

PARADISE PLANNING COMMISSION

April 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 6:00 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 and Assistant Community Development Director Craig Baker were also present.

1. APPROVAL OF MINUTES

a. Regular Meeting of March 16, 2010

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

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

MOTION CARRIES.

2. COMMUNICATION

a. Recent Council Actions: Community Development Director McGreehan reported on recent actions of the Town Council at their special meeting of April 5, 2010 and their regular meeting of April 13, 2010.

b. Staff Comments: None.

3. PUBLIC COMMUNICATION –

1. Larry and Leslie Foss introduced themselves to the Planning Commissioners stating that they are members of the Paradise Magalia Ridge Tea Party group, a local watchdog group, and that they are here tonight to observe 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.**

Community Development Director reported to the Planning Commission that the proposed text amendments would make the Paradise Municipal Code compatible with State law that provides that parcel maps may be extended for six years, rather than a five-year time period, and would also allow the Planning Director the authority to authorize time extensions for non-controversial parcel maps. Mr. McGreehan informed the Planning Commissioners that they are obligated to amend the code regarding the State law, but are not obligated regarding authority extended to the Planning Director. He stated that tentative parcel maps are generally not a controversial matter, and reminded the Planning Commission that there is a Council adopted policy document in place that sets forth the parameters of what is controversial and that the staff knows what to schedule for the Planning Commission and what to schedule for the Planning Director.

Commissioner Grossberger noted the typo in the resolution that states the five year period, not the six year period.

Commissioner Woodhouse opened the public hearing at 6:20 p.m.

1. Larry Foss clarified the comment that tentative parcel maps are not controversial and discussed, in general, his background, his interest in the community, and stated that he follows the constitution and is concerned with people who subvert the law of the land and the will of the people, and that he is not adverse any particular issue but is concerned that people do things in an honorable way.

Commissioner Woodhouse closed the public hearing at 6:24 p.m.

It was moved by Commissioner Grossberger, seconded by Commissioner Bolin and unanimously approved by those present, 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, with the change of language from five years to six years in Section 3.

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

MOTION CARRIES.

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.

Assistant Community Development Department Director Baker reported to the Planning Commission that the proposed text amendments address the Town's current inability to exercise any degree of land use control over fuelwood sales lots, that there is no specific definition in the code for fuelwood sales lots, and it is not enumerated as a specific defined land use, which puts staff in the position of treating fuelwood sales lots as a retail services land use which is permitted by right in every commercial zone and in the industrial services zone. The result is that there is no ability to establish any land use regulations, relating to the compatibility of fuelwood sales as potential new land uses, that would protect adjacent residential or commercial properties from potential impacts, such as requiring adequate parking, landscaping, etc. He stated that staff drafted the proposed definition of fuelwood sales lots with the assistance of the Town Attorney and, if the resolution were adopted as presented, fuelwood sales lots would be permitted in the Community Commercial "C-C" zone, either in or out of Redevelopment Project Area with a use permit, or in the Industrial Services "I-S" zone with a site plan review permit. The resolution was drafted in such a manner to provide the Planning Commission the opportunity to permit fuelwood sales lots solely in the I-S zone. Mr. Baker clarified that on existing fuelwood lots the cutting and splitting of wood is permitted, but any new fuelwood sales lots would be regulated through the new definition which prohibits this type of activity.

The Planning Commissioners asked staff whether or not there is a process through which the Redevelopment Project Area could be established as a separate zone to prohibit fuelwood sales lots. Staff stated that the Redevelopment Project Area is not established as a separate zoning district with a separate array of uses permitted or not permitted; that a zone could be potentially be established and designated "CC -RDA"; or, perhaps the issue could be addressed through a general plan policy. Mr. Baker stated that the Redevelopment Project area is a project land area that encompasses a multitude of properties with different zones that are unified through the Redevelopment Plan; that the intention of the Redevelopment Plan is to remove blight from the area; that the sale of fuelwood is a stand-alone land use that is separate from land uses within the RDA; and, that the issue before the Planning Commission tonight is to define fuelwood sales as a lots as a stand-alone issue. Mr. McGreehan stated that the thought behind potentially allowing fuelwood sales lots in the C-C zone would be that this use would be required to undergo the highest level of scrutiny, which is the use permit process

Mr. Baker stated that C-C zones have potential liabilities that do not exist in the I-S zones as a very high percentage of the C-C zoned property abuts residential properties, as our community developed around long, narrow, commercial strips of property, resulting in C-C zones being surrounded by both single and multi-family developments. The commercial properties are also properties with high visibility, located along arterial roadways.

