



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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

www.townofparadise.com

Planning Commission Staff:

Craig Baker, Community Development Director
Susan Hartman, Assistant Planner

Planning Commission Members:

Ray Groom, Chair
Anita Towslee, Vice-Chair
James Clarkson, Commissioner
Stephanie Neumann, Commissioner
Martin Nichols, Commissioner

PLANNING COMMISSION AGENDA

6:00 PM – October 18, 2016

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 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 Regular Meeting Minutes of September 20, 2016.

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. BAROCAS CONDITIONAL USE PERMIT (PL16-002016) APPLICATION:
Consideration of a conditional use permit application to legally sanction an existing indoor private dog kennel to keep up to eight family-owned dogs in a single-family dwelling on a 0.86 acre property zoned Rural Residential – 2/3 acre minimum (RR-2/3), AP No. 050-040-145. (ROLL CALL VOTE)

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	



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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

September 20, 2016

6:00 PM

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

COMMISSIONERS PRESENT: James Clarkson, Stephanie Neumann, Anita Towslee and Raymond Groom, Chair.

COMMISSIONERS ABSENT: Martin Nichols

1. APPROVAL OF MINUTES

- 1a. MOTION BY CLARKSON, seconded by Towslee, approved Regular Meeting Minutes of August 16, 2016. Roll call vote was unanimous with Nichols absent and not voting.

2. COMMUNICATION

- a. Recent Council Actions – Community Development Director Craig Baker reported that Town Council previously introduced the 2016 Building Code Standards and re-organized the Onsite Sanitary Division.
- b. Staff Comments – None

3. PUBLIC COMMUNICATION - None

4. CONTINUED PUBLIC HEARING - None.

5. PUBLIC HEARING

- 5a. Assistant Planner Susan Hartman reported to the Planning Commission regarding consideration of a resolution that would recommend Town Council adoption of text amendments to various chapters of Title 17 (Zoning Ordinance) of the Paradise Municipal Code to comply with California Health and Safety Code Sections 17021.5 and 17021.6 with respect to housing for agricultural employees. The proposed text amendments will include amendments to individual zoning district regulations and zoning ordinance definitions. This item is determined to be exempt from environmental review under CEQA Guidelines section 15061(b)(3) (General rule exemption).

Chair Groom opened the Public Hearing at 6:11 p.m.

There were no public comments.

Chair Groom closed the Public Hearing at 6:11 p.m.

MOTION BY CLARKSON, seconded by Towslee, adopted Planning Commission Resolution No. 16-01, “A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Title 17 of the Paradise Municipal Code Relative to Agricultural Employee Housing”. Roll call vote was unanimous with Nichols absent and not voting.

6. OTHER BUSINESS- None.

7. COMMITTEE ACTIVITIES - None

8. COMMISSION MEMBERS

Community Development Director Baker informed the Planning Commissioners that a Use Permit application for a private dog kennel will be on the October Planning Commission agenda and reported on the following projects; Safeway, Hunter/Hanosh, Eye Life Institute and Carousel Motel.

9. ADJOURNMENT

Chair Groom adjourned the meeting at 6:19 p.m.

Date approved:

By: _____
Ray Groom, Chair

Attest:

Dina Volenski, CMC, Town Clerk

**TOWN OF PARADISE PLANNING COMMISSION
PLANNING STAFF REPORT
MEETING DATE: October 18, 2016, 6:00 p.m.**

FROM: Susan Hartman, Assistant Planner
SUBJECT: Barocas Use Permit Application (PL16-00216)
DATE: October 11, 2016

AGENDA NO. 5(a)
AP 050-040-145

GENERAL INFORMATION:

Applicant: Robin Barocas
7191 Pentz Road, #B
Paradise, CA 95969

Location: 7191 Pentz Road, #B

Requested Action: Use permit application approval to legally sanction a private indoor dog kennel in an existing single-family residence.

Purpose: To allow eight family-owned dogs to be kept indoors on the premises.

Present Zoning: Rural Residential – 2/3 acre minimum

General Plan Designation: Rural Residential

Existing Land Use: Two-family residential

Surrounding Land Use:

North:	Low density residential
East:	Pentz Road
South:	Medium density residential
West:	Vacant

Parcel Size: ±0.86 acre

CEQA Determination: Categorically Exempt - CEQA Section 15301 (Class 1 exemption)

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

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

SPECIAL INFORMATION:

The project applicant is seeking authorization from the Town of Paradise to permit an unsanctioned indoor private dog kennel for the long-term keeping of up to eight family-owned dogs. The ±0.86 acre property is located at 7191 Pentz Rd and is currently developed with two single-family dwellings and two accessory structures. Zoning assigned to the site is Rural Residential-2/3 acre minimum (RR-2/3).

If approved, dogs would be kept within one of the existing single family residences on the project site and would be taken outside to a small fenced area for brief periods as necessary. No interior or exterior changes are proposed for the residence.

On August 31, 2016 the Planning Director conducted a public hearing regarding this project. During the hearing, a petition signed by fourteen neighbors was submitted in opposition of the project, citing negative impacts to property values and the associated noise of barking dogs. Written input provided by town Animal Control staff has indicated that no valid, actionable barking dog complaints have been lodged to date that are specific to the project site address. However, Town Council Administrative Policy No. 650, adopted in 1991, requires the Planning Director to refer to the Planning Commission any projects for which notable written opposition is submitted. Therefore, the Planning Director public hearing was adjourned and the project was scheduled for Planning Commission consideration.

ANALYSIS:

This project has been determined by planning staff to belong to a class of projects which are categorically exempt from environmental review, pursuant to the requirements of the California Environmental Quality Act (CEQA Section 15301 Class 1 *Existing Facilities*).

Paradise Municipal Code (PMC) Section 17.12.200 (*Permitted and conditional uses*) provides that an indoor dog kennel, defined as any premises whereon five or more dogs are kept, can be established within the RR-2/3 zone subject to town approval of a use permit. Hence, submittal of the Barocas Use Permit application is consistent with zoning regulations assigned to the project site. There are no other specific requirements, standards or other guidance contained within the town's zoning regulations regarding the establishment of dog kennels. Town staff is not aware of any other use permit application having been processed authorizing the establishment of a dog kennel in town.

PMC Chapter 5.15 (*Kennels*) requires the issuance of a town-approved kennel license to authorize the keeping of five or more dogs on a single site.

The eight dogs are all small and no evidence of noise disturbances due to barking has been documented by town staff. The premises has been inspected by town Animal

Control staff and found to be in a clean, sanitary condition. The dogs have all been vaccinated for rabies and licensed as required to obtain a kennel license from the town. No other dogs are currently kept on the property.

ANALYSIS CONCLUSION:

Based upon the circumstances outlined above and the neighboring properties of predominantly single family residential land uses, this use permit application is eligible to be approved by the Planning Commission. Accordingly, staff has prepared findings to support approval of the project and developed a list of recommended conditions of project approval intended to ensure compatibility with surrounding land uses. However, based upon material evidence and public testimony provided during the public hearing for this project, town staff has also developed findings to support denial of the use permit, should the Planning Commission chose not to approve the use permit.

RECOMMENDATION:

Conduct and public hearing for the Barocas use permit and accept public testimony and material evidence regarding the project. Close the hearing, adopt findings for approval and approve the Barocas use permit application (PL16-00216) for property located at 7191 Pentz Road (AP 050-040-145), requesting authorization to establish an indoor dog kennel for up to eight family-owned dogs, subject to the recommended conditions of project approval provided by town staff.

Alternatively, if a majority of the Planning Commission chooses to deny the project based upon material evidence and public testimony, move to adopt the findings for denial provided by staff and deny the Barocas use permit application.

REQUIRED FINDINGS FOR APPROVAL:

- a. The proposed project is categorically exempt from environmental review under the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15301, (Class 1) of the CEQA guidelines
- b. Find that, as conditioned, approval of the Barocas use permit can be found to be consistent with the goals and land use policies of the current 1994 Paradise General Plan and in compliance with the RR-2/3 zoning assigned to the project site.
- c. The proposed project, as conditioned by the Town of Paradise, will not be detrimental to the public health, safety and general welfare.

REQUIRED FINDINGS FOR DENIAL:

- a. Find that, based upon material evidence and public testimony provided during the Barocas use permit hearing, it is probable that project approval would result in the generation of frequent noise disturbances that would not be compatible with adjacent and nearby residential land uses.
- b. Find that the project is not consistent with General Plan Policy No. NP-8, which states that the town shall endeavor to preserve quiet residential areas by limiting traffic and noise-generating land uses.
- c. Find that, based upon material evidence of record and public testimony, the proposed project would be detrimental to the public health, safety and general welfare.

CONDITIONS OF INDOOR KENNEL 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, or if compliance with use permit conditions of approval is not achieved and maintained, the use permit may become subject to revocation by the Town of Paradise.
2. Schedule an inspection of the indoor kennel by town Animal Control staff and meet any resulting requirements within thirty (30) days of the effective date of this use permit. Provide evidence thereof to the town Development Services Department [planning division].
3. Secure the issuance of a town-approved kennel license from the Paradise Police Department within thirty days of the effective date of this use permit.
4. Maintain current rabies vaccinations for all dogs kept at the indoor kennel and meet all dog licensing requirements of the Town of Paradise.
5. Excepting brief periods of outdoor activity necessary for sanitation purposes and/or transport off of the site, all dogs shall be kept indoors at all times. Any outdoor activity shall be limited to the 25' x 24.5' fenced area adjacent to the indoor kennel.
6. All areas of the indoor dog kennel shall be kept in a clean and sanitary condition free from any accumulation of animal waste. Properly dispose of all animal waste.
7. The indoor kennel shall be operated in compliance with the requirements of PMC section 6.12.030 (*Nuisances-designated*), particularly with regard to noise

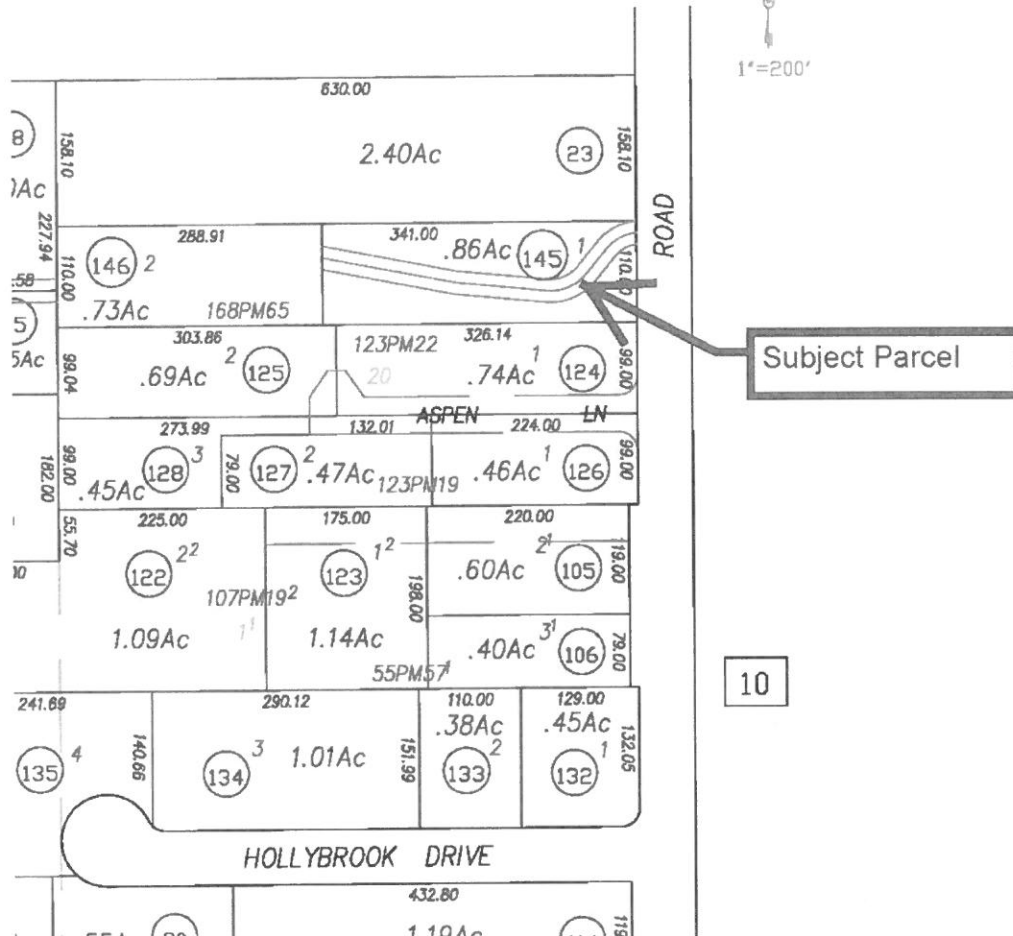
disturbances.

8. The indoor kennel shall be subject to all requirements of PMC Chapter 6.28 (*Kennels/pet shops*).
9. The indoor kennel shall be limited to the keeping of no more than eight small dogs of any age. No other dogs may be kept upon the property for the term of the indoor kennel land use.
10. All dogs kept at the private indoor dog kennel shall be licensed to Robin Barocas as the resident occupying the single-family residence/indoor kennel addressed as 7191 #B Pentz Rd in Paradise.

**LIST OF ATTACHMENTS FOR BAROCAS USE PERMIT APPLICATION
(PL16-00216)**

1. Project site vicinity map
2. Notice sent to surrounding property owners and the Paradise Post for the October 18, 2016 public hearing
3. Mailing list of property owners and agencies notified of the October 18, 2016 public hearing
4. Comments received from Animal Control Officer Supervisor Jen Robbins dated August 8, 2016
5. Project description submitted by the project applicant, Robin Barocas
6. Ms. Barocas' written response to the town's request for additional information regarding the project dated July 14, 2016
7. Site plan for the Barocas kennel project
8. Protest petition submitted at the August 31, 2016 Planning Director hearing
9. Draft minutes from the Planning Director public hearing dated August 31, 2016
10. Draft minutes from the Planning Director public hearing dated September 14, 2016
11. Notice of exemption document for the Barocas use permit

50-04



APPLICANT: Robin Barocas		ADDRESS: 7191 Pentz Rd
OWNER: Charles Wallen		
PROJECT DESCRIPTION:		
Conditional Use Permit application proposing to legally sanction an existing indoor private dog kennel to keep up to eight family-owned dogs in a single-family dwelling on a 0.86 acre property zoned Rural Residential – 2/3 acre minimum.		
Zoning: RR 2/3	GENERAL PLAN: RR	FILE NO. PL16-00216
ASSESSOR PARCEL NO. 050-040-145		MEETING DATE: October 18, 2016

**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, October 18, 2016 at 6:00 p.m. in the Town Hall Conference Room, 5555 Skyway, Paradise, CA, regarding the following matter:

- a. Item to be determined to be exempt from environmental review

BAROCAS CONDITIONAL USE PERMIT (PL16-00216) APPLICATION: Consideration of a conditional use permit application to legally sanction an existing indoor private dog kennel to keep up to eight family-owned dogs in a single-family dwelling on a 0.86 acre property zoned Rural Residential – 2/3 acre minimum (RR-2/3) at 7191 Pentz Rd, AP No. 050-040-145

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 111.

CRAIG BAKER, Planning Director

050-040-145-000
COULOURES PETER A & ANNE V
101 ARROYO CT #3
SAN MATEO CA 94402

050-040-125-000
HAWKINS RONALD & SHANNON
REVOCABLE LIVING TRUST
1657 ASPEN LN
PARADISE CA 95969

050-040-023-000
HAYNES BARBARA JOANNE
P O BOX 2016
PARADISE CA 95967

050-040-146-000
COULOURES PETER & ANNE
REVOCABLE TRUST ETAL
101 ARROYO CT #3
SAN MATEO CA 94402

050-100-138-000
LESAGE WILSON FAMILY TRUST
8345 LAKE FOREST DR
SACRAMENTO CA 95926

050-013-060-000
SUIHKONEN STEVEN & MINDY
1621 CONNERS CT
PARADISE CA 95969

050-013-062-000
BOYNTON ARNOLD L & CYNTHIA M
PO BOX 1706
PARADISE CA 95967

050-100-147-000
FRASER DENNIS TRUST
18008 MALLARD ST
WOODLAND CA 95695

050-013-059-000
ADAN MICHAEL A III
PO BOX 1455
BOYES HOT SPRINGS CA 95416

050-013-061-000
MAHLING MONTE C & MAHLING
RHONDA R
1611 CONNERS CT
PARADISE CA 95969

050-100-105-000
LABOSKY PHILIP SR & MICHELE
6845 PENTZ RD
PARADISE CA 95969

050-040-128-000
HAWKINS RONALD & SHANNON
REVOCABLE LIVING TRUST
1657 ASPEN LN
PARADISE CA 95969

050-040-122-000
NAAB WILLIAM G & LORETTA
7157 PENTZ RD
PARADISE CA 95969

050-040-105-000
ROBISON DAVID W & GLORIA E
7155 PENTZ RD
PARADISE CA 95969

050-040-123-000
THOMSEN TRAVIS JR
7159 PENTZ RD
PARADISE CA 95969

050-100-003-000
KING RICHARD D & ANITA M
7190 PENTZ RD
PARADISE CA 95969

050-040-124-000
TUELL PAULA J
7181 PENTZ RD
PARADISE CA 95969

050-100-106-000
SWANGLER ANTHONY A & IDALIA M
723 BILLE RD
PARADISE CA 95969

050-040-126-000
BILLEDEAUX BASEY K & DANA M
1694 ASPEN LN
PARADISE CA 95969

050-040-127-000
KIEFER GREGORY A & SHELLY L
1678 ASPEN LN
PARADISE CA 95969

050-100-122-000
ROSS MICHAEL L & DEBRA K
7172 ARANY CT
PARADISE CA 95969

050-090-045-000
LESAGE WILSON FAMILY TRUST
8345 LAKE FOREST DR
SACRAMENTO CA 95826

Barocas, Robin
7191 Pentz Road
PARADISE CA 95969

Paradise Unified School District
6696 Clark Road
Paradise, CA 95969

Paradise Irrigation District
6332 Clark Road
Paradise, CA 95969

Paradise Recreation & Park Dist.
6626 Skyway
Paradise, CA 95969

Paradise Ridge Chamber of
Commerce
5550 Skyway
Paradise, CA 95969

Paradise Board of Realtors
6178 Center Street
Paradise, CA 95969

Paradise Downtown Business Ass.
c/o Fir Street Gallery/Pam Funk
6256 Skyway
Paradise, CA 95969

Butte County Planning
Courier

Paradise Cemetery District
980 Elliott Road
Paradise, CA 95969

Butte Co. Air Quality Mgmt. Dist.
629 Entler Ave., Suite 15
Chico, CA 95928

Butte Environmental Council
116 W. 2nd Street #3
Chico, CA 95928

Pacific Gas & Electric
Laird Oelrichs, Land Agent
350 Salem St.
Chico, CA 95928

PROJECT NAME: ROBIN BAROCAS CONDITIONAL USE PERMIT

TOWN OF PARADISE DEVELOPMENT SERVICES DEPARTMENT

DEVELOPMENT REVIEW REQUEST

TO: Butte County Health Dept., Animal Control

FROM: Craig Baker, Community Development Director

REQUEST: Review and Comment

DESCRIPTION OF PROJECT: Conditional use permit application proposing to legally sanction an existing indoor private dog kennel to keep up to eight family-owned dogs in a single-family dwelling on a 1.26 acre property zoned Rural Residential – 2/3 acre minimum (RR-2/3).

LOCATION: 7191 Pentz Road

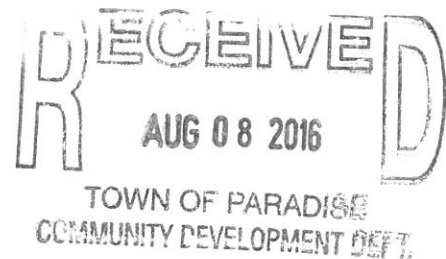
AP NO: 050-040-145

APPLICANT: Robin Barocas

CONTACT PHONE: (916) 218-5535

RETURN DATE REQUESTED: **Thursday, August 11, 2016**

DATE DISTRIBUTED: Thursday, July 26, 2016



DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

_____ YES X YES, WITH CONDITIONS _____ NO (EXPLAIN BELOW)

COMMENTS AND/OR RECOMMENDED CONDITIONS (attach additional sheets if necessary):

I HAVE BEEN TO THE HOME AND SEEN THE YARD AREA; WHICH DID SEEM TO BE KEPT CLEAN, HOWEVER I WOULD LIKE TO SEE THE CONDITIONS THE DOGS WILL BE LIVING IN, INSIDE THE HOME. ALSO, I WOULD LIKE TO SEE THE ACTUAL DISTANCE BETWEEN

NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS THE ABILITY TO SERVE THIS PROJECT.

PLEASE MAKE A COPY FOR YOUR RECORDS.

YOU MAY FAX (877-5059) OR EMAIL (cbaker@townofparadise.com) YOUR COMMENTS IF YOU WISH.

ROBIN BAROCAS'S "KENNEL" AND THE OTHER HOME ON THE PROPERTY TO BE SURE THERE IS ENOUGH DISTANCE.
- JEN P. BAKER

Detailed project description:

There is no building of any structures for this project. My dogs sleep on the bed with me and eat in the kitchen. There is ample space for them to go to the bathroom out in the little front yard where I keep the door opened all the time. Proper disposal of their waste is implemented.

Purpose of project:

To be able to keep Colette and Andy and their children who are almost 11 months old. This was a planned event.

It is essential for us to stick together and there is no problem as far as their health, nutrition, vaccines, heartworm prevention and licenses. Each dog is groomed daily.

We have little events and lessons every day. Since they are learning to dance, I may even go to the senior's home and have little events which would include hugging and kissing.

I am new in this area and heard about Paradise many times and as a 59 year old woman, I just want to head towards my retirement in a safe clean neighborhood and meet new friends. I have signed a lease and prepaid. As a woman living alone, I hope I can make this my new home till the end of time. I must have my father dog, mother dog, and the babies because we love each other and my whole life revolves around these dogs. They cannot be separated. Neither can I.



06-20-2016

July 14, 2016

Supplement to Incomplete Application (P:16-00216) Robin Barocas AP# 052-040-145

Missing Items:

1. **Provide the number of dogs for which the kennel license and use permit is being requested:**

8

Need to mention the the litter of 3 that was discussed with Animal Control Officer Jen Robbins while she was here, are still residing in my home.

2. **Provide any details regarding how the kennel will be operated in terms of sanitation and waste disposal.**

Right now I am disposing the waste in the trash. I spoke to the Fire Department and asked if this is okay and he said yes. I am 24/7 except for when I leave to go shopping or an appointment. When I do, I use the pads for them until I arrive home. I try not to be gone more than a couple of hours. Monitoring their "bathroom" time is easy for me. Also- On my shopping list I have an item called the Super Dooley Digester:

All food is prepped in a clean environment. I have worked in the baking industry and understand about proper sanitation and food handling as well as keeping chemicals out of the area. I have raised 4 children and received most of my knowledge from being a parent. I am very conscientious about germs and bacteria.

I pick up everything every single day on from the yard. I spray down and mop the concrete area by the front door as well. Everything seems to amount to one big dog since these guys are very little.

3. **Provide a new site plan revised to show the following:**

- a. **Indicate which building(s) on the property will be used for the indoor kennel:**

I am using the house itself, which is 700 square feet.

1. Provide a new site plan revised to show the following:

a. Indicate which building(s) on the property will be used for the indoor kennel:

I am using the house itself, which is 700 square feet.

The inside of my house is used for my dogs living space except for when they need to go to the bathroom. The front door is kept open all day and sometimes in the night as well since we are in a safe protected area. They spend most of their time under my feet while I am on the computer or sit on the chair. In the night time we all go to the bedroom and some guys sleep on the bed while others prefer their little beds on the floor. All their food and water is available 24/7. They do not have any enclosures where they are penned or caged. They are free to walk around as they please. There is one little space that I have where I use the protective gates to form a little environment when each one has to eat their heartworm medicine one by one without being interrupted.

b. Indicate the location and dimensions of any outside enclosure that will be used to confine the dogs during short periods when they are outside.

The front yard is enclosed by a wooden fence, a wall from a carport, a wire chain link style fence and the house itself. At the widest point (because there's a tiny curve in the wooden fence) measures 25 feet. The length is 24 ½ feet which includes the small concrete porch all the way to the front door. Fencing – Wood Fence is 5 feet tall. Carport is 7 ¾ feet tall Chain Link Fence is 5 ½ feet tall. Then the rest is the house itself.

The front yard is right outside of the living room of the home. There are no cages or enclosed pens for them except for their little play tent which has an opened flap for them to come and go as they please. Cotton's love to run as much as they can especially in the morning.

- I do not know my neighbors very well yet and I do not know if they have a little dog or not. I thought I heard some barking one day. From where I am located, I only see what appears to be a sunroom to the outdoors where they go out once in a while.



<https://www.youtube.com/watch?v=Qwg1XFgWso>

<https://www.youtube.com/watch?v=IEHknSI6txc>

- b. Indicate the location and dimensions of any outside enclosure that will be used to confine the dogs during short periods when they are outside.

The front yard is enclosed by a wooden fence, a wall from a carport, a wire chain link style fence and the house itself. At the widest point (because there's a tiny curve in the wooden fence) measures 25 feet. The length is 24 ½ feet which includes the small concrete porch all the way to the front door. Fencing – Wood Fence is 5 feet tall. Carport is 7 ¾ feet tall Chain Link Fence is 5 ½ feet tall. Then the rest is the house itself.



IN ACCORDANCE
MEMORANDUM
APPLICATION A

ALL BUILDING (C
PARADISE FIRE
URBAN WILDLAN
CONSTRUCTION
DEPARTMENT PI
WALLEN TENTAI
COMMUNITY DEV

AT THE TIME O
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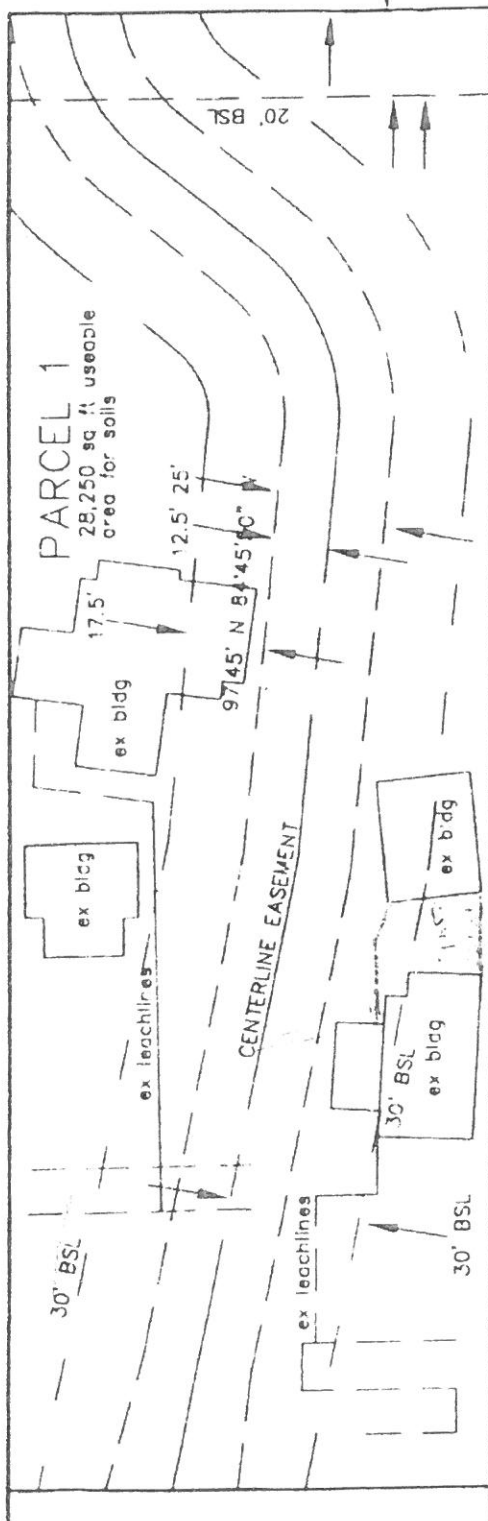
30' R/W

50' BSL

"FUTURE OWNERS
ROADWAY IMPROVEMENTS
INTERIM DRAINAGE
BE CONSTRUCTED
NECESSARY DRAINAGE
EXISTING AND
ANY OFF-SITE

ROAD

PENTZ ROAD



1" = ±50'

PROPOSED INDOOR DOG KENNEL

7191 Pentz Road -B
Paradise, CA 95969

July 26, 2016

Barocas Conditional Use Permit (PL16-00216) Protest Petition

We, the undersigned property owners, do hereby object to and protest the petition of a conditional use permit application to legally sanction and existing indoor private dog kennel to keep up to eight family-owned dogs in a single family dwelling on a .86 acre property zoned Rural Residential located at 7191 Pentz Road, AP No. 050-040-145 due to the following issues:

1. All homeowners property value will be negatively impacted. California real estate forms require that home sellers disclose any problems that would affect the property's value or desirability-neighborhood noise or other nuisance must be reported.
2. Noise/Barking dogs which are a major and current problem for nearby homeowners which is a direct violation of the following:

Chapter 17.02 - BASIC PROVISIONS

17.02.100 - Purpose.

The zoning ordinance is enacted for the following purposes:

A.To promote and ensure the public health, safety and general welfare of the town and its residents;

B.To attain and implement the goals, objectives and policies of the general plan by providing a precise delineation of permitted land uses, precluding land-use conflicts, and by establishing general site development standards.

(Ord. 214 § 2(part), 1992)

Chapter 9.18 - NOISE CONTROL

9.18.010 - Purpose.

In order to control unnecessary, excessive and annoying noise in the town, it is the public policy of the town to regulate such noise generated from or by all sources as specified in this chapter. The town council finds and determines that certain types of noises are detrimental to the public health, welfare and safety, and are contrary to public interest. Therefore, the town council ordains that creating, maintaining, causing or allowing to be created, caused or maintained, any noise in a manner prohibited by or not in conformity with the provisions of this chapter, is unlawful and a public nuisance. (Ord. 316 §2(part), 1999)

9.18.020 - Regulations: Notwithstanding any other provision of this chapter, and in addition thereto, it is unlawful for any person to wilfully or negligently make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. (Ord. 316 §2(part), 1999)

We, the undersigned, are owners of real property located within the statutory area of notification related to the area for which the conditional use permit is sought.

<u>PRINTED NAME</u>	<u>SIGNATURE OF OWNER</u>	<u>ADDRESS/LOT #</u>	<u>DATE</u>
Shelly Kiefer	<i>Shelly Kiefer</i>	1678 Aspen Ln. #127	8/29/16
Dana Billedeau	<i>Dana Billedeau</i>	1694 Aspen Ln #126	8/29/16
Paula Tuell	<i>Paula Tuell</i>	7181 Pentz Rd #124	8-29-16
Mindy Suikonen	<i>Mindy Suikonen</i>	1621 Conners Ct. Paradise	8/29/16
Steve Suikonen	<i>Steve Suikonen</i>	1621 Conners Ct	8-29-16
Corey Kiefer	<i>Corey Kiefer</i>	1678 ASPEN LN 127	8-30-16
DAVID ROBINSON	<i>David Robinson</i>	7155 PENTZ RD #105	8-30-16
Bruce Billedeau	<i>Bruce Billedeau</i>	1694 ASPEN LN	8-30-16
Sharon Hawkins	<i>Sharon Hawkins</i>	1657 Aspen Ln #125	8-30-16
Ron Hawkins	<i>Ron Hawkins</i>	1657 Aspen Ln #125	8-30-16

Barocas Conditional Use Permit (PL16-00216) Protest Petition

We, the undersigned property owners, do hereby object to and protest the petition of a conditional use permit application to legally sanction and existing indoor private dog kennel to keep up to eight family-owned dogs in a single family dwelling on a .86 acre property zoned Rural Residential located at 7191 Pentz Road, AP No. 050-040-145 due to the following issues:

1. All homeowners property value will be negatively impacted. California real estate forms require that home sellers disclose any problems that would affect the property's value or desirability-neighborhood noise or other nuisance must be reported.
2. Noise/Barking dogs which are a major and current problem for nearby homeowners which is a direct violation of the following:

Chapter 17.02 - BASIC PROVISIONS

7.02.100 - Purpose.

