

TO: James L. App, City Manager
FROM: Bob Lata, Director of Community Development
SUBJECT: Request for Water Well Use, Vina Robles Resort Hotel
DATE: May 18, 2004

Needs: That the City Council consider authorizing the use of a private well for irrigation of a small vineyard and hotel landscaping.

- Facts:**
1. On March 11, 2003, Vina Robles Inc. received approval from the Planning Commission of Planned Development PD 02-002. PD 02-002 includes the development of a resort hotel, restaurant, conference facilities, winery and winery associated retail area.
 2. The Planning Commission's approval of PD 02-002 includes Site Specific Condition No. 64 stating that "all new uses on the site shall be connected to the City's water supply for domestic and fire suppression purposes. City Council approval is required for landscape or agricultural irrigation systems to use on-site private wells".
 3. The applicant has requested to be permitted to use well water for irrigation of vineyards (roughly 2.5 acres) and landscaping associated with the hotel and hospitality center (see attached letter).
 4. This request for use of a well was reviewed by the City Council at their meeting of April 20, 2004. The Council continued discussion of the item and requested more background on other well requests that have been considered by the Council in the past.

**Analysis
and**

Conclusion: The City Municipal Code prohibits construction of wells to serve private property except under permit and generally for agricultural use. Additionally, the City's practice has been to deny use of existing wells for non-agricultural use if City water service is available.

Approval of this request would allow the property owner (current or future) the use of a private well, or wells for the purposes of irrigation of a vineyard and site landscaping.

There has been precedent of allowed use of wells to irrigate golf courses. Examples include the River Oaks golf course and golf courses associated with the Black Ranch Resort.

There has been precedent to deny the use of wells proposed for irrigating landscaping. In December of 1998, the request for the use of wells for the purpose of irrigating landscaping in the Wine Country RV Park (Mundee) was denied on the basis that the Municipal Code only allows the use of wells for agricultural purposes.

The conditions of approval for the Planned Development of the Paso Robles Hot Springs on Buena Vista Drive are identical to those of the Vina Robles project. In the case of Paso Robles Hot Springs, existing wells are currently in use and have been in use historically on the property. Paso Robles Hot Springs has not applied to the Council for

the use of wells (existing or new) for any additional entitlements associated with approval of their Planned Development.

Consideration of the property owner's request for use of a well should be weighed against these municipal concerns:

1. The City is a purveyor of a reliable source of treated potable water. Allowing use of an existing well is not consistent with the City's purveying interests and financial goals in terms of paying for needed infrastructure.
2. The City is obligated to protect and preserve water supplies for all residents and businesses in the City, and therefore allowing use of an agricultural well for irrigation of a vineyard and landscaping may be a prudent conservation decision.

Based on the language in the Municipal Code regarding well use for agricultural purposes it would seem reasonable to permit use of a private well for irrigation of a vineyard. While practically, the landscaping associated with the development may be considered a reasonable extension of use of the well water, the Municipal Code cites "agricultural purposes only" and it has been Council policy in the past to deny the use of wells for landscape irrigation.

With golf courses and parks, it may be prudent to consider the use of reclaimed water to replace the use of wells within City limits. However, in the case of a vineyard, it is unlikely that reclaimed water will match the specific properties of well water for agricultural production. It would not seem reasonable to require the use of reclaimed water for vineyards within City limits, while competing vineyards outside City limits will not be subject to a similar restriction.

Policy

Reference: City Municipal Code Sections 14.06.132 and 14.06.136

Fiscal

Impact: None.

Options:

- a. Adopt Resolution No. 04-xx to approve the use of a new private well by Vina Robles, Inc. to irrigate a newly developed vineyard associated with the resort hotel. Irrigation of landscaping by the new well will not be allowed.
- b. Adopt Resolution No. 04-xx to approve the use of a new private well by Vina Robles, Inc. to irrigate a newly developed vineyard and landscaping associated with the resort hotel.
- c. Amend, modify or reject the above options.

