

ORDINANCE NO. 817 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN
SECTION 21.12.020 OF THE ZONING CODE (TITLE 21)
(REZONE 01-003 – HOGUE GRIPS)

WHEREAS, Hogue Grips Corporation had initially filed a General Plan Amendment request to modify approximately 102 acres of Agricultural (AG) designated land to Business Park (BP), and that request was processed as General Plan Amendment 1-01 (part 4 of 4); and

WHEREAS, in conjunction with the General Plan Amendment request, Hogue Grips Corporation had filed an application for Rezone 01-003 to modify the zoning from Agriculture (AG) to Airport Planned Development (AP, PD) zoning for an approximate 102-acre site (APN: 025-431-031); and

WHEREAS, the subject 102-acre project area is located on the southwest corner of Dry Creek Road and Airport Road; and

WHEREAS, at its meeting of January 23, 2001, the Planning Commission opened the public hearing that had been noticed in a January 10, 20001 Newspaper publication and continued the open hearing to their regular meeting of February 13, 2001;

WHEREAS, at its meeting of February 13, 2001, the Planning Commission took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project (general plan amendment and rezone).
- b. Conducted a public hearing to obtain public testimony on the proposed project.
- c. Based on the information contained in the Initial Study prepared for this project and in anticipation of the applicant's agreement to the mitigation measures identified within that document, recommended that the City Council approve a Mitigated Negative Declaration.
- d. Recommended that the City Council approve the proposed rezone; and

WHEREAS, at its meeting of February 20, 2001, the City Council opened the public hearing that had been noticed in a January 10, 20001 Newspaper publication and continued the open hearing to their regular meeting of March 6, 2001; and

WHEREAS, at its meeting of March 6, 2001, the City Council tabled action on this matter after the applicant stated he was not prepared to sign the Mitigation Agreement unless it reflected specific modifications regarding their ability to obtain sewer connections from the City in accordance with past agreements that ran with the sale of the land; and

WHEREAS, the applicant and City staff resolved the mitigation wording regarding sewer connections for future development of the property in a manner acceptable to both parties; and

WHEREAS, additional mitigation measures were added to the Mitigation Agreement between the City and the applicant in response to written comments received by several agencies after the close of the comment period on the environmental document; and

WHEREAS, because of the delay in resolving the mitigation measures, this rezone request has been rescheduled to run concurrent with General Plan Amendment GPA 3-01 (as Component B of the third General Plan Amendment Cycle of 2001); and

WHEREAS, the Planning Commission had unanimously recommended approval of this Rezone (and associated General Plan Amendment request) at their meeting of February 13, 2001;

WHEREAS, new public hearing notice was given for the City Council meeting of August 21, 2001 for the Hogue Grip Corporation Rezone and General Plan Amendment applications; and

WHEREAS, on August 21, 2001 the City Council opened the noticed hearing and continued action until their regular meeting of September 4, 2001; and

WHEREAS, at its meeting of September 4, 2001, the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for this project.
- b. Considered the recommendation of the Planning Commission.
- c. Conducted a public hearing to obtain public testimony on the proposed project.
- d. Based on the information contained in the Initial Study prepared for this project, including responses to comments received after the March 6, 2001 closing date for public comments on that document, and including the mitigation agreement signed by the applicant, found that there was no substantial evidence that this project would have significant adverse effects on the environment and approved a Mitigated Negative Declaration.
- e. Adopted a resolution to approve General Plan Amendment 3-01, of which this application is Component B, which enables Rezone 01-003 to be in conformance with the General Plan.

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

1. The above stated facts of this ordinance are true and correct.
2. This rezone 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 21.12.020 of the Municipal Code (Zoning Map) is hereby amended as shown on 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 September 4, 2001 and passed and adopted by the City Council of the City of El Paso de Robles on the 18th day of September 2001 by the following roll call vote, to wit:

AYES:	Finigan, Heggarty, Nemeth, Picanco and Mecham
NOES:	None
ABSENT:	None
ABSTAIN:	None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk