



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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

www.townofparadise.com

Planning Commission Staff:

Susan Hartman, Community Development Director

Planning Commission Members:

VACANT, Chair

James Clarkson, Vice Chair

Kim Morris, Commissioner

Stephanie Neumann, Commissioner

Anita Towslee, Commissioner

PLANNING COMMISSION AGENDA

6:00 PM – May 19, 2020

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact Community Development Director Hartman, at 872-6291 ext. 114 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. 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 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, 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.](#) Approval of April 21, 2020 regular meeting minutes

2. COMMUNICATION

- 2a. Recent Council Actions
2b. Staff Comments

3. PUBLIC COMMUNICATION

Public Communication Participation

In accordance with Governor Newsom's Executive Order N-29-20, remote public participation is allowed in the following ways:

The Planning Commission meeting is available to be viewed on live-stream at <https://livestream.com/townofparadise>

Public comment will be accepted by email with the subject line PUBLIC COMMENT ITEM ____ to dvolenski@townofparadise.com prior to 5:30 p.m. on the day of the meeting and will be read into the record during public comment. Written comments are subject to the regular time limitations of five minutes per speaker, please limit to 400 words or less. If you are unable to provide your comments in writing, please contact the Clerk's office for assistance at (530) 872-6291.

Public comment may be submitted by telephone during the meeting, prior to the close of public comment on an item by calling (530) 872-5951 at the time indicated by the Chair. Alternately you may send an email with the subject line:

TELEPHONE PUBLIC COMMENT ITEM ____ to the Town Clerk and include your telephone number and the Chair will call you during public comment, dvolenski@townofparadise.com

Disabled persons may request reasonable modifications or accommodations relating to the use of telephonic or electronic observation and participation prior to the Council meeting by contacting the Town Clerk at (530) 872-6291 ext. 102.

* * * 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. Quinn Use Permit Application (PL20-00107)** The project applicant is requesting Town of Paradise approval of a use permit application proposing the establishment of a construction sales and services office on a 0.52 acre property zoned Community Commercial (CC) and located at 6207 Clark Road and further identified as Assessor Parcel No. 053-040-060. (ROLL CALL VOTE)

6. OTHER BUSINESS

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

April 21, 2020

6:00 PM

CALL TO ORDER by Deputy Town Clerk Ursula Smith at 6:02 p.m. who led the Pledge of Allegiance to the Flag of the United States of America.

PLANNING COMMISSIONERS PRESENT: Kim Morris and Anita Towslee attended the meeting in person. Jim Clarkson, Stephanie Neumann and Shannon Costa, Chair attended via telephone.

PLANNING COMMISSIONERS ABSENT: None.

1. APPROVAL OF MINUTES

- 1a. **MOTION by Morris, Seconded by Towslee**, approved the Regular Meeting Minutes of February 18, 2020. Roll call vote was unanimous with Neumann absent and not voting.

Deputy Clerk Smith read the following statement:

In order to maintain appropriate social distancing, Commissioners Clarkson, Neumann and Chair Costa will be joining the meeting via phone. Commissioners Morris and Towslee are both present, as is Town Attorney Dwight Moore. During the meeting, each Commissioner will be asked if they have input or comments for each item.

There are no members of the public in the audience present, but the project applicants are in attendance to provide input and answer questions. The Commissioners welcome public comment and participation. In accordance with Governor Newsom's Executive Order N-29-20, remote public participation is available through livestreaming at <https://livestream.com/townofparadise/events/9087619>

Public participation is also allowed in the following ways.

-Written public comment concerning the Agenda items was accepted by email until 5:30 p.m. today. The names of the persons commenting and whether they oppose or support the item will be read into the record during the public comment section of the item by the Deputy Clerk.

- To comment during the meeting please call (530) 872-5951. You will be asked for your name and phone number so that you can be called when it is time to hear public input on each Agenda item. You will then be put on speaker phone and have five minutes to comment. We ask that you not repeat anything that has been previously said. Please only provide new or additional input. Comments will not be accepted after the public comment section of each item has closed. Again please call (530) 872-5951 for public comments. We appreciate your patience as we figure out the system.

2. COMMUNICATION

Commissioner Neumann was able to connect via telephone.

Community Development Director Susan Hartman apprised the commissioners of recent council action of adopting a new ordinance that increased the square footages of secondary dwellings.

3. PUBLIC COMMUNICATION - None

4. CONTINUED PUBLIC HEARING

4a. ANDERSON BROTHERS CORP. TEMPORARY USE PERMIT (PL19-00383)

APPLICATION: Planning Commission consideration of a proposed temporary (9-10 months) “Log Storage & Processing Yard” land use facility/operation associated with the post Camp Fire restoration activities. Temporary uses include contractor’s offices, construction storage yard, temporary buildings, construction equipment and vehicle parking and services, wood storage and processing facility. Land use will include delivery of wood materials from private properties and the Private Hazard Tree Program (not to include the Government Hazard Tree Removal Program materials), onsite storage/processing and shipment of wood materials from the site. Project properties combine to encompass a 41.3-acre area zoned Community Commercial, Agricultural Residential 1-acre minimum, and Rural Residential 2/3-acre minimum located at, and adjacent to, 4716-4724 Skyway, Paradise, AP Nos. 051-240-011, 012 & 051-230-047, 054, & 055.

Community Development Director Hartman gave an overview of the Anderson application.

Deputy Clerk Smith opened the Public Hearing at 6:28 p.m.

The applicant, Dave Anderson, gave a presentation on the proposed Log Storage & Processing Yard.

Town Clerk Volenski read 2 letters that were submitted after the 3:00 p.m. deadline from Ed Birdseye and Gail Flanegin.

The following person’s comments were received after the agenda was published and were included in a separate packet:

Support: Marjama Family Partners, Don Hall, Matt Miller, Pam Hall, and Eric & Kendale Swanson.

Opposed: Dan Switzer, Dale Wagoner, Richard & Karen Magee, Steven McFarland, Carl & Mary Peterson, and Al Ledford.

The following called in with comments:

Support: Nathan Bamford, Tom Gomez, Joel Burkett, Joe Gillander, Rose Tryon, Eric Gilbertson, and Randy McLaughlin.

Opposed: Ed Birdseye, Paul Farsai, Bill Happ, and Bill Hartley.

The public hearing was closed at 7:20 p.m.

