



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931
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Planning Commission Staff:

Craig Baker, Community Development Director
Susan Hartman, Assistant Planner

Planning Commission Members:

Ray Groom, Chair
Anita Towslee, Vice-Chair
James Clarkson, Commissioner
Stephanie Neumann, Commissioner
Martin Nichols, Commissioner

PLANNING COMMISSION AGENDA

6:00 PM – September 20, 2016

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

1a. Approve Regular Meeting Minutes of August 16, 2016

2. COMMUNICATION

- a. Recent Council Actions
- b. Staff Comments

3. PUBLIC COMMUNICATION

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Commission meeting.

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

- A. Staff comments
- B. Open the hearing to the public
 - 1. Project applicant
 - 2. Parties for the project
 - 3. Parties against the project
 - 4. Rebuttals
- C. Close hearing to the public
- D. Commission discussion
- E. Motion
- F. Vote

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

5a. 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 would recommend Town Council adoption of text amendments to various chapters of Title 17 (Zoning Ordinance) of the Paradise Municipal Code to comply with California Health and Safety Code Sections 17021.5 and 17021.6 with respect to housing for agricultural employees. The proposed text amendments will include amendments to individual zoning district regulations and zoning ordinance definitions.

6. OTHER BUSINESS - None.

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

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

9. ADJOURNMENT

| | |
|--|-----|
| STATE OF CALIFORNIA) 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: | |
| _____ | |
| TOWN/ASSISTANT TOWN CLERK SIGNATURE | |



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PLANNING COMMISSION MINUTES

August 16, 2016
6:00 PM

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

COMMISSIONERS PRESENT: Raymond Groom, Stephanie Neumann, Anita Towslee and Chair Clarkson.

COMMISSIONERS ABSENT: Martin Nichols

1. APPROVAL OF MINUTES

1a. MOTION BY NEWMAN, second by Towslee, approved Regular Meeting Minutes of June 21, 2016. Roll call vote was unanimous with Nichols absent and not voting.

2. OATHS OF OFFICE

Acting Town Clerk Volenski administered the Oaths of Office to re-appointed commissioners James Clarkson and Stephanie Neumann. The Town Council re-appointed Mr. Clarkson and Ms. Neumann on July 12, 2016 to serve four-year terms on the Planning Commission commencing July 1, 2016 through June 30, 2020.

3. ROLL CALL

COMMISSIONERS PRESENT: Raymond Groom, Stephanie Neumann, Anita Towslee and Chair Clarkson.

COMMISSIONERS ABSENT: Martin Nichols

4. APPOINTMENT OF PLANNING COMMISSION CHAIR AND VICE CHAIR FOR THE 2016/2017 FISCAL YEAR

Acting Town Clerk Volenski opened up the floor for nominations for Planning Commission Chair for a one-year term commencing August 16, 2016.

Commissioner Clarkson nominated Ray Groom.

MOTION by Neumann, seconded by Towslee, closed the nominations. Roll call vote was unanimous with Nichols absent and not voting.

Roll call vote for Ray Groom to serve as Chair for a one-year term was unanimous with Nichols absent and not voting.

Acting Town Clerk Volenski turned the meeting over to Chair Groom who opened the floor to nominations for Planning Commission Vice-Chair for a one-year term commencing August 16, 2016.

Commissioner Clarkson nominated Anita Towslee.

MOTION by Clarkson, seconded by Neumann, closed the nominations. Roll call vote was unanimous with Nichols absent and not voting.

Roll call vote for Towslee to serve as Vice-chair for a one-year term was unanimous with Nichols absent and not voting.

5. COMMUNICATION

- a. Recent Council Actions - None
- b. Staff Comments - Community Development Director Baker stated that Safeway had submitted their use permit application and it was distributed to 13 agencies for comments.

6. PUBLIC COMMUNICATION - None

7. CONTINUED PUBLIC HEARING - None.

8. PUBLIC HEARING

- 8a. Community Development Director Craig Baker reported to the Planning Commission regarding site plan review permit application proposing to establish a community care facility (SHOR Support Center) to provide various daytime services only to approximately ten (10) or fewer individuals per day who are homeless or at risk of becoming homeless. Services would be provided within an existing +/-1,700 square foot office building at the Paradise Lutheran Church upon a +/-2.19 acre property located at 780 Luther Drive in Paradise. The application is exempt from the California Environmental Quality Act regulations and has received favorable review by all reviewing agencies and staff recommends Planning Commission approval with the recommended 14 conditions of approval.

Stephanie Gregorio, SHOR Executive Director and project applicant provided the Planning Commission with a brief overview of the proposed project. SHOR was established in 2012, was only open in winter but was missing the housing component. The SHOR Board went through a strategic plan and determined to open a year round support center. The goal is to move individuals out of homelessness. SHOR has one paid staff member and several volunteers.

Chair Groom opened the public hearing at 6:55 p.m.

- 1. Bob Irvine, California Vocations – is a Board Member of SHOR, sees the unmet need in the community and supports the project
- 2. Robert Jensen – Represents the homeless population, was helped by SHOR and supports the project.
- 3. Pat McNeilly – Volunteers for SHOR and supports the project
- 4. Mike Trinca, Paradise Recreation and Park District – Had reservations about SHOR but has worked with the program and now supports the project
- 5. James Rosenbaum – Supports the project
- 6. Tom Hancock, new Executive Director of SHOR – thanked Town staff for assistance with the process, is a good addition to the community and the homeless and supports the project

7. Rod Platte, Pastor of Paradise Lutheran Church – offered the site to SHOR, is delighted to have a quality program available in the community and supports the project
8. Gwen Nordgren, Paradise Lutheran Church – thinks the current location is practical and supports the project
9. Terri Anderson – worked as overnight monitor for SHOR, thinks the program is well run and supports the project
10. Sue Griffin – owns a home in Paradise that she has offered to SHOR with positive results and supports the project
11. Gary Shallenburger – was concerned with the program at first, but the SHOR program is working and helping people and supports the project
12. Greg Kidder, St. Thomas More – Is not opposed but has concerns about the project due to some safety issues, but is willing to work with SHOR
13. Tony Steffaniti, Behavioral Health and Board Member – wants to help the homeless in the community and supports the project
14. A letter was received from Achieve Charter School stating concerns with the project.

Chair Groom closed the public hearing at 7:51 p.m.

Commissioner Clarkson stated his concern that registered sex offenders could potentially be discriminated against by not being able to use the facility due to its proximity to Achieve Charter School and the Paradise Recreation and Park District.

MOTION by Newman, seconded by Towslee to **adopt the findings provided by staff and approve the SHOR site plan review permit application (PL16-00062)** authorizing the establishment of a community care facility (SHOR Support Center) to provide various daytime services to approximately ten (10) or fewer individuals per day who are at risk of becoming homeless. Services would be provided within an existing +/- 1,700 square foot office building on property located at 780 Luther Drive in Paradise, subject to the following conditions:

GENERAL CONDITIONS OF SITE PLAN REVIEW PERMIT APPROVAL

1. If any land use for which a site plan review permit has been granted and issued is not established within three years of the site plan review permit's effective date, the site plan review permit may become subject to revocation by the Town of Paradise.
2. Secure Town of Paradise design review approval for any new business or identification signs prior to the establishment of such signs.
3. Provide activity reports on a monthly basis to the Town of Paradise Development Services Department and the Paradise Recreation and Park District. Activity reports shall include details regarding the number of clients served, any specific incidents of unlawful activity or disorderly conduct, property damage, neighbor complaints, and any known police contacts, any of which is shown to be attributable to SHOR clients. Activity reports may also include community benefits attributable to the SHOR Support Center.
4. Nine (9) months after project approval, the Town of Paradise and the Paradise Recreation and Park District shall review SHOR's monthly reports with SHOR staff to discuss any areas of noncompliance with SHOR site plan review conditions of approval. In the event that any areas of noncompliance have not been satisfactorily corrected after a period of twelve (12) months from project approval, the Town of Paradise shall schedule a public hearing to consider revocation of the SHOR site plan review permit.

