

TO: Jim App, City Manager  
FROM: Bob Lata, Community Development Director  
SUBJECT: PRE-ZONE 02-008 (McKinley, Annexation #84)  
DATE: February 18, 2003

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**Needs:** For the City Council to consider approving a pre-zone of property proposed for annexation to the City of Paso Robles.

- Facts:**
1. The 1.92-acre parcel is located at 3650 Plymouth Hill Road, west of the intersection of 38<sup>th</sup> and Vine Streets, just north of the City limit in the County unincorporated area. A location map is attached.
  2. The applicant wishes to pursue annexation of the property into the City in order to be eligible to obtain City water service. Water is currently provided to the property by a well, which is in a state of continuing decline.
  3. Surrounding properties located in the unincorporated County area are served by City water. Due to a shift in policy that occurred during the 1980's, the City no longer extends service beyond the City limits.
  4. Ms. McKinley has applied to the Local Agency Formation Commission (LAFCO) for permission to annex the property to the City. As a step in that process, the City must "pre-zone" the property, establishing the zoning that would apply if and when the property is annexed to the City.
  5. The City's 1991 General Plan established the unincorporated area including the McKinley property as Residential Suburban (RS), which would allow one dwelling unit per 2.5 acres. The RS General Plan designation is consistent with the current County General Plan and Zoning for the property.
  6. The City zoning designation that most closely compares to the County's RS zoning would be Residential Single-Family, 2-Acre Minimum (R-1, B5). This is the zoning category that would be applied to the property with the approval of this pre-zone application.
  7. A Negative Declaration is proposed to be adopted in conjunction with the subject pre-zone. No development is proposed and there would be no physical impacts to the environment.
  8. The Planning Commission reviewed this application at their meeting of January 28, 2003. The Commission recommended that the City Council approve the Negative Declaration and adopt the Ordinance to allow a prezone of the subject property.

**Analysis  
and**

**Conclusion:** The 1.92-acre property is occupied by a single-family home and would not be eligible for further subdivision. If approved for annexation, the extension of City water services to the applicant's home would be at Ms. McKinley's expense, including applicable connection fees.

The property is within the City's Sphere of Influence, and is adjacent to City boundaries. Annexation of the McKinley property would seem a reasonable and logical extension of the City.

**Policy**

**Reference:** Paso Robles General Plan, Paso Robles Zoning Code, LAFCO policies

**Fiscal**

**Impact:** None

**Options:** That the City Council:

- a. **(1)** Adopt Resolution No. 03-xx approving the attached Negative Declaration prepared for the project; and
  - (2)** Introduce Ordinance No. xxx N.S. approving Rezone 02-008, changing Subarea 1 of the Zoning Map to provide a pre-zoning designation of Residential Single-Family, 2-Acre Minimum (R-1, B5) for the property located at 3650 Plymouth Hill, in anticipation of Annexation No. 84 to annex the property into the City, and set March 4, 2003 as the date for adoption of said Ordinance.
- b. Amend, modify or reject above option.

**Attachments:**

1. Location Map
2. Negative Declaration Resolution
3. Draft Ordinance Approving Rezone 02-008
4. Newspaper and Mail Notice Affidavits

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
ADOPTING A NEGATIVE DECLARATION FOR REZONE 02-008  
(MCKINLEY, ANNEXATION #84)  
APN: 018-031-008

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WHEREAS, Rezone 02-008 has been filed by Diane McKinley to prezone a 1.92-acre parcel located in the unincorporated County area in preparation for annexation; and

WHEREAS, The subject parcel is located at 3650 Plymouth Hill Road, west of the intersection of 38<sup>th</sup> and Vine Streets, just north of the current City limit boundary in the County unincorporated area; and

WHEREAS, The proposed zoning designation for the property that would be comparable to County Residential Suburban (RS) zoning is Residential Single-Family, 2-Acre Minimum (R-1, B5); and

WHEREAS, Based on the information contained in the Initial Study prepared for this rezone and annexation application, the proposed project would not have a significant effect on the environment and a Negative Declaration has been prepared for the project (attached as Exhibit A); and

WHEREAS, Public notice of the proposed Negative Declaration was given as required by Section 21092 of the Public Resources Code; and

WHEREAS, Public hearings were conducted by the Planning Commission on January 28, 2003, and by the City Council on February 18, 2003, to consider facts as presented in the staff report and to accept public testimony regarding this proposed Rezone.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso de Robles does hereby adopt a Negative Declaration for Rezone 02-008 and Annexation No. 84.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 18<sup>th</sup> day of February 2003 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES  
AMENDING THE ZONING TITLE OF THE MUNICIPAL CODE  
TO APPROVE A ZONING MAP CHANGE FOR APN 018-031-008 -  
REZONE 02-008 (MCKINLEY, ANNEXATION #84)

WHEREAS, Diane McKinley has initiated Rezone 02-008 to consider the appropriate zoning designation (pre-zone) for property that is to be considered for Annexation to the City of El Paso de Robles; and

WHEREAS, the subject parcel is located at 3650 Plymouth Hill Road, west of the intersection of 38<sup>th</sup> and Vine Streets, and approximately north of the current City limit boundary in the County unincorporated area; and

WHEREAS, the total property subject to this zoning amendment is 1.92 acres in size and is developed with a single family residence; and

WHEREAS, the proposed City zoning designation for the property that would be comparable to County Residential Suburban (RS) zoning is Residential Single-Family, 2-Acre Minimum (R-1, B5); and

WHEREAS, a resolution was adopted by the City Council approving a Negative Declaration status for this project, and a Negative Declaration was prepared for the proposed zoning map change application in accordance with the California Environmental Quality Act; and

WHEREAS, at its meeting of January 28, 2003, 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 adopt a Negative Declaration for the Zoning Map change;
- d. Recommended that the City Council adopt the proposed ordinance; and

WHEREAS, at its meeting of February 18, 2003, 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;
- d. Considered the content of the Environmental Initial Study and adopted a Negative Declaration status for the Code Amendment and Annexation.

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 zoning map 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. *Subarea 1 of the Zoning Map of the Municipal Code is hereby amended 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 February 18, 2003, and passed and adopted by the City Council of the City of El Paso de Robles on the 4<sup>th</sup> day of March 2003 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk