



# TOWN OF PARADISE

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## P L A N N I N G C O M M I S S I O N A G E N D A

**April 19, 2011  
6:00 p.m.**

### **CALL TO ORDER**

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

### **ROLL CALL**

#### **1. APPROVAL OF MINUTES**

- a. Regular meeting of March 15, 2011

#### **2. COMMUNICATION**

- a. Recent Council Actions
- b. Staff Comments

#### **3. PUBLIC COMMUNICATION**

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Commission meeting.

#### **\*\*\* PUBLIC HEARING PROCEDURE \*\*\***

- |                                    |                                |
|------------------------------------|--------------------------------|
| A. Staff comments                  | C. Close hearing to the public |
| B. Open the hearing to the public. | D. Commission discussion       |
| 1. Project applicant               | E. Motion                      |
| 2. Parties for the project         | F. Vote                        |
| 3. Parties against the project     |                                |
| 4. Rebuttals                       |                                |

**NOTE:** Pursuant to Planning Commission Resolution No. 96-001, any person may speak before the Commission regarding the matter under consideration for **a maximum of five minutes** unless granted additional time by the Chair. "In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Community Development Dept., at 872-6291 at least 48 hours in advance of the meeting."

**4. CONTINUED PUBLIC HEARING** – None.

**5. PUBLIC HEARING** – None.

**6. OTHER BUSINESS**

- a. Discuss and provide direction concerning acceptance and referral of the 1994 General Plan Housing Element Annual Progress Report for calendar year 2010 to the Town Council. [**Staff Recommendation: Approval to send to the Town Council**]
- b. Discussion and update regarding upcoming Planning Commission consideration of a proposed ordinance to regulate the cultivation and distribution of medical marijuana.

**7. COMMITTEE ACTIVITIES**

**8. COMMISSION MEMBERS**

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

**9. ADJOURNMENT**

**PARADISE PLANNING COMMISSION**  
**March 15, 2011 - 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 Johns at 6:02 p.m.

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

**ROLL CALL**

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

**1. APPROVAL OF MINUTES**

**a. Regular Meeting of February 15, 2011**

It was moved by Commissioner Grossberger, seconded by Commissioner Bolin and unanimously carried by those present to approve the revised minutes of the February 15, 2011 Regular Planning Commission meeting as submitted by staff.

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

**MOTION CARRIES.**

**b. Resolution of Appreciation for Outgoing Planning Commissioner Phil Serna.**

It was moved by Commissioner Grossberger, seconded by Commissioner Woodhouse to approve Paradise Planning Commission Resolution No. 11-01 Commending Phil Serna for his service to the Town of Paradise.

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

**2. COMMUNICATION**

**Recent Council Actions** - Community Development Director Baker reported on recent Town Council actions taken at the March 8, 2011 Council meeting. The Town Council requested a Planning Commissioner participate in the selection process for the newly vacated seat by Phil Serna and expiring terms of Planning Commissioners Grossberger and Johns. The Commissioners concurred that Commissioner Bolin would be their representative on the selection committee.

**a. Staff Comments:** None.

**3. PUBLIC COMMUNICATION –None.**

**4. CONTINUED PUBLIC HEARING – None.**

## 5. PUBLIC HEARING

### a. Item determined to be categorically exempt from environmental review

**MOONEY ANNEXATION (PL10-00250) APPLICATION** requesting annexation to the Town of Paradise for a  $\pm 5.11$  acre property currently improved for residential land use located at 4780 Prospect Lane, Paradise, AP No. 055-350-025.

Community Development Director Baker reported on the application for a proposed annexation of a  $\pm 5.11$  acre property located at Wayland Road and Prospect Lane. The property is adjacent to Paradise town limits and is currently developed with a single family dwelling. The purpose of the annexation is to secure PID water and a fire hydrant to improve fire protection. No other property owners have expressed interest in being included in this proposed annexation to the Town and PID.

