



CITY OF RED BLUFF

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PLANNING COMMISSION MINUTES Tuesday, March 27, 2018, 5:15 p.m. City Council Chambers

1. CALL TO ORDER:

Chairperson Piffero called the meeting to order at 5:15 p.m.

2. PLEDGE OF ALLEGIANCE:

Chairperson Piffero led the pledge of allegiance.

3. ROLL CALL:

Planning Commissioners Present:

Steve Piffero, Chairperson
Doug Dale, Vice Chair
Gerry Reyes, Commissioner
Dave Dhugge, Commissioner
Chris Mollenkamp, Commissioner

Planning Commissioners Absent:

None

Staff Present:

Scott Friend, Community Development Director
Robin Kampmann, Public Works Director / City Engineer
Anita Rice, Deputy City Clerk

4. CITIZEN COMMENT:

None

5. APPROVAL OF MINUTES

Commissioner Dale motioned to approve the January 23, 2018 minutes and Commissioner Reyes seconded the motion.

AYES: Commissioners Dale, Piffero, Reyes, and Dhugge

NOES None

ABSENT OR ABSTAIN: Commissioner Mollenkamp

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6. PUBLIC HEARING

6.1 Zoning Amendments; Accessory Dwelling Units

Community Development Director Scott Friend briefed the Commission on the new Zoning Code Amendments, specifically accessory dwelling units, which were passed by the State and the necessity to update the City's zoning code amendments so they are consistent with State law. On January 1st, 2018, new legislation adopted by the State of California (SB 1069 and AB 2299) regarding Accessory Dwelling Units (ADUs) came into effect. This new legislation added new language to Government Code 65852.2, which discusses ADUs and the regulations for the permitting of this type of dwellings unit. As a result, the City is required to revise the Red Bluff Municipal Code to comply with new state regulations for ADUs.

In addition to those requirements of Government Code 65852.2, The City's 2014-2019 Housing Element has three Programs which required a revision to certain Zoning Ordinance language as this text was not in compliance with State housing law, according to the California Department of Housing and Community Development (HCD).

Mr. Friend recommended adoption of Resolution #05-2018 and of the Notice of Exemption prepared for the proposed action.

Chairperson Piffero opened the Public Hearing at 5:17 p.m.

Mr. Friend explained that the public hearing was advertised in the paper to give the public a chance to speak and welcomed public comment.

George Robison spoke in favor of accessory dwellings and encouraged the Commission to recommend the zoning code amendment to City Council.

Chairperson Piffero asked for further comments and there being none, he closed the public hearing at 5:26 p.m.

Commissioner Dale moved to approve Resolution No. 5-2018 and the Notice of Exemption. Chairperson Piffero and Commissioner Mollenkamp seconded the motion.

AYES: Commissioners Dale, Dhugge, Piffero, Reyes and Mollenkamp

NOES: None

ABSENT OR NOT VOTING: None

7. NEW BUSINESS

7.1 Resolution No. 04-2018 Tentative Parcel Map No. 14-06; Extension of Time

Director Friend explained that the original Tentative Parcel Map (TPM) was approved by the City Council on January 19, 2016. TPMs have a valid time for two years from time for approval. The City of Red Bluff Municipal Code Section 20.5(C)(2) allows for an extension of time of one year with the approval of the Planning Commission. Section 20.5(C)(2) is as follows:

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Upon written application within one year of date of approval of the tentative map, an extension of time for filing of not to exceed one year may be granted by the Planning Commission.

The TPM was approved to divide an existing legal nonconforming parcel (APN 29-306-09) into two nonconforming parcels. The subject property is located at 437 Cedar Street and currently, uses on the parcel are a 3,200 sq. ft. two-story single family home with a 375 sq. ft. detached garage and 1,300 sq. ft. commercial office building. The TPM established two parcels; Parcel 1 includes the commercial office building and Parcel 2 includes the single family home and detached garage.

Commissioner Dale moved to approve the Tentative Parcel Map No. 14-06 Time Extension and Commissioner Reyes seconded the motion.