Attachments: (2)

1. Letter from Pults
2. Vicinity Map
3. Resolution



April 2, 2004

Mr. Robert Lata
Community Development Director
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

RE: Vina Robles Hospitality Building

Dear Bob,

As we discussed in our recent meeting, we are looking forward to commencing construction of Phase 1 of the Vina Robles Hospitality Center. In review of the project Conditions of Approval, several items involve City participation. In order to satisfy those conditions, we request the following:

Condition # 6, Design Review: Please schedule the Design Review Committee for final review.

Condition # 63 Wastewater: As we have discussed previously at both the Planning Commission and City Council, we request Phase 1 be allowed to utilize onsite septic disposal. Please schedule the required Council Hearing for this item. Note also that the temporary tasting room/construction observation trailer shall also utilize this system.

Condition # 64 Well: We request that an onsite well be allowed for the irrigation of the proposed vineyards indicated approved masterplan. In addition, we request that the proposed landscaping be irrigated from the well. Please schedule the required Council Hearing for this item.

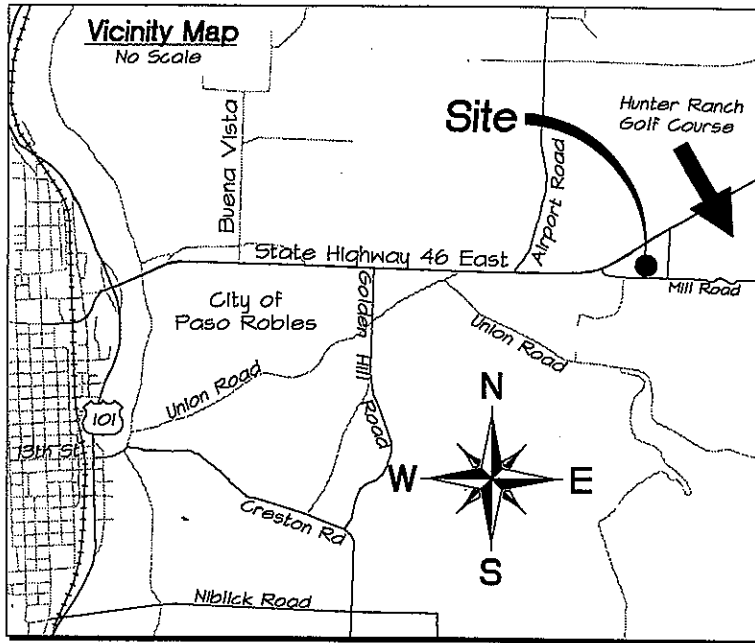
Thank you and your for your continued assistance with this project. I look forward to hearing from you regarding these items.

