



TOWN OF PARADISE

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P L A N N I N G C O M M I S S I O N A G E N D A

**April 17, 2012
6:00 PM**

CALL TO ORDER

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

ROLL CALL

1. APPROVAL OF MINUTES

1a. Approve minutes from the Regular Planning Commission meeting of February 21, 2012.

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. Discuss the content of the current Procedural Rules of Conduct of Planning Commission Meetings; and, (1) Consider rescinding Planning Commission Resolution No. 96-001; and, (2) Adopting Planning Commission Resolution No. 12-01, resulting in change(s) to the current Procedural Rules; or, (3) Adopt an alternative motion

6b. Discussion regarding the upcoming 2012 Business Conference and the possible future roll of the Planning Commission with regard to land use decisions and promoting economic development in Paradise. (Zuccolillo).

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

9. ADJOURNMENT

PARADISE PLANNING COMMISSION
February 21, 2012 - 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 Grossberger at 6:01 p.m.

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

ROLL CALL

Present at roll call were Commissioners Bolin, Jones, Woodhouse, Zuccolillo and Chair Grossberger. Community Development Director Craig Baker and Assistant Planner Susan Hartman were also present.

1. APPROVAL OF MINUTES

a. Regular Meeting of January 17, 2012.

It was moved by Commissioner Woodhouse, seconded by Commissioner Bolin to approve the minutes of the January 17, 2012 Planning Commission meeting as submitted by staff.

VOTE: AYES: Commissioners Jones, Woodhouse, Zuccolillo and Bolin.
NOES: None. ABSTAIN: Chair Grossberger. ABSENT: None.

MOTION CARRIES.

2. COMMUNICATION

a. Recent Council Actions

Mr. Baker reported on Town Council actions occurring at the February 7th meeting. Town Council appointed Tom Cole and Stephanie Neumann to the Tree Advisory Committee and adopted a resolution approving the Master Bicycle and Pedestrian plan which keeps the Town eligible for potential grant funding for Pedestrian Projects, Safe Routes to Schools and other projects.

On February 7th the Planning Director held three public hearings and approved a use permit modification and a parcel map application. The other use permit modification relating to Trinity Pines, is on tonight's agenda for a public hearing.

b. Staff Comments

None.

3. PUBLIC COMMUNICATION – None.

4. CONTINUED PUBLIC HEARING – None.

5. PUBLIC HEARING

5a. Item previously determined to be exempt from environmental review:

TRINITY PINES Use Permit Modification (PL12-00012) Application requesting the modification to the terms and conditions of a previously-approved conditional use permit for the establishment of an adult residential care facility for up to twelve residents on property located at 800 Elliott Road, Paradise, AP No. 052-150-028.

Community Development Director Baker introduced Assistant Planner Hartman who explained that the Trinity Pines Modified Use Permit application for an adult care facility at 800 Elliott Road, was originally heard and approved in April 2009 and 2010. The modification requests deferment of the dedication of right-of-way along Elliott Road; and deferment of construction frontage improvements in front of Queen Drive. Staff is recommending a 60 day extension for completion of the right-of-way dedication along Elliott Road; and, a 12-month extension for completion of the covenant agreement relating to frontage improvements along Queen Drive. (Conditions 11 and 12) The 2011 application did not request a specific timeline for these conditions.

Chair Grossberger opened the public hearing at 6:09 p.m.

1. Jon Remalia expressed his concern with conditions for sidewalk standards being waived for the Paradise Community Village (PCV) project and asked if this would be considered for Trinity Pines. Trinity Pines facility is located on one of the nicest parcels on Elliott Road, and thinks that the covenant requiring frontage improvements is a restriction on the property that decreases the value. He stated that he thinks if the Town is taking the easement, they should pay the property owner for the easement as he is familiar with other jurisdictions that provide payment for an easement. He also thinks that since PCV sidewalk standards were waived that this project should be given the same consideration.

Art Andreas, property owner, stated that he was concerned with the loss of the property value, because even if the improvements were not made, the covenant will be on record. He stated that this tenant will be the ones affected by the 60 days notice because they have not been able to find a prospective buyer and that he cannot do the improvements because the tenants have a month to month lease and may not be there in a month. He will have to notify the tenants of the conditions and they will have the option to buy the property, find a buyer for the property that they could rent from or they will have to move out.

Planning Commissioners asked for clarification of the land use and ownership and tenant responsibilities.

Mr. Baker stated that arrangements between property owners and tenants are strictly between them and that the Town does not get involved. Mr. Baker explained that when a use permit is issued, it goes with the land/property, the permit cannot go with the tenant and is assigned to the property forever unless it is revoked. When this application was first heard by the Planning Director in 2009 there were several issues including the covenant agreement for frontage improvements on Queen Drive, a covenant agreement for frontage improvements on Elliott Road and right of way dedication on Elliott. The Town never sought a covenant for Elliott Road, only for Queen Drive. The covenant states that there will be no opposition to the formation of an assessment district for street improvements or frontage improvements will be done when asked by the Town. Improvements on Queen Drive are not imminent, it is not a street on the list for improvements.

Mr. Baker stated that the PCV sidewalk improvements were not waived but were deferred to a subsequent phase of the project and that Trinity Pines is not a phased project. Mr. Baker also explained that he is not familiar with payments for right of way dedication and that is not something the Town does, unless additional right-of-way is sought by the Town to accommodate a capital improvement project.

Planning Commissioners asked about the current zoning of the property. Mr. Baker stated that it is Community Commercial, and clarified that in 2009 when the use permit was granted, that as part of the conditions, there was a right of way dedication and covenant which were requested prior to commencement of operations and that Trinity Pines requested deferring the conditions for a year so that the business could begin operating and then in 2010 requested another deferral which was approved for 12 months.

Art Andreas stated that he is the property owner and the property is not currently for sale, explained that at the initial meeting for the Use Permit they stated that they would not meet the Towns requirements for a right of way dedication or covenant agreement but would allowed Trinity Pines time to try to find a buyer for the property. Mr. Andreas stated that if the Commissioners only approved the request for 60 days then he would tell Trinity Pines that they had 60 days to find a buyer or vacate the property and that he would be putting the property on the market to sell.

Mr. Baker stated that there was no cost to the owner for the right of way dedication and that the Town will absorb the cost for recording the documents, but the owner is required to pay the approximate \$200 recording fees for the covenant agreement.

Mr. Baker explained that the town still owns a dedicated 30' from the center of the road and the planned right of way dedication is an additional 10' strip from what the Town already owns. The planned right of way width from the center line is 80 ft., 40ft from the center on each side.

Mr. Andreas shared that he was here to support Trinity Pines, but is not willing to comply with the conditions, that he expected Trinity Pines to be here to support the request and if the Planning Commission does not approve the Use Permit and Trinity Pines has to vacate the property in 60 days, he will put the property on the market.

1. Jon Remalia stated that the property appears to be 168' by 140' approximately ½ acre. He understands that septic systems are based on the net square footage of the property and that if 10' is taken off two sides that will reduce the size of the property by 3,000.

Ms. Hartman explained that new parcels are calculated on net and existing parcels are calculated on gross and half of the abutting roadway, if it is a public road. Regardless of the size of the right of way it would still be measured from the center of the road.

Chair Grossberger closed the public hearing at 6:50 p.m.

Commissioners discussed that the proposed conditions could be forcing an existing business out of a property which would leave a vacant building; that there are no pending improvements scheduled for Elliott Road and also questioned how critical it is for the current tenants to stay if they are not at the public hearing to defend their position/request.

Mr. Baker stated that if the Planning Commissioners removed the conditions it would be a sharp departure from previous practices and cannot recall there ever being any opposition to these types of conditions from any project. Mr. Baker also provided options available to the Planning Commissioners which would be to continue the public hearing to a date certain time and place or continue the public hearing until the next Planning Commission meeting, which would eliminate having to send out another notice.

Chair Grossberger re-opened the public hearing at 7:03 p.m.

Mr. Andreas stated that he misunderstood the question asked at the last Planning Director meeting and thought that he had to agree to the changes within 12 months if the property was not sold.

Planning Commissioners confirmed that Mr. Andreas would not agree to the conditions for the Use Permit regardless of who occupied the property and that at the end of the extension he would ask Trinity Pines to vacate the property.

Chair Grossberger closed the public hearing at 7:06 p.m.

Motion by Jones, seconded by Bolin , adopted the required findings as provided by staff, directed staff to re-issue the Trinity Pines use permit with no further extensions and approved the Trinity Pine Use Permit modification application (PL12-00012) affecting property identified as Assessor Parcel No. 052-150-028, subject to the modifications to project condition nos. 11 & 12 to be worded in the following manner:

11. *Not later than 12 months beyond the effective date of the modified use permit, construct or defer by covenant agreement executed with the Town of Paradise, a one-half street section upgrade improvement along the project site frontage of Queen Drive to the town-adopted B-1 road standard.*
12. *Not later than ~~sixty (60) days~~ **12 months** beyond the effective date of the modified use permit the property owner shall deed forty feet from the centerline of Elliott Road to the Town of Paradise or provide a recorded deed document verifying that this requirement has been fulfilled.*

ROLL CALL VOTE:

AYES: Commissioners Bolin, Jones and Zuccolillo.
NOES: Commissioners Woodhouse and Chair Grossberger. Due to concern of the absence of Trinity Pines, the project applicant, at the meeting.
ABSTAIN: None.
ABSENT: None.

MOTION CARRIES.

Community Development Director Baker announced that the decision of the Planning Commission may be appealed to the Town Council within seven (7) days.

6. OTHER BUSINESS

6a. Discussion regarding the content of the current Procedural Rules of Conduct of Planning Commission Meetings and consideration of whether to direct staff to return with a Planning Commission Resolution rescinding Planning Commission Resolution No. 96-001, resulting in changes to the current Procedural Rules.

Mr. Baker explained that the Procedural Rules of Conduct for the Planning Commission compared to the Town Council has basically one difference which is that the Town Council allows for three (3) minutes of discussion on an item and the Planning Commission allows for five (5) minutes of discussion on an item. This may be due to the fact that the Planning Commission is an appointed body and may not be considered as formal as the Town Council.

Planning Commissioners discussed the Planning Commission Procedural Rules of Conduct and considered that by reducing the presentation time from five minutes to three minutes, the Planning Commission would be consistent with the Town Council rules of conduct. The Commissioners could concur to allow someone to speak longer than three minutes, but the shorter time limit also provides the Chair greater control over the meeting, especially for potentially controversial issues. Currently, the Planning Commission often does not put a time limit on speakers.

There was also discussion that the Town Council is expecting the Planning Commission to do a thorough job of approving projects and that individuals should have the opportunity to discuss items that they feel strongly about and not be limited on time.

1. Jon Remalia stated that it is his feeling that if a commissioner cannot listen for five minutes that they should find something else to do; thinks it important that in-depth topics be allowed adequate discussion and suggested doing the meeting like Chico and not let a new agenda item begin after a certain time and that cutting the time infringes on the public's right to be heard, and that he does not think that five minutes is excessive.

Motion by Woodhouse, seconded by Grossberger directed staff to return with a Planning Commission Resolution rescinding Planning Commission Resolution No. 96-001, resulting in changes to the current Procedural Rules specifically changing "Item J. PUBLIC COMMUNICATION – from five (5) minutes to three (3) minutes."

ROLL CALL VOTE:

AYES:	Commissioners Jones, Woodhouse and Chair Grossberger
NOES:	Commissioners Bolin and Zuccolillo
ABSTAIN:	None.
ABSENT:	None.

MOTION CARRIES.

6b. Discussion regarding survey monumentation replacement requirements during commercial development.

Mr. Baker explained that during the Public Comment portion of the January 17, 2012 Paradise Planning commission meeting Mr. Hollis Lundy of L & L Surveying expressed concern regarding the loss or destruction of survey monumentation in the Town of Paradise, primarily as a result of commercial property development along public streets. Mr. Baker stated that there is a section in the Business and Professions (B&P) Code with an emphasis on monumentation that helps locate public rights of way and public easements and seeks to preserve that monumentation having to do with streets and highways that surveyors and engineers are required to adhere to. The contracted Town Engineer is a surveyor and engineer and supports the preservation of this information and will continue to include this requirement on projects.

1. Jon Remalia stated that he thinks what is worse than a monument getting destroyed is when a monument is put back in by someone who is not qualified and who replaces the monument with different placement and dimensions but leaves the original surveyors number.

Planning Commissions discussed the item and directed staff to follow the law and continue to enforce the B&P Code when public improvements are constructed.

7. COMMITTEE ACTIVITIES

Chair Grossberger inquired about the existence of Redevelopment Agencies. Mr. Baker stated Redevelopment Agencies have been eliminated by state law, that the Town is the Successor Agency and that a committee has to be formed to determine what will happen to RDA projects.

Mr. Baker shared that Walmart is still working on a wastewater solution and that Walmart's lead team has changed composition and they are still working on a development agreement for the project. Mr. Baker stated that the Town Council will be considering direction for a wastewater solution for commercial areas of Town in the near future.

8. COMMISSION MEMBERS

a. Identification of future agenda items (All Commissioners/Staff) - None

9. ADJOURNMENT

The Planning Commission meeting was adjourned at 7:53 p.m.

Date Approved:

April Grossberger, Chair

Attest:

Dina Volenski, Assistant Town Clerk

MEMORANDUM

TO: Paradise Planning Commission **AGENDA NO. 6(a)**

FROM: Craig Baker, Community Development Director

SUBJECT: Review, Discussion and Possible Adoption of a Planning Commission Resolution Regarding Proposed Changes to the Current Planning Commission Procedural Rules for the Conduct of Planning Commission Meetings

DATE: April 10, 2012

BACKGROUND:

All Planning Commission meetings are required to be conducted in accordance with the current Procedural Rules for the Conduct of Planning Commission Meetings, established via adoption of Planning Commission Resolution No. 96-001 on February 12, 1996.

During their regularly-scheduled meeting of February 21, 2011, a majority of the Planning Commission concurred to consider a Planning Commission resolution during the next Planning Commission meeting that, if adopted, would modify their current procedural rules of conduct in a manner that would limit public communication and testimony to three minutes per individual speaker. The procedural rules of conduct for the Town Council also limit each speaker to three minutes. The current Planning Commission procedural rules of conduct limit each speaker to five minutes. It was pointed out by the Planning Commissioners voting for the proposed change to the procedural rules that the Planning Commission could grant a period exceeding 3 minutes at any time by majority vote.

Proposed Planning Commission Resolution No. 12-01 has been prepared by staff in accordance with direction given during the February 21 Planning Commission meeting and is attached for your consideration. If adopted, Planning Commission Resolution No. 96-001 would be rescinded and the revised Procedural Rules for the Conduct of Planning Commission Meetings would be effective immediately. If Resolution No. 12-01 is not adopted, Resolution No. 96-001 would simply remain in effect.

REQUESTED ACTIONS:

1. Please review the attached copy of the proposed revised procedural rules of conduct and be prepared to discuss any possible further revisions with other Planning Commissioners, members of the attending public and staff.

