



# TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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

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

**Planning Commission Staff:**

Susan Hartman, Acting Community Development Director

**Planning Commission Members:**

Anita Towslee, Chair

Kim Morris, Vice Chair

James Clarkson, Commissioner

Shannon Costa, Commissioner

Stephanie Neumann, Commissioner

## PLANNING COMMISSION AGENDA

**6:00 PM – July 16, 2019**

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact Acting Community Development Director Hartman, at 872-6291 ext. 114 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Presiding Clerk. Members of the public may address the Planning Commission on any agenda item, 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 the regular meeting minutes of June 18, 2019.

#### 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:**

Consider a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Relative to Accessory Building, Primary Dwelling, railroad tie material in site structures and mobile home provisions.

**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:	
<hr/>	
TOWN/ASSISTANT TOWN CLERK SIGNATURE	



# TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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

www.townofparadise.com

## P L A N N I N G C O M M I S S I O N M I N U T E S

**June 18, 2019**

**6:00 PM**

**CALL TO ORDER** by Chair Towslee at 6:03 p.m. who led the Pledge of Allegiance to the Flag of the United States of America

**PLANNING COMMISSIONERS PRESENT:** James Clarkson, Shannon Costa, Kim Morris and Anita Towslee, Chair.

**PLANNING COMMISSIONERS ABSENT:** Stephanie Neumann

### 1. APPROVAL OF MINUTES

- 1a. **MOTION by Costa, seconded by Clarkson**, approved the Regular Meeting Minutes of May 21, 2019 with correction. Roll call vote was unanimous with Commissioner Neumann absent and not voting.

### 2. COMMUNICATION

a. Recent Council Actions – Acting Community Development Director Susan Hartman updated the commissioners on the previous Town Council meeting. Staff asked council to give feedback concerning 20 different potential code changes. Two codes will need to be addressed by the Planning Commission as ordinances.

Commissioner Neumann arrived at 6:07 p.m.

Acting Community Development Director Hartman reiterated that two ordinances will be brought to the Planning Commission. The age of manufactured homes to be 10 years old or newer and setting a minimum square footage for primary dwellings.

### 3. PUBLIC COMMUNICATION - None

### 4. CONTINUED PUBLIC HEARING - None

### 5. PUBLIC HEARING

- 5a. Acting Community Development Director Susan Hartman gave an overview of the Jubilee on the Ridge Site Plan Review Modification. A request of the commission to revisit a site plan review that originates from 2005. The site plan modification includes installation of previously approved parking facility and installation of landscaping in three phases.

Commissioner Costa asked where the timeline of 2025-2030 originated.

Acting Community Development Director Hartman stated it was from the applicant.

Chair Towslee opened the public hearing at 6:11 p.m.

Michael Christian, Associate Pastor at Jubilee on the Ridge, stated they are excited to phase the project in. Stated prices have skyrocketed, potential cost of the parking lot is \$250,000. Thus they want to finish the building first prior to paving the entire parking lot.

Clarkson asked the parishioner number.

Jubilee had 120 attendees last week.

Costa expressed concern with the Phase Two goal of 2025 when the congregation reaches 200.

It was decided to eliminate the year of Phase Two of the Project Description.

Chair Towslee closed the Public Hearing at 6:23 p.m.

**MOTION by Clarkson, seconded by Costa,** approved a Site Plan Review Permit Modification application to phase the installation of a previously approved parking facility and project site landscaping materials and related improvements for a religious assembly land use upon a +/-3.39 acre property zoned Community Services and located at 6280 Clark Road in Paradise. With modification for Phase Two, first 3 words “In 2025 or” in Project Description will be eliminated. (AP No. 053-012-029). Roll call vote was unanimous.

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

**Project Description:**

Phase One: We propose to occupy the new building, when completed, with the existing number of parking spaces, which is 58 and includes two handicap spaces. We will install approved landscaping for this area of the parking lot.

Phase Two: ~~In 2025 or~~ when the congregation reaches 200, we will put in an additional 48 parking spaces plus two handicap spaces. We would at that time install approved landscaping for this second area of the parking lot.

Phase Three: In 2030 or when the congregation reaches 400, we would add an additional 40 spaces, bringing the total parking to 142 spaces plus 4 handicap spaces. We would at that time install approved landscaping for this third area of the parking lot.

**6. OTHER BUSINESS**

- 6a. Acting Community Development Director Hartman gave an overview of the 1994 General Plan Implementation Status update which is an informational report that is submitted to HCD and the Governor’s Office of Planning and Research.

**MOTION by Neumann, seconded by Clarkson,** acceptance and referral of the Planning Commission Annual Report for calendar year 2018 to the Town Council Regarding Present Status of the 1994 Paradise General Plan and Progress Toward its Implementation.

**7. COMMITTEE ACTIVITIES - None**

**8. COMMISSION MEMBERS**

a. Identification of future agenda items (All Commissioners/Staff) – Expected use permit application for a mobile home park expansion. A Site Plan Review permit application for White Water Saloon is also expected to come to Commission.

**9. ADJOURNMENT**

Chair Towslee adjourned the meeting at 6:44 p.m.

Date Approved:

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

Attest:

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



## 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 [PMC Title 17]

**Project Applicant:** Town of Paradise

**Project Location:** N/A

**Project Description:** Amendments to the Town zoning code relative to accessory building, primary dwelling, railroad tie materials in site structures and mobile home provisions

**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, Acting Planning Director  
(530) 872-6291 x114

**Signature:**



**Date:** July 3, 2019

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

**AGENDA NO. 5(a)**

**TO:** Paradise Planning Commission

**FROM:** Susan Hartman, Acting Planning Director

**SUBJECT:** Public Hearing – Consider a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Relative to Accessory Building, Primary Dwelling, railroad tie material in site structures and mobile home provisions

**DATE:** July 5, 2019

### **BACKGROUND:**

This Town-initiated amendment to the Paradise Municipal Code is intended to address and implement recent directive actions of the Town Council enacted during their May 22<sup>nd</sup> and June 11<sup>th</sup> meetings. On May 22, 2019, the Town Council adopted an Urgency Ordinance (#578) relating to “accessory building(s)” inside the Camp Fire area. On June 11, 2019, the Town Council was presented with and sought further staff and public input regarding twenty potential new community development code and land use regulations that were identified during the several months “Post Camp Fire Paradise Visioning Process” that was carried out by Urban Design Associates [UDA] a post disaster recovery architectural/planning firm under hire to the Town of Paradise. The Town Council approved direction to pursue the possible adoption of nine of the twenty options that were presented and publicly discussed. Three of the nine directions approved are to entail amending the Town’s zoning ordinance regulations to address the subjects of 1) prohibition of railroad tie wall structures, 2) a minimum size for a “primary dwelling unit” and an interim time period whereby a primary dwelling containing less than minimum size can be rebuilt, and 3) and whether or not future “manufactured homes” must be newly built (or modified to be 10 years old or newer).

### **RECOMMENDED ZONING REGULATIONS TEXT AMENDMENTS:**

Per the directive actions of the Town Council, planning staff advises that text regulations within Chapters 17.04 (definitions), 17.06 (general site development regulations), and 17.36 (mobile home provisions) warrant amendment in order to: 1) become internally consistent with all other PMC statutes as well as urgency ordinance #578; 2) become consistent with and further implement the Paradise General Plan, particularly its safety element; and 3) if adopted, would further assist in the Camp Fire recovery/rebuild efforts.



The recommended text amendments: 1) alter/update the definition of the terms “Mobile home” and “Single-family residential”; 2) add definition for the terms “Accessory building” and “Primary Dwelling”; 3) adds a new section of regulations pertaining to “railroad tie material in site structures”; 4) adds a regulation pertaining to the subject of “Post Camp Fire Rebuild: Primary Dwelling containing less than 750 square feet” and a related “interim time period”; and 5) adds a new subsection regulation that addresses the installation of a mobile/manufactured home older than ten years of age.