The zoning ordinance is enacted for the following purposes:

- A. To promote and ensure the public health, safety and general welfare of the town and its residents.
- B. To attain and implement the goals, objectives and policies of the general plan by providing a precise delineation of permitted land uses, precluding land-use conflicts, and by establishing general site development standards.
- (Ord. 214 § 2(part), 1992)

Chapter 9.18 - NOISE CONTROL

9.18.010 - Purpose.

In order to control unnecessary, excessive and annoying noise in the town, it is the public policy of the town to regulate such noise generated from or by all sources as specified in this chapter. The town council finds and determines that certain types of noises are detrimental to the public health, welfare and safety, and are contrary to public interest. Therefore, the town council ordains that creating, maintaining, causing or allowing to be created, caused or maintained, any noise in a manner prohibited by or not in conformity with the provisions of this chapter, is unlawful and a public nuisance. (Ord. 316 §2(part), 1999)

9.18.020 - Regulations: Notwithstanding any other provision of this chapter, and in addition thereto, it is unlawful for any person to wilfully or negligently make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. (Ord. 316 §2(part), 1999)

We, the undersigned, are owners of real property located within the statutory area of notification related to the area for which the conditional use permit is sought.

PRINTED NAME

SIGNATURE OF OWNER

ADDRESS/LOT #

DATE

JOHN MULRENNAN

John Mulrennan

8-30-16

1631 CONNERS CT PARADISE, CA. 95969

JCA. 95969

Monte Mahling

Monte Mahling

08/30/16

1611 CONNERS CT

Paradise CA. 95969

over →

Wid & MRS JOHN BOGHTON
1601 CONNERS CT.

John Boughton 08-30-16
Cindy Kritikos-Boughton 8/30/16



TOWN OF PARADISE

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

Town Staff:

Craig Baker, Community Development Director
Susan Hartman, Assistant Planner
Dina Volenski, Acting Town Clerk

PLANNING DIRECTOR MEETING MINUTES **REGULAR MEETING – 10:00 AM – August 31, 2016**

Community Development/Planning Director Craig Baker called the August 31, 2016 Planning Director meeting to order at 10:01 a.m.

1. Approval of Minutes

1a. Community Development/Planning Director Craig Baker approved the minutes as submitted by staff from the June 30, 2016 Planning Director meeting.

CONTINUED PUBLIC HEARING - None.

3. PUBLIC HEARING

3a. This item is determined to be exempt from environmental review.

Consideration of a conditional use permit application to legally sanction an existing indoor private dog kennel to keep up to eight family-owned dogs in a single-family dwelling on a 1.26 acre property zoned Rural Residential – 2/3 acre minimum (RR-2/3) located at 7191 Pentz Road, Paradise, CA, AP No. 050-040-145.

Assistant Planner Hartman described the project and that after responses from reviewing agency, staff recommends conditional approval with 9 conditions of approval (listed below)

Planning Director Baker recommended an additional condition of approval: All dogs kept at the private indoor dog kennel shall be licensed to Robin Barrocas as the resident occupying the single-family residence/indoor kennel located at 7191 #B Pentz Road in Paradise.

Planning Director Baker opened the public hearing at 10:05 a.m.

Robin Barocas, project applicant, lives at 7191 Pentz Road and agrees with the stated conditions and the addition of the proposed condition.

Greg Keifer, 1678 Aspen Lane, presented a petition with 15 signatures against the project, appreciates that dogs are family, there are dogs throughout the neighborhood, but when the eight dogs are outside during the day they are barking loudly and at night they are barking at the wild animals.

Mr. Baker asked if he was aware of any reports filed regarding barking dogs and if Mr. Keifer was certain that Mrs. Barocas' dogs were the ones barking.

Mr. Keifer stated that most people have one or two dogs, but when Mrs. Barocas dogs go outside to do their business, it is non-stop barking.

Mrs. Barocas stated that they are young playful dogs and run in and out to play and are happy to see her when she returns home after being gone.

Mr. Baker stated that if the permit is approved, due to the zoning, the dogs will have to be kept indoors and only allowed out when they need to go to the bathroom.

Mr. Baker stated that if a citation is issued it would go to the owner of the project site, not the tenant, and that Mr. Wallen, the property owner is aware of the request because he signed the use permit application.

Mr. Baker explained that the dogs would need to be kept quiet and noise from the dogs could be a violation of the permit if it is conditionally approved.

Mr. Baker closed the hearing at 10:19 a.m., continued the public hearing to Wednesday, September 14, 2016 at 10:00 a.m. and will be contacting animal control to work with them regarding the proposed conditions and to meet with anyone regarding concerns with the project prior to the continued public hearing. Mr. Baker suggested a neighborhood meeting to discuss/resolve concerns with the permit.

Mr. Baker also referred to Paradise Municipal Code Section 6.12.030 - Nuisances—Designated

Without limitation as to the general provisions of Section 6.12.020, the following specific acts and conditions committed by a dog are hereby declared to be unlawful and to constitute a public nuisance, and the owner of a dog committing any of the following shall be subject to the penalties provided by Section 6.12.040 E.

E. Creating a noise in a neighborhood by howling, barking or making unusual sounds that disturb two or more persons residing in different residences during three separate days within a seven day period.

