



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931
TELEPHONE (530) 872-6291 FAX (530) 877-5059
www.townofparadise.com

Planning Staff:

Craig Baker, Community Development Director
Susan Hartman, Assistant Planner

PLANNING DIRECTOR MEETING AGENDA REGULAR MEETING – 2:00 PM – September 25, 2012

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact Community Development Director Baker, at 872-6291 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 Director on any agenda item, including closed session. If you wish to address the Planning Director 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 the Planning Director 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 the Planning Director. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

1. APPROVAL OF MINUTES

1a. Approve minutes from the February 7, 2012, Planning Director meeting

2. PUBLIC COMMUNICATION (Public Presentation of Non-Agenda Items)

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 Planning Director meeting.

*** * * * PUBLIC HEARING PROCEDURE * * * ***

- A. Staff comments
- B. Open the hearing to the public
- C. Close hearing to the public
- D. Project decision

3. CONTINUED PUBLIC HEARING - None

4. PUBLIC HEARING

4a. ROSS Use Permit (PL12-00249): Approval of a use permit application proposing to establish a construction sales and service land use (fencing contractor) on a +0.58 acre property improved with a vacant commercial building and single family residence at 1041 Green Tree Court, AP No. 051-153-016.

5. 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: _____	
_____ TOWN/ASSISTANT TOWN CLERK SIGNATURE	

M I N U T E S

CALL TO ORDER

Planning Director Craig Baker called the meeting to order at 11:00 a.m.

1. APPROVAL OF MINUTES –

The meeting minutes of December 12, 2011 were approved by the Planning Director.

2. PUBLIC COMMUNICATION – None.

3. CONTINUED PUBLIC HEARING – None.

4. PUBLIC HEARING

a. Items previously determined exempt from environmental review:

4a. WORK TRAINING CENTER Use Permit Modification (PL12-00006) Application requesting to modify the terms and conditions of a previously approved use permit (modification of requirements for the timing of public street frontage improvements) for property located at 7837 Skyway, Paradise, AP No. 051-163-039.

Planning Director Baker introduced Assistant Planner Hartman who explained that Condition No. 5 of the modified use permit currently requires the construction of public street frontage improvements along the full length of the public street frontage of the project site to the town-adopted C-1 road standard within three years of building occupancy and public patronage.

In the application materials the applicant indicated that recent cost estimates of the required frontage improvements have now increased exceeding the original cost estimate for the work. As such, the project applicants have again submitted a request to modify Condition No. 5 by extending the deadline by which the frontage improvements must be completed from three years from building occupancy to **eight years** from building occupancy - an extension of an additional five years.

Ms. Hartman indicated that, in reviewing the conditions of the modified use permit it became apparent that in addition to further modifying Condition No. 5, the heading for Condition No. 7 would also require modification. Condition No. 7 addresses the pre-approval of the engineered street and drainage improvement plans for the frontage improvements as required in Condition No. 5. The existing modified use permit currently requires the submittal of the engineered street and drainage improvements plans one year prior to the completion of the improvements. Therefore, staff is not only supportive of granting the applicant's request to modify Condition No. 5 of the Work Training Center use permit (PL10-00053), but also modifying the heading for Condition No. 7 to be completed one year prior to the extended deadline.

Planning Director Baker opened the Public Hearing at 11:05 a.m.

Bob Crawford, property owner, stated that he is supportive of the project.

Planning Director Baker closed the Public hearing at 11:05 a.m.

Planning Director Baker adopted the findings as presented by staff, directed staff to re-issue the Work Training Center use Permit and approved the modification request to read as follows:

*5. "Post a bond or similar financial instrument with the Town of Paradise in a manner deemed satisfactory to the Town Engineer guaranteeing construction of all required public street frontage improvements within **eight years** of building occupancy and public patronage. The project developer shall complete frontage improvements to the Town-adopted C-1 public street standard (or equivalent, as determined by the Town Engineer) along all project site frontage of the Skyway in accordance with engineered street frontage improvement plans approved by the Town Engineer. Frontage and site improvements shall be designed and constructed in accordance with the requirements of the Americans with Disabilities Act (ADA)."*

*"CONDITIONS TO BE MET WITHIN **EIGHTY-FOUR MONTHS** OF OCCUPANCY AND PUBLIC PATRONAGE"*

It was announced that the decision of the Planning Director can be appealed within 7 days of the decision date.