5. Minor changes to the nature or function of project-related activities may be approved administratively by the Town Planning Director upon submittal of a written request for such changes, if the requested changes are consistent with the overall intent of the project and its approval action. Any requested changes deemed by the Planning Director to be major or significant shall require a formal site plan review permit modification review and the payment of the appropriate processing fees. No changes shall be considered without prior consultation with the Paradise Recreation and Park District Board and the Paradise Police Department.

CONDITIONS TO BE MET PRIOR TO OCCUPANCY AS A COMMUNITY CARE FACILITY

FIRE PROTECTION

6. Establish and maintain compliance with all requirements of the Town Building Official/Fire Marshal in accordance with the written comments dated March 16, 2016 for the SHOR site plan review permit application (copy on file with the Town Development Services Department).

CONSTRUCTION CODES

7. Meet the requirements of the Town Building Official/Fire Marshal regarding submittal of any plans, building permit applications, and all applicable Town adopted building code requirements.
8. Meet any requirements deemed necessary by the Town Engineer included in written comments dated October 2, 2014 for the SHOR site plan review permit application (copy on file with the Town Development Services Department).

CONDITIONS OF LAND USE OPERATION

9. Hours and Days of Operation for the community care facility shall be limited to from 10:30 a.m. to 4:00 p.m., Monday through Friday.
10. SHOR staff shall make every reasonable effort to prevent clients from loitering upon the project site or adjacent properties, panhandling, littering, bathing or washing in Paradise Recreation and Park District facilities or otherwise becoming a nuisance or interfering with the conduct of lawful activities upon adjacent and nearby properties.
11. SHOR staff shall endeavor to maintain a close, cooperative relationship with the Paradise Recreation and Park District and the Paradise Police Department in order to assure compatibility between the community care facility and the operation of Terry Ashe Park facilities, including litter removal when attributable to SHOR clients.
12. Maintain the project site in an orderly manner free of debris, litter or clients' personal belongings.
13. Services provided by SHOR on the project site shall be limited to individuals living in the Town of Paradise and Magalia.
14. All activities associated with operation of the community care facility shall be conducted in compliance with the Town of Paradise Noise Ordinance regulations.

Motion was approved with Ayes of Neumann, Towslee and Chair Groom and Abstention of Clarkson with Nichols absent and not voting.

CDD Director Baker announced that the Planning Commission decision to approve the SHOR site plan review has a seven-day appeal period.

9. OTHER BUSINESS

a. Commissioners Neumann and Groom were appointment as Planning Commission Representatives to serve upon the Town of Paradise Landscape Committee (appeals body) during FY 2016-2017.

b. **Motion** by Clarkson, seconded by Towslee accept request from Martin Nichols for an excused leave of absence until the end of the year to keep him on the Planning Commission, even though he may be absent, with the understanding that he will do his best to attend the meetings that he can. Ayes of Clarkson, Towslee and Chair Groom, Noes of Neumann with Nichols absent and not voting.

10. COMMITTEE ACTIVITIES - None

11. COMMISSION MEMBERS

Community Development Director Baker reported on Hunter Hanosh Dental Office, Carousel Motel, Clint Freedle-Motel on Black Olive, Feather River Brew Pub, Wine Room, Optimo Property, RFR Custom Fabrication and Tidy Oaks Mobile Home Park.

12. ADJOURNMENT

Chair Groom adjourned the meeting at 8:18 p.m.

Date approved:

By: _____
Ray Groom, Chair

Dina Volenski, CMC, Town Clerk

M E M O R A N D U M

AGENDA NO. 5(a)

TO: Paradise Planning Commission

FROM: Susan Hartman, Assistant Planner

SUBJECT: Public Hearing - Consider Adoption of a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Relative to Farm Labor Housing Requirements

DATE: September 20, 2016

BACKGROUND:

This Town-initiated amendment to the Paradise Municipal Code is to bring the zoning regulations into compliance with the state's Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6) regarding farm labor housing. Housing goals, policies, and programs were developed and adopted during the 2014 update of the Town of Paradise Housing Element as part of the Town's eight-year action plan. This amendment would seek to satisfy Program HI-19 of Policy HP-26 which states as follows:

Policy HP-26: The Town will continue to assess the Zoning Ordinance, Municipal Code, and Town procedures for constraints and address changes in state law, particularly regarding housing for special needs groups, including seniors, the disabled, developmentally disabled, large families, farmworkers, and the homeless.

