



# 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:**

Michael Zuccolillo, Chair  
Stephanie Neumann, Vice Chair  
James Clarkson, Commissioner  
Martin Nichols, Commissioner  
Daniel Wentland, Commissioner

## PLANNING COMMISSION AGENDA

**SPECIAL MEETING 6:00 PM – November 06, 2014**

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

**\*\*\* 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."

**1. PUBLIC HEARING**

1a. Item to be determined to be exempt from environmental review:

CONNOR SITE PLAN REVIEW PERMIT (PL 14-00251) APPLICATION:  
Site plan review permit application proposing to establish a retail sales land use within an existing building space upon a +1.66 acre property zoned Neighborhood Commercial (NC) and located at 8585 Skyway, AP No. 051-104-163.

**2. ADJOURNMENT**

STATE OF CALIFORNIA )	SS.
COUNTY OF BUTTE )	
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	

**TOWN OF PARADISE PLANNING COMMISSION  
PLANNING STAFF REPORT  
MEETING DATE: November 6, 2014**

**FROM:** Susan Hartman, Assistant Planner  
**SUBJECT:** Connor Site Plan Review Permit Application (PL14-00251)  
**DATE:** October 30, 2014  
**GENERAL INFORMATION:**

**AGENDA NO. 1(a)**  
**AP 051-104-163**

Applicant: Gary & Marilyn Connor  
8585 Skyway  
Paradise, CA 95969

Location: 8585 Skyway, Paradise

Requested Action: Approval of a site plan review permit application proposing to establish a retail sales land use (secondhand sales) on a ±1.09 acre portion of a ±1.66 acre property improved with two vacant buildings, and various outbuildings, formally utilized as a care facility.

Purpose: To provide additional retail services to area residents.

Present Zoning: Neighborhood Commercial (NC)

General Plan Designation: Neighborhood Commercial (NC)

Existing Land Use: Vacant buildings formally utilized as a care facility

Surrounding Land Use: North: Residential & Commercial Occupancies  
East: Skyway  
South: Residential Land Use  
West: Residential Land Uses

Land Area: ±1.09 acre portion of a ±1.66 acre property

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

Other: An appeal of a Planning Commission’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 COMMISSION MAY NOT TAKE ACTION ON THIS APPLICATION.**

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PL14-00251  
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**SPECIAL INFORMATION:**

The project proposes the establishment of a retail sales land use within an existing ±3,000 square foot building space located at 8585 Skyway in Paradise. The project site has split zoning, a result of a previous lot merger. The southerly ±0.57 acre is zoned Town Residential 1/3 acre minimum while the northerly ±1.09 acre, where the proposed project is located, is zoned Neighborhood Commercial (N-C). The building space proposed for the retail sales is currently vacant.

Pursuant to the Town’s zoning regulations, the establishment of a retail sales land use within the Neighborhood Commercial zoning district is subject to the review and issuance of a Site Plan Review permit. If approved, the Site Plan Review permit will only apply to the N-C zoned portion of the site.

The ±1.09 acre affected portion of the project site is developed with an existing building previously used as a residential care facility, a detached residential building, multiple detached storage buildings and a dirt parking area. Primary access to the site is via Skyway, a high-volume public arterial street. Customer parking to accommodate twelve vehicles for the proposed use would be provided on-site via two (2) existing driveway approaches along Skyway

The proposed business activity would include the sale of new and secondhand items and will require the issuance of a Secondhand Dealers business license from the Town. Proposed days and hours of operation are Wednesday through Sunday, 10:00 a.m. to 5:00 p.m. No changes to the building space on the site are proposed in association with the project. In addition, the business activity will be subject to the newly adopted zoning regulations regarding the limited outdoor display of merchandise.

The site is located in a developed area of the Town where all utilities are available to serve the project without any extensions or size upgrades required.

The site is relatively flat and there will be a minimal amount of grading required. The owners have expressed their desire to move existing dirt on-site for the establishment of a garden and trees. However, the development of the site will not require the import or export of soil to balance the site.

The establishment of the project is expected to begin immediately after the required conditions of approval have been met.

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PL14-00251  
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**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 a retail sales 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 neighborhood commercial land uses.

**ENVIRONMENTAL REVIEW:**

As a project involving a minor change of occupancy within an existing building space 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 site plan review 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 Commission approval of the Connor site plan review 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.

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PL14-00251  
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- 3. Find that the project, **as conditioned**, is in compliance with all applicable regulations of the Neighborhood 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 Connor site plan review permit application** (PL14-00251) authorizing the establishment of a retail sales business upon a portion of commercial property located at 8585 Skyway, subject to the following conditions:

**GENERAL CONDITIONS OF SITE PLAN REVIEW PERMIT APPROVAL**

- 1. If any land use for which a site plan review permit has been granted and issued is not established within three years of the site plan review permit's effective date, the site plan review 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 associated with the proposed retail land use shall be established and maintained such that the materials and or equipment is not visible from any off-site public or private property excepting the outdoor display of merchandise in compliance with the Town's Exterior Displays of Merchandise Regulations (PMC Chapter 17.06.940).