Commissioner Morris asked the applicant about a newspaper article saying the applicant expected to work with CAL OES. The applicant stated that it was a misunderstanding and the log processing yard would not be processing CAL OES debris.

Commissioner Morris also questioned the applicant on the proposed timeline and ability to get water for the site.

Commissioner Towslee asked the applicant what hours he expected to have the log processing plant running. Applicant stated the original hours of 7 days a week were proposed when he thought he would be working with the state. Those hours would be reduced since there would be no processing of state debris.

Commissioner Neumann commented the residents of Paradise had been through a lot and this log yard could add stress to an already stressed populous. Stated her main concern was the traffic flow for the facility. Stated she did not believe town staff did an adequate job analyzing the traffic situation.

Town Engineer Marc Mattox stated one of the requirements for permit issuance is for the applicant to hire a company, who specializes in traffic control, to create a traffic plan and submit it to the Town Engineer for review. That is a requirement after the permit is issued.

Commissioner Costa stated her concerns had been addressed and she has confidence in Dave Anderson.

Commissioner Clarkson commented that the site is needed in order to rebuild Paradise. Stated there are not a lot of options to process logs and did not understand Commissioner Neumann's concerns regarding the traffic.

Prior to the motion Town Attorney Dwight Moore introduced documents Executive Order B-57-18 and Paradise Town Ordinance 590, which is the ordinance that authorized the permit.

MOTION by Clarkson, seconded by Costa, to approve Anderson Brothers Corp. Temporary Use Permit (PL19-00383) application: Planning Commission consideration of a proposed temporary (9-10 months) "Log Storage & Processing Yard" land use facility/operation. Ayes of Clarkson, Costa, Morris and Towslee; Noes of Neumann.

Community Development Director Hartman announced that an appeal of the Planning Commission decision can be made within seven (7) days of the public hearing. A formal request in writing with a deposit fee of \$117.38 must be turned into the Building Resiliency Center before the end of the appeal period.

GENERAL REQUIREMENTS; CONDITIONS AND RESTRICTIONS:

1. Failure to comply with the conditions specified herein as the basis for approval of application and issuance of this temporary use permit constitutes cause for the revocation of said permit in accordance with the provisions set forth in Paradise Municipal Code (PMC) Section 17.32.600 [Revocation of Temporary Use Permit].
2. Acceptance and processing of logs and wood waste originating from the Government Hazard Tree Removal Program is prohibited.

3. Unless otherwise provided for in a special condition to this Permit, all conditions must be completed prior to the establishment of the granted land use.
4. The temporary use permit shall expire December 31, 2020, or until such date as stated in Urgency Ordinance #590, if extended by the Town Council.
5. Neither the applicant, nor any agent nor representative of the applicant shall intentionally omit or misrepresent any material fact in connection with the application. Any alleged material misrepresentation shall constitute grounds for the Community Development/Planning Director to commence a revocation meeting, and, if proven to exist, shall constitute grounds to revoke the Temporary Use Permit.
6. The authorized temporary land use shall be confined to be maintained and conducted upon the affected project properties in a manner consistent with the project submittal materials and revised site plan map received on February 6, 2020 and on file with the Town Department of Development Services. Minor changes to the plans may be allowed subject to written approval of the Community Development Director only if found to be in substantial conformance to the approved project.
7. If the temporary land use is to be using PID water, then the applicant must apply for and pay for a PID construction meter.
8. The property owner(s) shall be required to establish and sustain waste collection services for the project properties provided by NRWS during the Temporary Log Storage & Processing Yard land use.
9. The applicant shall construct and operate this project in strict compliance with the approvals granted herein, Town standards, local ordinances, and in compliance with all State and Federal laws, regulations, and standards. In the event of a conflict between Town laws and standards and a State or Federal law, regulation, or standard, the stricter or higher standard shall control.
10. The project site properties occupied by the temporary land use shall be left free of debris, litter or other evidence of temporary use upon completion or removal of the temporary Log Storage & Processing Yard.
11. The property owner(s) shall defend, indemnify and hold harmless the Town of Paradise from any liability or court costs relating to any claim or action brought within 90 days after the approval of this permit to attack or challenge the approval of Log Storage & Processing Yard Temporary Use Permit [PL19-00383].

TEMPORARY LAND USE CONDITIONS OF APPROVAL:

1. Allowed Uses. Temporary Log Storage & Processing Yards allow for the storage and processing of logs and vegetation but not burning of logs and vegetation, and may include associated equipment repair, construction trailers, employee parking and portable bathroom

facilities and/or transitory shelter set up for use by the personnel assigned to the yard, but not residences.

2. Logs and wood waste originating from routine utility line maintenance shall not be stored at this specific Temporary Log Storage Yard.

3. Storage or Processing of Fire Debris Prohibited. The storage or processing of debris from the Camp Fire Consolidated Debris Removal Program at this Temporary Log Storage Yard, including the storage of trucks or equipment loaded with debris, shall be expressly prohibited.

4. Noise. Quiet hours shall be maintained between 7 p.m. to 7 a.m. seven days a week. During quiet hours, generators and heavy equipment shall not be operated, and noise levels shall conform to Paradise Municipal Code Chapter 9.18 [Noise Control]. Outside of quiet hours, noise sources associated with temporary log storage yards shall be exempt from the requirements of PMC Chapter 9.18.

5. Siting Criteria. To the extent practicable, temporary log storage yards shall be located on flat areas of the project site that are already disturbed and in such a manner to decrease impacts to uses of surrounding properties.

6. Approved Access. This temporary log storage & processing yard shall have access onto Skyway, a public road. Project site access approach shall be made in accordance with and to the satisfaction of the Town Engineer.

7. Any truck movements entering or exiting the project site that creates a traffic hazard shall be corrected to the satisfaction of and in a manner deemed acceptable to the Town Engineer and the Police Chief.

8. On-site Roads, Driveways and Aisles. This temporary log storage & processing yard shall have on-site roads, driveways and aisles that shall have a 6-inch Class 2 aggregate base, a minimum width of 25 feet, and shall be capable of supporting a 75,000 lb. load that will allow for ingress and egress of fire apparatus to within 150 feet of all piles and structures, and shall have a vertical clearance of not less than 15 feet.

9. Biological Resources. Temporary log storage yards are not to be located on lands containing wetlands, and/or endangered and protected plants and animal species. A current biological resource assessment report has been submitted to the Town Department of Development Services demonstrating that no special-status botanical species are present within the project site properties. The report identified potential project associated impacts to special-status wildlife species and a potential jurisdictional wetland feature that are recommended to be assigned minimization and mitigation measures that the Town of Paradise hereby requires to be implemented by the project applicant.

10. Outdoor Lighting. The project applicant proposes to provide portable site lighting at active ingress and egress locations of the site. All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property lines, or into the public right of way in accordance with Paradise Municipal Code Section 17.06.810 [Lighting Fixtures].

11. Property Line Setbacks and Defensible Space. All log piles and other piles shall be setback a minimum of 150 feet from all outside property lines and any permanent structures. There shall be an area of defensible space that is a minimum of 150 feet wide around the perimeter of the temporary log storage area that shall not be graded but shall be kept clear of grass and vegetation to support fire protection by clearing, disking, grubbing, and/or scraping. CAL-FIRE shall have discretion to address unique circumstances.
12. Paradise Fire Department/CAL-FIRE Standards. This temporary land use shall adhere to and comply with all applicable Paradise Fire Department/CAL-FIRE standards. State standards set out in California Fire Code Chapter 28 with respect to log storage yards and incidental wood products stored at the project site shall apply.
13. The project's submitted "Material Handling & Fire Prevention Plan" shall be established and implemented satisfactory to the Town of Paradise Fire Department/CAL-FIRE.
14. CAL-FIRE requires a portable pump capable of pumping 50 gallons per minute and a minimum of 250 gallons of water on site for fire suppression. A water tender with a minimum 250-gallon capacity may suffice for this requirement [Public Resources Code, Section 4430].
15. Per California Public Resource Code, Section 4428, the project site shall have a sealed box of tools that shall be located, within the operating area, at a point accessible in the event of a fire. This fire toolbox shall contain: one backpack pump-type fire extinguisher filled with water, two axes, two McLeod fire tools and an appropriate number of shovels so that each employee at the operation can be equipped to fight fire. In addition, one or more serviceable chainsaws of three and one-half or more horsepower with a cutting bar 20 inches in length or longer shall be immediately available within the operating area.
 - a. Whenever a fire starts, a telephone call shall be made to 911 immediately to inform that there is a fire. The facility operator shall develop a plan for monitoring, controlling, and extinguishing fires. The plan shall be submitted with the temporary use permit application for review and approval by fire officials.
 - b. Smoking may only occur in designated locations shown on the project site plan.
 - c. Log piles shall not exceed 20 feet in height, 300 feet in width, and 500 feet in length. Log piles shall be stabilized by a means approved by the Fire Chief or his/her designee.
 - d. Other piles made of incidental log related materials shall not exceed 20 feet in height; 150 feet in width, and 250 feet in length.
 - e. All piles shall be separated from all other piles by 100 feet and shall include on-site roads, driveways, and aisles as previously discussed.
 - f. All piles shall be monitored by a means approved by the Fire Chief to measure temperatures. Internal pile temperatures shall be monitored and recorded weekly. A plan by the permittee for restricting and mitigating excessive temperatures shall be submitted with the temporary use permit application for review and approval by fire officials.

g. Regular inspections of the temporary log storage yard by trained fire personnel shall be allowed and facilitated by the facility operator.

h. Cutting activities shall comply with California Fire Code Chapter 35.

16. Butte County Public Health, Environmental Health Division. The project description indicates temperatures of chips will be taken using a digital or analog temperature probe, and that temperatures will be recorded into a database record. All records need to be kept on-site so to be available to the Local Enforcement Agency [LEA] during site inspections.

17. Project description indicates that all chips produced will be hauled off to a cogeneration plant. [Note: Any chips that will be land applied must be lab tested for pathogens, heavy metals and physical contaminants.]

18. Project operator shall handle and maintain slash & chip piles at an internal temperature of less than 122F and shall be monitored. Temperatures of green material piles are to be taken at least once a week, or more often as needed. If the pile temperature exceeds 122F, then Operator shall apply effective measures to reduce heat.

19. Project description indicates that there will be minimal chip storage on-site. Each load of green material must be removed from the chip & grind site within seven (7) days of receipt. In addition, the project operation shall be conducted to minimize odors, dust and litter migrating off the site.

20. Butte County Environmental Health may conduct site inspections at any time to determine compliance with applicable standards, or in response to a complaint. [NOTE: Failure to maintain the green material and chip pile maximum core temperature of 122F will result in enforcement action by Butte County Environmental Health.

21. In the event the site fails to meet the allowable chip storage time or the maximum temperature limits for a Chipping & Grinding operation it will be regarded as a compostable material handling (composting) facility and all pertinent regulations will apply.

22. For sanitation purposes there shall be a minimum of one portable toilet and one handwash station at the facility for employee use. The portable toilet shall be routinely serviced by a licensed service provider.

23. The storage of any hazardous material at or above State-defined thresholds shall require the approval of a Hazardous Material Business Plan by the Butte County Department of Public Health, Environmental Health Division.

24. For water that is provided for human consumption, from an on-site source or transported to the facility and held in a storage tank, the facility operator shall meet the following requirements: a) if 25 or more people per day are consuming the water, the facility operator shall contact the Butte County Environmental Health Division for public system permitting requirements and shall operate in accordance with those requirements; b) if there are fewer than 25 people/day consuming the water, the facility shall have the water tested for and be in compliance with min

bacteriological standards of the Butte County Environmental Health Division. If bottled water is provided, there is no requirements for testing.

25. Air Quality and Dust Control. Per the Butte County Air Quality Management District, the proposed project shall be subject to District Rule 205—Fugitive Dust Emissions/ Requirements that shall include, but not be limited to: a) Reduce the amount of disturbed area where possible. Stabilize disturbed area soils during use and at project completion, b) Apply water or stabilizing agent with necessary quantities to prevent the generation of visible dust plumes. c) Limit vehicle speeds to 15 miles per hour on any unpaved surfaces at the project site. d) Clean visible track-out onto adjacent paved roadways daily. Track-out shall not extend more than 25 feet in cumulative length from the active project site. and e) Post a sign in a prominent location visible to the public with the telephone number of the contractor and Air District for any questions or concerns about dust from the project.

26. Portable equipment and engines (rated at 50 HP or greater) may operate at the location for up to 12 consecutive months in each of two potential consecutive years. Authorization may be by registration in the State Portable Equipment Registration Program (PERP) or the Butte County Air Quality Management District or, if under the Emergency Declaration, by filing a Form 40 with the State PERP. Operation beyond 12 months and stationary sources require an air quality permit from the District.

27. Perimeter Stormwater Control. The temporary log storage yard must be designed, prepared and operated with project improvements that adhere to and comply with perimeter stormwater control standards of the Town Public Works Department and the State Water Quality Control Board such that water accumulating within the project will be carried away from the project without injury to any adjacent improvement, residential sites, and /or adjoining areas.

28. Water Quality and Erosion Control. This temporary land use shall be established and operated in accordance with its Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer along with submittal of a Notice of Intent to obtain coverage under the General Permit Order 2009-0009-DWQ as amended. The project applicant shall adhere to and comply with all applicable water quality and erosion control standards of the Town Public Works Department and the State Water Quality Control Board.

29. Electricity and Electrical Equipment. If any new electricity connections are to be brought to the project site, a building permit shall be required. Electrical wiring and equipment shall comply with the Town adopted California Electrical Code.

30. Building Permit(s). The applicant shall obtain all necessary building permits from the Town Building Division for any proposed structures to be constructed at the project site. The applicant shall submit building plans and specifications prepared by a California registered design professional (engineer or architect) demonstrating compliance with the current Town adopted California Code requirements.

31. Project Site Reclamation/Restoration. There shall be no grading of the project site without the prior approval of the Town Engineer, but if grading is allowed, topsoil shall be conserved

be used for project site reclamation. At minimum, the project submitted and Town approved Reclamation/Restoration Plan shall include: a) Clearance of the site of all vehicles, equipment and materials utilized as part of the Temporary Log Storage Yard; and b) Stabilization of the site, implementation of erosion control measures, and successful revegetation to the satisfaction of the Community Development Director in order to render the affected project properties suitable for the land use(s) for which zoned.

32. Performance Guarantee. Prior to establishment and operation of the Temporary Log Storage Yard the project applicant shall submit to the Town of Paradise a “project performance guarantee” in the amount of \$2,000/acre of land disturbed pursuant to Paradise Municipal Code Section 17.32.400 in order to guarantee the proper completion of any approved work and to ensure that site reclamation is completed to the satisfaction of the Community Development Director.

33. Project site lands shall be restored and/or reclaimed to the satisfaction of the Community Development Director prior to release of the performance guarantee.

34. Additional Requirements. The temporary use permit may be subject to additional requirements from the Butte County Air Quality Management District, the Butte County Public Health Department, CAL-FIRE, the State Regional Water Quality Control Board, and the Town Public Works Department.

35. Violations, Enforcement, and Penalties. Approved operations of this Temporary Log Storage Yard shall be managed and monitored to ensure that activities do not constitute a public nuisance, as defined in State and local law. A temporary log storage yard that is operating in violation of the Paradise Municipal Code, and the conditions of this permit, poses a health and safety hazard and is found to be a public nuisance.

36. The Community Development Director may initiate enforcement using any process set forth in the Paradise Municipal Code, including, but not limited to Chapter 1.08 (Enforcement of Violations), Chapter 1.09 (Administrative Civil Penalties) and Chapter 8.04 (Nuisance Abatement), and may seek the imposition of costs and civil penalties. Nothing in this provision is intended to prevent alternative enforcement mechanisms.

37. If the Paradise Municipal Code Chapter 1.09 process is used, the penalties set forth in Section 1.09.190 are increased because the health and safety hazards to the public shall be greater than in the general code enforcement context. The increased penalty is a fine of one thousand dollars (\$1,000.00) for the violation and such violations shall also be a misdemeanor.

Failure to uphold and maintain compliance with the conditions of this permit may result in the permit being administratively revoked by the Town of Paradise (PMC Section 17.32.600)

Deputy Town Clerk Smith recessed the meeting for a five-minute break at 7:57 p.m.

Deputy Town Clerk Smith reconvened the meeting at 8:02 p.m.

Both Chair Costa and Commissioner Towslee abstained due to a conflict of interest and left the meeting at 7:57 p.m.

4b. FALLON SITE PLAN REVIEW PERMIT (PL19-00208) APPLICATION Planning Commission consideration of a Site Plan Review permit to sanction the legal establishment and “three-phased” development and service operations by “Friends United in Rescue” of a cat kennel facility. Project property is a 19.43-acre parcel zoned Agricultural Residential, 3-acre minimum (“AR-3”) located at 5050 Edgewood Lane, Paradise, AP No. 055-240-013. (ROLL CALL VOTE).

Hannah Braden, one of the founding members of Friends United in Rescue, Inc., read a prepared statement which stated that “Friends United in Rescue” would be withdrawing their application from the permitting process.

5. OTHER BUSINESS - None

6. COMMITTEE ACTIVITIES - None

7. COMMISSION MEMBERS

a. Identification of future agenda items.

Community Development Director Hartman stated that a use permit for Construction Sales and Services on Clark Road, the annual housing update and General Plan update is expected to be on the May agenda.

8. ADJOURNMENT

Deputy Town Clerk Smith adjourned the meeting at 8:14 p.m.

Date Approved:

By: _____
Jim Clarkson, Vice Chair

Attest:

Ursula Smith, Deputy Town Clerk

**TOWN OF PARADISE PLANNING COMMISSION STAFF REPORT
PLANNING STAFF REPORT
MEETING DATE: May 19, 2020**

FROM: Christopher Smith, Associate Planner
SUBJECT: Quinn Use Permit Application (PL20-00107)
DATE: May 14, 2020

AGENDA NO. 5 (a)

AP 053-040-060

GENERAL INFORMATION:

Applicant: Kelly Quinn
92 Cherry Blossom Dr
San Jose, CA 95123

Location: 6207 Clark Road

Requested Action: Use permit approval to establish a contracting office and storage of construction equipment and materials.

Purpose: To provide contracting services.

Project Density: N/A

Present Zoning: "CC" (Community Commercial)

General Plan Designation: "TC" (Town Commercial)

Existing Land Use: Vacant with 2 cargo containers

Surrounding Land Use: North: Commercial building
East: Clark Road
South: Vacant commercial property
West: Vacant commercial property

Parcel Size: ±0.52 acres

CEQA Determination: Categorically Exempt – CEQA Section 15303, Class 3

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 permit applicant and project developer, Kelly Quinn, is requesting use permit approval from the Town of Paradise to establish a contractor's office with vehicle, equipment and materials storage. Use permit application materials indicate that this site will eventually return to a state similar to what previously existed and with current construction codes. All previous structures were destroyed by the Camp Fire, leaving an entirely empty lot. The applicant is proposing to initially utilize a temporary commercial office building, as authorized under Paradise Municipal Code Section 17.06.980, to later be replaced with permanent construction. The materials storage will be contained with storage buildings and not out in the open.

