

M I N U T E S

CALL TO ORDER

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

1. APPROVAL OF MINUTES –

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

2. PUBLIC COMMUNICATION – None.

3. CONTINUED PUBLIC HEARING – None.

4. PUBLIC HEARING

a. Items previously determined exempt from environmental review:

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

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

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

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

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

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

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

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

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

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

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

4 b. TRINITY PINES Use Permit Modification (PL12-00012) Application requesting the modification to the terms and conditions of a previously-approved conditional use permit for the establishment of an adult residential care facility for up to twelve residents on property located at 800 Elliott Road, Paradise, AP No. 052-150-028.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Items proposed to be determined exempt from environmental review:

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

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

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

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

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

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

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

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

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

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

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

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

SEWAGE DISPOSAL

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

ROADS/ACCESS

2. Construct, or defer by covenant agreement executed with the Town of Paradise, a one-half street section upgrade improvement along the project site frontage of Bille Road to the town-adopted B-4 road standard **or provide recorded deed document showing that this requirement has been met.**
3. Deed forty-feet from the centerline of Bille Road to the Town of Paradise or provide recorded deed document showing that this requirement has been met.

SITE DEVELOPMENT

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

UTILITIES

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

OTHERS

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

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

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

5. OTHER BUSINESS – None.

6. ADJOURNMENT

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

Planning Director

ATTEST:

Planning Secretary