

ORDINANCE NO. 795 N.S.  
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING THE ZONING TITLES OF THE MUNICIPAL CODE  
REGARDING PRE-GRADING FOR AREAS OF DISTURBANCE  
OF TEN THOUSAND OR MORE SQUARE FEET  
(CODE AMENDMENT 00-001)

WHEREAS, the City has initiated Code Amendment 00-001, which would amend Section 21.23B.030 of the Zoning Code; and

WHEREAS, the code amendment would amend Section 21.23B.030, to allow the Development Review Committee the authority to approve pre-grading of a site (without any accompanying development plans) where the surface area is twenty thousand or less square feet, and

WHEREAS, if the pre-grading of the site would disturb surface area greater than twenty thousand square feet, the proposal would need to go through the Development Review public hearing process before the Planning Commission, and

WHEREAS, the Planning Division staff has determined that this application is Categorically Exempt from environmental review per Section 15305, Minor Alterations in Land Use Limitations, of the State's Guidelines to Implement CEQA, and

WHEREAS, at its meetings of June 6 and 20, 2000, 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.** Section 21.23B.030 of the Municipal Code is hereby amended by changing # 4 of subsection B to read as follows:

4. Pre-grading: Pre-grading of a site (without any accompanying development plans) shall be reviewed and may be approved by the Development Review Committee (DRC), where the surface area is twenty thousand or less square feet, adjacent property owners shall be notified by certified mail with a return receipt notifying them of relevant DRC meeting 10 days prior to the meeting. The Committee may determine that the pre-grading would have significant effects to the surrounding properties and need to go through the Development Plan process subject to approval of the Planning Commission.

**SECTION 2.** Section 21.23B.30 of the Municipal Code is hereby amended by changing #6 of subsection A to read as follows:

6. Pre-grading: Pre-grading of a site (without any accompanying development plans) where the surface area is greater than twenty thousand square feet shall go through the development plan public hearing review process to the Planning Commission.

**SECTION 3. 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 4. 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 5. 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 6. 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 June 20, 2000, and passed and adopted by the City Council of the City of El Paso de Robles on the 5th day of July, 2000, by the following roll call vote, to wit:

|          |                                             |
|----------|---------------------------------------------|
| AYES:    | Baron, Macklin, Mecham, Swanson and Picanco |
| NOES:    | None                                        |
| ABSTAIN: | None                                        |
| ABSENT:  | None                                        |

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Duane Picanco, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk