

ORDINANCE NO. _____ N.S.
AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
AMENDING THE ZONING CODE (ZONING MAP)
(REZONE 98-005 - BLACK RANCH)

WHEREAS, on May 15, 1998, RRM Design Group, representing the owners of property known as the Black Ranch, filed a request for a Re-Zone (Pre-zone) in conjunction with a 775 acre annexation area; and

WHEREAS, the requested Re-Zone is from Agriculture in the County of San Luis Obispo to the following categories in the City of Paso Robles: 315 acres to Parks & Open Space; 460 acres to Agriculture; and

WHEREAS, at its meeting of November 24, 1998 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. Recommended that the City Council approve the proposed ordinance; and

WHEREAS, at its meeting of December 15, 1998, 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. Conducted a public hearing to obtain public testimony on the proposed ordinance;
- c. Based on the information contained in the Initial Study, the City Council found that there would not be a significant impact on the environment as a result of the proposed Re-Zone, contingent upon implementation of the identified mitigation measures, and adopted a Negative Declaration in accordance with the California Environmental Quality Act; and
- d. Considered the Commission's recommendation from the Planning Commission's November 24, 1998, public meeting;
- e. Introduced said ordinance for first reading; and

WHEREAS, on January 5, 1999, the City Council held second reading of said 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 would be consistent with the City's General Plan if the accompanying General Plan Amendment is approved on December 15, 1998.

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

The Zoning Code (Zoning Map) is hereby amended to establish the Parks & Open Space and Agriculture Zoning categories for properties proposed to be annexed to the City of Paso Robles, in accordance with the attached Exhibit A.

SECTION 1. 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 2. 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 3. Inconsistency. To the extent that the terms or 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 4. 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 December 15, 1998, and passed and adopted by the City Council of the City of El Paso de Robles on the 5th day of January, 1999, by the following roll call vote, to wit:

- AYES:
- NOES:
- ABSENT:
- ABSTAINING:

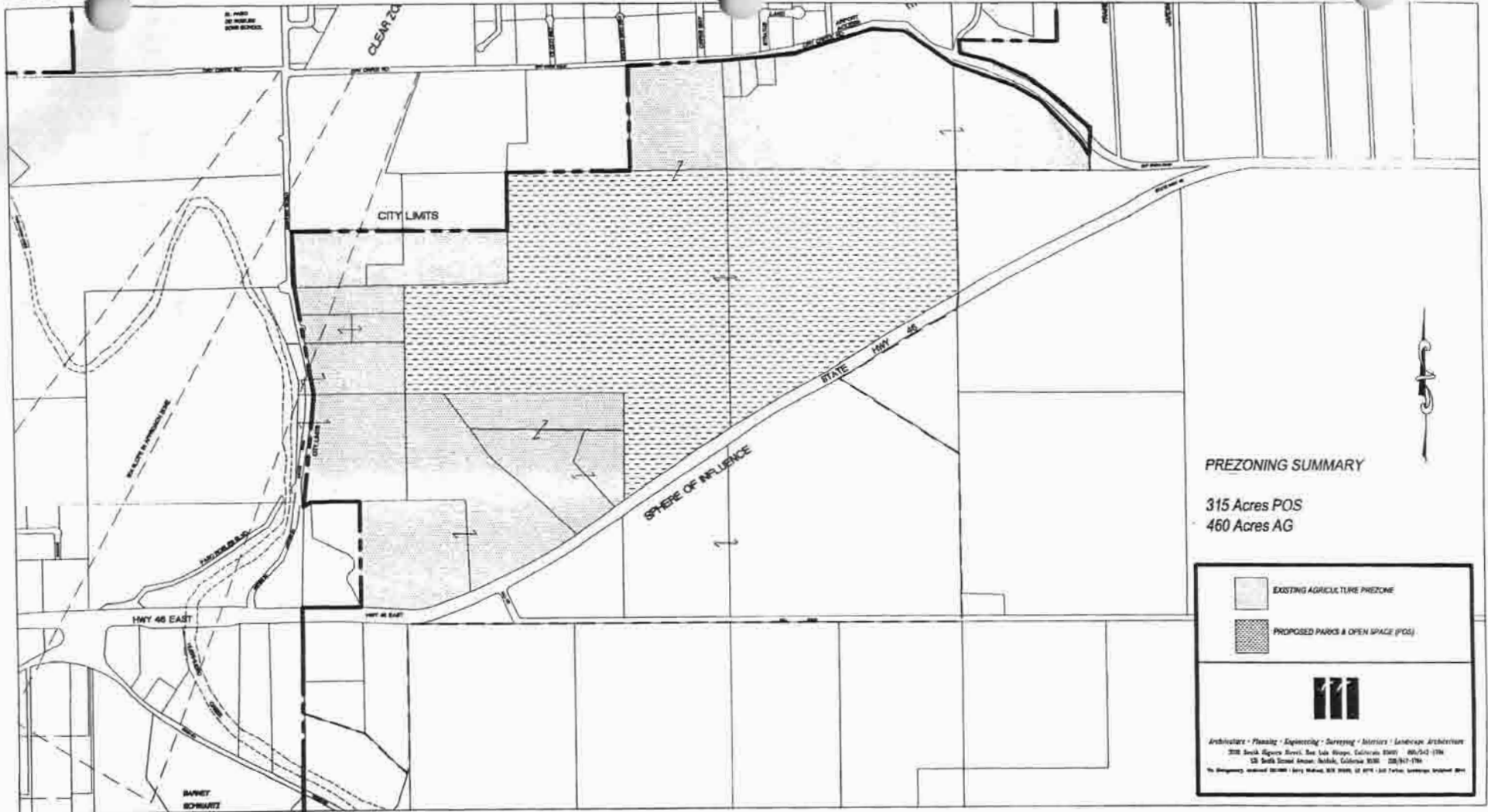
Duane J. Picanco, Mayor

ATTEST:

Madelyn Paasch, City Clerk

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Black Ranch



PREZONING SUMMARY

315 Acres POS
460 Acres AG

	EXISTING AGRICULTURE PREZONE
	PROPOSED PARKS & OPEN SPACE (POS)
<small>Architects - Planning - Engineering - Surveying - Interiors - Landscape Architecture 3118 South Sigmond Street, San Jose, California 95128 408/243-1700 125 South Second Avenue, Suite 100, Colorado Springs, CO 80902-3174 No. 10000000, 100000000, 1000000000, 10000000000, 100000000000, 1000000000000</small>	

Prezoning and General Plan Designations

May 15, 1998

EXHIBIT A

**REZONE 98005
CHANGE FROM AGRICULTURE TO
PARKS AND OPEN SPACE**

Handwritten initials or signature.



AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN LUIS OBISPO

RECEIVED

NOV 23 1998

COMMUNITY DEVELOPMENT

TO: Robert Lata, Community Development Director
City of Paso Robles

FROM: Randy LaVack

DATE: November 23, 1998

SUBJECT: Black Ranch Annexation

Post-It® Fax Note	7671	Date	11/23	# of pages	2
To	Bob Lata	From	Randy		
Co./Dept.	City of PR	Co.	APCD		
Phone #	237-3970	Phone #	781-5912		
Fax #	237-6565	Fax #	781-1002		

District staff has reviewed the Responses to Comments for the Initial Study and Draft Mitigated Negative Declaration for Annexation No. 75, also known as the Black Ranch Annexation, which includes a response to APCD-submitted comments. For clarification purposes, we have the following additional comments:

- 1) The table describing short term construction emissions on page 9 estimates substantially higher mitigated ROG emissions than unmitigated. This was probably an editing error, and should be corrected.
- 2) The table on the top of page 10 describes the long-term operational emissions from the proposed project. The PM₁₀ value of 0.81 pounds per day seems very low, and probably does not reflect the particulate matter that would be expected from re-entrained road dust and the vineyard operations. The table should be corrected.
- 3) 2D responds to the District staff concern over the precedent-setting nature of the project to intensify development along the 46 corridor. The response describes three general reasons why it should not be assumed that land use intensification would automatically lead to increased air emissions. We agree with the first, that the proposal will not directly result in population growth because the proposal will not intensify residential land use. However, we disagree with the next two reasons, as described in the following paragraphs.

The second example given compares the potential emissions that could result from an intensified agricultural operations under the current zoning, to those emissions expected from the proposed project. The assumptions used to calculate emissions for the intensified activities under the existing zoning results in a substantial over-estimation of operating emissions. The over-estimation was arrived at by assuming that the entire 252 acres of grape vineyard would be tilled on a daily basis, resulting in 1,958 pounds per day of operational PM₁₀ emissions. Generally, vineyards are tilled prior to planting the grapes. After planting, tilling is not a typical activity related to vineyards, at least not to the extent

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APCD Comments, Page 2

assumed here. Therefore, the PM_{10} emissions in the "intensified agriculture permitted under current zoning" scenario would be much lower, and we disagree with the conclusion that the proposal would result in a net reduction in PM_{10} emissions. This information should be corrected.

The third part of response 2D claims consistency of the proposal with Clean Air Plan development concepts. The bottom of page 13 describes the ability of the project to reduce vehicle miles traveled by providing a balance of services currently lacking in the area and by the project's location along a major transportation corridor. However, no evidence is provided to support the claim that the project will reduce vehicle miles traveled. On the contrary, the Traffic and Circulation Study included in the Initial Study attachments shows a net new trip generation rate of 1,643 average daily trips.

The project as proposed is a large destination resort development located outside of the existing urban reserve line, and as such, is inconsistent with the Clean Air Plan. In our view, the precedent-setting nature of the proposal and its potential to increase conversion pressures on adjacent parcels has not been thoroughly addressed in the negative declaration, and remains a potentially significant impact.

- 4) The concluding comment on page 14 describes the project as having some positive long term air quality impacts. As noted above in comment #3, we disagree, and this information should be corrected.
- 5) One recommended additional mitigation measure for any golf course developed on the site that would reduce air quality impacts would be a requirement that the golf course operator provide only electric golf carts for rental or loan.
- 6) The last sentence on page 14 describes increasing commercial densities along major transit corridors as a design-related mitigation policy that is encouraged by APCD. This is true, however, our guidelines are primarily referring to employment and commercial service centers, not tourist-commercial uses. In addition, Highway 46 is not yet a major public transit corridor.

Thank you for the opportunity to provide additional comments on this project. If you have any questions or comments about this memo, please call me at 781-5912.

RRM DESIGN GROUP
Architecture • Planning • Engineering • Surveying • Interiors • Landscape
Architecture CREATING ENVIRONMENTS THAT PEOPLE ENJOY

Memorandum

Date: November 24, 1998
To: Bob Lata
From: Meg Williamson
Job Name: Black Ranch Annexation

Re: Response to APCD 2nd Comment Letter

The following comments have been generated in response to the November 23, 1998 Memorandum received from Randy LaVack of SLO County APCD.

Response to Item 1

This comment notes that the emissions table on Page 9 of the Response to Comment document contains an incorrect figure for mitigated ROG emissions.

In checking the URBEMIS7G modeling results it was the unmitigated ROG figure that was cited incorrectly (it should have been 12.60 rather than 1.60). The corrected table is shown below.

CO	PM10	ROG	NOx
	TOTALS (ppd, unmitigated)	12.60	191.84
0.00	57.59		
	TOTALS (ppd, mitigated)	11.97	182.25
0.00	25.16		

Response to Item 2

This comment notes that the long-term emissions table on page 10 looks to be low in its PM10 values, and probably is not inclusive of dust generated by vineyard operations that might be included in the future development of the POS portion of the site.

