficiency	0	
Renter Affordability	20	
Housing Ownership Affordability	20	
Older Adults	20	
Youth	0	
Households with No Vehicle Available	10	
Households with No Computing Device	10	
Available		
Disadvantaged Community	155	

The City's General Plan includes a separate chapter on Environmental Justice and specifies goals and policies, as well as implementing actions.

3. <u>Present and planned capacity of public facilities and adequacy of public services including</u> infrastructure needs or deficiencies

The Future SOI designation and associated areas were analyzed during the City's environmental review and preparation of the General Plan (GP) and Local Coastal Plan

(LCP) Environmental Impact Report. There is sufficient capacity to provide water and wastewater service to these areas in the anticipated General Plan buildout.

In addition to water and wastewater services, the 5 lots in the Future SOI will need to be served by police and fire protection services, and other public services such as libraries or schools. The General Plan and Local Coastal Plan Update maximum population for Morro Bay is 12,062, per Table LU-2; however, growth (including any potential expansion of the SOI) in Morro Bay must be consistent with Measure F, limiting the city population to 12,200 residents. In order to exceed this number Morro Bay would need to secure additional water resources and a majority of voters would need to elect to remove the limit.

At the time of annexation and/or development, impacts would need to be evaluated and fees or other mitigations implemented to offset those impacts would be determined.

4. Financial ability of agencies to provide services

Cost related to the connection of utilities to serve the annexed properties will be the responsibility of the property owner/applicant for the proposed development project.

5. Status of, and opportunity for, shared facilities

The City's existing Wastewater Treatment Plant (WWTP) no longer provides adequate capacity for the existing population; however, the city is constructing a new Water Reclamation Facility (WRF), which is designed to meet existing needs and future demand. Completion of the new WRF, as well as implementation of the OneWater Morro Bay master plan and the policies in the General Plan and LCP Update Conservation Element ensure adequate wastewater systems and infrastructure to meet future demands.

Based on the water supply projections presented in the OneWater Morro Bay Plan, the city's water supply would be sufficient to meet the projected demand of the development envisioned in the General Plan and LCP Update.

The 5 Future SOI lots will, as appropriate, utilize existing roadways to connect and provide access to.

6. <u>Accountability for community service needs including governmental structure and operational efficiencies</u>

Not applicable to the SOI Amendment.

7. <u>Any other matter related to effective or efficient service delivery, as required by commission</u> policy

None at this time.

Attachment E

LAFCO Review of Factors – Government Code Section 56430

Attachment E

LAFCO Proposal Review Factors - Government Code 56430

Sphere of Influence Amendment to The City of Morro Bay (Panorama Lots)

- LAFCO No. 1-S-21

To prepare for the Sphere of Influence (SOI) Amendment for the Panorama Lots area, the Local Agency Formation Commission (LAFCO) will rely on the City of Morro Bay's General Plan and certified Environmental Impact Report (SCH # 2017111026), last adopted in May 2021. Additionally, the Commission as part of this action, will use the City's latest MSR adopted in August 2017 and provide an updated brief analysis of the seven factors listed in 56430 (a).

LAFCO has also analyzed the required SOI factors outlined in gov code section 56425 (e) and provided determinations to be considered and a written statement approved by the Commission. These written statements are provided in the proposal Staff Report dated January 20, 2022.

(1) Growth and population projections for the affected area.

Response. In addition to the analysis conducted through the City's 2017 MSR update the following should also be considered as part of this action. Under the existing land use designations of the County, one primary residence may be constructed on the affected area, each lot with the opportunity of an accessory dwelling unit on each of the 5 lots as allowed under state law. In addition, because the lots are designated under County Code as "Agriculture", various agriculturally related structures could be developed. As such, the intended future development potential of the Panorama Lots as described in City's Resolution of Application would likely be similar or less than currently allowed by the County of San Luis Obispo.

Development of the project could add approximately 10 residents to the city (5 dwelling units x 1.99 people/unit) based on California Department of Finance 2021 estimates for average household size in the City of Morro Bay. If each lot were to develop an accessory dwelling unit as allowed under state law that would add approximately 10 additional residents (5 accessory dwelling units x 1.99 people/unit). This would result in a 0.197% increase in the City's population of 10,121 (DOF 2021).

As of 2010, the City's population was approximately 10,234. The total population rate declined between the years of 2010 to 2020 at -0.8%. The 2021 population estimate is 10,121. Build out population is approximately 12,015 by 2040 according to the City's Updated General Plan.

Morro Bay Population [DOF]				
2010	2015	2020		
10,234	10,364	10,151		

Source: California Department of Finance, Population and Housing Estimates <u>E-5 Population and Housing Estimates for Cities, Counties, and the State, January 2011-2021, with 2010 Benchmark</u>

(2) The location and characteristics of any disadvantaged unincorporated communities within or contiguous to the sphere of influence.

Response. In addition to the analysis conducted through the City's 2017 MSR update the following should also be considered as part of this action. In summary, a disadvantaged community is defined as a community with an annual median household income that is less than 80 percent of the statewide annual median household income. The existing SOI and proposed SOI amendment for the city does not have any disadvantaged communities that have a present and probable need for public facilities and services nor do the areas contiguous to the SOI qualify as a disadvantaged community.

(3) Present and planned capacity of public facilities, adequacy of public services, and infrastructure needs or deficiencies including needs or deficiencies related to sewers, municipal and industrial water, and structural fire protection in any disadvantaged, unincorporated communities within or contiguous to the sphere of influence.

Response. In addition to the analysis conducted through the City's 2017 MSR update, the Comprehensive General Plan update, and EIR, the following should also be considered as part of this action. As mentioned in the City's response to LAFCO's information request letter dated July 28, 2021, the City has adequate resources to serve these five properties. The City's recently adopted Final EIR analyzed public facilities and services for those areas in the planned SOI. Existing infrastructure providing access to City services is in the immediate area; each future landowner will install the connections as required. Fire response is currently provided under County jurisdiction by the California Department of Forestry and Fire Protection (CAL FIRE) and police response by the County Sheriff's office. The City also has active mutual aid agreements with both Cal Fire and the Sheriff's Department. Additional analysis would be required along with a revised detailed Plan for Services at time of annexation.

(4) Financial ability of agencies to provide services.

Response. In addition to the analysis conducted through the City's 2017 MSR update the following should also be considered as part of this action. As previously mentioned in response (3), cost related to the connection of utilities to serve the annexed properties will be the responsibility of the property owner/applicant for the proposed development project. In addition, the City has the ability to provide police and fire protection, as well as all other needed general urban services to the SOI area. The City has an established developer impact fee program and any future development in this area would be required to pay their fair share of fees so as to ensure that fiscal impacts to the City are addressed.

(5) Status of, and opportunities for, shared facilities.

Response. In addition to the analysis conducted through the City's 2017 MSR update the following should also be considered as part of this action. As mentioned in the submitted SOI Plan for Services document, the City's existing Wastewater Treatment Plant (WWTP) no longer provides adequate capacity for the existing population; however, the city is constructing a new Water Reclamation Facility (WRF), which is designed to meet existing needs and future demand. Completion of the new WRF, as well as implementation of the OneWater Morro Bay master plan and the policies in the General Plan and LCP Update Conservation Element ensure adequate wastewater systems and infrastructure to meet future demands. Based on the water supply projections presented in the OneWater Morro Bay Plan, the city's water supply would be sufficient to meet the projected demand of the development envisioned in the General Plan and LCP Update. The 5 Future SOI lots will, as appropriate, utilize existing roadways to connect and provide access to.

(6) Accountability for community service needs, including governmental structure and operational efficiencies.

Response. No additional analysis was included to this section of the City's 2017 MSR update.

(7) Any other matter related to effective or efficient service delivery, as required by commission policy.

Response. In addition to the analysis conducted through the City's 2017 MSR update the following should also be considered as part of this action. As a follow up to the issue that was mentioned in this section of the 2017 MSR (Wastewater Treatment); It should be noted that major progress has occurred with the City's Wastewater Treatment Plant Facility as mentioned in section (5) above.

Attachment F

Resolution of Application by the City of Morro Bay

RESOLUTION NO. 14-21

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TAKE PROCEEDINGS FOR THE AMENDMENT OF THE SPHERE OF INFLUENCE

THE CITY COUNCIL City of Morro Bay, California

WHEREAS, the City of Morro Bay ("City") desires to initiate a proceeding pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 5600 et seq.) ("Act") for amending the Sphere of Influence; and

WHEREAS, the real property proposed for inclusion in the City's Sphere of Influence ("SOI") consists of 5 parcels (APN: 073-075-002 and portions of APN 073-076-016 (Lots 2, 8, 7 & 6)) and is owned by Chevron and is uninhabited and a map of the boundaries of the territory is attached hereto as Exhibit ("Chevron Lots"); and

WHEREAS, the principal reason for the proposed SOI amendment is to protect the hillsides which serve as the backdrop of the City from significant development; and

WHEREAS, the following agency or agencies would be affected by the proposed SOI amendment: the City of Morro Bay and the County of San Luis Obispo; and

WHEREAS, the City has included the SOI amendment area (Chevron Lots) in its General Plan/Local Coastal Program Update as future SOI and has considered the change in the Final Environmental Impact Report (FEIR) associated with the document; and

WHEREAS, the City Council of the City desires that the Local Agency Formation Commission (LAFCO) of San Luis Obispo County assume Lead Agency status responsible for compliance with the California Environmental Quality (CEQA) regarding the subject sphere of influence application, with the understanding that the City shall pay for any additional studies that may be needed beyond those addressed in the City FEIR associated with the General Plan/Local Coastal Program update;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Morro Bay, California, as follows:

Section 1. Submission of Application.

The City Council hereby directs Staff to submit an application to the San Luis Obispo Local Agency Formation Commission (SLO LAFCO) initiating the sphere of influence amendment for the Chevron Lots and requests SLO LAFCO to take actions necessary for the sphere of influence designation for the Chevron Lots as authorized and in the manner provided by the Act ("Application").

Section 2. Payment of Additional Studies.

The City Council agrees that it will pay for any additional studies that may be needed for the Application.

Section 3. Development Limitations Applicable to Chevron Lots effected by the SOI Amendment.

- 1. Upon any future annexation of the Chevron Lots subject of the SOI amendment request, development on each Chevron Lot shall be limited to the "Potential Building Area" identified on the map attached to this Resolution as Exhibit A, which generally conforms to the 200-foot contour interval.
- 2. Upon any future annexation of the Chevron Lots, development of each Chevron Lot subject of the SOI amendment, shall be limited to one single family home (being a total of 5 single family homes on the Chevron Lots) together with associated access and infrastructure improvements.

PASSED AND ADOPTED by the City Council of the City of Morro Bay at a regular meeting thereof held on the 23rd day of March 2021 on the following vote:

AYES:

Headding, Addis, Barton, Davis

NOES:

Heller

ABSENT:

None

John Headding, Mayor

ATTEST:

Dana Swanson, City Clerk

Attachment G

Info Hold Letter Dated July 28, 2021, Response from the City



LAFCO - San Luis Obispo - Local Agency Formation Commission SLO LAFCO - Serving the Area of San Luis Obispo County

July 28, 2021

SENT VIA E-MAIL

Chairperson

ROBERT ENNS
Special District Member

COMMISSIONERS

Vice-Chair ED WAAGE City Member

DEBBIE ARNOLD
County Member

LYNN COMPTON
County Member

Marshall Ochylski Special District Member

STEVE GREGORY
City Member

Tom Murray
Public Member

ALTERNATES

ED EBY
Special District Member

CHARLES BOURBEAU
City Member

HEATHER JENSEN Public Member

JOHN PESCHONG
County Member

STAFF

ROB FITZROY
Executive Officer

DAVID CHURCH Interim Deputy Executive Officer

> BRIAN A. PIERIK Legal Counsel

IMELDA MARQUEZ
Analyst

Scot Graham, Community Development Director City of Morro Bay 595 Harbor Street Morro Bay, CA 93442

Subject: Proposed Sphere of Influence Amendment to the City of Morro Bay (Panorama Lots) LAFCO File No. 1-S-21

Dear Mr. Graham,

This letter is to advise you that the application for the Sphere of Influence (SOI) amendment has been received and was referred to other agencies involved in the annexation process. LAFCO staff has completed an initial review of the application and finds that the following items need to be submitted for LAFCO to continue processing the application:

 LAFCO has received numerous petition letters from citizens with comments about the application to amend the City's Sphere of Influence (SOI). These petitions are attached for the City's consideration and response. Also, a letter from the CountyAgricultural Commissioner's office is attached for the City's consideration and response.

Noted.

2. The City's submitted Resolution of Application (attached) supporting application of an SOI amendment "desires" that LAFCO be the lead agency for CEQA purposes for the SOI Amendment. In this circumstance wherein the City is proposing an amendment to the City's SOI, LAFCO shall be the Responsible Agency and will use the CEQA record for decision making purposes. The City's Final EIR project description references areas outside the City boundaries as surrounding areas and the Sphere of Influence, which will allow LAFCO to rely upon the document for compliance with CEQA. This approach is standard practice. It should be noted that it is particularly helpful that LAFCO will have a recent EIR to rely upon.

Noted.

More specifically, the maps in the City's adopted and newly updated General Plan (Plan Morro Bay-2021) identify the Panorama lots as areas that should be considered for inclusion in the Sphere of Influence. The impacts of this action were considered in the Final EIR certified by the City and as stated in the City's resolution of application. The record appears adequate for LAFCO's use as a Responsible Agency.

Noted.

Please provide any concerns or comments the City might have about LAFCO using this record as a Responsible Agency.

- 3. Please submit a copy of CEQA Filing with the County Clerk, this should include the certified Addendum to the EIR for the General Plan Update that mentions the Panorama Lots
 - See attached CEQA filing receipt from the County Clerk (Receipt no.: 40-05272021-064). There is no Addendum to the EIR for the May 2021 General Plan.
- 4. Please address LAFCO's policies and procedures 2.6 & 2.9 related to a Sphere of Influence amendment and Agriculture. Provide any written documentation that provides reasoning associated with the Sphere of Influence Factors outlined in Government Code 56425 (e) (1-5) and LAFCO policy 2.6.6.

Government Code 56425 (e)(1-5) states:

- e) In determining the sphere of influence of each local agency, the commission shall consider and prepare a written statement of its determinations with respect to each of the following:
 - (1) The present and planned land uses in the area, including agricultural and open-space lands.
 - (2) The present and probable need for public facilities and services in the area.
 - (3) The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide.
 - (4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.
 - (5) For an update of a sphere of influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, that occurs pursuant to subdivision (g) on or after July 1, 2012, the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.

Response:

- (1) These properties, which are currently zoned Agriculture land in the County, will continue to be designated as Agricultural land as set forth in the City of Morro Bay's Land Use Plan and will remain as such. The Agricultural zoning in either jurisdiction allows one residence and an accessory dwelling unit on each property with the rest of the property used for agricultural purposes, such as grazing. The City wants to preserve its backdrop by annexing the properties from County jurisdiction into the City and, at the time of annexation, require the residences to be located in the designated building area adjacent to the City (see Exhibit A) and the property above the designated development area to be restricted to agricultural and / or open space uses.
- (2) and (3) The City's recently adopted Final EIR analyzed public facilities and services for those areas in the planned SOI. The City has adequate resources to serve these five properties. Existing infrastructure providing access to City services is in the immediate area; each future landowner will install the connections as required. Fire response is currently provided under County jurisdiction by the California Department of Forestry and Fire Protection (CAL

FIRE) and police response by the County Sheriff's office. The City also has active mutual aid agreements with both Cal Fire and the Sheriff's Department.

(4) and (5) There are no nearby areas of social or economic communities of interest or areas in the City limits that meets the Disadvantaged Communities definition.

See information regarding LAFCO Policy 2.6.6 in responses to Attachment B, LAFCO policy 2.6.6.

LAFCO's policies and procedures should be clearly addressed with the documentation submitted with the application, therefore brief analysis is needed for LAFCO use and reference when processing the project proposal.

Responses have been provided in this letter, see responses to Attachment B policies/procedures 2.6 & 2.9.

5. Conditions of Approval found in the 2017 adopted Sphere of Influence and Municipal Service Review (MSR) would be applied to the SOI Amendment if approved by LAFCO. These conditions address water, wastewater, and Agriculture and Open Space. The conditions provide clarity for the processing a future annexation associated with this SOI amendment. These conditions are attached. Please provide a response as to how the SOI amendment will satisfy each of these conditions and/or support their implementation if and when annexation occurs. Also, these conditions should be addressed (as well as other issues) by the City during the land use approval and CEQA process that would be completed prior to LAFCO considering an annexation application in order for LAFCO to confirm the conditions have been satisfied.

Responses have been provided in this letter, see responses to Attachment C.

6. A Sphere of Influence boundary can be drawn through parcels and does not necessarily have to follow parcel lines. Since a future annexation application would contemplate the five specific residences to be built as defined by a land use approval by the City, the SOI boundary could be determined along the potential building area boundary line in the areas where the City has interest in allowing development. One concept to this end would be to amend the SOI to only areas shown on the map in yellow on the City's Resolution of Application (attached) on the subject parcels. This boundary option wouldincrease the SOI to include just the area where the City could potentially be providing services to the five units. LAFCO has discretion in determining the SOI boundary and this option could be discussed as it would minimize the area included in the SOI to the area that would receive city services based on a land use approval and CEQA approvedby the in the Coastal Zone. Should the City be interested in this concept, LAFCO can arrange a meeting to discuss this option further.

The five lots were included in the City's recent General Plan/Local Coastal Land Use Plan update at future SOI in order to preserve the 'backdrop of the City' including the ridgelines in this area of the City. The proposal stated above is contrary to what the City has communicated to the public, in that the intent of bringing the lots into the SOI and eventually into the City through annexation is to maintain local control over development of the lots and to preserve the slopes above the City in an undeveloped state. This information and intent have been consistently conveyed to the public over the five plus year process associated with the General Plan update. The City's goals and objectives of preserving this portion of the City's backdrop have been communicated and coordinated with LAFCO Executive Director Rob Fitzroy and the intent for the SOI line to be concurrent with the property lines has been made apparent.

Also, this approach proposed above in the LAFCO response letter may result in confusion and conflicts between the City and County jurisdictional requirements and other considerations such as provision of services, public safety, land use jurisdiction and decision making, permitting, etc.

- 7. The Resolution of Application indicates that the City intends to consider development of five residential units (one on each lot) within the "potential building area" as well as preserving in perpetuity certain areas as open space. This is also relates to the aforementioned MSR conditions of approval. Please respond to several questions regarding the SOI amendment to support this plan:
 - What are the City's plans for the open space preservation on these parcels?
 The open space portion of the lots will be restricted via a deed restriction, or similar agreement, at the same time as annexation.
 - What is the timing of such plans?
 Upon annexation. This request only includes a Sphere of Influence amendment.
 - What legal instruments would be used to preserve the areas?
 Deed restriction or similar recorded document, at the same time of annexation.
 - Can any documentation be provided regarding preservation?
 To be provided at time of annexation.

Morro Bay SOI Amend - File No. 1-S-21 LAFCO Info Hold

Page 3 of 3 July 28, 2021

The information listed above is requested for LAFCO to be able to continue processing the SOI Amendment application. The application will remain on hold until LAFCO receives a response to the items found in this request. LAFCO may need additional clarification or information before deeming the application complete for processing. If you have any questions, please contact us at 805.781.5795 or email us at ritteroy@slolafco.com.

Sincerely,

Imelda Marquez, LAFCO Analyst

Rob Fitzroy, LAFCO Executive Officer

Rob Fitzroy

cc. Commissioners

Brian Pierik, LAFCO Counsel

Amelda Marquez

Enclosures:

- Attachment A: Comment Letters on the Application
- Attachment B: LAFCO Policies
- Attachment C: Morro Bay Sphere of Influence Conditions
- Attachment D: City of Morro Bay Resolution of Application

Attachment A

Comment Letters on the Application



COUNTY OF SAN LUIS OBISPO DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES

Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: July 21, 2021

TO: Imelda Marquez, Analyst

FROM: Lynda L. Auchinachie, Agriculture Department

SUBJECT: Morro Bay Sphere of Influence Amendment (Panorama Lots) (3279)

Thank you for the opportunity to review and comment on the proposed Morro Bay Sphere of Influence (SOI) amendment for the Panorama Lots. The proposed amendment would include approximately 213 acres consisting of five parcels ranging in size from 33.5 to 57.4 acres each. Each parcel has an identified potential building area ranging in size from 4.3 to 14.8 acres. The properties are located adjacent to the northeastern portion of the Morro Bay near Panorama Drive and are currently within the county's Agriculture land use category. The application indicates that if the properties were annexed by Morro Bay, they would be zoned Agriculture with development limited to one single family house on each parcel.

Both LAFCO and Morro Bay have policies to protect agricultural resources. To complement those policies consideration should be given to identifying a maximum square footage of development area within the identified potential building areas to ensure impacts to agricultural resources are minimized.

Response A-1

The building areas will be within the yellow areas on Exhibit A – Potential Building Area. These properties have numerous physical constraints, so it is important to retain flexibility of site location and design to the design phase, when development constraints, environmental factors and design preferences will be addressed. The properties included as part of the Sphere of Influence amendment request are not suitable for agricultural uses other than grazing, due to the soils, sloping characteristic of the land, lack of available water resources, etc. The land is characterized as 'Grazing Land' under the Department of Conservation's Farmland Mapping and Monitoring Program.

The above comments and recommendations are based on the Agriculture Department's application of policies in the San Luis Obispo County Agriculture Element, the Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA) and on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture. The Agriculture Department is a referral agency to the Planning and Building Department. Comments and recommendations are specific to agricultural resources and operations and are intended to inform the overall decision–making process.

If you have any questions, please call me at 805.781.5914.

July 21, 2021 JUL 22 REC1

LAFCO 1042 Pacific Street, Suite A San Luis Obispo, CA 93401

Dear LAFCO Commissioners:

The enclosed citizens' petition with over 600 signatures opposes the Sphere Of Influence ("SOI") application the City of Morro Bay has submitted for APN 073-075-002 and portions of APN 073-076-016. These signatures were gathered during COVID-19 without going door-to-door.

This petition was initiated by residents of north Morro Bay who will be directly and physically impacted by any development on the 5 lots included in the SOI request. The City's application readily states that the intent is annexation. In the August 17, 2017 *Adopted Sphere of Influence Update*, the City stated, "The reasons for this request included greater control of the area and possible future development of the area that may need services from the City." (page 2-6)

Residents and home owners of south Morro Bay join us in our concern due to the financial implications to all of us. As stated in the 2017 *Update*, "Construction of new infrastructure to serve the SOI areas presents a challenge in terms of funding such projects. Serving the SOI areas will likely require a plan for financing infrastructure improvements in these areas. This plan would address funding sources for a number of needed improvements including roads, pipeline infrastructure, and other capital improvements. Funding and timing of these improvements would require planning and investment of resources." (page 3-55)

You'll see that there are 2-3 varying forms of the petition because different individuals started their own. Ultimately, we united. The outstanding concern for all ofus are the Hazards as established in our Local Coastal Plan (LCP). City produced maps from the LCP are enclosed, as well as geological maps of previous landslides.

The City has stated in its 2021 *Proposal Application* that it will retain the Agriculture zoning (page 22). Therefore, we believe this statement from the 2017 *Update* should apply, "Territory not in need of urban services, including open space, agriculture, recreational, rural lands, or residential rural areas shall not be assigned to an agency's sphere ofinfluence unless the area's exclusion would impede the planned, orderly and efficient development of the area."(page 2-18)

Response A-2

Not applicable. This citation comes from LAFCO's Municipal Service Review, which was based on the City of Morro Bay's previous General Plan (1988), not the recently updated and adopted General Plan (May 25, 2021). See Response to Item 6 in the July 28th LAFCO letter.

Thank you for your attention to our reservations and objections.

Sincerely,

PEOPLE AGAINST THE DEVELOPMENT OFMORRO BAY PANORAMA LOTS

To: SLO County LAFCO

From: The Undersigned Citizens

We, the undersigned, are opposed the inclusion of the Panorama Lots (see map) in the City of Morro Bay's Sphere of Influence (SOI) for the purposes of residential development for the following reasons:

 The entire area is a high landslide risk as outlined in the City of Morro Bay's Coastal Plan (MCP), Chapter X, pages, (attached) and has experienced landslides in the past. Any development that involves digging (as detailed in MCP) will put the entire neighborhood beneath these lots at risk.

Response A-3

If the lots are incorporated into the City, no development will occur until after annexation. The City will require the future landowner / applicant to obtain a geotechnical analysis to establish specific building sites and guide construction requirements for the residences.

As mentioned before, the lots are designated Agricultural in the General Plan and limited to one residence plus an accessory unit per lot. (As noted during the LAFCO Study Session on August 19, 2021, additional or secondary dwelling units are allowed/permitted on agricultural lots, per State law.)

2. These lots are a known wildlife corridor, used by many species of protected animals endemic to the coastal area. Development on these lots could eliminate their coastal migratory route.

Response A-4

This comment is premature given that the current proposal is a requested SOI amendment and the land use and development potential is not changing with the requested SOI amendment. The land is currently designated Agricultural land within the County of San Luis Obispo and will remain Agricultural through approval of the SOI amendment and future annexation application. The zoning and residential development (one residence and accessory dwelling unit per lot) will be the same regardless of County or City jurisdiction; however, if annexed the residential development would be limited to the lower elevations next to City streets and the upper elevations would be restricted to agricultural and open space uses, which would be more protective of any wildlife corridors that may exist.

The Final EIR includes Mitigation Measure BIO-3. Wildlife Movement Corridors Protection and the following policy was added to the Conservation Element in the City's General Plan. Policy C-1.17 Project Design for Wildlife Connectivity, which states:

Design new stream crossing structures and extensions or modifications of existing structures to accommodate wildlife movement. At a minimum, structures within steelhead streams must be designed in consultation with a fisheries biologist and shall not impede movement. New projects with long segments of fencing and lighting shall be designed to minimize impacts to wildlife. Fencing or other project components shall not block wildlife movement through riparian or other natural habitat. Where fencing or other project components that may disrupt wildlife movement is required for public safety concerns, they shall be designed to permit wildlife movement.

Proposed development on the lots in the SOI request will be required to comply with Policy C-1.17 above,

Signed,

OPPOSITION TO THE SPHERE OF INFLUENCE FOR THE PANORAMA LOTS INTO THE CITY OF MORRO BAY

To: SLO County LAFCO

From: The Undersigned Residents and Homeowners of Morro Bay

We, the undersigned, are opposed to the inclusion of the Panorama Lots (see map) into the City of Morro Bay's Sphere of Influence (SOI) for the purpose of development for the following reasons:

1. The entire area is "a high landslide risk zone" with a "High Landslide Risk Ratin g" as identified in the City of Morro Bay's *Local Coastal Plan*, Chapter X, and has experienced landslides in the recent past. The Lots are of the same geology as the Water Reclamation Facility lot which experienced 2 landslides since construction began last year. Any development on the Panorama Lots would put the neighborhoods just below them, from Island Street to Blanca Street, a mile in length, at risk.

See Response A-3; site-specific geotechnical studies will be completed to establish development sites and requirements. If the property is incorporated into the City, those studies would occur in conjunction with annexation, development design and permitting.

2. The Lots are a known wildlife corridor, used by many protected species endemic to the coastal area. Development on these lots, including urban fencing, could restrict their coastal migratory route.

See Response A-4.

3. An SOI is the necessary step before annexation; the purpose of annexation is development. Adding hundreds of acres into the City's incorporated limits binds the City to be responsible for expanded utility service as well as fire and police coverage. We do not need our resources--fire and police--up in the hills responding to emergencies when we already contend with simultaneous medical/fire calls as we are.

See the Response to Item 4, LAFCO July 28, 2021 Letter. The City of Morro Bay has mutual aid agreements with the County of San Luis Obispo Fire Department (Cal Fire) and the County Sheriff's office.

Signed,

Attachment B

LAFCO Policies



2.6 Sphere of Influence Review Policies

The CKH Act provides the legislative authority and intent for establishing a Sphere of Influence and is included by reference in these policies. A Sphere of Influence is the probable 20-year growth boundary for a jurisdiction's physical development. These policies are intended to be consistent with the CKH Act and take into consideration local conditions and circumstances. All procedures and definitions in the CKH Act are incorporated into these policies by reference.

 LAFCO intends that its Sphere of Influence determination will serve as a master plan for the future organization of local government within the County. Thespheres shall be used to discourage urban sprawl and the proliferation of local governmental agencies and to encourage efficiency, economy, and orderly changes in local government.

The SOI amendment is consistent with the City's current General Plan adopted in May 2021.

- The Sphere of Influence lines shall be a declaration of policy which shall be a primary guide to LAFCO in the decision on any proposal under its jurisdiction. Every determination made by the Commission shall be consistent with the spheres of influence of the agencies affected by those determinations. Not applicable.
- 3. No proposal which is inconsistent with an agency's adopted Sphere of Influence shall be approved until the Commission, at a noticed public hearing, has considered an amendment or revision to that agency's Sphere of Influence.

Amendment application filed.

4. The adopted Sphere of Influence shall reflect city and county general plans, growth management policies, annexation policies, resource management policies, and any other policies related to ultimate boundary area of an affected agency unless those plan or policies conflict with the legislative intent of the CKHAct (Government Code Section 56000 et seq.)

Where inconsistencies between plans exist, LAFCO shall rely upon that plan which most closely follows the legislature's directive to discourage urban sprawl, direct development away from prime agricultural land and open space lands, and encourage the orderly formation and development of local governmental agencies based upon local conditions and circumstances.

The proposed SOI is consistent with the City's adopted General Plan and represents an orderly development approach (see the Response to Item 4, LAFCO July 28, 2021 Letter).

Policies and Procedures 15 October-2020



In accordance with the CKH Act a municipal service review shall be conducted prior to the update of a jurisdiction's Sphere of Influence. The service review is intended to be a basis for updating a jurisdiction's Sphere of Influence.

The City of Morro Bay is due for a municipal service review (MSR) based on the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000 (CKH Act) requiring MSR updates every five years. The City will cooperate with the LAFCO initiated MSR update.

- 5. LAFCO will designate a Sphere of Influence line for each local agency that represents the agency's probable physical boundary and includes territory eligible for annexation and the extension of that agency's services within a zeroto twenty-year period.
 - The Sphere of Influence request being considered by LAFCO was included in the City's recently adopted General Plan Land Use Plan. The subject lots will be eligible for annexation after the SOI request has been approved. Utilities, such as water and sewer connections to City of Morro Bay services will be accessible to the lots. See the Response to Item 4, LAFCO July 28, 2021 Letter for more information about serving these properties.
- 6. LAFCO shall consider the following factors in determining an agency's Sphere of Influence:
 - a. Present and future need for agency services and the service levels specified for the subject area in applicable general plans, growth management plans, annexation policies, resource management plans, and any other plans or policies related to an agency's ultimate boundary and service area (CKH 56425 (e)(1)).

See the Response to Item 4, LAFCO July 28, 2021 Letter.

The City has adequate water and sewer capacity to serve the property and connection to City infrastructure is readily available from the surrounding streets. The City also has adequate police and fire services to serve the property and the City maintains mutual aid agreements with the County related to fire (Cal Fire) and police services (Sheriff's office). Please refer to the City of Morro Bay's General Plan, One Water Plan, and Final Water Reclamation Facility. General Plan Policies LU-1.1 and LU-3.1 sets parameters for locating new development and ensuring sufficient infrastructure and service capacity.

Links to the documents referenced above are provided below. Plan Morro Bay (General Plan)

https://www.morrobayca.gov/DocumentCenter/View/15424/Plan-Morro-Bay-GP-LCP-Final

One Water Plan

https://www.morro-bay.ca.us/DocumentCenter/View/12500/OneWater-Plan-Final

Final Water Reclamation Facility Plan

https://morrobaywrf.com/wp-content/uploads/Final-Water-Link here: Reclamation-Facility-Plan-April-2019.pdf

b. Capability of the local agency to provide needed services, taking into account evidence of resource capacity sufficient to provide for internal needs and urban expansion (CKH 56425 (e)(2)).

Policy OS-7.1 requires areas that might be included in the City's SOI, that a plan will be prepared and adopted to include infrastructure and services provided by the City of Morro Bay. Also, see answer to "a" above and the Response to Item 4, LAFCO July 28, 2021 Letter. Policy OS-7.1 Account for External Impacts states:

If any portion of the area outside the city limits is included in the City's sphere of influence in the future, prepare and adopt a plan for the affected parcels that includes infrastructure and services provided by the City of Morro Bay. The plan shall also identify policies for the protection of natural resources in the affected areas.

c. The existence of agricultural preserves, agricultural land and open space lands in the area and the effect that inclusion within a Sphere of Influenceshall have on the physical and economic integrity of maintaining the land in nonurban use (CKH 56426.5 (a)).

See the Response to Item 4, LAFCO July 28, 2021 Letter.

The proposed inclusion of the subject property in the City's SOI supports the City's goal to protect the scenic backdrop of the City. By including these properties in the SOI and limiting the location of residential development to the area shown in yellow on Exhibit A wherein the limited development may occur. This is consistent with a much larger effort initiated by Chevron to divest the Estero Terminal properties through cooperative efforts with the City, County, Cayucos Sanitary District, and a variety of conservation non-profit groups (LCSLO, TPL, et. al)

d. Present and future cost and adequacy of services anticipated to be extended within the Sphere of Influence.

See the Response to Item 4, LAFCO July 28, 2021 Letter. The cost for installing connections for the services located in the streets adjacent to the properties will be borne by the landowners.

e. Present and projected population growth, population densities, land uses, and area, ownership patterns, assessed valuations, and proximity to other populated areas.

The land use of the lots in the SOI Amendment will remain designated Agricultural, as currently designated in the County of SLO. The areas designated for potential building on the five lots is adjacent to existing development along Panorama Drive, while the remainder of the lots will be deeded to open space. The City is capable to provide services to lots included in SOI. As specified in the General Plan, Measure F, a voterapproved growth management ordinance, limits the City's population to 12,200 residents, unless otherwise approved/amended by a majority of voters, as well as securing additional water resources.

San Luis Obispo LAFCO

f. The agency's capital improvement or other plans that delineate planned facility expansion and the timing of that expansion.

The amount of development that would be associated with the SOI amendment (5 lots) is minor in nature and would not be significant for the City's public facilities and/or services. Both water and sewer are accessible from two points of access from the subject lots, in addition to dry utility access.

The City is undergoing construction on the Water Reclamation Facility, with expected completion in Spring/Summer of 2022.

- g. Social or economic communities of interest in the area (CKH 56425 (e)(4)). See the Response to Item 4, LAFCO July 28, 2021 Letter. The City of Morro Bay does not have any officially designated disadvantaged communities as described in state planning law, and the levels of both educational attainment and employment are higher in Morro Bay than in most of California. The City does include an Environmental Justice Chapter in the General Plan and specifies goals, policies, and implementation actions to address the equity impacts of planning and regulatory decisions, particularly while preparing for the effects of climate change, including becoming more prone to flooding, landslides, and extreme heat events.
- h. For an update of a Sphere of Influence of a city or special district that provides public facilities or services related to sewers, municipal and industrial water, or structural fire protection, a written determination regarding the present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing Sphere of Influence shall be prepared.

Not applicable.

7. LAFCO may adopt a zero Sphere of Influence encompassing no territory for an agency. This occurs if LAFCO determines that the public service functions of the agency are either nonexistent, no longer needed, or should be reallocated to some other agency of government. The local agency which has been assigned a zero Sphere of Influence should ultimately be dissolved.

Not applicable.

- 8. Territory not in need of urban services, including open space, agriculture, recreational, rural lands, or residential rural areas shall not be assigned to an agency's Sphere of Influence unless the area's exclusion would impede the planned, orderly and efficient development of the area.
 - Exclusion of this SOI amendment request would impede planned, orderly and efficient development, as these lots could be developed in the County of San Luis Obispo inconsistent with City objectives.
- 9. LAFCO may adopt a Sphere of Influence that excludes territory currently within that agency's boundaries. This occurs where LAFCO determines that the territory consists of agricultural lands, open space lands, or agricultural preserveswhose preservation would be jeopardized by inclusion within an agency's Sphere of Influence. Exclusion of these areas from an agency's Sphere of Influence indicates that detachment is appropriate.

See response to #6c above.

- 10. Where an area could be assigned to the Sphere of Influence of more than one agency providing needed service, the following hierarchy shall apply dependent upon ability to serve:
 - a. Inclusion within a municipality Sphere of Influence.
 - b. Inclusion within a multipurpose district Sphere of Influence.
 - c. Inclusion within a single-purpose district Sphere of Influence.