2. Move to adopt Planning Commission Resolution No. 12-01, or
3. Adopt an alternative motion.

**TOWN OF PARADISE
RESOLUTION NO. 12-01**

**RESOLUTION OF THE PLANNING COMMISSION
OF THE TOWN OF PARADISE
RESCINDING RESOLUTION NO. 96-001 AND ADOPTING UPDATED AND
AMENDED PROCEDURAL RULES FOR THE CONDUCT OF
PLANNING COMMISSION MEETINGS**

WHEREAS, the Paradise Planning Commission of the Town of Paradise adopted Resolution 96-001 on February 12, 1996, and with its adoption thereby prescribed and established procedural rules for the conduct of Planning Commission meetings; and

WHEREAS, the Planning Commission of the Town of Paradise has determined that the public interest is best served if the established procedural rules of conduct of Planning Commission meetings are occasionally reviewed and updated by formal amendment in order to aptly serve the current needs of the Paradise community.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

SECTION 1. Planning Commission Resolution No. 96-001 is hereby rescinded.

SECTION 2. The Planning Commission of the Town of Paradise hereby adopts the following procedural rules for the conduct of its meetings:

A. QUORUM. Three (3) members of the Planning Commission shall constitute a quorum for the transaction of business. Motions may be passed by a majority of members present and voting. When no quorum exists, any member of the Planning Commission may adjourn the meeting to the next regularly scheduled meeting or to a date specified by the majority of those present. The Secretary of the Planning Commission may adjourn as specified above if no Commissioner is present.

B. PUBLIC MEETINGS. All meetings shall be held in full compliance with the provision of state law, applicable provisions of the Paradise Municipal Code, and these procedural rules. All regular and special meetings as well as study sessions of the Commission shall be open to the public. Whenever a regular scheduled Commission meeting falls on a public holiday honored by the Town of Paradise, no regular meeting shall be held on that day. Such regular meetings may be rescheduled to another business day or canceled by motion adopted by the Planning Commission or administratively by the Planning Director.

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C. AGENDA. All reports, proposed ordinances, resolutions, or other matters to be submitted to the Planning Commission by town staff shall be made available for review by the Commission and the public not later than during the fifth calendar day preceding the next regular scheduled Commission meeting. The Secretary of the Planning Commission shall have prepared an agenda of all such matters according to the order of business and provide a copy to each Planning Commissioner and make it available to the public at the cost of reproduction.

D. ORDER OF BUSINESS. All regular meetings of the Commission shall consider and dispose of matters in substantially the following order, except as otherwise may be ordered by the Chair of the Commission or majority of the Commission:

- | | |
|-------------------------|------------------------------|
| 1. Call to Order | 7. Continued Public Hearings |
| 2. Pledge of Allegiance | 8. Public Hearings |
| 3. Roll Call | 9. Other Business |
| 4. Approval of Minutes | 10. Committee Activities |
| 5. Communication | 11. Commission Members |
| 6. Citizen Forum | 12. Adjournment |

The provisions of this section shall be directory and not mandatory.

E. OFFICERS

1. Selection
 - a. A Chair and Vice-Chair shall be elected annually from among the Commission's membership at the first meeting in July to serve at the pleasure of the Commission.
 - b. The Vice-Chair shall succeed the Chair if he/she vacates the office before the term is completed, the Vice-Chair to serve the unexpired term of the vacated office. A new Vice-Chair shall be elected at the next regular meeting.

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- c. In the absence of the Chair and Vice-Chair, any other member shall call the Commission to order, whereupon a chair shall be elected from the members present to preside.

2. Responsibilities

The responsibilities and powers of the officers of the Planning Commission shall be as follows:

a. Chair

- (1) Preside at all meetings of the Commission.
- (2) Call special meetings of the Commission in accordance with legal requirements and the Rules of Procedure.
- (3) Sign documents of the Commission.
- (4) See that all actions of the Commission are properly taken.
- (5) Assist staff in determining agenda items.

b. Vice-Chair

During the absence, disability or disqualification of the Chair, the Vice-Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.

