

# **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 20, 2010  
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 16, 2010

### **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**

Items recommended to be determined exempt from environmental review:

- a. PARADISE MUNICIPAL CODE: Proposed text amendment to subdivision regulations contained in Paradise Municipal Code Title 16 [Town Subdivision Ordinance]. The amendment affects municipal code statutes related to: responsibilities of the planning director; expiration of time limits for tentative maps; and parcel map time extensions.
- b. PARADISE MUNICIPAL CODE: Proposed text amendment to the Town's zoning regulations contained in Paradise Municipal Code Title 17 [Zoning]. The amendment affects municipal code statutes related to a land use definition for "fuelwood sales" activity and which zoning district whereby such activity may be potentially permitted.

**6. OTHER BUSINESS – None.**

**7. COMMITTEE ACTIVITIES – RDA Committee Meeting Report: March 23, 2010**

**8. COMMISSION MEMBERS**

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

**9. ADJOURNMENT**

**PARADISE PLANNING COMMISSION**  
**March 16, 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 6:00 p.m.

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

**ROLL CALL**

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

**1. APPROVAL OF MINUTES**

**a. Regular Meeting of February 16, 2010**

It was moved by Commissioner Bolin, seconded by Commissioner Johns and unanimously carried by those present to approve the minutes of the February 16, 2010 Planning Commission meeting as submitted by staff.

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

**MOTION CARRIES.**

**2. COMMUNICATION**

**a. Recent Council Actions -**

Mr. McGreehan reported on recent actions of the Town Council at their regular meeting of March 9, 2010.

**b. Staff Comments**

Mr. Baker reported that the applicant for the Chambers Site Plan Review Permit, which matter is scheduled tonight as a continued public hearing, withdrew his application requesting Town approval to establish a tow service impound yard on property located at 6633 Skyway this afternoon (March 16, 2010) and that there will be no need to hold the hearing.

**3. PUBLIC COMMUNICATION –None.**

**4. CONTINUED PUBLIC HEARING –**

**a. Item determined to be exempt from environmental review**

**CHAMBERS SITE PLAN REVIEW PERMIT (PL09-00387) APPLICATION:**  
**Planning Director referral to Planning Commission- Applicant is requesting Town approval to establish a tow service impound yard on property currently occupied by a vehicle storage/used vehicle sales business occupancy located at 6633 Skyway, AP No. 052-090-044. (Continued from February 16, 2010)**

It was moved by Chairman Woodhouse, seconded by Commissioner Bolin, and unanimously carried by those present to acknowledge that on the afternoon of March 16, 2010, the applicant for the Chambers Site Plan Review Permit (PL09-00387) withdrew his application to establish a tow service impound yard on property located at 6633 Skyway.

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

**MOTION CARRIES.**

**5. PUBLIC HEARING – None.**

**6. OTHER BUSINESS – None.**

**7. COMMITTEE ACTIVITIES**

**a. Status Report: The next Paradise RDA Advisory Committee Meeting scheduled for March 23, 2010**

**8. COMMISSION MEMBERS**

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

Mr. McGreehan informed the Planning Commissioners that text amendments may be forthcoming at the April 20, 2010 Planning Commission meeting.

**9. ADJOURNMENT**

The Planning Commission meeting was adjourned at 6:12 p.m.

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Chairman

Attest:

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Planning Commission Secretary

# M E M O R A N D U M

AGENDA NO.5 [a]

**TO:** Paradise Planning Commission

**FROM:** Al McGreehan, Community Development Director

**SUBJECT:** Public Hearing: Proposed Paradise Municipal Code Text Amendment Related to: Parcel Map Time Extensions; Planning Director Responsibilities; and Time Limits Expiration for Tentative Maps

**DATE:** April 14, 2010

**BACKGROUND:** The Town of Paradise is legally required to regulate the subdivision of land and real property within the town for the purposes of sale, lease or financing via subdivision regulations within its municipal code that are consistent with and further implement the State Subdivision Map Act [California Government Code Section 66410 et. seq.]. A key function of both the Planning Director and the Planning Commission is to act as the 'advisory agency' for the Town of Paradise in connection with the administration of the State Subdivision Map Act and the Town's subdivision ordinance regulations [PMC Section 2.12.031].

