

ORDINANCE NO. 864 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING TITLE 21 (ZONING) OF THE MUNICIPAL CODE
APPROVING A ZONING MAP CHANGE FOR 2500 DRY CREEK ROAD
(ASSESSOR PARCEL NUMBER 025-431-031) APPLYING AN AG (AGRICULTURE)
OVERLAY REZONE 03-004 (HOGUE, INC.)

WHEREAS, Mr. Aaron Hogue has filed a Zone Change Application, Rezone 03-004 seeking to apply an AG (Agriculture) Overlay to the approximately 102-acre site;

WHEREAS, the subject site is located at 2500 Dry Creek Road, at the southwest corner of Airport Road and Dry Creek Road;

WHEREAS, the AG (Agriculture) Overlay is sought in order: (a) to accommodate continued agricultural operation of the vineyard; (b) to allow use of a gravel drive for access to a caretaker's unit (not asphalt); and (c) to recognize/maintain the site's rural setting by avoiding the need to pave an access drive to the caretaker's unit;

WHEREAS, the site is located adjacent to the Paso Robles Municipal Airport and, per the adopted Airport Land Use Plan, portions of the property are located in the following zones: Zone 1 – Clear Zone and Runway Areas, Zone 2 – Approach Zone and Climb-out Extensions, and Zone 4 – Land Within the 60 CNEL Line;

WHEREAS, any request to develop the site would have to be consistent with the ALUP and further would require submittal of an application for a Planned Development (PD);

WHEREAS, the PD application would be reviewed and considered separate from this Zone Change and would be subject to a public hearing of the Planning Commission and completion of environmental review;

WHEREAS, this Zone Change would not authorize any development/redevelopment of the property, but rather would provide the applicant with the opportunity to pursue the City permits for construction of a caretaker's unit for the agricultural operation;

WHEREAS, applying an AG (Agriculture) Overlay to the property at 2500 Dry Creek Road would allow for continued agricultural operation of the existing vineyard; use of a gravel drive as access to a planned caretaker's unit (instead of a paved one); maintenance of the agricultural nature of the existing land use and its rural setting; and continuation of the long-term plans for AP PD (Airport Planned Development);

WHEREAS, per Section 15303 of the State Guidelines for the California Environmental Quality Act, the proposed Zone Change is exempt from environmental review;

WHEREAS, this exemption only applies to the Zone Change and does not apply to any subsequent Planned Development application that may be filed with the City seeking authorization to develop/redevelop the property;

WHEREAS, applying an AG (Agriculture) Overlay to the site would be an appropriate step to take in recognizing and providing for continued agricultural use of the site, while not abandoning long term plans to transition it use to that of a business park/industrial area;

WHEREAS, at its meeting of July 8, 2003, the Planning Commission took the following actions:

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

WHEREAS, at its meeting of August 5, 2003, the City Council took the following actions:

- a. Considered the facts and analysis, as presented in the staff report prepared for the proposed ordinance for the zone change;

- b. Considered the Planning Commission's recommendation to approve the zone change and to amend the Official Zoning Map for the City of El Paso de Robles (which Map is a part of Title 21 – Zoning of the Municipal Code);
- c. Conducted a public hearing to obtain public testimony on the proposed ordinance for the zone change; and
- d. Introduced the ordinance for first reading and set August 19, 2003 as the date for a second reading and adoption of said ordinance.

NOW, THEREFORE, BE IT KNOWN that the City Council of the City of El Paso de Robles, 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 amendment of the zoning map is consistent with the City's General Plan.

NOW, THEREFORE, BE IT FURTHER KNOWN, that the City Council of the City of El Paso de Robles does ordain as follows:

SECTION 1. The Official Zoning Map of Title 21 of the Municipal Code is hereby amended for the property at 2500 Dry Creek Road (Assessor Parcel No. 025-431-031) as shown on Exhibit A of this ordinance.

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 August 5, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 19th day of August by the following vote:

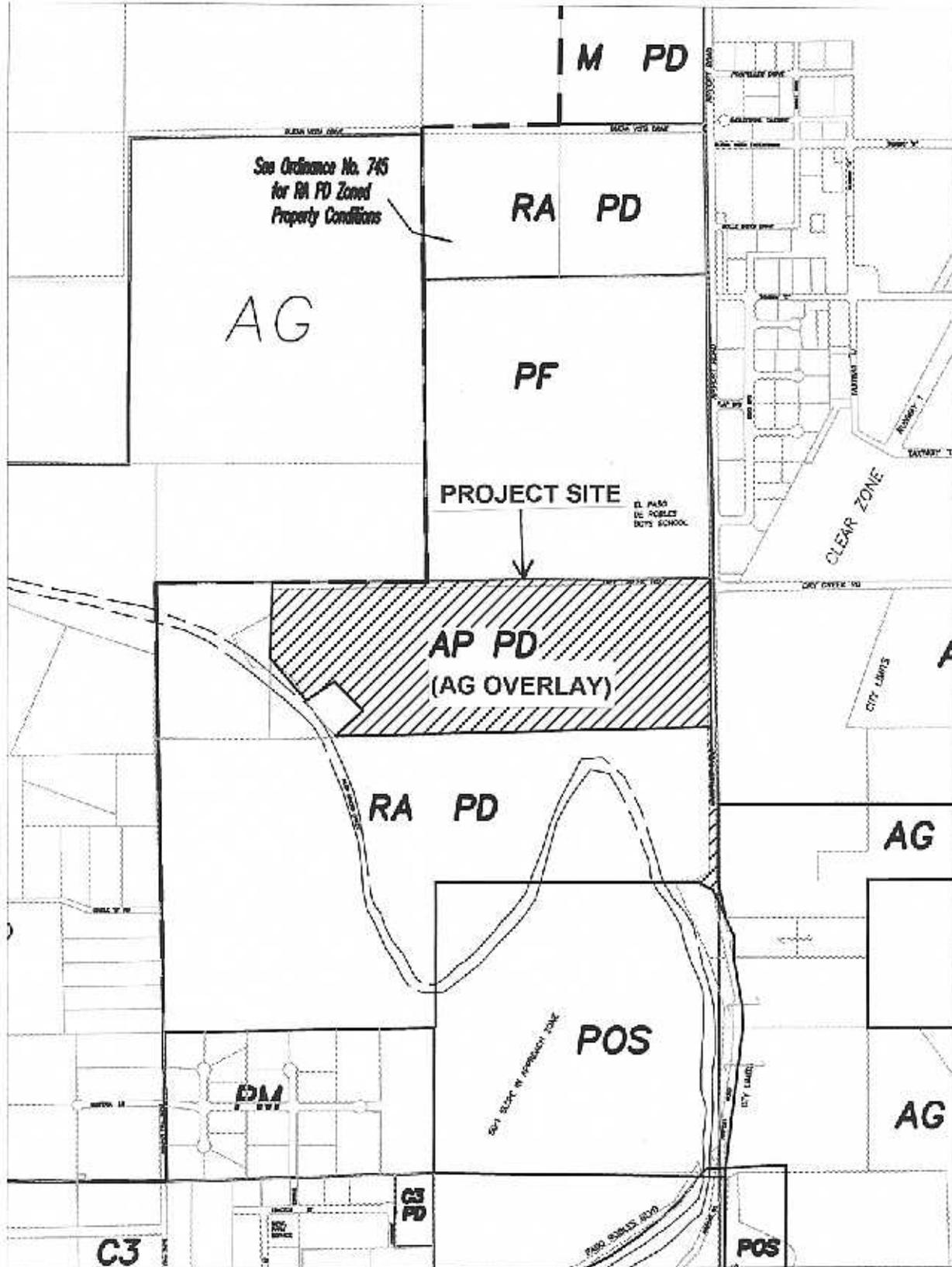
AYES: Finigan, Heggarty, Nemeth, Picanco and Mecham
 NOES: None
 ABSTAIN: None
 ABSENT: None

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT "A"
FOR
REZONE 03-004 (HOGUE)



Re-Zone AP PD (Airport Planned Development) to AP PD with AG (Agricultural) Overlay