F. ADJOURNED/SPECIAL MEETINGS. In the event it is the wish of the Planning Commission to adjourn its meeting to a certain hour on another day, a specific date, time and place must be set by the Commission prior to the regular motion to adjourn. Special meetings of the Planning Commission may be held at any time upon the call of the Chair or by a majority of the voting members of the Commission or upon request of the Town Council following at least twenty-four (24) hours notice to each Commission member and to the press. The time and place of the

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special meeting shall be determined by the convening authority. The Commission may be convened as a whole or as a committee of the whole in the same manner as prescribed for the calling of a special meeting for the purpose of holding a study session provided that no official action may be taken and no quorum shall be required. Such meetings shall be open to the public.

G. ROLL CALL. Before proceeding with the business of the Commission, the Commission Secretary shall call the roll of the members and the names of those present shall be entered into the minutes. The time of arrival of a Commission member who was absent at roll call shall be entered into the minutes.

H. GAINING THE FLOOR. Every Commission member desiring to speak shall first address and gain recognition by the Chair. Such member shall confine his/her remarks to the question under consideration. After gaining recognition, a member may ask questions of staff who may answer or may defer to another member of staff or other person.

Members of the town staff, after recognition from the Chair, shall hold the floor until completion of their remarks or until recognition is withdrawn by the Chair.

A Commission member, once recognized, shall not be interrupted while speaking, unless called to order by the Chair, or unless a point of order or personal privilege is raised by another Commission member, or unless the speaker chooses to yield to a question by another Commissioner. If a Commissioner is called to order, he/she shall cease speaking until the question of order is determined, and if determined to be in order, he/she may proceed.

I. PROPRIETY OF CONDUCT. Members of the Commission and the public must observe order and shall not by conversation or in any way make or disturb any other member of the Commission, or refuse to obey the orders of the Commission or the Chair, except as this resolution may provide.

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J. PUBLIC COMMUNICATION. No person shall be entitled to speak to the Commission at a public meeting who has not been recognized by the Chair. Unless allowed by the Chair, no person shall speak for more than three (3) minutes on one item of business.

The purpose of public communication is to provide information to the Commission which it may not have. The right to speak before the Commission shall be limited to the public communication portion of public hearings and to any time the Chair will allow such communication.

The Chair may bar from further speaking at that meeting anyone who:

1. Makes any personal, impertinent, or defamatory remarks;
2. Becomes boisterous or disruptive;
3. Speaks without being recognized by the Chair;
4. Violates any rules of order established by this resolution or by the Commission.

The ruling of the Chair to bar any member of the public from speaking further at that meeting shall be final and conclusive, subject only to the right of appeal by any Commissioner to the entire Commission.

Any person who engages in disorderly conduct, such as hand clapping, stamping of feet, whistling, using profane language, yelling, or similar demonstration which disturbs the peace and good order of the meeting, shall, at the request of the Chair, or a majority of the Commission, be removed from the Commission Chambers.

K. ADDRESSING THE COMMISSION. Interested parties or their representatives may write to the Planning Commission regarding any matter that is under the jurisdiction of the Commission.

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In order to expedite public hearings, whenever a group wishes to address the Commission on the same issue, the Chair may ask the group to have one spokesperson speak. Other members of the group may speak if facts or comment were not presented by the spokesperson.

No person shall address the Commission unless first recognized by the Chair. Each person desiring to address the Commission shall approach the podium, state his/her name and address for the record, state the subject which he/she wishes to discuss, and state whom he/she is representing if other than himself/herself.

Comments from the floor shall be limited to three (3) minutes unless more time is granted by the Chair. Comments shall be limited to the subject matter before the Commission.

Should the issue discussed from the floor require more than three minutes, the Chair, or a majority of the Commission may place the issue on a future Commission agenda.