It was discussed that the concerns regarding prohibition of undesirable land uses within the Redevelopment Project area might best be addressed by the Planning Commission designating a representative with authorization to initiate discussions with the Redevelopment Advisory committee on this issue, rather than address one land use issue at a time.

Chairman Woodhouse opened the public hearing at 6:45 p.m.

1. Larry Foss asked questions relating to zones, the use permit process, the cost of a use permit, what areas allow fuelwood sales, and what the intention of tonight's action is with regard to homeowners use and possible sale of wood.

Mr. Baker explained how zones organize a community and designate what land uses are allowed within the various zones, briefly explained the use permit process and the home use occupation permit process, and clarified that the proposed definition and regulations would apply to business operations to be established at upon a stated, designated property. Commissioner Grossberger and Assistant CDD Director Baker both offered to meet with Mr. Foss to answer his questions and explain the various ways that land uses are regulated within the Town.

Chairman Woodhouse closed the public hearing at 6:50 p.m.

The Planning Commission further discussed the how to move forward with creating a dialogue with RDA Advisory Board regarding prohibition of certain land uses within the Redevelopment Project area; whether or not fuelwood sales lots are a desired land use in any commercial zone, whether in the RDA area or not; that the Town's current regulations would allow this use in any commercial zone with its current definition as a retail service activity; clarified that if fuelwood sales were defined as a land use, the retails sales use definition would no longer apply; and, that if the proposed legislation was adopted, then existing fuelwood sales lots would become legal, non-conforming uses, which could provide the policy direction for staff to make efforts to remove legal non-conforming uses from the RDA Project area.

It was moved by Commissioner Bolin, seconded by Commission Grossberger, and unanimously approved by those present, to concur with Planning Director's CEQA determination; and to adopt Planning Commission Resolution 10-5, A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Paradise Municipal Code Chapters 17.04, 17.20 and 17.23 Related to: Land Use Regulations for Fuelwood Sales, with exclusion of Section 2 from Exhibit A (Section 3 would be relabeled as Section 2); and, to direct staff and Planning Commission representative to the RDA Advisory Committee to initiate discussion with the RDA Advisory Committee regarding land uses that are either compatible or incompatible within the Redevelopment Project Area.

The Planning Commission discussed that this definition of fuelwood sales, and the exclusion of Section 2 from Exhibit A of the resolution, with the approval of Town Council, would ban fuelwood sales from this point on from all zones except the I-S zone, i.e., would limit fuelwood sales to the I-S zone for now; and, that existing lots would continue to function. It was also noted that after discussion with the RDA Advisory Committee, if fuelwood sales were to be considered as an incompatible land use within the RDA Project area, that the issue could potentially come back for consideration as a land use within a C-C zone, either in or outside of the RDA Project area.

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

MOTION CARRIES.

6. OTHER BUSINESS – None.

7. COMMITTEE ACTIVITIES

- a. **Status Report: Paradise RDA Advisory Committee Meeting** Commissioner Grossberger stated that although she was unable to attend the March 23, 2010 meeting, she met with Business & Housing Services Director for a report and updated the Planning Commissioners. The RDA Committee discussed the status of the Downtown Capital Projects Master Plan, that the consultant is close to completion of the 30% engineered plans; that the design of the Paradise Community Village first phase of affordable housing was approved; the design for a community development at the corner of Wagstaff and Skyway was approved; and that the committee was informed that with the adoption of Ordinance No. 497 by the Town Council, the design review process was now vested with staff.

8. COMMISSION MEMBERS

- a. **Identification of future agenda items (All Commissioners/Staff)** Community Development Director McGreehan reported that the Town's first condominium project, 36 unites, will be brought to the Planning Commission May 18, 2010 Regular Meeting; that the Wal Mart Project was deemed complete and will most likely come to the Planning Commission one year from now after the CEQA process is complete; and, possibly a request from the Paradise Community Village for a modification of their subdivision map.

9. ADJOURNMENT

The Planning Commission meeting was adjourned at 7:20 p.m.

Attest:

Chairman

Planning Commission Secretary