Program HI-19: To comply with the state's Employee Housing Act (Health and Safety Code Sections 17021.5 and 17021.6), the Town will amend the Zoning Ordinance to treat employee and farm labor housing that serves six or fewer persons as a single-family structure and permitted in the same manner as other single-family structures of the same type in the same zone (Section 17021.5). The Zoning Ordinance will also be amended to treat employee and farm labor housing consisting of no more than 12 units or 36 beds as an agricultural use and permitted in the same manner as other agricultural uses in the same zone (Section 17021.6) in zones where agricultural uses are permitted.

The amendments to the zoning regulations would accomplish the following objectives:

- Housing of six or fewer agricultural employees in one dwelling would be considered a residential use and permitted the same as a single-family residence.

- Housing consisting of no more than 36 beds in group quarters or 12 units or spaces would be considered the same use as agricultural processing and permitted in the same way.

There is no housing designated specifically for farmworkers in the Town of Paradise nor does the Zoning Ordinance specifically define agricultural employee housing (Health and Safety Code Section 17008), though up to six non-related individuals living together as a family (two or more persons living together as a single household within a dwelling unit) is already permitted in all residential zones by right.

PROPOSED CODE AMENDMENT:

To be compliant with Health and Safety Code Sections 17021.5, 17021.6 and 17008, multiple text amendments are required in several sections of the zoning regulations. A proposed resolution document, showing changes to the current code text, is attached as Exhibit A (added text in the attached Exhibit A is shown as shaded). The proposed amendments are discussed below.

Definitions

Currently “agricultural employee housing” is not defined in the Paradise Municipal Code. It is recommended that two definitions be added consistent with the state health and safety code, as follows:

“Agricultural employee housing” means housing consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household as described in California Health and Safety Code Sections 17021.6 and 17008.

“Agricultural employee housing, limited residential” means housing providing accommodations for six or fewer employees as described in California Health and Safety Code Sections 17021.5 and 17008.

Health and Safety Code Section 17021.6 requires employee housing of no more than 36 beds in group quarters, or 12 units or spaces designed for use by a single family or household, be designated as an *agricultural land use*. It is staff’s recommendation that the existing definition for “Agricultural processing” be modified to include employee housing, as follows:

“Agricultural processing” means the processing, treatment or remanufacture of agricultural products on a commercial basis and includes the housing of agricultural employees. Typical uses include wineries, packing and canning plants, feed lots, and livestock auction yards.

Permitted and Conditionally Permitted Uses

Section 17021.5 requires any employee housing occupied by *six or fewer employees* be deemed a single family residence with a residential land use and shall be treated the same as a single family residence in the same zoning district. To this end, staff recommends the proposed “Agricultural employee housing, limited residential” land use be enumerated in all zones that permit, or conditionally permit, single family residences. This would include the Agricultural, Agricultural Residential, Rural Residential, Town Residential, Multiple-Family Residential, Neighborhood-Commercial, Central-Business, Community-Facilities, and Community-Services zoning districts.

Similarly, Section 17021.6 requires employee housing consisting of *no more than 36 beds in a group quarters, or 12 units or spaces designed for use by a single family or household* be deemed an agricultural land use and treated in the same manner as other agricultural land uses in the same zoning district. By modifying the definition of “Agricultural processing” to include employee housing the intent of Section 17021.6 would be met as employee housing would be permitted in the same manner as the other agricultural land uses detailed within the definition. The modified definition would allow, or potentially allow, employee housing in the Agricultural zoning districts (AG-20 & AG-10) as well as the Agricultural Residential 5 acre minimum and 3 acre minimum zones (AR-5 & AR-3).

