

RESOLUTION NO. 02-273

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES  
GRANTING FINAL PARTIAL CANCELLATION OF LAND CONSERVATION  
CONTRACTS FOR 4.97 ACRES IN THE ESTRELLA AGRICULTURAL  
PRESERVE NO. 10 AND 2.47 ACRES IN THE ESTRELLA AGRICULTURAL  
PRESERVE NO. 9, CITY OF PASO ROBLES

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WHEREAS, the Kiessig Family Trust owns certain property within the City that is subject to Williamson Act Contracts for Estrella Agricultural Preserve No. 9 and Estrella Agricultural Preserve No. 10 (the "Williamson Act Contracts"); and

WHEREAS, the prior owners of the property filed a Notice of Nonrenewal of both Williamson Act Contracts, which specifies that both contracts shall expire on December 31, 2008; and

WHEREAS, the Kiessig Family Trust has petitioned the City for a Partial Cancellation of the Williamson Act Contracts with respect to a total of 7.44 acres out of the 117 acres covered by the Williamson Act Contracts and such petition includes a proposal for a specified alternative use of the land; and

WHEREAS, a public hearing was conducted by the Planning Commission on August 13, 2002 and by the City Council on August 20, 2002 to consider facts as presented in the staff report prepared for the request, and to accept public testimony regarding the request; and

WHEREAS, the City Council granted the request for tentative partial cancellation subject to conditions and contingencies; and

WHEREAS, the City Council has determined that the conditions and contingencies have been satisfied as evidenced by Receipt No. 03-004815 from the County Treasurer's Office, the action taken by the Planning Commission on October 22, 2002 through Resolutions 02-070 and 02-071 and the letter, dated November 19, 2002, from the applicant; and

WHEREAS, based upon the facts and analysis presented in the staff report, the City Council hereby makes the following findings:

1. The proposed Partial Cancellation of the Williamson Act Contracts is consistent with the purpose, intent and regulations set forth in the Williamson Act as follows:
  - a. The requested partial cancellations are for a portion of land on which a Notice of Nonrenewal has been served. Legal descriptions of the land for which the partial cancellations are requested are attached hereto as Exhibit C and incorporated herein by reference.
  - b. The partial cancellation is not likely to result in the removal of adjacent lands from agricultural use as the request is limited to 7.44 acres out of a total of 117 acres that are covered by the Williamson Act Contracts. The remaining 110 acres shall continue to be subject to the Williamson Act Contracts until the expiration of such Williamson Act Contracts in December 2008.

- c. The area covered by the proposed partial cancellation of the Williamson Act Contracts is currently designated by the City's General Plan and Zoning Ordinance as AG (Agriculture) and proposed uses must be consistent with the allowable uses under these policy documents.
  - d. The proposed alternative use is consistent with the applicable provisions of the City's General Plan and will allow for maximization of one of the City's natural resources, namely the mineral hot springs located in the area.
  - e. Design of the proposed alternative use results is the least disruption to existing agriculture operations.
  - f. The cancellation will not result in a discontinuous pattern of urban development, but will provide an edge to the urban development located south of the project area.
  - g. There is no proximate, noncontracted land, which is both available and suitable for the proposed use as the property directly south of the proposed cancellation areas is currently being dry farmed and use of this area would disrupt existing, viable agriculture operations.
  - h. Consistent with the Williamson Act, this proposed project is dependent on the naturally occurring hot springs, which is a rare and unique attribute to this particular property.
2. The final cancellation request is consistent with the City's General Plan and Zoning Ordinance and implements goals and policies relating to the economic development of the City of Paso Robles.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of El Paso de Robles:

SECTION 1. The City Council hereby approves the request for final partial cancellation of the Land Conservation Contract, based on the above findings.

SECTION 2. The City Clerk is hereby authorized to record with the Office of the San Luis Obispo County Recorder a certificate of final partial cancellation of the Williamson Act Contracts, attached hereto as Exhibits A and B. The certificate of final partial cancellation shall be in a form approved by the City Manager.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 17th day of December 2002 by the following vote:

AYES: Finigan, Heggarty, Nemeth, Picanco and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

RESOLUTION OF THE COUNCIL  
OF THE CITY OF PASO ROBLES, STATE OF CALIFORNIA

IN THE MATTER OF:

No. 02-273

**Granting Final Partial Cancellation of Land Conservation contracts for 4.97 acres in the Estrella Agricultural Preserve No. 10 and 2.47 acres in the Estrella Agricultural Preserve No. 9, City of Paso Robles**

I, Sharilyn M. Ryan, Deputy City Clerk of the City of Paso Robles, certify that foregoing is a full, true and correct copy of Resolution No. 02-273, proposed by Councilmember Heggarty, seconded by Councilmember Finigan, was duly passed and adopted by the Council of the City of El Paso de Robles, at its regular meeting on December 17, 2002, by the following vote:

AYES: Councilmembers: Finigan, Heggarty, Nemeth, Picanco and Mecham

NOES: Councilmembers: None

ABSTAIN: Councilmembers: None

ABSENT: Councilmember: None

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Sharilyn M. Ryan, Deputy City Clerk and  
Ex-Officio Clerk of the City Council