



## Council Agenda Report

From: Warren Frace, Community Development Director  
Piper Smith, Assistant Planner

Subject: Appeal of the Planning Commission's Decision to Approve an Amendment to the Conditional Use Permit 00-020 and Planned Development 00-023 for the Ravine Water Park at 2301 Airport Road (AMD25-02/P25-0124)

CEQA Determination: On February 10, 2026, the Planning Commission approved an amendment to the Conditional Use Permit and Planned development for the Ravine Water Park pursuant to a finding of consistency with 2004 adopted Ravine Water Park Initial Study and Mitigated Negative ("IS/MND") Declaration. Staff is recommending that the City Council find that, in addition to compliance with the IS/MND, the Amendment to the Conditional Use Permit and Planned Development for the Ravine Water Park also qualifies for a categorical exemption from CEQA under CEQA Guidelines sections 15301, 15303 and 15311.

Date: April 7, 2026

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### Facts

1. The Ravine Water Park is a medium-sized water park that offers water features, pools, slides, concessions and other attractions to the public during the summer months.
2. The water park is located near State Route 46 East and Airport Road.
3. On April 6, 2004, City Council approved, amongst other things, development entitlements for the water park. Construction began in 2005 and the park officially opened in 2007.
4. In 2016 and 2021, additional waterslides and amenities were added, which now represents the existing site conditions.
5. The Ravine Water Park LLC has applied for an amendment to the original 2004 development plan to allow construction of a new 1879± square foot "no splash" pool and 153± square foot hot tub with a surround concrete deck and seating area within a pre-disturbed area of the site (AMD25-02/P25-0124).
6. On January 12, 2026, the amendment was reviewed by the Development Review Committee (DRC).
7. On February 10, 2026, the Planning Commission approved Resolution PC 22-017 to approve the amendment to Conditional Use Permit No. 00-020.
8. Ranch and Coast Properties, represented by John Erskine, Attorney at Law, Nossaman LLP filed appeal (APL26-01/P26-022) to request the City Council overturn the Planning Commission's decision to approve the project (Attachment No. 2).
9. The appellant has cited eight justifications: incorrect and incomplete project description; offsite improvements were not required; drainage conflicts with Resolution 04-042 Mitigated Negative Declaration; updated traffic study must be required and impacts evaluated in a current EIR; addition of kiddie pool with sides and Quadzilla/ThunderRun slide; Airport Flight Zone 3 compatibility not addressed; unpermitted buildings are shown on site plan that are within 100 ft of the Huer Huero River; and parking and park access off Paso Robles Boulevard not addressed.

10. A hearing for the appeal was scheduled and duly noticed for the April 7, 2026 City Council meeting.

### **Community Outreach**

Both the Planning Commission and City Council hearings were properly noticed as required by Paso Robles Municipal Code Section 21.15.050.

### **Options**

1. Deny the appeal and sustain the Planning Commission's decision by approving Resolution 26-XXX(A), approving amendment (AMD25-02/P25-0124) to Conditional Use Permit 00-020 and Planned Development 00-023 for the Ravine Water Park;
2. Deny the appeal and sustain the Planning Commission's decision with additional Conditions of Approval to be incorporated into Resolution 26-XXX(A), approving amendment (AMD25-02/P25-0124) to Conditional Use Permit 00-020 and Planned Development 00-023 for the Ravine Water Park;
3. Grant the appeal and overturn the Planning Commission's approval of the project by approving Resolution 26-XXX(B) with City Council finding of denial; or
4. Provide alternative direction to staff