Connor  
PL14-00251  
Page 5

- 4. The lawful outdoor display of merchandise shall only be permitted during business hours.
- 5. Secure Town of Paradise design review approval for any new business signs prior to the establishment of such signs on the site.
- 6. An Administrative Permit must be applied for, and secured, for the placement of any sign within 50' of centerline of Skyway.
- 7. No inoperative vehicles shall be stored where visible from off of the site.
- 8. 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.
- 9. 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**

- 10. Meet all requirements of the Town of Paradise Building Official as outlined in the written comments dated September 22, 2014 and on file with the Development Services Department.

**FIRE PROTECTION**

- 11. 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.
- 12. Portable fire extinguishers are required in accordance with the Fire Marshal comments dated September 22, 2014.

**SITE DEVELOPMENT**

- 13. Secure an encroachment permit from the Town of Paradise Engineering Division for the repair of the southern Skyway driveway to the town approved private driveway standard (no culvert required).

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14. Provide the twelve required parking spaces, one of which must be a van-accessible handicap space.

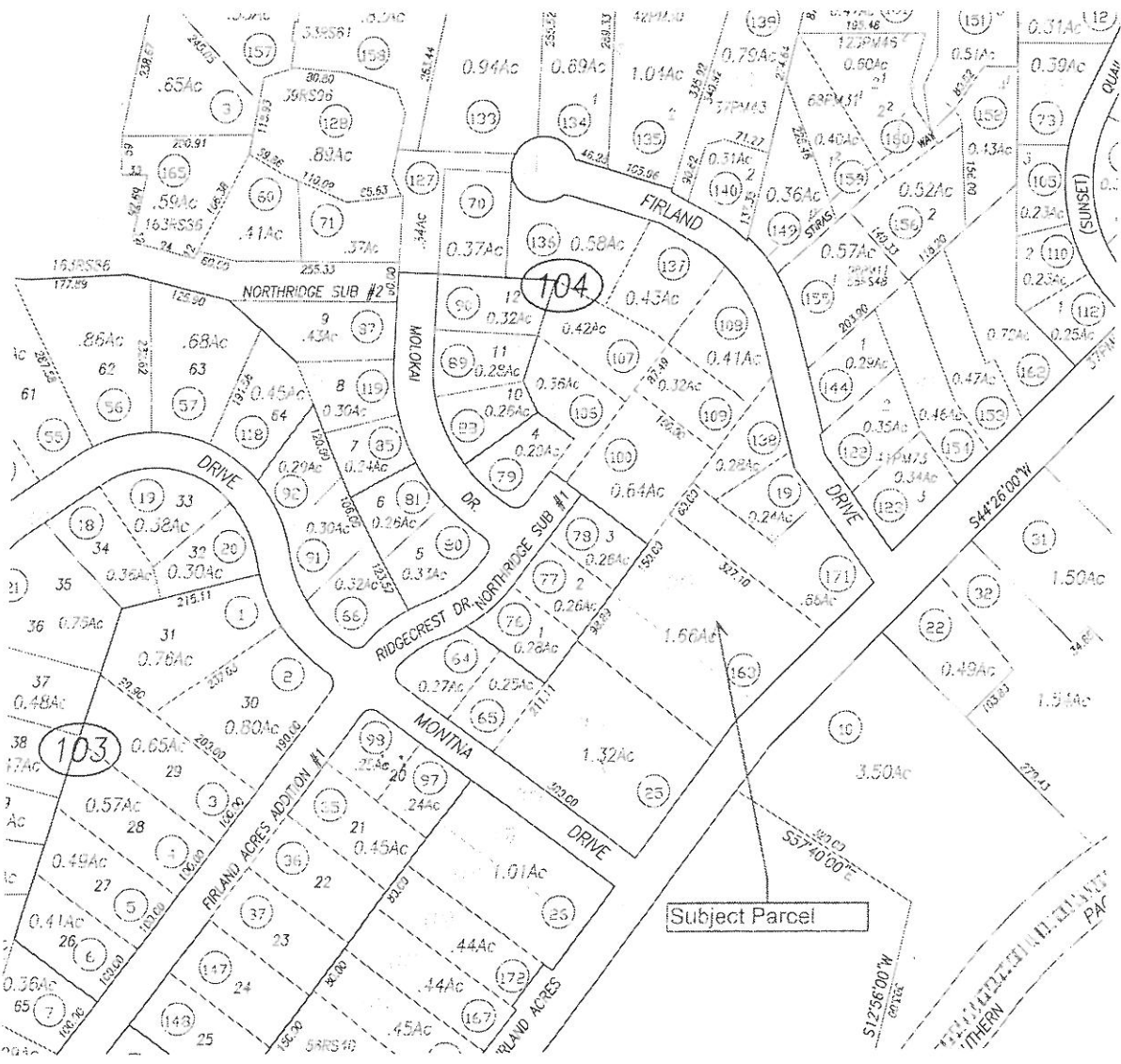
**OTHERS**

15. Provide material evidence to the Planning Division of a valid Secondhand Dealer license from the Paradise Police Dept.