In deciding which of two or more equally capable agencies shall include an area within its Sphere of Influence, LAFCO shall consider the agencies' service and financial capabilities, social and economic interdependencies, topographic

factors, and the effect that eventual service extension will have on adjacent agencies.

Not applicable.

11. Sphere of Influence boundaries shall not create islands or corridors unless it can be demonstrated that the irregular boundaries represent the most logical and orderly service area of an agency.

Not applicable.

12. Nonadjacent publicly owned properties and facilities used for urban purposes may be included within that public agency's Sphere of Influence if eventualannexation would provide an overall benefit to agency residents.

Not applicable.

13. At the time of adoption of a city Sphere of Influence LAFCO may develop and adopt in cooperation with the municipality, an urban area boundary pursuant to policies adopted by the Commission in accordance with Government Code Section 56080. LAFCO shall not consider any area for inclusion within an urban service area boundary that is not addressed in the general plan of the affected municipality or is not proposed to be served by urban facilities, utilities, and services within the first five years of the affected city's capital improvementprogram.

There is service capability and infrastructure accessible in Panorama Drive,

Tuscan Avenue, Blanca Street, and Zanzibar Street.

- 14. LAFCO shall review Sphere of Influence determinations every five years or when deemed necessary by the Commission consistent with an adopted work plan. If a local agency or the County desires amendment or revision of an adopted Sphere of Influence, the local agency, by resolution, may file such a request with the LAFCO Executive Officer. Any local agency or county making such a request shall reimburse the Commission for the actual and direct costs incurred by the Commission. The Commission may waive such reimbursement if it finds that the request may be considered as part of its periodic review of spheres of influence. **Not applicable.**
- 15.LAFCO shall adopt, amend, or revise Sphere of Influence determinations following the procedural steps set forth in CKH Act 56000 et seq. **Consistent.**



2.9 Agricultural Policies

The policies in this section are designed to assist LAFCO in making decisions that achieve the Goals stated in the previous section. A policy is a statement that guides decision making by indicating a clear direction on the part of LAFCO. The following policies support the goals stated above and shall be used by San Luis Obispo LAFCO when considering a proposal that would involve agricultural resources:

1. Vacant land within urban areas should be developed before agricultural land is annexed for non-agricultural purposes.

Consistent, this will continue to be Agricultural land.

2. Land substantially surrounded by existing jurisdictional boundaries should be annexed before other lands.

Not applicable.

3. In general, urban development should be discouraged in agricultural areas. For example, agricultural land should not be annexed for nonagricultural purposes when feasible alternatives exist. Large lot rural development that places pressure on a jurisdiction to provide services and causes agricultural areas to be infeasible for farming should be discouraged.

The lots are not designated for "urban" development. The lots are and will continue to be designated for Agricultural land uses and continued agricultural (grazing) use with one residence and one accessory dwelling unit per lot. The land is not suitable for Agricultural land uses other than grazing due to the sloping nature of the lots, soil categories and lack of available water resources.

4. The Memorandum of Agreement between a city and the County should be used and amended as needed to address the impacts on and conversion of Agricultural Lands on the fringe of a city.

There is no proposed conversion of Agriculturally designated land as part of this SOI Amendment request. The existing agricultural land use designation will remain.

5. The continued productivity and sustainability of agricultural land surrounding existing communities should be promoted by preventing the premature conversion of agricultural land to other uses and, to the extent feasible, minimizing conflicts between agricultural and other land uses. Buffers should be established to promote this policy.

The proposed SOI amendment and City General Plan limit the amount of development that may occur on the subject lots to a single residence and one accessory dwelling unit per existing +/- 40ac parcel. (As noted during the LAFCO Study Session on August 19, 2021, additional or secondary dwelling units are allowed/permitted on agricultural lots, per State law.) The potential development area on each lot is identified on the SOI map (subject

to geotechnical evaluation and other site-specific studies). The areas comprising the higher elevations of the lots will be reserved for agricultural and open space uses, acting as a buffer to agricultural use (grazing) on the adjacent parcels.

Also see the Response to Items 4 and 6, LAFCO July 28, 2021 Letter.

- 6. Development near agricultural land should not adversely affect the sustainability or constrain the lawful, responsible practices of the agricultural operations. See response to #5 above.
- 7. In considering the completeness and appropriateness of any proposal, the Executive Officer and this Commission may require proponents and other interested parties to provide such information and analysis as, in their judgment, will assist in an informed and reasoned evaluation of the proposal in accordance with these policies.

Noted.

8. No change of organization, as defined by Government Code 56021, shall be approved unless it is consistent with the Spheres of Influence of all affected agencies.

Both City and County are aware of and support this SOI amendment request.

9. Where feasible, and consistent with LAFCO policies, non-prime land should be annexed before prime land.

The proposed Sphere of Influence amendment is consistent, as this is nonprime land.

- 10. The Commission will consider feasible mitigation (found in the following quidelines) if a proposal would result in the loss of agricultural land.
 - See response to #3 above and Item 4, LAFCO July 28, 2021 Letter. This will not result in the loss of agricultural land. First off there is no development proposed as part of the Sphere of Influence request. Development within the City will only occur after annexation. The only "development" that would be allowed to occur would be one residence and an accessory dwelling unit on each lot, which would be allowed now under County jurisdiction. (As noted during the LAFCO Study Session on August 19, 2021, additional or secondary dwelling units are allowed/permitted on agricultural lots, per State law.) Exhibit A – Potential Building Area establishes building areas for the residences and accessory dwelling units to be located next to the City roads at the lower elevations, leaving the remainder of the properties undeveloped and available for grazing and open space uses.
- 11. The Commission encourages local agencies to adopt policies that result in efficient, coterminous and logical growth patterns within their General Plan and Sphere of Influence areas and that encourage protection of prime agricultural land in a manner that is consistent with this Policy.

This is not prime agricultural land per LAFCO definition. It does not have Class I or II soils in the USDA Natural Resources Conservation Service, does

not qualify for an 80-100 Storie Index Rating, does not support livestock, crops or other plantings and/or production of unprocessed agricultural plan products. The land conditions require about 10 acres to sustain each cow that grazes the land, which exceeds the one animal unit per acre as defined in the prime agricultural land definition.

12. The Commission may approve annexations of prime agricultural land only if mitigation that equates to a substitution ratio of at least 1:1 for the prime land to be converted from agricultural use is agreed to by the applicant (landowner), the jurisdiction with land use authority. The 1:1 substitution ratio may be met by implementing various measures:

Not prime land per LAFCO definition. Does not have Class I or II soils in the USDA Natural Resources Conservation Service, does not qualify for a 80-100 Storie Index Rating, does not support livestock, crops or other plantings and/or production of unprocessed agricultural plan products.

- a. Acquisition and dedication of farmland, development rights, and/or agricultural conservation easements to permanently protect farmlands within the annexation area or lands with similar characteristics within the County Planning Area.
- b. Payment of in-lieu fees to an established, qualified, mitigation/conservation program or organization sufficient to fully fund the acquisition and dedication activities stated above in 12a.
- c. Other measures agreed to by the applicant and the land use jurisdiction that meet the intent of replacing prime agricultural land at a 1:1 ratio.
- 13. Property owners of agricultural lands adjacent to a LAFCO proposal shall be notified when an application is submitted to LAFCO.

LAFCO to prepare noticing.

Attachment C

Morro Bay Sphere of Influence Conditions

• City of Morro Bay-Goal 35: Preserve agricultural uses in and adjacent to the City with conflict resolution between agricultural and urban land uses.

This will not result in the loss of agricultural land. First off, there is no development proposed as part of this Sphere of Influence request. Development within the City will only occur after annexation into the City of Morro Bay. The only "development" that would be allowed to occur under this proposal would be the addition of one residence and an accessory dwelling unit on each lot, which would be allowed now under County jurisdiction. (As noted during the LAFCO Study Session on August 19, 2021, additional or accessory dwelling units are allowed/permitted on agricultural lots, per State law.) Exhibit A – Potential Building Area establishes building areas for these properties. This proposal ensures that the residences and accessory dwelling units will be located next to the City roads at the lower elevations, leaving the remainder of the properties undeveloped and available for grazing and open space uses. This is consistent with the proposed conservation approach for the properties in this area.

COUNTY OF SAN LUIS OBISPO GENERAL PLAN

• County of San Luis Obispo-Estero Area Plan. Prevent urban development outside the Morro Bay City Limits, and direct future growth onto developable, non-prime lands within the City.

This SOI amendment proposal is not considered 'urban development' as the continued Agricultural zoning will allow only one residence and one accessory dwelling unit. Also, the land does not qualify as prime agricultural land per LAFCO criteria. See the Response to Item 4, LAFCO July 28, 2021 Letter.

• County of San Luis Obispo-Estero Area Plan. Maintain existing agricultural land use categories in order to protect agricultural resources; do not convert agricultural land to other land use categories or revise planning area standards so as to enable more intensive development.

The land will retain the Agricultural land use designation within the City of Morro Bay. See the Response to Item 4, LAFCO July 28, 2021 Letter.

These goals are supported in each General Plan with policies and programs that work towards achieving these results. The Memorandum of Agreement is a way to implement both General Plans in a more coordinated manner.

City Council Action. The City Council approved the MOA on September 10, 2007.

County Board of Supervisors Action. The County Board of Supervisors approved the MOA on September 25, 2007

Conditions of Approval

The following conditions of approval are adopted based on this updated Sphere of Influence Update, Municipal Service Review, Memorandum of Agreement, the environmental review, and public input and to reflect the current situation for services and protection of agricultural and open space lands.

WATER

a. As a condition of an annexation application being filed with LAFCO, the City shall document with a water supply analysis that an adequate, reliable, and sustainable water supply is available and deliverable to serve the areas proposed for annexation.

Noted. This application is a Sphere of Influence amendment request, not an annexation application. The City's One Water Plan addresses this analysis. See link to One Water Plan: https://www.morro-bay.ca.us/DocumentCenter/View/12500/OneWater-Plan-Final.

WASTEWATER

a) As part of an annexation application, the City shall document the progress of the currentlyplanned upgrade to the wastewater treatment plant in compliance with a NPDES permit.

Noted. This application is a Sphere of Influence amendment request, not an annexation application. The City's Wastewater Master Plan addresses this analysis. See link to Final Water Reclamation Facility Plan: https://morrobaywrf.com/wp-content/uploads/Final-Water-Reclamation-Facility-Plan-April-2019.pdf

AGRICULTURE & OPEN SPACE

a. The City shall identify all agricultural and open space lands to be protected in the annexation areas when prezoning or preparing land use entitlements for an area.

See previous comments in Item 7 of the LAFCO July 28, 2021 letter; landowner would record a deed restriction or other instrument on the "no-build" portion as part of annexation process.

b. Prior to LAFCO filing the certificate of completion (if an annexation is approved), conservation easement(s) or other appropriate mitigation measures as listed in LAFCO's Agricultural Policy 12, shall be recorded on the deed(s) of the properties affected by the annexation specifying the areas to be protected in perpetuity.

Noted, see previous comments in Item 7 of the LAFCO July 28, 2021 letter; landowner would record a deed restriction, or similar agreement, on the "no-build" portion of each lot at the time of annexation.

RECONSIDERING THE SOI/MSR

a. LAFCO would revisit the SOI upon completion of the GP/LCP and One Water Plan update.

It is appropriate timing now, as the General Plan was adopted in May 2021 and the One Water Plan was approved in October 2018. Links to the General Plan and One Water Plan are provided below.

Plan Morro Bay (General Plan)

https://www.morrobayca.gov/DocumentCenter/View/15424/Plan-Morro-Bay-GP-LCP-Final

One Water Plan

https://www.morro-bay.ca.us/DocumentCenter/View/12500/OneWater-Plan-Final

PRESENT AND PLANNED LAND USE

The land use zoning within the proposed Study Areas of the Sphere of Influence is Agriculture and Recreation. The two existing SOI areas are the beach area to the north and the Back Bay area to the south. Neither area is proposed for future development. The City's General Plan policies are being updated to manage the growth and development within these areas. Once the City identifies a site for its new wastewater treatment plant the Sphere of Influence will be considered amended.

Not applicable.

PRESENT/PROBABLE NEED FOR PUBLIC SERVICES

The present need for public services in the proposed SOI area varies in the different areas. Many of the properties' current uses are for agricultural and open space purposes. The probable need for public services in the proposed Sphere of Influence is low. Urban levels of development are not anticipated in the existing Sphere of Influence. Also, the City needs to complete the upgrade of the sewer facility and increase the reliability of its water supply.

This Sphere of Influence request is consistent with the City's SOI line as delineated on the City's Land Use Plan. The land use designation for the properties will remain agricultural and will not be considered 'urban development'. The City is undergoing construction on the Water Reclamation Facility, with expected completion in Spring/Summer 2022.

Attachment H

Memorandum of Understanding (City of Morro Bay, Cayucos Sanitary District, and Chevron)

MEMORANDUM OF UNDERSTANDING

Chevron Estero Marine Terminal, Lot 6SW

This Memorandum of Understanding ("MOU"), dated [action of the constitutes a non-binding agreement among The Trust for Public Land, a California nonprofit public benefit corporation ("TPL"), the City of Morro Bay ("Morro Bay"), the Cayucos Sanitary District ("CSD"), and Chevron Land and Development Company, a Delaware Corporation ("Chevron"), each of which may individually be referred to herein as a "Party" and collectively as the "Parties."

RECITALS

- A. The Parties are interested in achieving a common conservation goal and appropriate public ownership ("**Project**") for Lot 6SW, as shown in <u>Exhibit A</u> ("**Property**"), which has been historically used by the general public and is commonly known as "**Dog Beach**."
- B. Chevron sold the Property to CSD on September 17, 2019 pursuant to that certain Grant Deed but also subject to that certain Memorandum of Repurchase Rights/Option recorded concurrently with the Grant Deed, which Memorandum contains certain rights in favor of Chevron ("Residual Rights").
- C. CSD is willing to sell the Property to TPL, which will concurrently sell it to Morro Bay, with the ultimate intention that the Property will continue to be used for the benefit of the public.
- D. TPL's purchase of the Property and concurrent sale to Morro Bay will be contingent on TPL's receipt of certain public and private funding, which funding and acquisition, in turn, is contingent on Chevron's termination of the Residual Rights.
- E. Chevron ultimately desires to have its lots shown in <u>Exhibit A</u> in the Estero Marine Terminal ("**Panorama Lots**") annexed into the City of Morro Bay. Chevron is willing to terminate its Residual Rights upon certain conditions specified below.

The Parties agree as follows:

- 1. OPTION AGREEMENT: TPL and CSD will negotiate in good faith to enter into an option agreement whereby TPL will have the right to purchase the Property from CSD subject to the termination of the Residual Rights and securing funding for the acquisition ("Option Agreement"). TPL shall remain the principal Party involved with negotiating the terms and provisions of the Option Agreement and the concurrent sale with Morro Bay.
- 2. Public Funding: TPL will use its best efforts to secure public and philanthropic funding sources to support the acquisition of the Property from CSD and concurrent sale to Morro Bay. TPL shall be solely responsible for all aspects of requesting, securing and reporting associated with the funding sources.
- 3. OBLIGATIONS OF CHEVRON: Chevron agrees to execute and acknowledge and deliver to

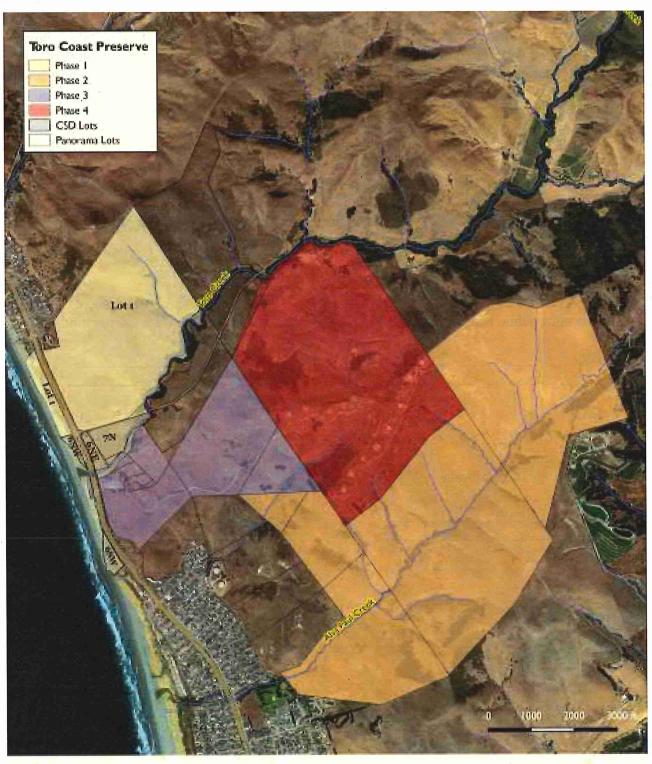
TPL and Morro Bay a document in a form satisfactory to Chevron, TPL and Morro Bay to terminate or transfer the Residual Rights following Morro Bay's submission of an application to the Local Agency Formation Commission ("LAFCO") to place the Panorama Lots within the City's Sphere of Influence and the LAFCO staff indicates support for same ("LAFCO Application").

- 4. OBLIGATIONS OF MORRO BAY: Morro Bay shall seek City Council approval to proceed with filing the LAFCO Application. The LAFCO Application shall also seek to annex Lot 6NW into the City of Morro Bay and to de-annex Lot 6NE, both of which respective lots are shown on Exhibit A. Morro Bay will make best efforts to (i) complete the LAFCO Application such that LAFCO can make a decision at its May 2020 meeting, and (ii) file the LAFCO Application as soon as feasible but no later than April 25th, 2020. The Parties understand that nothing in this MOU commits the City Council to approve the LAFCO Application and that such decision must be made by the City Council pursuant to applicable law, including, but not limited to, the Brown Act.
- 5. OBLIGATIONS OF ALL PARTIES: The Parties acknowledge that (i) funding for acquisition of the Property and other Estero properties planned for acquisition and public ownership are interdependent; and (ii) time is of the essence to obtain the LAFCO decision regarding the LAFCO Application. All Parties agree to make best efforts to support the LAFCO Application for review at the LAFCO May meeting or as soon thereafter as feasible.
- 6. OBLIGATIONS OF CSD: CSD agrees to negotiate the terms of the Option Agreement with TPL, which will include standard provisions for the purchase of real property including the issuance of title insurance. CSD and TPL intend that the Option Agreement will be executed by the end of January 2020.
- 7. OBLIGATIONS OF MORRO BAY AND TPL: Concurrently with the negotiations between TPL and CSD as to the Option Agreement, Morro Bay and TPL will negotiate a purchase and sale agreement ("PSA") to be consummated concurrently with TPL's acquisition of title to the Property under the Option Agreement.
- 8. OPTION TERMINATION: If the Property is not acquired by TPL pursuant to the terms of the Option Agreement (as may be extended), all Parties shall be relieved of further obligations under this MOU. In such event, TPL shall be solely responsible for returning funds that it raised for the acquisition of the Property where such funds need to be returned in the event the Property is not acquired.
- 9. INTENT: This MOU is intended to memorialize the Parties' intent and desire to work together to perform the tasks required (including the Option Agreement and PSA) in connection with the acquisition of the Property by Morro Bay for continued public use free of the Residual Rights, while Morro Bay concurrently seeks City Council approval to file the LAFCO Application. Chevron intends, after LAFCO approval of the LAFCO Application, to request that Morro Bay annex the Panorama Lots into the City of Morro Bay ("Annexation"). The Parties understand that Morro Bay is not committing to approve

- 10. Non-Binding; Termination: This MOU is non-binding and is intended only to provide a framework for continued discussions between the Parties in connection with the Project. It is an expression of the current intent of the Parties but is not intended to constitute an agreement that will be legally binding on any Party. No Party has any obligation, responsibility, or liability to any other Party for failure to complete the items set forth above. This MOU is not binding and may be terminated in accordance with the terms set out in Section 8 above, or by any Party delivering written notice to the other Parties. Upon the termination of this MOU, no Party will have any liability under this MOU to any other Party, and the Parties will be released from all of their obligations under this MOU.
- 11. COUNTERPART EXECUTION: The Parties may execute this MOU in counterparts which together will constitute the entire MOU.

TPL	CHEVRON
The Trust for Public Land, a California nonprofit public benefit corporation	Chevron Land and Development Company, a Delaware Corporation
By: Its:	By: Its:
CSD	MORRO BAY
Cayucos Sanitary District, a political subdivision of the State of California By: Its:	City of Morro Bay, a municipal corporation By: 1/31/2020 Its: City Manager

Exhibit A



Toro Coast Preserve

SAN LUIS OBISPO COUNTY, CALIFORNIA



- 10. Non-Binding; Termination: This MOU is non-binding and is intended only to provide a framework for continued discussions between the Parties in connection with the Project. It is an expression of the current intent of the Parties but is not intended to constitute an agreement that will be legally binding on any Party. No Party has any obligation, responsibility, or liability to any other Party for failure to complete the items set forth above. This MOU is not binding and may be terminated in accordance with the terms set out in Section 8 above, or by any Party delivering written notice to the other Parties. Upon the termination of this MOU, no Party will have any liability under this MOU to any other Party, and the Parties will be released from all of their obligations under this MOU.
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TPL	CHEVRON
The Trust for Public Land, a California nonprofit public benefit corporation	Chevron Land and Development Company, a Delaware Corporation
By: Our Sur	By: Its:
Its: <u>Director of Transactions</u> , <u>California</u>	
CSD	MORRO BAY
Cayucos Sanitary District, a political subdivision of the State of California	City of Morro Bay, a municipal corporation
	By:
By:	Its:
Ita:	

- 10. Non-Binding; Termination: This MOU is non-binding and is intended only to provide a framework for continued discussions between the Parties in connection with the Project. It is an expression of the current intent of the Parties but is not intended to constitute an agreement that will be legally binding on any Party. No Party has any obligation, responsibility, or liability to any other Party for failure to complete the items set forth above. This MOU is not binding and may be terminated in accordance with the terms set out in Section 8 above, or by any Party delivering written notice to the other Parties. Upon the termination of this MOU, no Party will have any liability under this MOU to any other Party, and the Parties will be released from all of their obligations under this MOU.
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TPL	CHEVRON
The Trust for Public Land, a California nonprofit public benefit corporation	Chevron Land and Development Company, a Delaware Corporation
By: Its:	By: Its:
CSD	MORRO BAY
Cayucos Sanitary District, a political subdivision of the State of California	City of Morro Bay, a municipal corporation
By: Robert B. Enns	By: Its:

- 10. Non-BINDING; TERMINATION: This MOU is non-binding and is intended only to provide a framework for continued discussions between the Parties in connection with the Project. It is an expression of the current intent of the Parties but is not intended to constitute an agreement that will be legally binding on any Party. No Party has any obligation, responsibility, or liability to any other Party for failure to complete the items set forth above. This MOU is not binding and may be terminated in accordance with the terms set out in Section 8 above, or by any Party delivering written notice to the other Parties. Upon the termination of this MOU, no Party will have any liability under this MOU to any other Party, and the Parties will be released from all of their obligations under this MOU.
- 11. COUNTERPART EXECUTION: The Parties may execute this MOU in counterparts which together will constitute the entire MOU.

TPL	CHEVRON
The Trust for Public Land, a California nonprofit public benefit corporation	Chevron Land and Development Company, a Delaware Corporation
By: Its:	By: Real Property Office.
CSD	MORRO BAY
Cayucos Sanitary District, a political subdivision of the State of California	City of Morro Bay, a municipal corporation
	By:
By:	Its:
Its:	

Attachment I

Comment Letters Submitted Prior to the Release of the Item

AGENCY COMMENTS

From: Andrew Mutziger

To: <u>Celine Vuong</u>; <u>imarquez@slolafco.com</u>

Cc: Ashley S. Goldlist

Subject: RE: 21-Day Notice to Hearing for Sphere of Influence Amendment to the City of Morro Bay (Panorama Lots)

Date: Tuesday, December 28, 2021 2:30:15 PM

Attachments: <u>image001.png</u>

image002.png image004.png image005.png image006.png image007.png image003.png

Hi Celine and Imelda.

I had remembered seeing this referral (30 June 2021 email from Imelda). We did not send a response at that time and I wanted to formalize why we did not comment.

The related Morro Bay City Council resolution (23 Mar 2021) stated, "WHEREAS, the principal reason for the proposed SOI amendment is to protect the hillsides which serve as the backdrop of the City from significant development..."

That resolution also stated, "Upon any future annexation of the Chevron Lots, development of each Chevron Lot subject of the SOI amendment, shall be limited to one single family home (being a total of 5 single family homes on the Chevron Lots) together with associated access and infrastructure improvements."

Both of these statements support Morro Bay's General Plan Policy LU-3.7: Limited Outward Expansion: Establish criteria to allow for some limited outward expansion beyond the city's existing limits to achieve large-scale conservation of parcels and a small amount of rural-scale residential use and visitor-serving amenities to serve conservation lands. Standards applies to the future sphere of influence (SOI) area include keeping development off of ridgelines and preserve views of the City's backdrop of undeveloped open land. (See also Policies C-9.1 through C-9.5 and Implementation Actions C-30 and C-31.)

These documents were found on the <u>LAFCO Current Project Materials</u> webpage. SLO County APCD has no comment since the goals of this proposed SOI are consistent with the General Plan and land use strategies in the APCD's Clean Air Plan and SLOCOG's Regional Transportation Plan/Sustainable Community Strategy.

Sincerely,

Andy Mutziger | Division Manager

Planning, Monitoring & Grants SLO County Air Pollution Control District

(805) 781-5956 VM • <u>amutziger@co.slo.ca.us</u> • SLOCleanAir.org





COUNTY OF SAN LUIS OBISPO DEPARTMENT OF AGRICULTURE / WEIGHTS & MEASURES

Martin Settevendemie, Agricultural Commissioner / Sealer of Weights & Measures

DATE: July 21, 2021

TO: Imelda Marquez, Analyst

FROM: Lynda L. Auchinachie, Agriculture Department

SUBJECT: Morro Bay Sphere of Influence Amendment (Panorama Lots) (3279)

Thank you for the opportunity to review and comment on the proposed Morro Bay Sphere of Influence (SOI) amendment for the Panorama Lots. The proposed amendment would include approximately 213 acres consisting of five parcels ranging in size from 33.5 to 57.4 acres each. Each parcel has an identified potential building area ranging in size from 4.3 to 14.8 acres. The properties are located adjacent to the northeastern portion of the Morro Bay near Panorama Drive and are currently within the county's Agriculture land use category. The application indicates that if the properties were annexed by Morro Bay, they would be zoned Agriculture with development limited to one single family house on each parcel.

Both LAFCO and Morro Bay have policies to protect agricultural resources. To complement those policies consideration should be given to identifying a maximum square footage of development area within the identified potential building areas to ensure impacts to agricultural resources are minimized.

The above comments and recommendations are based on the Agriculture Department's application of policies in the San Luis Obispo County Agriculture Element, the Conservation and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA) and on current departmental objectives to conserve agricultural resources and to provide for public health, safety and welfare, while mitigating negative impacts of development to agriculture. The Agriculture Department is a referral agency to the Planning and Building Department. Comments and recommendations are specific to agricultural resources and operations and are intended to inform the overall decision-making process.

If you have any questions, please call me at 805.781.5914.

PUBLIC COMMENTS

From: <u>betty winholtz</u>

To: Rob Fitzroy; imarquez@slolafco.com

Subject: City of Morro Bay Sphere of Influence Amendment - Panorama Lots, hearing 1/20/22

Date: Monday, January 10, 2022 4:24:36 PM

Dear Commissioners:

I am addressing 3 areas that are key to your evaluation of the City of Morro Bay SOI Amendment: Agriculture, Sewer, and Water.

Sewer and water services are owned and by the City.

Providing **Sewer** service is not a problem. Since Cayucos left the joint sewer plant with Morro Bay, Morro Bay has more than enough capacity to process sewage.

Providing **Water** service is a problem. The City claims to have enough water for build out (12,000, currently at 10,700). However, that's on paper.

The reality is:

- --Chorro Valley is no longer a viable water source.
- --Morro Bay has the pumping rights to 581 acre feet (2017 MB SOI MSR, page 3-25), but that is not necessarily what it can realistically pump. The WRF will inject recycled water into the Morro Valley ground water to stop sea water intrusion so that water can be pumped as explained in the video created by the Utilities Manager in Aug of 2020.

https://youtu.be/3TPIEr1fXbs

- --The city is receiving only 5% of its allocated State Water supply (NEW TMES, July 15, 2021) which should be 1313 AFY. (2020 Urban Water (Management Plan/UMWP, page 10) The City pays for a buffer that doubles its allotment. That still keeps delivery dangerously low.
- --State Water is stored in San Luis Reservoir which is at 34% capacity, when it is normally at 52% according to the Dept. of Water Resources as of Jan 9, 2022. https://cdec.water.ca.gov/cgi-progs/products/rescond.pdf
- --The City has 2 years of supply in the Reservoir according to the City Manager. (KSBY-TV, Dec 15, 2021)
- --The trend for the Reservoir is as follows: Jan 2020, 481 MSL; Jan 2021, 448 MSL; Jan 10, 2022, 415.6 MSL. Of the State's 12 reservoirs, San Luis Reservoir is 5th from the bottom in terms of refilling after the rains. http://sanluis.lakesonline.com/Level/

--Morro Bay residents are on a mandatory water shortage contingency plan, Level 3 of 5. (City Press Release, page 2, Oct 13, 2021) This level indicates there is a Severely Restricted Water Supply Condition with a shortage of 15-25% (UMWP, page 14). There has been no move by the City Council to lift or lower this level of restriction since the rains.

Agriculture

LAFCO policies support the retention of these 2 parcels for agricultural use as does the County's Estero Area Plan. The City claims that by keeping the parcels zoned agriculture, there is no development. However, the SOI map clearly shows the intent to develop into residential. LAFCO policies are:

- 2.6 8. Territory not in need of urban services, including open space, agriculture, recreational, rural lands, or residential rural areas shall not be assigned to an agency's Sphere of Influence.
- 2.9 1 Vacant land within urban areas should be developed before agricultural land is annexed for non-agricultural purposes.
- 2.9 3. In general, urban development should be discouraged in agricultural areas. For example, agricultural land should not be annexed for nonagricultural purposes when feasible alternatives exist. Large lot rural development that places pressure on a jurisdiction to provide services and causes agricultural areas to be infeasible for farming should be discourage
- 2.9 5. The continued productivity and sustainability of agricultural land surrounding existing communities should be promoted by preventing the premature conversion of agricultural land to other uses and, to the extent feasible, minimizing conflicts between agricultural and other land uses. Buffers should be established to promote this policy. (Policies and Procedures October, 2020)

Conclusion:

The information provided above regarding Agriculture and Water does not support a "logical and planned expansion" of Morro Bay at this time. It is ill-timed to bring these 2 parcels into the City of Morro Bay's Sphere of Influence until LAFCO receives information that the water supply is stabilized and Agricultural usage is buffered and preserved per the County's Estero Area Plan.

Cal. Gov't. Code §56653 requires more detail than what is being offered in the SOI Amendment Application. Rather than provide the information

"down the road" for annexation, the information should be submitted to the Commission for an informed SOI decision.

- (a)Whenever a local agency or school district submits a resolution of application for a change of organization or reorganization pursuant to this part, the local agency shall submit with the resolution of application a plan for providing services within the affected territory.
- (b) The plan for providing services shall include all of the following information and any additional information required by the commission or the executive officer:
- (1)An enumeration and description of the services to be extended to the affected territory.
- (2)The level and range of those services.
- (3)An indication of when those services can feasibly be extended to the affected territory.
- (4)An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.
- (5)Information with respect to how those services will be financed.

Sincerely, Betty Winholtz From: **Rob Fitzroy**

To: imarquez@slolafco.com

Subject: FW: morro bay soi hearing jan 20 Date: Monday, January 10, 2022 8:08:36 AM

Attachments: image001.png

image003.png

FYI.

Rob Fitzroy | Executive Officer

San Luis Obispo Local Agency Formation Commission 1042 Pacific St Suite A San Luis Obispo, CA 93401 (805) 788-2096

From: betty winholtz <winholtz@sbcglobal.net>

Sent: Saturday, January 8, 2022 12:32 PM **To:** Rob Fitzroy <rfitzroy@slolafco.com> **Subject:** morro bay soi hearing jan 20

Dear Mr. Fitzroy:

Will the following 3 items be addressed in your staff report for the January 20, 2022 hearing on the Morro Bay SOI Amendment--Panorama (Chevron) Lots?

- 1. Identifying costs: Requires the LAFCO's executive officer to include all direct and indirect costs of existing services in the incorporation area, including general fund subsidies to fee supported services when estimating service costs. Requires the LAFCO to calculate the proposed city's service costs by comparing them with the service costs in similar cities. Requires the LAFCO to identify the direct and indirect costs of services that the new city will assume from state agencies.
- 2. Adds a regional transportation plan to the list of factors that local agency formation commissions must consider before making boundary decisions.
- 3. Whether Mr. Enns will be recused due to his involvement in the MOU between the City of Morro Bay/Chevron/Cayucos?

Until what day will you receive emails for the commissioners regarding this hearing, i.e. Wednesday, Jan 19?

Sincerely, **Betty Winholtz** From: Rob Fitzroy

To: <u>imarquez@slolafco.com</u>

Subject: FW: Additional concerns regarding the City of Morro request to LAFCO for SOI of Chevron Properties

Date: Monday, January 10, 2022 4:03:33 PM

Attachments: January 10 2022 - SOI Morro Bay Letter to LAFCO.PDF

Morro Bay Police 2020 Annual Report.pdf

image001.png image003.png

Importance: High

Rob Fitzroy | Executive Officer

San Luis Obispo Local Agency Formation Commission 1042 Pacific St Suite A San Luis Obispo, CA 93401 (805) 788-2096

From: Carole Truesdale <carole_truesdale@hotmail.com>

Sent: Monday, January 10, 2022 3:54 PM **To:** Rob Fitzroy <rfitzroy@slolafco.com>

Subject: Additional concerns regarding the City of Morro request to LAFCO for SOI of Chevron

Properties

Importance: High

Dear Mr. Fitzroy,

Pursuant to my last email here are my additional concerns as it pertains to City of Morro Bay's request to bring in the Chevron Properties into the City's SOI.

Please acknowledge receipt and pass on to the commissioners as well.

Kind regards,

Carole Truesdale

"Food without wine is a corpse; wine without food a ghost. United and well matched, they are as body and soul; living partners!" chef...Andre Simon (1877-1970)

Concerns regarding the City of Morro Bay's request to LAFCO for bringing into the City's Sphere of Influence (SOI) Chevron Properties adjacent to Panorama Drive, Morro Bay, CA

January 10, 2022

Transmitted via email: rfitsroy@slolafco.com

Rob Fitzroy | Executive Officer
San Luis Obispo Local Agency Formatic

San Luis Obispo Local Agency Formation Commission 1042 Pacific St Suite A San Luis Obispo, CA 93401 (805) 788-2096

Pursuant to my previous transmission, I would like to address a few more concerns, other than Hazard. LAFCO must consider the City's ability to financially support the public facilities and public services, i.e. fire protection, police, sewer, and water.

Morro Bay is a very unique and diverse community. Our current population (as of 2020) is 10,757 whereas in 2010 we had 10,234. As a tourist town we see an influx of over 1-2K people on weekends at various times of the year, this adds addition strain on our water/sewer system as well as the fire and police departments. Our residents are more senior, rather than young families due to the expense of properties in Morro Bay.

I did some preliminary research on our fire department, which is fully staffed, has a new Fire Chief and in 2021 they answered approximately 1900 calls, which was up from 1700 as stated in documents I found from 2008. I was not able to obtain the response rate from the fire station on Harbor Boulevard to North Morro Bay (Zanzibar & Yerba Buena) – area where the Chevron parcels located), that information would not get to me by the time I submit my letter to you.

The homes along this corridor are VERY close together and when one has an issue, so do the residents in back, and side-to-side, plus the streets are crumbling.

There was supposed to have a new fire station built on the property located at San Jacinto/Coral (Cloisters) and to cover north Morro Bay. This did not happen due to the fact the City needed the money and sold this land to a builder, who will be constructing 5 new homes plus EDUs on that small acreage additional strain to our water/sewer system.