### **Analysis and Conclusions**

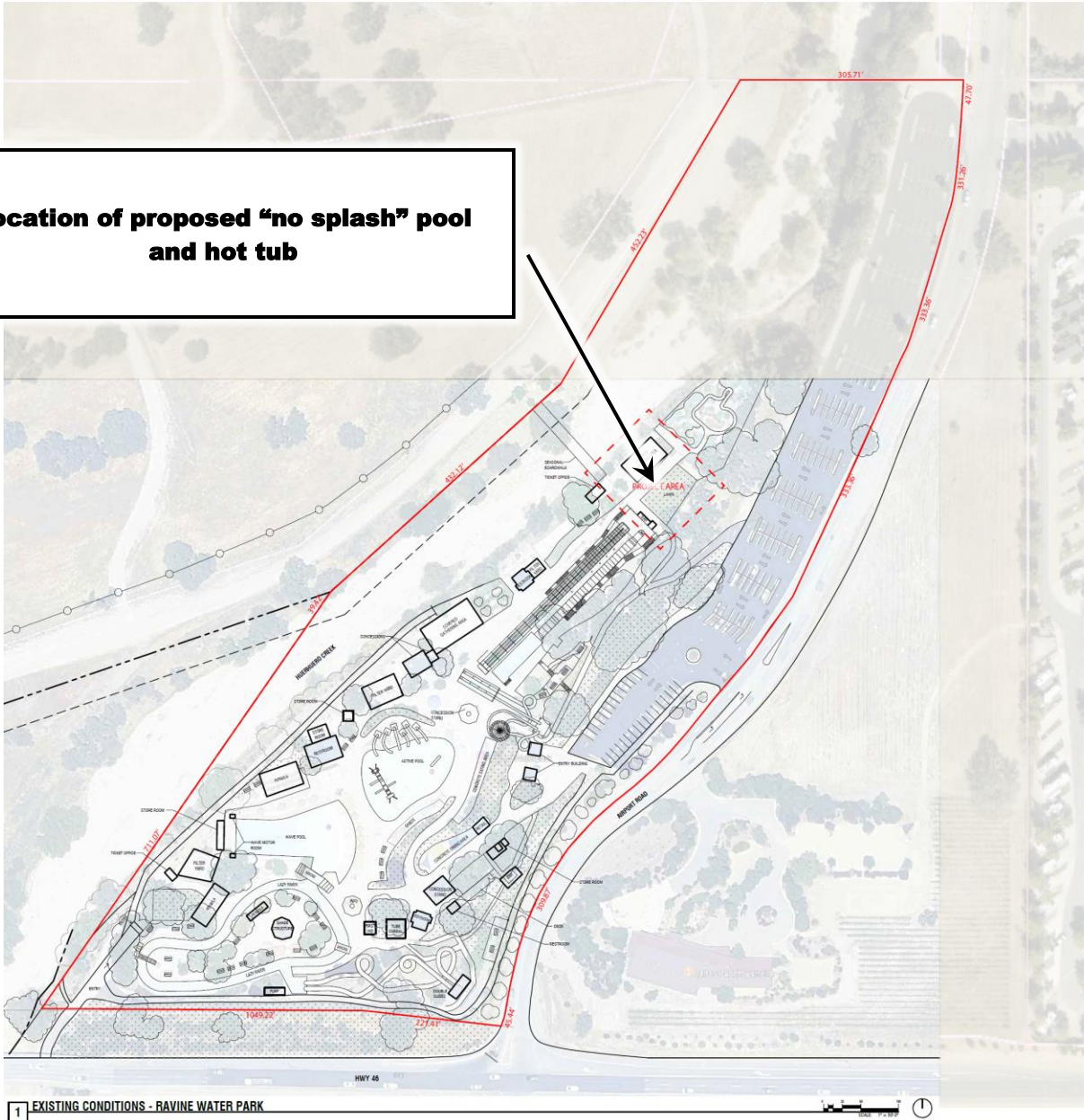
#### *Project Summary*

The Planning Commission reviewed and approved an amendment to the Ravine Water Park site (CUP 00-020/PD 00-023), to add an 1879± square foot "no splash" pool and 153± square foot hot tub with a surround concrete deck and seating area. The applicant described the "no splash" pool project as an amenity for adults who are already at the Water Park with their children.



**Proposed Project approved by Planning Commission  
1879± square foot "no splash" pool and 153± square foot hot tub**

**Location of proposed “no splash” pool and hot tub**



**Ravine Water Park Existing Conditions Site Plan  
Permitted by City between 2005 - 2014**

*Appeal*

The appellant has appealed the decision of the Planning Commission to approve the AMD25-02, citing eight justifications (see Attachment 3, Appellants’ Statement of Appeal Items and Exhibits).

1. Incorrect and incomplete project description
2. Offsite improvements were not required
3. Drainage conflicts with Resolution 04-042 Mitigated Negative Declaration
4. Updated traffic study must be required and impacts evaluated in a current EIR
5. Addition of kiddie pool with sides and Quadzilla/ThunderRun slide











January 2025 – Google Street View photo



Appellants Attachment 3, Exhibit D – Airport Road site photos.

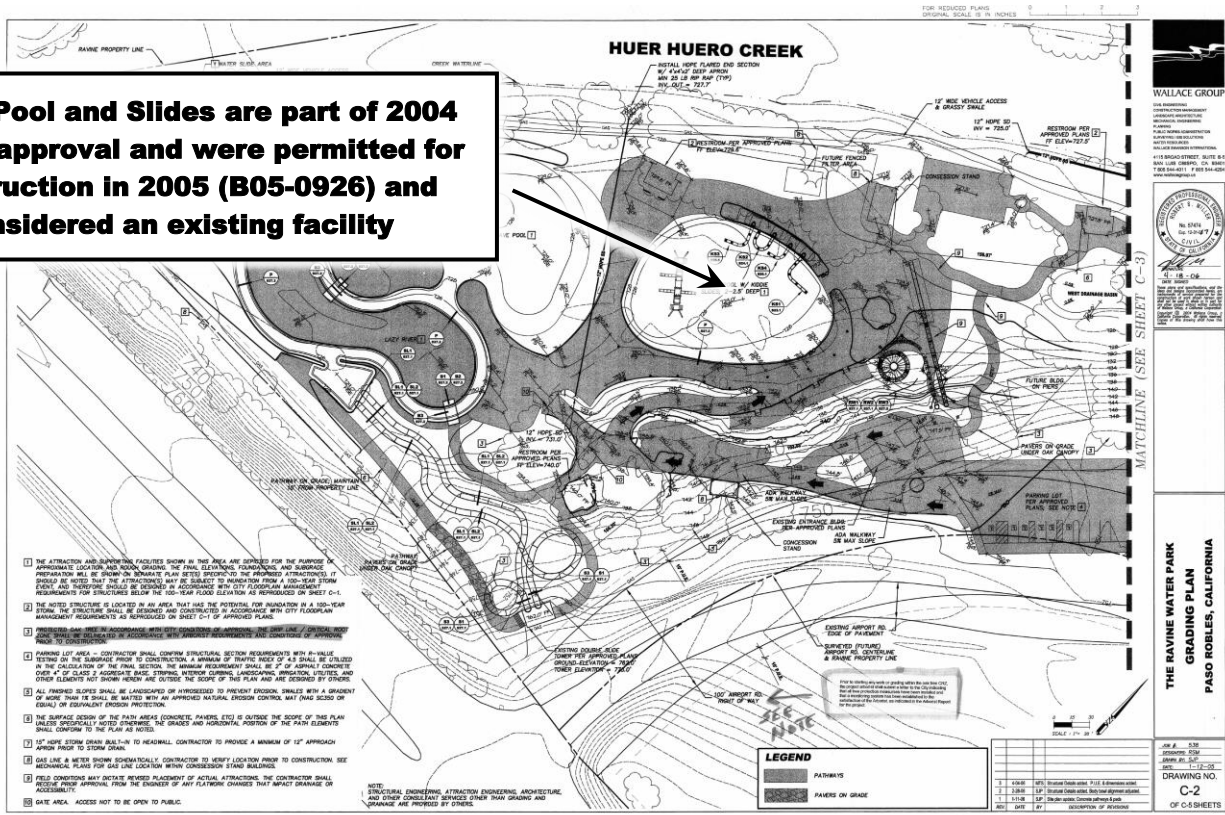
4. Updated traffic study must be required and impacts evaluated in a current EIR:  
The project is the construction of a “no splash” pool in a previously developed part of the Water Park site. The applicant’s position is the “no splash” pool is not a new attraction that would

generate additional trips to the Water Park, but rather an amenity for adults who are already at the Water Park with their children. Staff reviewed this position and determined that any increase in vehicle trips generated by the “no splash” pool warren is minor and does not trigger a new Traffic Impact Study or the need for preparation of supplemental CEQA documents. The “no splash” pool is a commercial structure and is required to pay the City’s Transportation Impact Fee. The Transportation Impact Fee funds City wide traffic improvement including a future grade separated crossing of State Route 46 within the vicinity of Airport Road.