DISCUSSION:

The purpose of the proposed code amendment is to implement Program HI-19 of the Town of Paradise Housing Element by bringing the zoning ordinance into compliance with Sections 17021.5 and 17021.6 of the Health and Safety Code.

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.

Town staff has determined, and the Town Attorney has concurred, that the nature of the proposed text amendments are sufficiently minor in that there is no possibility adoption and implementation of the amendments would result in a direct and significantly adverse effect upon the environment. In addition, a Negative Declaration was certified by Town Council on June 10, 2014 for the 2014-2022 Housing Element, which included specific goals, policies, and implementation measures. 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 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. 16-01, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Title 17 of the Paradise Municipal Code Relative to Agricultural Employee Housing". If deemed necessary by a majority consensus of Planning Commissioners present, staff will be prepared to discuss and possibly 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. Definitions from California Health and Safety Code Sections 17021.5, 17021.6, and 17008
2. Copy of the notice of public hearing for the proposed text amendment
3. Copy of Planning Commission Resolution No. 16-01, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Title 17 of the Paradise Municipal Code Relative to Agricultural Employee Housing"

HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 - 19997] (*Division 13 enacted by Stats. 1939, Ch. 60.*)

PART 1. EMPLOYEE HOUSING ACT [17000 - 17062.5] (*Part 1 added by Stats. 1979, Ch. 62.*)

CHAPTER 2. Application and Scope [17020 - 17024] (*Chapter 2 added by Stats. 1979, Ch. 62.*)

- 17021.5.** (a) Any employee housing which has qualified, or is intended to qualify, for a permit to operate pursuant to this part may invoke the provisions of this section.
- (b) Any employee housing providing accommodations for six or fewer employees shall be deemed a single-family structure with a residential land use designation for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be included within the definition of a boarding house, rooming house, hotel, dormitory, or other similar term that implies that the employee housing is a business run for profit or differs in any other way from a family dwelling. No conditional use permit, zoning variance, or other zoning clearance shall be required of employee housing that serves six or fewer employees that is not required of a family dwelling of the same type in the same zone. Use of a family dwelling for purposes of employee housing serving six or fewer persons shall not constitute a change of occupancy for purposes of Part 1.5 (commencing with Section 17910) or local building codes.
- (c) Except as otherwise provided in this part, employee housing that serves six or fewer employees shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other family dwellings of the same type in the same zone are not likewise subject. Nothing in this subdivision shall be construed to forbid the imposition of local property taxes, fees for water services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments to which other family dwellings of the same type in the same zone are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee to the owner, operator or any resident for enforcing fire inspection regulations pursuant to state law or regulation or local ordinance, with respect to employee housing which serves six or fewer persons.
- (d) For the purposes of any contract, deed, or covenant for the transfer of real property, employee housing which serves six or fewer employees shall be considered a residential use of property and a use of property by a single household, notwithstanding any disclaimers to the contrary. For purposes of this section, "employee housing" includes employee housing defined in subdivision (b) of Section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Section 50101.
- (e) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local needs. This section shall apply equally to any charter city, general law city, county, city and county, district and any other local public entity.

(Amended by Stats. 1993, Ch. 952, Sec. 1. Effective January 1, 1994.)

HEALTH AND SAFETY CODE - HSC

DIVISION 13. HOUSING [17000 - 19997] (*Division 13 enacted by Stats. 1939, Ch. 60.*)

PART 1. EMPLOYEE HOUSING ACT [17000 - 17062.5] (*Part 1 added by Stats. 1979, Ch. 62.*)

CHAPTER 2. Application and Scope [17020 - 17024] (*Chapter 2 added by Stats. 1979, Ch. 62.*)

(a) The owner of any employee housing who has qualified or intends to qualify for a permit to operate pursuant to this part may invoke this section.

