

RESOLUTION NO: 94-32  
A RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EL PASO DE ROBLES  
TO UPHOLD THE APPEAL THEREBY APPROVING  
CONDITIONAL USE PERMIT 93011  
(TOM & BEVERLY VOISS)  
APN: 25-281-26

WHEREAS, the applicants, Tom and Beverly Voiss, filed an application to keep a maximum of two adult horses and their immature offspring on property zoned R-1, B-4 located at 731 Orchard Drive, and

WHEREAS, a public hearing was conducted by the Planning Commission on January 10, 1994 to consider facts as presented in the staff report prepared for this project, and to accept public testimony regarding this project proposal, and

WHEREAS, four unannounced site inspections were conducted by staff on October 13, 1993 (in response to a complaint), October 19, 1993, December 16, 1993 and January 3, 1994 and the applicants were found to be in conformance with the general performance standards required by Municipal Code Sections 21.20.100 and 8.16.020, and

WHEREAS, the Planning Commission denied the application on a 4-2 vote based on the finding that the keeping of two adult horses was detrimental to the comfort, convenience and general welfare of property owners in the vicinity of the site, and

WHEREAS, an appeal was filed by Tom and Beverly Voiss on January 18, 1994, and

WHEREAS, a public hearing was conducted by the City Council on February 15, and March 1, 1994 to consider facts as presented in the staff report prepared for this appeal, and to accept public testimony regarding this project proposal, and

WHEREAS, based upon the facts and analysis presented, and public testimony received, the City Council finds that, subject to the conditions of approval listed below, that the establishment, maintenance and operation for the requested use applied for, will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of El Paso De Robles does hereby uphold the appeal thereby approving Conditional Use Permit 93011 subject to the following conditions:

RESOLUTION #2  
APPROVAL OF CUP

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS TO BE IN COMPLIANCE AT ALL TIMES:

1. This Conditional Use Permit authorizes the keeping of not more than two adult horses and two immature offspring in the R-1, B-4 Zoning District, in the general location indicated on the site plan (Exhibit "A").
2. The use shall abide by the general performance standards for all uses required by Municipal Code Sections 21.20.100 (Exhibit "B") and 8.16.020 (Exhibit "C")
3. The subject site shall be kept in a neat manner at all times.
4. Any condition imposed by the City Council in granting this Conditional Use Permit may be modified or eliminated, or new conditions may be added, provided that the Planning Commission shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such modification shall be made unless the Planning Commission finds that such modification is necessary to protect the public interest and/or neighboring properties, or, in the case of deletion of an existing condition, that such action is necessary to permit reasonable operation and use under the Conditional Use Permit.

PASSED AND ADOPTED THIS 1st day of March, 1994 by the following roll call vote:

AYES: Heggarty, Macklin, Picanco

NOES: Martin, Iversen

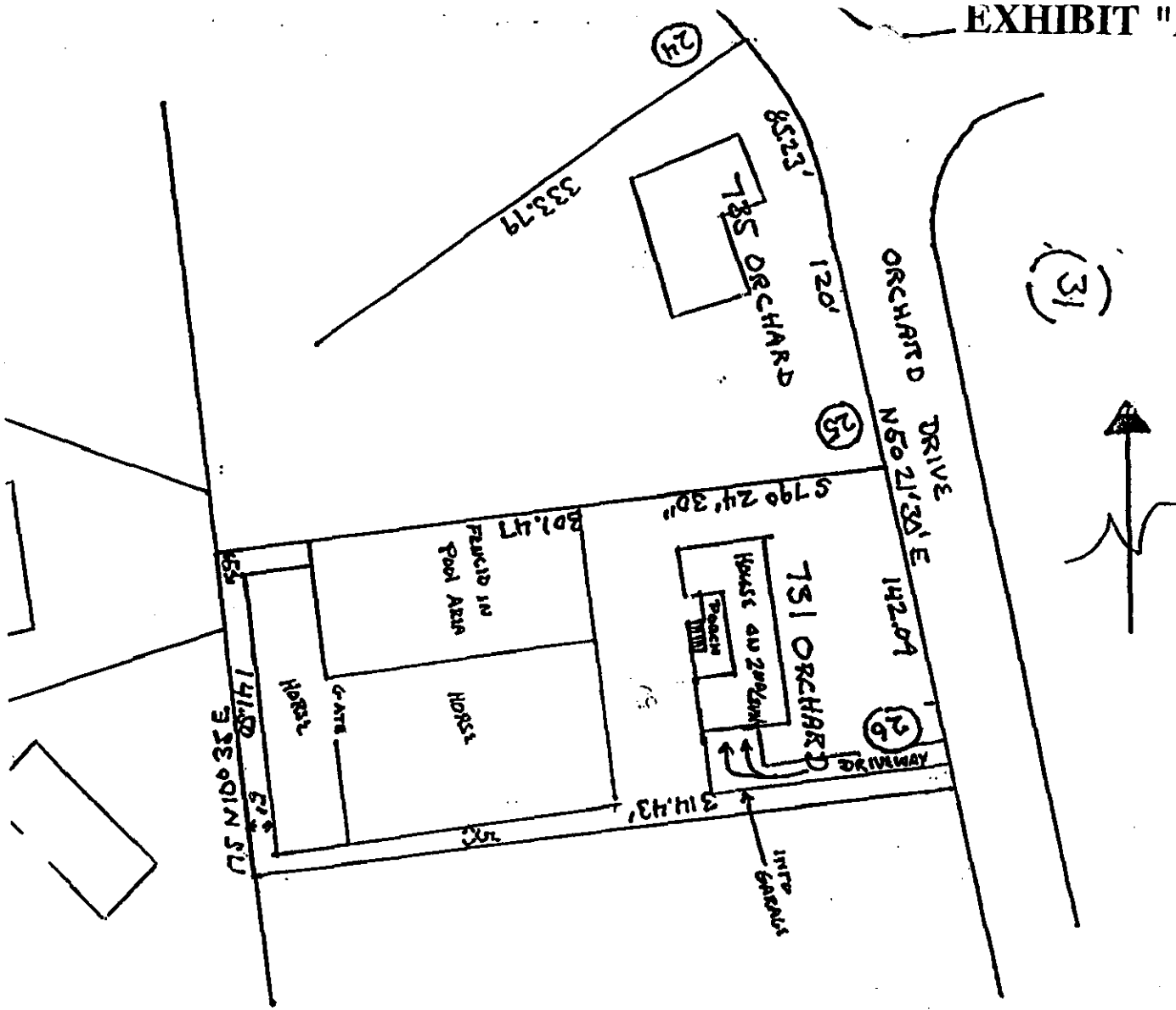
ABSTAIN: None

ABSENT: None

  
\_\_\_\_\_  
MAYOR CHRISTIAN E. IVERSEN

ATTEST:

  
\_\_\_\_\_  
RICHARD J. RAMIREZ, CITY CLERK



SITE PLAN

CONDITIONAL USE PERMIT 93011 (VOISS)

**21.20.040 Erection of dwelling near sewage disposal plant.**

No dwelling, trailer, or structure in which human beings dwell shall be erected or maintained within a distance of five hundred feet of any sewage disposal plant in the city of El Paso de Robles. (Ord. 405 N.S. § 2 (part), 1977)

**21.20.050 Amusement places in C-1 and C-2 districts.**

No dancehall, roadhouse, nightclub, commercial club, or any establishment where liquor is served, or commercial place of amusement or recreation shall be established in any C-1 or C-2 district unless a use permit shall first have been secured for the establishment, maintenance, and operation of such use. (Ord. 405 N.S. § 2 (part), 1977)

**21.20.060 Accessory buildings in C and M districts.**

Accessory uses and buildings in any C or M district may be permitted where such uses or buildings are incidental to and do not alter the character of the premises in respect to their use for purposes permitted to the district. Such accessory buildings shall be allowed only when constructed concurrent with or subsequent to the main building. (Ord. 405 N.S. § 2 (part), 1977)

**21.20.070 Mining.**

The removal of minerals, earth and other natural materials may be permitted providing a use permit shall first be obtained in each case. (Ord. 405 N.S. § 2 (part), 1977)

**21.20.080 Utility distribution lines.**

Public utility distribution and transmission lines, both overhead and underground, shall be permitted in all districts without limitation as to height and without the necessity of first obtaining a zoning permit or a use permit; provided, however, that the routes of proposed electric transmission lines shall be submitted to the planning commission for ap-

proval and the approval shall be received prior to acquisition of rights-of-way therefor and any construction thereon. (Ord. 405 N.S. § 2 (part), 1977)

**21.20.090 Residential uses in C-2 and C-3 districts.**

Residential uses may be permitted in the C-2 and C-3 districts when accessory and essential to the operation of uses permitted in such districts, provided a use permit shall first be obtained. (Ord. 405 N.S. § 2 (part), 1977)

**21.20.100 Animals in R districts.**

Subject to first securing a use permit, the keeping of cows, horses, mules, burros, and sheep is permitted in any R district on parcels of land of not less than twenty thousand square feet in area. Two adult animals may be kept on any twenty-thousand-square-foot parcel together with their immature offspring. An additional two adult animals and their immature offspring may be kept for each acre the parcel exceeds twenty thousand square feet. Stables, corrals, and similar buildings incidental to the keeping of such animals are permitted, provided that none shall be located nearer than one hundred feet from the front lot line or fifty feet to any existing dwelling. Anything to the contrary notwithstanding, the keeping of any animals shall be in a neat, clean and sanitary manner, it is the intention that no nuisance, private or public be maintained. (Ord. 405 N.S. § 2 (part), 1977)

**21.20.120 Awning or canopy over public sidewalk.**

It is unlawful to erect or cause to be erected or to maintain or permit to be maintained any poster, sign, awning, canopy, or other structure, or any advertising material, over or upon any public street, walk, or parkway in the city except in a C or M district, and then only subject to development review as provided in this title. (Ord. 635 N.S. Exh. A (part), 1992; Ord. 613 N.S. § 4, 1991; Ord. 551 N.S. § 12, 1988; Ord. 405 N.S. § 2 (part), 1977)

**EXHIBIT "C"****Chapter 8.16****ANIMALS, POULTRY AND  
HOUSEHOLD PETS****Sections:**

- 8.16.010**     **Animals and poultry at large.**
- 8.16.020**     **Unsanitary conditions.**
- 8.16.030**     **Impounding of animals and poultry.**
- 8.16.040**     **Disposition of impounded animals and poultry.**
- 8.16.050**     **Bees—Keeping of prohibited.**

**8.16.010**     **Animals and poultry at large.**

No person shall allow or permit animals or poultry to run at large upon any public street or place, or to trespass upon the property of another. This provision shall not be construed as permitting the running at large of any household pets who are restricted by the provisions of any other ordinances of this city or by any law applicable thereto. (Ord. 312 N.S. § I (Art. IV § 1), 1970)

**8.16.020**     **Unsanitary conditions.**

No person shall keep, upon any premises, any animal, poultry or household pets in a foul, offensive, obnoxious, filthy or unsanitary condition. All manure and other wastes shall be removed at least once in seven days. The manner of disposal shall be acceptable to the health officer. Any violation of this section is an infraction, punishable as provided in this title. (Ord. 392 N. S. § 7, 1976; Ord. 312 N.S. § I (Art. IV § 2), 1970)

