



# TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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

[www.townofparadise.com](http://www.townofparadise.com)

**Planning Commission Staff:**

Susan Hartman, Acting Community Development Director

**Planning Commission Members:**

Anita Towslee, Chair

Kim Morris, Vice Chair

James Clarkson, Commissioner

Shannon Costa, Commissioner

Stephanie Neumann, Commissioner

## PLANNING COMMISSION AGENDA

**6:00 PM – August 20, 2019**

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact Acting Community Development Director Hartman, at 872-6291 ext. 114 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. 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 Commission 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, 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

- 1a. Approve the Regular Meeting Minutes of July 16, 2019.

### 2. APPOINTMENT OF PLANNING COMMISSION CHAIR AND VICE CHAIR FOR THE 2019/2020 FISCAL YEAR.

- 2a. Appointment of Chair (Secretary presiding)  
2b. Appointment of Vice Chair (Appointed Chair presiding)

### 3. COMMUNICATION

- 3a. Recent Council Actions
- 3b. Staff Comments

### 4. 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."

### 5. CONTINUED PUBLIC HEARING - None

### 6. PUBLIC HEARING

- 6a. **PARADISE MUNICIPAL CODE:** Conduct the duly noticed Public Hearing and then consider adopting Resolution No. 19-4, A Resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendment would add an additional circumstance under which lawful nonconforming land uses could be reconstructed after a natural disaster as contained within PMC Chapter 17.39.

### 7. OTHER BUSINESS

### 8. COMMITTEE ACTIVITIES

### 9. COMMISSION MEMBERS

### 10. ADJOURNMENT

|  |     |
|--|-----|
| STATE OF CALIFORNIA )<br>COUNTY OF BUTTE )   | SS. |
| 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/>  |     |
| TOWN/ASSISTANT TOWN CLERK SIGNATURE  |     |



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## PLANNING COMMISSION MINUTES

**July 16, 2019**

**6:00 PM**

**CALL TO ORDER** by Chair Anita Towslee at 6:00 p.m. who led the Pledge of Allegiance to the Flag of the United States of America.

**PLANNING COMMISSIONERS PRESENT:** James Clarkson, Kim Morris, Stephanie Neumann and Anita Towslee, Chair.

**PLANNING COMMISSIONERS ABSENT:** None

### 1. APPROVAL OF MINUTES

- 1a. **MOTION by Morris, seconded by Neumann**, approved the regular meeting minutes of June 18, 2019. Roll call was unanimous.

### 2. COMMUNICATION

Acting Community Development Director Susan Hartman updated the commissioners on recent council actions. The council approved 40 recovery projects. Next council meeting will address budget and goal setting.

### 3. PUBLIC COMMUNICATION - None

### 4. CONTINUED PUBLIC HEARING -None

### 5. PUBLIC HEARING

- 5a. Chair Towslee opened the public hearing at 6:04 p.m.

Acting CDD Director Hartman gave an overview of the Recovery Planning Process that was organized by Urban Design and Associates. The specific text amendments being recommended, relative to Manufactured Homes, Primary Dwelling, and railroad tie material were highlighted and explained.

**Manufactured Home:** the Town shall prohibit the installation of a mobile/manufactured home older than ten (10) years of age. The age measurement period shall be from the year of manufacture of the mobile/manufactured home to the year of the permit application.

Primary Dwelling: would change to “primary dwelling” would mean a DWELLING UNIT containing seven hundred fifty (750) square feet or more which is located on a site as a permitted PRINCIPAL USE.

Railroad ties: the use of any site structure composed of railroad tie material (or similar material treated with creosote and /or flammable fluid/liquid) shall be unlawful and prohibited.

Commissioner Costa suggested a verbiage change on Primary Dwelling definition (Change to a minimum of 750 sq ft.).

Commissioner Neumann stated she disagreed with establishing a minimum size for a primary dwelling.

Chair Towslee asked where the 750 sq. ft. originated from.

Each Commissioner shared their view on the minimum dwelling size and discussion followed.

Commissioner Neumann addressed manufactured homes, stated the requirement lacks consistency with the other proposed changes. Suggested a requirement for new homes do to the fact that used manufactured homes are not lendable when trying to resell.

Both Commissioner Clarkson and Chair Towslee agreed with Commissioner Neumann regarding manufactured homes.

Commissioner Costa did not agree that it is the Town’s responsibility to look after homeowner’s ability to resell.

Commissioner Morris asked what the average age of the manufactured homes people are applying for permits.

Acting CDD Director Hartman stated it’s predominantly new manufactured homes.

Ayes of Newman, Clarkson and Towslee to modify the language to state “new manufactured homes”. Nos of Costa and Morris.

The primary residence size was revisited and discussed.