Sincerely,

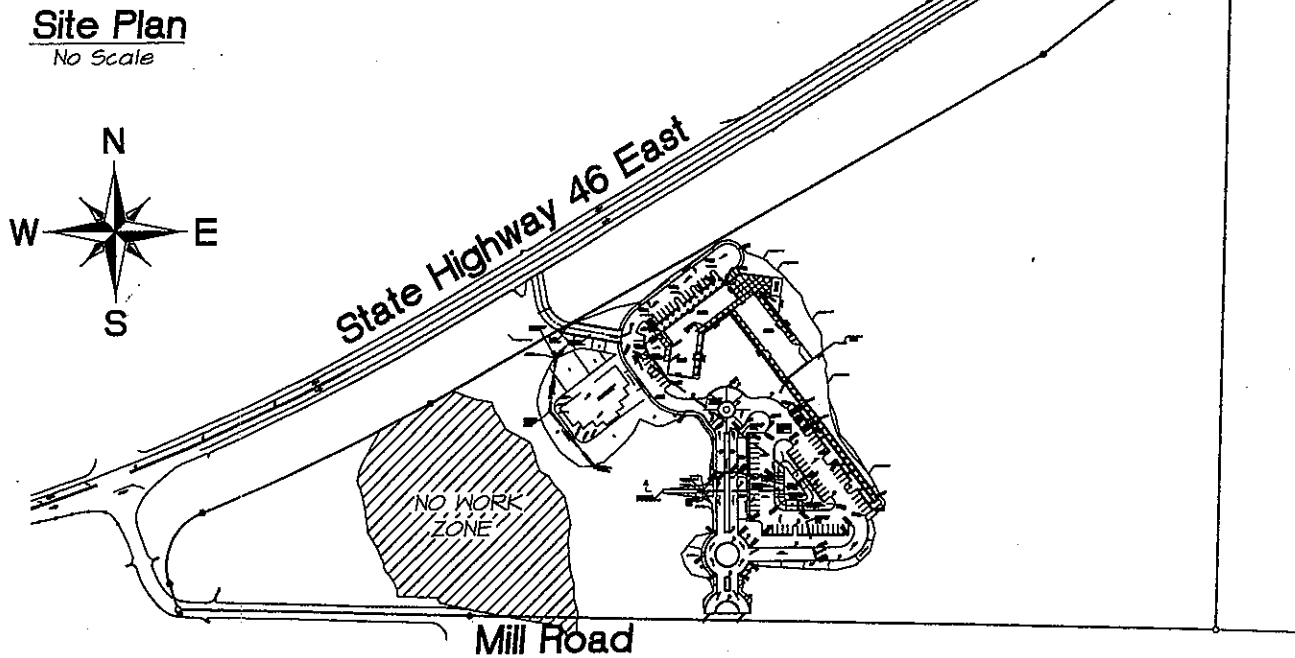
Tim Mark Woodle, AIA
Principal

Cc: Hans Michel, Vina Robles
Creighton MacDonald, Vina Robles
Darren Nash, City of El Paso de Robles
John Falkenstein, City of El Paso de Robles

Architecture, Planning & Graphics
3450 Broad Street - Suite 106
San Luis Obispo, CA 93401
(805) 541-5604
Fax (805) 541-4371



VINA ROBLES HOSPITALITY CENTER MILL ROAD



RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
CITY ENGINEER
COMMUNITY DEVELOPMENT
DEPT.
CITY OF EL PASO DE ROBLES
1000 SPRING STREET
PASO ROBLES, CA 93446

RESOLUTION NO. 04 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING VINA ROBLES RESORT PROJECT THE USE OF PRIVATE WELLS

WHEREAS, the City Planning Commission, at their meeting of March 11, 2003, adopted Resolution 03-023 approving Planned Development PD 02-002 referred to as the Vina Robles Resort; and

WHEREAS, the property owners, Vina Robles Inc., have submitted a request through their representative to use well water for irrigation of vineyards and landscaping associated with the resort development under PD 02-002; and

WHEREAS, the use of a well to irrigate landscaping is non-agricultural and therefore is not allowed under the provisions of the Municipal Code and is not consistent with the City's purvey interests; and

WHEREAS, the City is obligated to protect and preserve water supplies for all residents and businesses in the City and therefore allowing use of an agricultural well for irrigation of a vineyard is a prudent conservation decision; and

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City of Paso Robles does hereby authorize the use of private wells to irrigate the vineyards developed with Planned Development PD 02-002, known as the Vina Robles Resort.

SECTION 2. That the City of Paso Robles does hereby deny the request for the use of a private well to irrigate the landscaping associated with Planned Development PD 02-002, known as the Vina Robles Resort.

SECTION 3. That the City Clerk be authorized to cause a certified copy of this Resolution to record in the Office of the County Recorder of the County of San Luis Obispo, State of California.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 18th day of May 2004 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Frank R. Mecham, Mayor

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

**CITY ENGINEER
COMMUNITY DEVELOPMENT DEPT.
CITY OF EL PASO DE ROBLES
1000 SPRING STREET
PASO ROBLES, CA 93446**

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