

PARADISE PLANNING COMMISSION
July 20, 2010 - 6:00 p.m.
Paradise Town Council Chambers
5555 Skyway, Paradise, CA

M I N U T E S

CALL TO ORDER

The meeting was called to order by Chairman Woodhouse at 6:03 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL

Present at roll call were Commissioners Bolin, Grossberger, Serna and Chairman Woodhouse. Commissioner Johns was absent. Community Development Director Craig Baker was also present.

1. The Planning Commission concurred to continue the pending appointments of Planning Commission Chairman and Vice Chairman for the 2010-2011 Fiscal Year when there was a full Commission present.

2. APPROVAL OF MINUTES

a. Regular Meeting of June 15, 2010.

It was moved by Commissioner Bolin, seconded by Commissioner Serna and unanimously carried by those present to approve the minutes of the June 15, 2010 Planning Commission meeting as submitted by staff.

VOTE: AYES: Commissioners Bolin, Grossberger, Serna and Chairman Woodhouse.
NOES: None. ABSTAIN: None. ABSENT: Commissioner Johns.

MOTION CARRIES.

3. COMMUNICATION

- a. **Recent Council Actions** - Community Development Director Baker reported on recent actions of the Town Council at their regular meeting of July 13, 2010
- b. **Staff Comments** – Community Development Director Baker informed the Planning Commissioners that he has been promoted to the position of Community Development Director effective July 1, 2010 and that Al McGreehan will be working on special projects, such as updating the 1994 General Plan and Paradise Municipal Code, on an 18-hour a week part-time basis

4. PUBLIC COMMUNICATION –None.

to approve the Worthington Parcel Map (PL10-00047) Application subject to the following conditions:

FINDINGS

1. Find that the proposed project, **as mitigated and conditioned**, could not have a significant effect on the environment, and adopt a mitigated negative declaration.
2. Find that, **as mitigated and conditioned**, the project is consistent with the goals and policies of the Paradise General Plan because the project would assign zoning to the project site that is not characterized by severe constraints to residential development and is consistent with existing residential zoned development located upon adjacent and nearby properties.
3. Find that the project, **as mitigated and conditioned**, is consistent with the spirit and intent of the requested AR-1 zoning district, because the land use proposed for the parcels would be residential and parcel sizes proposed are consistent with the requirements of the zone.
4. Find that the project, **as mitigated and conditioned**, will not result in a significant adverse effect on existing plant and animal life in the project vicinity for the following reasons:
 - a. The project site is located within an area that has been altered by residential and agricultural development spanning several decades.
 - b. No known outstanding wildlife habitat exists in the immediate project vicinity;
and
 - c. No known rare or endangered plants exist in the immediate project vicinity.

CONDITIONS TO BE MET PRIOR TO RECORDATION OF FINAL PARCEL MAP

ROADS/ACCESS

1. Access to parcels for ingress and egress/public utilities shall be shown on the final parcel map.
2. Pay appropriate plan check and inspection fees and submit six copies of stamped and signed road and drainage improvement construction plans for a pro-rata share upgrade improvement to Craft Lane and the proposed private access roadway for Parcel No. 2 to the Town Public Works Department (engineering division) for approval. The private access roadway shall be constructed to the A-1 road standard and shall not exceed a grade of thirteen percent. The proposed private roadway upgrade for Craft Lane shall be designed accordance with the specifications outlined within the mitigation measure enumerated within Condition No. 3 (a), below. Construction and drainage improvement plans must be approved PRIOR TO CONSTRUCTION or installation of the required facilities.
3. The following notes shall appear upon the final parcel map information sheet:

“Prior to the issuance of a building permit authorizing residential development upon Parcel No. 2, the project developer shall fulfill the following conditions and mitigations:

10. Meet the requirements of other utility companies regarding the establishment of necessary public utility easements.

FIRE PROTECTION

11. The project developer shall execute and record an agreement with the Town of Paradise binding all owners of Parcel Nos. 1 and 2 to a fuel reduction plan for the parcels meeting the requirements of the Paradise Fire Department.

12. Place the following notes upon the final parcel map information data sheet:

- a. "All buildings constructed upon these parcels determined by the Paradise Fire Chief to be subject to the requirements of the Urban Wildland Interface Code shall be built of non-combustible exterior construction meeting the requirements of the Paradise Fire Department."
- b. "All owners of Parcel Nos. 1 and 2 are obligated to the terms of a fuel reduction plan for the parcels meeting the requirements of the Paradise Fire Department."
- c. "Prior to the issuance of a building permit authorizing residential development of Parcel No. 2, the project developer shall execute a work order with the Paradise Irrigation District to install all necessary new water main and upgrade the existing fire hydrant located along Craft Lane nearest the project site to a municipal-style fire hydrant in a manner deemed satisfactory to the Paradise Fire Department and the Paradise Irrigation District."

OTHERS

13. Provide a "Statement of Taxes" from the office of the Butte County Tax Collector.

14. Provide monumentation as required by the Town Engineer in accordance with the State Subdivision Map Act and Town of Paradise standards.

15. Pay appropriate funds to the local recreation district per requirements of the Paradise subdivision ordinance to offset impact (cumulative) upon area-wide recreation facilities. Provide evidence of payment to the Town Community Development Department planning division.

16. The following notes shall be placed upon the final parcel map information data sheet:

- a. At the time of building permit issuance, landowners will be required to pay any Town of Paradise adopted development impact fees.
- b. If any archaeological resources are uncovered during the course of future development or construction activities, all work shall stop in the area of the find until a qualified archaeologist provides an appropriate evaluation of the discovery. (mitigation)

Mr. McGreehan stated that he has prepared alternative text amendment language for the Planning Commission to possibly consider as he is aware that a member of the audience may contend that the action requested (relating to general plan policy that would preclude certain land uses) is in conflict with one of the objectives within the Redevelopment Implementation Plan 2008-2013 and which reads as follows: "Strengthen and expand the economic base in the project area by assisting private sector development of basic industry, retail opportunities and service based businesses." He also read the following RDA Plan objective: "Reduce and minimize incompatible land uses." Mr. McGreehan stated that one could construe a possible conflict based on how one defines basic industry.

Mr. McGreehan reviewed the action taken by Council that affects these certain land uses by requiring a use permit within the C-C zones town wide, and the recommendation of the Redevelopment Advisory Committee to consider defining and regulating certain land uses to be incompatible within the RDA Project Area.

Commissioners Bolin and Grossberger asked questions regarding existing land uses, and Mr. McGreehan responded that existing land uses would not be affected unless there is a request for expansion or if a use ceases to exist for a specified period of time; and, that a change of ownership would not affect an existing use that would be consider to be "grandfathered in" (a legal, non-conforming land use).

Commissioner Serna asked if the existing Builders Supply business would fall under the construction sales/services use definition, and Mr. McGreehan stated that it would. Commissioner Serna stated then, that this policy, if adopted, would preclude establishment of another business of this type within the RDA Project Area.

Commissioner Grossberger asked questions regarding the defining of construction sales and services, and how the definition applies to stores such as Lowe's and Home Depot. Community Development Director Baker explained the these businesses are primarily retail sales of many items with a portion devoted to lumber and landscaping materials and would probably qualify as a permitted accessory use, and explained that an accessory use could occupy up to 35% or less of the business as long as the use is not a separate business activity. Mr. McGreehan stated that the True Value Hardware store is an example of this.

Commissioner Grossberger asked if a business with 65% retail and 35% outdoor sales would be permitted in the Redevelopment Project Area, and Mr. McGreehan responded that most likely it would. Commissioner Bolin stated that it appears to him that an auto repair shop could have an impound yard if the impound yard took up 30% or less of the business, and Mr. Baker explained how these types of businesses are regulated through the site plan review and conditional use permit processes during which conditions of approval are assigned. Mr. McGreehan suggested that a general plan policy on point would, or could, preclude this type of land use.

Mr. Baker discussed the three conditions that must be met for a permitted accessory use and stated that one could argue that if the percentage allowed for a permitted accessory use was reduced, then undesirable accessory uses could possibly be reduced as a result, if applied to NC, CB and CC zones.

Mr. McGreehan stated that staff recommends adoption of the proposed Land Use Objective LUO-22(a), as it is valid and further implements the Paradise Redevelopment Plan that was

that he heard this matter was coming before Council and would make what he was doing illegal, and that he moved quickly from the rented place on Wagstaff and transferred to the Skyway location.

Commissioner Grossberger clarified that there are other areas in the Town that can accommodate business activity, that the redevelopment project area is not the only area where persons can have businesses.

4. John Remalia stated that a lot of people already have a lot of money invested in the redevelopment project area.

Mr. McGreehan discussed with the Commissioners that the RDA project area was created in 2003, that the General Plan called for a redevelopment project area, and that the establishment of this particular area as the redevelopment project area is qualified as blighted, and it is the Town's obligation to put public funding in the area, in addition to private investment, and discussed the Council direction to first address the definitions of certain land uses and in which zones these uses might be allowed; and, second to address these land uses within the redevelopment project area. The Planning Commission is being asked to address the establishment of a general plan objective and a general plan policy, to be included in the land use element of the general plan, that are specific to the redevelopment project area. He suggested that the Commission consider alternative language for the general plan policy that would allow consideration of the land uses as a discretionary action which would afford a reviewing body the opportunity to consider all circumstances, including the economic objectives of the 2008 RDA implementation plan, by removing the words "shall not be permitted" and inserting the language "... shall, dependent upon existing and/or planned circumstances in some cases, not be permitted."

Commissioner Grossberger expressed concern that the Commission might find itself in the position of deciding whether or not an economic hardship is a viable circumstance and having to create additional language that defines circumstances.