The 0.52-acre project site is located in the west central portion of the Paradise community at 6207 Clark Road and is situated within the Community Commercial (C-C) zoning district. The site is currently unimproved excepting two (2) cargo containers to be used as temporary storage for the proposed land use. Only the property to the north is currently developed with an unoccupied commercial building, while other surrounding commercial properties are still vacant post-Camp Fire. Clark Road, a paved arterial public street, abuts the site along its east side and provides primary access to the site.

ENVIRONMENTAL REVIEW:

This project is deemed to be exempt from CEQA under Section 15303, Class 3, as the project consists of a commercial office not exceeding 2,500 square feet as well as accessory storage structures.

ANALYSIS:

Pursuant to Section 17.20.500 of the Paradise Municipal Code, the establishment of land uses associated with contracting services and bulk storage of materials are subject to town approval of a use permit.

The proposed project has received favorable responses from commenting agencies and it is town staff's position that the project site is a reasonable location for the establishment of the proposed land use if conditioned properly. 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.

REQUIRED FINDINGS FOR APPROVAL:

- a. Find that the proposed project is categorically exempt from the requirements of the

California Environmental Quality Act (CEQA) pursuant to Section 15303 (Class 3) of the CEQA guidelines.

- b. Find that the project, **as conditioned**, is consistent with the Town-Commercial designation as shown on the Paradise General Plan land use map; and is consistent with the development goals, objectives and policies of all applicable General Plan elements.
- c. Find that the project, **as conditioned**, is compatible with surrounding land uses and would not be detrimental to the health, safety and general welfare of the residents of the Town of Paradise.

RECOMMENDATION:

Adopt the required findings for approval as provided by staff and approve the Quinn use permit application (PL20-00107) to allow the establishment of a contractor's office, vehicle and equipment storage and storage of bulk materials subject to the following conditions:

CONDITIONS TO BE MET PRIOR TO ISSUANCE OF BUILDING PERMIT(S)

GENERAL CONDITIONS

- 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. Secure Town of Paradise design review approval for any new business sign structures prior to the establishment of such signs on the site.
- 3. An Administrative Permit must be applied for, and secured, for the placement of any sign within 50' of centerline of Clark Rd.
- 4. Use of a temporary commercial building is subject to the issuance of a Temporary Use Permit for a time period not to go beyond December 31, 2022.
- 5. No inoperative or dismantled vehicles shall be stored where visible from off the site.
- 6. All work within the Clark Road public right of way is subject to Town issuance of an encroachment permit, which will require that the contractor be properly licensed and bonded with the Town of Paradise.

7. Required landscape plans for the proposed project shall be designed to provide for landscaping comprising a minimum of ten percent of the developed area of the site. Landscape Plans shall be designed in accordance with the requirements of the State of California Model Water Efficient Landscape Ordinance (MWELO).
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. Minor changes to the interior and/or exterior design of the project may be approved administratively by the Town Planning Director upon submittal of a written request for such changes, if the requested changes are consistent with the overall intent of the project, its environmental document and its approval action. Any requested changes deemed by the Planning Director to be major or significant shall require a formal use permit modification review by the Planning Commission and the payment of the appropriate processing fees.
10. Maintain the property in a manner consistent with the Design Standards of the Clark Road Corridor.
11. Pay development impact fees prior to issuance of building permits for project construction in accordance with Paradise Municipal Code requirements.

CONDITIONS TO BE MET PRIOR TO LAND USE ESTABLISHMENT

ROADS AND ACCESS

12. Secure the issuance of an encroachment permit from the Town Public Works Department and repairs driveway encroachment along the Clark Road frontage of the project site in a manner deemed satisfactory to the Town Engineer.
13. Deed forty feet from the center of the Clark Road right-of-way in a manner deemed satisfactory to the Town Engineer or provide a recorded document showing that this requirement has been met.

UTILITIES

14. Meet the requirements of Paradise Irrigation District.

SITE DEVELOPMENT

15. Meet the requirements of the Town Building Official regarding submittal of construction plans, building permit application, and all applicable town adopted construction code requirements.
16. Complete the requirements of the Town Onsite Sanitary Official concerning application, permit issuance, and installation of a replacement septic system to serve this property. Provide evidence thereof to the Town Development Services Department (building division).
17. Establish and maintain on-site parking facilities containing a minimum of 4 parking spaces, one of which must be a van-accessible handicap space, in accordance with all town parking ordinance regulations including an accessible path of travel from the public right-of-way to the building.
18. Meet the requirements of the Fire Prevention Inspector in accordance with written comments dated March 4, 2020 (attached).
19. Submit and secure approval of required erosion control plan and a dust emissions control plan in a manner deemed satisfactory to the Town Engineer. Implementation and maintenance of the approved erosion control and dust emissions control plans shall be maintained and ongoing for the term of the proposed land use.
20. Equipment and storage areas shall be shielded from off-site view in a manner satisfactory to the Town Planning Director and consistent with town zoning regulations.