All comments from the floor shall be addressed to the Commission as a whole and not to any member only. No questions shall be asked of any Commission member or member of the town staff without first obtaining permission from the Chair. Anyone violating this section shall be called to order by the Chair.

L. ENFORCEMENT OF ORDER/POINTS OF ORDER. Any Commissioner may move to require the Chair to enforce the procedural rules and an affirmative vote of the Commission majority shall require the Chair to do so. The Chair shall determine all points of order subject to the right of any Commission member who requests full Commission ruling on the question; and the question shall be: "Shall the decision of the Chair be sustained?" The majority vote shall conclusively determine such questions of order.

M. POINTS OF COMMISSION PRIVILEGE. The right of a Commission member to address the Commission on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are questioned, or when the welfare of the Commission is concerned. A Commission member raising the point of

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personal privilege may interrupt another Commission member who has the floor only if the Chair allows such interruption.

A Commission member moving the adoption of a resolution or motion shall have the privilege of closing debate, subject to a majority of the Commission voting that the debate should be continued. If a matter contains two or more propositions, any Commission member may ask to address and rule on the propositions separately. A majority vote of the Commission is necessary to so separate propositions.

N. VOTING. The passage of every motion shall be by voice vote or roll call vote and entered in the record. Any member of the Commission may demand a roll call vote on any matter before the Commission prior to a vote on the motion. Any Commission member may explain his/her vote during a roll call vote.

Commissioners shall vote in the affirmative by saying "aye" or "yes," and in the negative by saying "nay" or "no." Commission members shall state their vote when asked by the Chair or by the Commission Secretary during roll call vote. All votes of the Commission shall be recorded in the minutes of the meeting in which the voting took place.

Every member shall vote on the question before the Commission, unless he/she abstains for cause. An abstention vote shall be considered "not a vote."

1. **Change of Vote.** After voting is completed, but before the result of the vote is announced, any member of the Commission may change his/her vote. No Commission member may change his/her vote after the vote has been announced by the Chair unless a majority of the Commission grants consent.
2. **Tie Vote.** A tie vote shall be considered as defeating the motion.
3. **Failure of an Item to Pass.** A majority vote of the Commission against a motion or tie vote shall defeat the motion

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4. **Abstention/Disqualification.**

- a. Any Commission member may abstain himself/herself from voting for any stated or unstated reason.
- b. Any Commission member which is directly affected financially or personally by a decision of the Planning Commission should abstain from voting on the motion, but may participate as a Commission member in the discussion of the matter.
- c. When a Commissioner disqualifies himself/herself from voting, the Commissioner shall state prior to the consideration of such matter by the Commission that the disqualification is due to a possible conflict of interest and the Commissioner shall leave the dais or voting area.

5. **Abstract of Commissioner's Remarks.** A Commission member may request the Chair to place an abstract of his/her comments on any subject under consideration by the Commission entered into the minutes. The Chair must grant his/her consent in order for the abstract to be placed in the minutes.

6. **Right to Record Reasons for Dissent.** Any Commissioner shall have the right to enter into the minutes his/her reasons for dissent or protest of an action taken by the Commission.

7. **Reconsideration.** A Commission member who voted in the majority on a motion may, at the same meeting the motion was passed, move to reconsider the action taken, unless a procedural step was violated, in which case, the Planning staff shall return the matter to the Commission at the next available meeting.

O. PROCEDURAL RULES - VIOLATION OR MODIFICATION SHALL NOT INVALIDATE. Insofar as is practicable, the business of the Commission shall be conducted substantially in the order and manner provided in this resolution; provided, however, that the failure of the Commission to observe or enforce procedural rules shall in no manner effect the validity or legality of any action or proceeding taken by the Commission. The Commission, in its discretion, reserves the right to govern its own proceedings.

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P. RULES OF DEBATE.