17021.6. (b) Any employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be deemed an agricultural land use for the purposes of this section. For the purpose of all local ordinances, employee housing shall not be deemed a use that implies that the employee housing is an activity that differs in any other way from an agricultural use. No conditional use permit, zoning variance, or other zoning clearance shall be required of this employee housing that is not required of any other agricultural activity in the same zone. The permitted occupancy in employee housing in a zone allowing agricultural uses shall include agricultural employees who do not work on the property where the employee housing is located.

(c) Except as otherwise provided in this part, employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall not be subject to any business taxes, local registration fees, use permit fees, or other fees to which other agricultural activities in the same zone are not likewise subject. This subdivision does not forbid the imposition of local property taxes, fees for water services and garbage collection, fees for normal inspections, local bond assessments, and other fees, charges, and assessments to which other agricultural activities in the same zone are likewise subject. Neither the State Fire Marshal nor any local public entity shall charge any fee to the owner, operator, or any resident for enforcing fire inspection regulation pursuant to state law or regulations or local ordinance, with respect to employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household.

(d) For the purposes of any contract, deed, or covenant for the transfer of real property, employee housing consisting of no more than 36 beds in a group quarters or 12 units or spaces designed for use by a single family or household shall be considered an agricultural use of property, notwithstanding any disclaimers to the contrary. For purposes of this section, "employee housing" includes employee housing defined in subdivision (b) of Section 17008, even if the housing accommodations or property are not located in a rural area, as defined by Section 50101.

(e) The Legislature hereby declares that it is the policy of this state that each county and city shall permit and encourage the development and use of sufficient numbers and types of employee housing facilities as are commensurate with local need. This section shall apply equally to any charter city, general law city, county, city and county, district, and any other local public entity.

(f) If any owner who invokes the provisions of this section fails to maintain a permit to operate pursuant to this part throughout the first 10 consecutive years following the issuance of the original certificate of occupancy, both of the following shall occur:

(1) The enforcement agency shall notify the appropriate local government entity.

(2) The public agency that has waived any taxes, fees, assessments, or charges for employee housing pursuant to this section may recover the amount of those taxes, fees, assessments, or charges from the landowner, less 10 percent of that amount for each year that a valid permit has been maintained.

(g) Subdivision (f) shall not apply to an owner of any prospective, planned, or unfinished employee housing facility who has applied to the appropriate state and local public entities for a permit to construct or operate pursuant to this part prior to January 1, 1996.

(Amended by Stats. 2011, Ch. 74, Sec. 1. Effective January 1, 2012.)



Employee Housing

DEFINITION - HEALTH AND SAFETY CODE SECTION 17008

17008. (a) "Employee housing," as used in this part, means any portion of any housing accommodation, or property upon which a housing accommodation is located, if all of the following factors exist:

(1) The accommodations consist of any living quarters, dwelling, boardinghouse, tent, bunkhouse, maintenance-of-way car, mobilehome, manufactured home, recreational vehicle, travel trailer, or other housing accommodations, maintained in one or more buildings or one or more sites, and the premises upon which they are situated or the area set aside and provided for parking of mobilehomes or camping of five or more employees by the employer.

(2) The accommodations are maintained in connection with any work or place where work is being performed, whether or not rent is involved.

(b) (1) "Employee housing," as used in this part, also includes any portion of any housing accommodation or property upon which housing accommodations are located, if all of the following factors exist:

(A) The housing accommodations or property are located in any rural area, as defined by [Section 50101 \(ehruraldef.htm\)](#).

(B) The housing accommodations or property are not maintained in connection with any work or workplace.

(C) The housing accommodations or property are provided by someone other than an agricultural employer, as defined in [Section 1140.4 of the Labor Code \(http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1140-1140.4\)](#).

(D) The housing accommodations or property are used by five or more agricultural employees of any agricultural employer or employers for any of the following:

(i) Temporary or seasonal residency.

(ii) Permanent residency, if the housing accommodation is a mobilehome, manufactured home, travel trailer, or recreational vehicle.

(iii) Permanent residency, if the housing accommodation is subject to the State Housing Law and is more than 30 years old and at least 51 percent of the structures in the housing accommodation, or 51 percent of the accommodation if not separated into units, are occupied by agricultural employees.