**LIST OF ATTACHMENTS FOR CONNOR SITE PLAN REVIEW PERMIT APPLICATION  
(PL14-00251)**

1. Project site vicinity map.
2. Notice sent to surrounding property owners for the public hearing.
3. Mailing list of property owners notified of the public hearing.
4. Comments received from Building Official/Fire Marshal Tony Lindsey dated September 22, 2014.
5. Comments received from Asst Onsite Official Bob Larson dated September 18, 2014.
6. Comments received from Paradise Irrigation District representative Neil Essila dated September 12, 2014.
7. Comments received from Paradise Police Lieutenant Steve Rowe dated September 11, 2014.
8. Comments received from Town Engineer Marc Mattox dated October 16, 2014.
9. Notice of exemption document for the Connor project.
10. Two letters of project opposition from neighboring residential properties.
11. Minutes from the Planning Director public hearing dated October 21, 2014.



<b>APPLICANT:</b> Gary & Marilyn Connor		<b>ADDRESS:</b> 8585 Skyway
<b>OWNER:</b> Gary & Marilyn Connor		
<b>PROJECT DESCRIPTION:</b> Site Plan Review Permit application proposing the establishment of a retail sales land use within an existing building space on property zoned N-C (Neighborhood Commercial).		
<b>Zoning:</b> NC	<b>GENERAL PLAN:</b> NC	<b>FILE NO.</b> PL14-00251
<b>ASSESSOR PARCEL NO.</b> 051-104-163		<b>MEETING DATE</b> 11/6/2014

## NOTICE OF PUBLIC HEARING: PARADISE PLANNING COMMISSION

**NOTICE IS HEREBY GIVEN** by the Paradise Planning Commission that a public hearing will be held on **Thursday, November 6, 2014 at 6:00 p.m.** in the Town Hall Council Chambers, 5555 Skyway, Paradise, CA, regarding the following project:

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

**CONNOR SITE PLAN REVIEW PERMIT (PL14-00251) APPLICATION:** Site plan review permit application proposing to establish a retail sales land use within an existing building space upon a  $\pm 1.09$  acre portion of a  $\pm 1.66$  acre property zoned Neighborhood Commercial (NC) and located at 8585 Skyway, AP No. 051-104-163.

The project file is available for public inspection at the Development Services Department, Town of 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 x111.

