



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

TELEPHONE (530) 872-6291 FAX (530) 877-5059

www.townofparadise.com

Planning Commission Staff:

Craig Baker, Community Development Director
Susan Hartman, Assistant Planner

Planning Commission Members:

Jody Jones, Chair
James Clarkson, Commissioner
Michael Zuccolillo, Commissioner

PLANNING COMMISSION AGENDA

6:00 PM – February 19, 2013

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact Community Development Director Baker, at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Presiding Clerk.

Members of the public may address the Planning Commission on any agenda item, including closed session. If you wish to address the Planning Commission on any matter on the Agenda, it is requested that you complete a "Request to Address Council/Commission" card and give it to the Presiding Clerk prior to the beginning of the Council Meeting.

All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Planning Commission within 72 hours of a Regular Meeting will be available for public inspection at the Town Hall in the Town Clerk or Community Development Services Department located at 5555 Skyway, Room 3, at the time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

CALL TO ORDER

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

ROLL CALL

1. APPROVAL OF MINUTES - SWEAR IN - APPOINTMENT OF VICE CHAIR

1a. Approve minutes from the Regular meeting of January 15, 2013.

1b. Adopt Resolutions Nos. 13-01 and 13-02, Resolutions of Appreciation for Outgoing Planning Commissioners Bolin and Grossberger.

- 1c. Swearing in of Newly Appointed Planning Commissioners Stephanie Neumann and Dan Wentland. (TOWN CLERK)
- 1d. Roll Call of New Planning Commissioners
- 1e. Appointment of Planning Commission Vice-Chair for the remainder of the 2012/2013 Fiscal Year.
 - a. Appointment of Vice-Chair (Chair Presiding)

2. COMMUNICATION

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

- 6a. Request for Planning Commission determination that a proposed change from an existing legal nonconforming use (hair salon) to another nonconforming use (used car dealership) on residentially-zoned property is of an equally nonconforming nature.
- 6b. Discuss and provide direction concerning acceptance and referral of the 1994 General Plan Housing Element Annual Progress Report for calendar year 2012 to the Town Council. (Staff Recommendation: Approval to send to the Town Council)
- 6c. Confirmation of Chairman or Designee as Planning Commission Representative to the Town of Paradise Development Impact Fees Adjustment Board for the remainder of the FY 2012-2013 (Requirement of PMC Section 3.40.070).

- 6d. Appointment of one Planning Commission Representative to serve upon the Town of Paradise Landscape Committee (appeals body) for the remainder of the FY 2012-2013 (Requirement of PMC Chapter 15.36).
- 6e. 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).

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

9. ADJOURNMENT

STATE OF CALIFORNIA)	SS.
COUNTY OF BUTTE)	
I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk's Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date:	
<hr/>	
<hr/>	
TOWN/ASSISTANT TOWN CLERK SIGNATURE	

PARADISE PLANNING COMMISSION
January 15, 2013 - 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 Chair Jones at 6:03 p.m.

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

ROLL CALL

Present at roll call were Commissioners Clarkson, Grossberger, Zuccolillo and Chair Jones. Community Development Director Craig Baker was also present.

1. APPROVAL OF MINUTES

a. Regular Meeting of October 16, 2012.

It was moved by Commissioner Zuccolillo, seconded by Commissioner Clarkson to approve the minutes of the October 16, 2012 Planning Commission meeting as submitted by staff.

VOTE: AYES: Commissioners Clarkson, Grossberger , Zuccolillo and Chair Jones
NOES: None. **ABSTAIN:** None. **ABSENT:** None.

MOTION CARRIES.

2. COMMUNICATION

Community Development Director Baker updated the Planning Commissioners on the Town Council meeting of December 11, 2012 where the swearing in took place of new Council Members Greg Bolin, former Planning Commissioner, John Rawlings, and returning Council Member Steve “Woody” Culleton, the Council also adopted Resolutions No. 12-43 and 12-44 finding the residence at 5983 Crestview Drive a Public Nuisance and requiring the owner to abate said public nuisance, authorized the recruitment of Planning Commissioner vacancy with a deadline of January 17 at 5:00, with appointments made at the February 12th Town Council meeting. Mr. Baker congratulated April Grossberger on being appointed to the Butte County Planning Commission by newly elected Supervisor Doug Teeter, which will leave an additional vacancy to fill on the Commission. Mr. Baker also stated that with Greg Bolin being elected to the Town Council, Vice Chair Jones advances to the Chair of the Planning Commission and revised minutes reflecting that change have been placed in front of the Commissioners.

3. PUBLIC COMMUNICATION

1. Greg Bolin thanked the Planning Commissioners for the opportunity to work with them, congratulated April Grossberger on her appointment to the Butte County Planning Commission, thanked the current commissioners for their service and for the four-years of learning while he was on the Commission.

Mr. Baker stated that at the next Planning Commission meeting the Commissioners would be asked to approve resolutions recognizing the service of the past Commissioners.

4. CONTINUED PUBLIC HEARING – None.

5. PUBLIC HEARING – None.

6. OTHER BUSINESS

- 6a. Discussion regarding possible future adoption of Planning Commission resolution documents updating/affirming the current Town of Paradise Sphere of Influence and affirming the adequacy of the current 1994 Paradise General Plan.

Mr. Baker stated that this item was put on the agenda as a reminder that the Planning Commission may need to, at some time, update/affirm the Town of Paradise Sphere of Influence (SOI) and affirm the adequacy of the 1994 General Plan and has asked Town Attorney, Dwight Moore to provide information on the items.

Town Attorney Moore discussed the Sphere of Influence, which rarely happens, because it deals with Annexations, and that one is currently proposed for Walmart, if it goes forward, which is already included in the Sphere of Influence. Mr. Moore stated that the SOI was adopted in 1985 and with the new law, is required to be reviewed by LAFCO every five years to determine if any modifications are needed and then that would be brought to the Planning Commission for review/approval before final approval of the Town Council. A map showing the current SOI was included in the packet and displayed, showing Magalia, up to DeSabra, as being included in the sphere.

Commissioners asked why LAFCO would make any changes.

Mr. Moore stated that if there were any new developments in the area since the SOI was created or if another area was developed by a city or government agency that would be a reason for LAFCO to review the SOI. There have only been two minor annexations in the past 19 years which were development driven. The need for the Planning Commission to review the SOI would be due to a recommendation from LAFCO.

Commissioners asked that if the Town was growing based on the map and Magalia and Paradise started to blend, would the SOI line be dropped to the South.

Mr. Moore stated that the SOI can always be amended, but if an area is not included in the SOI it cannot be annexed. Mr. Moore also stated that LAFCO reviews and approves the SOI.

Commissioners asked how LAFCO determines if and when the SOI should be amended.

Mr. Moore stated that LAFCO looks at several things, the present plan, uses within the general area, probability of growth from the Town into the area of the sphere, whether the Town has the availability to provide public services to those areas or if services are needed. The Town of Paradise has not had many over the years, but it is required by law if it is a city or county.

Commissioners asked what the Town of Paradise is fiscally responsible for regarding the Town limits and the SOI limits and if the SOI is used for pre-planning within the boundaries of the Town.

Mr. Moore stated that the Town of Paradise does not provide service outside the Town of Paradise boundaries except for firefighting, where there is usually an agreement to assist other agencies in the area. There is no cost to the Town, the SOI is a planning tool created by state law. The property is pre-zoned within the SOI to show what is proposed to do with property if it is annexed. Pre-zoning does not mean anything within the town limits because the property owner can still, use the county zoning. Pre-zoning is a tool in case someone wants to annex to the Town which would be submitted and approved by the Town Council and then submitted to LAFCO.

Commissioners asked why the SOI is not expanded south towards Butte College since there are several residence in the Butte Valley area that utilize the businesses in the Town and if there were any cautions to be aware of from extending/expanding the SOI.

Mr. Moore stated that the SOI is a planning issue, there are several items to weigh for future annexations such as growth factors, where individuals shop, use of Town facilities, who is more attached to the Town of Paradise and the need for public service. Mr. Moore also stated the LAFCO reviews the annexations to prevent any leapfrog annexations, which are not allowed, because anything that is annexed to the Town has to be served by the Town of Paradise. A service review study was done in 2007, that was required by state law, showed our capacity to serve.

Mr. Moore explained that it is mandatory to periodically review The General Plan and determine if it is adequate. Previous Community Development Director Al McGreehan reviewed the General Plan and determined that it could be extended for another 4-5 years. The Planning Commission, by law, needs to review the elements and requirement for the General Plan today with the General Plan that was adopted in 1994 to determine if it is adequate or needs changes. There is only one item in the General Plan that has a time limit and that is the Housing Element that needs to be reviewed every 5-years. The rest of the elements, circulation, land use and conservation are technical elements that have requirements under the law that need to be reviewed by staff and approved by the Planning Commission sometime in the near future. Mr. Moore suggested a special workshop for the Planning Commission to review the General Plan since it is more comprehensive document.

Commissioner Jones stated that the General Plan was almost 20 years old and at the time that it was developed there was a large citizen participation effort to put it together and questioned at what point is a new General Plan done, or an update instead of a review, are there grant programs available and is cost a consideration.

Mr. Baker stated that at the time the General Plan was developed the Town hired an advanced planning specialist to help and does not anticipate a broad citizen participation . Even though the document is 18 years old, there are many aspects of the Town that haven't changed significantly

and there are many elements that still apply to the community which is one of the things that will be a part of the review and the financial aspect is a consideration. Mr. Baker stated that the larger the scope of the project, the longer it will take to prepare and bring to the Commission for review.

Mr. Moore stated that what the Commission is being asked to do is not to change the General Plan, but to review the General Plan as it exists, and determine if it meet the requirements of the law. Mr. Moore stated that there is a checklist provided that needs to be reviewed just to determine if the General Plan meets the requirements of the statutes under each element of the General Plan.

Mr. Baker stated that one of the products that needs to be generated for the California Office of Planning and Research annually is the General Plan Implementation Status report, which has to be approved by the Planning Commission, forwarded to the Town Council for approval prior to sending to the Office of Planning and Research. This document will itemize every policy in the General Plan and whether the policy or implementation measure has been fully or partially implemented and why. This exercise will allow the Commissions to become familiar with the General Plan.

6b. Discussion, updates and presentation regarding active development projects within the Town of Paradise

Mr. Baker provided an update on the active projects in the Town of Paradise that are either currently under staff review or construction:

- **Rocking Rooster Café**

This project entails the remodel and conversion of an existing vacant commercial space located at 5542 Clark Road (at Buschmann Road) into a new restaurant.

- **Paradise Community Village**

Conditionally approved by the Town in 2009, the Paradise Community Village (PCV) project entails the development of 49 acres of land located west of Lower Clark Road at the west end of Village Parkway. Construction of Phase I of the multi-family housing element (36 dwelling units) is well underway. Construction of the project's wastewater treatment and disposal system is nearing completion.

- **O'Reilly Auto Parts**

This project is proposed for a vacant 0.92 acre parcel located at 7368 Skyway (near Maxwell Drive) and consists of the establishment of an 8,100 square foot auto parts store. Construction is expected to be complete during calendar year 2013.

- **Wendy's Restaurant**

This project, located along Clark Road is proped to establish a 3,000 square foot restaurant with a drive through facility on a vacant one acre lot. The project has received all necessary approvals from the Town, except actual review and issuance of construction plans and permits. The developer has recently indicated to the Town construction plans for the restaurant are being finalized and will be submitted shortly.

- **Feather River Hospital**

The Feather River Hospital has proposed the construction of a 13,000 square foot Gastro-Intestinal Outpatient Clinic. Building construction plans have been approved and are ready to issue, pending payment of school fees. Completion of the proposed clinic is expected during calendar year 2013.

- **Dollar General Stores (2)**

A Nationwide chain of discount retail stores have proposed a 9,200 square foot discount store located at 6633 Skyway. Building construction, site improvement, frontage improvement and landscape plans have been submitted and are currently being reviewed and the landscape plan will be approved tomorrow. A site for a second store is currently being evaluated, located along Clark Road adjacent to Kmart shopping center.

- **PID Corporation Yard**

This project is a new corporation yard for the Paradise Irrigation District located at 6344 Clark Road. The project includes the construction of 4,400 square feet of staff offices and other facilities, 7,102 square feet of shop/warehouse area and a new second paved parking facility for employees and patrons. Project completion is expected in 2013.

- **Other Commercial Projects**

Smaller projects

- New automotive service with a retail component at 6420 Clark Road (formerly Jiffy Lube) –an interior remodel is progressing.
- New potential retail establishment (Hot Rod Smoke and Tattoo Supplies) in an existing commercial space located at 6226 Skyway (at Fir St. and Skyway). The jewelry store will remain in the building. Design review approval for a new façade has been granted.
- The Planning Director just conditionally approved a new auto sales land use in conjunction with an existing automotive service on property located at 8710 Skyway (at Rocky Lane).

Walmart is currently on hold, they are still meeting, talking and it is currently valid, but there is not a lot of movement.

7. COMMITTEE ACTIVITIES -

Mr. Baker stated that at the February meeting, with a full commission, he will be asking the Commission to elect a new vice-chair and appointments to various committees and resolutions of appreciation for previous members.

8. COMMISSION MEMBERS

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

1. Commissioner Zuccolillo would like to discuss the Town Tree Ordinance once the new Commissioners have been seated for at least one month, at the March meeting.
2. Commissioner Zuccolillo would also like to discuss mobile home parks within the Town, which are currently administered by the State, but there is a possibility for local control. He would like to discuss to see if a revenue stream could be generated by the Town taking over control. Commissioner Clarkson, publicly announced that he would have to recues himself from any discussion regarding Mobile Home Parks.
3. Commissioner Grossberger announced that she was submitting a letter of resignation due to her appointment to the Butte County Planning Commission and thanked the Commissioners for the opportunity to serve with them for the past six years.

Mr. Baker stated that he would provide the Commissioners with the current Tree Ordinance.

9. ADJOURNMENT

The Planning Commission meeting was adjourned at 6:52 p.m.

Date Approved:

Jody Jones, Chair

Attest:

Dina Volenski, Assistant Town Clerk

**TOWN OF PARADISE PLANNING COMMISSION
RESOLUTION NO. 13-01**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION
COMMENDING GREG BOLIN FOR HIS SERVICE TO THE TOWN OF PARADISE**

WHEREAS, GREG BOLIN has faithfully served the Town of Paradise as Planning Commissioner since July 15th, 2008; and

WHEREAS, during his tenure **GREG BOLIN** served for a specific time period on the Development Impact Fees Adjustment Board, the Landscape Committee, and served as Planning Commission Chairman and Vice-Chairman; and

WHEREAS, the citizens of the Town of Paradise have benefited from the efforts of **GREG BOLIN**; and

WHEREAS, his work as a Planning Commissioner for the Town of Paradise has been greatly appreciated; and

WHEREAS, the orderly growth of the Town of Paradise has been enhanced by his persistent efforts to pursue progressive improvement to the Town of Paradise; and

WHEREAS, the Paradise Planning Commission will greatly miss his insight concerning the needs and desires of the majority of the citizens of the town; and

WHEREAS, the Paradise Planning Commission wishes him the very best in the future.

NOW, THEREFORE, BE IT RESOLVED as follows:

THE PLANNING COMMISSION OF THE TOWN OF PARADISE hereby commends **GREG BOLIN** with gratitude for his service to the community of Paradise.

PASSED AND ADOPTED by the Paradise Planning Commission on this 19th day of February, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Planning Commission Chair

ATTEST:

Town Clerk

**TOWN OF PARADISE PLANNING COMMISSION
RESOLUTION NO. 13-02**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION
COMMENDING APRIL GROSSBERGER FOR HER SERVICE TO THE TOWN OF PARADISE**

WHEREAS, APRIL GROSSBERGER has faithfully served the Town of Paradise as Planning Commissioner since July 24th, 2007; and

WHEREAS, during her tenure **APRIL GROSSBERGER** served for a specific time period on the Development Impact Fees Adjustment Board, the Landscape Committee, the Paradise Redevelopment Advisory Committee and served as Planning Commission Chairman and Vice-Chairman; and

WHEREAS, the citizens of the Town of Paradise have benefited from the efforts of **APRIL GROSSBERGER**; and

WHEREAS, her work as a Planning Commissioner for the Town of Paradise has been greatly appreciated; and

WHEREAS, the orderly growth of the Town of Paradise has been enhanced by her persistent efforts to pursue progressive improvement to the Town of Paradise; and

WHEREAS, the Paradise Planning Commission will greatly miss her insight concerning the needs and desires of the majority of the citizens of the town; and

WHEREAS, the Paradise Planning Commission wishes her the very best in the future.

NOW, THEREFORE, BE IT RESOLVED as follows:

THE PLANNING COMMISSION OF THE TOWN OF PARADISE hereby commends **APRIL GROSSBERGER** with gratitude for her service to the community of Paradise.

PASSED AND ADOPTED by the Paradise Planning Commission on this 19th day of February, 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Planning Commission Chair

ATTEST:

Town Clerk

M E M O R A N D U M

TO: Paradise Planning Commission

FROM: Craig Baker, Community Development Director

SUBJECT: Consideration of a Request for Planning Commission Determination that a proposed change from an existing legal nonconforming use (hair salon) to another nonconforming use (used car dealership) on residentially-zoned property is of an equally nonconforming or more conforming nature

DATE: February 13, 2013

BACKGROUND:

On February 4, 2013, Michael Vrbeta submitted a written request to the Town Development Services Department for a Planning Commission interpretation of zoning regulations as they apply to existing and proposed land uses that do not or will not conform to Town-assigned zoning district classifications. In particular, Mr. Vrbeta wishes to establish a used car dealership on property located at 570 Oakwood Lane which is owned by his parents, Dragutin and Victoria Vrbeta. The property is situated within the Town Residential-1/3 acre minimum (TR-1/3) zoning district and is currently improved with a single-family dwelling, a secondary dwelling and a beauty salon established in the 1970's under Butte County jurisdiction. The beauty salon ceased operation in 2011. Mr. Vrbeta has submitted a detailed description of his proposed project, a copy of which is attached for your review.

The existing beauty salon was established when the site was zoned "General Commercial" (C-2), assigned by Butte County. Under the C-2 zoning regulation in effect at the time, beauty parlors were enumerated as a permitted land use. As a consequence, the existing beauty shop appears to have been legally established under Butte County zoning.

The Town of Paradise was established as an incorporated municipality in November of 1979, but retained and administered all existing Butte County-assigned zoning within the Town until March, 1984, when the Town Council adopted a comprehensive Town-wide zoning plan that superseded all previous Butte County zoning in Town (Ordinance No. 115). The new zoning plan assigned Multifamily Residential (M-F) zoning to the Vrbeta property. Multifamily zoning regulations were subsequently adopted by the Town Council in April, 1984 (Ordinance No. 116). In 1997, subsequent to the Town Council's adoption of the Town's current General Plan in 1994, the Town of Paradise assigned the current TR-1/3 zoning to the property.

DISCUSSION:

Beauty salons were not listed as a permitted or potentially permitted land use in the M-F zoning district. In addition, beauty salons are not listed as a permitted or a potentially permitted land use in the TR-1/3 zone. By virtue of these facts the existing land use activity associated with the operation of a beauty salon is considered by the Town of Paradise to be a legal nonconforming land use. As such, the use is permitted to continue operation as it has legally since prior to the Town's incorporation and may be maintained and repaired as needed.

The Paradise Municipal Code (PMC) contains a chapter which controls nonconforming land uses in the Town of Paradise. In addition, the 1994 Paradise General Plan contains several specific goals, objectives and policies addressing the control of nonconforming land uses, strongly discouraging their expansion and encouraging their elimination (see attached General Plan excerpt). However, pursuant to Paradise Municipal Code section 17.39.400 (*Expansion or alteration of nonconforming use*), the Planning Commission may allow a change from one nonconforming use to another, but only under certain circumstances. The enabling section is worded as follows:

D. Change in use. If no structural alterations are made, the lawful nonconforming use of a building or structure may be changed to another nonconforming use, which, in the opinion of the planning commission, is of the same, functionally equivalent, or more conforming nature.

As applied to Mr. Vrbeta's request, if a majority of the Planning Commission adopts findings that the proposed change from a beauty salon to a used car dealership is of the same, functionally equivalent or more conforming, the Planning Commission may authorize the change. No public hearing is required for the Planning Commission to make its decision.

In developing a recommendation for the Planning Commission relative to Mr. Vrbeta's request, Town staff considered the following facts and circumstances:

- Town zoning regulations potentially permit the new establishment of outdoor auto sales in only one of three Town-assigned commercial zones: the Community Commercial (CC) zone. Even in the CC zone, new outdoor auto sales are subject to a formal public hearing process. No new outdoor auto sales are permitted in either the Central Business (CB) zone or the Neighborhood Commercial (NC) zone. However, new beauty salons are outright permitted with no hearing process in both the CC and CB zones. In the NC zone, a public hearing for a site plan review permit would be required for a new beauty salon. Therefore, it seems clear that the adopted zoning regulations of the Town have established outdoor auto sales as a use of land that is potentially more problematic, incompatible and intensive than beauty salons, and therefore require more review and oversight.

- The 1994 Paradise General Plan establishes that the Vrbeta property is planned for residential land uses and the Town's comprehensive zoning plan was designed in a manner that is consistent with the General Plan, assigning residential zoning to the site. Further, the Oakwood Lane neighborhood is primarily characterized by residential land uses. In addition, the General Plan contains a specific policy statement (LUP-74) that strongly discourages the expansion of nonconforming uses.
- The Planning Commission does not have the authority to assign special conditions to this request for change in land use, as it would with a new outdoor auto sales in an appropriate commercially-zoned location. In addition, the Planning Commission does not have the authority to authorize a change to a less conforming land use. It should also be noted that, if approved, the change in use would also apply to all subsequent owners or occupants of the property, not just to Mr. Vrbeta.
- Mr. Vrbeta acknowledges that the Oakwood Lane location is not an ideal location for a used car dealership, but indicates that he is compelled to choose it because it is free for him to use. This is not considered to be an appropriate criterion for sound land use decisions.
- In the event that the Planning Commission decides to approve the proposed change in use, there is no means of assigning limits or conditions of approval to the change, either for Mr. Vrbeta or any subsequent business or landowner.