The Paradise General Plan assigns a land use designation of Agricultural Residential to the site and by virtue of Town Council adoption of the Prezone Plan the site is assigned an AR-3 Prezone. If the property annexation is approved by the Butte County Local Agency Formation Commission (LAFCO) the property will be zoned AR-3.

Based upon analysis by Town staff, it has been determined that the annexation application belongs within a class of projects that can be found to be exempt from environmental review.

Planning Commission Resolution No. 11-02 recommends that the Town Council approve the Mooney Annexation Application (PL10-00250) and forward to LAFCO.

Commissioner Grossberger asked about the property tax split and how that would be affected by the annexation. Mr. Baker explained that historically, the town and the county have agreed to a 56/44% tax split for individual residential property annexations and that the same could be expected for this project.

Commissioner Bolin asked if there was a sunset clause to the property tax split agreement. Mr. Baker stated that there is no sunset clause and the agreement is site specific and has to be executed for each annexation.

Commissioner Bolin asked about the water line that is being added by the annexation and PID's role in the placement of the pipe. Mr. Baker explained that the applicant has proposed to lay eight inch water line to his property. There will not be a loop, but will still be two dead end water mains serving Wayland Road. However, fire hydrant spacing would be improved for the area if the project is approved.

Commissioner Bolin asked about the annexation of surrounding properties. Mr. Baker stated that LAFCO will not annex or create an island with properties that are not annexed around the proposed property, all land must be contiguous to an existing jurisdictional boundary.

Commissioner Bolin asked about the planning commission forwarding a recommendation to the Council including other properties in the annexation that had not participated in the process. Mr. Baker stated that the Planning Commission could forward a recommendation that was expanded to include other properties, but if other properties were included that didn't participate in the process, a popular vote would have to be held and would have to pass in order for the Mooney annexation to continue. If the vote did not pass then the Mooney property would have to start the process again from the beginning.

Commissioner Johns opened the public hearing at 6:18 pm.

1. John Mazzoni, from Robertson Engineer and representative for the Mooney project, explained where the 8" main pipe line would begin and extend for approximately 400' to the Mooney property, ending with a fire hydrant. The Mooney's felt that the water line and hydrant would provide additional protection and was worth the cost. The Mooney's are responsible for all the improvement costs which will be between \$40,000-\$50,000.

Chairman Johns closed the public hearing at 6:20 pm.

Commissioner Bolin inquired as to why PID does not service the Wayland Road area. Mr. Baker explained that there are several areas in that part of town that are underserved. The PID water pressure and flow is good, but there is a hydrant spacing issue.

Commissioner Grossberger asked if there was an MOU with the County for fire protection in that area. Mr. Baker stated that there is a mutual aid agreement affecting that area, but the Town is usually the first one on scene, so annexation of this property does not present an additional burden to Paradise police and fire.

1. It was moved by Commissioner Woodhouse, seconded by Commissioner Johns, and unanimously carried by those present to Adopt Planning Commission Resolution No. 11-02, "A Resolution of the Planning Commission Recommending Town Council Endorsement of Initiating Processing Proceedings of the Mooney Annexation Application (PL10-00250) with the Butte County Local Agency Formation Commission".

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

Community Development Department Director Baker announced that the Planning Commission decision may be appealed to the Town Clerks office within seven days of the date of the decisions.

## **OTHER BUSINESS**

- a. Discuss and consider adoption of the Planning Commission Annual Report for calendar year 2010 to the Town Council regarding the present implementation status of the 1994 Paradise General Plan.