AYES: Commissioners Dale, Reyes, Piffero, Dhugge and Mollenkamp

NOES: None

ABSENT OR NOT VOTING: None

7.2 Resolution No. 06-2018; General Plan/Housing Element Annual Report

Director Friend explained that the California Government Code Section 65400(a)(2) mandates that all cities and counties submit to their legislative bodies an annual report on the status of the general plan and progress in its implementation. A copy of this progress report must also be sent to the Governor's Office of Planning and Research (OPR) and the Department of Housing and Community Development (HCD) by April 1st of each year.

The intent of this directive is to ensure that the general plan directs all land use decisions and remains an effective guide for future development. Because the role of the general plan is to act as a "constitution" for the long-term physical development of a community and because it is required to be updated periodically to reflect current circumstances, it is critical that local planning agencies periodically review the general plan and its implementation. The report is a tool for doing this.

The main purpose and most important function of the report is to provide local legislative bodies with information regarding implementation of their general plans. The report must be presented to the local legislative body for their review and acceptance. This is typically done by placing the report on a regular meeting agenda as a consent or discussion item.

Director Friend recommended approval of Resolution No. 06-2018 and welcomed questions.

Commissioner Mollenkamp inquired if the State has the authority to require additional low income housing in Cities.

Director Friend explained that Cities do not build but they need to show there are no impediments against builders or regulation hurdles to prevent building.

Reyes requested and received clarification as to how many mobile home parks are in the City. Commissioner Reyes motioned to approve Resolution 06-2018 as submitted and Commissioner Mollenkamp seconded the motion.

AYES: Commissioner Reyes, Mollenkamp, Dale, Dhugge and Piffero

NOES: None

ABSENT OR NOT VOTING: None

7.3 Proposed Sale of a Portion of Madison Street to the County of Tehama

Director Friend explained that the City has been in discussions with the County regarding the proposed sale of one block of Madison Street since 2016. The proposed Agreement would ultimately transfer the City's legal ownership of the 600 block of Madison Street (between Oak Street and Pine Street) to the County. The County is to pay the City a purchase price of \$305,000. In addition, the County, at their expense, will reroute Madison Street to an area west of the abandoned library. The purchase and re-routing of Madison Street by the County is proposed in anticipation of an expansion of the Tehama County Jail

Government Code Section 65402 addresses the requirements for the vacation of public streets and buildings. Section 65402(a) pertain to city owned streets. This section is as follows:

(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof.

Director Friend welcomed questions.

Chairman Piffero expressed concern over the Madison Oak Street intersection.

Director Friend responded that there is an explanatory Turn Diagram in the staff report.

Robin Kampmann, Public Works Director, informed the Commission that it meets City Standards.

Director Friend stated that a fire truck radius was used in the turning graphic to make sure it works for the Fire Department.

Commissioner Reyes motioned to approve Resolution No. 07-2018; a vacation of Madison Street as submitted and Commissioner Dhugge seconded the motion.

AYES: Commissioners Reyes, Dhugge, Dale, Piffero and Mollenkamp

NOES: None

ABSENT OR NOT VOTING: None

7.4 City Staff Interpretation Request for the Placement of Schools

Director Friend explained that the Red Bluff Zoning Ordinance defines the areas in the City where schools are allowed. With the exception of church owned schools (which are allowed in residential districts with a CUP), “schools, public” are only identified as being allowed in the P-A (Public Agency) zoning district. Private schools are not defined by the City Municipal Code.

Staff has had requests to for the development of private schools in recent months. Staff has reviewed the possible areas in the City where a new private school can be accommodated. The development of a new public school is limited to the P-A zoning district. Staff has determined that there is no available land which is not already occupied by a school, public building, landfill, or park in the City. Additionally, no structures are for sale in this zoning district that could be developed as a private or public school.

Staff has had requests for the development of private schools in recent months, however, due to limited availability of land and/or sale of vacant structures in the P-A zoning district, and the fact that the zoning code does not define an area where “private schools” are allowed, the development of private schools has not been possible. Staff believes that allowing private schools in other districts would assist in the development of additional educational opportunities in the City. As such, staff is requesting of the Planning Commission, an interpretation of zoning districts in the City that could accommodate private schools in addition to the P-A zoning district.