CRAIG BAKER  
Paradise Planning Director

051-102-010-000  
MITTAG PENELOPE ANN  
1869 DEL RIO WAY  
PARADISE CA 95969

051-102-022-000  
GROOS STEVEN P & ARLENE  
6109 LAUREL DR  
PARADISE CA 95969

051-102-032-000  
BROLIAR JOSEPH E & KIMBERLY D  
8606 SKYWAY  
PARADISE CA 95969

051-104-019-000  
KNOWLES LINDA LAVONNE  
6569 FIRLAND DR  
PARADISE CA 95969

051-104-025-000  
SEXTON PATRICIA  
8561 SKYWAY  
PARADISE CA 95969

051-104-064-000  
KUUSISTO PIRJO M  
6578 MONTNA DR  
PARADISE CA 95969

051-104-065-000  
NASSIE DONALD O II & LINDA ANN  
6568 MONTNA DR  
PARADISE CA 95969

051-104-076-000  
DIETLE FAMILY TRUST  
8570 RIDGECREST DRIVE  
PARADISE CA 95969

051-104-077-000  
GRANT LAURA & GOHEEN BEVERLY  
A  
8580 RIDGECREST DR  
PARADISE CA 95969

051-104-078-000  
DAROCZI LASZLO & MARLENE L  
8586 RIDGECREST DR  
PARADISE CA 95969

051-104-079-000  
CUMMINGS LESTER R & JESSICA L  
8585 RIDGECREST DR  
PARADISE CA 95969

051-104-080-000  
KEVO ROBERT P ETAL  
8569 RIDGECREST DR  
PARADISE CA 95969

051-104-100-000  
HAWKS REVOCABLE INTER  
VIVOS TRUST  
8588 RIDGECREST DR  
PARADISE CA 95969

051-104-106-000  
MOORE FAMILY REVOCABLE  
TRUST  
417 PERSIMMON RD  
WALNUT CREEK CA 94598

051-104-107-000  
SUHRIE GEORGE W  
REVOCABLE TRUST ESTATE  
2851 FRANCES AVE  
LA CRESCENTA CA 91214

051-104-108-000  
BREMER MIKE & PHYLLIS  
8604 STIRAS WAY  
PARADISE CA 95969

051-104-109-000  
MOJICA ANTONIO HERNANDEZ  
& CLAUDIA J  
8594 RIDGECREST DR  
PARADISE CA 95969

051-104-122-000  
DAVIS BRIAN T  
6670 FIRLAND DR  
PARADISE CA 95969

051-104-123-000  
ELWARD JOHN J  
6560 FIRLAND DR  
PARADISE CA 95969

051-104-138-000  
CLARK NICK A & ANNE C  
6573 FIRLAND DR  
PARADISE CA 95969

051-104-163-000  
CONNOR GARY E & MARILYN C  
PO BOX 143  
STIRLING CITY CA 95978

051-104-171-000  
HOLLINGSWORTH OWEN S &  
EILEEN M  
6598 FIRLAND DR  
PARADISE CA 95969

051-132-042-000  
NEWPORT FEDERAL  
4425 JAMBOREE RD STE 250  
NEWPORT BEACH CA 92660

051-132-059-000  
HOWARD LINDA LEE ANN  
REVOCABLE INTER VIVOS TRUST  
8556 SKYWAY  
PARADISE, CA 95969

Paradise Unified School District  
6696 Clark Road  
Paradise, CA 95969

Paradise Irrigation District  
6332 Clark Road  
Paradise, CA 95969

Paradise Recreation & **13** 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  
Association  
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. 2<sup>nd</sup> Street #3  
Chico, CA 95928

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

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

TO: Susan Hartman

FROM: Tony Lindsey Building Official/Fire Marshal

SUBJECT: 8585 Skyway, 051-104-163

DATE: September 22, 2014

The following are my comments relative to the Site Plan Review application proposing the establishment of a retail sales land use within an existing building space zoned N-C (Neighborhood Commercial).

- The structure has had a change in occupancy type. Under current code the group R2.1 Residential Care Facility is no longer active. The structure is now being utilized as a group M, Mercantile and no longer requires the use of an automatic fire suppression system.
- Portable fire extinguisher, minimum 4 lb. 2A10BC, is required maximum 30 feet of travel distance shall be mounted so that the top is not more than five (5) feet above the floor with identifiable signage, readily accessible and immediately available for use per CFC 906
- Exit door shall remain unlocked when building is occupied. Exit door shall be provided with signage on or adjacent to "THIS DOOR TO REMAIN UNLOCKED WHILE BUSINESS IS OCCUPIED"
- Exit aisles shall be a min 36" wide and remain clear of obstructions.
- Fire Prevention Inspection is required prior to occupancy. The cost of Inspection is \$56.00 Please call 872-6291 ext. 123 to schedule an appointment.

PROJECT: PL14-00251  
PROJECT NAME: CONNOR SITE PLAN REVIEW

**TOWN OF PARADISE  
COMMUNITY DEVELOPMENT DEPARTMENT  
DEVELOPMENT REVIEW REQUEST**

TO: ENGINEERING, ONSITE, CSS, POLICE, PID, &  
BUSINESS & HOUSING

FROM: SUSAN HARTMAN, ASST PLANNER (872-6291 x114)

REQUEST: Review and Comment

DESCRIPTION OF PROJECT: Site Plan Review Permit application proposing the establishment of a retail sales land use within an existing building space on property zoned N-C (Neighborhood Commercial).

LOCATION: 8585 Skyway

ASSESSOR PARCEL NO.: 051-104-163

APPLICANT: Gary & Marilyn Connor

CONTACT PHONE: (530) 876-0361

DATE DISTRIBUTED: 09/11/2014

RETURN DATE REQUESTED: 09/18/2014

TOWN OF PARADISE  
COMMUNITY DEVELOPMENT DEPT.  
SEP 18 2014  
RECEIVED

\*\*\*\*\*  
DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

YES  YES, WITH CONDITIONS  NO (EXPLAIN BELOW)

COMMENTS AND/OR RECOMMENDED CONDITIONS IF NECESSARY:

OWNER MUST SECURE AN OPERATION AND MAINTENANCE CONTRACT WITH SERVICE PROVIDER

BL 9/18/14

NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS ABILITY TO SERVE THIS PROJECT. PLEASE MAKE A COPY FOR YOUR RECORDS.

PROJECT: PL14-00251  
PROJECT NAME: CONNOR SITE PLAN REVIEW

**TOWN OF PARADISE  
COMMUNITY DEVELOPMENT DEPARTMENT  
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LOCATION: 8585 Skyway

ASSESSOR PARCEL NO.: 051-104-163

TOWN OF PARADISE  
COMMUNITY DEVELOPMENT DEPT.