Community Development Director Baker informed the Planning Commissioners that this item is a report mandated by CA Government Code Section 65400 and is for the calendar year 2010, but the report will be dated March 2011. Implementation of the 1994 General Plan was fairly ambitious and over the last few years there have seen significant gains and implementations of the General Plan, many of which took place in 2010. Items include Town Council adoption of Town Wide Designs Standards and a Town theme, both of which the Planning Commission endorsed; Town Council adopted amendments to the zoning code including sign regulations that helped promote the General Plan; The Town now has mandatory solid waste collection, curbside recycling, and a successful household hazardous waste facility operating; and, the adoption of the 2010 Building Standards Code. As of last year the state of California adopted new regulations that require the Housing Element implementation status report to be far more detailed and of a different format than this and will be brought to the Planning Commission next month for approval.

Mr. Baker asked the Planning Commission to accept the report and forward it to the Town Council for approval as a consent item on the Town Council agenda.

1. After discussion, it was moved by Commissioner Johns, seconded by Commissioner Bolin to accept and Adopt the Planning Commission Annual Report for the calendar year 2010 and forward it to the Town Council.

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

## **7. COMMITTEE ACTIVITIES**

### **a. Status Report: Paradise RDA Advisory Committee Meeting**

The Planning Commissioners concurred to appoint Commissioner Grossberger to the Paradise RDA Advisory Committee.

Commissioner Grossberger informed the Commissioners and citizens that there would be a Medical Marijuana Workshop held on Thursday, March 24, 6-9 p.m. at Town Hall for public input and discussion regarding Medical Marijuana.

## **8. COMMISSION MEMBERS**

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

Community Development Director Baker informed the Commissioners that (1) The marijuana issue regarding Ordinances would be coming to them next month to discuss and forward a recommendation to the Town Council; (2) The Housing Element Annual Report will also be brought forward to the Planning Commission for review.

## **9. ADJOURNMENT**

The Planning Commission meeting was adjourned at 6:59 pm.

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Chairman

Attest:


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Planning Commission Secretary

# MEMORANDUM

AGENDA NO. 6(a)

**TO:** Paradise Planning Commission

**FROM:** Craig Baker, Community Development Director 

**SUBJECT:** Planning Commission Discussion of the Draft Annual Housing Element Progress Report for Calendar Year 2010

**DATE:** April 13, 2011

## BACKGROUND:

Government Code Section 65400 requires each local jurisdiction to prepare an annual report on the status and progress in implementing its General Plan Housing Element using forms and definitions adopted by the California State Department of Housing and Community Development (HCD). The annual progress report should be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1 of each year for the prior calendar year. Pursuant to Chapter 888, Statutes of 2006, a local jurisdiction may be compelled by a court to comply with this requirement or be subject to sanctions should an annual report not be submitted to HCD and OPR by **June 1** of each year.

Section 65400 further states that the annual Housing Element progress report "shall be at an annual public meeting before the legislative body where members of the public shall be allowed to provide oral testimony and written comments." In order to provide an opportunity for members of the public to provide this input, staff desires to provide the progress report for Town Council consideration during their regularly-scheduled May 3, 2011 meeting, thereby facilitating submittal to HCD and OPR by June 1, 2011.

The attached annual Housing Element progress report reveals that, of a total of seven new dwelling units, one second dwelling unit affordable to low income households was issued a building permit during 2010. The remaining units needed for the 2009-2014 planning period, by income level are: 412 affordable to very low income households; 188 affordable to low income households; 171 affordable to moderate income households and 361 affordable to above moderate income households.

Since the Housing Element was adopted on December 8, 2009 (Resolution 09-67), relatively few of the housing element programs were fully implemented during calendar year 2010, other than those programs where implementation involves ongoing directives to promote affordable housing through various means. The report contains a detailed enumeration of each program and its implementation status as of December 31, 2010.

**COMMISSION ACTION REQUESTED:**

Be prepared to publicly discuss this matter and to provide direction via an adopted motion to staff regarding any specific recommendations to be forwarded to the Town Council to facilitate additional and/or further implementation of the 1994 Paradise General Plan Housing Element.