It was proposed to have no minimum square footage for a 10,890 sq. ft. lot or smaller. After discussion the following modifications for the sections were decided upon:

**SECTION 1.** The definitions of the terms “Mobile home” and “Single-family residential” in Paradise Municipal Code Chapter 17.04 shall be amended to read as follows:

“Mobile/~~manufactured~~ home” means a transportable factory-built housing unit designed and equipped for use as a DWELLING UNIT with or without a permanent foundation. A mobile/~~manufactured~~ home may include two (2) or more sections separately transported and joined together as one integral unit. A mobile/~~manufactured~~ home shall not include a RECREATIONAL VEHICLE.

“Single-family residential” means USE of a SITE for only one PRIMARY DWELLING UNIT and its allowed ACCESSORY USES, or for one PRIMARY DWELLING ~~unit~~ and one SECONDARY DWELLING and allowed ACCESSORY USES.

**SECTION 2.** The definition of the terms “Accessory building” and “Primary Dwelling” shall be added to Section 17.04.500 [General Definitions] of the Paradise Municipal Code to read as follows:

“Accessory building” means any structure having a permanent foundation and a roof supported by columns or walls designed, intended and/or used for shelter, support or enclosure of property associated with a permitted or conditionally permitted PRINCIPAL USE on the same site.

“Primary Dwelling” means a DWELLING UNIT which is located on a site as a permitted PRINCIPAL USE.

**SECTION 3.** Section 17.06.960 shall be added to Chapter 17.06 [General Site Development Regulations] of the Paradise Municipal Code to read as follows:

**17.06.960     Railroad Tie Material in Site Structures.**

- A. Purpose. The regulation of this section is intended to alleviate or mitigate a potential wildfire safety hazard to persons or property.
- B. Applicability. The use of any site structure composed of railroad tie material (or similar material treated with creosote and/or flammable fluid/liquid) shall be unlawful and prohibited.

**SECTION 4.** Section 17.06.970 shall be added to Chapter 17.06 [General Site Development Regulations] of the Paradise Municipal Code to read as follows:

**17.06.970     Minimum Square Footage for Primary Dwelling.**

- A. Intent. The intent of the regulations of this section is to establish a minimum square footage for primary dwelling units to ensure that the integrity and property values of neighborhoods are maintained.
- B. Applicability. The establishment of a primary dwelling shall be subject to all applicable development standards set forth in subsection C of this section.
- C. Development Standards. The following development standards shall apply to the establishment of a primary dwelling:
  - 1. A primary dwelling, established on a parcel containing 10,891 square feet or more of gross lot area, shall contain a minimum six hundred (600) square feet.
  - 2. A primary dwelling, established on a parcel containing not more than 10,890 square feet of gross lot area, shall not have a minimum square footage excepting those requirements contained within the California Building Code.

**SECTION 5.** Section 17.06.980 shall be added to Chapter 17.06 [General Site Development Regulations] of the Paradise Municipal Code to read as follows:

**17.06.980.1     Post Camp Fire Rebuild: Primary Dwelling Containing Less than 600 Square Feet.**

- A. Purpose. This section shall provide an interim time period during which affected property owner(s) may elect to rebuild a primary dwelling existing on November 8, 2018 consisting of less than six hundred (600) square feet on a property containing 10,891 square feet or more of gross lot area.

B. Development standard. The following standard shall apply to property owner(s) who elect to rebuild a primary dwelling existing on November 8, 2018 consisting of less than 600 square feet:

1. The rebuild dwelling design and resultant construction shall not be less than the prior existing primary dwelling floor area as depicted within the affected property Butte County Assessor record(s).

C. Interim time period. The provisions and regulations of this Section 17.06.980 shall expire and be in no legal effect effective December 31, 2022.

**SECTION 6.** A new subsection 5 shall be added to Section 17.36.100 [Mobile home provisions] of the Paradise Municipal Code to read as follows:

5. The Town shall prohibit the installation of pre-owned mobile/manufactured homes.

Chair Towslee closed the public hearing at 7:47 p.m.

**MOTION by Neumann, seconded by Clarkson,** considered a resolution recommending Town Council adoption of Paradise Municipal Code Zoning Regulations text amendments relative to accessory building, primary dwelling, railroad tie material in site structures and mobile home provisions. Roll call vote was unanimous.

**6. OTHER BUSINESS** - Hartman updated Commissioners on a potential site plan review public hearing for “Jen’s Place” and discussion of a non-conforming four-plex wanting to resell with the ability of the buyer to rebuild a four-plex.

**7. COMMITTEE ACTIVITIES - None**

**8. COMMISSION MEMBERS** - Commissioner Clarkson stated he is working on a dog park in town.

**9. ADJOURNMENT**

Chair Towslee adjourned the meeting at 7:55 p.m.

Date Approved:

By: \_\_\_\_\_  
Anita Towslee, Chair

Attest:

\_\_\_\_\_  
Dina Volenski, CMC, Town Clerk



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

**AGENDA NO. 6(a)**

**TO:** Paradise Planning Commission

**FROM:** Susan Hartman, Acting Community Development Director

**SUBJECT:** Public Hearing - Consider Adoption of a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Relative to the Reconstruction of Nonconforming Uses

**DATE:** August 20, 2019

**BACKGROUND:**

This Town-initiated amendment to the Paradise Municipal Code (PMC) is to address an unprecedented number of lawful nonconforming uses that were involuntary destroyed by the Camp Fire on November 8, 2018. This amendment would allow the possible reconstruction of lawful nonconforming uses within a defined timeframe without the currently PMC required conditional use permit and public hearing.

Lawful nonconforming uses are those lawfully established prior to the Town's incorporation under Butte County zoning regulations and existing continuously on the property, but no longer conform to the current Town of Paradise zoning regulations assigned to the property.

The most common examples of nonconforming uses are residences located within now commercial zoning districts where standalone single-family residences are not a currently permitted use or secondary dwellings in residential zones without the currently required land use entitlement (administrative/use permit). Another common nonconforming use are structures built under reduced or non-existent setback requirements which no longer meet minimum site development standards.

At the February 19, 2019 Planning Commission meeting the Commission did adopt a resolution recommending Town Council adoption of amendments to the nonconforming use ordinance which would allow, under certain circumstances, nonconforming uses to be rebuilt within a prescribed timeframe without requiring a public hearing and conditional use permit. However, the agenda item was tabled at the March 2019 council meeting.

Staff, with input from the Town Attorney, has revised the resolution as well as further refined the parameters of the proposed amendments based on the results of the community visioning



sessions and subsequent adoption of the long-term recovery plan by the Town Council.

#### **PROPOSED CODE AMENDMENT:**

To address the immediate need to reestablish housing and further recovery efforts within the Town of Paradise it is staff's recommendation that Paradise Municipal Code Section 17.39.300 *Restoration of damaged nonconforming use* be modified to include the following text:

"C. Notwithstanding subsection B, those properties, excepted those located within the Central Business zoning district, destroyed by a natural disaster in a declared state of emergency may be reconstructed as a lawful nonconforming use subject to the following:

1. Reconstruction shall begin within two (2) years after the affected property being cleared of disaster debris and shall be completed within four (4) years.
2. The reconstructed structure shall not exceed the nonconformity of the original structure in terms of setbacks, floor area, height, and any other property characteristics as determined by the Planning Director.
3. If reconstruction is not started within two (2) years after the property being cleared of disaster debris, the property shall be subject to the use permit requirements of subsection B or may become subject to abandonment under section 17.39.200."

#### **DISCUSSION:**

Paradise Municipal Code section 17.45.500 (*Procedures for zoning district(s) or zoning text amendments*) provides for the Planning Director to initiate the process of zoning code text amendments whenever public necessity, convenience or general welfare are sufficiently compelling to warrant Planning Commission and Town Council consideration of such amendments.

Although the Town of Paradise 1994 General Plan encourages the removal of nonconforming uses, the magnitude to which development and infrastructure was impacted by the Camp Fire is well beyond the intention of this policy and must be weighed against the immediate needs of our displaced community. Removing obstacles to rebuilding, such as nonconforming use permit requirements, following natural disasters rising to the level of a declared state of emergency will help to expedite the recovery efforts and aid in the return of residents and businesses to Paradise.

Town staff has determined, and the Town Attorney has concurred that, the nature of the proposed text amendments are sufficiently minor the possibility of adoption and implementation of the amendments would result in a direct and significantly adverse effect upon the environment. Therefore, the proposed amendments can be found to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA

Guidelines section 15302 (Reconstruction) and 15061(b)(3) (General Rule Exemption).

Staff has developed the attached resolution document (and its attached exhibit “A”) that, if adopted by the Planning Commission, would recommend Town Council adoption of text amendments to the Town’s Zoning Ordinance in order to accomplish the objectives outlined in the preceding discussion (added text in the attached “Exhibit A” is shown as shaded).

**COMMISSION ACTION REQUESTED:**

Please be prepared to discuss the proposed amendments to the Town’s Zoning Ordinance with staff, other Commissioners and the attending public during the required noticed public hearing. At the conclusion of the public hearing, staff’s recommendation is for the Planning Commission to adopt Planning Commission Resolution No. 19-04, “A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Title 17 of the Paradise Municipal Code Relative to the Reconstruction of Nonconforming Uses”. If deemed necessary by a majority consensus of Planning Commissioners present, staff will be prepared to discuss and make further changes or additions to the text of the attached and proposed resolution prior to Planning Commission adoption.