CONDITIONS TO BE MET WITHIN 180 DAYS OF LAND USE ESTABLISHMENT

SITE DEVELOPMENT

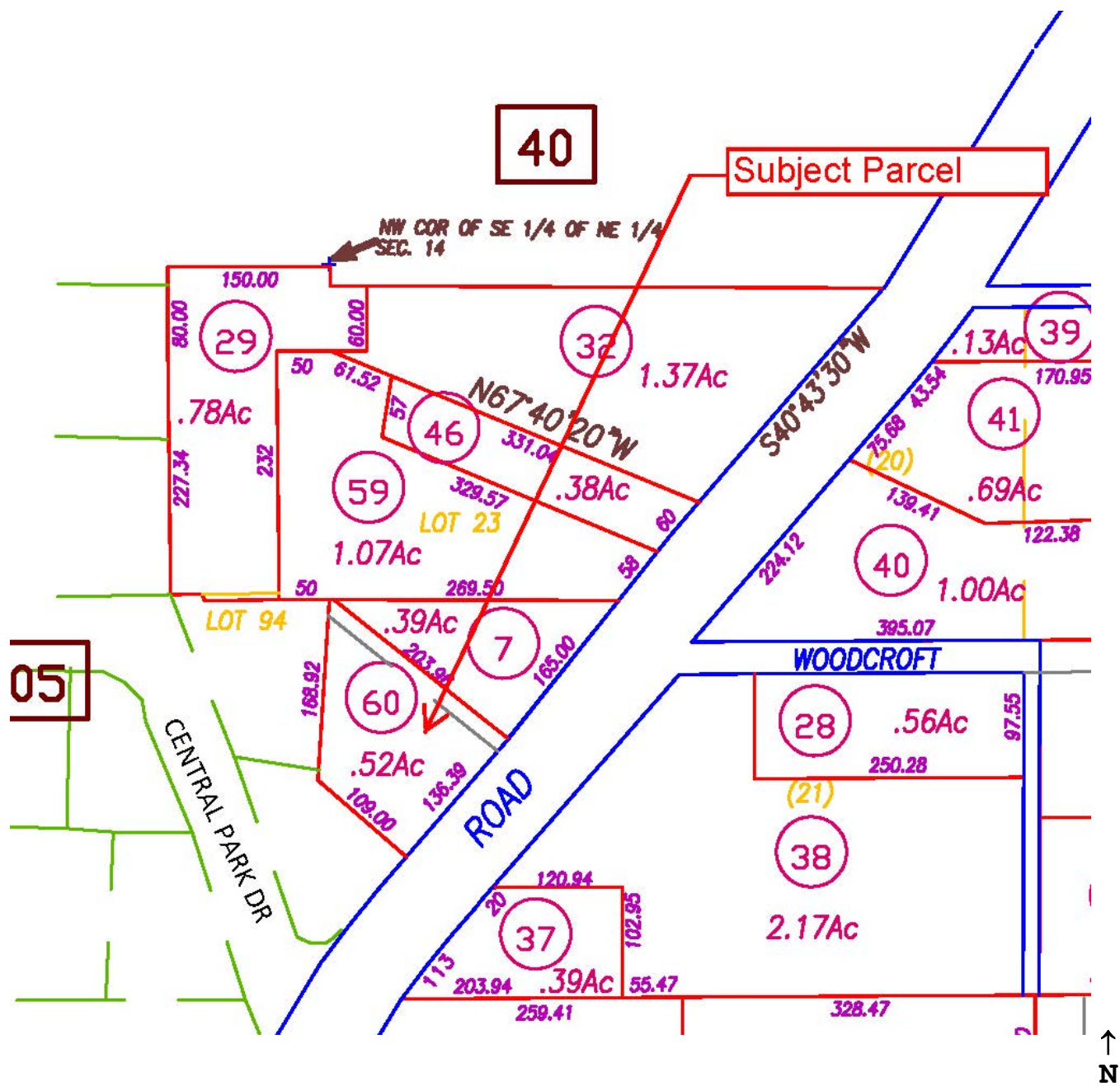
21. Submit landscaping plans and current application fee to the Development Services Department (Planning division) in accordance with Paradise Municipal Code requirements and install approved landscape materials in a manner deemed satisfactory to the town Planning Director. Installation of required landscape materials may be guaranteed by a bond (or a similar financial instrument) for a limited additional period of time determined by the Planning Director to be appropriate (ex: 90 days).

CONDITIONS OF LAND USE OPERATION

22. Hours of operation for the proposed construction sales and service land use shall be limited from 7:00 a.m. to 7:00 p.m., Monday through Saturday.
23. All activities associated with the proposed contracting service, equipment and storage land use shall be conducted in compliance with the Town of Paradise Noise Control Ordinance.
24. Bulk material storage associated with the construction services shall be contained within storage buildings.
25. Any future accessory residential occupancy on the project site shall be subject to approval by the Paradise Irrigation District for compliance with applicable water meter size requirements.

**ATTACHMENTS FOR
PLANNING COMMISSION AGENDA ITEM 5(a)**

1. Project site vicinity map
2. Notice sent to surrounding property owners for the May 19, 2020 public hearing
3. Mailing list of property owners notified of the May 19, 2020 public hearing
4. Comments received from Fire Prevention Inspector Chris Rainey
5. Comment received from Engineering Construction Inspector II Kevin Peppas
6. Notice of exemption document for the Quinn CUP project
7. Conditional Use Permit application submitted by Kelly Quinn.
8. Project site plan



APPLICANT: Kelly Quinn

OWNER: Janet Bowers

6207 Clark Rd

PROJECT DESCRIPTION:

Proposed use change to Construction Sales and Services in a Community Commercial (CC) zoning district. Project will include temporary office space and storage while rebuilding lot.

ZONING: CC

GENERAL PLAN: TC

FILE NO. PL20-00107

ASSESSOR PARCEL NO. 053-040-060

MEETING DATE: 05/19/2020

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, May 19, 2020 at 6:00 p.m. in the Town Hall Council Chambers, 5555 Skyway, Paradise, California, regarding the following:

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

Quinn Use Permit Application (PL20-00107) The project applicant is requesting Town of Paradise approval of a use permit application proposing the establishment of a construction sales and services office on a 0.52 acre property zoned Community Commercial (CC) and located at 6207 Clark Road and further identified as Assessor Parcel No. 053-040-060.

The project files are available for public inspection at the Development Services Department, Building Resiliency Center, 6295 Skyway, Paradise, CA 95969. 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 of Paradise Planning Director at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6291, ext. 435.

