

TO: James L. App, City Manager
FROM: Bob Lata, Director of Community Development
SUBJECT: Request for Water Well Use
Russell Wilson - 3580 Airport Road
DATE: June 1, 2004

Needs: That the City Council consider whether or not to authorize the continued use of a private well for domestic water service to a private residence.

- Facts:**
1. Russell Wilson has made application for a building permit to remodel one of three County permitted single family residences on nine acres of agriculturally zoned property at 3580 Airport Road.
 2. The remodel of the existing residence is an extension of a non-conforming use as to the City's Zoning Ordinance. The non-conforming uses were permitted in the County prior to annexation of the property to the City.
 3. City water is available to the property from a 16-inch water line on Airport Road, adjacent to the subject property.

**Analysis
and**

Conclusion: The applicant is seeking an exception to a consistently applied City policy that does not allow private wells to be used for domestic purposes (in this instance a substantial expansion of an existing non-conforming residence).

The City Municipal Code prohibits construction of wells to serve private property except under permit and generally for agricultural use.

Additionally, the City's consistent practice has been to deny use of existing wells for domestic use. Water is available to the property from a 16-inch water main on Airport Road. Although the property is zoned for agriculture, there are no agricultural uses for the well water at this time.

There is discussion in the applicant's letter regarding the extension of water lines in the future to serve the Black Ranch. The Black Ranch resort has received Planning Commission approval, however no construction plans for the resort have been received and the City has no indication of development of the resort in the near future.

The Municipal Code does not provide for the option of serving domestic water to any new residential entitlement. When requests for water service have been made on properties with existing wells, it has been the City's practice to require that the existing wells be abandoned.

**Policy
Reference:** City Municipal Code Sections 14.06.132 and 14.06.136

Fiscal Impact: None.

- Options:**
- a. Adopt Resolution No. 04-xx denying the continued use of a private well by Russell Wilson at 3580 Airport Road as a condition of approval of a building permit.
 - b. Adopt Resolution No. 04-xx requiring the expanded non-conforming residence to be connected to City water, but permitting the other two residences on the property to remain on well water for domestic purpose.
 - c. Amend, modify, or reject the above options.

Attachments: (4)

1. Letter from Fred Strong
2. Vicinity Map
3. Resolution to Deny
4. Resolution to Allow Continued Well Use to Two Residences Not Subject to New Permits

F. Strong & Associates
P.O. Box 3621
Paso Robles, CA 93447-3621
(805) 238-5400
fstrong@charter.net
May 19, 2004

Planning and Building Department
John Falkenstien, City Engineer
City of El Paso de Robles, CA
1000 Spring Street
Paso Robles, CA 93446

Dear John:

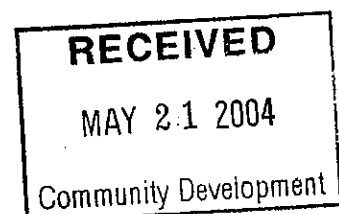
Per our phone conversation I would like to appeal some of the building permit requirements requested in response to the application for a building alteration at 3580 Airport Road. The two items I am addressing are the requirement to abandon the well on the property and to hook up to city water, at this time.

This property is zoned agriculture. We requested a change of zone during the recent General Plan update and were told that this property should remain in the agricultural zone. Well water is a necessary component of agriculture. I believe it is incumbent upon the city to continue to allow the use of well water on a property that it has decided must remain in agriculture at this time.

Also, the structure being modified is currently being served by the well, which produces potable water, and it is located at the easterly end of the property. The preliminary approval of the Masia project on the Black Ranch property easterly and adjacent to this property indicates that a water line will be brought along that boundary at the time of construction of that project. The present city water line is at Airport Road which is a significant distance away and at a much lower elevation. Hooking up to that line may necessitate a booster pump and, if used for agricultural purposes, water treatment to remove chlorine and other harmful elements to agricultural use. The cost, for agriculture, would be prohibitive.

Since this is an existing structure, currently on well water, would it not make better sense to:

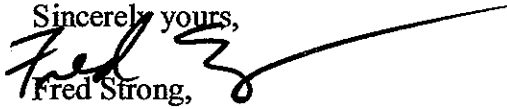
1. Defer hook-up to city water until the General Plan and zoning are changed
2. At least defer hook-up until after the water storage shortage is resolved and corrected
3. Defer hook-up of any non-agricultural uses until the new water line is brought down the property line for the adjacent project.



This property is providing a portion of the easement to be used for utilities to serve the Black Ranch property project proposed by Matt Masia. It would seem to make more sense to hook-up to that line when it is available than to go to the expense and extensive trenching, including the crossing of a stream, necessary to hook-up to the existing line at Airport Road.

I sincerely appreciate your position under the city statutes. Thank you for your consideration in this matter. If it is necessary to take this before the City Council I would appreciate it if that could be done.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Fred Strong", with a long, sweeping horizontal line extending to the right.

Fred Strong,

Land Use Consultant and agent/representative of Russ Wilson

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
TO DENY THE REQUEST FOR THE CONTINUED USE OF A PRIVATE WELL
(RUSSELL WILSON - 3580 AIRPORT ROAD)**

WHEREAS, Russell Wilson has applied for a building permit for his property at 3580 Airport Road; and

WHEREAS, Wilson has requested to maintain the existing private well on his property; and

WHEREAS, 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.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City of Paso Robles does hereby deny the continued use of an existing private well on property owned by Russell Wilson at 3580 Airport Road as a condition of obtaining a building permit on the subject property.

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 1st day of June 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**

RESOLUTION NO. 04 –

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES
AUTHORIZING RUSSELL WILSON AT 3580 AIRPORT ROAD
THE CONTINUED USE OF A PRIVATE WELL**

WHEREAS, Russell Wilson has applied for a building permit for his property at 3580 Airport Road; and

WHEREAS, Wilson has requested to maintain the existing private well on his property; and

WHEREAS, the Wilson property is comprised of nine acres and is zoned Agriculture, and

WHEREAS, the City is obligated to protect and preserve water supplies for all residents and businesses in the City and therefore preserving use of a private well on a nine-acre property zoned Agriculture is a prudent conservation decision.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. That the City of Paso Robles does hereby authorize the continued use of an existing private well on property owned by Russell Wilson at 3580 Airport Road.

SECTION 2. The residential construction permit applied for by Wilson, and/or any other development entitlements gained on the property in the future shall be served by City water.

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 1st day of June 2004 by the following vote:

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