

**CITY OF FOLSOM
PLANNING COMMISSION MINUTES
June 6, 2012
CITY COUNCIL CHAMBERS
6:30 p.m.
50 Natoma Street
Folsom, California 95630**

CALL TO ORDER PLANNING COMMISSION: Vice Chair Ross Jackson; Commissioners: John Arnaz, Dave Benevento, Lance Klug, Brian Martell, Thomas Scott

ABSENT: Greg Eldridge

CITIZEN COMMUNICATION: None

MINUTES: Minutes of May 16, 2012 were approved as submitted.

NEW BUSINESS:

1. **PN12-149, An Ordinance of the City of Folsom Amending Sections 17.22. 020, 17.22.030E, and 17.22.040 of the Folsom Municipal Code Pertaining to Use Permits**

Senior Planner Banks gave the staff report, stating that under consideration is a proposed amendment to three sections of the Folsom Municipal Code all relative to Conditional Use Permits (CUP). Planner Banks stated that a wide variety of CUP requests were received and that there is currently no differentiation in cost or type of use between the CUPs. Staff is aware that in recent times the \$5,000 cost of the CUP has been an obstacle for many smaller businesses. The objective of the ordinance is to establish "minor" and "major" use permits based on intensity of use and staff time required to process. The ordinance will also modify the Commercial Land Use Table to refine which uses are to be conditionally permitted and not permitted. Lastly, the proposal will modify the special condition requirements for consistency. The cost of the "minor" CUP will be approx. \$2,500. Most of the changes made to the Commercial Use Table are not a comprehensive reform but to address short term needs of small businesses to open in the City. A broader reform will be addressed at a later date. The fee portion of the proposal will be addressed by the City Council at an upcoming meeting.

Commissioner Scott asked Planner Banks how the original \$5,000 fee was arrived at and what revenue impact the change of fees would produce. In response to Commissioner Scott, Planner Banks stated that he was not aware of how the \$5,000 fee was arrived at, but the \$2,500 fee was based on staff time; the fees are deposit-based, and if staff time went above the expected amount additional fees could be charged.

Commissioner Scott asked Planning Manager Johnson how often the Commercial Use Table was updated. Planning Manager Johnson stated that an update has not been done since 1998 but that an overhaul would be done in the future. He also stated that \$5,000 is a common fee for a CUP in the region.

Vice Chair Jackson asked Senior Planner Banks about a CUP for a Tattoo Parlor that eventually found out they were not qualified for the location requested. The applicant chose not to proceed. Planning Manager Johnson stated that if that applicant found another location that was similar, the City would work with the applicant to reduce the fees as a modification if possible.

COMMISSIONER KLUG MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL OF ORDINANCE NO. X – AMENDING SECTION OS 17.22.020, 17.22.230(E) AND 17.22.040 OF THE FOLSOM MUNICIPAL CODE PERTAINING TO USE PERMITS, PER ATTACHMENT 1, WITH THE FOLLOWING FINDINGS: GENERAL FINDINGS "A" AND "B" AND CEQA FINDING "C."

COMMISSIONER SCOTT SECONDED THE MOTION WHICH CARRIED WITH THE FOLLOWING VOTE:

AYES: ARNAZ, JACKSON, BENEVENTO, KLUG, MARTELL, SCOTT
NOES: NONE
ABSTAIN: NONE
ABSENT: ELDRIDGE

2. **PN12-016, An Ordinance of the City of Folsom Amending Section 17.60.060 of the Folsom Municipal Code Pertaining to the Expiration of Use Permits Due to Abandonment**

Planning Manager Johnson gave the staff report stating that currently in the City Use Permits do not have an expiration date even if the business ceases operation. This causes concern because a permit may become dormant for many years but the permitted use continues even if community conditions may have changed. This ordinance would provide a mechanism for those abandoned permits to expire. The ordinance would limit the life of the CUP to 12 months after abandonment. City staff would be required to notify the permit holder of the pending expiration and provide an opportunity to have a public hearing before the commission.

Commissioner Scott asked Planning Manager how many permits may be affected by this ordinance. Planning Manager Johnson stated that he did not have the actual number but was probably 15 – 25 that are no longer in operation. Commissioner Scott asked if there was a particular property that prompted this ordinance and Planning Manager Johnson stated that there was not and that it would provide the ability to take this action if the need arose. Assistant City Attorney Wang stated that a letter would be sent to the last known business owner and the property owner advising them of the pending abandonment and their right to a hearing. If no action is taken by the parties, a new use could be considered.

Commissioner Scott asked Assistant City Attorney Wang when the 12 month period would begin. Assistant City Attorney Wang stated that the 12 month period would have to be documented by City Staff before the letter was sent but it could also be sent before the 12 month period was over. This would allow the City to work with the business owner to continue their business to the benefit of everyone.

Commissioner Benevento asked Assistant City Attorney Wang if the lack of a business license constituted abandonment of use. Attorney Wang stated that a City of Folsom business license, by law, is a revenue collecting measure and could not, by itself, be an indication of abandonment.

Vice Chair Jackson asked about the situation of a long term remodeling project and how it would affect the abandonment issue. Attorney Wang stated that it was taken into consideration in the ordinance, Section C-7.

COMMISSIONER JACKSON MOVED TO RECOMMEND TO THE CITY COUNCIL APPROVAL FOR THE PROPOSED AMENDMENT TO ADD A NEW SUBSECTION 17.60.060(C) TO THE FOLSOM MUNICIPAL CODE PERTAINING TO ABANDONMENT OF A PREVIOUSLY ACTIVE USE PERMIT DUE TO DISCONTINUED USE AND PROJECT IN THE ATTACHED DRAFT ORDINANCE WITH THE FOLLOWING FINDINGS: GENERAL FINDINGS "A" AND "B" AND CEQA FINDING "C" AS AMMENDED ON THE GREEN SHEET.

COMMISSIONER KLUG SECONDED THE MOTION WHICH CARRIED WITH THE FOLLOWING VOTE:

AYES: ARNAZ, JACKSON, BENEVENTO, KLUG, MARTELL, SCOTT

NOES: NONE

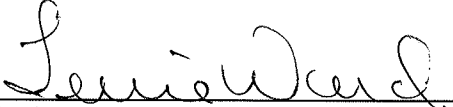
ABSTAIN: NONE

ABSENT: ELDRIDGE

Commissioner Scott requested of staff, for a future meeting, that a report be given regarding Certified Access for ADA compliance. He would like to have a presentation of where the City stands relative to ADA enforcement for existing businesses.

There being no further business, the meeting was adjourned at 7:15 p.m.

RESPECTFULLY SUBMITTED,


Terrie Ward, Administrative Assistant

APPROVED:


CHAIR GREG ELDRIDGE