SUSAN HARTMAN
Planning Director

053-040-060-000
CAMPBELL JOHN R & HEATHER S
135 BRANDON PL
BENICIA CA 94510

053-040-032-000
TRAUTMAN SUSAN W ETAL
SMITH CURTIS C LIVING TRUST
PO BOX 6184
OROVILLE CA 95966

053-040-038-000
LEE FAMILY TRUST
C/O LEE LARRY A & SHARON A TRUSTEES
749 LOS OLIVOS DR
SANTA CLARA CA 95050

053-040-059-000
BERNDT ROBERT P TRUST
C/O BERNDT ROBERT P TRUSTEE
6906 CLARK RD
PARADISE CA 95969

053-050-023-000
EDWARDS JERRY & LINDA
15202 TOREY PINE RD
MAGALIA CA 95954

053-050-029-000
HEINKE JOHN RANDAL
PO BOX 2615
PARADISE CA 95967

053-080-014-000
CARE NET PREGNANCY CENTER OF PARADISE
C/O JEFFREY G VESELY CPA
573 PEARSON RD
PARADISE CA 95969

053-040-007-000
BERNDT TRUST
C/O BERNDT DE PINEDA RHONDA TRUSTEE
PO BOX 7656
CHICO CA 95927

053-040-035-000
MCDONALDS CORPORATION
C/O BURINGTON MARK
2289 IVY ST
CHICO CA 95928

053-040-040-000
PORTER EDWARD F JR & MARYLOU ETAL
PORTER GARY J & KARREN R
PO BOX 616
MAGALIA CA 95954

053-050-021-000
CHAPMAN HERBERT R & JANICE E TRUST
1012 CENTRAL PARK DR
PARADISE CA 95969

053-050-027-000
POE KEVIN & SASHA
2704 HEGAN LN STE 154
CHICO CA 95928

053-050-037-000
LOBESE JORDONNA L
PO BOX 952
MAGALIA CA 95954

053-080-055-000
FRY DOLORES M REVOCABLE INTER VIVOS
TRUST ESTATE
C/O FRY GREGORY
1862 ROSSWOOD DR
SAN JOSE CA 95124

053-040-029-000
STASER DOROTHY J TRUST ESTATE ETAL
C/O LAURA JONES
1023 CENTRAL PARK DR
PARADISE CA 95969

053-040-037-000
HEIN FAMILY TRUST
C/O HEIN RALPH J TRUSTEE
1345 KAEALYN CT
ORLAND CA 95963

053-040-046-000
CUMMINGS DONALD W ETAL
CUMMINGS PATRICIA M
41 CROW CANYON CT
CHICO CA 95928

053-050-022-000
BELL FAMILY TRUST
C/O BELL JOHN C & JUANITA
10256 DEL MONTE WAY
KELSEYVILLE CA 95451

053-050-028-000
HEINKE JOHN RANDAL
PO BOX 2615
PARADISE CA 95967

053-050-042-000
PARADISE MOUNTAIN REAL ESTATE INC
845 MUNSEL CREEK LOOP
FLORENCE OR 97439

Quinn
5-19-20

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
6161 Clark Road Ste. 1
Paradise, CA 95969

Paradise Board of Realtors
PO Box 356
Paradise, CA 95969

Quinn
5-19-20

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
313 Walnut St., Ste. 140
Chico, CA 95928

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

Paradise Downtown Bus Assoc
739 Fir Street
Paradise, CA 95969



Town of Paradise

PARADISE FIRE & RESCUE

767 Birch Street, Paradise, CA 95969
www.townofparadise.com
(530) 872-6264



Development Review

Project Name: Quinn Conditional Use Permit
Location: 6207 Clark Road, Paradise
APN: 053-040-060
Applicant: Kelly Quinn [Applicant]; Janet Bowers [Owner]
Project No. PL20-00107
Date of Plan Review: March 4, 2020
Review conducted by: Chris Rainey, Fire Prevention Inspector 2

The scope of project: Proposed use change to Construction Sales and Services in a Community Commercial (CC) zoning district. Project will include temporary office space and storage while rebuilding lot.

Development review was performed and the following comments were generated:

General:

1. Address identification. New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches high with a minimum stroke width of 1/2 inch. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.
2. Provide at least one fire extinguisher in a conspicuous location in the office building with a minimum rating 2A:10B:C and shall be installed so that the top is not more than 5 feet (1524 mm) above the floor.

Thank you,
Chris Rainey
Fire Prevention Inspector
Town of Paradise
530-872-6291 x304

**TOWN OF PARADISE
DEVELOPMENT SERVICES DEPARTMENT**

DEVELOPMENT REVIEW REQUEST

TO: Onsite, Fire, Engineering, PDD, PPD

FROM: Susan Hartman, Acting Planning Director *SH*

REQUEST: Review and Comment

DESCRIPTION OF PROJECT: Proposed use change to Construction Sales and Services in a Community Commercial (CC) zoning district. Project will include temporary office space and storage while rebuilding lot.

LOCATION: 6207 Clark Road, Paradise

AP NOS.: 053-040-060

APPLICANT: Kelly Quinn [Applicant]; Janet Bowers [Owner]

CONTACT PHONE: (916) 367-9231

RETURN DATE REQUESTED: **March 13, 2019**

DATE DISTRIBUTED: February 28, 2020

DOES YOUR AGENCY HAVE THE CAPACITY TO SERVE THIS PROJECT?

☐ YES ☒ YES, WITH CONDITIONS ☐ NO (EXPLAIN BELOW)

COMMENTS AND/OR RECOMMENDED CONDITIONS:

Encroachment permit and up grass Driveway, width of apron

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.

NOTICE OF EXEMPTION

To: File: AP No: 053-040-060; [PL20-00107]

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

Project Title: Quinn Conditional Use Permit

Project Applicant: Kelly Quinn

Project Location: 6207 Clark Rd

Project Description: Use permit approval to establish a contracting office and indoor storage of construction equipment and materials

Approving Public Agency: Town of Paradise

**Person or Agency
Carrying Out Project:** Kelly Quinn

Exempt Status: _____ Ministerial (Section 15268)
_____ Emergency Project (Section 15269)
_____ General Rule Exemption (Section 15061)
 X _____ Categorical Exemption
Section 15303 Class 3

Reason for Exemption: Project consists of a commercial office not exceeding 2,500 square feet as well as accessory storage structures.