Attachment



# Department of Housing and Community Development

## ANNUAL HOUSING ELEMENT PROGRESS REPORT

City or County Name: Town of Paradise

Mailing Address: 5555 Skyway, Paradise CA 95969

Contact Person: Craig Baker Title: Community Development Director

Phone: (530) 872-6993 Fax: (530) 877-5059 E-mail: cbaker@townofparadise.com

Reporting Period by Calendar Year: from Jan. 2010 to Dec. 2010

These forms and tables, (see sample – next page) must be submitted to HCD and the Governor's Office of Planning and Research (OPR) on or before April 1, of each year for the prior calendar year; submit separate reports directly to both HCD and OPR (Government Code Section 65400) at the addresses listed below:

**Department of Housing and Community Development**

Division of Housing Policy Development

P.O. Box 952053

Sacramento, CA 94252-2053

-and-

**Governor's Office of Planning and Research**

P.O. Box 3044

Sacramento, CA 95812-3044

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

**Jurisdiction**      Town of Paradise

**Reporting Period**      1/1/2010 - 12/31/2010

Table A

### Annual Building Activity Report Summary - New Construction Very Low-, Low-, and Mixed-Income Multifamily Projects

Housing Development Information								Housing with Financial Assistance and/or Deed Restrictions		Housing without Financial Assistance or Deed Restrictions	
1	2	3	4				5	5a	6	7	8
Project Identifier (may be APN No., project name or address)	Unit Category	Tenure  R=Renter O=Owner	Affordability by Household Incomes				Total Units per Project	Est. # Infill Units*	Assistance Programs for Each Development	Deed Restricted Units	Note below the number of units determined to be affordable without financial or deed restrictions and attach an explanation how the jurisdiction determined the units were affordable. Refer to instructions.
			Very Low- Income	Low- Income	Moderate- Income	Above Moderate- Income			See Instructions	See Instructions	
052-340-008	SU	R		X			1				Based on HUD low-moderate block & tract census data
050-180-050	SF	O				X	1				Based on market conditions
054-010-126	SF	O			X		1				Based on market conditions
051-082-028	SU	R			X		1				Based on HUD low-moderate block & tract census data
055-180-024	SF	O				X	1				Based on market conditions
053-210-037	SF	O			X		1				Based on market conditions
051-190-045	SF	O				X	1				Based on market conditions
(9) Total of Moderate and Above Moderate from Table A3					0	0	7				
(10) Total by income Table A/A3				1	3	3	7				
(11) Total Extremely Low-Income Units*											

\* Note: These fields are voluntary

# ANNUAL ELEMENT PROGRESS REPORT

## *Housing Element Implementation*

(CCR Title 25 §6202 )

Jurisdiction Town of Paradise  
Reporting Period 1/1/2010 - 12/31/2010

**Table A2**  
**Annual Building Activity Report Summary - Units Rehabilitated, Preserved and Acquired pursuant to GC Section 65583.1(c)(1)**

Please note: Units may only be credited to the table below when a jurisdiction has included a program in its housing element to rehabilitate, preserve or acquire units to accommodate a portion of its RHNA which meet the specific criteria as outlined in GC Section 65583.1(c)(1)

Activity Type	Affordability by Household Incomes				(4) The Description should adequately document how each unit complies with subsection (c)(7) of Government Code Section 65583.1
	Extremely Low-Income*	Very Low-Income	Low-Income	TOTAL UNITS	
(1) Rehabilitation Activity	0	0	0	0	
(2) Preservation of Units At-Risk	0	0	0	0	
(3) Acquisition of Units	0	0	0	0	
(5) Total Units by Income	0	0	0	0	

\* Note: This field is voluntary

**Table A3**  
**Annual building Activity Report Summary for Above Moderate-Income Units (not including those units reported on Table A)**

	1. Single Family	2. 2 - 4 Units	3. 5+ Units	4. Second Unit	5. Mobile Homes	6. Total	7. Number of infill units*
No. of Units Permitted for <b>Moderate</b>						0	
No. of Units Permitted for <b>Above Moderate</b>						0	