Our Morro Bay Police department is AMAZING; the leadership of Chief Jody Cox and Commander Amy Watkins has been very positive, we have 18 sworn officers, and for this team of professions to accept the challenges of a tourist community with a salary structure that is approximately 30% less than other agencies show the dedication and care this department displays daily. I have attached their MBPD Annual 2021 report, which was done in-house to save money for your perusal.

Adding acreage to the SOI is going to have an impact on our services and will put a physical/financial burden on our local departments.

Concerns regarding the City of Morro Bay's request to LAFCO for bringing into the City's Sphere of Influence (SOI) Chevron Properties adjacent to Panorama Drive, Morro Bay, CA

Page -2-LAFCO

"Like many California cities, Morro Bay has a significant unfunded pension liability, and smaller yet still significant other post-employment (OPEB) liabilities. These liabilities have developed over decades and have been impacted by CalPERS and State regulatory contexts, leaving many aspects of this challenge out of the City's control. The City has taken incremental steps to address these liabilities over time. On the CalPERS side, the City has pursued cost sharing with employees, making additional discretionary payments when possible, and paying annual payments early in the fiscal year to receive nominal savings. On the OPEB side, the City established a restricted trust in 2013 to begin saving for retiree heath costs, and have been depositing funds into that trust in most years since, resulting in a balance of approximately \$2 million.

Despite these incremental efforts, the size and scale of the remaining liabilities is significant. The CalPERS unfunded liability totaled over \$29 million in the City's latest actuarial report from CalPERS. The OPEB liability is much smaller at approximately \$3 million, offset by approximately \$2 million that is currently saved in the restricted trust, for a net unfunded liability of approximately \$1 million...." As taken from the January 3, 2022, Staff report that is being presented to Council at the January 11, 2022 meeting. (See attached excerpts)

The City of Morro Bay Harbor Department does not have adequate funds for repairs and..."'The "Friends of the Morro Bay Harbor" is circulating a <u>petition to get a ballot measure in place</u> that will propose financial support of \$120 parcel tax on every property to the department for their deferred maintenance and capital projects' needs. This is a citizen lead initiative. Much of the harbor's infrastructure (docks, T-piers, sea walls, etc.) were built during WWII. The Harbor Dept. does not have sufficient funding for their repairs."

This will put another layer of burden expenses on the property owners who are struggling with the cost of the new water/sewer plant which started out at not to exceed \$126 million to now (with numerous delays, add-ons)...last posted \$145million, however it is projected to \$150-155million or more before the build is over.

This causes me another concern... water supply. The City claims it has enough water for build-out, around 12,000 residents. However, this does not reflect the currently reality: (1) the City is receiving only 5% of its allotment of State water, (2) residents are on level 3 of restricted water use, (3) a number of new hotels are being built and water conservation is NOT a priority of vacationers.

Finally, the loss of agriculture use, and wildlife corridor!

It is clear that the City does not have the financial stability to provide services as required for an SOI. Thank you for reading.

Carole Truesdale, resident of Morro Bay since 1995 and property owner.

GENERAL FUND EXPENDITURES

. City Council 1.1% Police Department 26.5% Fire Department 17.9% By Department City Administration Public Works / 19.0% Recreation – 5.7% Community
Development 7.5%

		2017/18		2018/19	2019/20		2020/21		2020/21	2021/22		% of
Denartments		Actuals		Actuals	Actuals		Amended		Estimated	Proposed	_	Total
Police Department	69	3.521,549	8	3,359,254	\$ 3,871,520	8	3,537,166	60	3,535,950	\$ 3,775,377	772	26.5%
Fire Denartment	+	3,200,709		2,712,709	3,010,317	7	2,937,326		3,174,265	2,559,130	130	17.9%
Public Works		2,428,683		2,418,757	2,621,367	7	2,366,212		2,167,946	2,715,035	35	19.0%
Community Development		849,906		919,817	1,024,250	0	914,511		911,231	1,071,535	335	7.5%
City Administration		2,118,967		2,295,213	2,431,410	0	2,365,146		2,430,494	3,174,654	554	22.2%
Recreation		1,070,905		1,197,289	1,211,857	7	721,755		721,863	817,328	328	5.7%
City Council		108,530		123,043	91,18	2	84,098		56,255	159,298	867	1.1%
Total General Fund Exp	69	13,299,249	69	13,026,082	\$ 14,261,906	9	12,926,214	69	12,998,004	\$ 14,272,3	57	100%
City Debt Payments:	S	35,078	€	35,189	\$ 35,27	2	35,191	69	35,189	\$ 35,	15,190	
Transfers Out:		562,990		825,149	480,970	0	563,000		363,273	1,289,688	889	
Net Operating Expenditures	69	13,897,317	59	\$ 13,886,420	\$ 14,778,153	3	13,524,405	23	13,396,466 \$ 15,597,235	\$ 15,597,2	35	
0	١		۱			١						



SLO COUNTY CITIES POLICE OFFICERS PER CAPITA

CITY	POPULATION	OFFICERS	NOTES
Atascadero	29,773	36	Atascadero police department There are a total of 36 Atascadero police officers. This results in 1.2 police officers per 1,000 residents which is 65.4% less than the California average and 61.6% less than the National average.
Arroyo Grande	18,441	29	·
Grover Beach	13,528	23	
Morro Bay	10,757	18	Morro Bay police salaries are approximately 30% lower than other agencies.
Paso Robles	32,212	35	
SLO	47,063	61	
Pismo Beach	8,213	23	

Department salaries (top step officer)

Atascadero \$90,654
Pismo \$92,841
Arroyo Grande \$86,206
Grover Beach \$91,620
SLO PD \$118,346
SLO SO \$106,059
Paso Robles PD \$103,615
Morro Bay \$87,310

Executive Summary of Presentation

- City of Morro Bay currently has a projected \$29.3M Unfunded Accrued Liability (UAL) for 6/30/2022 with CalPERS
 - 51% increase (from \$19.4M) over last 10 years
- CalPERS FY 2020-21 returns of 21.3% and key assumption changes will dramatically change the "shape" of City's UAL repayment schedule
 - > UAL balance may drop down to \$21.9 million; Near-term repayment "shape" projected to be lower and shorter, though still irregular
- City also has a small ≈\$1M UAL for OPEB (Other-Post Employment Benefits)
 - ▶ \$3M liability vs. ≈\$2M in assets
- City has historically taken proactive steps toward managing pension costs
 - Building reserves, capturing annual prepayment discount benefits & \$500K of additional payments made to CalPERS in FY 2020
- Continuing to plan for, and evaluating options to manage variable costs are important for budget predictability and fiscal health
 - Cost management strategies Section 115 Trust, UAL Pay Down and UAL Restructuring



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MORRO BAY POLICE DEPARTMENT 2020 ANNUAL REPORT

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MESSAGE FROM THE CHIEF



On behalf of the dedicated men and women of the Morro Bay Police Department, we are excited to present to you our Annual Report for 2020. This report outlines a summary of the accomplishments made by all of those who serve within our amazing organization. From our sworn and professional staff, our dedicated and committed volunteers, our supportive City and Regional Partners and our Chief's Advisory Committee Representatives, we have been able to weather the storm of this past year.

I would like to personally thank all of these hardworking people for their continued commitment to providing the highest level of

professional public service. Our team members are invested in our department vision to provide "Excellence in Service" and it shows every day they show up for work to serve this community.

While 2020 began as any other year, it quickly turned into one of the most challenging years many of us have ever seen, including in the law enforcement profession. We had to quickly learn to adapt and navigate through the global COVID-19 pandemic which had devastating impacts on our community, our state, our country and around the world. While the financial impacts of the pandemic will be felt for several years, the human toll of this virus will be felt for a lifetime as many of us lost family, friends, and co-workers across the globe.

In addition to the COVID pandemic we witnessed the horrible death of George Floyd in Minneapolis that sparked nationwide civil unrest, protests, riots and anti-police movements across the country. This, and several other law enforcement use of force incidents across the country brought about national movements for police reform and changes in legislation leading to many discussions between community members and those agencies who serve and protect their communities. Many of the impacts of these movements are still taking place and the final outcomes are yet to be determined. Your Morro Bay Police Department took an in-depth look at our own internal policies related to such things as Use of Force, Carotid Restraint, De-escalation, Conflict Resolution, and an officer's Duty to Intervene, and made significant revisions and improvements to our policies where needed. All Morro Bay PD policies can be found online through our city website for our community to review.

Here locally, San Luis Obispo County experienced several active shooter situations, bringing to light the many dangers that police officers face each day. With these types of incidents in mind, we evaluated and reassessed our operational readiness and made additional changes in our training and equipment protocols to make sure all our front-line personnel have the needed safety equipment and training to always keep our community safe, in any critical incident situation. Emergency preparedness remains a top priority even in the most difficult of times.

All these events have had significant impacts on our city, our department, and our community members. Some of these impacts may not be realized for years to come, while others have had both immediate and long-lasting implications in how we perform our day-to-day operations.

This report will highlight many of the operational and administrative components of the Morro Bay Police Department and give our readers some insight into the daily operations of a full-service police department. We continued to see significant impacts to our homeless community as shelters and homeless services were severely impacted by the pandemic throughout San Luis Obispo County limiting available resources.

MBPD continues to focus on our community "quality of life" issues for both residents and visitors and we officially launched our Neighborhood Cop program to increase our community interaction and engagement efforts. While the COVID pandemic limited many of Morro Bay's special events throughout the year, therefore limiting our ability to personally interact with our community, we are very excited and looking forward to the end of the pandemic and once again meeting with members of our community and those who visit our beautiful central coast paradise.

Leading this group of dedicated men and women through this most challenging and difficult year has been an eye-opening experience. Seeing the commitment, self-sacrifice and compassion of our department and city staff has been very humbling. I could not be prouder to work with such an amazing group of people. Be sure to let them know how much you appreciate their dedication to keeping our community safe.

Jody Cox, Chief of Police

Morro Bay Police Department





ABOUT MBPD

The Morro Bay Police Department employs 20 full-time and two part-time employees, this includes 18 sworn officers, two full-time and two part-time civilian employees. These staff members provide service to Morro Bay's community of over 10,500 residents. In addition to full-time employees, the Police Department relies heavily on civilian volunteers to enhance our community's level of services. These volunteers include citizen volunteers, Police Chaplains, and Police Explorers.

OUR MISSION

Provide the highest level of police services in partnership with our community.

VISION

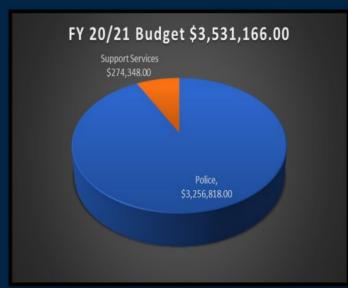
Excellence in Service.

ORGANIZATIONAL VALUES

- We will be accountable to ourselves, the public and the law enforcement profession.
- We will be open through our communication within the department and with the community of Morro Bay.
- We will be ethical, honest, and courageous, both on and off duty.
- We will respect the rights and dignity of all people.
- We will continue our commitment to innovation and creativity when problem solving.
- We will practice fairness and consistency in our actions.
- We will exemplify professionalism, excellence, and high-quality public safety services.
- We will remain committed to teamwork within the department and with the community to maintain the finest public safety services on the central coast.

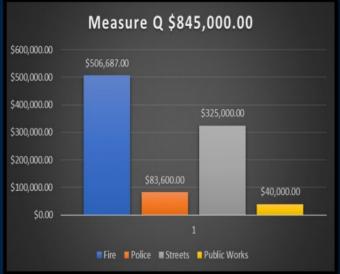


BUDGET









The financial impacts of the pandemic were immediately realized through the loss of many city staff members due to lost city revenues and budget cuts and even a sworn police officer position was held vacant. These cuts impacted much of the city's ability to provide the level of service our community has come to expect from our dedicated city staff. While many people were unable or unwilling to go to work due to the risks of COVID, our city staff accepted

significant pay cuts and continued to show up every day and perform their jobs to the best of their abilities, sometimes placing themselves and their families at risk. Their commitment and sacrifices are truly appreciated by all those whom they serve. We Thank all of our community for continuing to support us during these very challenging times, proving that we truly are #RockSolidTogether.

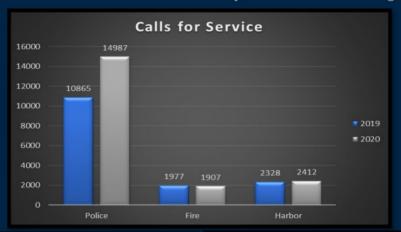
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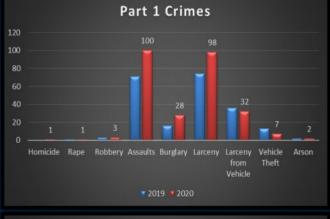
STATISTICS

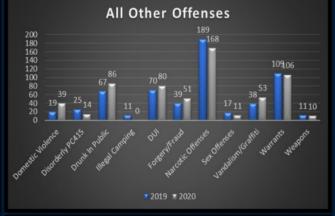
2020 was another busy and challenging year for MBPD as we continued to provide 24/7 police services to our community, residents, businesses, and visitors while working through several staffing shortages. Our recruitment team continued to work hard to find highly qualified new officers to add to our team, bringing on three new officers in 2020. Although working short staffed, we continued to see a significant increase in calls for service responding to nearly 15,000 calls (compared to approx. 11,000 in 2019) and seeing an increase in over 600 arrests. This was also

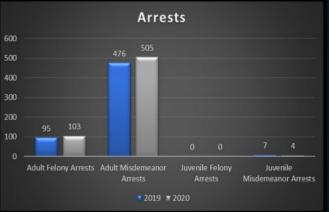
very challenging due to legislation resulting in zero bail policies, early inmate releases and county jails not accepting most prisoners due to COVID and social distancing requirements.

During 2020, Morro Bay Police Officers authored nearly 1,300 total reports, 577 of those reports were closed with an arrest, 56 cases were submitted to the District Attorney's Officer for review of charges.













2020 YEAR IN REVIEW

COVID-19 Pandemic

Like all others in the world, the department faced several challenges related to the pandemic. Officers and professional staff adapted to county health policies and worked hard to keep our community and each other safe. The city experienced an unprecedented number of visitors during the pandemic.





Death of George Floyd (Minneapolis, MN) and Social Justice Movement

After the death of George Floyd, cities across America saw mass protests. Locally, our agency responded to dozens of protests to help protect lives and property for protestors and community members alike. The department utilized our Unmanned Aerial Systems (drones) to aid in the monitoring of large group movements without directly interfering with the protest.

Communicating in 2020

The pandemic limited face to face communication as citizens remained home. The use of virtual meetings through video applications such as Zoom became a new way of delivering information and maintaining a strong connection with the community. MBPD used Zoom meetings to deliver presentations, participate in community meetings, conduct department meetings, and trainings.



OPERATIONS DIVISION



Commander Amy Watkins oversees the operations division, sworn personnel in the operations support division, community outreach, fleet services, and serves as the department Public Information Officer. Commander Watkins began her career in January 2000, and joined the Morro Bay Police Department in August 2019. Commander Watkins has worked a variety of assignments including Patrol, Investigations, Special Enforcement Unit, and SWAT. She holds a Master's Degree in Public Administration and is a graduate of CA POST Command College.

The mission of the Operations Division is to ensure the safety and security of those who work, live and visit Morro Bay. We accomplish this by providing timely and professional public safety services to the community utilizing a problem solving approach in partnership with the community through prevention, suppression, and apprehension strategies.

The Operations Division is comprised of Patrol, Traffic, Bike Patrol, Unmanned Aerial Systems Unit (UAS), School Resource Officer, Homeless Outreach Team, Volunteer Patrol, Neighborhood Cop Program, Operations Division is the largest division in the department and is made up of 15 sworn employees



Sergeant Nicole Taylor, an 9 year veteran of MBPD, she is one of four patrol watch commanders who supervises patrol officers during daily operations. Sergeant Taylor is responsible for organizing police operations during special events such as Avocado Margarita Festival, Harbor Fest, and AMGEN. Sergeant Taylor also coordinates department outreach events such as Coffee with a Cop, National Night Out, and the Law Enforcement Torch Run for Special Olympics.



Sergeant Dale Cullum, an 11 year veteran of MBPD, is one of four patrol watch commanders responding to community calls for service and supervising patrol officers. Sergeant Cullum oversees the department enforcement grants for tobacco. The department uses grant funds to enforce local ordinance or state law related to the illegal sale and marketing of tobacco products, including e-cigarettes, to minors and youth. These enforcement efforts may include, retailer compliance checks, retailer training programs, public education outreach, parent engagement and education, tobacco retail license inspections, preventing and deterring use of tobacco products on school premises.



Sergeant Mark Martin, an 18 year veteran of MBPD, is one of four patrol watch commanders supervising patrol officers and answering community calls for service. Sergeant Martin is the department Field Training Program Coordinator. As the FTO Coordinator he is responsible for trainee/FTO assignments, remediation, review of the Daily Observation Reports (DORs) and other weekly and end of phase reports. Sergeant Martin is responsible for managing the department's sexual assault registrant program (290 PC). Under CA Penal Code section 290, people convicted of certain sex crimes must register as a sex offender with the local law enforcement agency.



Sergeant Robert Hufstetler, a 22 year veteran of MBPD, is one of four patrol watch commanders supervising patrol officers during daily activities and maintaining a patrol presence looking for traffic violators. Sergeant Hufstetler is the sergeant in charge of the department Traffic Unit and Bike Patrol Team. Sergeant Hufstetler trains officers on proper riding techniques and safety measures while operating the department motorcycles or electric bikes. Sergeant Hufstetler develops enforcement operations for officers to conduct to help promote safe driving in the community. Sergeant Hufstetler is a member of the department's Peer Support Team.



Patrol Unit

The Patrol Unit is the largest unit within the Morro Bay Police Department. The officers of this unit perform the most visible and recognized functions of the department. These officers are the ones who you see behind the wheel of the patrol cars who respond to emergency calls for service, look for lost children, comfort those who suffer a loss or are the unfortunate victims of a crime, arrest intoxicated drivers, enforce traffic laws, conduct traffic accident investigations, lend a helping hand when needed, and proactively patrol the streets keeping an eye out for criminal activity and keeping the community safe 24 hours a day, 7 days a week, 365 days a year.



10-2022

Senior Officer Gene Stuart



Officer Christian Galaz



Officer Jason Ta



Senior Officer Will Marvos



Officer Billy Bower



Officer Dustin Silva



Officer Art Vasquez



Officer Aaron Miller



Officer Alex Gillespie



Traffic Unit

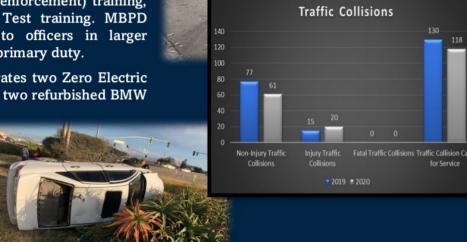
The Morro Bay Police Department Traffic Unit is an ancillary duty assigned to patrol officers who have successfully completed the CA POST required Motorcycle Operations and Training course.

40 2022

Every MBPD officer is required to attend basic and intermediate traffic collision investigation courses. Officers are also sent to traffic enforcement related training such as Advanced Roadside Impaired Driving Enforcement (ARIDE), Breathalyzer Alcohol Test training, Radar/LIDAR (speed enforcement) training, and Standard Field Sobriety Test training. MBPD officers are trained similar to officers in larger agencies who work traffic as a primary duty.

The department currently operates two Zero Electric Police Motorcycles and utilizes two refurbished BMW

police motorcycles for training and special events. In addition to traffic enforcement, the MBPD Traffic Unit is frequently utilized for special events and traffic control.



Bike Patrol Team

The Morro Bay Police Department's Bike Patrol Team is staffed by police officers as a special assignment during community and special events. The Bike Patrol Team focuses on problem-solving and proactive patrols of downtown, the Embarcadero, public parking areas, and during community events in an effort to establish an approachable police presence. Patrolling on a bicycle gives officers a unique opportunity to interact with the community and address specific livability issues. The Bike Patrol Team deploys at planned and unplanned community events for crowd monitoring, enforcement and citizen interaction.



Police Volunteers

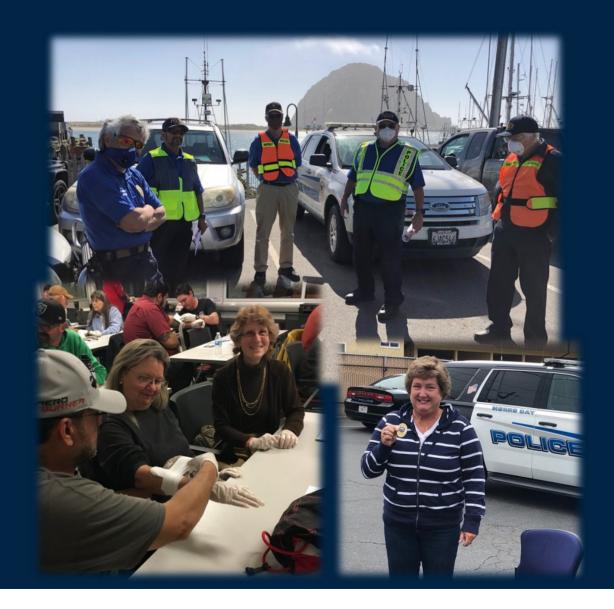
The Morro Bay Police Volunteer Unit consists of citizens who contribute their time and talents to the Morro Bay Police Department and our community. Volunteers support and supplement police department services, in non-hazardous duties, to free up police officers and staff to perform other duties and tasks critical for public safety. In 2020, there were 13 active volunteers assisting the department.

Some of the tasks performed by our Police Volunteers in 2020 include:

* Traffic Control * Volunteer Patrol * UAS Flights * Missing Person Response *Special Events

* Fleet Maintenance * Fingerprinting * Clerical Duties * Records Support

In 2020, our volunteers worked more than 2,000 hours. These hours were worked prior to and after the pandemic closed many facilities within our community. With large numbers of visitors coming to Morro Bay and increased calls for service, our volunteers dressed in Personal Protective Equipment (PPE) and continued to answer the call in support of the community.



el Mar Elementar



School Resource Officer

The Morro Bay Police Department's School Resource Officer (SRO) Program was developed in partnership with the San Luis Coastal Unified School District to address juvenile crime, safety concerns, and to add positive mentorship to our community's youth. Morro Bay's School Resource Officer Gene Stuart is assigned to Morro Bay High School and Del Mar Elementary School.

Officer Stuart takes an interactive approach with students at the schools. Officer Stuart not only investigates crimes on campus, he also participates in a variety of activities including:

- Act as a liaison between school administration and the Police Department.
- Perform classroom presentations concerning law enforcement as a career, social media safety, traffic safety, drug and alcohol prevention.
- Patrol campuses and surrounding neighborhoods.
- Collaborate with the Investigations Division and Juvenile County Probation Department.

The SRO strives to create a safe learning environment by being available for the needs of the students, staff, and community.

During the suspension of in-person learning due to the COVID



Unmanned Aerial Systems (UAS)

The mission of the Morro Bay Police Department's Unmanned Aerial Systems (UAS) Unit is to provide airborne support to police operations in a safe, responsible, and transparent manner to preserve the peace, increase officer safety, reduce response times for aerial support, and improve the quality of life in Morro Bay.

UAS are small, remotely operated, unmanned aerial systems; also commonly referred to as drones. They are efficient and effective in providing law enforcement critical information to respond to calls for service, emergencies, or to conduct criminal investigations. Some examples include: providing an overhead view of an area or incident for ground personnel, safely clearing the interior of buildings, providing detailed documentation of crime scenes, accident scenes, and searching for lost or missing persons.

In 2020, Morro Bay Police Department UAS Unit was used for numerous law enforcement and community related activities. Here in Morro Bay the UAS Unit assisted with calls for service related to locating missing and suicidal subjects, structure fires, locating wanted subjects, and monitoring of traffic during busy weekends as a result of the pandemic. As the county's only full-time operational UAS team, the MBPD UAS Unit was requested by all county law enforcement agencies to aid in protests, aerial support during active shooter situations, crime scene documentation, and to capture aerial photographs of the impact of increased visitors to the central coast during the pandemic.

In 2020, the MBPD UAS Unit flew 218 missions, totaling 47 hours of flight time, and 250 miles in distance flown. Equipment used by the UAS Unit are the DJI Phantom 4 and the DJI Mavic 2 Enterprise.





OPERATIONS SUPPORT DIVISION

The Operations Support Division is comprised of Investigations, Training Unit, Property & Evidence, Records, Lobby Services, and Professional Standards.

The mission of the Operations Support Division is provide the highest level of service to the community and members of the police department. The Administrative Sergeant supervises a Police Detective, a Training Coordinator, and the School Resource Officer. The Support Services Manager oversees a full-time professional staff member, and two part-time professional staff members make up this division. The division is also supported by members of the department volunteer unit.



Sergeant Tony Mosqueda a veteran of the Morro Bay Police Department serves as the department's Administrative Sergeant. Sergeant Mosqueda supervises the Investigations Unit, serves as the department training manager, coordinates all department scheduling. Sergeant Mosqueda is also assigned department administrative duties such as internal affairs investigations, policy reviews, fleet maintenance, and maintains the department's Mobile Data Computers. Outside of his administrative duties, Sergeant Mosqueda is the department's Range Master and Taser trainer.



Support Services Manager Bonnie Johnson oversees the department Records and Property & Evidence Units. As the Operations Support Manager, Bonnie also serves as the Administrative Assistant to the Police Chief and Commander, and manages the department's records management system (RMS), records retention, body worn camera and in-car video system, personnel records, statistical information, and processing of digital evidence for the District Attorney's Office. Bonnie works closely with Chief Cox to prepare and manage the department's annual budget.

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Investigations Unit

The Morro Bay Police Department Investigations Unit is supervised by the department Administrative Sergeant and consists of one detective who receives specialized training. In addition to the assigned detective, qualified officers are placed on an on-call rotation to provide 24 hour investigations coverage. The detective provides support and guidance to officers conducting criminal investigations in the field.

Detectives are responsible for investigating crimes which occur within the city of Morro Bay and submit cases to the District Attorney's Office for review. Throughout 2020, investigators and officers spent countless hours conducting follow-up, authoring search warrants, and providing court testimony. During 2020, MBPD investigations unit received 35 cases for investigation, out of those cases thirteen arrests were made, and fourteen cases were sent to the District Attorney's Office for review of charges.

" <u>Highlighted Cases for 2020</u>

Homicide on Allesandro Street



On Jan 25th, Sean Maneely was arrested and later pled guilty for the death of Andrew McTaggart. McTaggart was stabbed by Maneely during a physical altercation in a storage unit.



Embarcadero Commercial Burglaries

On October 21st patrol investigated several businesses on the Embarcadero reporting overnight burglaries. Suspects were located and arrested for commercial burglary.





A successful close to a case. Detective Marvos(pictured)with assistance from MBPD patrol officers, were able to locate and recover a stolen bike for one of our visitors from San Diego. The bike was reported stolen Monday by the owner. #morrobaypolice #vacationsaved #stillserving







Professional Standards & Training

The Morro Bay Police Department not only provides but encourages professional growth and continued development of our employees. This empowers each employee with the knowledge and skills necessary to provide a professional service level that meets Morro Bay's expectations.

The objectives of the Training Program are to:

- Enhance the level of law enforcement service to the public.
- Increase the technical expertise and overall effectiveness of our personnel.
- Provide for the continued professional development of department personnel.

Training of personnel includes in-house training, specialized outside training courses, and Commission of Peace Officer Standards and Training (POST) certified training. The Department's annual training exceeds POST accreditation standards and is compliant with police agency best practices and state and federal law.

In 2020, Officers attended 1,496 hours of training, and Professional Staff attended 40 hours. Many in-person trainings were cancelled as a result of COVID sending several trainings online and virtual.

2020 Trainings

- Threat Assessment & De-escalation
- Crisis Intervention
- Internal Affairs Investigations
- Supervisory Leadership Institute
- California Public Records Act
- ICI Homicide and Sexual Assault Investigation
- Traffic Collision Investigation
- Drug Abuse Recognition
- · Field Training Officer





POST Commission on Peace Officer Standards and Training

Records

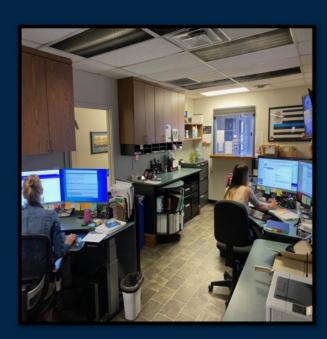
Under the direction of the Support Services Manager, Records is responsible for all aspects of document control within the department. The one full-time and one part-time Records Technicians process, maintain, distribute all police files and Public Records Requests. In 2020, the records unit processed 1,288 reports, 517 supplemental reports and 92 accident reports.



Becky Musolff started with the department in January of 2017. Becky is the department's full-time records technician and also the training coordinator.



Christie Montoya started with the department in August of 2019. Christie is the department's part-time records technician.



Property & Evidence

The Property & Evidence Unit consists of one part-time Evidence Technician. The Property and Evidence Unit is responsible for the receipt, storage, safekeeping, release and disposal of all property and evidence that comes under control of the department. The Property & Evidence division processed 1,695 pieces of property that includes Evidence, Found and Safekeeping items.



Tami Ponder is the department's Property & Evidence Technician. Tami started with the department in 2012 as the part-time Property & Evidence Technician.





Chief's Advisory Committee

Chief Jody Cox created the Chief's Advisory Committee (CAC) as a resource to formulate strategies, develop policing concepts, and to increase public awareness regarding police policy issues. The Committee's purpose is to address concerns associated with police-community relations, the improvement of the Morro Bay Police Department operations, and public safety issues in order to further enhance the quality of life in our community. The committee is intended to provide a forum for discussions concerning community issues and the goal is to have a broad spectrum of viewpoints represented through the committee members and the police department.

The Inaugural Committee consists of five members, comprised of a diverse cross-section of active community members throughout the City of Morro Bay. These members will represent a range of interests, expertise and experience, which include business owners, educational leaders, non-profit organizations, public relations, faith community, youth representation and more.

Members are chosen to serve on the committee for their professionalism, integrity and commitment to their community. The term for committee members is limited to two years to allow for greater participation by additional interested parties.

2020 Chief's Advisory Committee Members

- Meredith Bates mlbates@kcbx.net
- Colette Came colette@camesecurityalarms.com
- Rick Cobbs cobbsrockx2@gmail.com
- Steven Diaz sdiaz@ppbi.com
- Patricia Gordon prgordon49@sbcglobal.net





NEIGHBORHOOD COP PROGRAM

Morro Bay Police Department Launches Mobile App to Connect with the Community 24/7

The Morro Bay Police Department is thrilled to announce the launch of our custom mobile app for <u>iPhone</u> and <u>Android</u> devices. Morro Bay residents now have a direct connection with the department for the latest community news, instant public safety notifications, and more.

The app was developed to aid the department with the introduction, management, and outreach connected with the new Neighborhood Cop Community Program. The app will provide a central location for community members and residents to identify their "Neighborhood Cop" officers and register for the program.





Morro Bay Police Department Neighborhood Cop Community Program

The Neighborhood Cop program was created to enhance open communication, build trust, and increase transparency. The officers will support our community in managing the quality of life for the residents and businesses within the City of Morro Bay. The Neighborhood Cop program will strive to address concerns before they escalate into major problems.

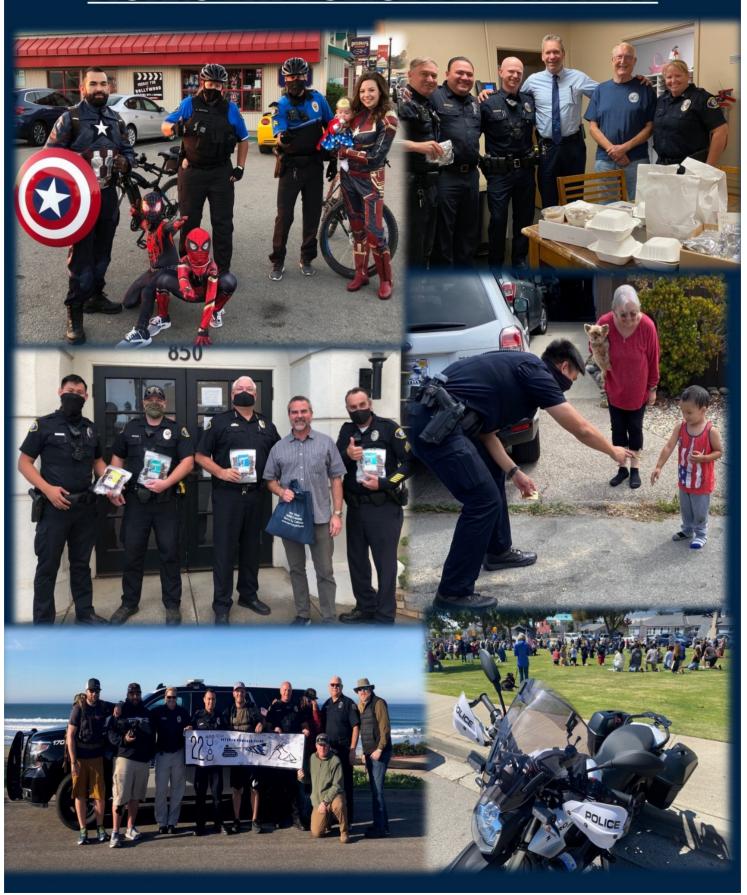
The "Neighborhood Cop Program" allows officers to take ownership of assigned sectors and reach out to the residents and businesses to help them solve some of the issues that they have within their residing area. An example of some of these issues that an officer assigned to a specific area may handle include:

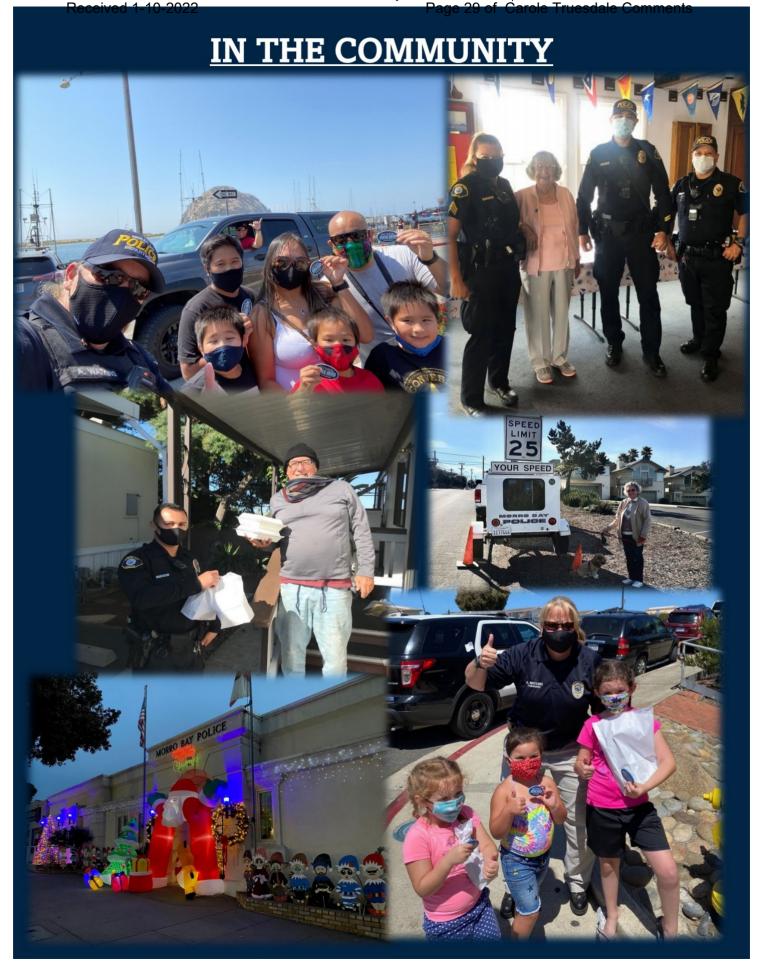
- On-going disturbances
- Parking issues
- Animal issues
- Vandalism
- Crime trends
- Drug related issues
- Transient issues



Page 28 of Carole Truesdale Comments

MORRO BAY POLICE DEPARTMENT





WHY I WEAR THE BADGE

"I wear the badge because it's so much BIGGER than me. I grew up always standing up for the one's who couldn't defend themselves. For me, I wear the badge to help those individuals have a voice, serve with pride, and remain humble at the same time."

- Officer Art Vasquez





"I wear the badge because as someone who grew up in Morro Bay I wanted to work closely with the police department and help support the men and women who keep the community I love safe."