5. Addition of kiddie pool with sides and Quadzilla/ThunderRun slide:

The Kiddie Pool and Quadzilla/ThunderRun slides are existing facilities that have been previously permitted by the City. The City has recently issued a building permit (B26-0033) for the Kiddie Pool renovation. The slides and dump bucket type features within the Kiddie Pool are being removed and replaced with new water play structures of a similar nature. The overall size of the Kiddie Pool does not change, and the structure is located within the Kiddie Pool reflected on the approved 2004 site plan. The City permitted the construction of the Quadzilla/ThunderRun slides in 2014 (B14-0063).

**Kiddie Pool and Slides are part of 2004 project approval and were permitted for construction in 2005 (B05-0926) and considered an existing facility**



The current 2015 Airport Land Use Plan (Section 2.7.1) states “The ALUP applies only to new development within the Planning Area, and the ALUC has no authority over existing land use, whether or not such uses are compatible with the ALUP”. The “no splash” pool is not a new attraction that will generate additional visitors to the water park, but rather an amenity for adults who are already at the water park with their children. Therefore the “no splash” pool would not increase the population density of the existing facility and require a new ALUP density analysis.

7. Unpermitted buildings are shown on site plan that are within 100 ft of the Huer Huero River:  
 The Initial Study prepared for the Mitigated Negative Declaration (Resolution 04-042) discusses there were no buildings located within 100 feet of the Huer Huero Creek but does not state buildings within 100 feet would be prohibited. Furthermore, there are no Conditions of Approvals or a Mitigation Monitoring and Reporting Program that adopted a 100 ft setback requirement or formal Mitigation Measure.

In 2005, City staff reviewed and approved building permit B05-0926 consistent with the development plan and mitigated negative declaration, which required City staff to determine that the plans were consistent with the project approvals. The buildings along the Huer Huero Creek that are mentioned in the appeal (Attachment 3 – Exhibit H) are all shown on the 2005 building permit plans and are now considered existing facilities.

**PD 00-023 consistency determination stamp on 2005 building permit (B05-0926)**

Vicinity Map  
 APPROVED NO SCALE  
 BY THE PLANNING DIVISION  
 DATE 5/14/10 TO SAN FRANCISCO

Complies with PD 00-023 and revised site plan reviewed by the DRC on 7/12/04, with the following requirements:

Per Condition No. 8 of Res. 04-043, any roof mounted equipment shall be located behind the parapet of the buildings and not seen from public view. The roof equipment on the buildings will need to be relocated or the parapet enlarged to accomplish this condition.

Prior to starting any work or grading within the oak tree CRZ, the project arborist shall submit a letter to the City indicating that all tree protection measures have been installed and that a monitoring system has been established to the satisfaction of the Arborist, as indicated in the Arborist Report for the project.

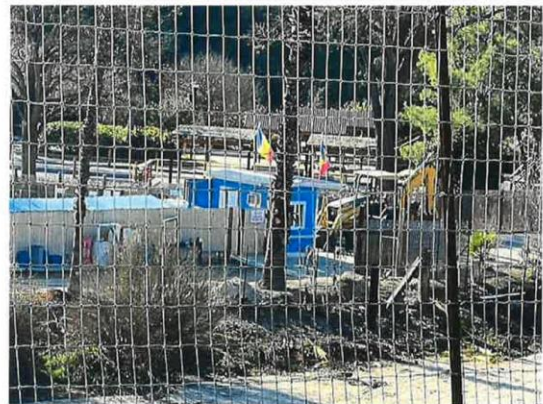
All conditions with Resolution 04-043 shall be complied with. All conditions related to Air Quality and dust control during construction shall be followed. See APCD conditions with Resolution 04-043. (Resolution attached to Plans)

All pool/slide equipment and other mechanical equipment such as back flow devices and transformers shall be screened from public view. Additional landscaping may be necessary to help screen.