APPLICANT: Gary & Marilyn Connor

SEP 12 2014

CONTACT PHONE: (530) 876-0361

RECEIVED

DATE DISTRIBUTED: 09/11/2014

RETURN DATE REQUESTED: 09/18/2014

\*\*\*\*\*  
DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

YES  YES, WITH CONDITIONS  NO (EXPLAIN BELOW)

COMMENTS AND/OR RECOMMENDED CONDITIONS IF NECESSARY:

This property has two 1 1/2" meters; 1 in sealed status. Fire service connection does not have backflow prevention assembly.

Applicant has indicated interest in removing fire service connection  
9/12/14 Neil Esposito

NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS ABILITY TO SERVE THIS PROJECT. PLEASE MAKE A COPY FOR YOUR RECORDS.



PROJECT: PL14-00251  
PROJECT NAME: CONNOR SITE PLAN REVIEW

**TOWN OF PARADISE  
COMMUNITY DEVELOPMENT DEPARTMENT  
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LOCATION: 8585 Skyway

ASSESSOR PARCEL NO.: 051-104-163

APPLICANT: Gary & Marilyn Connor

CONTACT PHONE: (530) 876-0361

DATE DISTRIBUTED: 09/11/2014

RETURN DATE REQUESTED: 09/18/2014

TOWN OF PARADISE  
COMMUNITY DEVELOPMENT DEPT.  
SEP 11 2014  
RECEIVED

\*\*\*\*\*  
DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

   YES       YES, WITH CONDITIONS         NO (EXPLAIN BELOW)

COMMENTS AND/OR RECOMMENDED CONDITIONS IF NECESSARY:

   REQUIREMENT FOR BUSINESS LICENSE      Stephen Rowe 9/11/14

NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS ABILITY TO SERVE THIS PROJECT. PLEASE MAKE A COPY FOR YOUR RECORDS.

PROJECT: PL14-00251  
PROJECT NAME: CONNOR SITE PLAN REVIEW

**TOWN OF PARADISE  
COMMUNITY DEVELOPMENT DEPARTMENT  
DEVELOPMENT REVIEW REQUEST**

**REVISED**

TO: ENGINEERING  
FROM: SUSAN HARTMAN, ASST PLANNER (872-6291 x114)  
REQUEST: Review and Comment

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LOCATION: 8585 Skyway

ASSESSOR PARCEL NO.: 051-104-163

APPLICANT: Gary & Marilyn Connor

CONTACT PHONE: (530) 876-0361

DATE DISTRIBUTED: 10/02/2014

RETURN DATE REQUESTED: 10/16/2014

TOWN OF PARADISE  
COMMUNITY DEVELOPMENT DEPT.

OCT 16 2014

RECEIVED

\*\*\*\*\*  
DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

YES  YES, WITH CONDITIONS  NO (EXPLAIN BELOW)

COMMENTS AND/OR RECOMMENDED CONDITIONS IF NECESSARY:

*Southern driveway failed. Please incorporate standard driveway w/ unimproved shoulders. No culvert required.*

NO RESPONSE FROM YOUR AGENCY MAY BE CONSTRUED THAT YOUR AGENCY HAS ABILITY TO SERVE THIS PROJECT. PLEASE MAKE A COPY FOR YOUR RECORDS.

## NOTICE OF EXEMPTION

**To:** File: AP No: 051-104-163; [PL14-00251]

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

**Project Title:** Connor Site Plan Review Permit

**Project Applicant:** Gary & Marilyn Connor

**Project Location:** 8585 Skyway

**Project Description:** Site Plan Review Permit application proposing to establish a retail sales land use within an existing building space on property zoned N-C (Neighborhood Commercial).

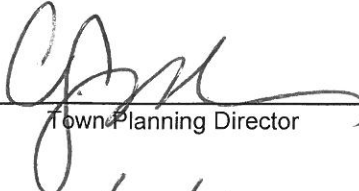
**Approving Public Agency:** Town of Paradise

**Person or Agency Carrying Out Project:** Gary & Marilyn Connor

**Exempt Status:** \_\_\_\_\_ Ministerial (Section 15268)  
 \_\_\_\_\_ Emergency Project (Section 15269)  
 X  Categorical Exemption  
 Section 15303 Class  3

**Reason for Exemption:** Conversion of a small structure.

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

**Signature:**   
 \_\_\_\_\_  
 Town Planning Director

**Date:** 10/21/14

**From:** Larson, Bob  
**Sent:** Wednesday, October 15, 2014 10:06 AM  
**To:** Baker, Craig  
**Subject:** FW: Retail app for 8585 Skyway (north of Montna)

Craig,

In the last month, I have spoken a couple of times with Beverly Goheen in regards to odor complaints coming from 8585 Skyway and that they were covering up a sewage problems on the parcel.