- Support Services Manager Bonnie Johnson

"I wear the badge because it's the most challenging and rewarding work I've ever done. I thoroughly enjoy protecting and serving my community. Most importantly, I want to set a good example to my community and peers of how a police officer should conduct themselves and hopefully be a part of the positive shift in Law Enforcement.

- Senior Officer Gene Stuart





RECOGNITION

OFFICER OF THE YEAR



Officer Art Vasquez - A two year veteran of the Morro Bay Police Department, Officer Vasquez has quickly made a name for himself within the department and our community. Officer Vasquez has received several compliments and commendations for his work during investigations and community contacts. Officer Vasquez approaches each contact with patience and understanding. Art prides himself on being an active member of the department both on and off-duty. Attending new officer swearing in ceremonies, employee appreciation gatherings, and promotional ceremonies, Art takes joy in celebrating the successes of others. Officer Vasquez was selected to the department's Field Training Program to help train and model MBPD officers of the future.

EMPLOYEE OF THE YEAR



Christie Montoya began her career with the department in August of 2019, quickly learning her role as the part-time records technician and did a great job supporting the full-time staff as well as ensuring officer reports were complete and free from errors. Christie has become a valuable asset to the department with her attention to detail and unrelenting desire for producing outstanding work. Community members who enter the lobby of the PD or call on the phone are often greeted by Christie's friendly disposition and eagerness to help.

VOLUNTEER OF THE YEAR



John Romero dedicated over 400 hours of time to the Morro Bay Police Department in 2020. John spends many hours each week in his role as the volunteer in charge of fleet maintenance. If there is an issue with a patrol unit or a vehicle needs service, John is quick to respond and gets the issue taken care of. The work John does with the fleet saves department staff time and money when it comes to keep our emergency vehicle operational. John also responds day and night to callouts during traffic collisions, busy weekend traffic control, missing persons, and special events. John is truly a dedicated community servant and we are fortunate to have him.



RETIREMENTS

Rick Catlett



Rick retired in March after a 34 year career in law enforcement. Rick started his career with the Farmersville Police Department in 1986 and later joined the Morro Bay Police Department in 1996. Rick served in various roles including as the department's Motor Officer/trainer, FTO coordinator, traffic sergeant, and acting commander.



Greg Gruich

Detective Greg Gruich started his career in public service with the Tulare

public service with the Tulare
County Sheriff's Department in May
1989 and served there until joining
the Morro Bay Police Department in
2015. Officer Gruich has served in
many roles throughout his career
including: the Detentions,
Operations and Administrative
divisions as an officer, detective and
sergeant and has served in many
specialty assignments including
investigations, Gang Unit, STEP/
SWAT team member, Search and
Rescue, Swift Water Dive Team,
Crime Lab and Internal Affairs.





AWARDS

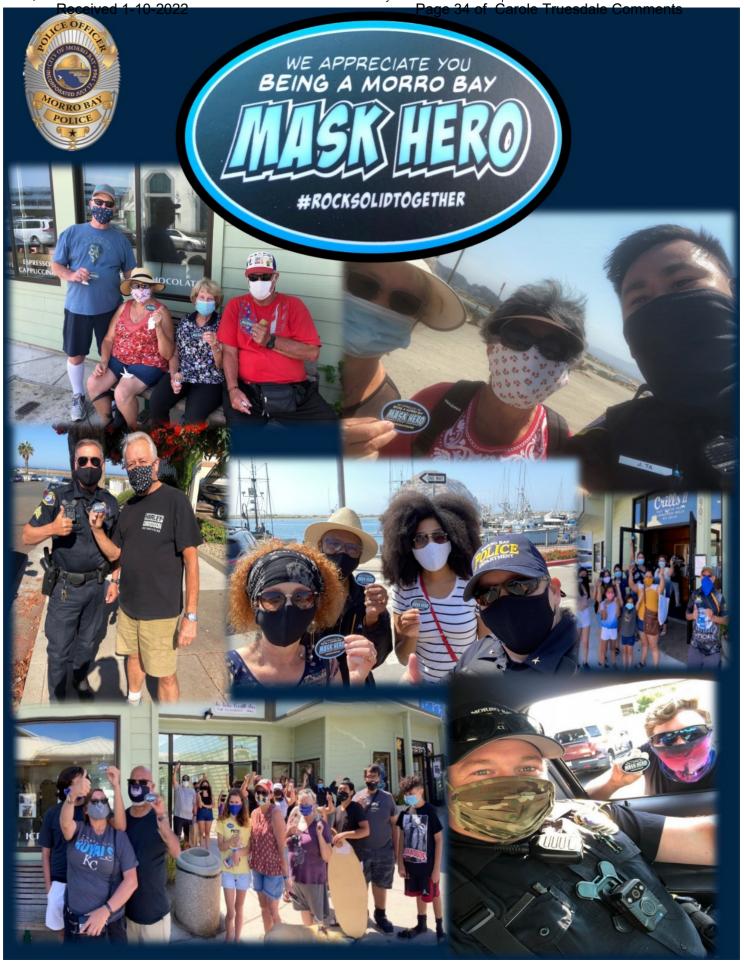
Sergeant Nicole Taylor completed the "Support the Blue" 10k in her full gear and uniform to honor those fallen officers who paid the ultimate sacrifice protecting the communities they serve.





Unbale to meet and celebrate the Annual Law Enforcement Appreciation program this year, Sergeant Tony Mosqueda was honored in person by the King David Masonic Lodge of San Luis Obispo in appreciation for Tony's service to the community.





SENT VIA E-MAIL: rfitzroy@slolafco.com

Date: 01/09/2022

To: LAFCO Commissioners

County of San Luis Obispo

Subject: Proposed Sphere of Influence Amendment to the City of Morro Bay

(Panorama Lots) LAFCO File No. 1-S-21

Dear Honorable Commissioners,

We very much in favor of the City of Morro Bay's goal as stated in the City Council Resolution regarding this SOI: "WHEREAS, the principal reason for the proposed SOI amendment is to protect the hillsides which serve as the backdrop of the City from significant development."

I have 2 relevant Comments. My first Comment is related to Chapter 4. 56435.(e)(3) "The present capacity of public facilities and adequacy of public services that the agency provides or is authorized to provide." (CKH, page 63) The Commission is to make "a written statement of its determinations with respect to" this item.

CONCERN: INFRASTRUCTURE: STREETS

- Panorama Dr is single lane, 11'-13' wide, between Island and Nevis Streets, contiguous to proposed lots #38 and #40. It is inadequate for local residential traffic, who must back up to let the oncoming vehicle pass.
- The narrow width of south Panorama Dr impacts response time for fire and emergency vehicles due to the poor condition of the road and to not knowing what vehicular obstacle they may encounter. This makes for a potentially dangerous situation.
- In 1995, north Morro Bay was deluged in 12" of rain causing the hills to slide across south Panorama Drive onto private residential lots. Landslides are still active. Over the last 3 years, landslides on proposed lots #34, #36, and #38 are visible from Panorama Drive and Tuscan Avenue, the lots access streets.
- While the City has a 2011 Pavement Management Plan that has been consistently updated regarding the condition of its streets, it has inconsistently spent money to upgrade the streets. When money is expended, it is consistently below the recommended amount.
- A Capital Improvement Plan now prioritizes and manages the transportation and traffic network (page 3-50). Since 2019, street improvements have been deferred
- According to the 2017 SOI MSR (page 3-38), no north Morro Bay streets was listed for improvement prior to 2016. For the 2016-17 budget cycle, just 2 of the 11 streets nominated for improvement were in north Morro Bay. (page 3-40)

 In 2016, the #2 city council goal was street improvements. (MB SOI MSR, page 3-53) In 2021, streets didn't even make it into the city council goals. (City Council Special Meeting 11/10/21, page 4 of 41)

SOLUTIONS

- Since the City has insufficient financial resources to fund circulation improvements, or the City has not prioritized circulation, and this circulation area in particular which the SOI is dependent upon for access, the SOI Amendment should be delayed until there is a fulfilled, comprehensive street plan.
- Alternatively, the current property owner could be conditioned to improve the
 perimeter streets (Panorama, Tuscan, Blanca, Zanzibar) bringing them up to
 current, 2-lane, standard residential street code including drainage to prevent
 future undermining, as well as a sufficient retaining wall.
- An alternative would be to condition the future owners/developers of the 2 parcels/5 lots to bring the perimeter streets up to current standards that include drainage and retaining wall.

My second Comment is related to *LAFCO 101* (page, 6) on the State LAFCO website, the Commission is to "consider regional housing needs."

CONCERN: HOUSING

- LAFCO is making a decision regarding 2 parcels, that are proposed for division into 5 lots. According to the Morro Bay Municipal Code every lot is eligible for a secondary unit (ADU). Therefore, each lot may have 2 dwellings.
- If SB9 applies, each lot may have 4 housing units, or more depending on its caring capacity.
- If AG zoning is retained, each lot is eligible for farm worker housing.
- The potential number of housing units is unknown; it is not 1 per lot.
- All new housing, except potential lot #34, will have unblocked ocean views from Point Buchon to Point Cayucos. Some may actually sit on top of the hillside. These multi-million-dollar homes present 2 issues: (1) being elevated, they will visually impair the visual resource of the hills (the City's stated goal to avoid), and (2) they do not contribute to the City's unfulfilled housing mandate; certainly not for low and very low income housing.
- It's questionable how much development, if any, these hillsides can safely sustain.
- The City of Morro Bay, like all the County's cities, has never met its SLOCOG Regional Housing Needs Allocation. According to the City's most recent *Housing Element, August 2020*, page 3-60, the percent of completion for the latest allocation by category are: Above Moderate, 91%; Moderate, 23%; Low, 76%; Very Low, 0%, and Extremely Low, 0%.

SOLUTIONS:

C-3-130

- Do not allow subdivisions of the 5 proposed lots.
- Adopt the "Morros Area SRA and Critical Viewshed" standard found in the County's Estero Area Plan (page 7-21).
- Restrict any dwelling unit other than the main house to low or very low income.

CONCLUSION:

"LAFCO is responsible for determining that a jurisdiction is reasonably capable of providing needed resources and basic infrastructure to serve areas already within the City and in the Sphere of Influence. It is important that the infrastructure and resource capacities be adequate and reliable when revisions to the SOI." (2017 MB SOI MSR, page 3-20) In addition, "circulation/road and services are considered high priority needs for future growth of the City."

The City's General Plan may provide for "logical and reasonable growth and development," a key evaluation term for LAFCO. In reality, regarding streets and housing this is not occurring. A delay is the best recommendation.

Your consideration is appreciated.

Please attach my letter for the record to the SOI meeting packet.

Sincerely,

Don and Kristen Headland Morro Bay Resident 31 Years













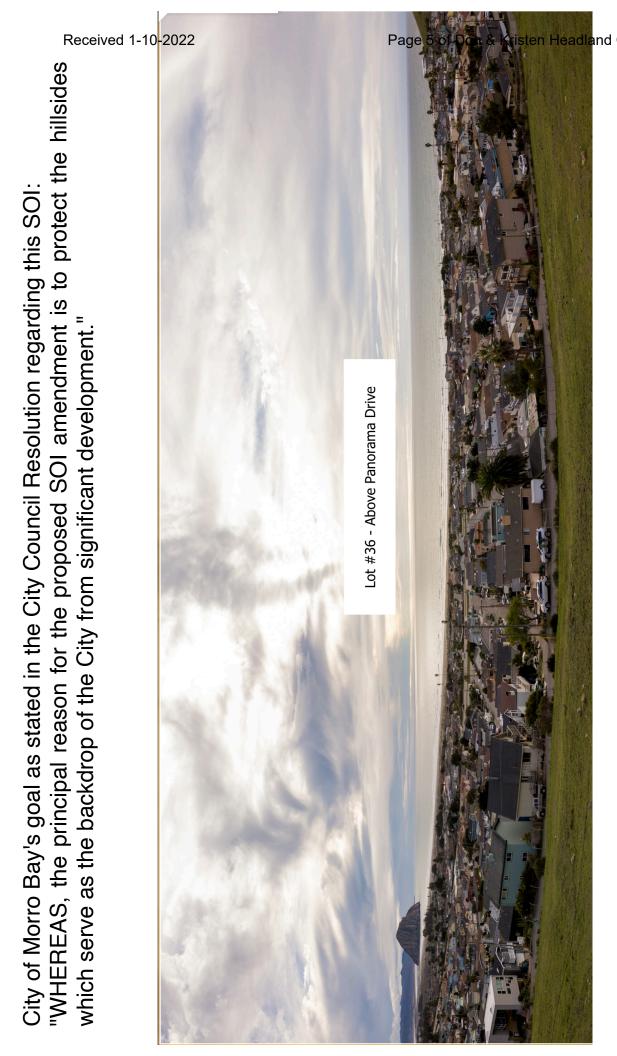










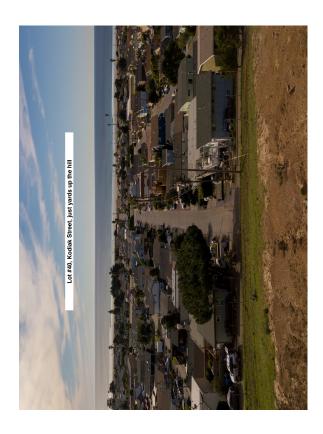


Protect the Ag Land green belt that connects Morro Bay to San Luis Obispo and Cayucos

Preserve this land for the next generation.









January 8, 2022

SENT VIA E-MAIL ONLY: rfitzroy@slolafco.com

Commissioners Local Agency Formation Commission 1042 Pacific Street, Suite A San Luis Obispo, CA 93401

Subject: Proposed Sphere of Influence Amendment to the City of Morro Bay (Panorama Lots) LAFCO File No. 1-S-21

Honorable Commissioners,

The purpose of this letter is to respectfully request that you deny the City of Morro Bay's request for the inclusion of the Panorama Lots into the City of Morro Bay's ("City") Sphere of Influence ("SOI"). I appreciate the opportunity to explain why in this letter. As a land use planner in the private and public sectors for over 35 years, in my professional opinion the proposed Sphere of Influence land should remain in the jurisdiction of the County.

A Sphere of Influence is the probable 20-year growth boundary for a jurisdiction's physical development. The Cortese-Knox-Herzberg Act of 2000 states that LAFCOs are to exercise their powers consistent with policies that should encourage goals of preserving open space and agricultural land while discouraging *urban sprawl*.

The proposed SOI is a classic example of unnecessary urban sprawl. Ten potential residences (after annexation) in an area of 212.81 acres is urban sprawl.

The whole SOI area is a seriously problematic site for development. There should not be *any* development on the proposed SOI because of the following concerns:

- 1.) There are two "Accurately Located Fault Lines," known as the <u>Cambria Earthquake Fault</u>, that run through the *entire length* of the proposed SOI. (Source: Plan Morro 2021 Bay: Figure PS-2, <u>Regional Fault Lines Map</u>, page 4-100).
- 2.) The entire proposed SOI area is rated "High Potential Landslide Risk" and "Very High Potential Landslide Risk."

(Source: Plan Morro Bay 2021: Figure PS-4, <u>Landslide Susceptibility Map</u>, page 4-102. (Source: Safety Element Update, County of San Luis Obispo, Map 4, <u>Landslide Hazards Map</u>.)

The City of Morro Bay claims that it wants to protect the hillside backdrop of north Morro Bay, as one of its reasons requesting the proposed SOI. To guarantee preservation of this beautiful hillside backdrop, the City states it will allow future development after annexation only below the 200' elevation contour. One has to ask, does the City truly believe that if residential

building pads are created below the 200' elevation contour, the rest of the steep hillside farther up to the ridge will stay in place to the 500+ ft. elevation? The truth is, if you remove earth at the "toe" (bottom of the hill) of the proposed SOI land for residential building pads, the rest of the hillside above will keep landsliding down the hill. The earth there is so extremely unstable, that if you disturb even a small part of that hillside with earth-moving equipment, you will cause a landslide. If it is raining, you will cause a mudslide. There are existing cracks in the land, and you can see landslide areas from the streets below. The entire SOI site has a famous local history of landslides and earth movement, causing expensive property damage and lawsuits. (Please see attached historical newspaper articles.)

Has the City of Morro Bay not learned anything from excavating earth near the "toe" at the site of the City's Water Reclamation Facility (WRF)? Did the earth above that excavation stay in place? It did not! There were major landslides at the WRF construction site and they were expensive to correct, resulting in very ugly scarring of large areas of what were once beautiful hills.

Instead of protecting our beautiful hillside backdrop of north Morro Bay, the City is pursuing the destruction of those very hillsides with its proposed SOI Amendment in the hopes of future annexation and residential development.

Even more distressing is the possibility that the unstable SOI area - once it is disturbed by earth movers carving out building pads, driveways, and level outdoor living areas - will create landslides, and mudslides, ruining the homes and properties across Panorama Drive, Tuscan Avenue, Blanca Street, and Zanzibar Street. To be blunt, the results of this SOI Amendment, and future annexation to allow residential development, will be a liability quagmire for the City. The whole SOI area should be left alone and undisturbed.

The safety and welfare of its citizens should be a paramount consideration for the City of Morro Bay. The City is gambling with the idea that each proposed future residential development, after annexation, will be judged on its own merits. Think of the concern and the disruption in the lives of the residents in the neighborhoods downhill and bordering the SOI area. This disruption is not to be taken lightly by City staff.

Local conditions and circumstances include a vulnerable long-established neighborhood downhill from the very unstable land, which will potentially be greatly affected by the proposed future development of ten residences, causing water runoff, mudslides, and hillside scars from cutting into the natural contours of the steep hills for building pads, driveways, site work, huge retaining walls, and hardscape. Where will the water runoff from impermeable surfaces of these future developments go? It will go downhill to the homes, yards, and streets of the existing neighborhoods, which lack stormwater drains and street gutters to collect and direct the water. It will cause flooding on the lower streets even deeper than what the neighborhood currently suffers.

In conclusion, concerning the City of Morro Bay's request for the inclusion of the Panorama Lots into the City's Sphere of Influence, I respectfully request that the Commissioners **deny** the SOI Amendment.

Sincerely,

Tina Metzger Morro Bay Resident

cc: Board of Supervisors, County of SLO

Attachments: historical newspaper articles of MB Panorama Drive landslides

SAN LUIS OBISPO COUNTY (CALIF I TELEGRAM. TRIBLINE. THURSDAY, MARCH 10, 1983 MB home in danger of sliding

By Dan Stephens Staff Writer

Randall and June Harris say one more heavy rain and their home will go sliding lickety-split down the

Recent downpours have turned the earth under their split-level home on Laurel Street in north Morro Bay into a greased track. So far the sliding has caused \$25,000 damage to their home. Other houses also have been damaged in that area.

"The dirt the house is built on sits on clay and when the clay's dry it's hard as a rock; but when it wet it's slick like grease," Randall Harris explained as he eyeballed the damage.

Plus the soil has soaked up all the rain it can.

Round 1 came last Thursday night.

"We were sleeping and we started hearing some creaking. I knew what it was right away. We heard bricks tumbling and dirt falling," Randall Harris said.

Sure enough, the next morning he saw his concrete home cracked and twisted.

The bathroom broke in half, dropped 5 feet with part of it in the driveway.

Another part of the driveway split and dropped 2 feet.

Plus one corner of the foundation was teetering.

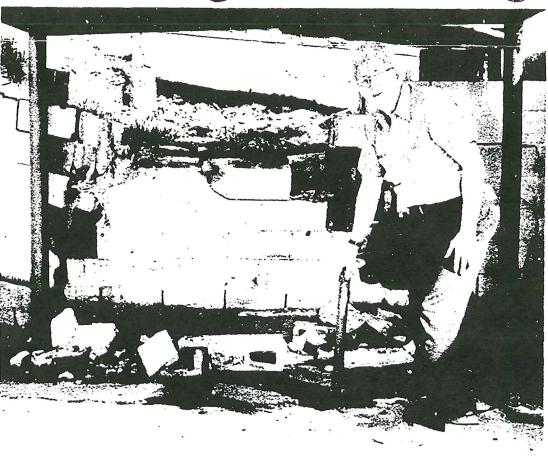
The sewage line was the only survivor among his utility hookups, he said. But luckily, he was able to rig temporary systems for water, electricity and heat.

Randall Harris said all that's bad enough, but it's not the worst part.

"The worst thing is there's not a thing we can do about the sliding. When the flow of water stops coming down the hill that's our signal that the soils dry and we can start shoring up the foundation. But I figure that'll be at least two weeks," he said.

Maybe two weeks ... forecasters say more Pacific storms are on the way. So the Harris' pray for dry weather.

Today Bill George, building in-



DAN STEPHENS/TELEGRAM-TRIBUNE

Randall Harris inspects a spot where earth has been washed out from under his bathroom.

spector for Morro Bay, was to gather soil samples from the Harris' home to determine how far crews will have to dig to hit something solid to brace the home.

But all this mudslide stuff is new to George and to Morro Bay, although he's learning quickly. So far he's visited several homes that are rooted in sliding mud - homes on Orcas and Panay streets, down the hill from the Harris'

"We're sitting here not knowing what's going on," George said. "We've never seen anything like this before."

As soon as the slides began, George summoned geologists who've collected dirt samples from the areas.

"Until we hear from the geologists all we can say is for people to hire their own engineers to come out and look at their piece of property," George said. In other words residents are on

their own.

And that's the way the Harrises have handled it.

"For a retired couple in their 60s to have something like this happen to them, it's a financial disaster,' June Harris said.

That means no help from insurance. It doesn't cover mudslides.

"All we can hope for is if the house goes down the hill, a spark will cause a fire. That way, the insurance will cover it," Randall Harris joked.

Despite living in a rickety home, waiting for the final blow, the Har-rises have no intentions of giving up their view of the sea.

As June Harris said, "You have to look at things philosophically ... this is the price you pay for the view."

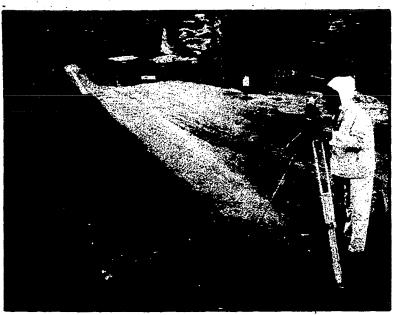
Besides, the Harrises' ace in the hole is their motor home parked in their damaged driveway.

"It's packed and ready to go," Randall Harris said.

C-3-138

Weather forecasters promise the rain will stop – someday.

C-3-139



Robert Dyer/Telegram-Tribune

CHECKING THE HILL: Surveyor Dave Whitman sets up equipment on Panorama Drive Monday under drizzly skies.

MORRO from Page One

with commanding views of the ocean and Morro Rock.

The Morro Bay Fire Department has alerted people to listen for unusual sounds in their homes and said utility workers have checked lines in the area.

Greenawalt said he was "a bit" nervous as he stood where water continued draining from the pipeline, gurgling from a fire hose and rushing down Nevis Street.

Gary Henderson, of San Luis Obispo's utilities department, said the pipeline is being drained as a precaution to prevent flooding if another crack develops. He said it's not clear when the tap will again turn on at Whale Rock Reservoir.

"We're going to wait this storm out and then hopefully have some better information later this week" about the extent of the earth's movement.

Greenawalt and his wife have vacationed in the home for the past 20-plus years, but made it their permanent residence last month.

"We did not pick a good time."

Actually, Greenawalt said he felt better having firsthand knowledge of the situation. He's been checking another home for signs of movement for its owners, who still use it only for vacations.

Since his home was built as a vacation getaway, said Greenawalt, it wasn't really level to start with. That's why he's filled the pans with water — if he notices

more water on one side of the pan or the other, he'll know the ground is moving.

On Panay Street, which remained closed and is at ground zero where the pipeline broke, Jeanette Conklin isn't taking any chances.

She's packed up some belongings, preparing for the worst. From a deck outside her front door, she can see the crack in the hillside.

"It's a big deal, we're concerned," said Conklin. "I'm on ready."

Across the street and a few homes down from Conklin, Troy Raynor had returned only about an hour earlier from a weekend trip to the Bay Area.

He arrived to find his street blocked off

"I thought it was over and done with," Raynor said of the flooding threat posed by the recent storms.

Instead, he checked around his home for signs of slippage. He found none.

RAIN from Page One

worth of showers could produce another inch to 1½ inches, "but we're not going to have to worry about floods."

After the clear weekend, Ryan said, there's a possibility of more rain next week. "But we don't know what days or when or how much," he said. "It's a little too early to tell."

San Luis Obispo Tologram-Tribune (published as Tologram-Tribuno) - May 18, 1983 - page 2 May 18, 1983 | San Luis Obispo Tologram-Tribune (published as Tologram-Tribune) | San Luis Obispo, Callornia | Page 2

Morro sued in 2 mudslide damage cases

The owners of two north Morro Bay homes which were severely damaged this winter by mudslides filed claims. Thesday totaling \$780,000 against the city of Morro Bay.

Morro Bay.
Wilma Haight, owner of a home at 497 Panay St. and represented by attorney Dale Mitchell, has asked the city for \$190,000 for repair of her home, \$25,000 for loss of its nee, and \$75,000 for mental anomish

of its use, and \$75,000 for mental anguish.

The suit names the city, chief building inspector Bill George and then City Administrator Murray Warden because the building permit for the home was issued in 1976 during Warden's tenure.

Attorney Mitchell was a member of the City Council

The claim alleges that the city falled to comply with the own building codes which prohibits issuing of a puliding permit unless 'minimum construction stan-

dards for seismic safety" are net, said City Administrator Paul Baxter.

Specifically, the claim says the city should not have allowed the home to be built without requiring the foundation design to be done by a registered engineer or a licensed architect.

in the second claim, Mr. and Mrs. Arden Morris of 473 Orcas St. are asking for \$100,000 for repair of their bome and \$400,000 for emotional shock and upset. Their attorney is Rodman Woelfle of Paso Robles.

The claim, which was filed against the city only, alleges that damage to the home was caused by "improper construction" and that the city's inspection of the home was "negligent."

Furthermore, the claim states, the city allowed bouses to be built in an area known to be "geologically and a second built in a second bui

County cities still tallying storm damage

Here is how cities around the inch diame county are faring with repairs of Asked h

county are faring with repairs o damage from this winter's storms: In Son I me Object efficients

In San Luis Obispo, cfficials still are totalling up damage estimates. Civil engineer Gary Szetlocky said damage estimates within the city so far include \$73,650 in damage to federal secondary system roads, \$140,000 in damage to other roads, and \$228,900 in other repairs.

But the city's biggest repair headache is 20 miles from town at the Whale Rock Reservoir, where a March 6 landslide damaged the 30-

inch diameter pipeline.
Asked how much it will cost to

Asked how much it will cost to repair, utilities engineer Bob Mote said, "Just a wild guess would be \$160,000. It could be 50 percent in either direction." Other landslide repairs around the dam should cost about \$23,000, he said.

about \$30,000, he said.

In Atascadero, Public Works Director Larry McPherson said the city has suffered about \$17,000 damage to roads in the federal secondary system and \$11,000 in other damages.

Arroyo Grande is seeking about

\$16,000 from FEMA, said City Engineer Paul Karp. He isn't holding his breath waiting for it however:

breath waiting for it, however:

"I can't say I'll be surprised if I don't see anything in the next six months." Arroyo Grande is starting repair work without waiting for federal grants, he said. because, "We have to fix them if we get paid

Morro Bay's assistant city administrator Garry Napper said his city suffered \$40,000 to \$50,000 in damages but he expects to get only about half that from FEMA.

"They don't return very much on the dollar spent." he said. "If they return 40 cents on every dollar spent in storm damages, you're doing pretry good. Napper said his city's biggest single storm expense is about \$15.000 to repair landslide (damage on

Panorana Drive.
In Paso Robles, Assistant Public Works Director Jay B. Lyon said about \$60,000 in damage qualifies for 73 percent FEMA aid. Falf of that is damage to the El Paso de Robles Boys School sewage plant on

incendelo mistra. Te said FEMA officials reject

requests for aid to repair about \$25,000 in erosion damage to the Paso Robles Airport clear zone.

Paso Robles Airport clear zone.
Grover City Public Works Director Tem Sulivan said that his city suffered so little damage that there was no need to seek federal aid:
"We had about \$1.000 of overtime

"We had about \$1.000 of overtime expenditures that would have qualified, and it just wasn't worth going through FEMA for that.

"We didn't have enough damage in Grover City. We lost 40 or 30 feet off the end of Grand Avenue, but State Parks cleaned that up."

NGWS Banking an Luis Obispo Telegram-Tribune (publis)

Dear Commissioners:

The City of Morro Bay's Resolution for the SOI submittal states, "WHEREAS, the principal reason for the proposed SOI amendment is to protect the hillsides which serve as the backdrop of the City from significant development."

I and nearly 1,000 Morro Bay homeowners and residents on my attached petition agree. HOWEVER, the means by which the City proposes to protect, we believe, will actually harm adjacent property owners, including myself. The City's General Plan EIR identifies the vicinity as hazardous, but offers no specificity. As part of your CEQA review, please consider the following problem and possible solutions.

PROBLEM: HAZARDS (see attached maps, newspaper articles and pictures)

- This area is identified as geologically hazardous by the City of Morro Bay, San Luis Obispo County, the State of California, and U.S. Geological Survey.
- In 1983, a landslide along Panorama Drive cost the city \$15,000 (approximately \$42,000 in today's dollars).
- In 1995, a landslide in the hill above Oahu and Panay Streets caused a reservoir pipeline to break, resulting in major damage to homes. Any water and sewer lines to be installed there could deliver a similar fate.
- The scar from a previous landslide can be seen in the hill above Kodiak St. According to a resident geologist, this area is likely to slide again.
- In 2020 and 2021, along Hwy One adjacent to south Morro Bay, the toe of a hill (same geology) was cut for the City's new sewer plant site causing a recurring slide that has already cost the city over 1 million dollars to fix.
- In Cayucos, the County addressed this geological hazard by rezoning and using tax defaults on hillside paper lots to avoid development. (Estero Area Plan (EAP), page 4-8).

SOLUTIONS:

- Let the City show/demonstrate the mitigation measures now, rather than delay. It
 could relieve adjacent homeowners of anxiety. What is the point of an SOI if the
 land is not developable? This is disingenuous to potential developers.
- One possible measure would be to have Panorama Drive, Tuscan Avenue, and Blanca Street each widened to a standard 2-lane residential width with retaining wall to hold back the hills by the current owner.
- Can the City or the developer(s) cover with insurance the adjacent homes?
- Leave the area in the County, no SOI. The County's Estero Area Plan policy is committed to: "Protect agriculture, open space and sensitive resources" (EAP, page 4-4).

This SOI Amendment does <u>not</u> qualify for a general exemption from environmental review [CEQA Regulation Section 15061(b) (3)] because it has the "potential for causing a significant effect on the environment." It cannot "be seen with certainty that there is no possibility that the activity in question may have a significant effect". Attached maps, newspaper articles, and pictures show there is <u>no</u> certainty, and there <u>is</u> a possibility for a significant environmental effect.

Both the 2007 and 2017 Municipal Service Reviews (MSR) excluded the proposed SOI from consideration due to "a number of constraints." The constraints were listed on

page 2-4 of the 2017 MSR: zoned agriculture, unstable hillsides, steep slopes, and a Geologic Study Area (GSA)." A GSA indicates that the area may be unstable geologically and requires thorough analysis if development is proposed in the area. The studies must be completed by qualified geotechnical engineers or engineering geologists" (page 2-6). San Luis Obispo County's own EAP supports this requirement (page 7-21). The map included with the proposed SOI Amendment outlines areas of possible development. Therefore, further studies must be completed before the SOI can be considered for acceptance.

Another equally important objection to the SOI Amendment is the potential destruction of native habitat. Per the County EAP, "Central (Lucian) sage scrub communities occur extensively in the Estero Planning area at low elevations on the coast and along steep slopes with shallow soil. They typically integrate with dune scrub or maritime chaparral communities." (page, 6-9)

"Together, these communities support a diversity of native plant species and a number of rare, endangered or threatened species of plants and animals, including the Morro manzanita, Indian Knob mountainbalm, Morro shoulderband snail, and perhaps the last known population of the endangered Morro Bay kangaroo rat. Many species in these habitats are found nowhere else in the world." (page, 6-10)

In conclusion I feel that, and many of my neighbors concur, the city's application to include the Panorama Lots into the city's SOI for eventual development (as indicated by the map submitted with its application) designates these lots as the sacrificial lamb of the Toro Coast Preserve/Beach Lots acquisition plan, and such inclusion has the potential to jeopardize our unique local flora/fauna, our property and even our lives. Please deny the city's SOI amendment.