(E) "Employee housing" does not include a hotel, motel, inn, tourist hotel, multifamily dwelling, or single-family house if all of the following factors exist:

(i) The housing is offered and rented to nonagricultural employees on the same terms that it is offered and rented to agricultural employees.

(ii) None of the occupants of the housing are employed by the owner or property manager of the housing or any party with an interest in the housing.

(iii) None of the occupants of the housing have rent deducted from their wages.

(iv) The owner or property manager of the housing is not an agricultural employer as defined in [Section 1140.4 of the Labor Code \(http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1140-1140.4\)](#), or an agent, as it relates to the housing in question, of an agricultural employer.

(v) Negotiation of the terms of occupancy of the housing is conducted between each occupant and the owner of the housing or between each occupant and a manager of the property who is employed

by the owner of the housing.

(vi) The occupants are not required to live in the housing as a condition of employment or of securing employment and the occupants are not referred to live in the housing by the employer of the occupants, the agent of the employer of the occupants, or an agricultural employer as defined in [Section 1140.4 of the Labor Code \(http://www.leginfo.ca.gov/cgi-bin/displaycode?section=lab&group=01001-02000&file=1140-1140.4\)](#).

(vii) The housing accommodation was not at any time prior to January 1, 1984, employee housing as defined in subdivision (a).

(2) "Employee housing," as defined by this subdivision, does not include a hotel, motel, inn, tourist hotel, or permanent housing as defined by subdivision (d) of [Section 17010 \(ehstatutes.htm\)](#), which has not been maintained, prior to January 1, 1984, or is not maintained on or after that date, as employee housing, as defined in subdivision (a).

(3) If at any time prior to January 1, 1984, a housing accommodation was employee housing, as defined in subdivision (a), and on or after January 1, 1984, was employee housing, as defined in this subdivision, the owner and operator shall comply with all requirements of this part. The owner and operator of any other housing accommodation which is employee housing pursuant to this subdivision shall be subject to the licensing and inspection provisions of this part and shall comply with all other provisions of this part, except that if any portion of the housing accommodation is held out for rent or lease to the general public, the construction and physical maintenance standards of the housing accommodation shall be consistent with the applicable provisions of the [State Housing Law \(/codes/shl/\)](#), Part 1.5 (commencing with Section 17910), the [Mobilehome-Manufactured Homes Act, Part 2 \(commencing with Section 18000\)](#); or the [Mobilehome Parks Act, Part 2.1 \(/codes/mp/\)](#) (commencing with Section 18200). The owner or operator of the employee housing shall designate all units or spaces which are employee housing, as defined in this subdivision, for the purpose of inspection and licensing by the enforcement agency, subject to confirmation by the enforcement agency, based on all relevant evidence.

(c) "Employee housing" does not include employee community housing, as defined by [Section 17005.5 \(ehstatutes.htm\)](#), which has been granted an exemption pursuant to [Section 17031.3 \(ehstatutes.htm\)](#); housing, and the premises upon which it is situated, owned by a public entity; or privately owned housing, including ownership by a nonprofit entity, and the premises upon which it is situated, financed with public funds equaling 50 percent or more of the original development or purchase cost.

(d) "Employee housing" means the same as "labor camp," as that term may be used in this or other codes and, notwithstanding any local ordinance to the contrary in a general law or charter city, county, or city and county, shall be deemed a residential use if it exists in structures that are single-family houses or apartment houses as those terms are used in the [State Housing Law \(Part 1.5 \(commencing with Section 17910\) \(/codes/shl/SHLStatutes.htm\)\)](#).

[Return to E.H. Application & Scope \(ehappscope.htm\)](#)

[Back to Top \(#skip_to_content\)](#)

[Conditions of Use \(/use.html\)](#)

[Privacy Policy \(/Privacy.html\)](#)

[Contact Us \(/Contact.html\)](#)

**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, September 20, 2016 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 would recommend Town Council adoption of text amendments to various chapters of Title 17 (Zoning Ordinance) of the Paradise Municipal Code to comply with California Health and Safety Code Sections 17021.5 and 17021.6 with respect to housing for agricultural employees. The proposed text amendments will include amendments to individual zoning district regulations and zoning ordinance definitions.

