

ORDINANCE NO. 767 N.S.

**AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING SECTION 21.17 OF THE MUNICIPAL CODE
(CODE AMENDMENT 98006)**

WHEREAS, the City has initiated Code Amendment 98006 to revise the regulations contained within Municipal Code Section 21.17, pertaining to the Surface Mining and Reclamation Act (SMARA); and

WHEREAS, the proposed code amendment does not add or delete any land use conditions that were adopted by the subject ordinances, therefore, it is ministerial in nature; and

WHEREAS, as described by Section 15268 of the State's Guidelines to Implement the California Environmental Quality Act, ministerial projects are exempt from environmental review; and

WHEREAS, at its meeting of March 9, 1999, the Planning Commission took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Recommend that the City Council approve the proposed ordinance; and

WHEREAS, at its meeting of April 6, 1999, the City Council took the following actions regarding this ordinance:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project;
- b. Considered the recommendation of the Planning Commission regarding this code amendment;
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance;

NOW, THEREFORE, BE IT KNOWN that the Paso Robles City Council, based upon the substantial evidence presented at the above referenced public hearing, including oral and written staff reports, finds as follows:

1. The above stated facts of this ordinance are true and correct.
2. This code amendment is consistent with the City's General Plan.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 21.17, Surface Mining and Reclamation, shall be replaced by the attached Exhibit "A";

SECTION 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 4. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution,

rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on April 6, 1999, and passed and adopted by the City Council of the City of El Paso de Robles on the 20th day of April, 1999, by the following roll call vote, to wit:

AYES:	Baron, Macklin, Mecham, Swanson and Picanco
NOES:	None
ABSENT:	None
ABSTAINING:	None

Duane J. Picanco, Mayor

ATTEST:

Madelyn Paasch, City Clerk