I went by the site and walked the entire wastewater system and could not find any odors or surfacing effluent. The property owners were doing some dirt work but it appeared to me that they were cleaning up the back area of the parcel.

I asked the maintenance provider, Hydrotec Solutions, if they could go over to the site and check all the tanks, pumps and recirculating gravel filter. I received a call after their site visit that the tanks were not even full enough to activate the pumps and that the control panel had been shut off until the water level in the tanks was high enough for the pumps to function as designed.

I return a call to Beverly Goheen and explained what myself and Hydrotec had found. I also asked her to call me whenever she smells it again so I can stop by.

Bob

-----Original Message-----

**From:** Hartman, Susan  
**Sent:** Wednesday, October 15, 2014 7:52 AM  
**To:** Larson, Bob  
**Subject:** FW: Retail app for 8585 Skyway (north of Montna)

-----Original Message-----

**From:** Gill, Lauren  
**Sent:** Tuesday, October 14, 2014 2:00 PM  
**To:** Baker, Craig; Hartman, Susan  
**Subject:** FW: Retail app for 8585 Skyway (north of Montna)

-----Original Message-----

**From:** Laura Grant [mailto:tutu1201@gmail.com]  
**Sent:** Tuesday, October 14, 2014 11:03 AM  
**To:** Gill, Lauren  
**Subject:** Retail app for 8585 Skyway (north of Montna)

Dear Ms. Gill:

Beverly Goheen and I live at 8580 Ridgecrest Drive in Paradise. Our home is directly behind the property currently under an application process for a retail license. We are currently traveling on the East Coast and are, therefore, unable to attend the meeting on the 21st of October to add our input to the Town's consideration of the application. We ask that you

redirect this email to whomever needs this information. We would have directed this email to the Town Council itself if their email addresses were on the Paradise Town website.

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Beverly and I purchased our home in 2011. While we were aware of the previous nature of the property behind us, we understood that the property was not in a condition that would be readily able to support any business. We were informed, by locals who were aware of such information, that one of the reasons for the closure of the care home was its failed septic system and extremely rundown structures. While it was somewhat of an eyesore, that was only noticed if we looked over the fence at the property.

Suddenly, a few months ago, the property changed hands. The new owners immediately began to haul in junk, piling it on the rear and front of the property. It became apparent that, despite our understanding of the failed septic system, they were using the septic system "as is" since the sewage smells began to blow onto our, and our neighbors', properties. Can you imagine the noxious smell of raw sewage blowing into your home while you are having dinner?

Our new "neighbors" continued to bring junk to their new acquisition. At just about any hour of the day or night we would hear tractors/frontloaders working to move the new junk around the property. We also noticed that the frontloader was being used to pile dirt over an area we assume was one of the septic tanks. When that was done, the smell would dissipate for a day or so, only to return as they continued to use the system.

Prior to our departure on this trip, I took several pictures and gave the prints to our next door neighbors, Jim and Tiny. Hopefully they have provided those to you all. I am certain that more junk has been brought in during our absence.

Ms. Gill, the noise from their property, with the moving of automobiles, pickups and trailers, etc. onto the back portion of the property right up to our fenceline is becoming more of a nuisance than you can imagine. This, coupled with the felling of trees, and the accompanying noise of chainsaws and axes, is an extreme nuisance. I know that my neighbors have contacted the Town, as we have as well. Our fear is that the Town will grant them a permit to operate a retail business, in structures which are unsafe for the public, and at which point their "inventory" will grow proportionately generating even more traffic to the land just behind our fence.

We have also been told that these folks intend to rent out one of the structures for a residence. We cannot imagine how this could work! We understand, by those who have been inside of the structures when they were still a care home, that the floors are warped, rendering the structures unfit for human habitation. And if, as we have reason to know from the smells, the septic systems is unfit, no one could safely reside therein.

The Town has rules about the height of fences. With a property like theirs, being operated as a retail business abutting a completely peaceful residential neighborhood, our property values cannot help but depreciate greatly. This is especially likely if they are permitted to operate what is essentially a junk enterprise. In order to peacefully coexist with such an enterprise, we would need to be able to erect 10 to 12 foot fences! And that would only block the eyesore from our views. It would do nothing to block the sewage smells or traffic noises!

Please pass on our concerns. Thank you.

