

TO: James L. App, City Manager
FROM: Meg Williamson, Interim Director of Public Works
SUBJECT: Exemption From San Luis Obispo County Zoning and Building Ordinances Southeast Water Storage Tank Project
DATE: March 16, 2004

NEEDS: For the City Council to determine County Zoning and Building Ordinances inapplicable to a new water storage tank on Ladera Road.

- FACTS:**
1. In 1984, the City annexed an approximate 5-acre property at the corner of Cumbre and Ladera.
 2. The annexation was effected in order to construct a water storage tank at this location. The site meets the City's requirement for a location above the 960 feet elevation in order to be compatible hydraulically to the City's existing water system.
 3. In 1995, the City updated its Water Master Plan and confirmed the need to construct a water tank at this location in order to meet the community's water demand and fire flow protection needs.

**ANALYSIS
AND**

CONCLUSION: The City Council adopted the current Capital Improvement Project budget which includes the construction of the tank at Cumbre and Ladera.

Government Code Section 53091 allows the City to be exempted from the County's Building and Zoning Ordinances provided the City Council adopts the Resolution by a 4/5's vote.

POLICY

REFERENCE: Adopted Capital Improvement Project; Government Code Section 53091.

FISCAL

IMPACT: A construction budget of \$5 million dollars has been adopted for this project.

- OPTIONS:**
- A.** Adopt Resolution No. 04-xxx determining the inapplicability of San Luis Obispo County Zoning and Building Ordinances to the construction of the Southeast Water Tanks.
 - B.** Amend, modify, or reject the above option.

Attachments:

- 1) Resolution
- 2) Site Map

Report Prepared By:
Ditas Esperanza, P.E.
Capital Projects Engineer

RESOLUTION NO. 04-xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
DETERMINING THE INAPPLICABILITY OF SAN LUIS OBISPO COUNTY ZONING AND BUILDING
ORDINANCES TO CONSTRUCTION OF THE SOUTHEAST WATER TANKS
(GOVERNMENT CODE § 53091)

WHEREAS, the City Council of the City of El Paso de Robles (Council) has included funding within the Capital Improvement Project budget for the construction of the Southeast Reservoir for the purposes of water storage and transmission to the City of El Paso Robles; and

WHEREAS, the Reservoirs are for the purpose of storing and transmission of water to the City of El Paso de Robles; and

WHEREAS, the construction of the Southeast Reservoirs are exempt from San Luis Obispo County building and zoning ordinances pursuant to Government Code Section 53091.

NOW, THEREFORE, the City Council of the City of El Paso de Robles finds as follows, after public hearing:

1. That the above stated facts are true and correct.
2. That the construction of the Southeast Reservoir, located at the corner of Cumbre and Ladera, is exempt from San Luis Obispo County building and zoning ordinances pursuant to Government Code Section 53091.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles, that it is their determination that the zoning and building ordinances of the County of San Luis Obispo, including but not limited to Title 22 and Title 19 of the County Code, are inapplicable to the proposed construction of the Southeast Reservoirs and transmission lines.

FURTHER, staff is directed to notify the County of San Luis Obispo of this action in accordance with Government Code Section 53091.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 16th day of March 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk