

TO: JAMES L. APP, CITY MANAGER

FROM: ROBERT A. LATA, COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: ZONE CHANGE FOR 2500 DRY CREEK ROAD (RZ 03-004 FOR HOGUE INC)

DATE: AUGUST 5, 2003

Needs: For the City Council to consider adoption of an Ordinance applying an AG (Agriculture) Overlay to the property at 2500 Dry Creek Road.

Facts:

1. The approximately 102-acre property is located at 2500 Dry Creek Road at the southwest corner of Airport Road and Dry Creek Road (see attached vicinity map).
2. The applicant, Mr Aaron Hogue of Hogue Inc., is seeking to apply an AG (Agriculture) Overlay to the property (see attached letter) in order:
  - To accommodate continued agricultural operation of the vineyard;
  - To allow use of a gravel drive for access to a caretaker's unit (not asphalt); and
  - To recognize/maintain the site's rural setting by avoiding the need to pave an access drive to the caretaker's unit.

Further, the applicant has indicated that the site is the intended future site of the Hogue Inc. manufacturing facility as shown on the attached Conceptual Master Plan.

3. The property is located adjacent to the Paso Robles Municipal Airport.
4. 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
  - Zone 4 – Land Within the 60 CNEL Line
5. 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). The PD application would be reviewed and considered separate from the Zone Change.
6. This separate PD process would be subject to a Public Hearing of the Planning Commission and completion of environmental review.
7. Per Section 15303 of the State Guidelines for the California Environmental Quality Act, the proposed Zone Change is exempt from environmental review.
8. On a 6-0-1 vote (with Commissioner Ferravanti absent) at its July 8, 2003 meeting, the Planning Commission recommended to the City Council that the Zone Change be approved.

Analysis  
And

Conclusions: Applying an AG (Agriculture) Overlay to the property at 2500 Dry Creek Road would allow:

- 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).

Thus, it would appear that the rezoning 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.

Policy

Reference: Paso Robles General Plan, Paso Robles Zoning Ordinance, California Environmental Quality Act, and the State Planning and Zoning Law

Fiscal

Impact: No direct fiscal impact attributable to the zone change. Permits for construction of the caretaker's unit would be subject to payment of the City's development impact fees.

Options: For the City Council to:

- a. Introduce for First Reading Ordinance No. XXX N.S. amending Title 21 (Zoning) of the Municipal Code, applying an AG (Agriculture) Overlay to the property at 2500 Dry Creek Road (Assessor Parcel No. 025-431-031) and set August 19, 2003, as the date for adoption of said Ordinance.
- b. Request additional information and analysis.
- c. Amend, modify, or reject the above-listed action.

Attachments:

1. Vicinity Map
2. Applicant's Letter and Conceptual Master Plan
3. Draft Ordinance Approving Rezone 03-004
4. Newspaper and Mail Notice Affidavits

**ALL ATTACHMENTS TO THIS STAFF REPORT MAY NOT BE AVAILABLE  
IN DIGITAL FORMAT FOR VIEWING ON-LINE.**

A hard-copy of the complete agenda packet, along with all staff reports, exhibits and attachments, is available for review in the City Clerk's Office.

**Packets are also available for loan from the City Library,  
beginning on the Friday before each Council meeting.**

ORDINANCE NO. XXX 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 19<sup>th</sup> day of August, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

Frank R. Mecham, Mayor

ATTEST:

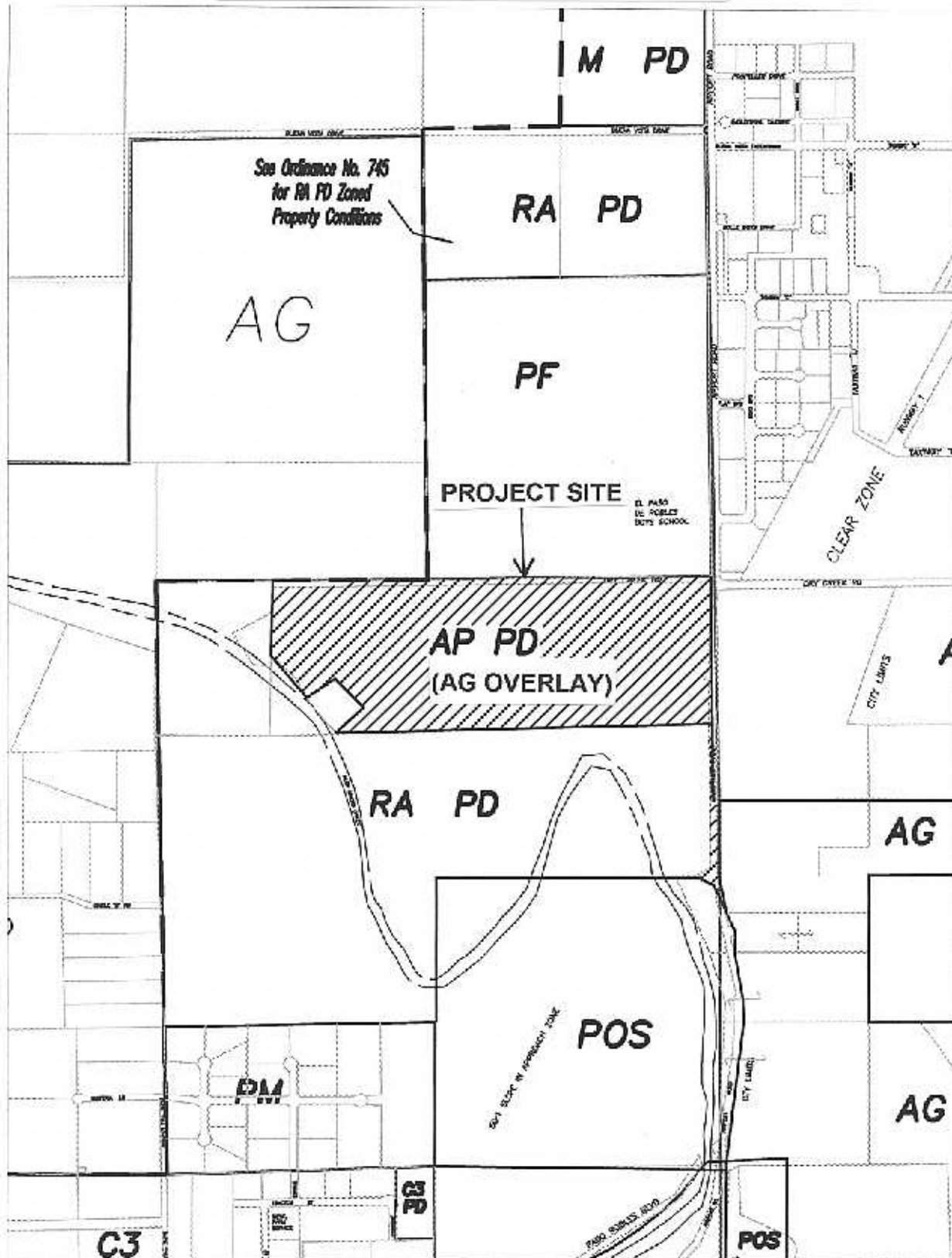
---

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