CONCLUSION:

One of the overarching objectives of the Town and its staff is to promote, assist and encourage the development of new and existing businesses in the Town. And while there are economic considerations associated with all commercial land use decisions, in this particular instance, the Planning Commission's primary focus should be upon the implications of the proposed land use and the requirements of the 1994 General Plan and the Paradise Municipal Code. The proposed land use of outdoor automotive sales is not inherently bad or flawed, but the proposed land use does not meet the requirement to be approved as being equivalent to the existing beauty salon. Therefore, although staff believes that Mr. Vrbeta's motives, sincerity and intentions are admirable and his business plan appears sound, staff must acknowledge that the requirements of the Town Zoning Regulations and the direction of the 1994 General Plan are intended to prevent the establishment of new, potentially incompatible commercial land uses in residential settings with residential zoning.

COMMISSION ACTION RECOMMENDED:

Be prepared to publicly discuss Mr. Vrbeta's request to establish a used car dealership on property located at 570 Oakwood Lane, including accepting written and or verbal input provided by attending parties. At the conclusion of this agenda item, adopt a motion to

1. Adopt the following findings for denial as provided by staff:
 - A. Find that, pursuant to provisions contained within the Paradise Municipal Code (Zoning Ordinance), the nonconforming land use of a used car dealership is a land use that would constitute an increase in nonconformity when compared to the existing beauty salon land use on the Vrbeta property.
 - B. Find that, pursuant to the requirements of Paradise Municipal Code section 17.39.400, the Planning Commission does not have the authority to authorize a change to a less conforming land use.
 - C. Find that the 1994 Paradise General Plan contains several specific goals, objectives and policies addressing the control of nonconforming land uses, strongly discouraging their expansion and encouraging their elimination.
2. By roll call vote, deny the request for planning commission determination that a proposed change from an existing legal nonconforming use (hair salon) to another nonconforming use (used car dealership) on residentially-zoned property is of an equally nonconforming or more conforming nature.

Attachments



LAND USE CONTROLS

Goals

- LUG-32 Assure that all land uses in the town conform to the goals and policies of the *General Plan*.
- LUG-33 Strive to eliminate legally nonconforming land uses.

Objectives

- LUO-24 Survey and identify nonconforming uses/structures, and explore the options for eliminating them.
- LUO-25 Establish an ongoing program to reduce the number of nonconforming uses and structures within the next fifteen years.

Policies

- LUP-72 The relocation of nonconforming uses to areas where such uses are permitted shall be encouraged.
- LUP-73 The expansion of existing legally nonconforming uses should be strongly discouraged.
- LUP-74 The Town shall endeavor to improve its present code enforcement program, including seeking ways to fund necessary personnel.
- LUP-75 Proposed commercial additions and expansions should be examined to determine if pedestrian and handicapped accessibility can be enhanced.

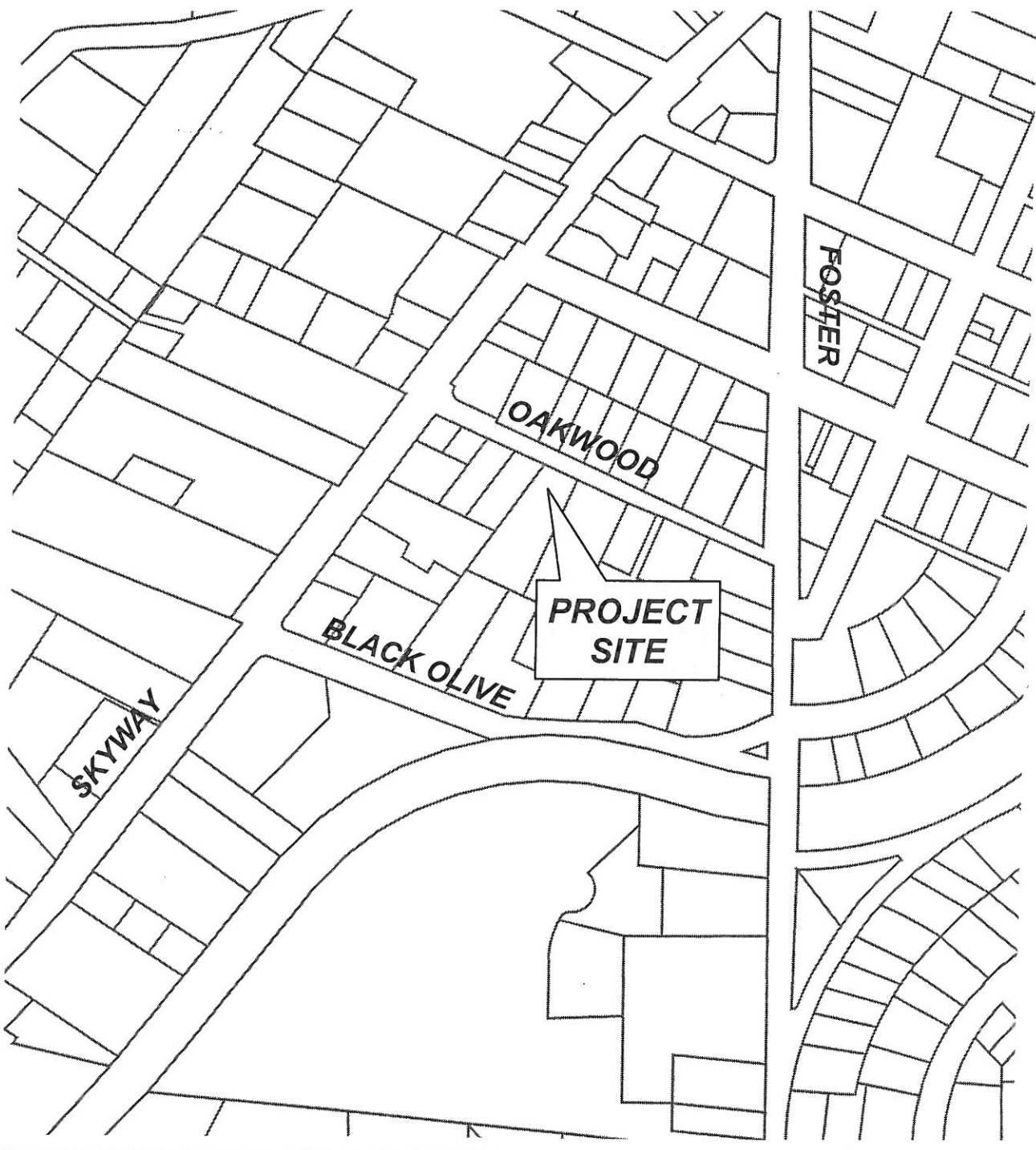
- LUP-76 As time and resources permit, the town staff shall revise the local CEQA Guidelines, including a mitigation monitoring program.