Sincerely,

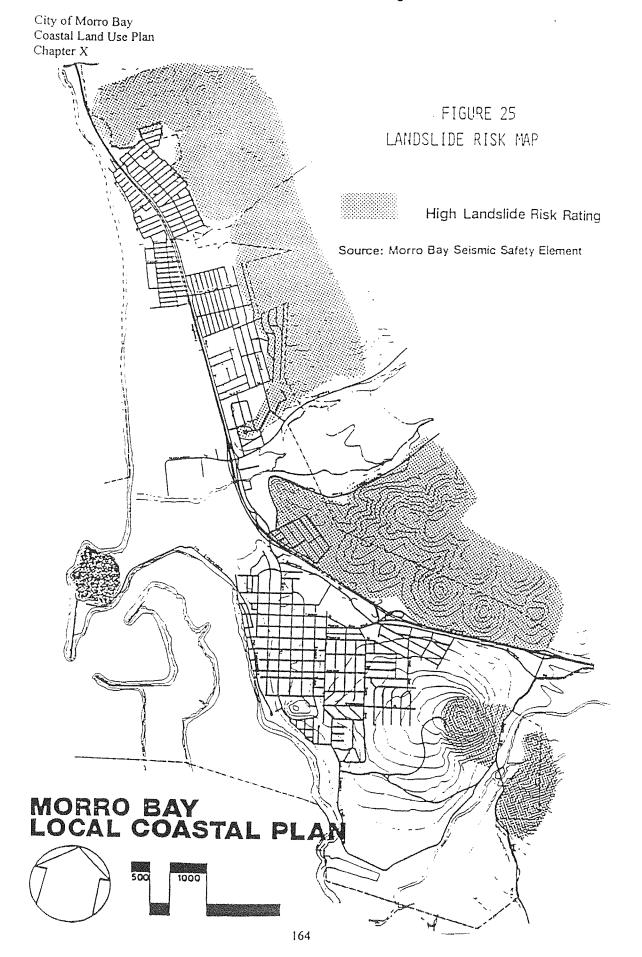
Yvonne Buckner Morro Bay Resident

attachments: petition signatures

Come Brukner

geology hazard maps landslide pictures newspaper records

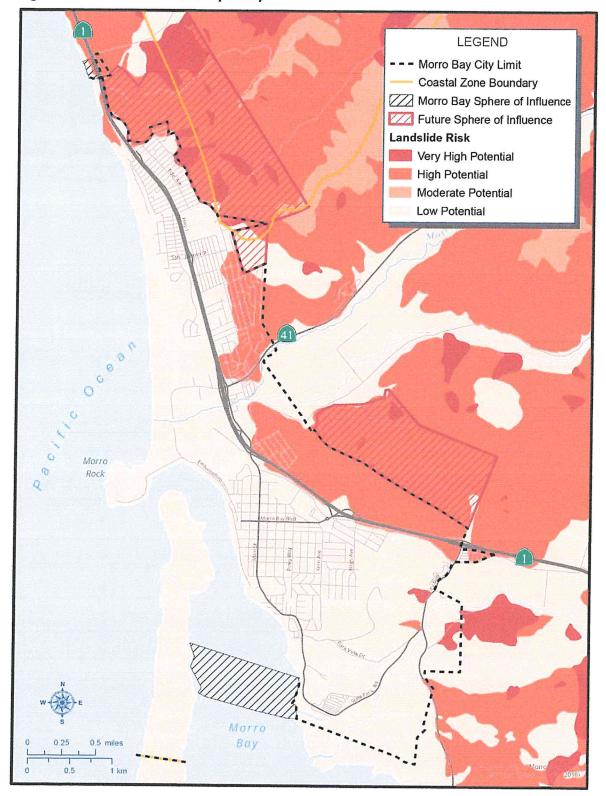
portions of local government documents

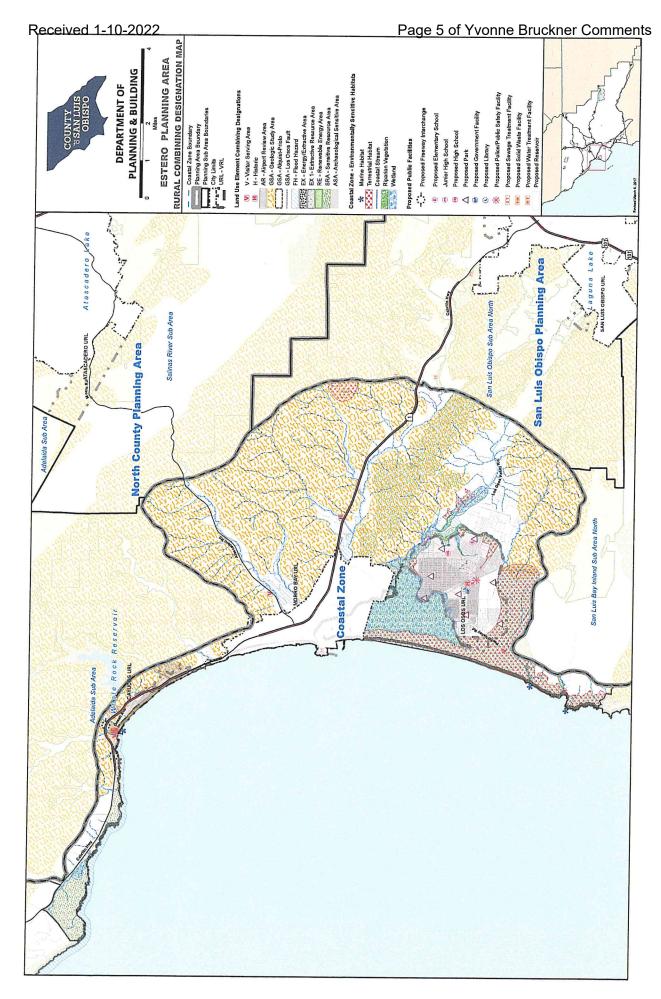


Environmental Impact Analysis

Geology/Soils

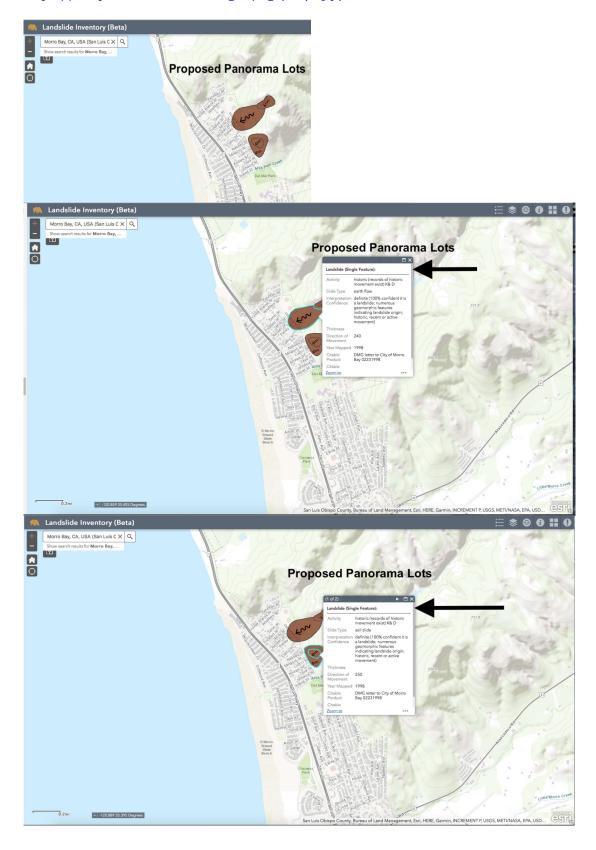
Figure 4.5-4 Landslide Susceptibility

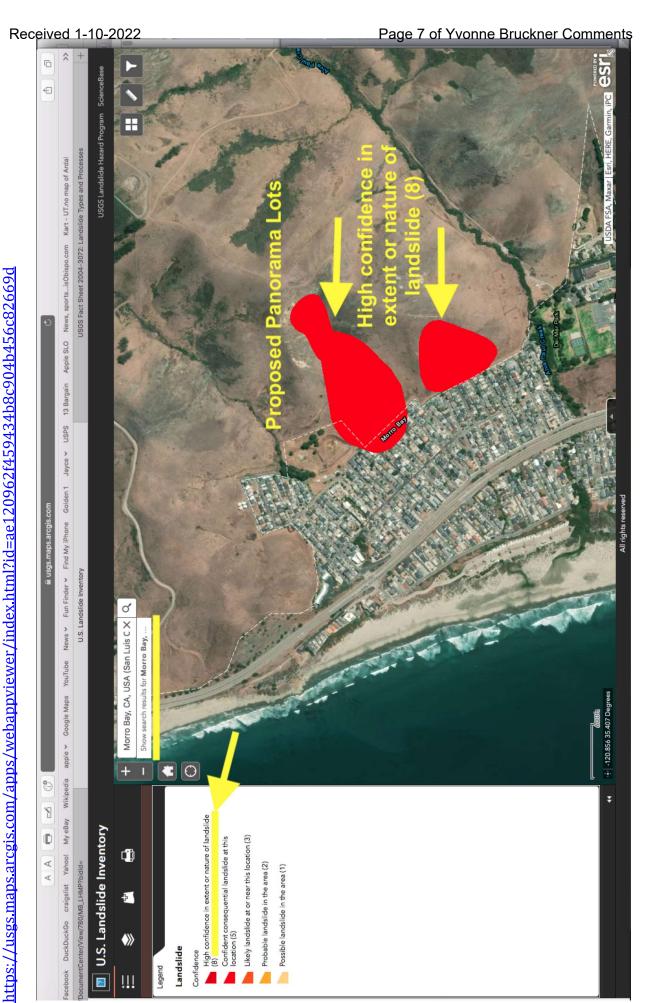




Panorama Drive has a history of landslide activity. This map notes "Active/Historic" with "Earth Flow and Debris Slide, Soil Slide, or Soil Topple".

https://maps.conservation.ca.gov/cgs/lsi/app/





U.S. Landslide Inventory

County cities still tallying storm damage

Here is how cities around the county are faring with repairs of damage from this winter's storms:

In San Luis Obispo, cfficials still are totalling up damage estimates. Civil engineer Gary Szetlocky said damage estimates within the city so far include \$73,650 in damage to federal secondary system roads, \$140,000 in damage to other roads, and \$278,900 in other repairs.

and \$2.0,500 in other repairs.

But the city's biggest repair headache is 20 miles from town at the Whale Rock Reservoir, where a March 6 landslide damaged the 30-

inch diameter pipeline. Asked how much it will cost to

Asset the much it will cost to repair, utilities engineer Bob Mote said, "Just a wild guess would be \$100,000. It could be 50 percent in either direction." Other landslide repairs around the dam should cost about \$30,000, he said.

In Atascadero, Public Works Director Larry McPherson said the city has suffered about \$17,000 damage to roads in the federal secondary system and \$11,000 in other damages.

Arroyo Grande is seeking about

\$16,000 from FEMA, said City Engireneer Paul Karp. He isn't holding his \$2 breath waiting for it, however:

breath waiting for it, however:

"I can't say I'll be surprised if I don't see anything in the next six months." Arroyo Grande is starting repair work without waiting for federal grants, he said, because, "We have to fix them if we get paid or not."

Morro Bay's assistant city administrator Garry Napper said his city suffered \$40,000 to \$50,000 in damages but he expects to get only about half that from FEMA.

"They don't return very much on the dollar spent." he said. "If they return 40 cents on every dollar spent in storm damages, you're dollg pretty good. Napper said his city's biggest single storm expense is about \$15. Panorama Drive.

In Paso Robles, Assistant Public
Works Director Jay B. Lyon said
about \$60,000 in damage qualifies
for 73 percent FEMA aid. Ralf of
that is damage to the El Paso de
Robles Boys School sewage plant on

000 to repair landslide damage or

nucinucio arvei. e said FEMA officials reject

requests for aid to repair about \$5,000 in erosion damage to the Pass Sobles Airport clear zone.

\$25,000 in erosion damage to the Paso Robles Airport clear zone.
Grover City Public Works Director Tom Sullivan said that his city suffered so little damage that there was no need to seek federal aid:
"We had about \$1,000 of overtime

expenditures that would have qualified, and it just wasn't worth going through FEMA for that.

"We didn't have enough damage in Grover City. We lost 40 or 30 feet off the end of Grand Avenue, but State Parks cleaned that up."

News Banking

San Luis Obispo County (Calif) Telegram-Tribune/ Saturday, February 11, 1989, A-3

Coy opposes plan for Cayucos hillside

By Mark Pratter Telegram-Tribune

District 2 Supervisor Bill Coy said Friday he will oppose a "terrible" and "ridiculous" request to allow housing on a landslide-prone hillside in Cavucos.

Coy said the Cayucos Land Association's proposal to sell the lots "should have never come before the board and they know it."

Bob Garrison, a Southern California salesman for the company, could not be reached for comment Friday night.

In an unusual move, the county planning staff is recommending supervisors deny the general plan amendment for the location.

The land association wants supervisors to change the county's blue-print for development so the 78-acre subdivision zoned Rural Lands will be Residential Single Family.

Supervisors will consider the amendment on Tuesday.

The vacant hillside site is northeast of Highway 1 and south of Little Cayucos Road.

The planning staff doesn't normally make recommendations on gener-

al plan amendments.

But staff objections were so numerous in this case that they made the recommendation anyway.

The planning staff asked if singlefamily home development was appropriate now when the site doesn't have any water and is located in a high-risk landslide area.

A county-imposed building moratorium is in effect in Cayucos because of a a water shortage.

The site, known as the Morro Rock Subdivision, was created in the late 1920s, but never developed.

In November 1980, the state Department of Real Estate stopped the sale of lots in the subdivision because they were too narrow.

The 25-foot lots overlooking Cayucos were selling for \$3,000 and up, according to a 1980 statement by Christopher G. Money, who was county District Attorney at the time.

But the lots were narrower than the 40-foot minimum required by county ordinance, he said.

The state lifted the order when the owners promised they would comply with county zoning.



am Tribune Village

nanager of Community aid mobile with young,

SAN LUIS OBISPO COUNTY Tribune

Morro hill closely monitored

By Dave Wilcox Telegram-Tribune

MORRO BAY — A trio of pans filled with water sit on the floor in various rooms of Lee Greenawalt's Panorama Drive home in Morro Bay, put there to detect subtle shifts of the ground beneath the

Inside

■ Weather forecasters promise the rain will stop -

Just down the block - near where a pipeline burst last week sending thouburst last week sending thou-sands of gallons of water from Whale Rock Reservoir gushing down the hillside streets in north Morro Bay – surveyors set up more sophisticated in-struments Monday afternoon to monitor the earth's move-

And as cattle grazed in a will stop – someday.

8.4

Solution = Steady drizzle, geologists in raingear climbed to where a plastic orange pole marked the visible end of a fissure that snaked horizontally for about 300 yards more than halfway up the hilliside.

more worries for The crack could mean residents of the steep streets that were fortunate to avoid flooding when the pipeline broke late Friday

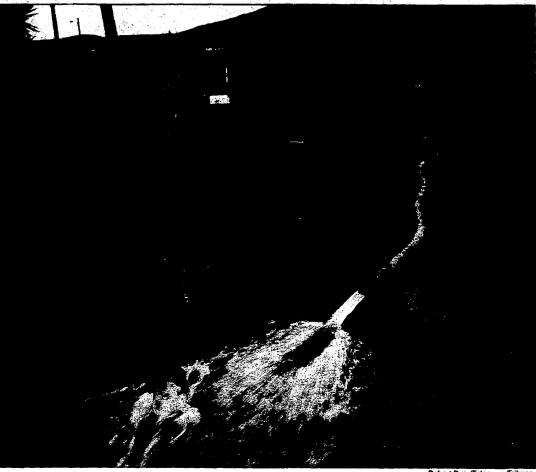
set up concrete barriers in front of the Panorama Drive homes to protect them from mudslides. Fire Chief Jeff Jones said it's hoped the barriers would channel the mud down the steep neighborhood streets and away from the homes.

"Needless to say, if it's the whole hillside, they're not going to do any good," he said.

There's not much else to do but closely monitor the hillside's movement, said Jones. The hillside is too steep and too wet to support equipment that could be used to compact fissures, he said, and could do more harm than good.

One visible landslide thought to be the culprit in Friday's water main break actually had nothing to do with the broken pipeline, according to Diana Vavrek, a spokeswoman for Chevron. She said experts were trying to pin down exactly how much of the hillside might be moving, and said it was possible that subsurface shifting on a smaller scale could be responsible for the broken pipeline.

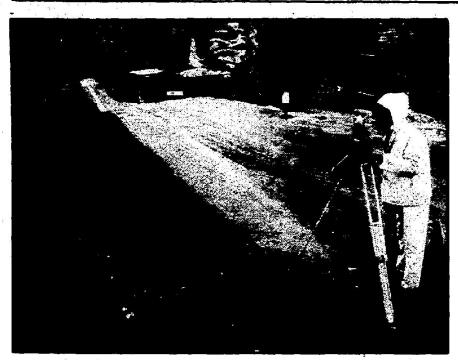
San Luis Obispo's drinking water supply was threatened when the pipeline ruptured, but repairs were completed during the weekend. Still frayed, however, are the nerves of residents



Robert Dver/Telegram-Tribune

Please see MORRO, Back Page FOOT WASHER: Kyle Farr, 9, gets soaked by water from the Whale Rock Reservoir pipeline in Morro Bay. More repairs were being done.

ล้องก็ของไปเกิด - เข้าแบ่ก็ แบบไป ยามหนักใช้ การเกิดได้ เพื่อง



Robert Dyer/Telegram-Tribune

CHECKING THE HILL: Surveyor Dave Whitman sets up equipment on Panorama Drive Monday under drizzly skies.

MORRO from Page One

with commanding views of the ocean and Morro Rock

The Morro Bay Fire Department has alerted people to listen for unusual sounds in their homes and said utility workers have checked lines in the area.

Greenawalt said he was "a bit" nervous as he stood where water continued draining from the pipeline, gurgling from a fire hose and rushing down Nevis Street.

Gary Henderson, of San Luis Obispo's utilities department, said the pipeline is being drained as a precaution to prevent flooding if another crack develops. He said it's not clear when the tap will again turn on at Whale Rock Reservoir.

"We're going to wait this storm out and then hopefully have some better information later this week" about the extent of the earth's movement.

Greenawalt and his wife have vacationed in the home for the past 20-plus years, but made it their permanent residence last month.

"We did not pick a good time."

Actually, Greenawalt said he felt better having firsthand knowledge of the situation. He's been checking another home for signs of movement for its owners, who still use it only for vacations.

Since his home was built as a vacation getaway, said Greenawalt, it wasn't really level to start with. That's why he's filled the pans with water — if he notices

more water on one side of the pan or the other, he'll know the ground is moving.

On Panay Street, which remained closed and is at ground zero where the pipeline broke, Jeanette Conklin isn't taking any chances.

She's packed up some belongings, preparing for the worst. From a deck outside her front door, she can see the crack in the hillside.

"It's a big deal, we're concerned," said Conklin. "I'm on ready."

Across the street and a few homes down from Conklin, Troy Raynor had returned only about an hour earlier from a weekend trip to the Bay Area.

He arrived to find his street blocked

"I thought it was over and done with," Raynor said of the flooding threat posed by the recent storms.

Instead, he checked around his home for signs of slippage. He found none.

RAIN from Page One

worth of showers could produce another inch to 1½ inches, "but we're not going to have to worry about floods."

After the clear weekend, Ryan said, there's a possibility of more rain next week. "But we don't know what days or when or how much," he said. "It's a little too early to tell."

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City to Complete Dog Beach Buy

Posted by Neil Farrell | Apr 8, 2021



ESTERO BAY NEWS

Volume 3 • Issue 6

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This map from the City of Morro Bay shows the extensive landholdings of Chevron that lie adjacent to the Morro Bay City Limits. The five parcels being proposed for inclusion into the City's 'sphere of influence' are in dark green, with the light green areas showing where the City says homes could be built, one per lot. The white lines are topographical markers showing elevation.

Work to complete the purchase of the Chevron Dog Beach took another big step forward on March 23 when the Morro Bay City Council formally voted to purchase the property from the Cayucos Sanitary District, part of a much larger effort to preserve Chevron's hundreds of acres of coastal hills.

The Council voted 4-1 to complete the \$338,000 purchase of Dog Beach, the roughly mile-long beach separating Morro Bay and Cayucos. The CSD had purchased the two beach parcels as part of its sewer treatment plant project, reusing one of two undersea oil loading lines running offshore under the sand for a discharge line.

The Chevron Estero Marine Terminal loaded tanker ships moored in Estero Bay from 1929 to 1999, when it was closed upon the completion of direct pipelines from the San Ardo and Oildale well fields to a Southern California refinery.

The City Council also agreed to make application to the Local Agency Formation Commission (LAFCo.) to have five, large lots along Panorama Drive, Zanzibar and Blanco streets that border the City Limits, brought into the City's "Sphere of Influence" or SOI, with a possible eye at being annexed into the city at some future date.

The City will also ask to have a parcel east of Hwy 1 adjacent to Chevron's former "Shore Plant" and Toro Creek Road removed from the City Limits, turning it over to County jurisdiction.

The CSD is expanding a lift station on that parcel for its new treatment plant, which it also bought from Chevron. That parcel will be deeded to the County Parks with the CSD retaining a permanent easement for its pipelines.

The land transactions are the early stages of a much larger effort to conserve the hundreds of acres that Chevron owns, essentially the entire area between Morro Bay and Cayucos.

This monumental and complicated effort is being coordinated via several governmental agencies, conservation and funding organizations.

"The City, County of San Luis Obispo, Cayucos Land Conservancy [CLC], Land Conservancy of San Luis Obispo County [LCSLOC], [Dist. 2] Supervisor Gibson's office, Trust for Public Land, Cayucos Sanitary District and Chevron have all invested a

significant amount of time and resources" reads a staff report from the Council's March

23 meeting.

The Morro Bay Open Space Alliance is also involved in the overall project, more specifically the preservation of a vast canyon area located east of the City's Del Mar Park, which is the next phase of the project with fundraising just now getting underway. Money for the City's purchase of Dog Beach was donated by the CLC and Land Conservancy of SLO County (\$188,050), and the California Coastal Conservancy (\$150,000).

In its most recent newsletter, CLC thanked its supporters and said, "As you may recall, the plan to purchase the southern end of Dog Beach from the Cayucos Sanitary District and to have it become a part of the City of Morro Bay is actually the 2nd step of the larger Toro Coast Preserve Project."



For its part, Chevron conditioned the beach parcels' sale on the City applying to have the five "Panorama" lots put within the City's sphere of influence.

"When CSD acquired the Dog Beach Lots from Chevron," the City report reads,

"Chevron retained a right to reacquire the lots under certain circumstances. As this right
to repurchase is on record title, the City would take the Lots subject to that right—
unless Chevron amends title."

There's a bit of a quid pro quo going on here. "Chevron has agreed to remove its repurchase right from record title if the City authorizes submittal of an application to LAFCo., to amend the City's SOI to include five lots above the Panorama area."

That catch didn't set well with some residents that commented before the meeting with many pointing out that the hillside above Panorama Drive is subject to movement in heavy rain years and thus unsuitable for any development.

"I oppose any residential development of 5 lots of the Panorama property," wrote Belinda Reyna, a neighbor of the property. "The current narrow, poorly paved roads in North M.B. do not support any extra traffic. These hillsides are subject to landslides, affecting all the current residents below. We have had landslides in the past.

"I would approve leaving it open with trail access."

Former Mayoral candidate, Tina Metzger questioned the wisdom of annexing landslide prone hills. "Are you sure you want to bring into the MB City Limits the Panorama Drive Chevron parcels, which have the 'High Landslide Risk Rating' and will be a potential City liability if the existing topography is disturbed? Will the City's insurance cover any liability concerning the known High Landslide Risk?"

The last time the area significantly slide was 1995, when we had over 30 inches of

rainfall over the winter. According to long-time area resident, Mel Honda, "Large sections of soil have moved twice in years of heavy rain, once in 1960 and again in

1995, causing major damage to homes, property and roads. I was present in '95 when the last major earth movement occurred. Heavy rain saturated the soil 30-feet deep, creating a slip plane where the water hit bedrock."

He noted that in 1995, a large section of the hillside above Panorama about half way up the hillside, moved and damaged numerous homes. That event also cracked a hole in the Whale Rock Pipeline, which runs along the eastern edge of the City, and led to the Whale Rock Commission rerouting its pipeline down to Tide Avenue for several blocks.

Water and sewer lines were severed, retaining walls were cracked and displaced, several homes had their foundations cracked, and some had to be demolished.

After the 1995 slide, Chevron conducted an extensive hydrological study of the hillside and determined that when rainfall hits about 30 inches or more in a winter, the land is subject to movement.



In that aftermath, Honda said. "Chevron, owner of the property, held an informational meeting for neighbors in the affected area. City officials, Chevron representatives and the California State Geologist were present and explained why the slide happened and that the area should not be disturbed in order to help prevent a repeat of the incident."

The five lots vary in size, ranging from 6.3 acres for a lot along Zanzibar, to 14.8 acres for a lot above the old Navy Fuel Depot property at 3300 Panorama Dr. The majority of the "buildable" areas on the lots are below 200-foot elevation, according to a City map. In all, the five lots cover some 36.5 acres.

Former Councilwoman and council critic, Betty Winholtz urged caution. "Free use of dog beach as it exists today may be hampered by the acceptance of the grants. Currently, Prescriptive Right guarantees dogs and their people access to the beach lots — without having to be purchased."

Several commenters noted the use of State monies via the Coastal Conservancy, and the possibility the City might have to install snowy plover protections, as State Parks did two decades ago on Morro Strand Beach. One of the first things State Parks did was ban dogs on the beach to protect the threatened plovers.

The Open Space Alliance was supportive of finishing the deal for Dog Beach but cautious about the Panorama lots. "The chief benefit in negotiating with Chevron regarding limited development on the Panorama Lots," MBOSA said in a letter to Council, "is for the City to gain control of it to ensure compliance with City standards and, importantly, to preserve the great bulk of the hills in the view shed as undeveloped

Received 1-10-2022 open space, zoned for agriculture."

MBOSA called on the City to limit development to just one, single family home, with allowable granny units, and restrict building to "as low as possible on the hillside. We are all aware of the potential for landslides in the area and the need to locate any development carefully. We expect to see a development plan with environmental concerns defined along with clear mitigation steps for any problems."

Last week, Estero Bay News sent several questions to City officials concerning mainly the beach and the future bike trail along the bluff top.

Will Dog Beach remain just that, a beach that allows dogs? "It will remain open to dogs," Community Development Director Scot Graham replied, "but we do need to develop a management plan within 3 years of purchase to address public [and dog] access and to protect the environmentally sensitive habitat that is located on the property. The intent is to leave it as an off-leash dog beach."

How does a park master plan process work? "We would either contract for a consultant to prepare the document, or we could possibly work with the land conservancy groups to develop the plan."

Would the change in ownership and jurisdiction change who has the lead on the bike path project? "County is lead agency on the [connector trail] project," Graham said. "They will be going through a consolidated coastal development permit process; meaning instead of getting separate coastal development permits from the City, County and Coastal Commission, they will just get one CDP from Coastal Commission."

That's the same permitting process the City used for its Water Reclamation Facility (WRF) treatment plant project.

Another possible future issue is with paragliders who take off from the hilltop above Cayucos and land on the bluff at Dog Beach.

"Paragliders would be considered an aircraft," Graham said, "and are prohibited from landing within the city unless the person has a Special Use Permit."

As for the Panorama lots, Graham said they would put deed restrictions on them.

"We will condition/restrict them to allow one home per lot [includes ADU's] and to prohibit subdivision; and Chevron is OK with this."

He added that while Chevron could sell the five lots independently, that's not what they want to do. "Yes, Chevron could sell them separately," he said, "but they desire to sell them together so that it's easier to work out access and utilities."

As for the connector bike path, is the City going to take maintenance responsibility for it? "Yet to be determined," Graham said. "Maintenance will likely be spelled out in some type of MOU [memorandum of understanding]."

Graham added that they hope to make application to LAFCo., regarding the Panorama lots by the end of April and will also have to put in a "detachment" application for the CSD's lot east of the highway.

LAFCo., stripped the City of its entire sphere of influence in 2007 when it determined that the City could not annex the property, as it hadn't shown any interest in annexation and because of a voter initiative that calls for the City to seek voter approval for all annexations to the city.

That vote has never been challenged and the City, through its WRF project, reportedly got a legal opinion that it is unconstitutional.

That issue may soon come to a head, as the City is also contemplating the eventual annexation of its sewer treatment plant site, which also sits outside the City Limits.

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Virus Cases Down; Restrictions Continue

Wayward Baking Feeds the Soul in Los Osos

ABOUT THE AUTHOR



Neil Farrell

RELATED POSTS









WRELANDSI



Neil has been a journalist covering the Estero Bay Area for over 27 years. He's won numerous journalism awards in several different categories over his career.

October 8, 2021

Morro Bay | News

THIS AERIAL PHOTO SHOWS A LANDSLIDE AT THE SITE OF MORRO BAY'S SEWER TREATMENT PLANT PROJECT TAKEN SHORTLY AFTER THE EVENT IN MAY 2020. PHOTO BY CITY OF MORRO BAY

Unstable land at the site of Morro Bay's new sewer treatment plant is costing an avalanche of money, with the costs so far topping \$1 million.

According to City Manager Scott Collins, the first landslide, which occurred in May 2020, cost \$280,000 to remediate and a more recent slide in the same area has now topped \$850,000, bringing the total to over \$1.13 million.

These figures are what remediating the slides is costing the City, according to Collins, as the project team has whittled at the original bills from the contractors — a partnership between Filanc and Black & Veatch.

"The WRF team worked hard to reduce the City's total financial liability on this," Collins told Estero Bay News. "I think the original claim from the construction team was nearly \$200,000 more than where we eventually landed."

Received 1-10-2022

Page 19 of Yvonne Bruckner Comments
The landslide is one of a number issues that have forced the overall project to climb from an original \$126 million

— the amount used in a 2018 Prop. 218 vote of ratepayers — to now over \$145 million.

"The project," Collins said, "certainly has had some unanticipated costs like the abovementioned landslides, but it is important to note that they will not impact our customers' water and sewer rates."

That's because the City has gotten two very-low interest rate loans from both Federal and State Government agencies to finance the project, with extra costs being absorbed through the project's contingency funds.

According to the bills the City got from the contractors, the May 2020 landslide incurred \$89,800 in labor costs; \$108,900 in "direct construction equipment" costs; and \$20,500 for "design engineering;" plus "overhead" at 6% of the costs and a 4% "fee" that total \$14,900 and \$9,900 respectively.

As for the most recent landslide, the bill shows \$131,100 in labor; \$158,600 for equipment; \$59,000 in "materials;" and \$339,200 for a subcontractor. Overhead being charged is over \$43,900 with a fee of \$29,300.

And the costs could keep coming. A footnote regarding the materials costs reads, "Prelim information for estimating purposes include excavating and backfilling in-situ material approximately 19,000 cubic yards plus 12% swell and shrinkage. It does not include any material hauling to and from the canyon."

On another note, many in the community have been distressed at the number of trees that have been removed along a dedicated bike path, which runs between the highway and the power plant's outer fence.

Driving past on Highway 1, there're noticeable gaps in what used to be a wall of cypress trees screening the roadway.

Some have said the City has taken many more trees out than it listed in the environmental impact report and thus are violating the permit from the Coastal Commission. Collins and the City denied doing anything wrong.

"With regard to trees," Collins said, "we followed guidance from the Coastal Commission. We submitted plans to the Coastal staff with the trees that needed to be removed to safely place the pipeline in near the bike path."

He said the commission signed off on the plans. "They reviewed and approved those plans," Collins said. "I believe the total number of trees removed to date is around 36."

The City isn't apparently the only ones taking down trees. "Unrelated to the WRF project," Collins said, "I believe Vistra and PG&E have also removed some trees in that area recently."

Even more trees will probably have to be chopped down. "We likely will need to remove more trees," Collins said, "and would need to get Coastal staff approval to do so."

Concerned residents should note that the City plans to replace the trees. "City Council directed staff to create a plan to plant new trees to make up for these removed trees," he said. "That plan will be developed by staff and

Received 1-10-2022
Shared with the Public Works Advisory Board, and other commissions potentially, before coming back to Council

for review."

Collins said that process would likely be done sometime next year.

The City Municipal Code, Chapter 12.08.070, which regulates tree removals in the public right of way, includes the following: "...the tree shall then be removed and a new tree planted in the same location or in close proximity to the location where the tree was removed."

So according to its own laws, the City will have to plant new trees along the bike path and anywhere else they might be removed. The plan being developed for this, will also have to choose the species of trees that are planted, chosen off a City-approved list.

The trees along the bike path are mainly cypress, which is the City's "official" tree species.

To: SLO County LAFCO

From: The Undersigned Citizens

We, the undersigned, are opposed the inclusion of the Panorama Lots (see map) in the City of Morro Bay's Sphere of Influence (SOI) for the purposes of residential development for the following reasons:

- The entire area is a high landslide risk as outlined in the City of Morro Bay's Coastal Plan (MCP), Chapter X, pages, (attached) and has experienced landslides in the past. Any development that involves digging (as detailed in MCP) will put the entire neighborhood beneath these lots at risk.
- 2. These lots are a known wildlife corridor, used by many species of protected animals endemic to the coastal area. Development on these lots could eliminate their coastal migratory route.

Signed,

DOINT MARK

PRINT NAME	SIGN	DATE
Yvonne Bruckner	(homiBruckn	04//0/2021
Jon Bruckner		04/ 10 /2021
1. WYSS	Delyno	04/ 10 /2021
Patricia Daly	Patricia Raly	04/ 10 /2021
Bennie Voistbindar	Pranica Vasto in E	04/10 /2021
Maggie Sucki	it Margin Sucker	04/10 /2021
Bella Clinton	ME.	04/ 1/2021
Linda Austin	Gundel Queton	04//0 /2021
Roger Brown	Rogu Brown	04/ / ∂ /2021
WILLOW KANAHOTI		04/ 11 /2021
·		

To: SLO County LAFCO

From: The Undersigned Citizens

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PRINT NAME	SIGN	D	ATE
WILLIAM TOWNSLEY	wee	04/ /	/2021
Jane Riddiong	helin	04/ i	/2021
Sarah Faile	52/20	04/ i	/2021
Missin Wa	Marco-	04/ ;	1 /2021
MEL HONDA	Chudo	04/	/2021
Colleen Shea	Collen Ahea	04/ //	/2021
LANKA ANDES	Loules	04//	/2021
Christine Lineser	MMTShu Khu	04/ ((/2021
Sen Wan		04/	/2021
Jamos L	Valson	04/	/2021
\sim			

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PRINT NAME	SIGN	DATE
Ed Corrales	\	04/ / 1/ /2021
IRMA CORR	Ales	04/ [/ /2021
Lisa Plman	Dica	04/ /2021
Marjo Con. Mer		04/ / / /2021
Jerry adams		04/ [/ /2021
C Wright		04/ 1 /2021
Matala Mchall	<u>'</u>	04/1/ /2021
Trace Mar		04/ // /2021
Noodrow Clark	Durchen Oak	04/ /\ /2021
Al Bevila	(41.4 COTTE	04/12/2021
<i>;</i> 1	3	04/13/2021

Signed,

PEOPLE AGAINST THE DEVELOPMENT OF MORRO BAY PANORAMA LOTS

To: SLO County LAFCO

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PRINT NAME	SIGN	DATE
FRANK ZDROY		04//2/2021
Leslie Zdroy	Agroy	04/ 1 /2021
Cindi ZdRol/	Condi Taken	04/१२ /2021
LOREN ChipMAN	Tore w. Chr	04/ /2 /2021
gayle Chipman	Gayle Chipman	04/ 💋 /2021
John Bosped 82	Jaly Solly	04/12 /2021
Logge S. R. colle	en Carried no	04/12/2021
DAN Sedley	Om In	04//5 /2021
Middle Lewser (00	lose Millours	04/5 /2021
	- Vi gi	04/ /2021

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From: The Undersigned Citizens, Residents and Homeowners of Morro Bay

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PRINT NAME	SIGN	DATE
Teresa	MacDonald Mu	Pat (4-12-21
	nald Carl Mac Donald	4/12/21
Kathrin B-	south 1/ Byath	4/12/21
Tin Bonker		4/12/21
Alison Evans	S almono	4/12/21
Bri. Ma	t	4/12/4
Michelle		4/13/21
andrew 1	hardry la	4/13/2/
Mark Du	1019 110-	4//3/2/
LOSEPH GEEVE		4/12/21

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PRINT NAME	SIGN	DATE
Anne-Cloude 5.	Audus A	1/12/2
Michelle Leicester	Cadare + Angelices	12 April 21
HEIDE LUND-STEP	ANINI Heich fench	04/12/2021
SILVID STEFAN	ini blo Stof	<u>04/2/2021</u>
Jenni La Owens	Januter Owen	7 4 13 a
Christina Russell	1 Magael	4/13/21
Susan Hammond	1 Sun /de	4/13/21
POTEIZ/2 CLARRY	Pulle	4-13-21
FARA BULAT	ov St	4.13.21
Charlotte JA	1059 CJ. Moso	04-15-2021
	/	

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	PRINT NAME	SIGN	DATE
-	Gillian Burdge	All Bolle	4/13/21
-	Vicki Vonte	Wichelle	4/14/21
	Sanh Robles	Sh Robes	4/14/21
_	1 Caro 1 8 1/15	CO 2003	4/14/21
	KRISTEN HEADLAND	. KristenHeadlane	4-14-21
. ,	Kin Harrington	KmHarrington	4-14-21
~ -	Chir Kivas	Chen	41 (5721
Thoma	Shown Froma)	4/15/21
<u>/</u>	RICHARD BARRAZA	Ruf Buy	4-15-21
	Sandra Crossman	3andra Creshlan	4/15/2021
		П	, ,

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PRINT NAME	SIGN	DATE
SANDRA SANTINI	Soukra Saptini	4-15-2021
1	er of Tuns	4/15/21
	es Etan	4/15/21
ALFREDO GOMEZ	2 ay the	4/15/21
LINDA WINBOW	ie Michael	4/17/3/
Claremonse) ale	-/16/LOZ(
M Delauer	m llessar	4/16/2021
EDWIN OSORID	Clear	4/17/2000
Prare Sal		4/1/221
Somre h.		7,7,0031
		/ (/ 1) (

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PRINT NAME	SIGN	DATE
Claire Missire	Ch	4-17-21
JERENY ENITH	A->	4-17-01
Emily Faits	Top	4/17/21
Many Ellen Grochae	May Ell Sur	4/11/2"
Jordan Marshman	Jordan	4/17/21
Elvin Valenzuela	Tryllie Valexiele	4/17/21
Danna Martinez	Dorganting	4/17/21
Paniela Mavavilla	Danson G.	4/17/21
Ronda Arbogast	Rinda R. abopt	- Y-18-21
Dan Allemand	Quigal d	4-18-21
	9	C-3-171

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PRINT NAME	SIGN	DATE
Joe Miller	1/2m	4/18/21
Barbara Miller	Panilen	4/18/21
LESLIE CLAYTON	L Clayton	4/18/21
Anne Godsey	Rodn	4/18/21
Educid Griley	4.49	4/18/21
Amber Ginley	Anla	4.18.21
MARGARET MARINE	1 MM	4-18-2
MARK Wilson	And of	4-18-21
Sharalyn Swaden	es Agdwaderer	4-18-21
PARAICK SUADENER	fa-	4/18/21

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PRINT NAME	SIGN	DATE
JUDIÉ SEASTLO		4/20/21
Laling Rose	I Lauren for	4/w/z1
Chris Failla	Cael	4/20/21
Enin Forbust	90	4/20/21
John Clamson	L.a.	4/20/21 *
Miranda Paulian	W	4/20/21
David Goldstein	Jan	= 4/20/21
Amendatoldskin	Mudd	4/20/21
18 Kunny	Shelly Kenney	4/20/21
Adam Trovao	about	4/20/21

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Signed,

DILLE STARS

PRINT NAME	SIGN	DATE
Chelsea Trovac	anthin	4/20/21
Aaron Rayfield	All	4-21-21
Patrick Leonard	Ptz	4-21-21
Shannon Leonard	Thaguer Leard	4/21/21
	Løyce Johln	4/21/21
	Survos	4/21/21
Natra Dally		4-21-21
	old Seil Bufold	4/22/21
	16 Semila Del	4-22-21
DIANA MARIN	. • • • • • • • • • • • • • • • • • • •	4 - 22 - 21

