



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 M I N U T E S

May 21, 2013

6:00 PM

CALL TO ORDER: 6:00 p.m.

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

ROLL CALL: Commissioners James Clarkson, Stephanie Neumann, Dan Wentland, Michael Zuccolillo and Jody Jones, Chair

1. APPROVAL OF MINUTES

- 1a. Motion by Wentland, seconded by Zuccolillo, approved minutes from the Regular meeting of March 19, 2013. Roll call vote was unanimous.

2. COMMUNICATION

a. Recent Council Actions

Community Development Director Craig Baker announced that at the April 9, 2013 Town Council meeting Jody Jones was appointed to another term on the Planning Commission beginning July 1, 2013 to June 30, 2017

Planning Commissioners asked if there had been any response from the Town Council regarding their recommendation to suspend the tree ordinance. Mr. Baker stated that he forwarded the Planning Commissions recommendation, but had not heard from the Town Council.

Commissioners indicated a desire to place the item for discussion on the next Planning Commission Agenda so the Brown Act would not be violated.

b. Staff Comments – None.

3. PUBLIC COMMUNICATION

1. Larry Foss, Paradise resident and artist, suggested an idea to create a Paradise Exterior Wall Beautification Program. The idea would be to find blank exterior walls and paint murals on them, possibly of the early days/history of Paradise. Mr. Foss indicated that he would like the support of the Planning Commission.

Commissioners recommended that Mr. Foss contact Chuck Rough who is in charge of the Paradise Citizens Alliance, who are looking to better the community and may be able to provide input and direction.

Mr. Baker stated that there were no permits required, but that the mural colors should be consistent with the "Design Standards" and informed Mr. Foss where the document was located on the Website.

******PUBLIC HEARING PROCEDURE******

4. CONTINUED PUBLIC HEARING - None

5. PUBLIC HEARING

5a. Item determined to be exempt from environmental review under CEQA Guidelines section 15601 (General rule exemption):

PARADISE MUNICIPAL CODE: Planning Commission consideration of a recommendation for Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code Title 17 (Zoning Ordinance). If adopted, the amendments would amend Paradise Municipal Code sections related to home occupation regulations so as to permit the establishment of Cottage Food Operations (CFO), pursuant to Government Code section 51035.

Community Development Director Craig Baker discussed the proposed text amendments and indicated that a resolution has been provided showing the proposed edits to the Home Occupation Permit Regulations in shaded and strike through text, recommendation is to discuss proposed amendment, open public hearing, receive public comment and adopt resolution 13-03.

Chair Jones opened the public hearing at 6:27 p.m. There were no speakers for or against the matter and Chair Jones closed the hearing at 6:27 p.m.

Commissioners asked how the Town would know if a septic system has failed, will there be more inspections, what kind of monitoring system would be in place and that the property, if it is a rental, have permission from the property owner.

Mr. Baker stated that the Town's legal counsel suggests that septic systems be treated as residential systems, which is how the State seems to want them handled. Mr. Baker further stated that all land use applications must have written consent from the property owner before a permit will be issued if the applicant is not the owner.

Commissioner Wentland was concerned with the new language in Section 17.33.300, "It shall be unlawful to establish a home occupation without a Town-issued permit under this Chapter."

Mr. Baker stated that it is standard language recommended by the Town Attorney that makes it easier for the Town to enforce laws.

Commissioner Wentland was also concerned with the language in Section 3, 17.33.500-Required standards and criteria, Item G. regarding the number of employees working at one time.

Mr. Baker explained that this item was included so that there could only be one employee working at any given time, there could be two part-time employees, but they would have to be there at different times, thereby allowing for flexibility to hire part-time employees, consistent with the existing State law.

Commissioners inquired as to the differences in the three options that jurisdictions have in permitting CFOs and why option two (2) was chosen.

Mr. Baker explained that option 2 was chosen as the best fit for Paradise and CFOs considering the existing Town Home Occupation Permit regulations are already designed to accommodate a variety of home occupations, including food preparation.

Mr. Baker explained that if a CFO is on a private road, written consent from homeowners who have a legal interest in the private road easement must be obtained. However, Mr. Baker also explained that if the home occupation does not generate public traffic such as patrons, deliveries, product shipments, then no consent from the neighbors is necessary.

Commissioners asked about the sales being conducted in the home of the CFO.

Mr. Baker explained that the sales could be made in the home, but not in the attached garage or structure outside of the dwelling and that generally, food products made were perhaps more often to be taken to a farmers market or similar venue.