Based on the recommendations of the Planning Commission, the Community Development Director would provide an interpretation of the allowable districts and requirements for the development of a private school in the City, and use this interpretation for any future private school development requests. This interpretation will allow for the development of private schools immediately while a zoning amendment to codify this interpretation can be completed at a later date.

Director Friend invited questions from the Commission.

Commissioner Reyes questioned how was the Sacramento River Charter School on Monroe Street was approved; going downhill, people tend to speed.

Commissioner Dale stated it is not a good fit due to the creek attracting deer and cougars. He added that operation of the school changed hands and the Planning Commission was not notified.

Director Friend explained that Land Uses are strictly for the use, not the operators using the land.

Commissioner Reyes shared that he was on the Sacramento River Charter School Board and during that time, the Tehama County Board of Education denied their extension; other schools immediately started looking at the property.

Commissioner Dale agreed that once the Planning Commission designates a use you are committed. He would like to extend this as a public hearing and publish in the Daily News to advertise for public comment rather than making a decision with lack of public input.

Director Friend stated there is an active party in escrow needing to sign a contract. The party asked to place this on this agenda as they've identified an issue and need to quicken the Commission's recommendation so they can figure out what they need to do. There is a difference between public hearings and public notices. Agendas are published 72 hours before the meeting.

Commissioner Reyes stated having worked at the Planning and Building Department in Kings County; he would be ok with allowing the charter school in the three districts, minus the industrial district with a Use Permit.

Commissioner Dale requested this agenda item to be continued to the next meeting.

Commissioner Mollenkamp questioned if trade schools are allowed in industrial districts.

Director Friend responded that Redding, Anderson and Chico all allow trade schools in industrial districts and there is something to be said for that. He recommended that definitions are created for schools/public, schools/charter and schools/trade because we don't want to put children in an area where it would affect other land uses. If you teach welding, it would be good to be in an industrial district but if you teach floral design, not good so we need to create appropriate definitions.

Commissioner Reyes inquired about the e-learning school on Jackson Street; how was that approved.

Commissioner Dale stated there was another school that went into a strip mall and went under.

Director Friend stated that different people were getting different answers because the code doesn't have guidelines; better to have rules, let's create a standard.

Commissioner Mollenkamp stated it would be beneficial to allow schools in residential/commercial zones with a use permit and trade schools in industrial districts, depending on the trade and age.

Commissioner Dale motioned to extend the Staff Interpretation to the next Planning Commission Meeting. Commissioner Piffero seconded the motion.

AYES: Dale, Piffero, Dhugge, Reyes, Mollenkamp

NOES: None

ABSENT OR NOT VOTING: None

Director Friend stated he would re-advertise this agenda item for the next Planning Commission and offered to bring more information if the Commission felt they needed it.

Piffero stated the staff report charts are too confusing and asked the charts to be reconfigured to make more sense.

Commissioner Dale requested and received confirmation that this item can be on the next agenda rather than waiting for another item months later to have a Planning Commission Meeting.

Commissioner Reyes suggested the new zoning ordinance chart depicts the City's current status, surrounding jurisdiction's status and Director Friend's recommendations.

Commissioner Reyes suggested giving the public another 30-days notice.

Commissioner Dale suggested a press release.

8. STAFF REPORT

New Land Use Legislation; Power Point

Scott Friend, Community Development Director, summarized new legislation with a Power Point presentation on the following topics:

- affordable housing
- single-user restrooms
- recreational marijuana
- court decisions / approved development
- CEQA
- procedural; e.g. findings and substantial evidence - public noticing
- land use; use of public right of way - general plan/zoning consistency

Mr. Friend announced that the City's budget committee approved funds for the General Plan Amendment.

10. ADJOURN

There being no further business, Chairperson Piffero adjourned the Planning Commission Meeting at 6:23 p.m. until the meeting of April 24, 2018 at 5:15 p.m.

Scott Friend
Community Development Planner