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The PM10 values reflected in the unmitigated and mitigated portions of the table are the model results from the URBEMIS7G program. The probable reason for the low PM10 levels is that agricultural operations are exempted from air quality standards, and therefore, emission values are not specifically contained in the URBEMIS7G modeling quantifications. The long-term emissions table on page 10 of the Response to Comments document correctly represents the results of the URBEMIS7G modeling, and does not need to be corrected.

However, to address the commentator's concern, the same long-term operational emission assumptions used on page 12 of the Response to Comments document can be manually calculated to quantify the potential increase in long-term agricultural emissions. The 0.01 pounds per acre figure applied over the potential additional 115 acres of vineyard indicated in the conceptual Site Programming for Black Ranch would equate to 1.15 pounds per day of long term PM10 emissions. If agricultural emissions were not exempted from the modeling calculations this would increase the PM10 value in the long-term emissions table to 1.96 pounds per day. This amount would still be less than significant in the context of APCD thresholds.

Response to Item 3

This comment is provided in four parts. The first part acknowledges agreement with the POS zoning not automatically increasing air quality impacts in that it does not possess the potential for residential intensification.

The second part of the comment expresses concern over a PM10 calculation for long-term emissions associated with vineyards as an overestimation. This comment is acknowledged, and it is agreed that the intensification discussion is likely more appropriately applied as a short-term impact. The correction is noted.

The third part of the comment states a position that there does not appear to be evidence that the project would reduce vehicle miles traveled. While the conceptual project is anticipated to generate approximately 1,643 average daily trips, it is known that the nature of the resort use is closely associated with golf course and winery facility patrons as well. The City's Economic Strategy document acknowledges leakage of commercial tourism in the area of overnight accommodations and encourages their establishment within the City via various incentives. While the commentator's concern is acknowledged, there appears to be logic in such a resort filling a need within the community, and retaining patrons that would otherwise have to travel much greater distances to find similar levels of accommodation.

The fourth part indicates concern over consistency with the Clean Air Plan and the potential pressure the POS uses may have on conversion of surrounding land to other uses. Land use conversion concerns were addressed in detail as part of the initial Response to Comments document (responses to the Agricultural Commissioner's office). There is a large area of residential development (the Jardine Road area) that is just to the east of this area. The Black Ranch project, if developed with golf course and vineyard as

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proposed, would have the potential to create a green belt buffer at the eastern edge of the City, consistent with the development pattern of the Hunter Ranch golf course in the County. The comment would not appear to affect the overall rationale and integrity of the environmental document prepared and circulated.

Response to Item 4

The comment is acknowledged, but not considered to affect the integrity of the environmental document.

Response to Item 5

The comment suggests adding a mitigation measure to require only electric golf carts on the golf course.

If feasible, at the time a project is proposed, this might be an appropriate mitigation measure. With the existing mitigation measure requiring the applicant to consult with APCD at the time a development application is proposed, this type of mitigation recommendation could be included, if determined appropriate at that time.

Response to Item 6

The comment expresses a concern that Highway 46 is not yet a major public transit corridor and indicates that APCD design mitigation policies relate more to commercial service centers rather than tourist-commercial uses.

It may be that the APCD guidelines are primarily focused on commercial service centers. However, that does not mean there is not merit in locating regional tourism uses near major circulation corridors. Such locations are far more "air quality efficient" than locating them in remote locations. The clustering of visitor serving uses (wineries, spas, fine dining, high-end resorts and golf) is logical rather than having the uses spread out.

The URBEMIS7G modeling applied in analysis for the project resulted in the application of some long-term air quality mitigation measures. These included site design measures that would accommodate buses and other public transit vehicles. Although public transit is not yet available on Highway 46, that would not be a reason to eliminate the public transit mitigation measures. Consequently, because Highway 46 is not yet serviced as a public transit corridor it is not appropriate to assume that it will not be one in the foreseeable future (to service residential areas such as Jardine Road and businesses at the Paso Robles Airport).