4 b. 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.

Assistant Planner Hartman explained that the property owners are requesting approval from the Town of Paradise to further modify use permit conditions #11 & 12 from the heading *Conditions of Land Use Operation – Business Operation* as previously revised and adopted at the Planning Director public hearing held on December 21, 2010. This is the third request for a time extension to complete the use permit requirements since the original project approval in April, 2009.

Staff has reviewed the project in regards to the issuance of an additional time extension in order to facilitate the potential sale of the property and subsequent completion of modified use permit conditions #11 & 12. At this time, staff is only supportive of extending the timeframe to record the covenant agreement for frontage improvements along Queen Dr (condition #11). The Elliott Road right-of-way dedication is essential to the Town for the maintenance and future upgrade of Elliott Road. Any potential buyer(s) would be buying the property knowing that the current land use necessitates the dedication of right-of-way to the Town. Therefore, staff does not feel that the fact that the property is for sale is a compelling reason to extend the timeframe for the dedication beyond the almost three years already granted.

Planning Director Baker opened the Public Hearing at 11:13 a.m.

Tina Jordan Trainque stated that she asked for the modified use permit and is currently leasing the property. She inquired that if Trinity Pines was not there, and the current use permit did not exist, what would happen with the right-of-way being asked for? She was concerned with how much it would cost the property owner and why should they give away 40 feet of their property when they could potentially receive a financial gain if the property is eventually purchased by the Town for the right-of-way privilege.

Planning Director Baker stated that the planned right-of-way width for Elliott Road is 80 feet; 40 foot from the center line on each side. Often, whenever a planning entitlement, or even a building permit, is requested, it triggers the right-of-way dedication for future road improvements pursuant to municipal code requirements for those applications. Planning Director Baker pointed out that other hearings on the agenda deal with right-of-way dedications and were required to dedicate the right-of-way immediately instead of deferring it. Use permits are intended to be forever and do not expire unless the use permit is revoked. It was noted that the requested right-of-way dedication is a 10 foot strip of property across the Elliott Road frontage that is within the building setback line and cannot be used for building. There is a long standing Town policy of requiring the right-of-way dedication and if the property owner is not in agreement, the Planning Director is required, by Town Administrative Policy, to forward the matter to the Planning Commission under such circumstances. Mr. Baker asked if the applicant or property owner would prefer that the right-of-way dedication decision be referred to the Planning Commission where they would hold a public hearing to review the recommended staff action.

Art Andreas, property owner, stated that it was all dependent on Trinity Pines. They were going to purchase the property and take care of those items. Otherwise, the right-of-way might encumber the sale of the property. He would have to point out to a potential buyer that 10 feet of the property, including landscaping, is not actually part of the property which may provide for a negative situation in selling the property.

Mr. Baker asked Mr. Andreas if it would be beneficial for them to sell the property with the current tenant in place. Mr. Andreas stated that it would be for whoever bought it. Mr. Baker stated that if the property sold, the modified use permit requires the right-of-way dedication within 60 days which would make the new buyer subject to the same requirements, making Mr. Baker unsure of how that would affect the value. Mr. Andreas said that if someone else purchased the property they may not want Trinity Pines there and just want to live there in the residence. A two-family residential land use is subject to a public hearing and the buyer should be made aware of this, too.

Mr. Baker referred back to the recommendation of staff and asked whether or not Mr. Andreas was in disagreement with the policy of the Town to require right-of-way dedication for a use permit. Mr. Andreas answered yes. Mr. Baker stated that without an entitlement the previous two-family land use is non-conforming. Right now the use is conforming because of the use permit.

Mr. Baker asked Mr. Andreas if he was in agreement with staff's recommendations to have an additional 60 days to offer the right-of-way dedication and to execute a covenant agreement within a year. Mr. Andreas said that he and his wife are not in agreement with that. Mr. Baker stated that he had not made any decisions regarding staff's recommendations and that is why he was asking the Andreas' for input.

Mr. Andreas asked that if someone purchased the property and opened a beauty shop, would they need a use permit? Mr. Baker stated that personal services in the Community Commercial zoning district is a permitted use and would not be subject to a use permit.

Mr. Andreas said that there would be an encumbrance to whoever buys it in the future, there would be some cost. Mr. Baker stated that when the Planning Director first heard the application he exercised his discretion to not require a covenant agreement for the Elliott Road frontage which would be a greater cost if Elliott Road was ever improved, but neither Elliott Road or Queen Drive are scheduled for any improvements.

Mr. Baker asked if Mr. Andreas would be in agreement with the two conditions if he were to extend both of the conditions for a year. Mr. Andreas said no, he is hoping to sell the property within a year and it will be up to whoever buys it what they are going to do. Whether they continue the current land use with Trinity Pines or use it for something that does not require a special use permit. As for Trinity Pines, they will have 60 days to either buy or vacate the property because there are no assurances that they will be there next month. Mr. Baker asked if Mr. Andreas was opposed to the proposed condition the way it was written. Mr. Andreas said yes.

Mr. Greg Trainque, Director of Logistics for Woodland Care Center, Parent Corporation for Trinity Pines, stated that since the Andreas' intend to sell the property, he would like to recommend that the use permit be extended for another year, or until the property sells, which would allow them, as an operation, to not worry about the next 60 days and the 12 residents they are taking care of. This would allow the Andreas' to find an outside buyer or for Trinity Pines to find a buyer/investor. Mr. Baker asked if he was the project applicant and if he was in agreement with staff's recommendation. Mr. Trainque stated that he was the project applicant and that they would not be able to find another location, or start another facility, within 60 days; it could take as long as 6 months.

Mr. Baker closed the public hearing at 11:38 a.m.

Mr. Baker stated that pursuant to a Town Administrative Policy, since the property owners and project applicants are not in agreement with staff's recommended action and there appears to be opposition to the policy of requiring right of way dedication for a use permit, the item will be referred to the Planning Commission, there will be a notice published in Saturday's paper and the item will be considered during the Planning Commission meeting of February 21, 2012 at 6:00 p.m. The property owner and applicant will receive a letter regarding the referral.

Items proposed to be determined exempt from environmental review:

4c. PERTUIT Tentative Parcel Map (PL11-00354) requesting approval of a parcel map to divide an existing +/- 1.05 acre property into two parcels of record located at 1106 & 1112 Bille Rd, Paradise, AP No. 053-011-114.

Assistant Planner Hartman explained that the proposed Pertuit tentative parcel map project entails the creation of two parcels designed for single-family residential land use. The proposed parcels would be created from an existing, ±1.05 acre parcel of record containing two single family residences. If recorded as designed, the parcel map would create separate parcels for each residence.

Mr. Hartman indicated that the project belongs to a class of projects which have been determined not to have a significant effect upon the environment, and is therefore categorically exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15315.

If **conditionally approved** by staff as recommended, the proposed project would be consistent with the goals and land use policies of the Paradise General Plan and should also be compatible with existing zoning as well as surrounding land uses.

Planning Director Baker opened the public hearing at 11:42 a.m.

Lorrie Lundy, L & L Surveying, representative for the project applicant, agreed with all the conditions except Condition No. 2 as the Covenant has already been completed.

Glenn Pertuit, project applicant, is supportive of the project.

Lori Kelly, owner of neighboring property and owner of Twin Lanes, wanted to make sure that both pieces of property had access from Bille Road and not from Twin Lanes in case of a future sale of the properties. Currently, someone has taken down the fence and is accessing a house from Twin Lanes.

Planning Director Baker stated that there does not appear to be legal access from Twin Lanes for the project property and that access is directly from Bille Road. He also stated that if there were legal issues concerning a private road, it would be between the property owners and the owner of the road and the Town of Paradise would have no involvement.

Planning Director Baker closed the Public Hearing at 11:48 a.m.