Implementation Measures

- LUI-43 Zone properties consistent with their *General Plan* land use classification.
- LUI-44 Review permitted uses in zoning classifications to determine whether changes are appropriate.
- LUI-45 Consistently enforce the regulations of the zoning ordinance when alerted of illegal uses.

THE TERTIARY PLANNING AREA

The tertiary planning area has been defined and addressed in the General Plan because the citizens of Paradise believe that growth and development in this unincorporated area of Butte County could have a dramatic effect on their quality of life. The people of Paradise want to be proactive in the planning of land uses in the tertiary planning area in an effort to cooperatively manage growth from a regional perspective. The goals, objectives, policies and implementation measures are intended to assist in guiding the decision-making process for future growth and development in the tertiary planning area.



APPLICANT: MICHAEL VRBETA

LOCATION: 570 Oakwood Lane,
Paradise

OWNER: Dragutin and Victoria Vrbeta

REQUEST: Consideration of a Request for Planning Commission Determination that a proposed change from an existing legal nonconforming use (hair salon) to another nonconforming use (used car dealership) on residentially-zoned property is of an equally nonconforming or more conforming nature

Zoning: TR-1/3

GENERAL PLAN: TR

FILE : N/A

ASSESSOR PARCEL: 052-213-010

MEETING DATE: February 19, 2013

M E M O R A N D U M

TO: Craig Baker

FROM: Tony Lindsey Building Official/Fire Marshal

SUBJECT: 570 Oakwood Lane, 052-213-010

DATE: February 6, 2013

The following are my comments relative to the request for Planning Commission determination that a proposed change from an existing legal nonconforming land use (hair salon) to another nonconforming use (used car dealership) on a residentially-zoned property is of an equally nonconforming or more conforming nature.

As Per building and fire code standards both nonconforming businesses hair salon and motor vehicle sales share the same group B occupancy. Within a residentially-zoned area where there are primarily group R-3 (single family dwellings) occupancies there is not a limit on how many motor vehicles an occupancy may harbor however in my opinion additional hazards of multiple motor vehicles does exist. The varying fuel carrying capacity of multiple motor vehicles, automobile batteries and additional fuel load does increase the fire hazard in the residentially zoned area.

**TOWN OF PARADISE
COMMUNITY DEVELOPMENT DEPARTMENT**

DEVELOPMENT REVIEW REQUEST

TO: Engineering; Business and Housing; Wastewater, Building Safety

FROM: Craig Baker, Community Development Director

REQUEST: Review and Comment

DESCRIPTION OF PROJECT: Request for Planning Commission determination that a proposed change from an existing legal nonconforming use (hair salon) to another nonconforming use (used car dealership) on residentially-zoned property is of an equally nonconforming or more conforming nature.

