

TOWN OF PARADISE

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

Planning Commission Staff: Craig Baker, Community Development Director Susan Hartman, Assistant Planner Planning Commission Members: Ray Groom, Chair Anita Towslee, Vice-Chair James Clarkson, Commissioner Stephanie Neumann, Commissioner Martin Nichols, Commissioner

PLANNING COMMISSION AGENDA

6:00 PM – December 20, 2016

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact Community Development Director Baker, at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Presiding Clerk. Members of the public may address the Planning Commission on any agenda item, including closed session. If you wish to address the Planning Commission on any matter on the Agenda, it is requested that you complete a "Request to Address Council/Commission" card and give it to the Presiding Clerk prior to the beginning of the Council Meeting. All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Planning Commission within 72 hours of a Regular Meeting will be available for public inspection at the Town Hall in the Town Clerk or Community Development Services Department located at 5555 Skyway, Room 3, at the time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

CALL TO ORDER

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL

1. APPROVAL OF MINUTES

<u>1a.</u> Approve Regular Meeting Minutes of October 18, 2016.

2. COMMUNICATION

- a. Recent Council Actions
- b. Staff Comments

3. PUBLIC COMMUNICATION

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

* * * PUBLIC HEARING PROCEDURE * * *

- A. Staff comments
- B. Open the hearing to the public
 - 1.Project applicant
 - 2.Parties for the project
 - 3.Parties against the project
 - 4.Rebuttals

- C. Close hearing to the public
- D. Commission discussion
- E. Motion
- F. Vote

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 - None

6. OTHER BUSINESS

<u>6a.</u> Consideration of a request to approve a time extension assigned to the conditionally approved Visinoni parcel map proposing to divide an existing 3.3 acre property located at 678 Buschmann Road into four parcels of record for residential use (PL16-00401); APN 052-360-007

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

a. Identification of future agenda items (All Commissioners/Staff)

9. ADJOURNMENT

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PLANNING COMMISSION MINUTES

October 18, 2016 6:00 PM

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

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

COMMISSIONERS ABSENT: Raymond Groom and Martin Nichols.

1. APPROVAL OF MINUTES

 MOTION BY NEUMANN, seconded by Clarkson, approved the Regular Meeting Minutes of September 20, 2016. Roll call vote was unanimous with Groom and Nichols absent and not voting.

2. COMMUNICATION

- a. Recent Council Actions Community Development Director Craig Baker reported that the Town Council adopted Ordinance No. 563, the 2016 Building Code Standards and introduced Ordinance No. 564 relating to housing for agricultural employees.
- b. Staff Comments None

3. PUBLIC COMMUNICATION - None

4. **CONTINUED PUBLIC HEARING** - None.

5. PUBLIC HEARING

5a. Community Development Director Craig Baker reported that on August 31, 2016 the Planning Director conducted a public hearing regarding this project and that a petition signed by fourteen neighbors was submitted in opposition of the project, citing negative impacts to property values and the associated noise of barking dogs. In accordance with Town Council Administrative Policy No. 650 adopted in 1991, the Planning Director is to refer to the Planning Commission any projects for which notable written opposition is submitted. The Planning Director public hearing was adjourned and the project was scheduled for Planning Commission consideration.

PLANNING COMMISSION MINUTES Page 2

Assistant Planner Susan Hartman reported on the Barocas conditional use permit application to legally sanction an existing indoor private dog kennel to keep up to eight family-owned dogs in a single-family dwelling on a 0.86 acre property zoned Rural Residential -2/3 acre minimum (RR-2/3), AP No. 050-040-145. The project is determined to be categorically exempt from CEQA requirements.

Vice Chair Towslee opened the public hearing at 6:12 p.m.

1. Robin Barocas, applicant, informed the Planning Commissioners that she spoke with the surrounding neighbors regarding her dogs and they were all supportive and stated that there was another large dog in the neighborhood that was making noise. Mrs. Barocas agreed to all the conditions of approval provided in the staff report. Community Development Director Baker confirmed that Mrs. Barocas understood that if at a future date citations were issued regarding her dogs, the use permit could potentially be revoked.

Vice Chair Towslee closed the public hearing at 6:31 p.m.

MOTION BY CLARKSON, seconded by Towslee, adopted findings for approval and approved the Barocas use permit application (PL16-00216) for property located at 7191 Pentz Road (AP 050-040-145), requesting authorization to establish an indoor dog kennel for up to eight family-owned dogs, subject to the following conditions of approval provided by town staff. Roll call vote was unanimous with Groom and Nichols absent and not voting.

CONDITIONS OF INDOOR KENNEL APPROVAL

- 1. If any land use for which a use permit has been granted and issued is not established within three years of the use permit's effective date, or if compliance with use permit conditions of approval is not achieved and maintained, the use permit may become subject to revocation by the Town of Paradise.
- 2. Schedule an inspection of the indoor kennel by town Animal Control staff and meet any resulting requirements within thirty (30) days of the effective date of this use permit. Provide evidence thereof to the town Development Services Department [planning division].
- 3. Secure the issuance of a town-approved kennel license from the Paradise Police Department within thirty days of the effective date of this use permit.
- 4. Maintain current rabies vaccinations for all dogs kept at the indoor kennel and meet all dog licensing requirements of the Town of Paradise.
- 5. Excepting brief periods of outdoor activity necessary for sanitation purposes and/or transport off of the site, all dogs shall be kept indoors at all times. Any outdoor activity shall be limited to the 25' x 24.5' fenced area adjacent to the indoor kennel.
- 6. All areas of the indoor dog kennel shall be kept in a clean and sanitary condition free from any accumulation of animal waste. Properly dispose of all animal waste.
- 7. The indoor kennel shall be operated in compliance with the requirements of PMC section 6.12.030 (*Nuisances-designated*), particularly with regard to noise disturbances.
- 8. The indoor kennel shall be subject to all requirements of PMC Chapter 6.28 (*Kennels/pet shops*).

PLANNING COMMISSION MINUTES Page 3

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

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

6. **OTHER BUSINESS** - None

7. COMMITTEE ACTIVITIES - None

8. COMMISSION MEMBERS

a. Identification of future agenda items (All Commissioners/Staff)

Community Development Director Baker informed the Planning Commissioners that Safeway is expected to resubmit revised plans, a parcel map extension is expected to be submitted, and a six lot subdivision application is in progress on the west end of Buschmann Rd that turns into Indian Rock Road.

9. ADJOURNMENT

Vice Chair Towslee adjourned the meeting at 6:42 p.m.

Date approved:

By:

Anita Towslee, Vice Chair

Attest:

Dina Volenski, CMC, Town Clerk

MEMORANDUM

TO :	Paradise Planning Commission	Agenda No. <u>6 (a)</u>
FROM:	Craig Baker, Community Development Director	
SUBJECT:	Application for Approval of an Extension of Time Assigned to the Conditionally Approved Visinoni Parcel Map (PL16-00401); APN 052-360-007	
DATE:	December 13, 2016	

BACKGROUND:

On January 17, 2012, the Planning Commission conducted a public hearing and conditionally approved the above-noted tentative parcel map application authorizing the division of a <u>+</u>3.3 acre property located at 678 Buschmann Road into four separate parcels subject to 25 conditions of approval.

Town records indicate that the Town's conditional approval of this tentative parcel map and its authorization to be completed as a recorded final parcel map would have expired on **January 17, 2015**. However, in consideration of the poor economy, the California State Legislature automatically extended the life of all unexpired land division approvals in the state several times. As a result of these legislative actions, the expiration date for the Visinoni Parcel Map was extended to **January 17, 2017**. In anticipation of this circumstance, the project applicants, Tony and Dino Visinoni, submitted a formal request on December 1, 2016 and supplemented by an email communication on December 12, 2016 for the Planning Commission to grant an additional five to six year time period in order to accommodate fulfillment of the map conditions and recordation of the map as proposed. Pursuant to PMC Section 16.08.085, submittal of the time extension request automatically extended the parcel map for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

The statutory provisions of PMC Chapter 16.08 (Subdivisions of Four or Fewer Parcels) empowers the Planning Commission to legally exercise discretion on behalf of the Town of Paradise to either approve or deny applications for a time extension for any tentative parcel map. PMC section 16.08.085 stipulates that the Planning Commission may extend an approved tentative parcel map up to an additional six years.

DISCUSSION:

The design of the original parcel map application proposed to create four parcels; one that is 1.3 gross acres in size and three that are 0.67 gross acres in size, all compliant with the existing Rural Residential 2/3 acre minimum zoning assigned to the project site. The project was

Planning Commission

deemed not to have a significant effect upon the environment and a Negative Declaration environmental document was adopted by the Planning Commission on the date of project approval, pursuant to the requirements of the California Environmental Quality Act (CEQA).

The project applicants have indicated to staff that due to the economy downturn, it has been difficult to fulfill all of the parcel map conditions before the January 17, 2017 deadline. A review of the project file documentation reveals that the owner has fulfilled several of the conditions of approval and made significant progress toward completing private road, drainage and grading plans and development of a final parcel map currently under review and surveying costs. The project developers have incurred a total of \$31,511.00 pursuing the project and attempting to fulfill project conditions.

The statutory authority for the Planning Commission to approve an extension application is contained within Paradise Municipal Code (PMC) Section 16.08.085, which states that the commission must find evidence that a "good faith effort" has been made in satisfying the conditions of the approved tentative parcel map.

The circumstances outlined above compel staff to be supportive of Mr. Visinoni's request for a six year extension and therefore staff recommends that the Planning Commission grant a six year extension of time for assignment to this tentative parcel map in order to provide the applicant ample opportunity to successfully complete the remaining conditions of project approval and record a final map.

COMMISSION ACTION REQUESTED:

Adopt a **MOTION TO**:

1. Approve, on behalf of the Town of Paradise, the granting of a six year time extension for assignment to the conditionally approved Visinoni Tentative Parcel Map (PL11-00156), thereby creating a new tentative parcel map expiration date of **January 17, 2023**.

APPEAL PROCESS: In accordance with the provisions of PMC Section 16.08.070(B), in the event that the Planning Commission denies the time extension application the project applicant can appeal such decision to the Town Council.

If a written appeal to the Town Council is not filed with the Town Clerk within ten calendar days of any denial decision, then the Planning Commission decision on behalf of the Town of Paradise becomes legally effective.

LIST OF ATTACHMENTS

FOR

VISINONI PARCEL MAP TIME EXTENSION REQUEST

- 1. Project vicinity map.
- 2. Time extension request letter from Tony Visinoni, dated November 30, 2016, with attached list of expenses incurred pursuing development of the project.
- 3. Email communication from Tony Visinoni dated December 12, 2016 requesting a 5 to 6 year time extension.
- 3. Visinoni Tenative Parcel Map conditions of approval
- 4. Conditionally approved Visinoni Parcel Map



November 30, 2016

Town of Paradise Planning Commission c/o Craig Baker 5555 Skyway Paradise, Ca. 95969

RE: Visinoni Brothers Tentative Parcel Map Extension (PL11-0156);APN 052-360-007

Dear Commissioners,

On behalf of Visinoni Brothers, I would like to request the six year extension on behalf of the Visinoni Brothers parcel map. The map is set to expire on January 17, 2017. To date we have invested a total of \$31,511.00 into the study and development of plans for this project. The breakdown of cost is as follows:

Entitlement	\$8,231.00
Development Studies	\$9,580.00
Design and Land Prep	\$13,700.00

After the Entitlement process, the main investment of the project in the development of the project needs. Preliminary grading and drainage plans were prepared for the site so we could insure to the approved Planned Development permit. In addition we were also able to development a onsite sewer plan, fire flow water plan, drainage plan, etc.

We believe the project would benefit the Town of Paradise and we look forward to seeing the project move forward into development. Thank you for your consideration on the Visinoni Brothers parcel map extension application.

Sincerely, Visinoni Brothers

ylpini

Visinoni Brothers 4-parcel PL11-0156 APN 052-360-007

PROJECT COSTS TO DATE

Entitlement

Type Parcel Map Land Use Permit Soils Testing &Reports Tentative Parcel Map Surveying	Purpose Application Fees " Waste Water Entitlement Topographic	Cost \$ 2,046.00 \$ 120.00 \$ 4,450.00 \$ 735.00 \$ 880.00 \$ 8,231.00
Development Studies		
Surveying Fire Flow Soils Testing Archaeological Studies Tree Survey Drainage Survey	Boundary Entitlement Waste Water Capacity Entitlement Tree Permit Entitlement	\$ 2,342.00 \$ 1,220.00 \$ 3,800.00 \$ 75.00 \$ 373.00 \$ 1,770.00 \$ 9,580.00
Design & Land Prep		
Surveying Engineering Brush Removal Easement Fees Easement Addition	Preliminary Boundary Grading, Drainage, etc. Site Prep, Fire Danger Recordation Final Map	\$ 1,925.00 \$ 8,250.00 \$ 2,700.00 \$ 200.00 \$ 625.00 \$ 13,700.00
	TOTAL COST	\$ 31,511.00

Baker, Craig

From: Sent: To: Subject: Tony [tonyvisinoni@yahoo.com] Monday, December 12, 2016 7:43 PM Baker, Craig Re: Parcel Map Time Extension

Hi Craig, I would like to get 5-6 years just to be safe. Thanks. Tony

Sent from my iPhone

On Dec 12, 2016, at 3:23 PM, Baker, Craig < cbaker@townofparadise.com > wrote:

Hello Tony,

How many years would you like to request for your parcel map time extension? The Planning Commission can grant up to 6 years or a portion thereof. I'd like to be able to indicate your preference in my staff report for the meeting on December 20th.

Craig Baker Community Development Director Town of Paradise 5555 Skyway Paradise, CA 95969 Phone: (530) 872-6291 Fax: (530) 877-5059



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

January 18, 2012

Tony and Dino Visinoni 5515 Clark Road Paradise, CA 95969

SUBJECT: Parcel Map (PL11-00156) Application; AP No. 052-360-007

Dear Sirs:

The Paradise Planning Commission held a public hearing on January 17, 2012 concerning the above-noted subject.

After receiving public testimony, the Planning Commission adopted the findings as presented by staff and approved your parcel map application subject to the conditions listed below.

CONDITIONS TO BE MET PRIOR TO RECORDATION OF FINAL PARCEL MAP

ROADS AND ACCESS

- 1. Submit three copies of engineered road construction and drainage Improvement plans for the proposed on-site private road to the Engineering Division for approval. Pay appropriate plan check and inspection fees. Plans must be stamped and wet-signed by a licensed civil engineer. All elements of the engineered plans shall be designed in accordance with the requirements of the Town Engineer, based upon accepted engineering standards and the town-adopted A-2a road standard. Road and drainage plans must be approved **PRIOR** to the construction or installation of the required facilities.
- 2. Access to parcels for ingress and egress/public utilities shall be shown on the final parcel map.
- Deed thirty feet from the center of the Buschmann Road right-of-way to the Town of Paradise or provide a recorded deed document showing that this requirement has been met.

- 4. Construct or defer by covenant executed with the Town of Paradise a one-half street section upgrade improvement along the project site frontage of Buschmann Road to the town-adopted B-2 road standard.
- 5. Place the following notes on the final map information data sheet:
 - a. "Prior to the issuance of a building permit authorizing residential development upon Parcel Nos. 2, 3 or 4, the project developer shall apply for and secure town issuance of an encroachment permit, physically abandon the existing driveway connection to Buschmann Road serving the existing dwelling and construct on-site private road and drainage improvements in accordance with town-approved private road and drainage improvement plans for the Visinoni parcel map. The private road shall be constructed to the town-adopted A-2a standard. Street signs and all pavement markings shall be installed as required and at the developer's sole expense."
 - b. "Upon completion of the on-site private road improvements and prior to the issuance of a building permit authorizing residential development upon Parcel Nos. 2, 3 or 4, the project developer shall apply for and secure town approval for a change of address for the existing residence located upon Parcel 1 from a Buschmann Road address to an address assigned to the new private road."
 - c. "If more than 50 cubic yards of soil are displaced to accommodate road and drainage improvements, the project developer shall apply for and secure town issuance of a grading permit satisfying all engineering division requirements and the current adopted edition of the UBC and pay applicable grading permit fees per current fee schedule."
 - d. "Prior to the commencement of construction activities associated with private road and drainage improvements, the project developer shall submit an engineered erosion and dust control plan to the Town Engineering Division for approval by the Town Engineer . All erosion control devices and sedimentation basins required by the PMC 15.04.280.shall be shown on the plan."
- 6. Apply for and secure town approval for a new road name for assignment to the proposed new private road. Pay current road name review fee.
- 7. Provide a recorded road maintenance agreement in a form deemed acceptable to the Town Engineer obligating all owners of the resultant parcels

> to participate in the maintenance of the proposed onsite private road and drainage improvements.

SITE DEVELOPMENT

- 8. All easements of record shall be shown on the final parcel map.
- 9. Indicate a fifty foot building setback line measured from the center line of Buschmann Road, a thirty foot building setback line measured from the center of the proposed on site private road easement and a thirty foot building setback line measured from the center of Kemlyn lane.
- 10. The proposed on-site private road and public utility easement shall encumber all private road and drainage improvements.
- 11. Place the following notes on the final map information data sheet:
 - "No fences shall be established within the private road and public utility a. easement serving these parcels. In addition, no solid wood or masonry fences over four feet in height shall be established within building setback areas."
 - b. "Prior to the issuance of building permits authorizing residential development of Parcels 3 or 4, the project developer shall submit a storm water mitigation plan that minimizes any adverse effects of increased storm water run-off upon adjacent properties and meets the requirements of the Town Engineer."
- 12. Establish an on-site drainage easement that encumbers all land within ten feet of the center of the on-site seasonal creek and offer for dedication to the Town of Paradise as proposed.
- 13. Remove any existing fencing located within land to be offered for dedication to the Town of Paradise for additional public street right-of-way.

SEWAGE DISPOSAL

- 14. Satisfy all requirements of the Town of Paradise Onsite Sanitary Official concerning the design of the final parcel map including delineation of all areas deemed to be unsuitable for wastewater disposal.
- 15. Provide material evidence to the Town of Paradise that the existing water well serving the existing residence on the site has been abandoned in a manner deeme satisfactory to the Butte County Environmental Health Department.

16. Secure the issuance of a Town of Paradise septic system alteration upgrade permit and upgrade and alter the existing septic system serving the existing residence on the site as outlined in the memorandum from Wastewater division staff dated August 24, 2011 and on file in the Town Community Development Department.

UTILITIES

- 17. Meet the requirements of the Paradise Irrigation District (PID) in accordance with the comments provided by PID staff for the Visinoni project, dated May 23, 2011 and on file with the town Community Development Department.
- 18. Meet all other requirements of utility companies regarding the establishment of necessary public utility easements.

FIRE PROTECTION

- 19. Place the following notes on the final map information data sheet:
 - a. "The design of proposed private road access improvements shall be constructed in accordance with the requirements outlined within the Fire Department Project Condition Letter and memorandum dated June 1, 2011 on file in the Town Community Development Department and shall include an adequate turnaround facility at its southern terminus to accommodate fire and emergency vehicle access in accordance with town adopted road standards."
 - b. "The project developer shall implement and maintain a fuel reduction plan for the parcels meeting the requirements of the Paradise Fire Department in accordance with the Paradise Fire Department Condition Letter and memorandum dated June 1, 2011 for the Visinoni parcel map application and on file in the Town Community Development Department. The fuel reduction plan shall be binding upon future owners of Parcel Nos. 1, 2, 3 and 4 and shall be recorded with the final parcel map."
 - c. "All buildings constructed upon Parcel Nos. 1, 2, 3 or 4 shall be constructed in accordance with the California Fire Code's Wildland/Urban Interface Code in effect at the time of building permit application and in accordance with the Paradise Fire Department Project Condition Letter and memorandum dated June 1, 2011 for the Visinoni parcel map application and on file in the Town Community Development Department."
- 20. Meet all other requirements of the Paradise Fire Department in accordance with the Fire Department Project Condition Letter for the Visinoni parcel map dated June 1, 2011 and on file in the Town of Paradise Community Development Department.

OTHERS

- 21. Provide written documentation verifying payment of current property taxes and payment of any assessment liens imposed by the Town.
- 22. Provide monumentation as required by the Town Engineer in accordance with accepted town standards.
- 23. Pay appropriate funds to the local recreation district per requirements of the Paradise subdivision ordinance to offset impact (cumulative) upon area-wide recreation facilities. Provide evidence of payment to the Town Community Development Department planning division.
- 24. The following notes shall appear upon the final parcel map information sheet:
 - a. "At the time of building permit issuance, owner will 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."
- 25. Place the following note upon the final parcel map data sheet:

"If the resultant parcels do not possess deeded legal access to Kemlyn Lane, the parcels shall be accessed solely via the on-site private road and public utility easement."

If you wish to appeal this project decision, you must do so within ten (10) days of the date of the Planning Commission's decision by filing your written appeal with the Town Clerk's office together with the appeal fee deposit applicable at the time of appeal. If no appeal is filed within the 10 day appeal period, your parcel map will be deemed approved for a period of three years with an expiration date of January 17, 2015. If you have any questions, please contact me at this office.

Sincerely,

Craig Baker Community Development Director