## **LIST OF ATTACHMENTS FOR THE PROPOSED ZONING ORDINANCE TEXT AMENDMENT**

1. Excerpt from the Paradise General Plan relating to nonconforming uses
2. Copy of the notice of public hearing for the proposed text amendment
3. Copy of Planning Commission Resolution No. 19-04, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Title 17 of the Paradise Municipal Code Relative to the Reconstruction of Nonconforming Uses"



## **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.*

**NOTICE OF PUBLIC HEARING  
PARADISE PLANNING COMMISSION**

**NOTICE IS HEREBY GIVEN** by the Paradise Planning Commission that a public hearing will be held on Tuesday, August 20, 2019 at 6:00 p.m. in the Town Hall Conference Room, 5555 Skyway, Paradise, CA, regarding the following matter:

- a. Item determined to be exempt from environmental review under CEQA Guidelines section 15061(b)(3) (General rule exemption)

PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendment would add an additional circumstance under which lawful nonconforming land uses could be reconstructed after a natural disaster as contained within PMC Chapter 17.39.

The project files are available for public inspection at the Development Services Department, Paradise Town Hall. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Paradise Planning Commission at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6291, extension 114.

SUSAN HARTMAN  
Acting Community Development Director

**TOWN OF PARADISE PLANNING COMMISSION  
RESOLUTION 19-04**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING TOWN COUNCIL  
ADOPTION OF TEXT AMENDMENTS TO CHAPTER 17.39 OF THE PARADISE MUNICIPAL CODE  
RELATIVE TO THE RECONSTRUCTION OF NONCONFORMING USES**

**WHEREAS**, the Town of Paradise is legally required to direct and regulate land development and land uses via zoning regulations and other means that are consistent with its current Paradise General Plan as well as current state planning and zoning law; and

**WHEREAS**, the Paradise Planning Commission finds that there is a compelling need for the Town Council of the Town of Paradise to adopt the foregoing Paradise Municipal Code (PMC) amendments to assist in the Camp Fire recovery efforts, and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on August 20, 2019 to study and consider recommending Town Council adoption of text amendments to PMC Chapter 17.39 as proposed by Town staff; and

**WHEREAS**, the public review also included review and determination that the proposed PMC text amendment is an activity that is exempt from to the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines section 15061(b)(3) (general rule exemption) because there is no possibility that the amendment would result in a significantly adverse effect upon the environment; and

**WHEREAS**, the Planning Commission has considered the recommendation of the Town staff, etc., as well as input received during the public hearing; and on the basis of the foregoing, has determined that the text amendment to PMC Chapter 17.39 is warranted at this time in order to aid in the timely rebuild efforts following the Camp Fire.

**NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARADISE** as follows:

The Planning Commission hereby recommends to the Town Council of the Town of Paradise, adoption of the proposed text amendments to PMC Chapter 17.39 as set forth in **Exhibit "A"** attached hereto and made a part of by reference; and recommends to the Town Council that the proposed Paradise Municipal Code text amendment is not subject to the requirements of the California Environmental Quality Act (CEQA) in accordance with the general rule categorical exemption provisions of CEQA Guidelines section 15061 and section 15302 of CEQA Guidelines (Reconstruction).

**TOWN OF PARADISE  
PLANNING COMMISSION  
RESOLUTION NO. 19-04**

**PASSED AND ADOPTED** by the Planning Commission of the Town of Paradise this 20th day of August, 2019 by the Following Vote:

**AYES:** Jim Clarkson, Kim Morris, Stephanie Neumann, Shannon Costa and Anita Towslee, Chair

**NOES:** None

**ABSENT:** None

**ABSTAIN:** None

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Anita Towslee, Chair

**ATTEST:**

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Dina Volenski, Town Clerk

## **EXHIBIT "A"**

**SECTION 1:** Section 17.39.300 of the Paradise Municipal Code is hereby amended to read as follows:

17.39.300 - Restoration of damaged nonconforming use.

Any lawful nonconforming building or structure destroyed by any means to the extent of more than fifty (50) percent of its assessed value as shown on the latest equalized county assessment roll preceding its destruction may be restored as follows:

- A. Restored and used only in compliance with the regulations specified by this title for the zoning district wherein the building or structure is located; or
- B. Restored and used again as a lawful nonconforming use subject to town approval and issuance of a conditional use permit.
- C. Notwithstanding subsection B, those properties, excepting those located within the Central Business zoning district, destroyed by a natural disaster in a declared state of emergency may be reconstructed as a lawful nonconforming use subject to the following:
  1. Reconstruction shall begin within two (2) years after the affected property being cleared of disaster debris and shall be completed within four (4) years.
  2. The reconstructed structure shall not exceed the nonconformity of the original structure in terms of setbacks, floor area, height, and any other property characteristics as determined by the Planning Director.
  3. If reconstruction is not started within two (2) years after the property being cleared of disaster debris, the property shall be subject to the use permit requirements of subsection B or may become subject to abandonment under section 17.39.200.