



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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

www.townofparadise.com

Planning Commission Staff:

Susan Hartman, Community Development Director

Planning Commission Members:

Shannon Costa, Chair

James Clarkson, Vice Chair

Kim Morris, Commissioner

Stephanie Neumann,, Commissioner

Anita Towslee, Commissioner

PLANNING COMMISSION AGENDA

6:00 PM – February 18, 2020

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact 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 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. Approval of December 19, 2019 Special Meeting minutes.

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 | 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

5a. 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 Resolution No. 20-01, A resolution that, if adopted, would recommend Town Council adoption of proposed zoning regulations text amendments in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would: 1) alter and/or add the definition of the terms "Accessory dwelling", "Agricultural building", "Secondary dwelling" and "Single-family residence"; 2) add site development regulations addressing secondary dwelling(s) in areas zoned to allow single-family or multiple-family residential use in order to comply with state laws regarding accessory dwelling units; and 3) amend secondary dwelling off-street parking requirements.

6. OTHER BUSINESS

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:	
<hr/>	
TOWN/ASSISTANT TOWN CLERK SIGNATURE	



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PLANNING COMMISSION SPECIAL MEETING MINUTES

December 19, 2019

6:00 PM

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

PLANNING COMMISSIONERS PRESENT: Kim Morris, Stephanie Neumann and James Clarkson, Vice Chair

PLANNING COMMISSIONERS ABSENT: Shannon Costa and Anita Towslee

1. PUBLIC HEARING

Community Development Director Susan Hartman provided an overview of the proposed project.

Vice Chair Clarkson opened the public hearing at 6:04 p.m.

1. Ronda Stadtmiller, applicant, stated that the plans are ready to be submitted and they are ready to move forward with the project.

Vice Chair Clarkson closed the public hearing at 6:09 p.m.

MOTION BY MORRIS, seconded by Neumann, adopted the required findings for approval as provided by staff, and approved the site plan review permit application (PL19-00274) to authorize the construction of two, 1,200 sq. ft. duplex buildings on a ±0.43-acre property zoned CC, subject to the following conditions of approval. Roll call vote was unanimous with Commissioners Costa and Towslee absent and not voting.

GENERAL CONDITIONS OF SITE PLAN REVIEW PERMIT

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 permit's effective date, the site plan review permit may become subject to revocation by the Town of Paradise.

CONDITIONS TO BE MET PRIOR TO ISSUANCE OF BUILDING PERMIT(S)

SITE DEVELOPMENT

2. Submit construction documents and meet the requirements of the Town Building Official regarding building permits and all applicable town-adopted construction code regulations associated with the two proposed duplex buildings.

3. Proposed duplex building's construction design and plans shall include required automatic fire sprinkler system(s).

OTHERS

4. Pay applicable development impact fees in accordance with Paradise Municipal Code requirements.
5. Maintain PG&E easement as shown on recorded parcel map or provide written evidence that PG&E has waived their rights to the easement.

**CONDITIONS TO BE MET PRIOR TO ISSUANCE OF
CERTIFICATE OF OCCUPANCY**

SITE DEVELOPMENT

6. All flammable vegetation shall be removed at a minimum distance of one hundred (100) feet from all structures or to the property line, whichever is less.
7. Approved numbers or addresses shall be placed on all new and existing buildings above the doorway, or in such a position as to be visible from the road accessing the property.
8. Meet the requirements of the Town Onsite Sanitary official regarding hydraulic load testing of the existing onsite wastewater disposal systems prior to final inspection.
9. Complete the requirements of the Fire Prevention Inspector regarding design plans submittal and installation for an automatic fire sprinkler system for the duplexes.

UTILITIES

10. Meet the requirements of the Paradise Irrigation District with necessary water service system connection upgrades in accordance with the written comments dated December 5, 2019.
11. Meet the requirements of all other utility providers regarding the extension or relocation of utility service lines and the establishment of any necessary on-site utility easements.

Community Development Director Hartman announced that an appeal of the Planning Commission decision can be made within seven (7) days of the public hearing.

2. ADJOURNMENT

Vice Chair Clarkson adjourned the meeting at 6:11 p.m.

Date Approved:

By: _____
James Clarkson, Vice Chair

Attest:

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, Community Development/Planning Director

SUBJECT: Public Hearing – Consider a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Relative to Accessory Dwelling Units Consistent with new State Law Requirements

DATE: February 6, 2020

BACKGROUND:

The Town of Paradise is legally required to direct and regulate land development and land uses via its zoning regulations and other means that are consistent with its Paradise General Plan as well as **current state planning and zoning law**. During 2019 the State of California (via the State legislature and the Governor) enacted new housing legislation **in effect January 1, 2020**, that requires all local municipal and county governments to provide for the creation of accessory dwelling units in areas zoned to allow single-family and/or multiple-family residential use. [Government Code Section 65852.2]

RECOMMENDED ZONING REGULATIONS TEXT AMENDMENTS:

Planning staff advises that text regulations within Chapters 17.04 (definitions), 17.06 (general site development regulations), 17.11 (Agricultural Residential zones), 17.17 (Multiple-Family Residential zone), 17.20 (Neighborhood-Commercial, Central-Business, Community-Commercial zones), 17.26 (Community-Facilities, Community-Services zones) and 17.38 (off-street parking) warrant amendment in order to: 1) become internally consistent with all other PMC statutes; 2) become consistent with and further implement the Paradise General Plan, particularly its housing element; 3) amends and/or create statutes related to accessory dwelling unit residential development in a manner that complies with new State law; and 4) if adopted, would further assist in the Camp Fire recovery/rebuild efforts.

The recommended text amendments: 1) alter the definition of the terms “Accessory dwelling”, “Agricultural building”, “Secondary dwelling” and “Single-family residential”; 2) adds site development regulations addressing secondary dwelling(s) in areas zoned to allow single-family or multiple-family residential use in order to comply with new State law regarding accessory dwelling units; and 3) amends secondary dwelling off-street parking requirements.

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.

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 stated in the preceding discussions. The proposed new text within “Exhibit A” is shown shaded and text proposed to be deleted is shown in ~~striketrough~~ text

Planning staff, and the Town Attorney have determined, that the nature of the proposed text amendments is sufficiently minor in that there is no possibility adoption and implementation of the amendment would result in a direct and significantly adverse effect upon the environment. Thus, 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].

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. 20-01, “A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Title 17 of the Paradise Municipal Code Relative to Accessory Dwelling Units consistent with State Law Requirements ”. If deemed necessary by a majority consensus of Planning Commissioners present, staff will be prepared to discuss and make possible 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. Copy of the notice of public hearing for the proposed text amendment.
2. Copy of Notice of Exemption dated January 29, 2020.
3. Copy of Planning Commission Resolution No. 20-01, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Title 17 of the Paradise Municipal Code Relative to Accessory Dwelling Units Consistent with State Law Requirements".

**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, February 18, 2020 at 6:00 p.m. in the Paradise Town Hall Council chambers, 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 zoning regulations text amendments in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would: 1) alter and/or add the definition of the terms “Accessory dwelling”, “Agricultural building”, “Secondary dwelling” and “Single-family residence”; 2) add site development regulations addressing secondary dwelling(s) in areas zoned to allow single-family or multiple-family residential use in order to comply with state laws regarding accessory dwelling units; and 3) amend secondary dwelling off-street parking requirements.

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
Planning Director

NOTICE OF EXEMPTION

To: File

From: Town of Paradise, Development Services Department,
Planning Division, 5555 Skyway, Paradise, CA 95969

Project Title: Zoning Code Text Amendment

Project Applicant: Town of Paradise

Project Location: N/A

Project Description: Amendments to the Town zoning code relative to ADU state law compliance

Approving Public Agency: Town of Paradise

**Person or Agency
Carrying Out Project:** Town of Paradise

Exempt Status:
☐ Ministerial (Section 15268)
☐ Emergency Project (Section 15269)
☐ Categorical Exemption (Section 15302)
☒ General Rule Exemption (Section 15061)

Reason for Exemption: The amendments do not constitute a project under CEQA, no physical activity is planned and there is no possibility of a significant environmental effect.

Contact Person: Susan Hartman, Planning Director
(530) 872-6291 x114

Signature:



Date: 01/29/2020

**TOWN OF PARADISE PLANNING COMMISSION
RESOLUTION 20-01**

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION RECOMMENDING
TOWN COUNCIL ADOPTION OF TEXT AMENDMENTS TO TITLE 17 OF THE
PARADISE MUNICIPAL CODE RELATIVE TO ACCESSORY DWELLING UNITS CONSISTENT WITH
STATE LAW REQUIREMENTS**

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 State of California enacted housing legislation in effect as of January 1, 2020, that requires all local municipal and county governments to provide for the creation of accessory dwelling units in areas zoned to allow single-family or multiple-family residential use; and

WHEREAS, the Town planning staff advise that text regulations within Chapters 17.04, 17.06, 17.11, 17.17, 17.20, 17.26 and 17.38 of the Paradise Municipal Code (PMC) warrant amendment in order to: 1) become internally consistent with all other existing PMC statutes; 2) become consistent with and further implement the Paradise General Plan, particularly its housing element; 3) amends and/or create statutes related to accessory dwelling unit residential development in a manner that complies with new State law; and 4) if adopted, would assist in the Camp Fire recovery and rebuild efforts; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on February 18, 2020 to study and consider recommending Town Council adoption of text amendments to PMC Chapters 17.04, 17.06, 17.11, 17.17, 17.20, 17.26 and 17.38 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 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 amendments to PMC Chapters 17.04, 17.06, 17.11, 17.17, 17.20, 17.26 and 17.38, are warranted at this time in order to establish Paradise Zoning Ordinance compliance with current state laws regarding accessory dwelling units and particularly in order to aid in the 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 Chapters 17.04, 17.06, 17.11, 17.17, 17.20, 17.26 and 17.38 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. 20-01

PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 18th day of February 2020 by the Following Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Shannon Costa, Chair

ATTEST:

Dina Volenski, Town Clerk

EXHIBIT "A"

SECTION 1. The definitions of the terms "Agricultural building", "Accessory dwelling", "Secondary dwelling" and "Single-family residential" in Paradise Municipal Code Chapter 17.04 shall be amended to read as follows:

"Accessory dwelling" means a DWELLING UNIT accessory to a nonresidential PRINCIPAL USE on the same SITE, intended for occupancy by the landowner or a person employed on the site for security, maintenance or management purposes.

"Agricultural building" means a structure designed and constructed to house agricultural equipment, farm implements, hay, grain, poultry, livestock, or horticultural products and which is not designed for human habitation.

"Secondary dwelling" means an attached or detached residential DWELLING UNIT containing seven hundred fifty (750) square feet or less, that provides complete independent living facilities for one or more persons and which is located on a SITE in conjunction with a single-family dwelling proposed or existing PRIMARY DWELLING (residence).

"Single-family residential residence" means USE of a SITE for only one PRIMARY DWELLING and its allowed ACCESSORY USES, or for one PRIMARY DWELLING and one SECONDARY DWELLING and allowed ACCESSORY USES.

SECTION 2. A new Section 17.06.990 shall be added to Chapter 17.06 [General Site Development Regulations] of the Paradise Municipal Code to read as follows:

Section 17.06.990 Secondary Dwelling Unit(s) in Areas Zoned to allow Single-Family or Multiple-Family Residential Use.

- A) Where zoned as allowed, a "secondary dwelling" shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multiple-family dwelling is located or will be situated. A secondary dwelling also includes the following:
 - 1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
 - 2. A manufactured home, as defined in Section 18007 of the health and Safety Code.
- B) Compliance Requirements/Standards: A permissible secondary dwelling is subject to the provisions of Section 65852.2 of the Government Code, including, but not limited to:
 - 1. The secondary dwelling may be rented separate from the primary residence but may not be sold or otherwise conveyed separate from the primary residence.
 - 2. The lot is zoned to allow single-family or multifamily dwelling residential use and includes a proposed or existing primary dwelling.

3. Review and approval by the Onsite Sanitary Official relative to the sewage disposal requirements of Paradise Municipal Code Chapter 13.04 where a private sewage disposal system is being used and/or proposed.
4. The secondary dwelling is either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.
5. If there is an existing primary dwelling, the total floor area of an **attached secondary dwelling** shall not exceed 50 percent net floor area of the existing primary dwelling, but in no case exceed eight hundred fifty (850) square feet or one-thousand (1000) square feet if the secondary dwelling contains more than one bedroom.
6. The total floor area for a **detached secondary dwelling** shall not exceed eight hundred fifty (850) square feet or one-thousand (1000) square feet if the secondary dwelling contains more than one bedroom.
7. No passageway shall be required in conjunction with the construction of a secondary dwelling.
8. Parking requirements for secondary dwellings shall not exceed one parking space per secondary dwelling or per bedroom, whichever is less. These spaces may be provided as tandem parking on a driveway.
9. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of a secondary dwelling or converted to a secondary dwelling, the Town shall not require that those off-street parking spaces be replaced.
10. Not more than two secondary dwellings that are located on a lot that has an existing multifamily dwelling but are detached from that multifamily dwelling and are subject to a height limit of 16 feet and four feet rear yard and side yard setbacks.
11. The Town, special district, or water corporation shall not impose any impact fee upon the development of a secondary dwelling less than or equal to 750 square feet.

SECTION 3. Amend the land use listing of “Dwelling, accessory” to be a permitted “P” land use in the AR-1; AR-3; and AR-5 zones within Section 17.11.200 [Permitted and conditional uses].

SECTION 4. Amend the land use listing of “Multiple-family residence” in Section 17.17.200 [Permitted and conditional uses] to read: **Multiple-family residential**.

SECTION 5. Add a new item “D” to Section 17.20.300 {Accessory Uses} to read as follows:

D. Secondary dwelling. [Refer to Section 17.06.990.B.10]

SECTION 6. Amend the land use listing of “Multiple-family residence” in Section 17.26.200 [Permitted and conditional uses] to read: **Multiple-family residential**.

SECTION 7. Add the land use listing of “Dwelling, Secondary” as a permitted “P” land use in both the C-F and C-S zones within Section 17.26.200 [Permitted and conditional uses].

SECTION 8. Amend the minimum requirements for the land use listing of “Secondary dwelling” in Section 17.38.1000 [Off-street parking requirements] to read: 1/dwelling or 1/bedroom (whichever is less)