Below are the proposed conditions of approval:

CONDITIONS OF INDOOR KENNEL 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, or if compliance with use permit conditions of approval is not achieved and maintained, the use permit may become subject to revocation by the Town of Paradise.

2. Schedule an inspection of the indoor kennel by town Animal Control staff and meet any resulting requirements within thirty (30) days of the effective date of this use permit. Provide evidence thereof to the town Development Services Department.
3. Secure the issuance of a town-approved kennel license within thirty days of the effective date of this use permit.
4. Maintain current rabies vaccinations for all dogs kept at the indoor kennel and meet all dog licensing requirements of the Town of Paradise.
5. Excepting brief periods of outdoor activity necessary for sanitation purposes and/or transport off of the site, all dogs shall be kept indoors at all times. Any outdoor activity shall be limited to the 25' x 24.5' fenced area adjacent to the indoor kennel.
6. All areas of the indoor dog kennel shall be kept in a clean and sanitary condition free from any accumulation of animal waste. Properly dispose of all animal waste.
7. The indoor kennel shall be operated in compliance with the requirements of PMC section 6.12.030 (*Nuisances-designated*), particularly with regard to noise disturbances.
8. The indoor kennel shall be subject to all requirements of PMC Chapter 6.28 (*Kennels/pet shops*).
9. The indoor kennel shall be limited to the keeping of no more than eight small dogs of any age. No other dogs may be kept upon the property for the term of the indoor kennel land use.
10. All dogs kept at the private indoor dog kennel shall be licensed to Robin Barrocas as the resident occupying the single family residence/kennel located at 7191 Pentz Road.

4. ADJOURNMENT

Community Development/Planning Director Baker adjourned the meeting at 10:22 a.m. to Wednesday, September 14, 2016 at 10:00 a.m.

Date approved:

By: _____
Craig Baker, Community Development Director



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Town Staff:

Craig Baker, Community Development/Planning Director

Susan Hartman, Assistant Planner

Dina Volenski, Town Clerk

PLANNING DIRECTOR MEETING MINUTES

REGULAR MEETING – 10:00 AM – September 14, 2016

CALL TO ORDER at 10:00 a.m. by Community Development Director Baker.

1. CONTINUED PUBLIC HEARING -

BAROCAS CONDITIONAL USE PERMIT (PL16-02016) APPLICATION: Consideration of a conditional use permit application to legally sanction an existing indoor private dog kennel to keep up to eight family-owned dogs in a single-family dwelling on a 0.86 acre property zoned Rural Residential – 2/3 acre minimum (RR-2/3), AP No. 050-040-145.

Community Development Director Baker stated that he'd received a copy of the applicant, Robin Barocas', letter on September 13, 2016 she'd sent to her neighbors. Ms. Barocas stated she had not heard back from any of her neighbors in response to the letter. Community Development Director Baker was hopeful the neighbors could have reconciled with Ms. Barocas in the last two weeks, since the last hearing.

Community Development Director Baker reviewed an Administrative Policy from 1991 which details criteria necessitating a project be referred to the Planning Commission for decision making. One of the criteria is if there is opposition to the project. With the signed neighborhood petition of opposition submitted at the last public hearing Community Development Director Baker is compelled, in accordance with policy, to refer the application to the Planning Commission for their regularly scheduled October meeting. It will also require that the project be re-noticed. He would let Animal Control know that there is a necessary delay in the permitting process. Community Development Director Baker asked the applicant if there was anything she'd like to add.

Robin Barocas said that she was so nervous at the last meeting she wasn't sure if the neighborhood petition had been accepted or not. Community Development Director Baker confirmed that yes, the petition was part of the record and would be provided to the Planning Commission. Ms. Barocas thought it would be good if the neighbors

showed up at the Planning Commission meeting to say how she's made changes and the dogs aren't running around. Community Development Director Baker reminded her that there are proposed conditions of approval that the noise generated must be under control and that he would check with Animal Control before the Planning Commission meeting to see if there are any complaints. Community Development Director Baker suspected that someone from the neighborhood will show up at the Planning Commission meeting if they have more concerns.

The offer was made to Ms. Barocas that if she wished to hold a neighborhood meeting she could secure the names and addresses of her neighbors from Town staff and would be welcome to use the council chambers for the meeting. Community Development Director Baker stressed that it would be an informal meeting, not a hearing. Ms. Barocas was open to the suggestion.

2. ADJOURNMENT

Community Development/Planning Director Baker adjourned the meeting at 10:08 a.m.

By: _____
Craig Baker, Community Development Director

Susan Hartman, Assistant Planner

NOTICE OF EXEMPTION

To: File: AP No: 050-040-145; [PL16-00216]

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

Project Title: Barocas Use Permit

Project Applicant: Robin Barocas

Project Location: 7191 #B Pentz Rd

Project Description: Use Permit application proposing to legally sanction an existing indoor private dog kennel to keep up to 8 family-owned dogs in a single family dwelling on an 0.86 ac property zoned RR 2/3.

Approving Public Agency: Town of Paradise

**Person or Agency
Carrying Out Project:** Robin Barocas

Exempt Status: _____ Ministerial (Section 15268)
_____ Emergency Project (Section 15269)
 X Categorical Exemption
Section 15301 Class 1

Reason for Exemption: Use of an existing private structure with no interior or exterior alterations.

Contact Person: Susan Hartman, Assistant Planner
(530) 872-6291 ext. 114

Signature: _____
Town Planning Director

Date: _____