Prior to the installation of any exterior light fixtures the applicant shall submit a site plan indicating where the lights will be placed and submit light cut-sheet for review to insure proper light shielding.

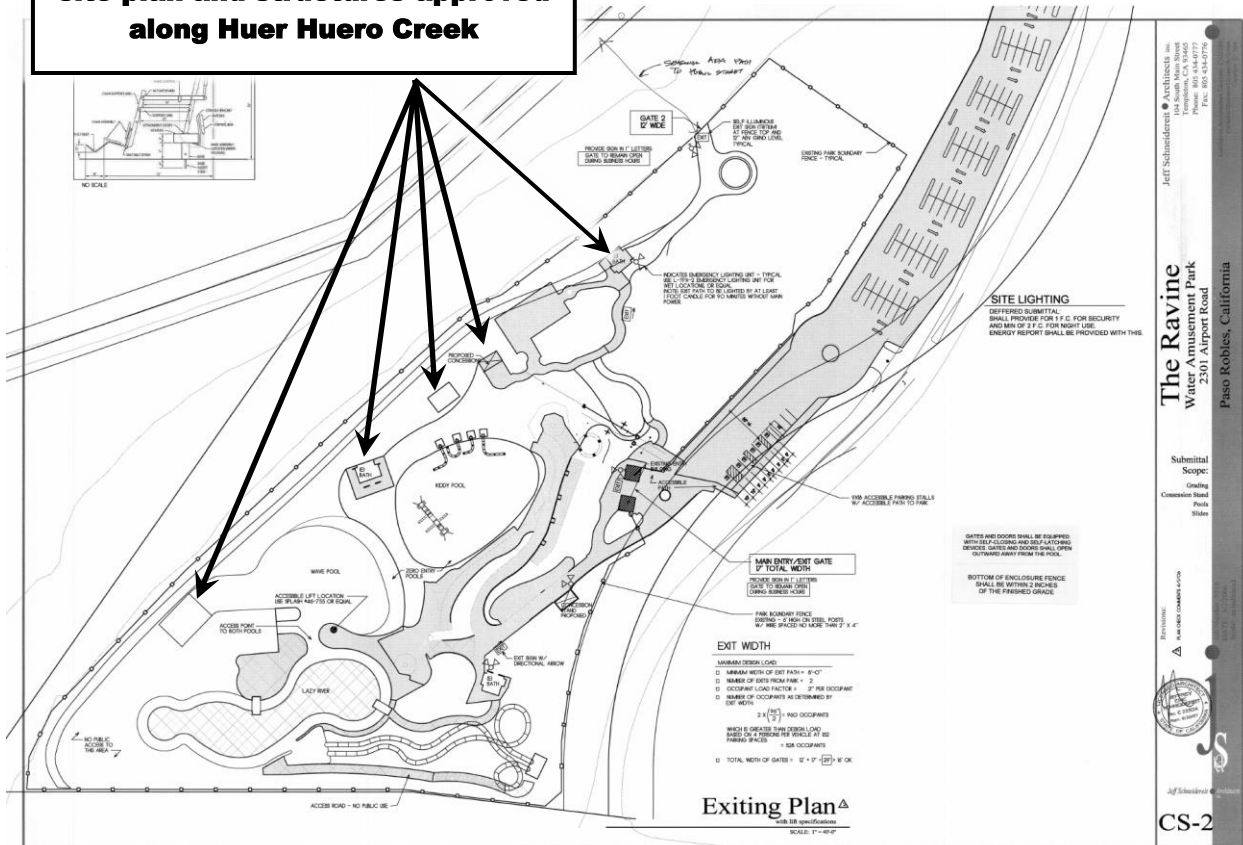
7. THIS SET OF PLANS TO BE ON JOB SITE AT ALL TIMES DURING CONSTRUCTION. ALL WORK SHALL BE IN ACCORDANCE WITH THE APPROVED PLANS. NO CHANGES OR REVISIONS TO THE APPROVED PLANS OR SPECIFICATIONS SHALL BE PERMITTED UNLESS SUBMITTED TO AND APPROVED BY THE BUILDING DEPARTMENT.