\* Note: This field is voluntary

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

Jurisdiction Town of Paradise

Reporting Period 1/1/2010 - 12/31/2010

Table B

### Regional Housing Needs Allocation Progress

#### Permitted Units Issued by Affordability

Enter Calendar Year starting with the first year of the RHNA allocation period. See Example.			2007	2008	2009	2010						Total Units to Date (all years)	Total Remaining RHNA by Income Level
Income Level		RHNA Allocation by Income Level	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9		
Very Low	Deed	412											412
	Restricted Non-deed restricted												
Low	Deed	189											188
	Restricted Non-deed restricted					1						1	
Moderate	Deed	174											171
	Restricted Non-deed restricted					3						3	
Above Moderate		465	51	27	23	3						104	361
Total RHNA by COG. Enter allocation number:		1,240											1,132
Total Units ▶ ▶ ▶			51	27	23	7						108	
Remaining Need for RHNA Period ▶ ▶ ▶ ▶ ▶													

Note: units serving extremely low-income households are included in the very low-income permitted units totals.

# ANNUAL ELEMENT PROGRESS REPORT

## Housing Element Implementation

(CCR Title 25 §6202 )

**Jurisdiction**                      Town of Paradise

**Reporting Period**                      1/1/2010 - 12/31/2010

Table C

Program Implementation Status

Program Description (By Housing Element Program Names)	Housing Programs Progress Report - Government Code Section 65583. Describe progress of all programs including local efforts to remove governmental constraints to the maintenance, improvement, and development of housing as identified in the housing element.		
Name of Program	Objective	Timeframe in H.E.	Status of Program Implementation
HI-1: Reduce infrastructure constraints to development	Reduce constraints associated with wastewater disposal.	Dec. 2012	On-going efforts towards development of a Downtown clustered wastewater system. Recently-adopted revisions to the Town's sewage disposal regulations promote the development of new housing opportunities. Proposed revisions to the Town's Onsite Manual for the Disposal of Wastewater will promote the development of new housing opportunities.
HI-2: Affordable housing resources	Promote affordable housing through work with developers.	2008-2014	Development Impact Fee deferral program has been implemented for development applications, including those building affordable and/or multifamily housing.
HI-3: Affordable housing incentives	Reduction in development standards to promote affordable housing.	Mar. 2010	Affordable housing incentives regulations are in place, promoting density bonuses for housing projects that include affordable housing units.
HI-4: Density bonus	Compliance with Government Code Sections 65915 & 65917.	Feb. 2010	Zoning ordinance amendment consistent with GC Sections 65915 & 65917 is tentatively scheduled for FY 2011/12. Density Bonus brochure will be developed accordingly. See comment for HI-3 above.
HI-5: Publicly owned lands inventory	Develop and maintain inventory of land within Town limits and its sphere of influence for potential housing sites.	Nov. 2009	No new public lands acquired resulting in new housing opportunities since an inventory was compiled in 2009. On-going development of Paradise Community Village in partnership with CHIP affordable housing.
HI-6: Housing authority	Support the Housing Authority's role in Public Housing Rental Program and Section 8 housing.	2008-2014	On-going directive; on-going implementation.
HI-7: Small lot consolidation and development	Encourage consolidation of small parcels for residential use.	May. 2010	On-going directive. Opportunities for small lot consolidation did not present themselves during 2010.
HI-8: Promote second units	Encourage development of affordable second units.	Dec. 2010	Handbook/handouts are being developed. Second units are promoted through the use of administrative permits acted upon by staff as opposed to site plan review permits which previously required a public hearing. Amended sewage disposal regulations are expected to assist as well.
HI-9: Address discrimination	Provide filing information for discrimination complaints.	2008-2014	On-going directive. Fair housing/non-discrimination requirements are posted at Paradise Town Hall. No fair housing complaints were filed with the Town during 2010.

