

CITY OF MORRO BAY  
PLANNING COMMISSION  
SYNOPSIS MINUTES

(Complete audio- and videotapes of this meeting are available from the City upon request)

Veteran's Memorial Building  
Regular Meeting, 6:00 p.m.

209 Surf Street, Morro Bay  
October 4, 2010

Vice-Chairperson Gerald Luhr Commissioner Jamie Irons	Chairperson Nancy Johnson  Rob Livick, Secretary	Commissioner Michael Lucas Commissioner John Diodati
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I. CALL MEETING TO ORDER

Chairperson Johnson called the meeting to order at 6:00 p.m.

II. PLEDGE OF ALLEGIANCE

Sierra Davis led the pledge.

III. ROLL CALL

Chairperson Johnson took roll and noted that all Commissioners are present.  
Staff Present: Rob Livick, Kathleen Wold, Sierra Davis and Rob Schultz.

IV. ACCEPTANCE OF AGENDA

Luhr moved to accept the Agenda and Irons seconded the motion. The motion passed unanimously.

V. DIRECTOR'S REPORT/WRITTEN COMMUNICATIONS

Rob Livick briefed the Commission on action taken at the September 27, 2010 City Council meeting and items scheduled for the October 11, 2010 City Council meeting.

VI. PUBLIC COMMENT

Johnson opened the public comment period.

Richard Sadowski, resident of Morro Bay, worked at the Cayucos Sanitary District in 2003-2004. He stated the current capacity of the wastewater treatment plant is undersized and stressed problems with the design could lead to unnecessary change orders and increased costs.

Johnson closed the public comment period.

VII. CONSENT CALENDAR

A. Approval of minutes from hearing held on August 16, 2010

Irons moved to approve the minutes. Luhr seconded and the motion carried unanimously (5-0).

B. Approval of minutes from hearing held on September 7, 2010

Luhr moved to approve the minutes. Irons seconded and the motion carried unanimously (5-0).

VIII. PRESENTATIONS - None

IX. FUTURE AGENDA ITEMS

- A. Staff presentation on the Affordable Housing Rehabilitation Program and general affordable housing issues.

Commissioners reviewed future agenda items and did not add any new items.

X. NEW BUSINESS

- A. Receive Comments on Wastewater Treatment Plant Environmental Impact Report (State Clearinghouse Number-2008101138)

Livick introduced Jennifer Jacobus of ESA who gave a presentation on the EIR explaining:

- An overview of what CEQA is and the associated requirements;
- The proposed project upgrade objectives of the Wastewater Treatment Plant; and
- The timeline of the public comment and review period with public comments on the EIR due by November 4, 2010.

Johnson opened the public comment period:

- Barry Brannon, resident of Morro Bay, spoke against the proposed plant design and location and spoke in favor of the design of the plant located in Santa Paula. He requested the Planning Commission reject the EIR.
- Bill Martony, resident of Morro Bay, spoke in favor of the Morro Valley as an alternative and questioned why it was not included as an alternative site location. He also questioned why the EIR did not address an alternative design, like a PERC Water-type design versus the current oxidation ditch design.
- Jane von Koehe, resident of Morro Bay, spoke in favor of the free compost program and asked about the termination of this program.
- Jack McCurdy, resident of Morro Bay, urged the Commission to consider the complex nature of this issue and therefore address the need to inform residents by holding workshops that would allow residents to ask questions.

Johnson closed the public comment period.

Three Commissioners discussed concern about the proposed plant location with no real alternative site location citing flood hazards, emergency management preparedness implications, increased energy consumption and a desire to see viable alternative locations.

Two Commissioners also noted that the site location was already dictated by the JPA and therefore the scope of the EIR was limited to address the specific site.

XI. PUBLIC HEARINGS

- A. **Site Location:** 235 Atascadero Road, Morro Bay High School

**Applicant:** San Luis Coastal Unified School District, **Agent:** FIRMA

**Request:** The project proposal includes the installation of 9 solar photovoltaic arrays and support structures (3 of the solar arrays structures will be utilized as carports), and 2 electrical inverters. The trees on-site are proposed to be pruned in order to allow more passive solar radiation. The trees proposed to be pruned include 4 Monterey Cypress at the north end of the property at a ratio of 10% to 20% of the live canopy and the remaining trees will be pruned to a moderate level and 80 new shrubs will be planted.

**CEQA Determination:** School district adopted categorical exemptions under CEQA.

**Staff Recommendation:** Conditionally Approve Coastal Development Permit #CP0-322.

**Coastal Appeals Jurisdiction:** Project is located within the Coastal Appeals Jurisdiction.

**Staff Contact: Kathleen Wold, Planning Manager, 772-6211.**

Wold presented the staff report noting the School District took the lead role on the environmental due to their status as a government agency.

Commissioners asked staff to clarify:

- The applicability of the Solar Rights Act.
- The School District's decision to act as the lead agency and not the city. Staff confirmed that although uncommon, it is within their rights as an agency to do so.
- Why the solar arrays were not placed on the roof. Staff confirmed that the School District determined that since the solar arrays would have a much longer life span than the roof and its associated maintenance costs, it would be more cost effective to not place the arrays on the rooftops.

Johnson opened the Public Hearing asking the applicant or their agent to address the Commission.

