

RESOLUTION NO.: 04-008

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF EL PASO DE ROBLES
APPROVING THE BLACK RANCH RESORT PROJECT, PLANNED DEVELOPMENT 01-025
(RRM DESIGN GROUP FOR MATT MASIA, BLACK'S HATCHERY & TURKEY FARM)**

APN: 025-431-044, -045, AND -049

WHEREAS, Planned Development 01-025 has been filed by RRM Design Group on behalf of Mr. Matt Masia for Black's Hatchery & Turkey Farm; and

WHEREAS, Planned Development 01-025 is a proposal to establish a Master Development Plan for the proposed Black Ranch resort project on an approximately 386-acre site north of Highway 46 East, south of Dry Creek Road, and west of Airport Road; and

WHEREAS, Conditional Use Permit 01-017 has been filed in conjunction with the Planned Development application to allow a resort hotel with a golf course and other ancillary facilities in the Parks and Open Space (POS) Zoning District; and

WHEREAS, the proposed Black Ranch resort includes a 200 room hotel with an additional 80 casitas (detached hotel rooms), an 18-hole golf course, a 9-hole executive course, wine information center, outdoor events area, spa facilities, tennis courts, restaurant, café, golf clubhouse, pool, and conference facilities; and

WHEREAS, the development project applications for the proposed Black Ranch resort would establish the following:

- The Planned Development would establish the site plan, development standards, architectural theme, landscaping, phasing, and required infrastructure for the Black Ranch resort; and
- The Conditional Use Permit would establish the allowable land uses for the Black Ranch resort, including authorizing development and operation of a resort hotel and restaurant with greater than 5,000 square feet of area if determined not to have a significant adverse effect on the economic vitality of the downtown as required by Ordinance 568 N.S.; and

WHEREAS, the General Plan land use designation is POS (Parks and Open Space) and the Zoning Ordinance designation is POS (Parks and Open Space), and

WHEREAS, at its January 27, 2004 meeting, the Planning Commission held a duly noticed public hearing on the proposed Black Ranch resort project the public hearing was open and continued at the request of the Applicant in order to allow additional time to review the project conditions; and

WHEREAS, at its February 10, 2004 meeting, the Planning Commission reopened the public hearing to accept public testimony on the proposal, including Planned Development 01-025, Conditional Use Permit 01-017, and the environmental review/determination therefore; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), and the City's Procedures for Implementing CEQA, an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, the proposed project and proposed uses are subject to and consistent with the 1977 Airport Land Use Plan; and

WHEREAS, based on the information and analysis contained in the Initial Study, a determination has been made that the proposed Black Ranch resort project qualifies for adoption of a Mitigated Negative Declaration and Mitigation Monitoring/Reporting Program/Plan; and

WHEREAS, based upon the facts and analysis presented in the staff report and the attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the Planning Commission makes the following findings:

1. The proposed Black Ranch resort project will not be detrimental to the City's efforts to revitalize Downtown Paso Robles since it is a destination resort hotel with a golf course and other ancillary/related land uses consistent with the City's Economic Strategy. The proposed Black Ranch resort project is designed to complement adjacent recreational opportunities and the City's existing wine industry. Overnight and dining accommodations are designed to support the guests of the resort facilities.
2. The proposed Planned Development is consistent with the purpose, intent and regulations set forth in Chapter 21.16F (Parks and Open Space District), Chapter 21.16A (Planned Development Overlay District Regulations), and Chapter 21.23B (Development Review), as follows:
 - A. The granting of the Planned Development (PD) will not adversely affect the policies, spirit and intent of the General Plan, the Zoning Ordinance, and the policies and plans of the City.

Rather, the PD for the Black Ranch resort project implements the City's goals as expressed in its General Plan and its Economic Strategy to develop Paso Robles into an "end-destination" tourist attraction and Central Coast Golf destination. Among other items, implementation of the City's Economic Strategy is to include encouraging and supporting development of "resort-quality" golf courses that would be compatible with the Paso Robles area.

- B. The Black Ranch resort project maintains and enhances the significant natural resources on the site. This has been accomplished through:
 - The retention of the majority of the existing oak trees (Separate City Council review/approval to remove three [3] of the existing oak trees is being sought in order to develop the resort);
 - The orientation and layout of the developed portion of the Black Ranch site;
 - The proposed landscape restoration plan and the extensive tree protection plan; and
 - The establishment of a readily identifiable, enhanced architectural style. The Craftsman architectural style is the one selected for the Black Ranch resort, reflecting the character of the early Californian Bungalow. As the architect of record has indicated:

"This style incorporates natural building materials that compliment the site. The natural materials (heavy timbers, natural stone, and wood siding) become and extension of the landscape and appear to be "growing from the soil". This style was carefully designed to fit with the historical landscape and architecture found in the surrounding Paso Robles area. You can find many of the similar architectural details in the historic residential area of Paso Robles. In addition, to the architecture, the site design concentrated on preserving as many natural oaks trees and existing site features as possible. As a result, a very small percentage of oak trees will be affected by the placement of the structures."

- C. The Black Ranch resort project is designed to be sensitive to, and blend in with, the natural character of the site and the surrounding area. This has been accomplished through the following:
- The retention of the existing oak trees as shown on the proposed tree protection plan; and
 - The proposed restoration of the natural landscape as shown on the landscape restoration plan; and
 - The establishment of a readily identifiable, enhanced architectural style; and
 - The relatively limited area of the site that is set-aside for the resort development as shown on the schematic grading and drainage plan.
- D. The Black Ranch resort project is consistent with the purpose and intent of the Planned Development Chapter, the Conditional Use Permit Chapter, and the Parks and Open Space District of the City's Zoning Ordinance; and, further, the Black Ranch resort project is not contrary to the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of El Paso de Robles does hereby approve Planned Development 01-025 subject to the following conditions:

GENERAL CONDITIONS:

1. The Planned Development for the Black Ranch resort project shall not be operative or vested until the following applications have been approved and put into effect:
 - A. Mitigated Negative Declaration and Mitigation Monitoring/Reporting Program/Plan;
 - B. Conditional Use Permit 01-017; and
 - C. Oak Tree Removal Permit.
2. The Black Ranch resort project shall comply with all Conditions of Approval and Exhibits contained in this Resolution and the associated Resolutions for the above-referenced Mitigated Negative Declaration and Mitigation Monitoring/Reporting Plan/Program, Conditional Use Permit, and Oak Tree Removal Permit.
3. The Black Ranch resort project shall comply with the checked standard Conditions of Approval, attached hereto as Exhibit A and incorporated by reference herein.

SITE-SPECIFIC CONDITIONS:

NOTE: In the event of conflict or duplication between the site-specific and standard conditions, the site-specific condition shall supersede the standard condition.

4. The Black Ranch resort project shall be constructed in substantial conformance with the Conditions of Approval established by this Resolution and it shall be constructed in substantial conformance with the following Exhibits:

EXHIBIT

DESCRIPTION

A	Standard Conditions of Approval
B	Black Ranch Master Plan – Schematic Landscape Plan
C	Black Ranch Master Plan – Schematic Tree Protection Plan
D	Black Ranch Master Plan – Schematic Landscape Resort Plan
E	Black Ranch Master Plan - Schematic Grading and Drainage Plan
F	Black Ranch Master Plan - Schematic Utility Plan
G	Black Ranch Master Plan – Site Sections
H	Black Ranch Master Plan – Floor Plans & Elevations for the Hotel, Lobby, Restaurant, & Café
I	Black Ranch Master Plan – Casitas Plan and Elevation
J	Black Ranch Master Plan – Clubhouse Plan and Elevations
K	Black Ranch Mitigation Monitoring/Reporting Plan/Program

5. This Master Development Plan for PD 01-025, together with the City’s General Plan, Economic Strategy, and Municipal Code as amended, establishes the conceptual framework for development of the Black Ranch resort project. The Master Development Plan also establishes a Mitigated Negative Declaration for the project (both Phases I and II) and has determined that the Black Ranch project will not have a significant impact on the environment because of the required mitigation measures.
 - A. The Master Development Plan for PD 01-025 authorizes Phase 1 and Phase 2 of the Resort Development for the Black Ranch project (which does not include the golf courses and related amenities, see condition No. 5C below), subject to Development Review Committee (DRC) review and approval of a Final Development Plan (which Plan is to be in substantial compliance with this Master Development Plan, the project Conditions of Approval, and the Mitigation Monitoring/Reporting Plan/Program), DRC review and approval for Phase 1 or 2 of the Resort is to be obtained prior to issuance of any permits for grading, site development, and/or buildings.
 - B. The phasing schedule for development for the Black Ranch resort project is as follows (note: changes may be made to the phasing schedule, building orientation and building size only if found to be in substantial compliance by the Development Review Committee and/or Planning Commission):

Black Ranch Resort & Golf Course Phasing Schedule			
Phases			
Land Use/Facilities	1	2	Total
Resort			
Hotel Rooms	120	80	200
Casitas	40	40	80
Restaurant: Fine Dining	6,000 sf	N/A	6,000 sf (100 seats)
Restaurant: Café	1,500 sf	N/A	1,500 sf
Outdoor Seating	25 tables	N/A	25 tables
Conference Facilities	8,286 sf	6,000 sf	14,286 sf
Wine Information Center	1,500 sf	N/A	1,500 sf
Health Spa	1,500 sf	1,000 sf	2,500 sf
Outdoor Uses	4 tennis courts Pool Hot Tub/Spa Gardens	N/A	4 tennis courts Pool Hot Tub/Spa Gardens
Outdoor Events Areas	South area	North area	2 areas
Bus/Overflow Parking	120 spaces	N/A	120 spaces
Golf/Clubhouse Parking	161 spaces	N/A	161 spaces
Resort Parking	200 spaces	84 spaces	284 spaces
Casitas Parking	40 spaces	40 spaces	80 spaces
Land Use/Facilities			
	1	2	Total
Golf Course			
Golf Course Clubhouse	10,000 sf	N/A	10,000 sf
Championship Golf Course	18 holes	N/A	18 holes
Executive Golf Course	N/A	9 holes	9 holes
Snack Bar/Pro Shop/Restaurant	1,500 sf	N/A	1,500 sf
Golf Cart Storage Building	6,000 sf	N/A	6,000 sf
Satellite Restroom	250 sf	N/A	250 sf
Maintenance Building	6,000 sf	N/A	6,000 sf
Driving Range	289,061 sf	N/A	289,061 sf
Putting Green	76,699 sf	N/A	76,699 sf
Chipping Green	21,303 sf	N/A	21,303 sf

- C. Phase I and II of the Golf Course including all associated buildings is subject to Planning Commission review and approval. The Planning Commission shall review and approve the Final Development Plan for the golf course (which plan is to be in substantial compliance with this Master Development Plan, the project Conditions of Approval, and the Mitigation Monitoring/Reporting Plan/Program). The Planning Commission's review will focus on, but not be limited to the details of grading/drainage, impacts on oak trees, oak tree protection measures, golf course amenities, landscaping associated with the golf course, irrigation and lighting. No new environmental review shall be required if the project is in substantial compliance as determined by the Planning Commission.
6. This Master Development Plan for PD 01-025, the Black Ranch resort project, together with the City's General Plan, Economic Strategy, and Municipal Code as amended, Conditional Use Permit 01-017, and the Oak Tree Permit allows for development and operation of the following land uses:

A. Permitted Land Uses for Black Ranch

1. Resort Hotel with 200 rooms and 80 casitas (detached hotel rooms)
2. Restaurant – Café (1,500 square feet with an outdoor seating area with 25 tables)
3. Wine Information Center (1,500 square feet)
4. Gardens

B. Permitted Accessory/Ancillary Land Uses for Black Ranch

1. Golf Course with an 18-hole Championship Course and a 9-hole Executive Course
2. Driving Range, Putting Green, and Chipping Green
3. Golf Course Clubhouse (10,000 square feet)
4. Snack Bar/Pro Shop/Restroom (1,500 square feet)
5. Satellite Restroom (250 square feet)
6. Golf Cart Storage Building (6,000 square feet)
7. Maintenance Building (6,000 square feet)
8. Health Spa (1,500 square feet)
9. Pool, Hot Tub/Spa, and Tennis Courts (4 courts) for the Resort Hotel and casitas
10. Restaurant – “Fine Dining” (6,000 square feet, approximately 100 seats)
11. Conference Facilities and Meeting Rooms (14,286 square feet)
12. Administrative/Professional Offices in the hotel and in the clubhouse
13. Outdoor Events in the designated areas in the north and south portions of the site
14. Crop production (includes dry and irrigated farming, orchards, vineyards) if conforming to Section 21.16E.040 of the Zoning Ordinance
15. Temporary Construction Yard in connection with a valid building permit on the site of the building permit or on an immediately adjacent site, subject to issuance of a Temporary Use Permit.
16. Temporary Trailer and/or Building for use as a construction office subject to issuance of a Temporary Use Permit.

C. Conditionally Permitted Land Uses for Black Ranch

1. Temporary Special Events with over 400 guests subject to a review and approval of a Temporary Use Permit; the TUP application shall include parking plans, security and traffic control plans, in addition to the other application requirements. Temporary Special Events less than 400 guests do not need a TUP or any City review, unless the special events are above and beyond the usual conference or on-going activities of the resort/golf course (example: a golf tournament or wedding may not need a TUP, but a fire works show or rock concert would need a TUP). It is the responsibility of the operator to identify uses that may need special need by the Police Department.

2. The land uses listed below are not expressly authorized through the Master Development Plan for Black Ranch (PD 01-025) and Conditional Use Permit 01-017. While not expressly authorized herein, any of the following land uses or combination thereof may be established as part of the Black Ranch resort project subject to issuance of a separate or amended Conditional Use Permit:
 - a) Additional restaurants as an accessory to the resort (outdoor seating and liquor service included);
 - b) Additional tennis courts;
 - c) Racquetball and/or handball courts;
 - d) Ball fields, playgrounds, stadiums, and amphitheaters;
 - e) Museums and/or art galleries;
 - f) Public Facilities;
 - g) Parks and/or playgrounds; and
 - h) Public Utilities Facilities

D. Prohibited Land Uses for Black Ranch

1. Residential land uses are prohibited as a part of the Black Ranch resort. This prohibition is consistent with the POS General Plan and Zoning designations and is in accordance with General Plan Land Use Policy LU-1B (Airport Land Use Compatibility), which states that new residential development is an undesirable land use within the Airport Influence Area and which requires the City to prohibit further subdivision of land within the Airport Land Use Review Area (AP Overlay Area) and/or to prohibit changes to General Plan land use designations or a site's zoning in such a manner that would accommodate additional dwelling units.
 2. Residential land uses are prohibited within the Black Ranch resort since the site located within the Airport Influence Area of the Paso Robles Municipal Airport and the Airport Land Use Review Area (AP Overlay Area).
 3. The Casitas (detached hotel rooms) shall only be used for transient occupancy use where the length of stay is limited to no longer than 30 days. Longer stay rental use is prohibited.
7. Prior to issuance of any permits for grading, site development, and/or buildings, a Final Development Plan for Phase 1 of the Black Ranch resort project shall be filed with the City for Development Review Committee review and approval (which Plan is to be in substantial compliance with the Master Plan).
- A. The Final Development Plan submittal is to be accompanied by submittal of the detailed plans of: (1) the building architecture, (2) the colors, textures, materials, and finishes of the buildings, site amenities, and appurtenant facilities, (3) the site and building lighting, (4) the landscaping, the oak tree protection measures, and the landscape irrigation, (5) the signage program, (6) the precise grading and drainage, (7) the water system, (8) the sewer system, and (9) the street improvements.
 - B. The Final Development Plan and the accompanying detailed plans are to be in substantial conformance with Exhibits B through K, which Exhibits have been incorporated into this Resolution as per Site Specific Condition No. 4.
 - C. The Final Development Plan and the accompanying detailed plans are to incorporate use of natural building materials that complement the site and the elevations of the buildings, and structures are to be in an architectural style as per the plans, drawings, and details included with the PD application.
 - D. All accessory elements including but in no way limited to trash enclosures, mechanical screens, decorative paving, fountains, outdoor lighting, building mounted lighting, tables, chairs, benches,

and wall/fences shall be consistent with the architectural theme established for the Black Ranch resort project as shown on the Exhibits B through L.

- E. Night lighting will be designed and directed to avoid visibility from Highway 46 and shall not conflict with airport operations. Cut sheets of outdoor lighting equipment shall be submitted to the Community Development Department prior to installation for review and approval.
8. This Master Development Plan for PD 01-025 includes a Phasing Plan for the construction of the Black Ranch resort project. The project has been divided into two (2) separate phases.
- A. Unless permits have been issued for Phase 1 and site work has begun, the approval of Planned Development 01-025 shall expire on January 27, 2010. This January 27, 2010 expiration date may be extended an additional year by the Planning Commission if, prior to the expiration date, a complete time extension application has been filed with the City along with the appropriate fees.
 - B. If permits have been issued for Phase 1 and site work has been initiated prior to January 27, 2010, the subsequent phase shall have the following expiration date: Phase 2 – January 27, 2014. This Phase 2 expiration date may be extended an additional year by the Planning Commission if the Phase 1 timeframe for project initiation has been extended.
9. Prior to issuance of any permits for grading, site development, and/or buildings, the property-owner shall grant and record an avigation easement to the City, in a form approved by the City Attorney, over the entire project area.
10. Per Section 21.16F.040 (Development Standards) of Chapter 21.16F (Parks and Open Space District), standards for development of buildings and structures (setbacks, building separations, grading limitations, architectural requirements, etc...) shall be the same as those specified for the R-1 District, except as follows:
- All buildings shall be setback at least 30 feet from the right-of-way of Highway 46 East.
 - All buildings shall be setback 30 feet from Dry Creek Road.
 - All buildings shall be setback 10 feet from the eastern and western property lines
 - No buildings or structures shall be placed with the limits of the watershed surrounding each of the vernal pools shown on Exhibits B through F and Exhibit K (attached hereto and incorporated herein by reference).
 - Maximum building height shall be in accordance with the height identified on the approval plans and shall be a maximum of 40-feet above finish grade.

ENVIRONMENTAL MITIGATION AND MITIGATION MONITORING PLAN/PROGRAM

11. The Black Ranch resort project shall be constructed and operated in substantial conformance with the environmental mitigation measures and mitigation monitoring/reporting program/plan requirements set forth in Exhibit K (attached hereto and incorporated herein by reference). Among other items, the environmental mitigation measures and mitigation monitoring/reporting program/plan requirements address San Joaquin Kit Fox Habitat Preservation, retention of Wetlands and Vernal Pools, and Oak Tree protection and preservation in accordance with the City's Oak Tree Preservation Ordinance No. 835 N.S., unless specifically authorized by the City Council to be removed.

A brief overview of the requirements relating to each of these three (3) environmental issue areas are presented below (refer to Exhibit K for the project specific measures and monitoring/reporting requirements to be satisfied).

A. San Joaquin Kit Fox/Habitat Preservation (Mitigation Measure B-1)

Prior to the issuance of permits for grading/construction or prior to final inspection of any grading/construction permits, the applicant shall provide for habitat preservation, in a form

acceptable to the CA Fish & Game Department, in an amount equal to three acres of habitat, or fraction thereof, for each acre of development, or fraction thereof. The applicant shall have the ability to enter into an agreement with CA Fish & Game Department for payment of an in-lieu fee not to exceed \$2500 per acre to The Nature Conservancy for a total replacement habitat of 383.4 acres based on the score from the Kit Fox Evaluation Form and Procedure and the CA Fish & Game replacement of 3-acres for each of the 127.8-acres lost.

B. San Joaquin Kit Fox Protective Measures for Implementation Before and During Construction (Mitigation Measures B-2 through B-11)

There are 10 protective measures that are to be implemented either (1) prior to the issuance of permits for grading/construction or (2) during construction to ensure that the construction activities do not have a direct impact on the San Joaquin Kit Fox.

C. Vernal Pools Mapping (Mitigation Measure B-18)

Prior to construction, the Applicant shall map, via topographic survey at one foot contours, the entirety of the watershed of Vernal Pools #1 and #2 and shall complete surveys of these potential vernal pools in winter and spring. The watershed boundary shall be clearly flagged in the field so that it is plainly visible.

D. Retention of Wetlands and Vernal Pools (Mitigation Measure B-19)

Prior to Final Development Plan approval, the applicant shall reconfigure the Master Plan for the Black Ranch resort project, including the golf course, to avoid site disturbance, grading, utility trenching, landscaping, site improvements, golf course pathways, walkways, et cetera within the mapped watershed of the Vernal Pools and identified wetland areas to satisfaction of the City, any State Trustee Agency having jurisdiction by law over natural resources (ie, wetlands and vernal pools), CA Fish & Game, and any Responsible Agency which has discretionary approval power over the project (eg, USFWS). Herbicide and/or pesticide use shall not be allowed within the delineated watershed boundary.

E. Vernal Pools: Impact Avoidance (Mitigation Measure B-20)

Prior to final project design and continuing for a period of two years after construction (or other duration of time as may be required by the USFWS), the Applicant shall retain a qualified, permitted Vernal Pools Field Survey biologist to conduct field surveys to ensure that the golf course and other improvements are not adversely impacting the Vernal Pool Habitat. The final project design of the Master Plan for the Black Ranch resort project shall be modified to avoid disturbance of the mapped vernal pools following the noted surveys and dependent upon their results.

- Prior to issuance of a grading or building permit, the applicants Biologist shall confirm with the California Department of Fish and Game that because the project will be redesigned to stay out of any areas of the property identified as wetland or vernal pool, that all of the concerns have been addressed and no mitigation is necessary. The applicant shall provide written documentation that the necessary agencies have acknowledged that there is no need for mitigation.

F. Vernal Pools: Conservation Easement (Mitigation Measure B-21)

Prior to Final Development Plan review/approval for Phase 1 of the Black Ranch resort project, the applicant shall record a conservation easement (or other mechanism) against the property in a manner and form acceptable to the City Attorney and the Community Development Director or his/her designee to provide for protection in perpetuity for the vernal pools and their watersheds, including, but not limited to use restrictions and on-going management program.

G. Site Preparation & Grading Limitations (Mitigation Measure B-22)

During site development, heavy equipment shall not be allowed to operate within the noted and flagged watershed and the identified vernal pools and their watersheds. Equipment refueling and/or washing shall not be allowed within 50 feet of the flagged boundary.

H. Oak Tree Protection and Preservation (Mitigation Measures B-12 to B-16)

- i. **General Requirements.** The existing Oak trees located on the project site shall be protected and preserved as required in City's Oak Tree Preservation Ordinance No. 835 N.S, as codified in Chapter 10.01 - Oak Tree Preservation of the Municipal Code, unless specifically authorized by the City Council to be removed. None of the three (3) oak trees shown for removal as part of the Black Ranch resort project have been authorized for removal as part of this Master Development Plan. Any proposed oak tree removal is subject to separate City Council review and approval as set forth in the City's Oak Tree Preservation Ordinance. Any oak trees that may subsequently be approved for removal by the City Council shall be replaced as so required by the City's Oak Tree Preservation Ordinance (Title 10 of the Municipal Code).
- ii. **Oak Tree Retention or Removal (Phase 1).** A modified Master Plan and conceptual site plan for Phase 1 of the Black Ranch resort project shall be submitted to the Development Review Committee for verification that:
 - a) The footprints of the hotel buildings have been modified so that the three (3) oak trees shown for removal are retained; or
 - b) Modified plans, drawings, and documents showing where (a) the three (3) existing oak trees will be transplanted on the site if feasible or (b) where the replacement oak trees will be planted at the replacement ratio specified in the City's Oak Tree Preservation Ordinance, if removal is so authorized by separate action of the City Council. If transplanting is proposed, a cash deposit equal to the appraised value of the tree or trees shall be deposited with the City. The appraised value and length of time that the security shall be held will be established by an International Society of Arboriculture (ISA) certified arborist hired by the City at the applicant's cost.
- iii. **Constructive Notice.** Prior to Development Review Committee review/approval of any Final Development Plans for the Black Ranch resort project, constructive notice of the City's Oak Tree Preservation Ordinance and its requirements, the environmental mitigation measures to be implemented for the Black Ranch project as set forth in Exhibit K (attached hereto and incorporated herein by reference), and the Conditions shall be recorded against the property in a manner and form acceptable to the City Attorney and Community Development Director or his/her designee.

ENGINEERING SITE-SPECIFIC CONDITIONS

12. Two sources of water shall be provided to the project as shown on the preliminary utility plan. Backflow prevention devices shall be installed at all points of connection.
13. The applicant shall extend a 16-inch water main from the existing 16-inch main in Airport Road to the project, and through the project in accordance with the City Water Master Plan and as approved by the City Engineer. Easements shall be dedicated to the City for the placement and maintenance of the 16-inch water main.

14. Prior to occupancy of the first building, the applicant shall extend a City sewer line to the project frontage on Highway 46 East in accordance with plans approved by the City Engineer.
15. The applicant shall enter into an agreement not to protest the formation of an assessment district for the future improvement of Dry Creek Road, the realignment of Airport Road and intersection improvements at Airport Road and Highway 46 East.
16. Prior to issuance of any permits for grading, site development, and/or buildings, the property-owner shall provide an irrevocable offer of dedication of public right-of-way to the City, 50-feet wide from the centerline of Dry Creek Road, adjacent to the subject property.
17. Prior to issuance of any permits for grading, site development, and/or buildings, the property owner or his authorized representative shall submit improvement plans:
 - A. For City Engineer review/approval as to their compliance with: (i) these project Conditions of Approval; (ii) the recommendations of the ATE Traffic and Circulation Study for Black Ranch; (iii) the environmental mitigation measures and mitigation monitoring plan/program requirements in Exhibit K (attached hereto and incorporated herein by reference); and (iv) City standards.
 - B. For City Engineer verification that all applicable Caltrans requirements, conditions, and permits as set forth in their letters dated May 1, 2002 and February 1, 2002 have been and/or will be satisfactorily addressed.
18. In conjunction with the afore-mentioned public improvements and prior to issuance of any building permits, the property owner or his authorized representative shall construct any or all improvements to the site's main entrance/exit along Highway 46 East as recommended by the Traffic Engineer's Report and in substantial compliance with the environmental mitigation measures and mitigation monitoring plan/program requirements set forth in Exhibit K (attached hereto and incorporated herein by reference).
19. The property owner or his authorized representative may request, from the City Council, reimbursement of expenses for the 16-inch water main extension, which are over and above the proportionate share required for the Black Ranch resort project.
20. The property owner or his authorized representative may request, from the City Council, reimbursement of expenses for the sanitary sewer facilities, which are over and above the proportionate share required for the Black Ranch resort project.
21. Prior to issuance of any building permits, storm water detention facilities shall be designed and constructed at all discharge points within the project. Natural water courses draining from the project property shall be protected from silt (during construction and permanently) and from nuisance water generated from landscape irrigation, agricultural activity or any other source.
22. Prior to issuance of any building permits, the property owner or his authorized representative shall assign the overlying water rights of the property to the City of Paso Robles in accordance with the City Council policies and directions at that time, in a form acceptable to the City's Public Works Department and the City Attorney. This condition does not apply to hot springs.
23. All domestic water uses, landscape irrigation and golf course irrigation shall be obtained by connection to the City water system unless the City Council, upon request of the applicant, specifically approves the use of private sources of water for any of the purposes listed.

EMERGENCY SERVICES/FIRE SITE-SPECIFIC CONDITIONS

24. All secondary and emergency access roads shall meet Uniform Fire Code Specifications as amended and as follows: (a) width shall be 24 feet or as approved by the City's Emergency Services/Fire Department;

(b) vertical clearance shall be 13 feet-6 inches; and (c) all weather surfaces shall be provided to allow for all weather driving capabilities and to conform to the requirements contained in the Zoning Ordinance.

25. Prior to start of construction, information shall be submitted to the Emergency Services/Fire Department showing that required fire flows can be provided to meet all project demands.
26. A directory or annunciator board shall be placed at road entrances showing building locations and numbers.
27. The provision of on-site water mains, hydrants and adequate flow and pressure are standard City requirements. Unless waived by the Fire Chief, fire alarm and fire sprinkler systems shall be installed in all new resort structures.
28. Bridges constructed on primary roads and secondary roads shall be designed and constructed to be capable of supporting the imposed loads of all Emergency Services/Fire Department apparatus.

PASSED AND ADOPTED THIS 10th day of February, 2004 by the following Roll Call Vote:

AYES: Johnson, Ferravanti, Mattke, Kemper, Flynn, Steinbeck

NOES: None

ABSENT: Hamon

ABSTAIN: None

CHAIRMAN TOM FLYNN

ATTEST:

ROBERT A. LATA, PLANNING COMMISSION SECRETARY

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