Laura Grant and Beverly Goheen  
8580 Ridgecrest Drive  
Paradise, CA 95969  
(530) 872-8363 Home  
(530) 327-8975 Cell  
tutu1201@gmail.com Email

**NOTICE OF PUBLIC HEARING: PARADISE PLANNING DIRECTOR**

**NOTICE IS HEREBY GIVEN** by the Planning Director that a public hearing will be held on **Tuesday, October 21, 2014 at 2:00 p.m.** in the Town Hall Council Chambers, 5555 Skyway, Paradise, CA, regarding the following project:

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

**CONNOR SITE PLAN REVIEW PERMIT (PL14-00251) APPLICATION:** Site plan review permit application proposing to establish a retail sales land use within an existing building space upon a  $\pm 1.09$  acre portion of a  $\pm 1.66$  acre property zoned Neighborhood Commercial (NC) and located at 8585 Skyway, AP No. 051-104-163.

The project file is available for public inspection at the Development Services Department, Town of 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 Town Planning Director at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6291 x114.

**MR.**

CRAIG BAKER, Planning Director

**DEAR BAKER:**

**I OBJECT TO THIS APPLICATION UNLESS THE APPLICANT PRODUCES PROOF OF A SEPTIC SYSTEM APPROVED BY THE TOWN.**

**THIS TOWN DOES NOT NEED ANOTHER EYESORE - A PERMANENT FLEA MARKET**

*LD [Signature]*

**RECEIVED**  
OCT 16 2014

TOWN OF PARADISE  
COMMUNITY DEVELOPMENT DEPT.

051-104-078-000  
DAROCZI LASZLO & MARLENE L  
8586 RIDGECREST DR  
PARADISE CA 95969

*Oct 13, 2014*

**PLANNING DIRECTOR MEETING MINUTES  
REGULAR MEETING – 2:00 PM – October 21, 2014**

The October 21, 2014 meeting of the Paradise Planning Director was called to order by Community Development/Planning Director Craig Baker at 2:00 pm.

STAFF PRESENT: Community Development/Planning Director Craig Baker, Assistant Planner Susan Hartman and Town Clerk Joanna Gutierrez.

**1. APPROVAL OF MINUTES**

Community Development Director Craig Baker approved the Minutes of the June 18, 2014, Regular Planning Director Meeting as presented.

**2. PUBLIC COMMUNICATION** - None.

**3. CONTINUED PUBLIC HEARING** – None.

**4. PUBLIC HEARING**

Director Baker reviewed the public hearing procedure and reported that the purpose of the hearing is to hear the following application:

4a. Item to be determined to be exempt from environmental review:

**CONNOR SITE PLAN REVIEW PERMIT (PL14-00251) APPLICATION:** Site plan review permit application proposing to establish a retail sales land use within an existing building space upon a +1.09 acre portion of a +1.66 acre property zoned Neighborhood Commercial (NC) and located at 8585 Skyway, AP No. 051-104-163.

Assistant Planner Hartman reported that it is the collective recommendation by all project reviewers that the application be approved with conditions. Reviewers include Town of Paradise department staff - Engineering, Onsite, Community Safety Services, Police, Fire, Business and Housing – and also by the Paradise Irrigation District staff. The building located at 8585 Skyway was previously used as an adult residential care facility. The hours for the proposed retail sales business hours of operation are Wednesday through Sunday from 10:00 a.m. to 5:00 p.m. Ms. Hartman reiterated that this change of use is exempt from the requirements of CEQA. The property is divided between two zoning districts, Neighborhood-Commercial and Town Residential 1/3 acre as a result of two parcels being merged into one without a rezone. If this application is approved it would only affect the property that is zoned Neighborhood-Commercial (NC).

Director Baker opened the public hearing at 2:10 p.m.

1. Marilyn Connor stated that she and her husband are the applicants, acknowledged that she and her husband received all information pertaining to the project including the

findings and conditions of approval that would be assigned. Ms. Conner stated that she has a letter of rebuttal to one of the letters that was included in the agenda packet.

Director Baker reviewed the public hearing procedures and advised that it would be appropriate for Ms. Connor to provide the rebuttal after the Planning Director had heard the testimony relating to the project.

**Speaking in favor of the project:**

1. Doreen James stated that she is Gary Connor's sister, that he has already established himself as a successful business owner in Paradise and is in favor of approval of the proposed project application.

**Speaking against the project:**

1. Jim Dietle, 8570 Ridgecrest, stated that he owns property that backs up to the proposed project site, that there is a great deal of stuff in the back yard of the site that is covered with blue tarps that he does not believe is in good enough shape to sell, that there are three box trailers sitting in the middle of the property, questioned whether or not there is a licensed septic system, is concerned the value of his property will go down and that he is concerned that the Town will have no control over the business – if it can't be controlled now, it will difficult to get rid of it. Mr. Dietle asked if the Town could guarantee the adjoining property owners there will be control.