Planning Director Baker adopted the required findings as provided by staff and approved the Pertuit tentative parcel map application (PL11-00354) to create two parcels of record from an existing ±1.05 acre property located at 1106 & 1112 Bille Road, subject to the following conditions and addition to Condition No. 2:

**CONDITIONS TO BE MET PRIOR TO RECORDATION
OF FINAL PARCEL MAP**

SEWAGE DISPOSAL

1. Satisfy all requirements of the Town of Paradise Onsite Sanitary Official concerning the design of the final parcel map.

ROADS/ACCESS

2. 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 Bille Road to the town-adopted B-4 road standard **or provide recorded deed document showing that this requirement has been met.**
3. Deed forty-feet from the centerline of Bille Road to the Town of Paradise or provide recorded deed document showing that this requirement has been met.

SITE DEVELOPMENT

4. All easements of record shall be shown on the final parcel map.
5. Indicate a fifty-foot front yard building setback line measured from the centerline of Bille Road and a twenty-foot side yard building setback line measured from the centerline of Twin Lanes.
6. Complete the requirement of the Fire Marshal regarding plans submittal for a town approved turnaround facility to provide fire apparatus access to the proposed Parcel No. 2 and construct the proposed turnaround in a manner deemed satisfactory to the Town Fire Marshal.

UTILITIES

7. Meet the requirements of any utility companies regarding the establishment of necessary public utility easements.

OTHERS

8. Provide documentation from the office of the Butte County Tax Collector verifying payment of current property taxes and any assessment liens imposed by the town.
9. Provide monumentation as required by the Town Engineer in accordance with accepted town standards.
10. Place the following notes on the final parcel map information sheet:

- a. "At the time of building permit issuance authorizing new buildings or building additions, owners of Parcel Nos. 1 and 2 may be required to pay any Town of Paradise adopted development impact fees."
- b. "If any archaeological resources are uncovered during the course of future development or construction activities, all work shall stop in the area of the find until a qualified archaeologist provides an appropriate evaluation of the discovery."

It was announced that the decision of the Planning Director can be appealed to the Planning Commission within ten (10) days of the decision date.

5. OTHER BUSINESS – None.

6. ADJOURNMENT

The Planning Director adjourned the meeting at 11:49 a.m.

Planning Director

ATTEST:

Planning Secretary

**TOWN OF PARADISE PLANNING DIRECTOR
PLANNING STAFF REPORT
MEETING DATE: September 25, 2012**

FROM: Susan Hartman, Assistant Planner
SUBJECT: Ross Use Permit Application (PL12-00249)
DATE: September 19, 2012

AGENDA NO. 4 (a)

AP 051-153-016

GENERAL INFORMATION:

Applicant: John Ross
2485 Notre Dame Blvd, Ste 370-31
Chico, CA 95928

Location: 1041 Green Tree Court, Paradise

Requested Action: Approval of a use permit application proposing to establish a construction sales and service land use (fencing contractor) on a ± 0.58 acre property improved with a vacant commercial building and single family residence.

Purpose: To provide fencing materials and construction to area residents.

Present Zoning: Community Commercial (CC)

General Plan Designation: Town Commercial (TC)

Existing Land Use: Vacant commercial and residential space

Surrounding Land Use:

North:	Commercial Occupancy & Mobile Home Park
East:	Mobile Home Park
South:	Residential & Commercial Occupancies
West:	Green Tree Court

Land Area: ± 0.58 acre

Environmental Determination: Categorical Exemption – CEQA Guidelines Section 15303 (Class 3)

Other: An appeal of a Planning Director's decision can be made within 7 (seven) days of the decision date.

NOTE: THE APPLICANT OR A REPRESENTATIVE SHOULD BE IN ATTENDANCE OR THE PLANNING DIRECTOR MAY NOT TAKE ACTION ON THIS APPLICATION.

SPECIAL INFORMATION:

The project applicant, John Ross, is requesting Town of Paradise use permit application approval for the establishment of a construction sales and service land use within an existing commercial space located at 1041 Green Tree Court in Paradise. The commercial space is currently vacant.

The ±0.58 acre project site is improved with an existing commercial warehouse, a two (2) bedroom single family dwelling ,and a paved parking and dirt storage area. The project site is situated within the Community Commercial (CC) zoning district. Primary access to the site is via Green Tree Court, a paved private road connected to Skyway. Customer parking to accommodate four vehicles for the proposed use would be provided on-site within two (2) existing paved driveway approaches.