- Applicant, Brad Parker of the San Luis Coastal Unified School District explained his proposed project.
- Nancy Bast, resident of Morro Bay spoke against the proposed project questioning why the project has taken a long time and expressed concern that there has not been adequate public review.
- Barry Branin, resident of Morro Bay, spoke against the proposed project urging the Planning Commission to reject the proposal due to its conflict with the State Highway Scenic Program and view shed impacts to Highway 1.
- Bill Martony, resident of Morro Bay, spoke in favor of placing solar on rooftops. He expressed concern about the proposal to trim the trees and the potential that the trees would die.
- Dawn Beattie, resident of Morro Bay and resident of the Cloisters neighborhood and as its representative stated she gave some written questions to Mr. Brad Parker and if the information is accurate, they have no problem with the proposed location of the solar arrays.
- Robbin Gross, resident of Morro Bay, expressed concern about the location and view of solar array #8 from her property. She requested additional vegetative screening be planted to protect the view.
- Julie Tacker, resident of Los Osos, expressed that the project's environmental impacts could have been avoided had the solar arrays been placed on the rooftops.
- Mark Buchman, member of the San Luis Coastal Unified School District Board of Directors, asked the Planning Commission to support the project which is good for the community and for the students that they teach.
- Kathryn Eisendrath-Rogers, Trustee for the School District Board of Trustees, spoke in favor of conserving resources and the benefits of solar energy.
- Jane von Koehe, resident of Morro Bay, spoke against the proposed project and expressed concern for the proposal to trim the trees.

Commissioners had discussion with Mr. Parker regarding the following:

- The project's design parameters and why rooftop installation of solar arrays was not pursued. Parker clarified the school district determined that due to higher costs, the rooftop installation was not appropriate;
- The lack of data on sun studies from the applicant which would justify the proposed placement of the arrays and cutting down of trees;
- The position and vegetative screening of the solar arrays; and
- Whether to include a condition that replaces trees that die.

Commissioners asked Rob Schultz, City Attorney, for his view on the applicability of the Solar Rights Act. Schultz responded that upon reviewing the project, staff believes it does apply to this project. Additional questions included proposed tree removal and the aesthetic issues associated with the designation of Highway 1 as a scenic highway. Schultz clarified that the tree cutting will not adversely affect this designation.

Additional discussion continued between Commissioners and Mr. Parker regarding:

- Safety and design of carport structures in the event of damage;
- Clarification on the proposed location of solar array #8. Parker responded that generation is tied to the meter. One of the meters is used for the ballfield light which the array will offset 80-85% of the annual electrical usage; and
- Whether the applicant would be willing to note the productivity of the panel first to see how they perform before trimming the trees. Parker responded that he did not know at this point and that such a condition may result in rate increases.

Johnson closed the public hearing and brought it back to the Commission for discussion.

Commissioners continued discussion on the following:

- Their general support for the solar project and the solar arrays but concern about the transition of the trees with additional discussion regarding whether the trees are in fact overcrowded and should be thinned to improve the health of the trees;
- Concern about the applicant's request to trim trees at a time when there is no solar reduction during peak day hours with no data to support the trimming;
- Concern about future construction and whether roof top arrays would be preferable to the proposed design; and
- Whether conditions should be included which require replacement of dead trees to screen the solar array and adding shrubbery to hide bare spots.

**MOTION:** Diodati moved the Planning Commission conditionally approve the project by adopting a motion including the following actions:

- A. Adopt the Findings for Approval included as Exhibit "A" of the staff report for the Coastal Development Permit; and
- B. Approve Coastal Development Permit, subject to the Conditions included as Exhibit "B" and the site plans dated June 29, 2010 on record with the Public Services Department and incorporate the following amendments:
- C. For Planning Condition #5, a sentence is added that a certified arborist will supervise tree trimming as necessary; and new conditions are:
  1. Any Monterey cypress tree that dies shall be replaced by a Monterey cypress tree unless otherwise determined by the Public Services Director it will result in overcrowding;
  2. No tree trimming shall occur on the east side of the school boundary on trees number 1 through 29 for one calendar year after construction of the panels to determine if solar production is adequate. If solar production is not adequate after one year, the school district may appeal to the Planning Commission for appropriate tree trimming and shall provide relevant supportive data.
  3. The lower level screening will be native and non-invasive vegetation; and
  4. Along the northern boundary of the school site, the vegetative gaps shall be planted with appropriate vegetation to screen solar array #8.

Luhr seconded the motion.

Irons asked to eliminate the words “as necessary” from the condition that stated a certified arborist will supervise tree trimming as necessary, so the revised condition would read “...a certified arborist will supervise tree trimming...” Diodati and Luhr concurred with the requested change.

The motion carried 4-1. Irons dissented.

XII. OLD BUSINESS

A. Current Planning Processing List/Advanced Work Program

Commissioners reviewed with staff the Work Program and agenda items to be discussed at the next Planning Commission meeting. Commissioner Diodati recommended that staff hold a workshop on the Waste Water Treatment Plant EIR to allow members of the public an additional chance to educate themselves on this project.

XIII. NEW BUSINESS – None.

XIV. ADJOURNMENT

Johnson adjourned the meeting at 8:50 p.m. to the next regularly scheduled Planning Commission meeting at the Veterans Hall, 209 Surf Street, on Monday, October 18<sup>th</sup>, 2010 at 6:00 p.m.

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Nancy Johnson, Chairperson

ATTEST:

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Rob Livick, Secretary