LOCATION: 570 Oakwood Lane, Paradise

AP NO.: 052-213-010

ZONING/GENERAL PLAN: Town Residential 1/3 acre minimum (TR-1/3)/Town Residential (TR)

APPLICANT: Michael Vrbeta

CONTACT PHONE: (530) 872-7752

RETURN DATE REQUESTED: **February 11, 2013**

DATE DISTRIBUTED: February 6, 2013

COMMENTS AND/OR RECOMMENDED CONDITIONS IF NECESSARY:

The PMC clearly prohibits the expansion of existing non-conforming uses. In addition, this land use may impact ^{the} residential neighborhood.

Lauren Gill, Interim Town Manager, 2/12/13

M E M O R A N D U M

TO: Paradise Planning Commission

FROM: Susan Hartman, Assistant Planner

SUBJECT: Planning Commission Discussion of the Draft Annual Housing Element Progress Report for Calendar Year 2012

DATE: February 7, 2013

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 must be submitted to HCD and the Governor's Office of Planning and Research (OPR).

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 March 12, 2013 meeting, thereby facilitating submittal to HCD and OPR within the first week of April, 2012.

The attached annual Housing Element progress report reveals that, of a total of forty-two new dwelling units, the majority of permits issued were for low to very-low income dwelling units. The remaining units needed for the 2009-2014 planning period, by income level are: 403 affordable to very low income households; 162 affordable to low income households; 164 affordable to moderate income households and 357 affordable to above moderate income households.

Since the adoption of the Housing Element on December 8, 2009 (Resolution 09-67), staff continues to pursue opportunities to further the implementation of housing program objectives in addition to 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, 2012.

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

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction Town of Paradise

Reporting Period 1/1/2012 - 12/31/2012

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	
054-380-001	2-4	R	4	11	1		16		CDBG/HOME		
054-380-001	5+	R	5	15			20		CDBG/HOME		
(9) Total of Moderate and Above Moderate from Table A3 ▶ ▶			3	3			6				
(10) Total by income Table A/A3 ▶ ▶			9	26	4	3	42				
(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 1/1/2012 - 12/31/2012

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 Moderate	3					3	
No. of Units Permitted for Above Moderate	3					3	

* Note: This field is voluntary

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction Town of Paradise

Reporting Period 1/1/2012 - 12/31/2012

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	2011	2012				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 Restricted	412										403
	Non-deed restricted						9				9	
Low	Deed Restricted	189										162
	Non-deed restricted				1		26				27	
Moderate	Deed Restricted	174										164
	Non-deed restricted				3	3	4				10	
Above Moderate		465	51	27	23	3	1	3			108	357
Total RHNA by COG. Enter allocation number:		1,240										1,086
Total Units ► ► ►			51	27	23	7	4	42			154	
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 1/1/2012 - 12/31/2012

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 discussion with the City of Chico for the conveyance of wastewater from commercial areas in Paradise to the Chico City sewer system and treatment plan. City of Chico reviewed the feasibility of additional tie-ins as part of their 2012 Sanitary Sewer Master Plan Update.
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 2012/13. Density bonuses currently in-place for multi-family projects utilizing clustered wastewater treatment.
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. Phase I of Paradise Community Village, a partnership with CHIP affordable housing, is nearing completion of 36 affordable housing units.
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 2012.
HI-8: Promote second units	Encourage development of affordable second units.	Dec. 2010	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. Reduction of 200' stream setbacks to 100' for sewage disposal promotes second unit density previously unavailable.
HI-9: Address discrimination	Provide filing information for discrimination complaints.	25 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 2012.

ANNUAL ELEMENT PROGRESS REPORT

Housing Element Implementation

(CCR Title 25 §6202)

Jurisdiction Town of Paradise
Reporting Period 1/1/2012 - 12/31/2012

HI-10: Annual report	Provide annual report to Town Council and Planning Commission.	Annually	Implemented and on-going. Report for 2012 presented to Planning Commission during Feb 2013, Town Council during March 2013.
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. Reductions in sewage disposal setbacks assist development. 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 or Town Engineer review.
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	2010 adopted Design Standards include energy efficiency recommendations for development considerations such as solar access, water conservation, and landscaping. Minimum permit fee charged for solar panels and water heaters.

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

Jurisdiction	Town of Paradise
Reporting Period	<u>1/1/2012</u> - <u>12/31/2012</u>

General Comments:

The Town of Paradise saw a modest rise in building activity during this last year due in large part to the issuance of building construction permits for Phase I of the Community Housing Improvement Program (CHIP) project for 36 affordable dwelling units which are scheduled to be completed in Summer 2013. The Town 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.