Director Baker informed Mr. Dietle:

- The project has been reviewed by the Fire Department, the Police Department, Public Works, Planning and Wastewater staff members.
- Staff report recommends project approval subject to fifteen conditions of approval which includes a driveway upgrade, material display rules, and prohibition on visible piles of material.
- If the property is approved as a retail sales land use, it would be a violation to store any materials that are visible from other properties, other than permitted display areas.
- The Town has recognized the concerns at the property prior to any letters of complaint being received. This is the reason that these types of site plan permits are required – to provide land use control
- The septic system on the property is large and functioning well. There are no evidences of any failure, and the wastewater capacity is far beyond what will be required.

Mr. Dietle stated that he is not concerned about the septic, but he is concerned about the storage not being controlled.

Director Baker stated that a permit could provide the control. He also advised that a planning director decision is not final, that there is a seven day appeal period. If the permit is issued and one of the conditions is violated, the permit can be revoked.

2. Marianne Kuusisto, stated that she lives at 6578 Montna which is a nice neighborhood, that she is appalled at the condition of another property in the area that



is a junkyard, is concerned about rodent infestation, that tarps over merchandise create a mildew odor, and that the presence of thrift stores do not beautify our Town. Ms. Suusisto stated that she believes the merchandise at the project location is junk, that there will not be room to store the merchandise indoors, and she thinks she needs to stand up for the neighborhood and oppose this project. Ms. Kuusisto referred to another property in the area, that code enforcement was contacted and some of the stuff has been cleaned up but the problems are still there.

Director Baker explained that the conditions of approval assigned to the site plan permit are designed to address those concerns, and if the application is approved, outdoor storage of material will not be permitted where visible. Mr. Baker also informed that the Town recently adopted regulations that limit the area in which outdoor displays can be displayed and that Town staff is going through a process to educate the business community by personally approaching the various store owners/occupants to inform them of the new regulations.

Mr. Baker also explained that the purpose of Neighborhood-Commercial (NC) zoning is to provide services to an immediate area and that this permit, if approved, would remain with the property regardless of ownership.

3. Marilyn Connor stated that she has owned a successful business in Paradise and doesn't do things like they are being accused of. Regarding the letter in the packet from Laura Grant, Ms. Connor stated: (1) That she thinks the complaints are based on second hand, erroneous information; (2) That the septic system on the property can handle 25-30 people, that she arranged for a contractor to test the system, and if there is a septic smell it is not coming from their property; (3) They do not bring in junk at all hours of the day and night as they come to the property at 10 am and leave when it gets dark; (4) Dirt is being used to level the ground so they can plant trees and have a garden; (5) There are three trailers that have never been closer than 40' to the neighboring property; (6) Trees have been removed that were hazardous and infringing on the septic system, and there was a permit for the removals. She and her husband have been working to clean up debris left by the original owners and believe the business will be an asset to the Town of Paradise.

4. Gary Connor stated that he would like the opponents to come over and look at what they have once they open up for business.

Director Baker suggested that the business owners meet with neighbors, and Mr. Conner said that they have done that. Director Baker then displayed a map that shows the two parcels that make up this property and explained that the permit would only apply to the portion of the parcel zoned N-C.

5. Owen Hollingsworth stated that the owners of the Aloha residential care home that was located on the property suddenly left town and abandoned the property, that the property have been vacant for several years, and that the problems at the property are the result of it having been abandoned.

6. Jim Dietle stated that he had been in business for 43 years in Paradise, since 1951, is not against anyone starting a business, is not concerned with the septic, but is

concerned if the business is going to be inspected and controlled by the Town, and that he did not know that there is a permit process such as explained by Director Baker.

7. Marianne Kuusisto stated that she doesn't understand how the property can become an asset to the Town.

Director Baker stated that the character of what has been seen at the property must change. There cannot be a visible accumulation of merchandise; the Town shares her concern about the appearance of property in town.

Director Baker closed the public hearing at 2:55 pm.

Director Baker stated that he appreciates everyone coming to the hearing, discussed the controversial nature of the project and informed the public that the Town has an administrative policy in effect that directs how a Planning Director is to handle controversial projects. If certain circumstances arise and if there is opposition to a proposed project, then the Planning Director may use his discretion to refer the matter to a higher level. Mr. Baker stated that as there is opposition to this matter and he is compelled by the policy to refer the matter to the Planning Commission.

2a: Director Baker referred the following matter to the Paradise Planning Commission for a public hearing, noting that the hearing does not require a published notice.

Director Baker informed the public that he will advise the Planning Commission of the need for a special meeting to hear this matter and will request the date be set for either November 5 or November 6, 2014, at 6:00 pm in the Town Council Chamber.

### **ADJOURNMENT**

Community Development Director Baker adjourned the meeting at 3:00 p.m.

Date Approved:

By: \_\_\_\_\_  
Craig Baker, Community Development Director

\_\_\_\_\_  
Joanna Gutierrez, CMC, Town Clerk