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PRINT NAME	SIGN	DATE
LISA SCHULTAK	Z. Schuljak	4/22/21
John Paul Draye	er John Paul Dray	n 4/22/27
DEBURAL BARKE	Delin HI	Sent 4/22/21
Chrisan Pilnick	Chingsol	• 1
GREGORY WILSON	Engrey When	4/22/21
BRUCE PIlNICK	Brucantilinh	4/22/21
OSCAR MUNOZ (Decay	4/22/21
Explete GANNES	Sphallann	un 4/22/21
Jamme Pallay,		4/23/21
John Rillams	July	4/27/21
7	13	C-3-175

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Signed,

PRINT NAME	SIGN	Į.	DATE
Valarie Cunningha	m Yalanu	Courning	May 4/22/21
Lindsey Morgan	lug b	2900	4122/21
Jeff Morgan	Die	Name of the Control o	4/22/21
Elizabeth Gaudett-C	nos a	loss	4/22/21
Esperanza Wright	707	Wreight	4-23-31
Dan Ronauillo	Don Karai	ull	4-23-21
Margarette Ronquillo	Margarette	Jonaullo	4-23-21
Wayne Heston		0	4/23/21
Mancy Pallanes	Nama 1	Palla	4 23/2/
Tom Lamont	Jon Som	ort	4/23/21

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PRINT NAME	SIGN	DAŢE
Northan tillio	Die	4/23/21
Lor, Martinez Burr	aza Malina	Bayen 4/24/21
Sean Ryan McCaft	by Lason M	4/24/21
Krista McCalley	Lista Maffre	4/24/21
Ellen Honda		4-24-21
KUITH BURGHOR	La Best A	4/24/21
SHERRY JAORAN	Jan and	4-24-21
Ernesto R Gasinan	Envers	n Davina 4-24-21
Cinuis Twist	Colf	4-25-21
ANDREU MONROE	sel	4-25-21

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CICN

Signed,

PRINT NAME

PRINT NAME	SIGN	DATE
Richard Dorflinger	Richard Donflinger	4/26/21
SOE STEFANIN	for the	04/26/21
JON WICKSTrom		4/26/21
Antono F. García		4/26/21
Juk GARCIA	falk Conera	4/26/21
Drazen Fabris	Dy Fil.	4/28/21
De borch Millie	10. While	4-27-21
Mastin Law	Alm	4/27/21
Coutley Smith	(Josephy)	4/28/21
Déborat laes de B	aus July Inla fino	9/28/24
	•	

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Mary Ann Britton	Myll Buth	4-28-2021
Phillip Bri-	t_i	mith 4.28.20.21
GREG WHEELER	In Man	4-28-21
Lynne Carlon	An CA	4/29/21
MARVIN CARLTON	Main Calton	4/29/21
MAGGI HALL	hall	4/29/2)
Willem Wijse	n Mor	4/29/21
Linda Bezina	/ \	
Leta Sperce :	le Les	4/29/21
Lee Knudson		4-121/21
	0/17	C-3-179
	V	C-2-1/3

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PRINT NAME	SIGN	DATE
Therry Thatas		- 4/30/2021
John Azev	eco Mille	>4/30/2)
Elizabeth Rivera	ElizarsKorns	4/30/121
Carles Mensalve	E.Monde	5/1/2021
	700	5/1/2021
Donald Headlan	d DAme	J-1-2021
	Elizabeth Mastro	5-1-2021
Robert Mastro		5-1-2021
	And Monsal	5-2-21
BRIAN NORRIS	Many long	5-1-21
BRIAN NORRIS	Sandy Vprus	5-1/2/ C-3-180

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PRINT NAME	SIGN	DATE
Bernadette Battle	Servadete Batte	5-2-21
Juan Gulleges	Jeses	5-3-21
allison Still		5-3-21
Kelly Griley	Kell A My	5-3-H
Patrinin Felix	PHTRICIA FELIX	5.3-21
Steven Wright	Ale D. Wright	5-3-21
Carrie Baller	Cone Bak	5-4-21
Randy Berryhill	for 1 Bak	5.4.2)
Piley Goldstein	The Eyals	5-5-21
Garrison Rom	land Soupered	5-5-2
		,

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PRINT NAME	SIGN	DATE
MARY WArred	Way Novan	5/(/21
Loveth Doukas	. Louts Donly	5/6/21
Ally sites	Any87-5	5/4/21
GREG MILLER	Jeg John	5/6/21
Chris Moffa	TO Shell Half	5/6/21
Phil Moffat	BIH .	5/6/21
PAULA LAUSON	Jah Dien	5/6/21
ELIZABETH KENNEDY		5/6/21
Austral BEATEN		5/6/21
Emilia Bollin		5/0/21
	- -	

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PRINT NAME	SIGN	DATE
Anja C-Johnson	Gra aplusa	5/7/21
- Patricia a. Zinn	Patricia li Zini	
DUSTEN BARNHART		5/5/21
James Griley	Jelen	,
Bethy Beekman	Becknen	5/1/21
Dana Levy	Dara Im/	5/7/21
Bour Byand der	Finefyere	5/7/21
Madison Smith	MG	5/7/21
Lauren Milly	ENTHAD	5/7/21
Elizabeth Sommerflld	gafriff	5/7/21
	v y. V	

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PRINT NAME	ŞIGN	DATE
Peter Kneser	1 de	5/7/2021
Megan Barnhart	- Mal	5/7/2021
dessita Navaro	Jum	5/7/224
Patricia Cruz	Pet 2	(ta/2/2021
Jenrile Novich	January 1	5/8/2021
Angelalat	wh Isa	5/3/21
MERRY SON	The state of the s	5 8 21
Bachara Ega	BEAR	5/8/01
BRUCEMORGAN	Bufforgan	5/8/21
TERESAMORGAN	Morgan	5-8-21
V		

To: SLO County LAFCO

From: The Undersigned Citizens, Residents and Homeowners of Morro Bay

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PRINT NAME	SIGN	DATE
Lynn Ellis	Allen	5/8/21
Randy Ellis	1768	5/8/21
Kristindfart		5/9/21
Danielle Scuda	der famille As	5/10/2)
Stacy Vayfor	Stary Panh	5/10/21
Robert Henry	Ros Hung	5/11/21
Nicole Stegner		5/11/21
Payton Meship	(fleefict)	5/1/21
malia laddu	My	5/11/21
Durlin Gew	ec Derla Que	5/1/2/
	73	C-3-185
		C-2-103

To: SLO County LAFCO

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PRINT NAME	SIGN	DATE
TERESA ALISERET	TG Down Workett	5-12-2021
Kaylertigan	they Wills	you 5-12-21
Januari	June 1	Jan 5-12/27
Kaithun DWU	~ Wash	5-13-21
Tyle (Ny)+	ar fal	15-13-21
Chare Clark		S/13/a)
Aubre Mitchell	To Me	5/3/21
Jeff Wasr	John	5/14/21
Stella Blanco	GillaBlanco	5/14/21
Michael Kennedy	Male Jenney	5/14/21
	24	C-3-186

To: SLO County LAFCO

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PRINT NAME	SIGN	DATE
KYLE LARSON	625	13th 1 May 2021
Janet Sears	Jears	May 13, 202
Patricia Blished	Jetrus Blistok	mag 13, 2021
Pe664 LoTZ		May 13 2021
Thomas Krus	e Thanastra	ico May 13'21
Hailey Breadin	A A	may, 13,21
Donovan Ramo	the state of the s	May 13,21
Jerry Baiamon	\MX 11	May 13, 21
,	Naclio Foriznie	1
	> My first	mon 13, 2021
	\sim 5	

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PRINT NAME	SIGN	DATE
Terri Frank	Chen Growe	5/15/2021
Chris Cornell	derta	5/15/2021
KAY GRAVES	Katheryn Graves	5/15/2021
Kathryn Bruckne	u Spakry Bruk	ner 5/15/21
LORRAINE BUDGE	dovane Budge	5/15/200
Bin Snomas	La Car	Tu Ina
Northan Parks		5/18/24
	E PC36	
	Harring Harr	5/17/2021
Shuy 2 aux		5/17/21
	26	C-3-188

To: SLO County LAFCO

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Signed,

DDINT NARRE

FRINT NAIVIE	SIGN	DATE
Travistatu	m Travia TOW	155117121
Charge Dalle	John Welan	ys 5/17/2
JOHN WEBERSAY	John Welley	5/18/21
Danielle Justiniano	Donugan	5/18/21
JEDRY BORTA	1	5/19/21
Cody Wheeler	College	5/19/21
Emily Wheeler	ES)	5/19/21
Hasper Oliveria	April Vin	5/19/2/
Lonnit Bryce	BIG	5-19-21
annetle Mortin	annotte Martin	5/19/21

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Signed,		
PRINT NAME	SIGN	DATE
LINDA FOVERNY	Mudalt Jun	5 18 21
Christy Mayel	Mus /hy	5/20/21
19-9 10ml		5/20/21
CB10120	1000	5/20/2/
Eden BIDIUN	EBIONI	5/20/21
SCOTT ROBERTSIN	Jast Robets	5/21/21
ROB CHANG	Tak Chan	5/21/21
Aresolo y	Katie Gracoli	5-21-21
Algundro gammon	Udljan	5.22.21
Jaime Martinez	Maine Marking T	5/22/21
	28	C-3-190

To: SLO County LAFCO

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PRINT NAME	SIGN	DATE
Natalie (onway	Maleall	23MAY21
Belinda Reyna	Blula Lua	5/24/24
RED EVANS	Don	5/24/21
Zubin Ham	The Co	5/29/21
Lucas Raines		5/25/21
Airdinia Ora	/i/zavisia / jag	5/25/2)
Bill Koole		2-92-51
Comma Gulbrath	ella Ste	5-26-21
tess endersby	Enderby	5/24/21
LEVI KRULL	Jen Holl	5/26/21



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PRINT NAME	SIGN	DATE
Mlaureen Hor	sch Marian	5/26/2021
Jan. Sigle	am NS, C	5/27/21
Steve Hossing		5/27/2021
- Aly Agglund	Chyetogen	5/27/21
Stacey Vaughn	en ju	5.30,21
Prester Evans	Jaste for	5-30-2
Susan Tuc	Ker Setter Jucky	6-6-21
Levien O'Conn	or Son Ocenir	6-6-21
Bun Uman		$\int_{\mathcal{D}} \sigma \left(g \cdot \mathcal{D} \right)$
Ler Boon	Con Osxoz	6: 6.21

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PRINT NAME	SIGN	DATE
Lathryn Samson	Kitte in Samon	5/3/21
Jan zatorski	1364	5/31/21
poblet zatorsh	FOR HON	5131/21
Delbbre Martin	Lathartu	5/31/21
DEMIN 2dforsý	De Jalo	0/31/1
Dave Kusko	They	5/31/21
Amanda Callins	Allh	5/31/21
Snrette Moore	Swer	5/31/21
Patrick Mahan	# 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	5/31/2(
Mary Stallard	Mary Stallary	6/6/24

To: SLO County LAFCO

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Signed,		
PRINT NAME	SIGN	DATE
Ellie CRANE	Elec Ciani	6/1/31
Lang Riceard 1.	. Saltı	6/1/2/
Resellance R. Pron	in Michael R. Bu	William Colonia
Swette Leyba		6/5/21
Madison Souze	Midsin Sanca	6/5/1
CathyReitz	Costructor Post	46/01
PAULA LAWSON	tanh Jyman	10/5/21
GARY SALWASSER	Goglish	6-5-21
Jolynne SAL	JASSER golum	Salwasser 6-5-21
BARBARA TAM	ÉS Babas	James 6/6/21
KENNESH JAMPS	Es Barbara Cara	6/6/2/4
	32,	,

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Signed,

PRINT NAME	SIGN	DATE
Lynn D. Rude	Lynn Ride	6/4/2021
Ros Ruse	hi. Lie	1/6/21
Berey Nunes	Burkhine	6/7/2021
Alkert Nunes	allut Tuner	6/7/2021
E. Kiny		6/1/2/
250		6 9 N
Grace Doyle,		4/12/21
Sandra Soli	a Sendra Soles	6/12/2)
VILLIAM TRUMAN	With 1-1	6/12/21
Thany Thomas	- Sharon Thomas	6/12/21
		1 '

nts

PEOPLE AGAINST THE DEVELOPMENT OF MORRO BAY PANORAMA LOTS

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PRINT NAME	SIGN)	DATE
andoso	Children	6-12-21
STUART Soles		6/13/21
Sanantha Bailey	922	6/14/21
Susan Channeson	Kilon	6/16/21
Kaleia Luixens	du f	4/17/11
Heva Wright	have abold	6/18/2/
Ry Coull	Rick Carroll	0/19/21
Mist Rugh	- (Wolf light	(0/19/20
DIANN DAVISHIN	11 On	6/20/21
Jacob Thon	Gerrall.	6/20/21

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	PRINT NAME	SIGN	DATE
	Allen Marshall	ATLaMarish	6/19/21
	MARYLYNDE OSWALD	Marlyn Counted	6-19-21
	Sharon Vaughan	Shown Vaycha	6/19/21
	EARLY Vaughan	Carle Veglin	6-19-11
()	Aug Br	Vincinenthirmio	le-19-21
hul	Mychoff	Michael Treguloff	6/19/2021
W3	Natasha Littlewood	Or many	6-19-21
	Shalou GONLANT	Many Hourts	6-19-21
2)	JOHN GUNLAR	Jel Lylys	6-19-21
19/21	Mulisia Junis	M	6/19/21
	CARIS BARBER	Ce	6/19/21
	Hold Brek	35	6/,9/3-197

To: SLO County LAFCO

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PRINT NAME	SIGN	DATE
KENFORER	JAST .	6.18.21
Far Mueting	alla	6.1921
Movissa Thea	U Street	6-20.21
JEFF GRA DEWSW		6-24-2021
MICHAEL HOPKINS	Micha Hanh	6-25-2021
Dary Path	21	6-25-2021
Natahi Oroza	Mitala Ofico	le-25-2021
Jeggy Iron	q	6 35 3021
Michelle Estrade	(Tride)	6/26/2021
Tim Collins	J. Coll	6/26/21



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PRINT NAME	SIGN	DATE
Lane Holt	My	5-13-71
Patrick Leonard	Parez	5-13-21
Deboral Ig	er Elebrah	Iger 6-3-21
De hase	LLBRYCE CI	tASE 6-3-21
anda Men	m Enda, Ne	cum 6-27-21
Terry Hell	er Hell	le 6-27-21
Leah Goldmu	Lean Goldman.	6-28-21
Neva Wrugh	nt revacion	
MICHAR HOPKI	NS Muhal]	gh 6/28-21
KARLA HAEVS	er LaGH	mg 10-29-21
	37	C-3-199

To: SLO County LAFCO

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PRINT NAME	SIGN	DATE
The American		6-23-2-21 6-45-7071
MANN TAMPET	Dama Jahany	U2W21
LODY MULGREW	100 EMIR	6 29 21
Rebebah Underwood	Mh my	6-30-21
RANDY STONE	Harry Stx	7/4/2021
MELY STONE	My Stone	7/4/2021
Susan Wilson	Si July	1/4/2021
Kelli Mulliga	n Shillian	7/9/2021
Jessica Beneven-		7/9/2021
	38	C-3-200

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PRINT NAME	SIGN	DATE
Jared Lowe	Jud II	6/26/21
Zels Za.tZ	Flede 3	6/28/21
Elijah Ortiz	SIL	6/28/21
Kevin cirone		6/29/21
Jason Rooney	Thoony	6.29.21
KEVIN MCCATCHÉ	A Mullet	6/30/21
Diere Volange		-6/30/21
Alame Junaice	1 Alexands	16/30/2/
Barbara Hinman	God Solo	6/30/2021
Vivian langer	Vician Langel	£7/1/2021
Vivian angel	39	C-3-201

To: SLO County LAFCO

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PRINTNAME	SIGN	DATE /	
Van Er, Afith	Vist of the	6/26/21	
Caroline Coulombe	May lu	Buly 6/26/21	
Gregg Smith	I smith	6-26-21	
MERLC COSS	Malek	Ja 626-1	2/
DON Needham		1/2/2/)
Michelle Needlan	Milellehen	Den 7/2/21	
TERRANCO C. COOK	Tenane (.	7/2/21	
LANN COOK	Pynen Cook	h 7/4/1	

PEOPLE AGAINST THE DEVELOPMENT OF MORRO BAY PANORAMA LOTS

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PRINT NAME	SIGN	DATE
CAROLYN ShIV	ely Cheolem Su	iely 6-27-21
MEYSSA DAVIES	Milaines	6-27-21.
VIEGINIA Moreno	Might	6-28-21
John Goyland	axi I coult	7-1-21
Shary GoalAve	fley Into	1-1-3021
Judy Stowart	Sildy Sleavart	7-1-2021
Miguel A Tou	_ 0 \ 11 \	7-13-2021
ALLAN J. BE		7-14-21
Catherin Bet		7/14/21
Emilia Altez	Gol	7/14/21
	41	C-3-203

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PRINT NAME	SIGN	DATE
Spencer LaVack	Shu	July 1, 2021
Ferry Bajamode	Jey Bacanierto	1 July 2021
Darry Patton	Dan Jatt	11/14 2021
Jenny Loftis	mass	1 July 2021.
Titlany Bukma		July4th 2021
Tasia Coffman	Till	July 4,2021
BENHERBERT	317	7/4/2021
Meredish Hardy	Deroch Frank	7/4/2021
Dawn Cliner	alte	7/4/21
		,

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PRINT NAME	SIGN	DATE
GARY KURIS	Eary Kuis	7/15/21
John Cosko	Jon Cosho	7/17/21
JAMIE PALME		7/5/2/
PETREA WHITE	Peter Uslo	7-15-21
Sally mings	Jacey mingo	7/15/21
Bill Sollison		7/15/21
ELAINE HART	Claine Hart	7-15-21
Kaaren Perry	KannPen	7-15-21
Jennifer Willison	JAW 2	7/15/21
Betty Winholtz		7-15-21
)	43	C-3-205

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PRINT NAME	SIGN	DATE
Det Sie	het the	bector 21
WALTER SANder		6-21-21
Tammy Haas	Kan Jam	6-21-21
Alleguna Fensk		6-21-21
0 1	Deburah Stencer	7/6/21
Kate Mulligan	Multon	7/7/21
Ruham martin		7/9/21
Steph McKee	Sul Milee	7/14/21
JIM BAUST	Fran Beenh	7-15-21
· .	44	

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PRINT NAME	SIGN	DATE
William Ayas.	Why sabaros Del	7/15/21 Restbauer 9/13/2,
MOODY BRAGG	Melody Brag	9 01/14/2021
Lee BRAGE	Ler Bragg	07/14/2021
Kendra Johe	Hendra G	John 7/14/21
Dean John	(Dundar	7/14/21
Griekenard	Juny E. Cliver	7/15/21
Madeline Bourquin		7/16/2)

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PRINT NAME	SIGN	DATE
don't Book	Jon Box(7921
Rubert Gréen mo	10	79-21
Carrie Strong	Cerri Hocar	7/17/21
RICHARD NORRIS	Sechad novin	7-18-21
Conny & Morris	CONNIE NOARIS	7-18-21
Doreen M Dunton	Down Marton	07/18/21
Trevor Keller	1-n	07/19/21
Larry Stroup	Hem Dan	07/19/21
Charlette Stroup	Chalterap	07/19/21
Nicole STONE	USton	7.19.202/
	46	ŕ

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PRINT NAME	SIGN	DATE
Jan Nowaryk Susan Sylvester	Jonetha flory	7/16/20
Susan Sylvester	Dissan Selvista	7-19-21
/		

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Signed,		
PRINT NAME	SIGN/	DATE
thillip Il Anon	MIM	6-12-2021
.*		

OPPOSITION TO THE SPHERE OF INFLUENCE FOR THE PANORAMA LOTS INTO THE CITY OF MORRO BAY

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NAME ADDRESS DATE

1 LORIE Noble 2920 GREENWOODAV, MB 6-5-2021

2 JOSEPHINE HYDE 438 HRCHDIA AVE, MB 6-9-2021

3 GAYLE BILLEORD 305-KINGS AVE. MB. 6-9-2021

4 MELINDA L. RICR 1345 BOLTON Dr. MORNBOY 6-9-2021

5 KATHLEEY SEMIS 111 RENNEL MORNBOY 6-11-2021

6 Store Sem 111 Rennel Mars Boy 6-11-2021

7 Elie Spe 1170 West Street Morno Bay 6-17-2021

8 PUMM WIND J. Morno Bay 6-17-2021

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NAME ADDRESS DATE

1 Cind Caple 500 At 95 cacles Rd H4 6.17.21

2 Cind Caple 500 At 95 cacles Rd H4 6.17.21

2 Cind Caple 500 At 95 cacles Rd H4 6.17.21

3 Giller Sandland 305 KINGS AVE, MB 6-17-21

4 LINDA Funtage 1/30 LASTENAS ST 6-17-21

5 Melindal Endall 330 Avadia 6/17/21

6 HAE JA CAISMAN 308 YCLBA BUENA 6/17/21

7 Lorna Bais 1114 Marengo Dr 6/17/21

8 Cindi Zdroy 450 Luzov MB 6-15-21

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NAME ADDRESS DATE

1 Seona Lampman 569 Acacia St., MB 15-15-21

2 Edie Sper 1170 West St July 15 21

3 Janet Lewis 2067 Isonwood and 1/15/21

4 Olace Lasida 3205 Nutmey 1-15-2021

5 Drende almos 3205 Nutmey 1-15-2021

6 Kiristi Rose 693 Ponderosa St. 7-15-2021

7 Linda Austin 381 Oaha St 7-15-2021

8 RAME Sullivan 456 IJana St. 7-15-2021

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	NAME	STREET ADDRESS	DATE
1_	Cn	52340 BABUENA	7-14-2021
2	July Salle.	416 KERD AVC	7-15-2021
3	Odel) Dill	414 Kepa AVE	1/15/2021
4	Roger Euri	M 1060 A MONTER	EY 7 15/2021
5	Jan Evend	a 2280 Emerald CI	r 7/15/2021.
6		32 CHAUDIA AT	
7	(non)	3300 Tide Ave	7-15-21
8	DE	7198 MAINSI	7/15/21
		_	

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NAME	STREET ADDRESS	DATE	
1 Margaret Gremon	760 Anchors	t. MB 93142	7/17/2021
2 Kirldwen	530 Estero Ave.	Morro Bay 934	142 7 28 21
3 Civithea Hawler	SIDESTERO AVE	: Maria Bugg:	3442 7-18-21
3 Cypitheir Hawley Hophmie Santos	Anderson 506 Zanzibar	St. Maroby	13442 7-18-2
5 Mary Malusy			
6 Ann-Mari Schresty	388 Main Str.	Morro Boly	093442
Maula Radle 1129		,	
8 Tool At 3			
	53		

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PRINT NAME	SIGN	DATE
Tanner carro	inZa Tany	7/18/21
Aya Amma	DER FUNDE	7/19/21
Don Holmes	Con Holm	1 7-19-21
Fogene A. SouzA	Gugue A. Suy	7-19-21
Arturo Aguilar		/
Barbara Antongia	vanne Bulua anto	ngura, 7-19-20
Louria Del Papa	Lovetta Del	Papa 7-19-21
ANDREW HANG	1000	7/20/21
MATT STOLL		P .7
Nicole Crowley	Mater	
~	54	

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PRINT NAME	SIGN	DATE
Jason Schne	ider Jash Schol	Jaly 20, 2021
Cory Parl	6 mg Ro	July 20, 2021 July 21, 2021
Max Van Dyke	Muxilia	July 21, 202

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NAME	STREET ADDRESS	DATE
1 come middle	310 Stasta	7-8-21
2 Bridget Salisbury	3-75 Cempo	7-19-21
3 CHASE CUTSHAW	821 RIDGEWAY	7-19.21
4 TACOB SCHWIT	960 OLIVE St	7.20.21
5 Carol Vallely	460 Olive Street	7.21.21
6 Jennifer Blomfield	Z09 Dunes St.	1-21-21
7		
8		

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	NAME	STREET ADDRESS	DATE
1	Nanoy & Bast	450 Fairview me	3 7/18/21
2	Kenny Hackve	11 411 Fresno M	′ /
	Lisa Wuli		Je, MB 7/19/21
	Doubly Certe	_	,
	Berta Parrish	1025 Cainel 1	ane MK 7/20/21 Ave, 7/20/21
	Nancy Beattie		7/20/21
	1	Jour 378 Main	
8	Marie Cata	resi 764 Anchor	MB 4/80/01
		and the same	ν ,

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NAME	STREET ADDRESS	DATE
1 Mul Re-	479 ONHU ST	7-18-21
2 David Waysman	2180 Bayrien	7-20-21
3 Jenny B. Jones	450 Mapa	7-20-21
	450 Napa	7-20-21
1	en 2137 honor	
11 /	2736 Birch ave	
7 Keryak)rog	ler 2437 Ironwood	Ave, 7/21/21
8 Sand Mela	2580 Junipok	AUX 7/21/21
	E0	

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	NAME	STREET ADDRESS	DATE
1	Meredith	Shuson 236	Shustafoe 7-19-21
2		, ,	Aue 7-19-21
3		May Mo	
4	Dean John	170	Dicity ST. 7-19-21
5	/ - //	• •	6A5fa 07/20/21
6			sta, CK 4-19-21
7	Lasey Xel	<i>^</i>	in St 7-21-2021
8	Rotrok Rose	7.1	Ave 7-21-2021
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	NAME	STREET ADDRESS	DATE
1_	Frul Cem	1234 tepnwa	w/ 7-21-24
	Devon Bethel		
	Samela Arsen		,
4	Les Meisenback	u 780 A Vale	
5	Jary Lyan	196 MAIN SI	7/21/21
7	gworn Sode	e 1342 Clarabel	leve. 7/21/212
8	I palin Ab	w/ Laryyn	A ' '
		60	1, 0,10

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	NAME	STREET ADDRESS	DATE
1	Me Ant	540 Avalon	7/19/21
2	MA TONE	1200 morpo Ave	7/20/2021
3		Ranches caling 2	7/20/21
$\left(\frac{4}{}\right)$	HOWAN STAN	D Bout Si	reit 7/20/21
5	Enthoppel	6/2 Santa Ros	n 7/19/21
6_	Jahr L	477 Kenn Al	7-20-21
7	F. Q. Connor	901 MBB 419	<u> </u>
8	Debbie Highled	l 595 Kings	7.20.51
		Lo) MB	

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	NAME	STREET ADDRESS	DATE
1 Bo	by miles	725 Paufic	7/18/21
_	WE Haris	Tre Pacific	7/1921
	, man	725 Pacific	7/18/21
4 Cryst.	d Hilenon	390 Piney Lone	7/18/21
	- hin	405 Parific et	7/18/21
	e Toppe	555 Main 57	2/8/2(
/	Rosme	775 May 5T	2/18/2/
111	Mestatio	_	Sr 7/18/21
	yrus page	107	

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	NAME	STREET ADDRESS	DATE
1	Preston Johnson	540 Monterey PACE	7/19/11
2	pot Fergus	on 540 Montesus	9-/17/21
		530 monterey aune	7-17-7
4	(Marlesisall	330 Main Sof.	7-17-21
	Marsh.	799 PABRILLO OL	17/July 201
-	Patricia Tokar-Hadutt	935 Archor	17/67/21
	MARY FORBES	155 ANDROS	07/17/24
	Cole Harris	145 Dapa war	07/17/21

To: SLO County LAFCO

From: The Undersigned Residents and Homeowners of Morro Bay

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	NAME	STREET ADDRESS	DATE	
1	Bruce Uniah	1180 EASTUNAS	7-15-21	
2			15+MB 7-15-21	
3	Marzonne Hale.	Sharmalur 460 L	4200 ST 143 7-15- 2	(
4	ALANE. MAYER	2760 JUNIFER	7/5/21	
5	KalilaVolkov	242 main mb	716-21	
6	Milory Ve Ment	500 DOWNING	MB. 7/16/21	
7	Marshall Kin	325 Shesta	NB 7/1/21	
8	Carolintoda	1 -335 Thasta 1	1B 7/17/21	
	11, 8	Lo4		

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	NAME	STREET ADDRESS	DATE
1	Lola Vidati	938 Pacific Street	MB 7/17/21
2	Kardin Doot	Klemlock Au	cmB 7/17/21
3	MARK MINTER	785 QUINTANA, RDHI	ZMB 2-17-21
4	Beverly A. Denis	on Land Dan	1998 Main St. # 10 Marco Ba 93442
	MORGAN WHITE		
	JAMES Millen 3073	J	•
7	JANIEE MILLER	11	Miller
8-	Taylor Grade 916	Mesa St July 1	7,202/
	J	105	,

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Sign	ed,		
	NAME	ADDRESS	DATE
1	Sutl + poper	456 Elona St 33	7-15-21
2	Lolen Rose	\$2520 avalon	7-16-21
3	1. Byce Chase	15 Zanzibar Terrac	e Dr. 7-15-21
4/	Mon	520 A Vlar	7-1621
5 1	attala Margoryas	7 821 Ridgerman	7-15-21
6	ran T. Smith		7-17-21
7	Dovid Smith	3 340 Sharta	7/17/21
8	Aaron Ehambe	rs 711MBBlvd	7/17/21
		1 1	

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PRINT NAME	SIGN	DATE
HELENMELLON	boughelten	7-15-21
FAUL VINSER	Vauf	7-15-2
RYAN GALLOW	AY rifically	en 7/15/21
Zussel - Allen	Quel M	16 7115/21
JORDAN PAVACIET	Jorden V	Davaer 2 7/12/2/
" Cathlein Green		ien 7-17-21
HAL CREEN	Gal Orce	7-17-21
Genalava cich	Thavaci	ch 7-17-21
Lauren Dorsfy Rollmy Sjulls	Journ J	2/17/21 7/17/21
	67	

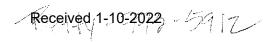
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	NAME	STREET ADDRESS	DATE
1	JuliePhinips	2885 Hemlock	7.21.21
		2885 Hemlock.	
	•	1182 Mars Au	1 .
	/	750 pacific	· ·
		5 462 montacya	
		TOVYES	
7	Joe Taverne	1 335 Piney Ln	7/21/21
		iont 530 Estero Au	



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	NAME	STREET ADDRESS	DATE
1	Roxanne Styles.	590 Avalon St MF	3 7/21/21
	LINNA Thomas	330 arbutus St. M.	
3	KarenPatton	Main St. MP	7/21/21
4	Joanne K Hane		MB 7/21/21
	L 1	dell 460 Druptur	
		960 DRIFTWOODS	
	1	SS 611 Freino F	7 1 1
	Janice Pete		\mathcal{I}
		49	

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	NAME	STREET	ADDRESS		DATE	
2	Marla jo Bruton.	Sadowski Owski	490 Jan	z St. 14 ST	7/16/2 7/16/2	021
3						
4						
5						
6						
7						
8						

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PRINT NAME	SIGN	DATE
Stacy Rose	Drag Rose	7/19/21
Sterry Rose	1; Posetti	7/20/21
Bryant M.	Ner Johnie	lle 07202021

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PRINT NAME	SIGN	DATE	
CAROLE A. TRUES	OSCR Corne & Tu	usclase 5/02/202	Y_
Larry Truesda		1	
Forestwholest.	- Forrest Rob	exten 5.2.2	<u>u</u>
Teresa L. Rober	tson Telesay	1 Roberto 5/2/	202/
	onco Sence Re	1 1 1	2021
ChrisTINA ME	TZGER Christin	na Metzger 3 m.	ay 2021
XERRICAN NI	AHAN Leng	Mah 9-	14-2021
William R. Bald	derin William R. T	BALDWIN 9-1	4-2021

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PRINT NAME	SIGN	DATE
Thomas Morton	Thomas Maton	07-23-2021
nule Rivera		7-23-2021
PEGGY SOMMERFI	EW Tend	7.24.2021
S CHRIS NARMORG	TheAlo	7-24 2021
Don R Cinh	ARES D	7-24-2021
Westly Robinson	Wally Tilli	7-25-21
Alee Wes	Alm Marta	7-25-4
PICH ROBERS	RD Res	7-25-21
Rebeicaaria	le le	Thisky
Mughin Dlu	Madrson Sloan	07/26/21
3 Riley Goldstein	Phily fair	8/1577751
- Sucan Shield	de MIAAAAAAA.	01) 8.16, 21

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PRINT NAME	SIGN	DATE
a less strike	MA A	7/23/21
Nina Madonna	Muslin	7/23/2/
Tony Russo	Tony Russo	7/23/2/
Maria Mudonna	Mayor Madonna	7/24/2/
Rece Corn	Level Johns	7/94/0/
Lebecca Bohlan	cer Bon	7/27/21
bank Inadams	Mabura	7/27/21
ERRO WARTIN	Australia en la companya de la companya del la companya de la comp	7/27/21
JON PARALEO		1/36/21
ERIC HOLZMAN	Jan January Commencer Comm	08/02/21
	74	

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PRINT NAME	SIGN	DATE
LEE PLATER	Soffiar	7/28/2021
Richard Beekman	1	7/28/2021
DEBRAL. Hymes	De Set SA	Mg 7/28/2021
Rich Dowlot	Text les	7/29(2021
James L. Curnett		7/29/2021
Rachel Hoxie	Darle	1400m 1/30/2021
Grace Jones	Presci	1006 7/30/2021
Jacob Mouray	Jume Ma	7/30/2021
Alissa Myru	A	1/30/2021
Erik Haller	all	7/31/2021
Shelby Gannon	Shel	8/05/20/3-237
ashley Gones	do	El 1610 A

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PRINT NAME	SIGN	DATE
CATHY Schwerkhard	Cathela	\$ 25 2021
Adrian Zambrana	1	7/25/21
Sator many	cural in	m 7/25/21
Erica Ellis	m-500	1/25/21
Noel Ellis	place	7/25/21
Robin Stokely	Petro States	7/25/21
Francine Espos	14 Justapas	ab 1/27/25
ANTHONY LANGER	- 200	7/20/21
Oscar Como &	7	07/28/21
Sim Pond	A M	7/28/21
, Dylan Gannon	V Mr Dan	8/15/20-238
Kateryn Mate	1100 Mars 1	/ Rrichol

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PRINT NAME	SIGN	DATE
Sara Darlin	Col.	8/2/21
Benna Dyer	(m) 72	8/3/21
Saran Bigline	5 Poxtane	5/3/21
They popularly		S/4/121
thather Hansen	HULR. H.	116/21
-Authory follower	Pinthon Tallening	8/12/21
Elvin A Valenzuela	Ediffe	8/9/21
Rachel Wilson	Bullson	8/10/21
Joelle Eishop	till Cum	8/11/21
		/ /
4	77	C-3-239

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PRINT NAME	SIGN	DATE
MARY KEHMAN	mary Lihm	ax 8-2-21
Joyce Loveless	John Loudia	8-2-21
Audrey Wall	(low Xerallle)	8-2-21
ALAN WALE	le Well	8-2-21
OSCAR MUNOZ	Copar Des	8-3-21
Shaumardan		8/2/21
DMae Que	(Buf)	15/4/21
Robert J McEana	, ZINI	8-5-21
Kytie Dignin,	Kilde	8/5/2/
Andrew Walsh	Philips	8/14/21
Muladonna	Mana Maelonna	8/15/3240
/ /		

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Sam Floud	SIGN	DATE
Kerry was Bones	Kellyntos	8/16/21
Carinne Cooper	(AA)	8/6/21
Kristalynn K	reis.	8/6/21
WILLIAMREGA	N muck	8/6/21
MANNIE GILL	Moio	8/7/21
Chris Reedy	Chille	8/7/21
INDERDEEP GILL	Idel	8-7-21
JAGMOTEAN GILL	TGill	08/07/21
JACK GILL	Help	8/7/21
Valarie Conning ham	Velan Cump	8-15 c-3241

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PRINT NAME	SIGN	DATE
WENTY SAFFELLO	Wandy & Sat to Che	8/8/21
ELizabETH ORNELAS	Elizated armelas	8/8/21
Eric Cook	Ene Conta	8-8-21
Jan Kennedy	luga	8/8/21
Kemeth tolked.	A T	8/10/21
Saran Orth	Sween out	8/10/21
Sheyda tadjevard;	MMYL	8/10/21
Katie Collins ?	l'Collina	8/10/4
Cheryl Ehmke	· Cherry Think	8/13/21
Brabour tellows	- 11	8/13/21
19ai Gannon David Galdstein	i lette	3/1 5/3-242

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PRINT NAME	SIGN	*	DATE	
gethia Mounier	lythe Min		E 2021	
Benj Carrille Jr	Buy Camille L		5-13-21	· London
Milde Churche	Parking (Textures)		Bleck	V.)
Susan Beeve	215 morn	er.	8/17/24	
Susan Camps	3 Alexan Connell		8/18/2	
Mathew Flo	min, Matthe &	2 13.	8/20	<i>§</i>
William Johns.	A A A	7	8-121	12 1
Candare Ha	Eding Condice Har	el	8/23/2	
		0		<i>J</i>
			7	* 100

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PRINT NAME	SIGN	DATE
Doew Sm. H		8-17-21
Victoria McCam	July	9-12-1
Tanner Fry	22	8-19-21
Deople and what they wan	twith their property (I	2-8-19-2/
Mariah Carragia	Man	8-19-21
6 ma Tagli an	Staglier	8/20/21
Lay Megal	AD C	15/15/8
Walter Snith	Markey	8/21/21
MIKE Young	Milyton	8/21/21
T. Thayar	mil	8/20/21
E 1	82	C-3-244

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- These lots are a known wildlife corridor, used by many species of protected animals endemic to the coastal area. Development on these lots, including urban fencing, could restrict their coastal migratory route.