**Exhibit H  
Ravine WaterPark Appeal  
Buildings within 100 ft of Huero Huero**



**Appellant's Exhibit H**

**2005 building permit (B05-0926)  
site plan and structures approved  
along Huer Huero Creek**



8. Parking and park access off Paso Robles Boulevard not addressed:

A Temporary Use Permit was issued in 2007 to permit a temporary parking lot accessed off Paso Robles Blvd. The Temporary Use Permit became null and void following the construction of the water park off-site parking lot located at Union Road. In addition, since the amendment public hearing on February 10, 2026, the applicant has removed all remnant parking structures associated with the Temporary Use Permit. There is existing signage to discourage the public from utilizing the unpermitted parking space. The proposed project including using Paso Robles Boulevard access.

In addition to staff's findings, the applicant's representative, Kirk Consulting, on behalf of the Ravine Water Park, has prepared a response to the appeal (Attachment No. 5: Ravine Waterpark CUP Amendment (P25-0124/AMD 25-02) – Response to Appeal) to address each of the appellants concerns. Staff was provided with the response on March 23, 2026 and has attached it here within to be part of the public record and City Council's review.

*Conclusion*

The majority of the issues raised by the appellant pertain to existing site conditions and ongoing maintenance matters, rather than impacts directly attributable to the proposed project. Accordingly, these issues do not rise to a level that would warrant denial of the project. Instead, they may be appropriately addressed through the imposition of additional Conditions of Approval, including measures to address the parking concerns along Paso Robles Boulevard and the erosion issues along Airport Road. Most of the issues raised by the appellant are related to existing conditions and maintenance issues unrelated to the Amended Conditional Use Permit and Planned Development and do not present

substantial evidence that the Amended Conditional Use Permit and Planned Development could have a potentially significant impact on the environment.

### **Fiscal Impact**

There are no significant fiscal impacts associated to this entitlement.

### **CEQA**

In compliance with the California Environmental Quality Act (CEQA), on April 13, 2004, the Planning Commission adopted an Initial Study and Mitigated Negative Declaration (IS/MND) (Planning Commission Resolution 04-042) in support of the approval of CUP00-020 and PD00-023 regarding the Ravine Water Park Project. The IS/MND analyzed the potential impacts associated with the development of a water park within a 9-acre portion of the 15-acre site and imposed mitigation measures related to Oak Tree Protection, San Joaquin Kit Fox Protection, Air Pollution Control District Mitigation Measures.

The Planning Commission determined that the Amended Conditional Use Permit and Planned Development to construct a new recreation pool area within the 9-acre pre-disturbed area would not increase the environmental impact beyond what was previously analyzed in the IS/MND. Further the previously adopted mitigation measures will continue to remain in effect with regard to the Amended Conditional Use Permit and Planned Development. The Planning Commission further found that no substantial changes to the Ravine Water Park or to the circumstances under which Ravine Water Park was undertaken are proposed, and there are no new significant environmental effects or a substantial increase in the severity of previously identified significant effects under the existing IS/MND. The Planning Commission found the Amended Conditional Use Permit and Amended Planned Development are consistent with the adopted IS/MND and do not require additional review under CEQA pursuant to CEQA Guidelines 15162.

Further, In addition to consistency with the MND, staff recommends the City Council determine the project qualifies for multiple categorical exemptions from CEQA:

- **Class 1—Existing Facilities (CEQA Guidelines § 15301)**  
The work proposed by the Amended Conditional Use Permit and Planned Development would repurpose existing facilities within the Ravine Waterpark and fits within the outlined expansions of section 15301(e). Specifically: (1) the total area that will be modified is less than 10,000 square feet; (2) there are existing public services, including City water service, that will continue to serve the Waterpark and the Project; (3) there are no environmentally sensitive areas within the disturbed lawn and concrete areas; and, (4) the Project will not increase the capacity of the existing Ravine Waterpark.
- **Class 3—New Construction of Small Structures (CEQA Guidelines Section 15303)**  
The Amended Conditional Use Permit and Planned Development would develop a pool and small accessory facilities, such as the cabanas. This type of project is explicitly described as an example of something that fits within the Class 3 categorical exemption.
- **Class 11—Accessory Minor Structures (CEQA Guidelines Section 15311)**  
The work proposed by the Amended Conditional Use Permit and Planned Development includes features located in an area that is currently utilized by Waterpark guests. The Project is limited to repurposing an existing use area with minor accessory structures. Although pools and associated structures are not explicitly referenced in the exception, the use of the categorical exemption is

