



TOWN OF PARADISE

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

PLANNING DIRECTOR MEETING AGENDA **REGULAR MEETING – 10:00 AM – April 27, 2015**

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Town Clerk's Dept., at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Town Clerk. Members of the public may address the Planning Director on any agenda item, including closed session. If you wish to address the Planning Director on any matter on the Agenda, it is requested that you complete a "Request to Address Council" card and give it to the Town Clerk prior to the beginning of the Planning Director Meeting. All writings or documents which are related to any item on an open session agenda and which are distributed to the Planning Director within 72 hours of a Regular Meeting will be available for public inspection at the Town Hall in the Town Clerk 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

1. APPROVAL OF MINUTES

- a. Approval of October 21, 2014 Planning Director Minutes.

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

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Planning Director meeting.

3. CONTINUED PUBLIC HEARING - None.

4. PUBLIC HEARING

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

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

Item determined to be exempt from environmental review

- a. **COSTA CONDITION USE PERMIT (PL15-00115) APPLICATION** Use permit application request for the complete reconstruction of a fire damaged dwelling within the required 5' side yard setback (2'6") on a +0.11 ac residential property zoned TR 1/3 (Town Residential 1/3 Acre Minimum) located at 676 Memorial Way, AP No. 052-090-021

5. 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	

**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 portion of 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. Kuusisto 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 has 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.

4a: 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

**TOWN OF PARADISE PLANNING DIRECTOR
PLANNING STAFF REPORT
MEETING DATE: April 27, 2015**

FROM: Susan Hartman, Assistant Planner
SUBJECT: Costa Use Permit Application (PL15-00115)
DATE: April 20, 2015

AGENDA NO. 4(a)
AP 052-090-021

GENERAL INFORMATION:

Applicant: Jim Costa
10012 NE 19th St
Vancouver, WA 98664

Location: 676 Memorial Way, Paradise

Requested Action: Use permit approval to authorize the replacement of a single family residence, within the required side yard setback, that was destroyed by fire.

Purpose: To reestablish a previously-existing, nonconforming land use on the site.

Present Zoning: Town Residential 1/3 Acre Minimum (TR 1/3)

General Plan Designation: Town Residential (TR)

Existing Land Use: Single family residential

Surrounding Land Use:

North:	Memorial Way
East:	Single-family residential
South:	Commercial Convenience Storage
West:	Single-family residential

Parcel Size: ±0.11 acre

CEQA Determination: Categorically Exempt - CEQA Section 15303 (Class 3 exemption)

Other: An appeal of the Planning Director'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 DIRECTOR MAY NOT TAKE ACTION ON THIS APPLICATION

SPECIAL INFORMATION:

The project applicant is seeking authorization from the Town of Paradise, via use permit approval, to replace a previously-existing, legal nonconforming single family dwelling that was destroyed by fire in 2014. The ± 0.11 acre property is located at 676 Memorial Way, a paved private street, and is currently developed with a fire damaged single-family dwelling.

Butte County Assessor records show that the residence was legally established in 1956, prior to the Town's incorporation. The proposed $\pm 1,233$ square foot reconstructed residence will be established in the location of the original foundation of the previously existing residence and will not be expanded beyond its original dimensions. No other structures exist on the property.

ANALYSIS:

This project has been determined by planning staff to belong to a class of projects which are categorically exempt from environmental review, pursuant to the requirements of the California Environmental Quality Act (CEQA Section 15303 Class 3).

PMC Section 17.39.300 (*Restoration of damaged nonconforming use*) provides that a damaged, lawful nonconforming structure may be restored and used again as a lawful nonconforming use subject to town approval of a conditional use permit.

ANALYSIS CONCLUSION:

Based upon the circumstances outlined above and the environmental setting of the predominantly residential neighborhood, staff submits that town authorization to replace the single family residence is reasonable and appropriate. Therefore, staff recommends Planning Director approval of the Costa use permit, based upon the following findings:

REQUIRED FINDINGS FOR APPROVAL:

- a. The proposed project is categorically exempt from environmental review under the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15303, (Class 3) of the CEQA guidelines

- b. Find that, as conditioned, approval of the Costa use permit can be found to be consistent with the goals and land use policies of the current 1994 Paradise General Plan because project approval would promote the replacement of a legal nonconforming structure for which evidence of record exists to demonstrate that it was lawfully established in its previous location.
- c. The proposed project, as conditioned by the Town of Paradise, will not be detrimental to the public health, safety and general welfare.

RECOMMENDATION:

Adopt the required findings for approval as provided by staff, and approve the Costa use permit application (PL15-00115) for property located at 676 Memorial Way (AP 052-090-021), requesting authorization to replace the previously existing single family residence, subject to the following conditions of approval:

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

SITE DEVELOPMENT

1. Secure a demolition permit through the building division for the removal of the existing fire damaged structure.
2. Submit construction documents and meet the requirements of the Town Building Official regarding building permits and all applicable town-adopted construction code regulations including Wildland Urban Interface construction requirements.
3. No portion of the single family residence shall be placed closer than **two feet and six inches (2' 6")** from the eastern property line in the location identified and proposed on the site plan dated received on March 31, 2015 on file with the Development Services Department.

SANITATION

4. Apply for, and secure, an onsite sanitation division building clearance for the building sewer connection to the existing septic system.

UTILITIES

5. Any relocation or rearrangement of PG&E facilities to accommodate this project will be at the developer/applicant expense. There shall be no facilities construction allowed over or under any existing PG&E facilities or inside any PG&E easements affecting this property.

OTHERS

6. Pay any applicable development impact fees in accordance with Paradise Municipal Code requirements.

CONDITIONS TO BE MET PRIOR TO FINAL BUILDING INSPECTION AND CERTIFICATE OF OCCUPANCY

SITE DEVELOPMENT

7. Complete the requirements of the Fire Marshal regarding plans submittal for an Automatic Fire Sprinkler System for the proposed single family dwelling.
8. All flammable vegetation shall be removed at a minimum distance of one hundred (100) feet from all structures or to the property line, whichever is less.
9. Complete the project as per the Town of Paradise adopted California Building Standards and Town of Paradise approved plans and specifications.

SANITATION

10. Connect to the existing sewage disposal system in a manner deemed satisfactory to the Town Onsite Sanitary Official.

UTILITIES

11. Meet the requirements of the Paradise Irrigation District (PID) in accordance with written communication from PID staff regarding this project, dated April 2, 2015 and on file with the Town Development Services Department.