Mr. McGreehan stated that the only reason he is suggesting alternative language is because of the objective in the Redevelopment Implementation Plan that talks about promoting, as an economic objective, basic industries, retail sales, and so forth.

Commissioner Grossberger stated that she would like to keep in the mind the statement, or objective, that addresses the desired character of the redevelopment project area, that no singular document can address everything on the first go around, that the Paradise RDA plan is a living document, and questioned whether the redevelopment plan objective is compatible with the character statement.

Mr. McGreehan stated that he does not think the objective is incompatible, as there is substantial investment of both public and private monies in the area to improve infrastructure in the area, and strengthening the economic viability of the area is a valid objective.

Chairman Woodhouse stated that he doesn't find this action to be incompatible with expansion of business in the redevelopment project area and that the Redevelopment Advisory Committee has to advise what businesses can be established.

ROLL CALL VOTE: AYES: Commissioners Grossberger, Serna and Chairman Woodhouse. NOES: Bolin. ABSTAIN: None. ABSENT: Commissioner Johns.

MOTION CARRIES.

The Planning Commission concurred to direct staff to take the proposed Land Use Policy (LUP) 66 to the Redevelopment Advisory Committee for further discussion.

c. Item determined exempt from environmental review

PARADISE MUNICIPAL CODE: Proposed text amendments to the Town are zoning regulations contained in Paradise Municipal Code Title 17 [Zoning]. If adopted, the amendments would affect municipal code statutes related to certain new land uses that may be prohibited within the boundaries of the Paradise Redevelopment Project Area and the keeping of certain small animals that may be treated as a permitted accessory land use in residential zones.

Community Development Director Baker informed the Planning Commission that due to the action taken in agenda item 6 b to eliminate LUP-66 from the proposed resolution, Section 3 needs to be eliminated from Exhibit A to proposed Resolution No. 10-09 and other language within the resolution would need to be altered as it relates to the Paradise Redevelopment Plan Project Area to reflect that deletion.

Community Development Director Baker discussed his report to the Planning Commission wherein he gave the background of the Council direction to draft a set of text amendments for Planning Commission review that would allow the keeping of limited numbers of chickens and rabbits upon smaller residential properties within the Town of Paradise and accomplish the following objectives: (1) Allow the keeping of limited numbers (2-4) chickens and rabbits upon smaller residential properties; (2) Provide for reasonable separation between animal enclosures and adjacent residences; (3) Include a prohibition upon the keeping and raising of roosters upon small residential properties; and, (4) Prevent accumulations of animal waste that may be a source of odor affecting nearby residential land uses. Mr. Baker stated that two people spoke at the Town Council meeting in favor of allowing chickens, and that there are a number of communities in California that permit or are considering zoning laws that may permit the establishment of backyard chicken upon single family residential properties.

Commissioner Serna asked if there was any information on whether or not there is a long term issue that this use would have a detrimental effect on property values within the community. Mr. Baker stated that he did not research that particular item but would do so if directed.

Commissioner Woodhouse opened the public hearing at 8:00 p.m.

1. Jon Remalia suggested that the Planning Commission consider allowing this with a two year sunset clause.

Commissioner Woodhouse closed the public hearing at 8:03 p.m.

Commissioner Bolin called for the question. The motion to call was seconded by Commission Serna and the vote on the calling for the question carried unanimously by those present.

VOTE ON THE CALL FOR THE QUESTION: AYES: Commissioners Bolin, Grossberger, Serna and Chairman Woodhouse. NOES: None. ABSTAIN: None. ABSENT: Commissioner Johns.

MOTION CARRIES.

VOTE ON THE MOTION: AYES: Commissioners Grossberger, Serna and Chairman Woodhouse. NOES: Bolin. ABSTAIN: None. ABSENT: Commissioner Johns.

MOTION CARRIES.

7. OTHER BUSINESS

The Planning Commission concurred to continue the following items to their next regularly scheduled meeting: (a) Confirmation of Chairman or Designee as Planning Commission Representative to the Town of Paradise Development Impact Fees Adjustment Board during FY 2010-2011 [Requirement of PMC Section 3.40.070]; (b) Appointment of two Planning Commissioners to serve upon the Town of Paradise Landscape Committee (appeals body) during FY 2010-2011 [Requirement of PMC Chapter 15.36]; and, (c) Confirmation of Chairman or Designee as Planning Commission Representative to serve upon the Paradise Redevelopment Advisory Committee

8. COMMITTEE ACTIVITIES

- a. **Status Report: Paradise RDA Advisory Committee Meeting** – Commissioner Grossberger reported that the RDA Advisory Committee Meeting was cancelled.


9. COMMISSION MEMBERS

a. Identification of future agenda items (All Commissioners/Staff)

Community Development Director Baker informed the Planning Commission that the Feather River Hospital is expanding its site and that a General Plan Amendment/Rezone will be coming to the commission for consideration.

10. ADJOURNMENT

The Planning Commission meeting was adjourned at 8:50 p.m.


Chairman Johns

Attest:


Planning Commission Secretary