1. All Commission members may debate, state motions, second motions, and vote.
2. Except as provided within this resolution, or provided by law, Robert's Rules of Order, Newly Revised, shall govern the conduct of regular meetings of the Commission and all special meetings unless otherwise announced at the beginning of the special meeting.
3. Procedures at a regular or special meeting may vary from Robert's Rules of Order unless a Commission member objects during the time the matter is before the Commission.
4. The Chair may allow by a majority consent of the Commission, a member of the Commission to introduce a resolution, motion, or other matter which is not in the regular agenda order. Any Commission member may introduce a matter which is in the regular agenda order.

Q. PUBLIC HEARING - OPENING. The Chair or his/her designee shall announce the beginning of a public hearing and shall request from staff any information pertinent to the public hearing. After any presentation by staff and any questioning by the Commission of staff, the Chair shall open the public hearing. If the hearing is opened to the public, any person may speak before the Commission regarding the matter under consideration for a maximum of three minutes unless granted additional time by the Chair.

R. PUBLIC HEARING - EVIDENCE RECEIVED. During the public hearing, the Commission shall receive all oral and written evidence relative to the matter being considered. Written evidence presented shall become the property of the Town of Paradise for one year after the public hearing, at which time it shall be disposed of or retained at the discretion of the Planning Director.

RESOLUTION NO. 12-01

RESOLUTION OF THE PLANNING COMMISSION OF THE TOWN OF PARADISE
RESCINDING RESOLUTION NO. 96-001 AND ADOPTING UPDATED AND AMENDED
PROCEDURAL RULES FOR THE CONDUCT OF PLANNING COMMISSION MEETINGS

S. PUBLIC HEARING - CONTINUANCE. The Commission may continue to a date certain any public hearing unless a state law or regulation requires immediate review of the project and the town and the applicant cannot agree to a specified date for the continuance. No further advertisement of a hearing continued to a date certain shall be required.

If circumstances require that a hearing be continued to a date uncertain, the public notice requirements of the original hearing shall be required for the new hearing when the matter is rescheduled.

T. PUBLIC HEARING - CLOSING. When the Chair determines that sufficient evidence has been presented, then no further testimony shall be presented. Should the Chair, or a majority of the Commission desire further testimony, they may request it at any time prior to the decisive vote on the project or agenda item.

U. TESTIMONY UNDER OATH. The Chair or a majority of the Commission may require anyone presenting testimony before the Commission to be sworn as a witness and testify under oath.

V. INVESTIGATIONS AND HEARINGS. The Commission shall have the discretionary right to make investigations and conduct hearings with respect to all matters within its powers and to all matters pertaining to the administration thereof.

W. ADJOURNMENT. The Commission shall adjourn each regularly scheduled meeting by a voice vote of the majority of those present and voting. Adjournment will be to the next scheduled Commission meeting unless another date has been selected by majority vote of those present and voting. The Commission may continue a meeting to a date certain by majority vote of those present and voting.

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PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this
17th day of April, 2012, by the following vote:

AYES:

NOES:

ABSENT:

NOT VOTING:

April Grossberger, Chair

ATTEST:

Dina Volenski, Assistant
Town Clerk



The Town of Paradise
and the
Paradise Ridge Chamber of Commerce
Present

“Growing Our Local Economy II”
Business Conference

When: May 10, 2012
Where: Cinema 7 Theatres
Time: 8:00 am to 12:30 pm
(Registration starts 7:30 am)

The Town of Paradise and the Paradise Ridge Chamber of Commerce are hosting the second annual business conference for local businesses. There is no charge for Paradise businesses to attend.

This year's conference will include information and resources that will help your business grow and prosper. The following topics will be covered by our speakers:

- State of the Town
- Wastewater Project Update
- 2012 Business and Customer Survey Results
- Changes in employment laws for small businesses: What every business NEEDS to know!
- Local business resources for every business
- How to use many types of social media for your business
- Marketing and psychographics tailored for your business needs.

For more information, contact Lauren Gill at 872-6291 x 104, lgill@townofparadise.com.

Join our Facebook event and take our free online survey!

facebook