In conclusion, the comments and corrections received from the APCD are acknowledged. The existing analysis and mitigation measures that have been included in the environmental document address the concerns that have been raised for both short and long-term air quality impacts

**AFFIDAVIT
OF MAIL NOTICES**


PLANNING COMMISSION/CITY COUNCIL PROJECT NOTICING

I, Lonnie Dolan, employee of the City of El Paso de Robles, California, do hereby certify that the mail notices have been processed as required for project General Plan Amendment (GPA) 98003 and Rezone 98005 (Black Ranch.) for the meeting on November 24, 1998 (Planning Commission) - and- December 15, 1998 (City Council).

Mailed on this 12th day of November 1998

City of El Paso de Robles
Community Development Department
Planning Division

Signed:


Lonnie Dolan

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PROOF OF PUBLICATION

LEGAL NEWSPAPER NOTICES

PLANNING COMMISSION/CITY COUNCIL
PROJECT NOTICING

Newspaper: TELEGRAM-TRIBUNE

Date of Publication: November 11, 1998

Meeting Date: November 24, 1998
(Planning Commission)
December 15, 1998
(City Council)

Project: General Plan Amendment 98003
-and- Rezone 98005 (Black Ranch)

I, Lonnie Dolan, employee of the Community Development Department, Planning Division, of the City of El Paso de Robles, do hereby certify that this notice is a true copy of a published legal newspaper notice for the above named project.

Signed: 
Lonnie Dolan

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NOTICE OF
PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Planning Commission and City Council of the City of El Paso de Robles will hold Public Hearings to consider the following applications:

General Plan Amendment 98003 and Rezone 98005 filed by RRM Design Associates, on behalf of the Black Ranch. The proposal is to prezone and establish a general plan land use designation for approximately 315 acres of land from Agriculture to Parks and Open Space, and Annexation of an approximate 775 acre project area of which the 315 acres is a part. The 775 acre project area is currently within the City of Paso Robles' Sphere of Influence. The property is located on the north side of Highway 46 East, south of Dry Creek Road and east of Airport Road.

These hearings will take place in the Conference Center (First Floor) at the Paso Robles Library/City Hall, 1000 Spring Street, Paso Robles, California on the following dates:

Planning Commission Tuesday, November 24, 1998 at the hour of 7:30 pm;
City Council Tuesday, December 15, 1998 at the hour of 7:30 pm.

All interested parties may appear and be heard at these hearings.

At these hearings, the Planning Commission and City Council will also consider comments received on a Draft Mitigated Negative Declaration of Environmental Impact in accordance with the provisions of the California Environmental Quality Act (CEQA) for this general plan amendment and prezone. The Mitigated Negative Declaration is a statement that with implementation of a proposed impact mitigation program that there will be no significant environmental effects as a result of the general plan amendment and prezone in conjunction with a proposed Annexation to the City of Paso Robles.

The Commission and Council will review responses to these comments on the Draft Mitigated Negative Declaration prior to consideration of approval of the Mitigated Negative Declaration of Environmental Impact. A copy of the Draft Mitigated Negative Declaration is on file with the Department of Community Development, City of Paso Robles, City Hall, 1000 Spring Street, Paso Robles, California, and at the Public Library located at the same address in Paso Robles.

Comments on the proposed Negative Declaration, General Plan Amendment and Rezone may be mailed to the Community Development Department, 1000 Spring Street, Paso Robles, CA 93446 provided that such comments are received prior to the time of the public hearings. For more information on these applications, please contact Bob Lata at (805) 237-3970.

If you challenge the general plan amendment and rezone applications in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in written correspondence delivered to the Planning Commission and City Council at, or prior to, the public hearings.

Bob Lata, Community Development Director
Nov. 11, 1998 5101812

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