The proposed business activity would include the storage, sale and rental of fencing materials. Proposed days and hours of operation are weekdays, 7:00 a.m. to 4:00 p.m. No changes to the existing commercial warehouse or existing improvements on the site are proposed in association with the project.

ANALYSIS:

The project has received favorable responses from commenting agencies and, in consideration of the manner in which the site is improved; the project appears to be a reasonable location for the establishment of construction sales and service business occupancy if conditioned prudently. The proposed function of the project is in compliance with all applicable zoning regulations and can be found to be consistent with Paradise General Plan policies applicable to community commercial land uses.

ENVIRONMENTAL REVIEW:

As a project involving occupancy of a vacant commercial space in an area generally characterized by commercial land uses, the project belongs to a class of projects that can be determined to be categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines.

ANALYSIS CONCLUSION:

After reviewing the existing environmental setting and circumstances associated with this application request, it is staff's position that the requested use permit application is reasonable and that the establishment of the proposed project land use will promote economic development of the Town of Paradise. Staff has developed several recommended conditions of project approval to insure the orderly development of this portion of the Paradise community. Therefore, staff endorses Planning Director approval of the Ross use permit application, based upon and subject to the following recommended findings and conditions of project approval:

FINDINGS REQUIRED FOR APPROVAL:

1. Find that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines.
2. Find that the project, **as conditioned**, is consistent with the goals and policies of the Paradise General Plan because the project will result in the establishment of a commercial land use in an area zoned for such use.
3. Find that the project, **as conditioned**, is in compliance with all applicable regulations of the Community Commercial zoning district.
4. Find that adequate infrastructure is currently in place to serve the proposed project.
5. Find that the project, as conditioned, will not detrimentally affect existing plant and animal life in the project vicinity for the following reasons:
 - a. The project is located within an area that has been altered from its natural state by long-established commercial land uses;
 - b. No known outstanding wildlife habitat exists in the immediate project vicinity; and
 - c. No known rare or endangered plants are known to exist in the immediate project vicinity.

STAFF RECOMMENDATION:

After closure of the scheduled public hearing, **adopt the findings provided by staff and approve the Ross use permit application** (PL12-00249) authorizing the establishment of a construction sales and services business upon commercial property located at 1041 Green Tree Court, subject to the following conditions:

GENERAL CONDITIONS OF USE PERMIT APPROVAL

1. If any land use for which a use permit has been granted and issued is not established within three years of the use permit's effective date, the use permit may become subject to revocation by the Town of Paradise.
2. All activities on the site shall be conducted in a manner that is in compliance with the Town's Noise Ordinance Regulations (PMC Chapter 9.18).
3. Outdoor storage of materials and/or equipment shall be established and maintained such that the materials and or equipment is not visible from any off-site public or private property.
4. Secure Town of Paradise design review approval for any new business signs prior to the establishment of such signs on the site.
5. No inoperative vehicles shall be stored where visible from off of the site.
6. Outside light fixtures associated with the project shall be designed to not exceed a height of sixteen feet above finished grade and shall be shielded to prevent the direct projection of light onto adjoining and nearby properties.
7. Maintain the property in a manner consistent with the Design Standards of the Upper Skyway Commercial Corridor.

**CONDITIONS TO BE MET PRIOR TO ESTABLISHMENT OF BUSINESS
OCCUPANCY**

BUILDING

8. Meet all requirements of the Town of Paradise Building Official relative to building door signage as outlined in the written comments dated September 6, 2012 and on

file with the Development Services Department.

Ross

PL12-00249

Page 5

FIRE PROTECTION

9. Schedule and complete a Fire Prevention Inspection (\$56.00) from the Fire Marshal prior to commencing business operations. Call (530) 872-6291 ext. 123 to schedule an inspection.
10. Storage of construction materials shall be in compliance with the Fire Marshal written comments dated September 6, 2012 and on file with the Development Services Department.
11. Portable fire extinguishers are required in accordance with the Fire Marshal comments dated September 6, 2012.

OTHERS

12. Provide material evidence to the Planning Division of a valid State of California, Board of Equalization Seller's Permit number for the subject property.