**8.16.030**     **Impounding of animals and poultry.**

All animals and poultry if found running at large upon any public road, highway, street, alley, square, park, schoolground or other public place, or in or upon any lot, premises, or property of another shall be impounded by the poundmaster and provided with proper care and

attention, food and water. In all cases, the provisions of Division 3 of the California Agricultural Code concerning estray bovine animals, horses, mules or burros shall be complied with. The poundmaster shall keep all animals and poultry for a period of three days unless the same are sooner reclaimed or redeemed by the owner or person having control thereof. Such redemption by the owner or person having control thereof shall be made by signing an affidavit, under penalty of perjury, declaring ownership, or by exhibiting proof of ownership to the satisfaction of the poundmaster, and by paying to the poundmaster any charges imposed thereon. Upon such redemption being made, the poundmaster shall release such animals and poultry; provided, however, that in all cases any actual costs incurred by the poundmaster for keeping such animals or the sum of one dollar per day for the care of poultry must first be paid. (Ord. 312 N.S. § I (Art. IV § 3, 1970)

**8.16.040**     **Disposition of impounded animals and poultry.**

At any time after the expiration of the period of three days, the poundmaster may, without further notice, and without advertising in any manner, sell, give away, or dispose of, in a humane manner, any animals or poultry not reclaimed or redeemed as aforesaid; provided, however, the poundmaster may not sell, give away, or transfer title to any animals or poultry for any of the purposes as set forth in Section 8.08.100. (Ord. 312 N.S. § 1 (Art. IV § 4), 1970)

**8.16.050**     **Bees—Keeping of prohibited.**

No person, firm, or corporation shall keep bees within the city limits of El Paso de Robles; provided that nothing contained in this section shall be deemed to apply to the keeping of bees, for the purpose of study and observation, in a safe container, which is situated and kept within a school building. (Ord. 386 N.S. § 1, 1975)

(b) Location, elevations, size, height and proposed use of all buildings and structures including trash enclosing intended to be on the site (colored architectural rendering may be required);

(c) Yards and space between buildings;

(d) Location, height, materials, and design of all walls and fences either proposed or required;

(e) Location, number of spaces and dimensions of off-street parking areas, and internal traffic circulation pattern;

(f) Pedestrian, vehicular, and service points of ingress and egress; driveway widths, and distances between driveways;

(g) Location, size, height, method of lighting, and general design of signs;

(h) Location, dimensions, number of spaces, and internal circulations of loading areas;

(i) Location and general nature of lighting, including hood devices;

(j) Street dedications and improvements;

(k) Proposed landscaping; quantity, location, varieties, container size, and irrigation of all proposed landscaping;

(l) Any significant trees, other significant plant life, exposed rock or other significant natural features existing at the time of application;

(m) When requested, applicant shall provide the names and addresses of all property owners within three hundred feet of the exterior boundaries of the application; and

(n) Other such data as may be required to permit the planning commission or zoning administrator, as the case may be, to make the required findings for approval of the specific type of application. (Ord. 441 N.S. (part), 1979)

**21.23.210 Investigations.**

The planning commission and/or the zoning administrator shall cause to be made by its own members or members of the staff such investigation of facts bearing upon such application as will serve to provide all necessary information to assure that the action on each such application is

consistent with the intent and purpose of the chapter and with previous amendments or variance. (Ord. 441 N.S. (part), 1979)

**21.23.250 Findings for granting any request.**

In order to grant any request the findings of the planning commission or the zoning administrator shall be that the establishment, maintenance or operation of the requested use of building applied for will not, under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort, convenience, and general welfare of the persons residing or working in the neighborhood of such proposed use, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the city. (Ord. 441 N.S. (part), 1979)

**21.23.260 Conditions.**

The planning commission or zoning administrator may impose such conditions on any application as is necessary to secure the purpose of this title and may require guarantees and evidence that such conditions are being or will be complied with. (Ord. 441 N.S. (part), 1979)

**21.23.270 Decisions.**

The planning commission or the zoning administrator as the case may be, shall make written findings of the essential facts required by the law pertinent to the matter before them. A copy of the decision and findings shall be mailed by the planning director to the applicant at the address given in the application and to such other persons who shall so request in writing, a copy shall be kept on file in the office of the planning director. No decisions shall be final until the opportunity to appeal, pursuant to the provisions of Section 21.23.290 has expired. (Ord. 441 N.S. (part), 1979)