PRINT NAME	SIGN	DATE
JASON LANGE	Ann	8/21/21
ETHEY LANGE	Am	8/21/21
Tonga Clenney	Tanja Clux	8/22/21
Willie Kobertson	Bableto	8/23/21
V Marelynn Branchuye	X Design	Shaport
Phi) Concestr	Dog C- Cancroke	8/24/21
Mary/SmA/	Ay San	8/24/3
Dessica Rivas	In Vin	8-25-21
Batallin		C25-11
EILEENSTILL	ELS	8/26/21
	00	

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PRINT NAME SIGN	DATE
Larbjur /	1/16/20
Eldh Wedler 14	3/28/2021
Leach Corey /kin	8/29
Jessne Harris Livite	8/29/21
Trever Burmester Tamo Butu	8-29-21
Tania Galvan Jania Holies	8/29/21
Condi Zelkon	8-130/21

To: SLO County LAFCO

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PRINT NAME	SIGN	DATE
Alex Beathe	alyBeathe	8/25/4
Bella Solvalisti	Ulla	8/25/21
Cody Billed	CLA	8/22/5/
Herri Bider	Hanas	8/20/21
Janis Gabril	AEISA	8/28/2/
A WILLAM STEWER	5 Alexan	.8/29/21
Kothlan DiPeni	Kathken DiPen	8/29/21
Alse to 6	> SKIE SANGON	9/30 /21
Lindakerne	Moh	8/30/21
Reserva Forley	my Land	9/1/2021
	00	

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PRINT NAME	SIGN	DATE
KIRK WADDER	c Ker-	ascrus a
JAN WARDELL	- Jan C. Waddell	8/26/2021
Julie Kelly	Lulietelly	8/26/2021
Kay Mill ga	Ima Kalulcea De Pa	8/26/2021
KathleevDiPi	In Callleen De Pa	8/26/2021 Prea 9/2/2021
LISA SCHUL	JAK Z. Schuljal	e 10/14/21
The Carry	FRUI	40/14/21
Victoria Wheeler	a	. /
Cynthia Muir	Cynthia Muir	
Donna J Barker	^	<u> </u>
	86	C 2 249

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PRINT NAME	SIGN	DATE
Grant Gung	Gut yay	9-1-21
Isosella Hamilton	today Har	Aon 9-1-21
Kolly Grile	Keib Hy	9-2-21
- Pelia Hernande	7	9/3/21
MICHEL RARDON	MAM	9-6.21
Paul Rose	tally	9/6/21
Jodi Gleim	Mi Dein	9/6/21
David D Cox	The Tall	9/7/21
Cassie mova	Corolla	2/8/21
Arex MUNTOZ	ÖL	1/3/21
	87	

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PRINT NAME	SIGN	DATE
Robert Bell	BHBU!	07/08/2021
Jeroma Marasca	Jeron Mo	9/9/292)
Xathleen Manner	a Mkinney	9/9/2021
in de AMISTRE	M AD	08/69/2021
Boyan Little	and the second	9/10/2021
Vanesa Evans	MUSSABURS	9/10/2021
William MORRIS	myllyan Morris	9/10/2021
Joshva Harp	Joh Ap	9/10/2021
Chroli Zelkoy		9-11/21
		'/'/

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PRINT NAME	SIGN	DATE
Emily Neumann	Grail Merren	4-11-71
Zachary M. Cormack	Munk	9/11/21
Nick Neumann	Malle-	9/11/21
Rylan Childres	hyladelyles	9/11/21
Could lands		9.12-21
Christine Gade	Con office	9-12-21
Themsell Cruy	LEST	9-13-21
Brittony gody	Crb	09/13/2021
MICHARL FROST	And I had	9/13/2021
KEVIN REED	Bad	9-15-21
	89	C-3-251

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PRINT NAME	SIGN	DATE
Kevin Zdrog	Mushus	9/19/21
Nemery FRD		9/20/28
Barbara J. Munoz	Barbara Muñoz	9/21/21
Coar Mober (Mar May	9/21/21
Jeanio With	Jan	
Veanie Wilson	JeanielVilm	9/21/21
MILIE WILSON	myly witer	9/2//21
Allen) B	Je Kinshan	9/21/22
Rollan Meda	2/1010	9/2/21
Alberto Bobriguez	allet Rody	9-21-21
	90	

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PRINT NAME	SIGN	DATE
BRANDON WALKER	Right	9 15 2021
Sary Classpool	Day Hosspool	9/15/2021
Josh Voerman	1	7/16/2021
JOHN DIRED.	mal in	9/16/2021
Treena Oraso	Ou Pu	9/16/21
1 Lyla Graften	Thigh Get	9/16/21
Dan Keller JR	Don Keller /	9/16/21
Samuel Boorman		9/17/21
Anna cammi	n, s MM	9/17/21
Travis Bobson		9/17/21
	91	0.0.050

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PRINT NAME	SIGN	DATE
ANCT Sier	Marry Seler	9-21-21
Richard Dorflinger	Richard Denflenger	9-21-24
Brian Chavee	Bruceller	9-26-21
Helen Perri @gmail.	com 6800	209-27-21
Megan Younge	my	09/29/21
Julia Schwersel	- Ju	9-29-21
Talia De Mello	Laliata	9/39/21
Troy Russell	Tong Rung	90/1/2/
CHRISTONIER ROBLES	Carle	10 5 2021
Michael rute	Michaelia 12	10/10/20-21
	92	— C-3-254

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PRINT NAME	SIGN	DATE
Christine Paige	Clippin	9/22/21
Pete Sheelan	Mile Shee ho	- 9-22-21
Lenee Campro	le (free Ost	an 9/23/21
MERLE T. Coss	Jule 12	En 9-24.21
BEANDON WALKER	S	9/24/2021
Johnny Hollingson	d m	9/14/21
Thomas Helb	There	9/25/4
STOP LIBERIAL	ism Bizin	v Cresny 9-25-21
CARAS FRECE	J. J. V.	9/25/2021
_ Sport Charge	2 ()	1 9/201
U	93 0	C-3-255

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PRINT NAME SIGN DATE ANN HUSAR Chercherge 9-27-21 Koss Newton Mind Mr 9/27/21
Koss Newton Hul Mrs 9/27/21
~ 0 7
David Rank Dailling 9/27/21
LILIT NIR JAAM 9-28-21
Garrett Mosher J. M. 9-28-20
Mara Stevens Marg Howens 9282
Matt Elson At 19/28/21
Kelsey Elgran /1/1 afratal
Gint Coverse Ding of 9/28/21
fat Can fat Guerre 9728/21
7 94 C-3-256

OPPOSITION TO THE SPHERE OF INFLUENCE FOR THE PANORAMA LOTS INTO THE CITY OF MORRO BAY

To: SLO County LAFCO

From: The Undersigned Residents and Homeowners of Morro Bay

We, the undersigned, are opposed to the inclusion of the Panorama Lots (see map) into the City of Morro Bay's Sphere of Influence (SOI) for the purpose of development for the following reasons:

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- The Lots are a known wildlife corridor, used by many protected species endemic to the coastal area. Development on these lots, including urban fencing, could restrict their coastal migratory route.
- 3. An SOI is the necessary step before annexation; the purpose of annexation is development. Adding hundreds of acres into the City's incorporated limits binds the City to be responsible for expanded utility service as well as fire and police coverage. We do not need our resources--fire and police--up in the hills responding to emergencies when we already contend with simultaneous medical/fire calls as we are.

NAME	STREET ADDRESS	DATE
1 Dorothy Engler Losonwith	431 Main Street Morro	Bay Sept. 23, 2021
2 Doubly Englev loson	ih 431111ain Street Ma	10 Boy Sept. 27, 2021
3 Rober Russell	1651 MORRO	Aug 10.5.2
4 Lisa Vincent	240 Dunes St Bo	ay 10/7/2
5 fric Voirt	240 Dunes St F	200 10/7/21
6 Garret Swanson		Momo Bay 10/7/21
7		
8		

OPPOSITION TO THE SPHERE OF INFLUENCE FOR THE PANORAMA LOTS INTO THE CITY OF MORRO BAY

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	NAME	STREET ADDRESS	DATE
1	Jaann Clark	314 Zanzilian	St. MOV10 Bay 9-23-205
2	Jaan Clark Virgil R. Clark		MORROBAY 9-23-1021
3	Jannia Burns	420 Driftwoo	od Morva 10/1/21
4	GAIL COFEMAN	C1 a 301	MORROBAY 10/2/21
	Rozer Every		Morro Bay 10/4/21
	Kim Murphy		MORRO BAY 10/12/21
7			
8_			

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PRINT NAME	SIGN	DATE
Madison Roge	Maders	10/1/21
Travis Semme	s famela	10/2/21
Christopher Thombe	wigh app Jep	10/3/21
Lynda Tvejo	Synda Dices	10/3/21
PHILLUOTA	J. A.M.	10/5/21
CAROLE MENDENCA	A Mendonce	10-5-21
De Same	A Care	
	7 = ₂	



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PRINT NAME	SIGN	DATE
Alan Schluter	alan Johluter	10-01-21
Linda Schlater	Omda Yorkuter	10-10 21
Rany RSer	kery From	W16-4
Len Trong	Kanner M'Yil	10 1b: 4
Silver	In Who	10-17-21
G. AYOTI	A	10-17-21
L. Lihann	Hu .	15/21/21
D. Luhman	Duhuh	10/21/2/
J. /2a./4	96	10/23/20

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PRINT NAME	SIGN	DATE
BILL BARKEL	Br Blu	10/14/2021
Tanet Augst	mighines	10/14/21
Kelli Stark	fell State	10/14/21
TOM KEATING	Too Keeting	11-11-21
	0.0	

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PRINT NAME	SIGN	DATE
Cary Largon-Ni		10-31-21
Cosima Hopper		10/31/21
Davs Sim	ith	11/2/21
mike melchion	F Mich Melhino	11/3/21
SABRINA DROUHAR		11/5/21
Dealin Monto	1 Delle	11/5/21
TYLEX STEBEL	Tylory	11/6/21
Casey Johnson	Casey	11/6/21
andre W166/N'	s Cenebrules	11/6/21
Laura matti rogle	1 AAA	11/2/21
Ü	100	C-3-262

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PRINT NAME	SIGN	DATE
CONVOLD MONSON	Car	11-8-21
Kylie Langley	(hy)	11-8-21
Emily Foster	any	11-8-21
Bridget Hudson	boo	11-8-21
John Bighyan	all &	11-7-61
Tracen Nelms	Tonehm!	11-11-21
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	the state of the s	100

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PRINT NAME	SIGN	DATE
Carole Firstman	Citman	11-6-21
Lacy Hunt-Preson	hugh Jank Rescon	11/6/2/
Benjamin Hartu	rick & BMuntel	11/7/21
Michael Monteros	Main	11 . 7 . 21
Egul Mani	SEMAN	11-7 21
Eileen Roach	Gilea Road	11-14-21
Bryan Silva	KN	11-16-2021
Chlor Suffia	Low	11-16-2021
Zak Malchan	7099	-11-20 -2021

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PRINT NAME	SIGN	DATE
Catharine Loop	Caren Foop	5-6-21
Rebecca Bohlander	K. Bohli	5-6-21
annette Martin	annette Martin	5/6/21
/	Elaine Slater	5/14/21
David Hansen	D-11/2	11/22/21

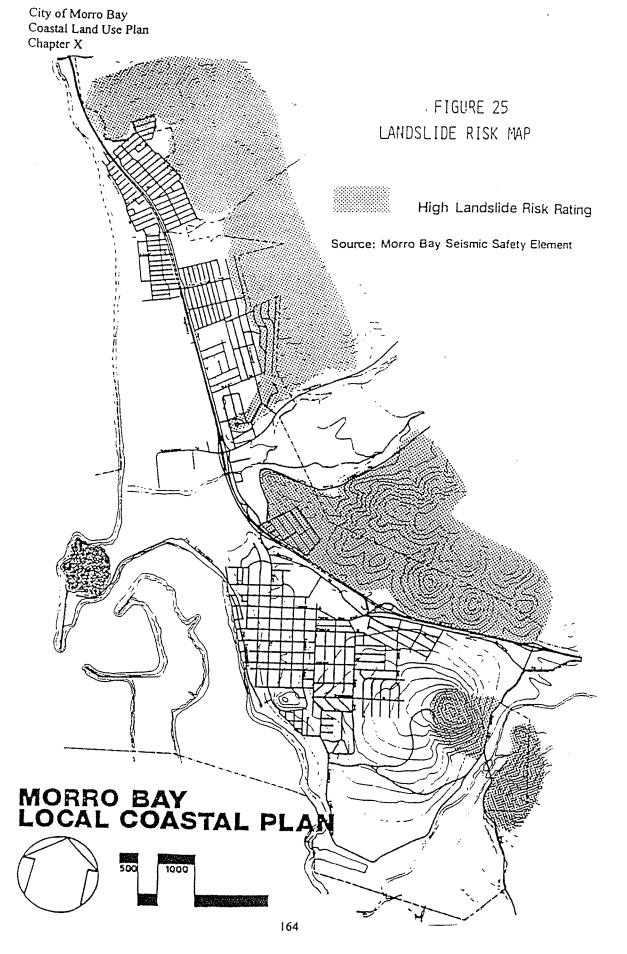
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PRINT NAME	SIGN	DATE
L.A. Lowé	J. a. Lowe	11/24/2021-
Ludelli Was	SOM S	11/26/21
-onet Monter		11/30/21
Dan Ronquillo		11/30/21
Margo Rongeil	δ	11/30/21
ganet Hegger		11-30/21
Pobesta Borns	TO PA	12.3.2021
Carry Burday	Contour	12. 11. 21
J 0		



From: Rob Fitzroy

To: <u>imarquez@slolafco.com</u>

Subject: FW: LAFACO meeting on 1/20/2022 regarding Morro Bay"s SOI application

Date:Friday, January 7, 2022 4:12:20 PMAttachments:Landslide Issues in Morro Bay.pdf

LCP Chapter X Hazards Morro Bay.PDF

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Rob Fitzroy | Executive Officer

San Luis Obispo Local Agency Formation Commission 1042 Pacific St Suite A San Luis Obispo, CA 93401 (805) 788-2096

From: Carole Truesdale <carole_truesdale@hotmail.com>

Sent: Friday, January 7, 2022 4:00 PM **To:** Rob Fitzroy <rfitzroy@slolafco.com>

Subject: LAFACO meeting on 1/20/2022 regarding Morro Bay's SOI application

Dear Mr. Fitzroy,

I have been a resident of Morro Bay since 1995 and homeowner.

I have severe reservations as it pertains to the 5 Chevron Lots that the City has applied for SOI into City of Morro Bay, with potential annexation due to "HAZARDS" with the instability of the land abutting Panorama Drive, North Morro Bay, and any attempt to cut into that hillside will be dangerous to the surrounding homes. In addition to destroying the natural habitat of animals that roam on the ranges on these lots.

There is no reason for these lots to be added to our City, except they are not considered prime real estate to Chevron without services, water/sewer, police, and fire. I will address these in a subsequent email.

I have put together some photographs and I would like to have this email and attachments included in the staff report that is being generated for January 13, 2022.

Please acknowledge receipt and forward to all commissioners etc., to review prior to the January 20, 2022 hearing.

Happy New Year and thank you.

Kind regards,

Carole Truesdale

"Food without wine is a corpse; wine without food a ghost. United and well matched, they are as body and soul; living partners!" chef...Andre Simon (1877-1970)

Received 1-7-2022 Kodiak Street Landslide Area Photo: 6/29/2020



Page 2 of Carole Truesdale Comments Kodiak Street Landslide Area Photo: 12/21/2021



Kodiak Street Landslide Area Photo: 1/2022



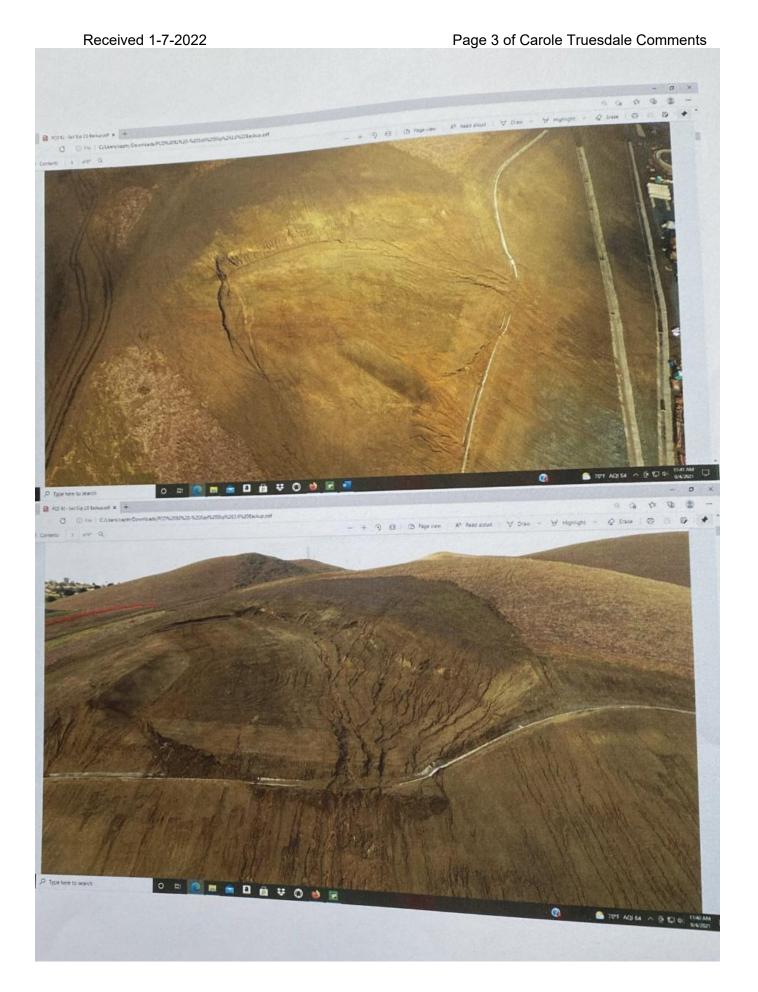
Java Street Landslide Area Photo: 1/2022

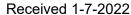


Mud and debris fall off the hillside when there is rain etc., making muddy messes in our streets.

January 2021 Morro Bay WRF Site currently under construction. It cost over \$1million to work around this sitation. The MBWRF should NEVER been placed in this hight-risk landslide area.

Other slides have happened since this photo has been taken.





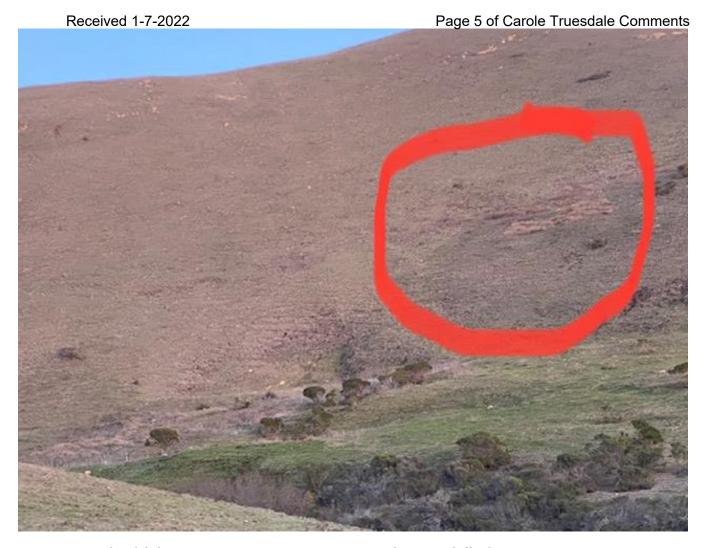


Landslide of high risk at current Morro Bay WRF Plant



Estero Bay News Landslide of Morro Bay WRF site

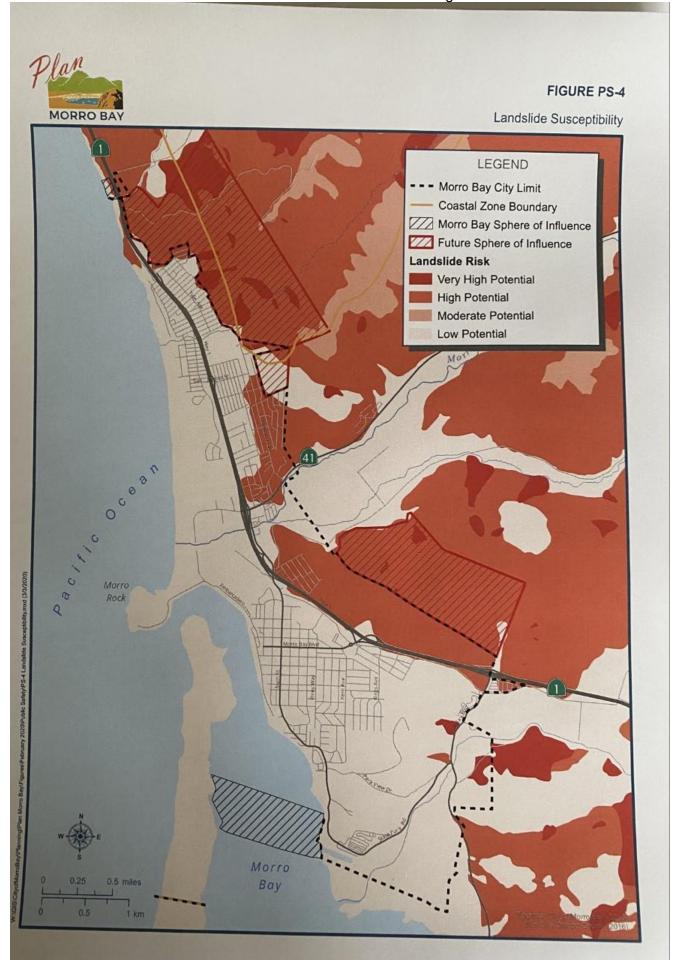
As you may know, there have been **two landslides at the City of Morro Bay's wastewater treatment plant construction site**. One in May 2020 that involved an estimated 15,000 cubic yards of earth and a second slide during Jan. 2021 of 17,000 cubic yards of earth.



January 2022 landslide on Tuscan Avenue, Morro Bay – the same hillside

Summary of why the Panorama lots are dangerous...they are created with the same geological make-up of soil, sand, etc.

- This area is identified as geologically hazardous by the City of Morro Bay, San Luis Obispo County, the State of California, and U.S. Geological Society
- In 1995, a landslide occurred in the hill above Oahu Street that caused mud to slide across Panorama Avenue into garages.
- In 1998, a landslide occurred on the hill above Panay Street.
- In 2020, a landslide occurred in the hill above Kodiak Street that can be seen today.
- In 2021, a truck parked on the mud-soaked shoulder of Panorama Avenue caused a small mudslide into the street.
- In 2022, a new landslide is seen in the hill across Tuscan Avenue.
- In 2020 and 2021, along Hwy One adjacent to south Morro Bay, the toe of a hill (same geology) was cut for the City's new sewer plant causing a reoccurring slide.
- In Cayucos, the County addressed this geological hazard by rezoning and tax defaults on hillside paper lots to avoid development. (Estero Area Plan, page 4-8)



X. HAZARDS

A. INTRODUCTION

The Coastal Act is explicit in directing those communities exposed to natural and manmade hazards to minimize risks to life and property in areas that are subject to such hazards.

Morro Bay is a community that is vulnerable to a wide range of hazards:

- (1) Flooding occurs in the lower reaches of the Morro and Chorro Creek watershed: within the city, the drainage plagued developed hillside areas and in the drainage-poor lowlands to the east of State Highway One.
- (2) Geologic hazards exist in the hillsides forming the eastern backdrop of the City and are characterized by steeply sloping, highly erosive, and landslide prone terrain.
- (3) Natural and man-made fire hazards exist to the grassy hillsides from oil and jet fuel storage tanks near residential areas.
- (4) There is erosion of the bluffs overlooking the Embarcadero.

Given these hazards and the Coastal Act's mandate to minimize the risks associated with them, Morro Bay must go beyond its existing Safety and Seismic Safety elements, its Flood Insurance Program and other policies it has developed in the past to deal with the potential hazards that impinge upon the community.

B. COASTAL ACT POLICIES

In its aim to assure that new development in coastal areas respects any natural or manmade hazards to which these areas may be exposed, the Coastal Act contains one primary policy governing hazards.

Section 30253. "New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along the bluffs and cliffs."

There are other Coastal Act policies that must be considered in addressing coastal hazards, such as those concerning shorefront structures, provisions for shoreline access, protection of sensitive habitats and scenic qualities, and the location of new development.

While these related policies are discussed in other components of this report, one of these policies does deserve discussion in this Chapter:

Section 30236. "Channelizations, dams or other substantial alterations of rivers, and streams shall incorporate the best mitigation measures feasible, and be limited to: (1) necessary water supply projects; (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development; or, (3) developments where the primary function is the improvement of fish and wildlife habitat."

The other policies of the coastal Act mentioned above that have implications for areas exposed to coastal hazards will not be the object of any extensive analysis in this chapter, but they have been kept in mind, as the policy recommendations for hazards were developed.

C. HAZARD ISSUES

1. Flooding

As evidenced by the floods of 1969 and 1973, Morro Bay suffers from flooding problems that could have been worse if the now relatively development-free Morro Bay flood plain had been developed with homesites or other urban uses.

The greatest damage occurred during the storms of early 1969. Although storm waters were generally contained by those portion of Morro Creek that lie within the City, there was significant damage to telephone, power and gas lines, water wells and bridges. Though the majority of overland flood flow occurred in the low lying agricultural areas of the Morro and Chorro Valleys, there was severe damage to property within the city.

Some of the major reasons for flooding was due to the pile up of debris on bridge piers, behind culverts, constricted channels, and utility crossings and the failure of earthen dikes to contain the storm waters.

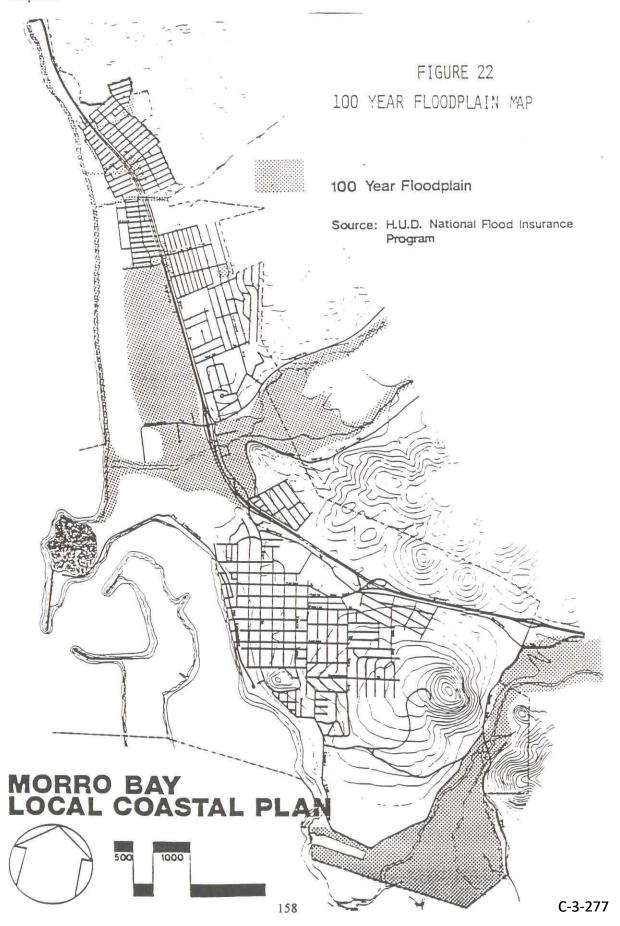
The storm of January, 1973, considered a storm of only a20-year magnitude, brought flooding to the critical Highway One under pass where Highway 41 meets Main Street, and a number of areas in north Morro Bay east of Highway One. Flooding resulted due to backwater from culverts that were unable to handle the storm.

Following the flooding that occurred in those years, Morro Bay applied for HUD's Federal Flood Insurance program which prompted the preparation of flood prone area maps and City passage of a model ordinance governing development in flood prone areas.

As a result, a map of flood prone areas and the model ordinance were prepared and were only recently adopted by the City. The findings of the flood study and mapping concluded that the City suffered from a variety of flooding problems:

- (1) The lower Morro Creek and Chorro Creek Valleys, now undeveloped, the areas subject to 100-year flood inundation.
- (2) The hillside areas in the northern end of the City area are plagued by development-aggravated drainage problems -- undersized culverts under State Highway One, City streets, and some private developments -- which cause flood waters to back up and inundate areas upstream from the drainage constrictions.
- (3) The large open area east of State Highway One between Morro Bay High School and the Atascadero Beach Tract suffers from very poor drainage. During storms, water stands on the marshy property, unable to escape down any drainage courses. The entire area is shown as subject to inundation from the 100-year flood.
- (4) The site of the high school itself, as well as the site of the City's sewage treatment plant and a portion of PG&E's property -- all near the lower reach of Morro Creek as it empties to the sea -- are subject to the 100-year flood.
- (5) State Highway One, the most critical regional transportation link in Morro Bay, is subject to flooding during a 100-year storm where it crosses Morro Creek and at numerous locations in north Morro Bay where the highway crosses Unnamed and Noname Creeks, the drainage area at the foot of Nevis and Nassau Streets, and at the extreme northern end of the City where Toro Creek meets the highway.

Figure 22 is a schematic depiction of the flood prone areas as adapted from the Federal Flood Insurance Rate maps developed for the City of Morro Bay. The map, along with a model Flood Damage Prevention ordinance regulating development activities in flood prone areas, was only recently adopted by the City Council in November, 1979. As yet, however, there are no city policies or standards short of the incremental permit review requirements of the Flood Damage Prevention ordinance, to guide City planning decisions as to the appropriateness of flood prone areas for development or open space uses.



2. Seismic Hazards

While the city of Morro Bay is in a seismically active area, there are no known active faults within or adjacent to the community. Nonetheless, potential threats to life and property from earthquakes and groundshaking, liquefaction, and tsunamis.

These and other hazards were discussed in detail in the City's Seismic Safety (1974) and Safety (1976) Elements. These reports also contained policies and recommendations necessary to minimize impacts from these hazards. The following discussion will identify those areas in the community subject to these hazards and incorporate by reference policies from the adopted elements.

a. Groundshaking

Though not located close to the state's largest fault, the City may expect strong groundshaking from an earthquake on the San Andreas Fault Zone. This fault, located at its closest 41 miles from the City, is expected to generate an earthquake of 8.0 to 8.5 in the near future.

The level of groundshaking is based on the distance from the earthquake and the geologic strata underlying the City. As shown in Figure 23, those portions of the community underlaid by dune sand or alluvium may expect the greatest amount of shaking. The amount of groundshaking in other portions of the community underlaid by landslide deposits and active sand dunes may vary greatly.

Other small faults, both on and off shore can also cause groundshaking in the community but these are not expected to be as severe as that generated by the San Andreas Fault.

b. Liquefaction

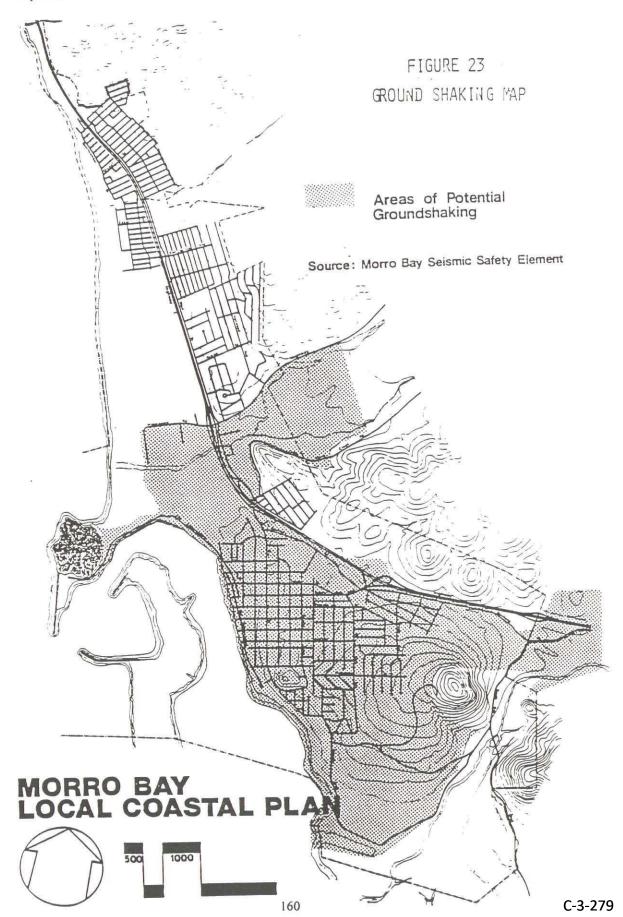
This condition results when a coarse grained, saturated soil loses it structure due to groundshaking. The result is a fluid material, not unlike quicksand. Areas in the community potentially subject to high liquefaction risk are those underlaid by bay muds, landslide deposits and recent alluvium as shown in Figure 24.

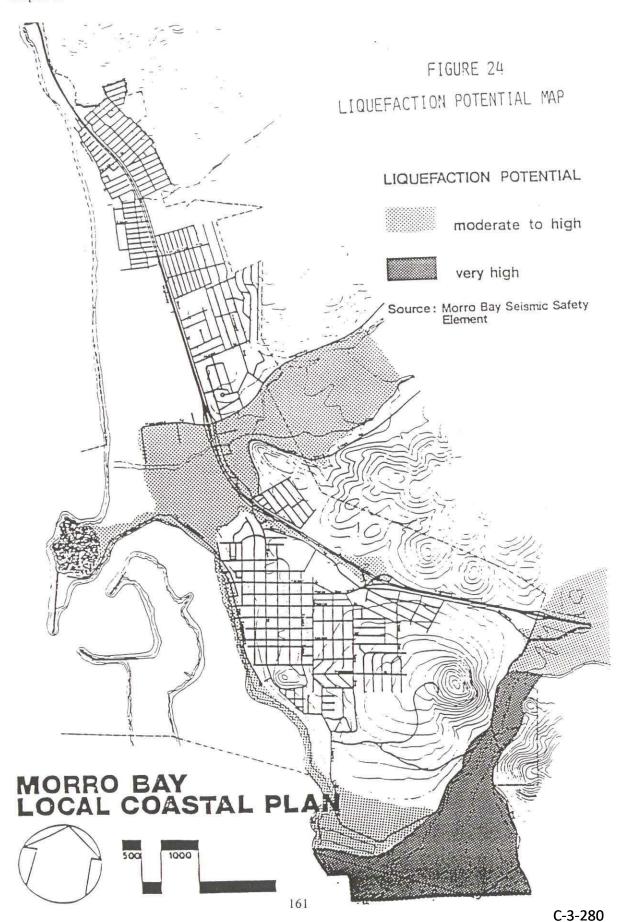
c. Tsunamis

Seismic tidal waves or tsunamis, can be triggered by earthquakes or undersea landslides. These may be local with the tsunami striking shore within minutes after the quake or be thousands of miles away and taking hours to reach the coast.