## **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.

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. 19-03, “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 building, Primary Dwelling, railroad tie material in site structures and mobile home provisions”. 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 July 5, 2019.
3. Copy of Planning Commission Resolution No. 19-03, "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 Building, Primary Dwelling, railroad tie material in site structures and mobile home provisions".

**TOWN OF PARADISE PLANNING COMMISSION  
RESOLUTION 19-03**

**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 BUILDING; PRIMARY DWELLING;  
RAILROAD TIE MATERIAL IN SITE STRUCTURES AND MOBILE HOME PROVISIONS**

**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**, during the aftermath of the Camp Fire and our community “visioning process” the Town Council adopted direction to town staff relative to some potential code changes to help alleviate or mitigate future wildfire safety hazards to persons or property; and

**WHEREAS**, the Town planning staff advise that text regulations within Chapters 17.04, 17.06 and 17.36 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 safety element; 3) create statutes that are related to town processing of single-family residential development projects; and if adopted, would assist in the Camp Fire recovery efforts; and

**WHEREAS**, the Planning Commission conducted a duly noticed public hearing on July 16, 2019 to study and consider recommending Town Council adoption of text amendments to PMC Chapters 17.04, 17.06, and 17.36 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, and 17.36, are warranted at this time in order to help alleviate or mitigate future wildfire hazard affecting the development of housing opportunities 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, and 17.36 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. 19-03**

**PASSED AND ADOPTED** by the Planning Commission of the Town of Paradise this 16<sup>th</sup> day of July 2019 by the Following Vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

---

Anita Towslee, Chair

**ATTEST:**

---

Dina Volenski, Town Clerk

## EXHIBIT "A"

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

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

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

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

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

"Primary Dwelling" means a DWELLING UNIT containing seven hundred fifty (750) square feet or more which is located on a site as a permitted PRINCIPAL USE.

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

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

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

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

**17.06.970**      **Post Camp Fire Rebuild: Primary Dwelling Containing Less than 750 Square Feet.**

- A. Purpose. This section shall provide an interim time period during which affected property owner(s) may elect to rebuild a primary dwelling existing on November 8, 2018 consisting of less than seven hundred fifty (750) square feet.
- B. Development standard. The following standard shall apply to property owner(s) who elect to rebuild a primary dwelling existing on November 8, 2018 consisting of less than 750 square feet:
  - 1. The rebuild dwelling design and resultant construction shall not be less than the prior existing primary dwelling floor area as depicted within the affected property Butte County Assessor record(s).
- C. Interim time period. The provisions and regulations of this Section 17.06.970 shall expire and be in no legal effect effective December 31, 2022.

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

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



**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, July 16, 2019 at 6:00 p.m. in the Paradise Town Hall Conference Room, 5555 Skyway, Paradise, CA, regarding the following matter:

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

PARADISE MUNICIPAL CODE: Planning Commission consideration of a resolution that, if adopted, would recommend Town Council adoption of proposed text amendments to the zoning regulations in Paradise Municipal Code (PMC) Title 17 (Zoning Ordinance). If adopted by the Town Council, the amendments would: 1. alter and/or add the definitions of the terms “Mobile home” and “Primary Dwelling”; 2. add a site regulation prohibiting use of railroad tie types of material for construction, including in retaining walls; 3. amend the mobile home provisions to prohibit mobile/manufactured home(s) older than ten (10) years of age; and 4. establish an interim time period until December 31, 2022 during which property owner(s) who lost, due to the Camp Fire, a primary dwelling containing less than 750 square feet may elect to rebuild a dwelling to its prior size.

The file relating to the proposed amendments are available for public inspection at the Development Services Department, Paradise Town Hall at 5555 Skyway, Paradise, CA. If you challenge the proposed amendments in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Paradise Planning Commission at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6291, extension 114.

SUSAN HARTMAN  
Acting Planning Director