not limited to those examples. Furthermore, a pool with associated hardscape includes analogous levels of development to a small parking lot, which is listed as an example of a Class 11 categorical exemption. (See CEQA Guidelines § 15311(b).)

Further none of the exceptions to exemptions outlined in CEQA Guidelines section 15003.2 apply to the Amended Conditional Use Permit and Planned Development.

- There are no applicable location exemptions. The work proposed by the Amended Conditional Use Permit and Planned Development is not located on “an environmental resource of hazardous or critical concern” that has been designated, mapped, and adopted by any agencies as it is located on an existing developed site that is currently improved with turf, decompressed granite, concrete walkways, and shade covers.
- There are no anticipated cumulative impacts from the work proposed by the Amended Conditional Use Permit and Planned Development of the same type in the same area over time. (CEQA Guidelines § 15003.2(b).)
- There is no “reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (CEQA Guidelines § 15003.2(c).) “Unusual circumstances” are those that show the project has some feature that distinguishes it from others in the exempt class, such as its size or location. (*Citizens for Environmental Responsibility v. State ex. Rel. 14th Dist. Ag. Assn.* (2015) 242 Cal.App.4th 555, 576.) In assessing whether the work proposed by the Amended Conditional Use Permit and Planned Development raises unusual circumstances, it is compared to other normal operations at the Ravine Waterpark. (Id. at 576-588 [event at fairground was not an unusual circumstance when considered in light of other activities at fairground].)

First, there is nothing unusual about the work relative to projects typically included in the Class 1, 3, and 11 categorical exemptions, particularly in light of the existing facilities at the Ravine Waterpark, where swimming pools and cabanas already exist. This type of repurposing of an approved use area of an existing facility is explicitly called out by the Class 1 categorical exemption, and the Project is squarely within the parameters of that use. Similarly, pools are a listed example of accessory structures under the Class 3 categorical exemption. And, in consideration of the other categories of construction of small structures listed in Class 3 such as single-family residences, multi-family residences, stores, motels, and restaurants, a small pool with accessory facilities is not unusual. Finally, related to the Class 11 categorical exemption, there is nothing to indicate something unusual about work’s characterization as a minor renovation of an existing commercial and recreational use area within an approved facility.

Second, even if there was an unusual circumstance surrounding the work proposed by the Amended Conditional Use Permit and Planned Development, there is no evidence that the work will result in any potentially significant impacts of any kind, let alone a significant impact that is a direct result of some unusual circumstance. The work will occur within an already developed waterpark which is an already disturbed area and there are no anticipated changes from existing baseline activity levels.

- The work proposed by the Amended Conditional Use Permit and Planned Development will not impact resources within a scenic highway, as Highway 46 is not a State designated Scenic Highway and the Project will not impact scenic views, as it is solely repurposing of an existing developed area. (CEQA Guidelines § 15003.2(d).)

- The work proposed by the Amended Conditional Use Permit and Planned Development is not located on a property included on any lists for hazard wastes sites. (CEQA Guidelines § 15003.2(e).)
- The work proposed by the Amended Conditional Use Permit and Planned Development will not cause a substantial adverse change in the significance of a historical resource as there are no historical resources within the footprint of the work. (CEQA Guidelines § 15003.2(f).)

Therefore, no exceptions to categorical exemption apply, and it is appropriate for the City to find the Amended Conditional Use Permit and Planned Development exempt from CEQA pursuant to CEQA Guidelines section 15301, 15303 and 15311.

