

PARADISE PLANNING COMMISSION
December 7, 2009 - 5:30 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 5:30 p.m.

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

ROLL CALL

Present at roll call were Commissioners Bolin, Grossberger, Johns, Serna and Chairman Woodhouse. Community Development Director Al McGreehan, Assistant Community Development Director Craig Baker and Town Attorney Dwight Moore were also present.

1. APPROVAL OF MINUTES

a. Regular Meeting of November 17, 2009

It was moved by Commissioner Bolin, seconded by Commissioner Serna and unanimously carried by those present to approve the minutes of the November 17, 2009 Planning Commission meeting.

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

MOTION CARRIES.

2. COMMUNICATION

a. Recent Council Actions

Mr. McGreehan reported on the special Town Council meeting on December 3, 2009. In addition, he announced that at the upcoming regular meeting on December 8, 2009 the Town Council will consider adopting the Housing Element.

b. Staff Comments

Mr. McGreehan thanked those Commissioners who attended the 30th anniversary of the Town's incorporation.

3. PUBLIC COMMUNICATION –None.

4. CONTINUED PUBLIC HEARING

Item Recommended to be Determined Exempt from Environmental Review:

- a. **Proposed text amendment to regulations contained in Paradise Municipal Code Chapter 17.06. The amendment affects municipal code statutes related to: medical marijuana sale and distribution. (Continued from November 17, 2009)**

Mr. McGreehan explained that this agenda item was continued to afford the Commission an opportunity to have the town attorney present for further information.

Mr. McGreehan explained that the Planning Commission is not legally obligated to re-open the hearing to the public but may opt to do so. In the staff memo, the Town Manager has asked the Planning Commission to table this matter to let staff further research all aspects of the subject rather than taking any action tonight.

Town Attorney Dwight Moore discussed the proposed text amendment to the Paradise Municipal Code regarding the distribution and sale of medical marijuana. He researched cities allowing marijuana dispensaries that have gone to court and to appeal. By reviewing the outcome in other cities, the Town can model its regulations on those things that have survived legal challenge. The City of Claremont just completed a lawsuit for not allowing a medical marijuana store to be established. Claremont prevailed on an appeal, and their regulations are similar to what we are trying to do. The Town is trying to keep any regulation simple and as easy to enforce as possible. We need to clarify that we are not regulating pharmacies. The Town can regulate where pharmacies are located, but not the activities of pharmacies. Pharmacies can sell marijuana in pill form, and they are federally regulated. Under the current text amendment proposal, if adopted, the Town will prohibit the sale and distribution of marijuana in any zoning district, building, structure, or property unless they have a pharmaceutical license.

The Commission asked about the regulation of collectives. Mr. Moore responded that we cannot regulate collectives because they fall under the regulations of state law. Some activities of collectives have not been regulated. It is a subject where it may be prudent to wait to see what happens when those activities are challenged.

It was moved by Chairman Woodhouse and seconded by Commissioner Serna to table this subject to afford Town staff and the Town Attorney additional time to perform a more detailed and comprehensive research of the matter.

Commissioner Grossberger requested the Commission vote on opening the hearing to the public, but Chairman Woodhouse responded that there was a motion on the floor.

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

MOTION CARRIES.

CHAIRMAN WOODHOUSE LEFT THE MEETING AT 6:22 P.M. VICE CHAIRMAN JOHNS TOOK OVER THE MEETING.

5. PUBLIC HEARING

Item Recommended to be Determined Exempt from Environmental Review:

- a. Proposed text amendment to regulations contained in Paradise Municipal Code Chapters 17.37 and 17.41. The amendments affect municipal code statutes related to: definitions and sign regulations and design review.**

Assistant Community Development Director Baker reviewed the proposed text amendments that will:

1. Emphasize the design guidelines are a statutory requirement rather than voluntary.
2. Facilitate the application of design standards outside the RDA and Scenic Highway Corridors; and
3. Alter the composition of the Town's Design Review Board to ensure a higher level of expertise and attendance.

The Planning Commission concurred to amend Exhibit "A", page 3, last line, to insert "Paradise" before "Redevelopment", and strike out "the" in Section 17.41.100B before "Downtown".

The Commission discussed that the proposed 4 year commitment for one citizen at large on the Design Review Board may be intimidating. The Commission concurred to reduce the term to two years; and, to ensure the rotation formula for the Design Review Board, one of the Planning Commissioners will serve an initial one year term with subsequent appointed term(s) of two years.

Mr. Baker stated that changes made to the sign regulations necessitate changes to the Design Review process regulations in the Paradise Municipal Code. Currently they only address the RDA.

The hearing was opened to the public. Appearing: No one.
The hearing was closed to the public.

It was moved by Commissioner Bolin, seconded by Commissioner Grossberger and unanimously carried to adopt Planning Commission Resolution 09-9, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Paradise Municipal Code Chapter 17.41, Related to Design Review".

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

MOTION CARRIES.

6. OTHER BUSINESS – None.
7. COMMITTEE ACTIVITIES – None.
8. COMMISSION MEMBERS

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

The Planning Commission discussed procedures for continued public hearings that are closed to the public, and whether they are obligated to reopen the hearing at the next meeting.

9. ADJOURNMENT

The Planning Commission meeting was adjourned at 7:07 p.m.


Chairman

Attest:


Planning Commission Secretary