Morro Bay has suffered from tsunami damage in recent years, once in 1960 and then again in 1964. Triggered by an earthquake off the coast of Chile, the 1960 tsunami caused minor damage to a pier in the Morro Bay harbor. The 1964 tsunami resulted from an earthquake off Alaska and caused over \$2,500 damage in the harbor to wharves, piers and buoys.

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For planning purposes, tsunami risk is indicated by potential run up areas. Broadly speaking, this would include any area within one mile of the coast with an elevation of less than 50 feet. This would then include the Embarcadero, and all areas up to State Highway One in the Atascadero Beach area. Due to the sand spit and narrow entrance channel providing protection to the harbor, water level fluctuations here should be minimal. The California Division of Mines and geology (1972) classifies the Morro Bay coast as "potentially dangerous if tide and tsunami are in phase." The major protection from tsunamis is a system of warning and evacuation. Warning is handled by the U.S. Weather Service and other agencies with evacuation in the hands of the local officials. The primary concern in evacuation is the low lying beach areas north of Coleman Park, heavily used for recreation.

The City's Seismic Safety (1974) and Safety (1976) Elements contain a series of policies to address these geologic hazards. These policies are:

- "1.0 Provide for the identification and evaluation of existing structural hazards, and abate those hazards to acceptable levels of risk.
- 2.0 Ensure that new development within the City's jurisdiction is designed to withstand natural and man-made hazards to acceptable levels of risk.
- 3.0 Regulate land use in areas of significant potential hazards.
- 4.0 Provide for the maintenance and improvement of emergency response planning and organization.
- 5.0 Provide for more detailed scientific analysis of natural and man-caused hazards in the City.
- 6.0 Educate the public in the nature and extent of natural hazards in the area and in ways of minimizing the effects of disasters.
- 7.0 Review and upgrade the Safety and Seismic Safety Elements on a regular basis."

Accompanying these policies are implementing measures necessary to ensure protection of life and property in the City. Those policies from the Seismic Safety and Safety Element addressing seismic hazards meet the intention of the Coastal Act.

Geologic Hazards

The hazards discussed here are those usually not directly related to earthquake activity, but still present a threat to life and property within the community.

Abutting the City on three sides are steep hillsides. Development on these hillsides will alter the natural slope and topography often leading to landslides and erosion. Landslides are the downslope movement of rock and soil which may occur in a few minutes or through many years. Erosion refers to the breakdown and the washing away of surface material, usually soil.

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a. Landslides

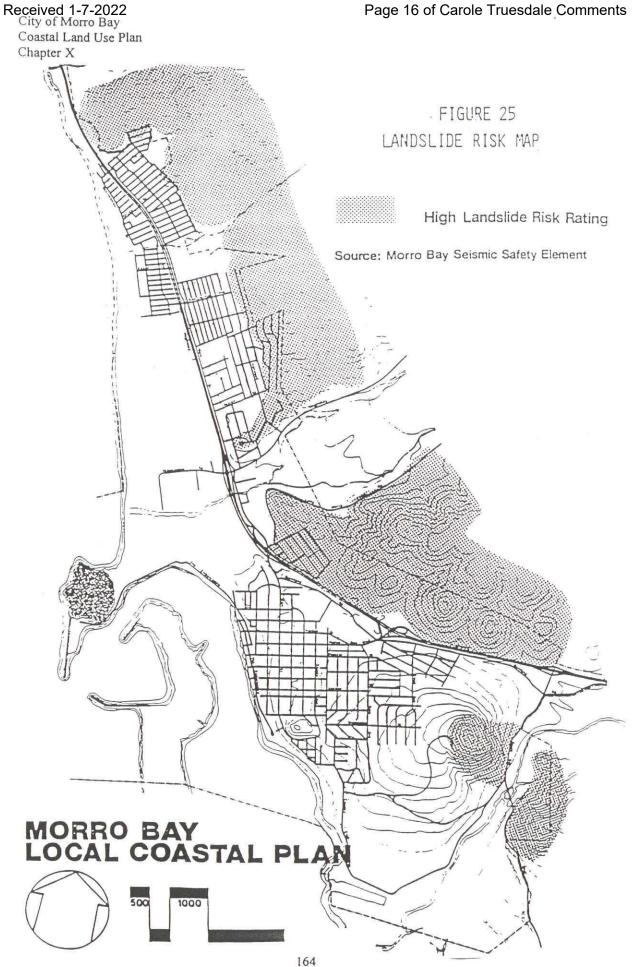
Due to the structural weakness of the underlying rocks, the hills to the east and north of the community have been subject to naturally caused slides throughout the ages (see Figure 25). While most of these slides are stable in their present condition, new development could reactivate them. This often results from grading practices accompanying development that steepen the slope angle or increase the slope height.

These hillside areas have been identified by the Seismic Safety Element (1974) as a high landslide risk zone. To provide more specific hazard information within this area (Zone F), the City commissioned a detailed geologic analysis which also identified appropriate development standards. These standards are based upon the individual parcels, geologic, slope and soil characteristics, and ensure development is consistent with Coastal Act Policies.

The special study was conducted by Central Coast Laboratory on a parcel-by-parcel basis for the subdivided areas of the City. In addition, the City currently has a policy that, in unsubdivided areas, a geology study must be conducted to determine landslide potential in Zone F areas. Further, the study divided Zone F into five subzones based on percent slope, landslide evidence other geological hazards and soil types. The five subzones are given generally as follows:

- Sub-Zone 1: Those land areas having slopes less than ten percent, free of landslides and other significant geological hazards and having soil types which are considered only moderately expansive and of low plasticity.
- Sub-Zone 1C: Same as Subzone 1 with soil types which are considered expansive to highly expansive.
- Sub-Zone 2A: Those land areas having slopes of 10 percent to 30 percent, free of landslides and other significant geological hazards which exhibit soil types which are either of volcanic or sandstone origin and exhibit low expansion and plasticity.
- Sub-Zone 2C: Those land areas having slopes of 10 percent to 30 percent, free of landslides and other obvious geological hazards which exhibit soils of high plasticity, medium to high expansion characteristics and moderate to low shear strength when wet.
- Sub-Zone 3: Those land areas having landslides, adverse water conditions, unstable soils, slopes greater than 30 percent or other apparent geological hazards.

With the exception of Sub-Zone 3, minimum foundation standards have been set for subdivided parcels on a parcel-by-parcel basis. For Sub-Zone 3, a detailed soils and geological report must be provided which identifies the hazards and provides for mitigating measures to assure a stable foundation. The report is required to be prepared by a licensed geologist or civil engineer. In addition, any subdivided lots so designated as having fill also must have a soils report verifying the condition of the fill and the stability of the lot.



Note: The subzone maps and the Central Coast Laboratory reports are available from the City Community Development Department. Because of their scale, the maps cannot be reproduced in this document.

b. Frosion

Disturbance of hillsides from development may also alter natural drainage patterns and vegetative cover, thus increasing runoff and the erosion that results. Development also brings an increase in impermeable surfaces -- such as roofs and driveways that also increase runoff. This runoff then contributes to downstream flooding and is lost for groundwater basin recharge. It also carries sediment and other pollutants into coastal streams and estuaries.

The City's grading ordinance has been ineffective in preventing offsite sedimentation from construction sites. Amendment of the ordinance with specific standards for hillside development and major subdivision is necessary to protect water quality and to meet the intent of the Coastal Act.

An additional concern to the community is the grading of roads ostensibly for agricultural purposes on hillsides immediately adjacent to the City. This grading creates scenic impacts, increases erosion and may destabilize existing landslides, posing a threat to downslope development.

Due to the sensitivity of these area, the conservation Element (1974) has recommended that the City's Zoning and Subdivision Ordinance be amended to address specific hillside concerns. These include:

- (1) hillside density and slope limits;
- (2) grading and lope stabilization measures;
- (3) open space requirements;
- (4) site design; and
- (5) visual impacts.

The large amount of eroded sediment being deposited within the Morro Bay Estuary can pose a severe threat to the biological productivity of this sensitive habitat (see Chapter on Environmentally Sensitive Habitat Areas). A study prepared for the county's Local Coastal Plan, <u>Erosion Sources in the Morro Bay Watershed</u> (1979), has identified agricultural practices within the watershed as a major source of sediment.

To ensure water quality protection, the Central Coast Regional Water Quality Control Board has developed standards relating to construction, agriculture and other activities that may cause erosion in the Morro Bay watershed. These standards, "Best Management Practices" are designed to minimize runoff and erosion. Use of these practices by both the City and the County watershed management plan as identified in the study Erosion and Sediment in Central Coast Watersheds (1979) could significantly reduce sedimentation in Morro Bay. This pan could be developed in conjunction with the Water Management Plan recommended for the Chorro and Morro groundwater basins (see Chapters on Agriculture and Public Works).

c. Coastal Erosion

Coastal erosion within the community generally is not a problem with the exceptions of the constant shoaling in the harbor, the accretion of sand in the Coleman Park area and bluff erosion in several areas of the city. The harbor shoaling and the accretion of sand result from the naturally occurring littoral drift and wind pattern for this area.

This sand accumulation poses maintenance problems to the City and threatens to inundate Coleman Park. A dune revegetation program has begun for public ownership parcels with Coastal Conservancy financial assistance.

While not bordering the water, the bluff line running from the PG&E Power Plan to Morro Bay State Park is being eroded in some areas. This is due to the sandy nature of the soil making up the bluff. Another bluff line in the community is found along Beachcomber Drive behind Atascadero State Beach.

The Coastal Act requires bluff-top development to be sited and designed to assure structural stability while minimizing alteration of natural land forms. Since the fluff line along Beachcomber Drive is in Atascadero State Beach, the State Department of Parks and Recreation should ensure new development will not alter the existing topography nor contribute to bluff erosion. Special attention should also be paid to access trails down the bluff face to the beach so they do not contribute to bluff erosion. These measures may include revegetation, posting or development of stairways. The City shall also ensure runoff from the road does not add to the erosion. Although the bluff line along Beachcomber Drive is within the jurisdiction of State Parks and Recreation, the City will have the responsibility to review and approve all development proposed by State Parks upon LCP certification. Appropriate policies must be included to guide State Parks and other development consistent with the Coastal Act.

Because most of the existing bluff top fronting the Tidelands Park and Embarcadero has been developed and the visual character which this bluff brings to the waterfront area has been established, setbacks will be based on the site specific standards necessary to ensure structural stability. Alteration of the bluff face and the slope stabilizing vegetation will not be allowed.

However, for commercial development in the Embarcadero that will serve as a connecting link between the waterfront and downtown, development that steps down the bluff face may occur. This must be accomplished without major alteration to the bluff face, through retaining walls may be used.

Wildland Fire Hazards

The dry vegetation throughout much of the year that exists in the hills east of Morro Bay, together with the dry climate and topography of this area, greatly enhances the potential of major brush fire.

Fires in these areas can have serious impacts on downstream development and water supplies. When vegetation is burned off, erosion becomes a critical problem, especially during the rainy season. Consequently, mudslides and landslides could threaten downhill development.

It is also important that fires be prevented in hillside areas since the foothills are of major importance in protecting the watershed. The vegetation in these area show down overland flow which reduces erosion and allows greater groundwater recharge. Otherwise, the water is lost as runoff to the ocean and may greatly contribute to erosion, sedimentation and flooding downstream.

Wildland fires have not historically been a serious problem in the Morro Bay region due to a relatively low use of the hillside areas. Nevertheless, proper management of watershed areas is necessary to protect downstream land uses.

5. Urban Fire Hazards

Due to the concentration of people and property in the City, the potential for fire increases as do the chances for the fire spreading. Urban fire risk is felt to be a factor of both the structural types and fuel potential in the community as well as the City's capacity to respond to fires.

Based on these and other factors, communities are rated by the Insurance Service Office on a scale of 1 to 10 (with 1 being the lowest risk) for their fire hazard. These ratings are then reflected in the Fire Insurance premiums which homeowners pay. For the urbanized portions of the City, the ration is a class 5 (median) and the rural section go as low as Class 9 (high risk).

The City's adopted Safety Element (1976) contains policies that address both wildland and urban fire hazards and will be adopted by reference into the LCP-Land Use Plan.

Navy Jet Fuel Storage Area

This facility occupies approximately 12 acres in the northern portion of the community. The facility is surrounded by residential development and undeveloped hills. At this time, the Navy does not anticipate expansion of this facility nor phasing out the operation.

Aviation fuel is brought to the facility by ocean tankers and is temporarily stored then transferred to air basis in the Central Valley. Currently, all receiving and shipping of fuel is through underground pipelines. A real potential problem may arise if the volume of fuel through the pipelines cannot be adequately transferred without the use of truck tankers. The impact of increased truck traffic in the area would become a hazard due to the narrow system of streets, exposing lives to increased potential of fuel spills and having trucks impact State Highway One without adequate traffic control in the form of signals. Policies addressing this facility are found in Chapter VII, Energy/Industrial Development.

D. HAZARDS POLICIES

Policy 9.01 All new development located within areas subject to natural hazards from geologic, flood and fire conditions, shall be located so as to minimize risks to life and property.

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- Policy 9.02 All new development shall ensure structural stability while not creating nor contributing to erosion or geologic instability or destruction of the site or surrounding area.
- Policy 9.03 All development, including construction, excavation and grading, except for flood control projects and agricultural uses shall be prohibited in the 100-year floodplain areas unless off-setting improvements in accordance with the HUD regulations are required. Development within flood plain areas shall not cause further stream channelization, alignment modifications or less of riparian habitat values consistent with Section 30236 of the coastal Act. Permitted development shall be consistent with all applicable resource protection policies contained in the Coastal Act and in the City Land Use Plan.

The Land Use Plan Map shall designate the flood prone lands at the western limits of the Morro and Chorro Valleys for agricultural uses.

Development in the flood prone areas within the City shall include finished floor elevations two feet about the 100 year flood elevation. The heights of permitted development shall be compatible with the character of the surrounding area and not conflict with scenic and visual qualities.

- Policy 9.04 Soils reports prepared by a licensed civil engineer with expertise in soils, and geology and reports prepared by a certified engineering geologist shall be required prior to acceptance for filing of development applications in the following areas:
 - a. Zone F, subzones 2 and 3;
 - b. all areas having fill material on the property;
 - c. where there are known or suspected geologic, soils, or hydrologic problems in the immediate vicinity;
 - d. In addition, soils and/or geology reports may be required whenever in the judgment of the Chief Building Official, or City Engineer such studies are needed.

The geology and soils reports shall identify and evaluate any hazards present including faults under or near the site, and shall provide for mitigating measures to assure a stable foundation. These reports shall contain statements that the proposed project will not destabilize adjacent or nearby land or improvements or create a public hazard or nuisance. Areas identified in the geology reports as having potentially active land slides or gross instability shall be retained in open space. The soils report shall make recommendations as to the need for any temporary shoring during the construction phase.

Whenever geology and/or soils reports are required, a detailed and accurate topographical and land use map shall be required. Such maps shall be prepared by a licensed professional surveyor and shall show topographical contours at 1' intervals over the entire site and for a distance of not less than 50' outside of the perimeter of the site. The topographical map shall show all existing improvements or structures in the area, individual trees of 6" diameter or greater at four (4) feet in height on the property and within 50 feet of its perimeter, and existing site drainage and watercourses. This map shall be available to the preparers of the geology and soils reports prior to completion of those reports.

Whenever geology and/or soils reports are required, grading, foundation, retaining wall and structural plans shall be designed and prepared by a licensed civil or structural engineer. Grading and excavation plans shall show the elevations of the corners of all proposed structures. The Chief Building Official may require independent peer review of any of the above reports and maps with the cost of such review being borne by the applicant. Whenever geology and/or soils reports are required, sediment and erosion control plans shall also be required.

Prior to issuance of any building permit where geology and soils reports are required, a bond shall be posted with the City in the amount of 150% of the estimated cost of restoring the site to a stable, non-hazardous condition in the event that construction plans are not completed. A bond shall also be required for sedimentary and erosion control devices required by the City.

The Chief Building Official may require independent special inspections to review grading, fill, retaining wall, foundations or structural work, or erosion controls, with the cost of such special inspections being borne by the applicant. Requirements for any such special inspections shall be noted on the approved plans.

Upon completion of engineered foundations for projects where geology and soils reports were required, the responsible civil or structural engineer shall certify in writing to the City that the foundation was constructed in conformance with the approval structural design.

In addition to the requirements above, all grading and building plans shall conform to relevant sections of the Uniform Building Code, CAL OSHA requirements, and any grading ordinance that may be adopted by the City of Morro Bay.

Policy 9.05 Plans for development shall minimize cut and fill operations. Plans showing excessive cutting and filling shall be modified or denied if it is determined that the development could be carried out with less alteration of the natural terrain.

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Policy 9.06

All development shall be designed to fit the site topography, soils, geology, hydrology, and any other existing conditions and be oriented so that grading and other site preparation is kept to an absolute minimum. To accomplish this, structures shall be built to existing natural grade whenever possible. Natural features, landforms, and native vegetation, such as trees, shall be preserved to the maximum extent feasible. Areas of the site which are not suited to development because of known soil, geologic, flood, erosion or other hazards shall remain in project open space.

Policy 9.07

For permitted grading operations on hillsides, the smallest practical areas of land shall be exposed at any one time during development, and the length of exposure shall be kept to the shortest practicable amount of time. Where a proposed grading operation has the potential for causing significant erosion or sedimentation of water bodies, the grading shall be commenced and concluded during the dry season of April 1 to October 31 of each year. Grading permits shall include requirements for sediment catch basins, revegetation within a specified period of time and other slope stabilization measures. All measures for capturing sediments and stabilizing slopes including revegetation shall be in place before the beginning of the rainy season, and shall be implemented in conjunction with the initial grading operations.

Policy 9.08

Sediment basins (including debris basins, desilting basins, or silt traps) shall be installed on the project site in conjunction with the initial grading operations and maintained through the development process to remove sediment from runoff waters. Sediment basins shall be in place prior to the commencement of the winter rainy season defined in Policy 9.07. All sediment shall be retained on site unless removed to an appropriate dumping location approved by the City consistent with relevant policies of the coastal Act and the Morro Bay Local Coastal Program.

Policy 9.09

Temporary vegetation, seeding, mulching, or other suitable stabilization methods shall be used to protect soils subject to erosion that have been disturbed during grading or development. All cut and fill slopes shall be stabilized immediately with planting or native grasses and shrubs, appropriate nonnative plants, or with accepted landscaping practices.

Policy 9.10

In permitted development, drainage devices shall be required in order to conduct surface water to storm drains or suitable watercourses to prevent erosion. Drainage devices shall be designed to accommodate increased runoff resulting from modified soil and surface conditions as a result of development. Water runoff shall be retained on-site whenever possible on whenever there is the capability to facilitate groundwater discharge.

Policy 9.11

Degradation of the water quality of groundwater basins, nearby streams, or wetlands shall not result from development of the site. Pollutants, such as chemicals, fuels, lubricants, raw sewage, and other harmful waste, shall not be discharged into or alongside coastal streams or wetlands either during or after construction.

City of Morro Bay Coastal Land Use Plan Chapter X

- Policy 9.12 To protect the sensitive Morro Bay Estuary, the City shall require all development including any interim agricultural uses to follow the Best Management Practices of the Regional Water Quality Board within the City limits and will urge the County to adopt the use of Best Management Practices for all land uses within the Morro Bay watershed. These Best Management Practices, as determined by the Regional Water Quality Control Board, are designed to minimize runoff and erosion.
- Policy 9.13 The City shall also urge the county and other appropriate public agencies to develop a Watershed Management Plan to review all land uses within the watershed for potential impacts on water quality and quantity.
- Policy 9.14 All development along bluffs shall be adequately set back to ensure protection of the development for its economic life and development shall not require alteration of the existing bluff land form or beach. New development shall assure stability and structural integrity, and neither create nor contribute significantly to erosion or geologic instability by accomplishing the following:
 - (1) Bluff-top setback shall be determined from a site-specific geology report prepared by a registered geologic engineer. The report shall set forth recommendations for building setbacks which shall ensure structural stability and integrity without altering bluff land form or necessitating the construction of protective devices such as seawalls for the life of the development (75-100 years).
 - (2) The face of the bluff and vegetation or fill material stabilizing the slope shall not be altered.
- Policy 9.15 All new development on bluff tops shall be required to install drainage systems to carry runoff inland to the nearest public street. In areas where the topography prevents such conveyance, because additional filling or grading would create greater adverse environmental or visual impacts, private bluff drainage seaward should be permitted if the drainage system is sized to accommodate drainage from adjacent parcels and the system is designed to minimize visual impacts utilizing natural coloring, natural land forms, and vegetative planting to hide the system.
- Policy 9.16 Development shall not be permitted on the bluff face except for the above drainage systems and for engineered staircases or accessways to provide public beach access and pipelines for scientific research or coastal-dependent industry. To the maximum extent feasible, these structures shall be designed to minimize alteration of the bluff and beach.
- Policy 9.17 In the Embarcadero area between Surf Street and Anchor Street, development may be stepped down the bluff face. However, the development shall not require the construction of protective devices or retaining walls that would alter natural landforms or impede public access.

City of Morro Bay Coastal Land Use Plan Chapter X

Policy 9.18

Channelizations, dams, or other substantial alterations of rivers and streams shall incorporate the best mitigation measures feasible, and be limited to (1) necessary water supply projects, (2) flood control projects where no other method for protecting existing structures in the flood plain is feasible and where such protection is necessary for public safety or to protect existing development, or (3) development where the primary function is the improvement of fish and wildlife habitat.

From: Sara darling
To: Celine Vuong

Subject: developing lots above Panorama in Morro Bay **Date:** Thursday, November 18, 2021 7:31:39 AM

I'd like to express my opposition to these lots being developed. Morro Bay is in a drought and due to global warming, water will always be an issue. New homes anywhere is this area would be a bad idea but I especially hate to see the natural beauty of these hills destroyed so that wealthy people can have homes with ocean views.

thank you Sara Darling Slade Spare From: Ric Deschler
To: Celine Vuong

Subject: Nov 18 meeting Item B-2 Morro Bay

Date: Friday, November 12, 2021 1:12:21 PM

Dear Members of LAFCO:

I heartily support the recommendation to include the "Panorama lots" into the sphere of influence of the City of Morro Bay. It is far more important that the City have direct control over any possible future development of this huge section of land than remain only under the control of the County. Should the lots ever be developed, the stringent conditions that are on them will be adequate protections for this section of town. Placing these lots within our SOI does not guarantee that development will occur or be allowed, just that the City will have more direct, local control.

I have lived in Morro Bay for nearly 50 years and recognize that this will be a positive step into our future.

Thank you for your consideration.

Ric Deschler 2471 Hemlock Morro Bay, CA93442 From: imarquez@slolafco.com
To: imarquez@slolafco.com

Subject: RE: Morro Bay"s request for SOI on the Panorama Lots owned by Chevron

Date: Wednesday, January 5, 2022 8:44:25 AM

From: Carole Truesdale < carole_truesdale@hotmail.com>

Sent: Thursday, November 18, 2021 2:02 AM **To:** rfitzroy@slolafco.com < rfitzroy@slolafco.com >

Subject: Morro Bay's request for SOI on the Panorama Lots owned by Chevron

Dear Mr. Fitzroy,

I am a homeowner and resident in Morro Bay since 1995. I live on Kodiak Street, which is called one of the Island Streets in MB, that buts up against the Panorama properties that the City of MB wants to bring into their SOI. Our street is known as a landslide hazard zone. I have concerns about this SOI coming into our City of Morro Bay. We have already experienced a landslide on Panay Street due to heavy rains in 1998/1999.

I have included in this email to you, information that the Commissioners and Alternates need to review/read before they make any decisions of these properties that Chevron wants to liquidate.

First, my personal concerns are that these lots that Chevron is wanting to have the City of Morro Bay bring into their SOI, have a very interesting fact. First, these lots do NOT have services such as water, sewer, fire, and police protection. The value to the outside world is not as lucrative as if they were in the Morro Bay SOI.

These lots are known and documented in a severe landslide area, as you can see from the attached information that I am including in my email to you.

Here is what I want you to review and provide to the Commissioners and Alternates: High Landslide Areas:

https://www.slocounty.ca.gov/Departments/Planning-Building/Forms-Documents/Coastal-Zone-Maps/Estero-Planning-Area-Maps/Estero-Planning-Area-Combining-Designations-Map.pdf

The following information provides further details:

- 23.07.080 Geologic Study Area (GSA).
- 23.07.086 Geologic Study Area Special Standards.
- 23.05.028 Grading Permit Application Content.
- 23.07.084 Application Content Geologic and Soils Report Required.
- 23.04.025 Rural Lands Category.

I know that the LAFCO meeting is scheduled for 9:00 a.m. on 11/18/2021

and I will be dialing in and listen. I do understand that this meeting may be postponed due to "Omission" in the documentation provided.

I thank you for taking your time to review this important information, and I hope that all this information transports via our cyber community well.

I can be reached via my email or cell phone at 805-459-9900.

Kind regards,

Carole Truesdale

"Food without wine is a corpse; wine without food a ghost. United and well matched, they are as body and soul; living partners!" chef...Andre Simon (1877-1970)

From: adamsfarmrealtor@aol.com

To: <u>Celine Vuong</u>

Subject: CITY COUNCIL MORRO BAY LAFCO Amendment Panorama Lots- public comment before 11/18/2021

Date: Wednesday, November 17, 2021 3:22:02 PM

Re: LAFCO

ATTN: City of Morro Bay (re: amendment Panorama Lots)

The City of Morro Bay and Commissions should be commended for all their hard work and very professional report results.

The beach trail to Cayucas and additions to Dog Beach are highly desirable. Keeping the hills overlooking the sea pristine and natural with hiking trails is very beneficial. We applaud the effort to retain the present and planned land uses in 'agriculture and open space,' including the proposed land use remaining zoned 'agriculture' for the SOI Amendment.

The California Coastal Commission does try to ensure natural habitat, by maintaining scenic areas overlooking the coast for the good of the public. Their mission statement is "Protecting and enhancing California's coast and ocean for present and future generations."

Folks buy in northern Morro Bay beach community for a reason. We have no desire for it to change. As a resident wrote to the city: "The current narrow...roads in North Morro Bay do not support any extra traffic."

The Panorama Lots, as described, are in agricultural zoning (grazing cattle for decades). Agricultural zoning (figure 7.8 Environmental Impact Report) seemingly limits one residence (and one accessory building) per 'site' The concern is that once a residence is built, can an appeal be made to expand the zoning to include more residences, splitting of agricultural lots, or adding multifamily units? That would definitely be undesirable. Now the language says, 'one residence per site;' but does that mean in the future it could change to more than one residence and accessory building per 'lot'?

Currently Morro Bay and California are in a drought and there is a moratorium on water use. The governor requests water use be reduced by 15%. San Luis Reservoir is at 22% of total capacity (as of 11-16-2021). Lot # 073-075-002, near Blanca St, has city water towers located adjacent to it, and which typically include restricted easements. The Panorama Lots, Blanca St. area, near the lots of #073-076-016 are under Severely Restricted Water Supply Conditions, and we are under water prohibitions. Additional allowed water use puts a strain on existing water and sewage systems. The roads to said 'lots' are narrow and vehicle capacity is restricted. To change this scenario, houses would seemingly have to be torn out and streets widened, to include more access to emergency vehicles? That is contrary to the reason most folks bought in Northern Morro Bay community.

The Panorama Lots, # 073-076-016, has an earthquake fault line running lengthwise through it (EIR, Figure PS-2 Plan Morro Bay). We recently had an earthquake as notified by our phone alerts. Per environmental report, some protected indigenous plants and sensitive animal species, and birds reside on the lots (EIR, Natural and Biological Resources). Wild turkeys have taken up residence as habitat. The land, per the environmental report, is too steep or in danger of landslides in number of places, to sustain development (Figure PS-4 Plan Morro Bay).

The fact that Coastal Development tries to maintain open space and agricultural zoning is a plus. The fact future developers could influence the City, or in the event City officials possibly allowed more development in said agricultural areas (e.g.: Panorama Lots); it is a minus, and must be prevented. The Council's desire to protect the future of such lands is, again, commendable.

Thank you.

R. Adams

Blanca St. Morro Bay resident

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16 November 2021

To: LAFCO

From: Glenn Silloway

Chair, MBOSA

RE: Nov 18 item B-2--Expansion of Morro Bay Sphere of Influence over Panorama Lots

MBOSA is dedicated to the preservation of open space in and around Morro Bay. Our evaluation of this proposal hinges on whether it will more likely support the retention of open space and visual appeal of the Panorama Lots, or not. We conclude from all the evidence that expanding the Sphere of Influence of Morro Bay is more likely to preserve the open space and view shed of the Panorama Lots, so we support it. Here's why:

People sometimes forget that Chevron **owns** the Panorama Lots. It retains certain development rights on them subject to State and County laws, and this threat to the open space character of the Lots cannot simply be eliminated because people don't like it. Chevron has clearly stated its intention to monetize the property and has demonstrated this in its actions in the area of the Toro Coast Preserve repeatedly over time.

The City of Morro Bay and its partners in Phase I of the Toro Coast Preserve have agreed in a non-binding MOU to proceed in a process that would lead to the expansion of the SOI, annexation, and some development in the Panorama Lots.

In this process, the City of Morro Bay has stated that it will use the rules available to it to limit any future development to five residential properties (presumably including an ADU) as low on the lot as possible to preserve view shed. It has stated that infrastructure improvement costs would be borne by the developer of these properties. It has further stated that any development is conditional on the geological stability of the properties.

Therefore, MBOSA conditionally favors the SOI expansion in order to shift control of any future development to the City of Morro Bay, where the control should reside (as opposed to distant County control).

MBOSA will monitor any subsequent development proposals (by whoever buys the properties) to determine if they in fact contain the restrictions in development that have been part of the on-going discussion and legal proceedings on the issue. If the restrictions are voided in policy or plans, MBOSA will join any opposition. The point is to preserve the open space, and to control development in service of that goal.

SLO COUNTY LAFCO

AGENDA ITEM#: B-2 - LAFCO Item#=1-S-21 - Sphere of Influence Amendment-City of Morro Bay

Honorable Commissioners

I would ask the commission to postpone approval of this SOI Amendment application and ask that the City of Morro Bay submit an updated Municipal Service Review which addresses the narrow, crowded, and unimproved streets of the residential neighborhoods just west of the proposed SOI.

<u>Service Factors #3 ("Present and planned capacity of public facilities...") and #4 ("Financial ability of agencies to provide services") in the MSR of 2017 do not address these conditions.</u>

It is well known that the narrow streets north of Highway 41 and east of Highway 1 are poorly constructed and few are improved with sidewalks, curbs, proper storm drainage, etc. Many had pavement applied over inadequate substrates (i.e. no subbase) and are continually being patched. These streets were built many years ago to serve weekend beach cottages. Over the years the cottages have become primary residences for families and Short-Term Vacation Rentals for visitors. Parking is highly congested and pedestrian traffic can be treacherous.

In short, most of these neighborhood streets have not been improved for 50 years or more, have inadequate or non-existent storm drain systems, and their vehicular, pedestrian, and bike capacity is inadequate even for current residents. Prior to expanding the City's SOI as proposed, the condition of these neighboring streets needs to be addressed.

I ask the commission, prior to approving this item, to direct the City of Morro Bay to prepare a "Traffic Circulation & Street Improvement Plan" for this neighborhood, and that the City provide documentation supporting their financial ability and commitment to make the needed improvements.

Your consideration is appreciated.

Jeff Heller Mayor Pro Tem City of Morro Bay jheller@morrobayca.gov 805-471-1257 August 19, 2021

Dear LAFCO Commissioners:

I want to address 3 topics when considering an SOI.

- 1. **Providing services.** The city can provide sewer and water, but only with additional piping and roads to these remote lots. There is no current access road. The City is currently in level 3 of 4 levels of water conservation severity restrictions. Police and fire take on greater risks, add to the cost of all current residents, and delay of services to current areas.
- 2. FEIR which the report says will be relied upon for the **CEQA compliance** is inadequate. Mostly the SOI is alluded to indirectly or by association because there has been no direct biological (special status animal or plant) and soils study done of the 5 lots. In particular, this SOI is mentioned in GEO-1 (hazards), GEO-3 (expansive soils), U-1 (utilities: water supply, the city "projects" sufficient water even though the City is right now receiving only 5% of State Water allotment with 6 months of reserve)

In the FEIR the 5 lots are in Figure 4.5-4 Landslide Susceptibility very high and high, and on Figure 4.7-1 Fire Hazard Severity Zones moderate.

- 3. When addressing LAFCO's policies and procedures 2.6 & 2.9. In particular contradict:
- 2.5 5. The boundary configuration will not create or result in areas difficult to serve. *Will be difficult to serve.*
- 2.6 4. The adopted Sphere of Influence shall reflect city and county general plans, growth management policies, annexation policies, resource management policies, and any other policies related to ultimate boundary area. This SOI is the City's idea not the residents. Added 70 more names to petition; total 700. Within 50 for an initiative.
- 2.6 8. Territory not in need of urban services, including open space, agriculture, recreational, rural lands, or residential rural areas shall not be assigned to an agency's Sphere of Influence. *This area qualifies as been not assigned*.
- 2.6 9 . LAFCO may adopt a Sphere of Influence that excludes territory currently within that agency's boundaries. This occurs where LAFCO determines that the territory consists of agricultural lands, open space lands, or agricultural preserves whose preservation would be jeopardized by inclusion within an agency's Sphere of Influence. *That's this land*.
- 2.9 1 Vacant land within urban areas should be developed before agricultural land is annexed for non-agricultural purposes. *The City still has 3 large undeveloped parcels within the current city limits.*
- 2.9 3. In general, urban development should be discouraged in agricultural areas. For example, agricultural land should not be annexed for nonagricultural purposes when feasible alternatives exist. Large lot rural development that places pressure on a jurisdiction to provide services and causes agricultural areas to be infeasible for farming should be discouraged. *That's this land*.
- 2.9 5. The continued productivity and sustainability of agricultural land surrounding existing communities should be promoted by preventing the premature conversion of agricultural land to other

uses and, to the extent feasible, minimizing conflicts between agricultural and other land uses. Buffers should be established to promote this policy. *No buffers are proposed.*

- 2.9 6. Development near agricultural land should not adversely affect the sustainability or constrain the lawful, responsible practices of the agricultural operations. *This is unknown*.
- 2.9 12. The Commission may approve annexations of prime agricultural land only if mitigation that equates to a substitution ratio of at least 1:1 for the prime land to be converted from agricultural use is agreed to by the applicant (landowner), the jurisdiction with land use authority. The 1:1 substitution ratio may be met by implementing various measures:

 Is this yet to be done on the WRF site on the south side of MB city limits?

Sincerely, Betty Winholtz Morro Bay resident July 21, 2021

JUL 22 RECT

LAFCO 1042 Pacific Street, Suite A San Luis Obispo, CA 93401

Dear LAFCO Commissioners:

The enclosed citizens' petition with over 600 signatures opposes the Sphere Of Influence ("SOI") application the City of Morro Bay has submitted for APN 073-075-002 and portions of APN 073-076-016. These signatures were gathered during COVID-19 without going door-to-door.

This petition was initiated by residents of north Morro Bay who will be directly and physically impacted by any development on the 5 lots included in the SOI request. The City's application readily states that the intent is annexation. In the August 17, 2017 *Adopted Sphere of Influence Update*, the City stated, "The reasons for this request included greater control of the area and possible future development of the area that may need services from the City." (page 2-6)

Residents and home owners of south Morro Bay join us in our concern due to the financial implications to all of us. As stated in the 2017 *Update*, "Construction of new infrastructure to serve the SOI areas presents a challenge in terms of funding such projects. Serving the SOI areas will likely require a plan for financing infrastructure improvements in these areas. This plan would address funding sources for a number of needed improvements including roads, pipeline infrastructure, and other capital improvements. Funding and timing of these improvements would require planning and investment of resources." (page 3-55)

You'll see that there are 2-3 varying forms of the petition because different individuals started their own. Ultimately, we united. The outstanding concern for all of us are the Hazards as established in our Local Coastal Plan (LCP). City produced maps from the LCP are enclosed, as well as geological maps of previous landslides.

The City has stated in its 2021 *Proposal Application* that it will retain the Agriculture zoning (page 22). Therefore, we believe this statement from the 2017 *Update* should apply, "Territory not in need of urban services, including open space, agriculture, recreational, rural lands, or residential rural areas shall not be assigned to an agency's sphere of influence unless the area's exclusion would impede the planned, orderly and efficient development of the area."(page 2-18)

Thank you for your attention to our reservations and objections.

Frome Bruckner

Sincerely,

Yvonne Bruckner Morro Bay homeowner