### **Recommendation (Option 2)**

While the Appellant raises issues primarily related to existing conditions and maintenance issues unrelated to the Amended Conditional Use Permit and Planned Development, which do not present substantial evidence that the Amended Conditional Use Permit and Planned Development could have a potentially significant impact on the environment, the City Council may wish to consider imposing additional Conditions of Approval as a good faith gesture to ensure the harmonious future operation of the Ravine Water Park.

Staff recommends the City Council deny the appeal and sustain the Planning Commission's decision with additional Conditions of Approval to be incorporated into Resolution 26-XXX(A), approving the amendment to Conditional Use Permit 00-020 and Planned Development 00-023 for the Ravine Water Park, with the addition of the following conditions of approval that must be implemented prior to final approval of building permits:

1. Require the existing detention basin to be regraded to hold 1700 cubic feet of stormwater. The condition should also require the installation of a metered outflow and a secondary overflow, consistent with the original construction plans. The Water Park operation could be required to repair downstream erosion and restore the roadway shoulder caused by unregulated stormwater flow to the satisfaction of the City Engineer.
2. Prohibit the Ravine Water Park from using Paso Robles Boulevard for employee or visitor parking or for access to the Water Park.
3. To the extent permitted by law the applicant shall by accepting these conditions agree to defend (with legal counsel of City's selection), indemnify, and hold harmless the City and its elected and appointed officials, agents, attorneys, employees and officers, from any action, claim or proceeding brought by any party other than the applicant against the City or its elected and appointed officials, agents, employees and officers to attack, set aside, void, or annul a discretionary land use approval of the City, including but not limited to the approval of this CUP, Planned Development or associated CEQA action, which action is brought within the applicable statute of limitations. The required indemnification shall include damages awarded against the City, if any, costs of suit, attorneys' fees and other costs and expenses incurred in connection with the action. The City shall promptly notify the

applicant of any such claim, action, or proceeding and cooperate fully in the defense.

### **Attachments**

1. Vicinity Map
2. February 10<sup>th</sup>, 2026 Planning Commission Agenda Report, item G.2 “Ravine Water Park Conditional Use Permit Amendment”
  - a. Vicinity Map
  - b. Project Description
  - c. Project Plans
  - d. Resolution 04-042: Mitigated Negative Declaration
  - e. Resolution 04-043: Planned Development 00-023
  - f. Resolution 04-044: Conditional Use Permit 00-020
  - g. Site Specific Conditions of Approval
  - h. Standard Conditions of Approval
  - i. Draft Resolution 26-xx for approval of AMD 25-02
  - j. Mail Notice Affidavit
  - k. Legal Notice Affidavit
  - l. Site Notice Affidavit
3. Appellants’ Statement of Appeal Items and Exhibits
  - a. Exhibit A: Ravine Waterpark Appeal
  - b. Exhibit B: Ravine Waterpark Expansion Area and Miniature Golf and Slides
  - c. Exhibit C: Res. 04-042 Item IV.a
  - d. Exhibit D: Huer Huero River Culvert, Airport Road Culvert
  - e. Exhibit E: Item VI. A Res. 04-042
  - f. Exhibit F: Kiddie Pool Changes
  - g. Exhibit G: 2026 Structure to be added with New Kiddie Pool per Kirk Consulting
  - h. Exhibit H: Buildings within 100 ft of Huer Huero
  - i. Exhibit I: Butterfield Letter Dated 02-17-26
4. PRAL13-0095 Legal Lot Verification
5. Ravine Waterpark CUP Amendment (P25-0124/AMD 25-02) – Response to Appeal
  - a. Public Appeal Letter (Ranch & Coast Properties, February 2026)
  - b. CEQA Exemptions and APLUP Consistency Analysis (Brownstien Hyatt Farber Schreck, LLP, February 2026)
  - c. Stormwater Control Plan (Wallace Group, March 2026)
6. Resolution 26-xxx (A) - Deny the Appeal and Approve the Project
  - a. Exhibit A - Site Specific Conditions of Approval
  - b. Exhibit B - Standard Conditions of Approval
  - c. Exhibit C - Project Plans
7. Resolution 26-xxx (B) - Granting the Appeal and Deny the Project
  - a. Exhibit A - Swimming Pool site plan
8. Legal Affidavit
9. Mail Affidavit
10. Site Notice Affidavit