Attached with this staff memorandum for your consideration and recommended adoption is a proposed Planning Commission Resolution **[No. 10-4]** and its related exhibit "A". This document depicts a staff and Town Attorney co-generated and proposed text amendment to the Town's subdivision regulations. **[Note:** This matter has been duly noticed as a scheduled public hearing agenda item via publication of a hearing notice within the local newspaper and direct mailing to local public agencies/organizations.]

If adopted, the primary purpose of the recommended text amendment is to alter the Town's subdivision regulations in a manner that accurately reflects and provides consistency with the current provisions of the State Subdivision Map Act that relate to the subject of parcel map time extensions; planning director responsibilities as an "advisory agency"; and time limits expiration for tentative maps.

The overall extent of the text amendment recommended for your consideration and adoption is somewhat "self-explicit". As you  
Planning Commission -2- April 13, 2010

review the attached resolution document (specifically its exhibit

"A") please observe that any new proposed text is shown with the "**bolded**" feature and text proposed for deletion is shown with the "strike out" feature.

Lastly, staff has generated and attached other documents (i.e. notice of public hearing, CEQA determination, etc.) that relate to this agenda item for your review and consideration.

**COMMISSION ACTION REQUESTED:** Conduct the scheduled public hearing regarding this agenda item. Upon conclusion of the public hearing, adopt a MOTION TO:

1. Concur with the project "CEQA determination" adopted by the Town Planning Director and dated April 12, 2010; AND

2. Adopt Planning Commission Resolution No. 10-4, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Title 16 of the Paradise Municipal Code Relating to: Subdivision Regulations".

Attachment

## M E M O R A N D U M

**AGENDA NO. 5 [b]**

**TO:** Paradise Planning Commission

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

**SUBJECT:** Public Hearing - Consider Adoption of a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Related to a Land Use Definition for “Fuelwood Sales” Activity and Zoning Districts Wherein Such Activity May Be Potentially Permitted.

**DATE:** April 14, 2010

### **BACKGROUND:**

In order to preserve and enhance the integrity of commercial and industrial zoning districts within the Town of Paradise and to minimize the potential establishment of incompatible land uses, town staff has initiated an effort to amend the town’s zoning ordinance regulations in a manner that addresses our current inability to exercise land use control over fuelwood storage and sales lots and the current absence of a definition for such a land use activity within the Paradise Municipal Code (PMC).

### **DISCUSSION:**

Title 17 (zoning ordinance regulations) of the PMC contains definitions for dozens of land use activities for the primary purpose of regulating each defined land use. Individual Chapters within Title 17 contain development standards for each zoning district within the town and are designed in a manner that enumerates each separately-defined land use and indicates which uses are permitted, potentially permitted subject to a special entitlement (use permit, site plan review permit, etc.) or prohibited in each zone. Currently, no specific definition for a fuelwood storage and sales lot exists within Title 17 and fuelwood sales is not enumerated in the regulations for any individual zone.

As a consequence of this circumstance, town staff have customarily regarded fuelwood sales as “retail services,” a defined land use that is permitted in commercial and industrial zones and that requires no special town-approved land use entitlement. This approach has left staff in the position of being unable to assign meaningful development regulations or land use controls for fuelwood sales activity and local wood lots can often become cluttered, unsightly and can also be a source of noise disturbances associated with the processing (cutting, splitting) of fuelwood products.

Therefore, staff (with the assistance of the Town Attorney) has developed a definition of “fuelwood sales” for the purpose of regulating this potentially incompatible land use activity. It is our recommendation that this definition be included within PMC Chapter 17.04 (*Definitions*). In

addition, staff recommends that the town's zoning ordinance regulations be further amended in a manner that will only allow the establishment of a fuelwood sales lot in the Community Commercial (CC) zone subject to a use permit and in the Industrial Services (IS) zone subject to a site plan review permit.

Existing, legally established fuelwood sales lots in the town would be unaffected by these recommended text amendments, other than being rendered "legal nonconforming" land uses which may continue operation. However, any expansion of a legal nonconforming fuelwood sales lot would require town processing and approval of a use permit under current zoning regulations.

#### **COMMISSION ACTION REQUESTED:**

Be prepared to discuss and decide whether or not the Planning Commission should adopt a motion to forward a recommendation to the Town Council, via adoption of Planning Commission Resolution No. 10-5, to adopt a town ordinance amending the text of current PMC land use regulations. If deemed necessary by a majority consensus of Planning Commissioners present, staff will be prepared to make further changes or additions to the text of the attached and proposed resolution prior to Planning Commission adoption.

Attachments