# ANNUAL ELEMENT PROGRESS REPORT

## *Housing Element Implementation*

(CCR Title 25 §6202 )

**Jurisdiction**      Town of Paradise

**Reporting Period**      1/1/2010 -      12/31/2010

HI-10: Annual report	Provide annual report to Town Council and Planning Commission.	Annually	Implemented and on-going. Report for 2010 presented to Planning Commission during April 2011, Town Council during May 2011.
HI-11: Housing rehabilitation and improvement	Provide rehab and repair opportunities.	2008-2014	Continuing to aggressively promote and provide housing rehabilitation through CalHOME and HOME funds.
HI-12: Condominium and mobile home conversions	Revise Chapter 16.10 of the Paradise Municipal Code to address conversions.	June. 2011	Not yet implemented, but work effort is underway.
HI-13: Down payment assistance	Pursue housing program grants to fund down payment assistance.	2008-2014	On-going program administered by Business & Housing for payment assistance to lower income first time home buyers.
HI-14: Enforce housing codes	Provide a safe and decent living environment.	2008-2014	Procedure in place through building division for the thorough investigation of housing complaints and the prompt abatement of resulting violations.
HI-15: Conversion of at-risk units	Reduce potential conversion of affordable housing to market-rate.	2008-2014	The Town is notified as a party on title to assisted affordable housing units. Coordination with Butte County Housing Authority is on-going.
HI-16: Removal of constraints	Update town codes to reduce/remove constraints.	2008-2014	Town allows for the application of planned developments to accommodate smaller lot sizes while providing open space for constrained areas, also clustered wastewater treatment facilities for the development. Revised sewage disposal regulations have assisted, pending revisions to the Onsite Manual for the Treatment of Wastewater will assist further. Deferral of frontage improvements (through covenants) for projects to help encourage the development of special needs housing.
HI-17: Reduce standards for seniors and disabled housing	Revise Zoning Ordinance to provide reduced standards	Dec. 2009	Paradise Municipal Code revised April 2010 to allow for handicapped and/or disabled parking space facilities to be located within a yard setback area subject to the issuance of an administrative permit.
HI-18: Emergency shelters and transitional/supportive housing	Revise zoning code to be consistent with requirements of state law.	Aug. 2010	PMC revised October 2010 to include emergency shelters as a land use allowed by right in the Community Services zoning district.
HI-19: Housing for persons with disabilities	Ensure projects for disabled accessibility are reasonably accommodated.	May. 2010	Housing Rehabilitation Program administered through Business & Housing includes projects involving improvements necessary to ensure accessibility for disabled persons.
HI-20: Special needs housing	Provide incentives for development of housing for persons with special needs.	Feb. 2010	Deferral of Development Impact Fees and increased density through the use of a clustered wastewater treatment system are available for interested developers.
HI-21: Energy conservation and efficiency	Promote energy conservation and efficiency in residential development.	July. 2011	PMC revised December 2010 to include the adoption of the state green building standards. 2010 adopted Design Standards include energy efficiency recommendations for development considerations such as solar access, water conservation, and landscaping.

**ANNUAL ELEMENT PROGRESS REPORT**  
***Housing Element Implementation***  
(CCR Title 25 §6202 )

<b>Jurisdiction</b>	Town of Paradise
<b>Reporting Period</b>	1/1/2010 - 12/31/2010

**General Comments:**

The Town of Paradise continues to see a decrease in building activity as the recession continues. Similarly, there were no large residential projects proposed during the last year. In the meantime, the town continues to work on the conceptual Southeast Area Specific Plan that will include a mix of housing types and densities once completed with a potential for 1400 dwelling units. Paradise remains committed to providing housing at all income levels and works diligently within the limited budget resources that remain to assist owners with rehabilitation and renovation of existing homes. The town is currently in partnership with CHIP affordable housing for the pending development of Paradise Community Village which is scheduled to provide approximately 60 dwelling units, half of which will be CHIP housing.