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.

CRAIG BAKER
Community Development Director

**TOWN OF PARADISE PLANNING COMMISSION
RESOLUTION 16-01**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING
TOWN COUNCIL ADOPTION OF TEXT AMENDMENTS TO TITLE 17 OF THE
PARADISE MUNICIPAL CODE RELATIVE TO AGRICULTURAL EMPLOYEE HOUSING**

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, in 2014 an updated General Plan Housing Element was adopted establishing goals, policies, and programs which in part address alleviating constraints to the development of housing for special needs groups, including farm workers, and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on September 20, 2016 to study and consider recommending Town Council adoption of text amendments to Paradise Municipal Code (PMC) Chapters 17.04, 17.10, 17.11, 17.12, 17.14, 17.17, 17.20 and 17.26 as proposed by Town staff; and

WHEREAS, the public review also included review and determination of whether or not the proposed PMC text amendments is an activity that is subject to the provisions of the California Environmental Quality Act (CEQA); 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 amendments to PMC Chapters 17.04, 17.10, 17.11, 17.12, 17.14, 17.17, 17.20 and 17.26 are warranted at this time in order to encourage the development of housing opportunities for farm workers.

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 Chapters 17.04, 17.10, 17.11, 17.12, 17.14, 17.17, 17.20 and 17.26 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 amendments are 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.

RESOLUTION NO. 16-01

PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 20th day of September 20, 2016 by the Following Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Ray Groom, Chair

ATTEST:

Dina Volenski, CMC, Town Clerk

EXHIBIT "A"

SECTION 1. Definitions for agricultural employee housing shall be added to Section 17.04.500 [General Definitions] of the Paradise Municipal Code to read as follows:

“Agricultural employee housing” means housing consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household as described in California Health and Safety Code Sections 17021.6 and 17008.

“Agricultural employee housing, limited residential” means housing providing accommodations for six or fewer employees as described in California Health and Safety Code Sections 17021.5 and 17008.

SECTION 2. A new category to Uses shall be added to Sections 17.10.200 [Permitted and conditional uses] of the Paradise Municipal Code to read as follows:

| | | |
|-------|-------|--|
| AG-10 | AG-20 | Uses |
| P | P | Agricultural employee housing, limited residential |

A new category to Uses shall be added to Sections 17.11.200 [Permitted and conditional uses] of the Paradise Municipal Code to read as follows:

| | | | |
|------|------|------|--|
| AR-1 | AR-3 | AR-5 | Uses |
| P | P | P | Agricultural employee housing, limited residential |

A new category to Uses shall be added to Sections 17.12.200 [Permitted and conditional uses] of the Paradise Municipal Code to read as follows:

| | | | |
|------|--------|--------|--|
| RR-1 | RR-2/3 | RR-1/2 | Uses |
| P | P | P | Agricultural employee housing, limited residential |

A new category to Uses shall be added to Sections 17.14.200 [Permitted and conditional uses] of the Paradise Municipal Code to read as follows:

| | | | |
|------|--------|--------|--|
| TR-1 | TR-1/2 | TR-1/3 | Uses |
| P | P | P | Agricultural employee housing, limited residential |

A new category to Uses shall be added to Sections 17.17.200 [Permitted and conditional uses] of the Paradise Municipal Code to read as follows:

| P/C/S M-F | Uses |
|--------------|--|
| P | Agricultural employee housing, limited residential |

A new category to Uses shall be added to Sections 17.20.200 [Permitted and conditional uses] of the Paradise Municipal Code to read as follows:

| P/C/S | | | Uses |
|-------|-----|-----|--|
| N-C | C-B | C-C | |
| S | A | - | Agricultural employee housing, limited residential |

A new category to Uses shall be added to Sections 17.26.200 [Permitted and conditional uses] of the Paradise Municipal Code to read as follows:

| C-F | C-S | Uses |
|-----|-----|--|
| P | P | Agricultural employee housing, limited residential |