Commissioners inquired if there could be an exemption/exclusion for specific groups making products for fundraising purposes possibly with sales less than a specific dollar amount.

Mr. Baker stated that if products being made by a CFO are for sale, they are generally subject to AB 1616.

Commissioners asked what the incentive would be for a homeowner or owner of a business to get a permit if they are already producing products, how many CFOs are currently in the Town of Paradise and what the penalty is for violating the ordinance.

Mr. Baker explained that the incentive could be for tax purposes, a desire to be lawful and legitimate, to protect the investment, that there is a one-time fee, with approval in 7-10 days after submittal of the application; that the number of CFOs in the Town of Paradise is not currently known and that the penalty for violating the ordinance would most likely be requiring the individual to obtain a permit.

Commissioners inquired about the increase fees due to the Master Fee Schedule.

Mr. Baker explained that an updated Master Fee Schedule was adopted by Council and will be in effect in a few weeks, that the small increase for Home Occupation permits was to ensure cost recovery for processing applications.

MOTION by Neumann, seconded by Wentland to Adopt Planning Commission Resolution No. 13-03, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapter 17.33 of the Paradise Municipal Code Relative to Home Occupations and Cottage Food Operations" approving option two (2) grant a non-discretionary permit to operate a CFO.

After some discussion, no action was taken on this motion.

Additional discussion followed the initial motion:

Commissioner Zuccolillo expressed his concern with the low dollar amount of what the occupant is able to sell (up to \$50,000 pursuant to AB 1616), felt that the cost of the permit is an overly burdensome fee, would be ok with a nominal fee and is not sure what they are getting for the cost.

Chair Jones stated that the one-time fee did not seem unreasonably high, considering staff time spent processing a home occupation permit.

Mr. Baker stated that the amount of the one-time service fee is based on cost recovery for the average time spent processing a home occupation permit. Ms. Hartman stated that the fee covers engineering review of site distance for safety issues regarding traffic, wastewater staff verifies that the sewage disposal system is up to

date, planning reviews for consistency with zoning regulations and the building/fire marshal may need to recommend conditions and possibly inspect for fire extinguishers.

Commissioners asked about individuals currently producing products at home if they were unlawful and that if an individual is baking cookies for a fundraiser that they would need to purchase a home occupancy permit and confirming that the law does not give an option for an exclusion for fundraisers.

Mr. Baker stated that the law only appears to provide three options for local jurisdictions; 1. Make CFOs a permitted use in residential zones with no review, 2. Make them subject to a non-discretionary permit, or 3. Require a use permit with some discretion; perhaps with noticing and a public hearing.

After discussion, Mr. Baker suggested that the ordinance could be reviewed in six months, have Attorney Moore come to the next Planning Commission meeting to provide legal opinion or the Commission could request a legal opinion as part of a motion.

The motion was amended as follows:

AMENDED MOTION by Neumann, seconded by Wentland to Adopt Planning Commission Resolution No. 13-03, “ A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapter 17.33 of the Paradise Municipal Code Relative to Home Occupations and Cottage Food Operations” approving option two (2) grant a non-discretionary permit to operate a CFO and asked that the Town Attorney provide a legal opinion to determine if fundraising activities fall under AB 1616.

ROLL CALL VOTE:

AYES: Commissioners Clarkson, Neumann, Wentland and Chair Jones
NOES: Commissioner Zuccolillo
ABSTAIN: None
ABSENT: None

6. OTHER BUSINESS

6a. Continued discussion regarding the possibility of establishing local control of mobile home parks which are now administered by the State of California within the jurisdiction of the Town of Paradise. (Zuccolillo)

Commissioner Zuccolillo requested that this item be withdrawn from consideration. Planning Commissioners concurred.

7. COMMITTEE ACTIVITIES

Community Development Director Baker shared that the Town’s management team will be meeting with Safeway representatives regarding a potential expansion project with a gas station for the existing Safeway market.

Commissioners inquired about the proposed suspension of the Tree Ordinance that the Planning Commission forwarded to the Town Council, the related potential loss of revenue and added that they would like to discuss the matter at a future Planning Commission meeting.

8. COMMISSION MEMBERS

9. ADJOURNMENT

Chair Jones adjourned the Planning Commission meeting at 7:07 p.m.

DATE APPROVED: August 27, 2013

By:_____/s/_____
Jody Jones, Chair

_____/s/_____
Joanna Gutierrez, Town Clerk