Contact Person: Susan Hartman, Planning Director
(530) 872-6291 ext. 114

Signature: 

Town Planning Director

Date: _____

DEPARTMENTAL USE ONLY:

Receipt No. _____ Fee _____
Project No. _____

**TOWN OF PARADISE
APPLICATION FOR CONDITIONAL USE PERMIT**

Applicant Kelly Quinn Phone (916) 367-9231
Applicant's Mailing Address 92 Cherry Blossom DR San Jose CA 95123
Applicant's email address KMQBuilders@GMAIL.com Fax N/A
Applicant's Interest in Property (Owner, Lessee*, Other*) owner/contractor
*If applicant is NOT the property owner, the owner's signature or owner-signed letter of authorization MUST accompany this application.
Owner's Name JANET Bowers Phone (408) 810-1213
Owner's Mailing Address 92 Cherry Blossom DR SAN JOSE CA 95123
Property Address 6207 CLARK RD Parcel Size 0.52
Engineer (Name, Address) N/A
Engineer Phone _____ Fax _____ Email _____
AP Number(s) 053-040-060-000 Zone CC Existing Use _____
Detailed project description: (attach additional sheets if necessary) Temporary construction yard. I AM A General contractor. Two 40' METAL STORAGE CONTAINERS AND ONE 40' METAL STORAGE CONTAINER OFFICE PLAN ON BUILDING OFFICE AND SHOP NEXT YEAR.
Purpose of project: Building 3 HOMES IN paradise NOW. Moving my ~~new~~ BUSINESS TO paradise
Radial distance to the nearest billboard _____
Sq. ft. of proposed structure/project 3-40' containers Approx. no. yards of cut/fill N/A
Percentage increase in area of structures on site (example: A 250 sq. ft. addition to a 1,000 sq. ft. building = 25%) _____
Distance to nearest fire hydrant _____ Distance from centerline _____
Days/hours of operation: Days 5 Hours 10 Proposed no. of employees 0
Residential Density _____ Max. occupancy _____ Max. height of proposed structure/project 8'
Describe exterior design and exterior finish (Attach additional sheet(s) if necessary.): Storage BENS

Method of sewage disposal? Portable Toilet
Is the proposed project site considered sensitive for archaeological resources? Yes _____ No x (Please consult staff.)

NOTE: IF YES, PLEASE SUBMIT PAYMENT OF FEES TO "NORTHEASTERN INFORMATION CENTER" FOR ARCHAEOLOGICAL RECORDS INVENTORY SEARCH.

I HEREBY DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE STATEMENTS AND ATTACHED PLOT PLAN ARE TRUE, ACCURATE, COMPLETE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Applicant's Signature Kelly Quinn Date 2-3-20
Property Owner Signature _____ Date _____
(If applicable)

PLEASE ALLOW 6-8 WEEKS FOR PROCESSING; LONGER IF THE PROJECT IS SUBJECT TO ENVIRONMENTAL REVIEW.

NOTE: By signing this application form, the applicant is indicating that the project site is not included on any state or local list of hazardous waste sites compiled pursuant to California Government Code Section 65962.5, effective July 1, 1987.

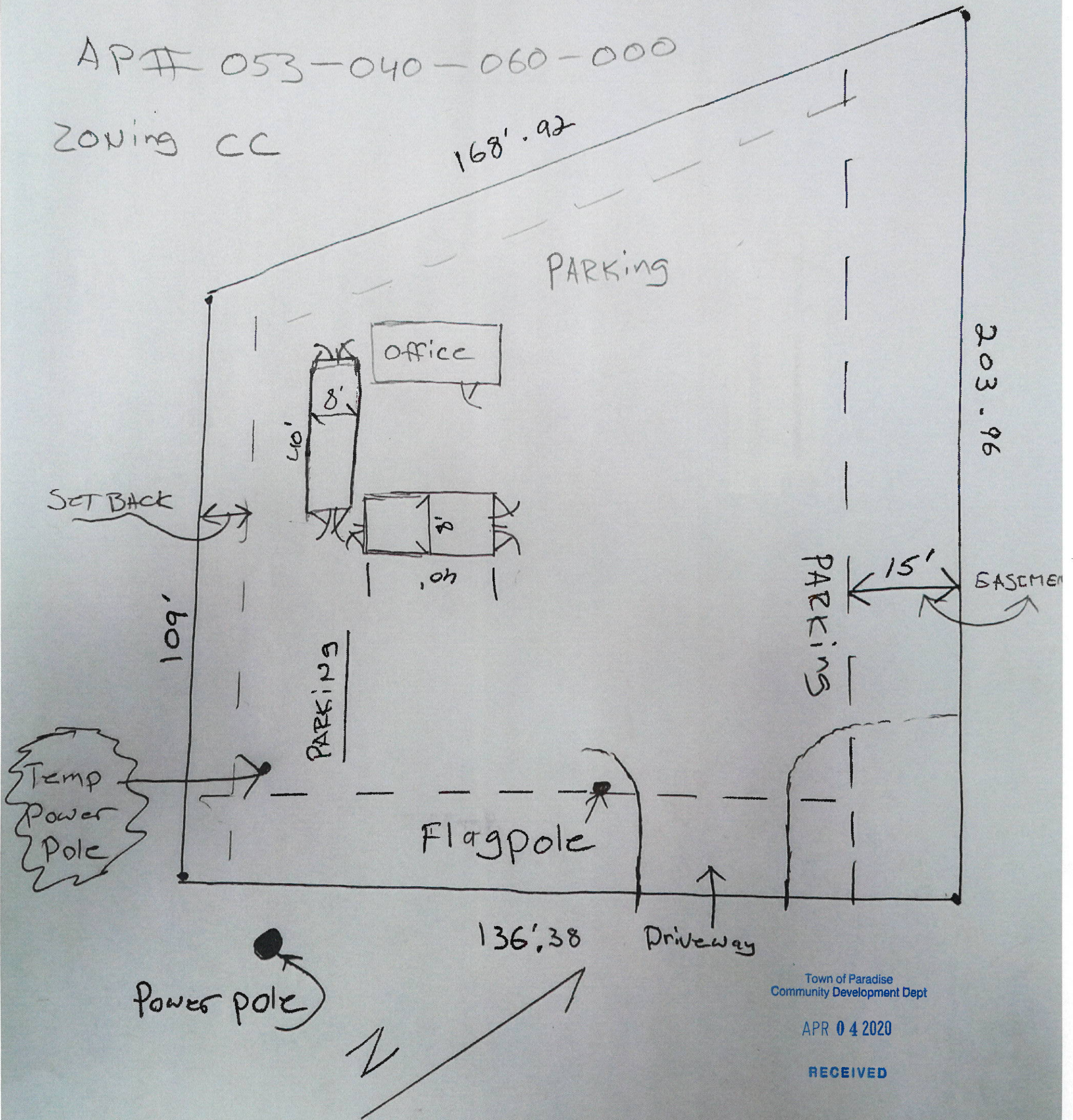
NAME JANET BOWERS

6207 CLARK RD Paradise

92 Cherry Blossom Drive SAN JOSE CA 95123

AP# 053-040-060-000

Zoning CC



Town of Paradise
Community Development Dept

APR 04 2020

RECEIVED