RESOLUTION NO. 2007-022

A RESOLUTION OF THE ATASCADERO CITY COUNCIL
APPROVING GENERAL PLAN AMENDMENT 2006-0017, AMENDING
THE LAND USE, OPEN SPACE, AND CONSERVATION ELEMENT OF
THE ATASCADERO GENERAL PLAN
(Citywide/City of Atascadero)

WHEREAS, an application has been received from the City of Atascadero (6907 El Camino Real), to consider a project consisting of a General Plan Amendment consisting of text changes to LOC Policy 8.2. of the Land Use Element of the General Plan; and,

WHEREAS, an Initial Study and Draft Negative Declaration 2006-0039 were prepared for the project and made available for public review in accordance with the requirements of the California Environmental Quality Act (CEQA); and,

WHEREAS, the City Council has determined that it is in the best interest of the City to enact this amendment to the General Plan Land Use Element to protect the health, safety and welfare of its citizens; and,

WHEREAS, the laws and regulations relating to the preparation and public notice of environmental documents, as set forth in the State and local guidelines for implementation of the California Environmental Quality Act (CEQA) have been adhered to; and,

WHEREAS, a timely and properly noticed Public Hearing upon the subject General Plan Amendment application was held by the City Council of the City of Atascadero at which hearing evidence, oral and documentary, was admitted on behalf of said General Plan Amendment; and,

WHEREAS, the Planning Commission of the City of Atascadero, at a duly noticed Public Hearing held on April 3, 2007, studied and considered General Plan Amendment 2006-0017, after first studying and considering the Proposed Negative Declaration prepared for the project, and,

WHEREAS, the City Council of the City of Atascadero held a public hearing on May 8, 2007 following the close of the review period to consider the Initial Study and Proposed Negative Declaration; and,

NOW THEREFORE, the City Council of the City of Atascadero takes the following actions:

SECTION 1. Findings for Approval of a General Plan Amendment to the Land Use, Open Space, and Conservation Element of Atascadero as follows:

1. The proposed amendment is in the public interest.
2. The proposed amendment is in conformance with the adopted General Plan Goals, Policies, and Programs and the overall intent of the General Plan.

3. The proposed amendment is compatible with existing development, neighborhoods and the environment.

4. The proposed amendment will not create any new significant and unavoidable impacts to traffic, infrastructure, or public service impacts.

5. The proposed amendment is consistent with adopted General Plan EIR and mitigation monitoring program.

6. The proposed amendment is in the best interest of the City to enact this amendment to the General Plan Land Use Element to protect the health, safety and welfare of its citizens and is compatible with existing and proposed development; and,

SECTION 2. Approval. The City Council of the City of Atascadero, in a regular session assembled on May 8, 2007, hereby resolves to approve General Plan Amendment 2006-0017 consistent with the following:

1. Exhibit A: General Plan LOC Policy 8.2. Text Amendment
On motion by Council Member Béraud and seconded by Mayor Luna the foregoing resolution is hereby adopted in its entirety by the following roll call vote:

AYES: Council Members Béraud, Brennler and Mayor Luna

NOES: Council Members Clay and O’Malley

ABSTAIN: None

ABSENT: None

ADOPTED: May 8, 2007

CITY OF ATASCADERO, CA

________________________________________
George Luna, Mayor

ATTEST:

________________________________________
Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

________________________________________
Patrick Enright, City Attorney
Goal LOC 8. Watershed areas of Atascadero shall be protected.

Policy 8.2: Establish and maintain setbacks and development standards for creek side development.

Program:

1. Maintain a creek setback ordinance which establishes building setbacks and development standards along the banks of Atascadero Creek, Graves Creek, Boulder Creek, blue line creeks and the Salinas River to ensure the uninterrupted natural flow of the streams and protection of the riparian ecosystem with flexible standards for the downtown area.

2. Atascadero Creek, Graves Creek, and Boulder Creek shall have a 35-foot setback. All other 7.5 min USGS quadrangle blue line creeks shall have a 20-foot setback. The Salinas River shall have a 35-foot setback. The setbacks shall be subject to the following:

   a) On Atascadero Creek, Graves Creek, and Boulder Creek setbacks shall be measured from the edge of the creek reservation.

   b) All other blue line creeks and the Salinas River shall have setbacks measured from the ordinary high water mark.

   c) The Planning Commission may approve exceptions to the creek setbacks in the form of a Minor Conditional Use Permit with a biologist report, a report prepared by a professional engineer or geologist qualified in hydrogeomorphology, and an Archaeological Phase 1 study.