



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 – June 20, 2017

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 Commission 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. Approve minutes from the Regular April 18, 2017 and Special May 10, 2017 Planning Commission meetings.

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 | 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 - None

6. OTHER BUSINESS

6a. East Ridge Estates Tentative Subdivision Map Extension (PL17-00088). Request for approval of an extension of time assigned to the conditionally approved East Ridge Estates Tentative Subdivision Map (SD-05-5); Vacant land – Summerwood Ct, AP Nos. 050-230-084 & 085.

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

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

9. 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	



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PLANNING COMMISSION MINUTES

April 18, 2017

6:00 PM

CALL TO ORDER by Chair Groom at 6:01 p.m. who led the Pledge of Allegiance to the Flag of the United States of America.

COMMISSIONERS PRESENT: James Clarkson, Stephanie Neumann, Martin Nichols, Anita Towslee and Chair Groom.

1. APPROVAL OF MINUTES

- 1a. **MOTION** by Nichols, seconded by Towslee, approved minutes from the Regular March 21, 2017 and Special April 5, 2017 Planning Commission meetings. Roll call vote was unanimous.

2. COMMUNICATION

- a. Recent Council Actions

Community Development Director Baker informed the Planning Commissioners that at the April 11, 2017 Town Council meeting the Town Council reappointed Martin Nichols to a four-year term that will expire on June 30, 2021.

- b. Staff Comments - None

3. PUBLIC COMMUNICATION – None

4. CONTINUED PUBLIC HEARING - None.

5. PUBLIC HEARING

- 5a. Planning Commissioner Chair Groom announced that the Planning Commission would conduct a public hearing to consider adopting Planning Commission Resolution No 17-01, A Resolution recommending Town Council Adoption of Amendments to the Town's Zoning Ordinance Regulations regarding the Cultivation of Marijuana (Paradise Municipal Code Chapter 17.31). If adopted, the proposed text amendments ordinance would expressly regulate the cultivation and delivery of medical and non-medical marijuana and would prohibit marijuana collectives/cooperatives and dispensaries in all Town of Paradise zoning districts.

Community Development Director Craig Baker provided a brief summary of the new marijuana law that was approved by the voters on November 8, 2016 and informed the Commissioners of the proposed amendments to the Town of Paradise Ordinance contained within the resolution which include:

- Marijuana cultivation would be limited to secured and locked indoor locations in residential zoning districts on the site of a private residence occupied full time by a qualified grower. All outdoor cultivation of marijuana would be prohibited.
- Marijuana collectives, cooperatives, dispensaries would be prohibited.
- Marijuana cultivation would be limited to six plants, indoors only.
- Any visibility or evidence of marijuana cultivation from a public place would be prohibited.
- Except for delivery by a primary caregiver for a qualified medical marijuana patient the delivery of marijuana would be prohibited within the town.
- The Proposed ordinance would not restrict landlords from prohibiting the indoor cultivation of marijuana as part of a rental agreement.

Mr. Baker also stated that the proposed text amendments can be found to be exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines section 15061(general rule exemption)

Mr. Baker sited some changes to the proposed ordinance, changing page 18 of the agenda packet, item E (2) from twelve (12) to twenty-four (24) inches and page 19 Section 9, changing the California Building Standards Code section from 1203.4 to 1203.5.

The Planning Commissioners asked several questions, some for clarification. Town Attorney Dwight Moore provided responses. (*Attorney responses are italicized*):

- Is the Compassionate Use Act still in effect? *Yes, now there is also legal recreational marijuana/nonmedical use. (Prop 64-Adult Use of Marijuana Act-AUMA)*
- Do individuals still need a prescription? *A prescription would be necessary if an individual needed more than what was allowed under Prop 64.*
- Do landlords have legal authority to prohibit the cultivation of marijuana? *Yes*
- Should the AUMA be included in Section 2 of the ordinance? *Concerned with illegal use.*
- In the Ordinance Section 3- A, “Authorized grower” should the definition include resident? *It is only the definition of who the authorized grower would be.*
- In Section 4, subsection D, should recreation be included? *Purpose is to deal with different type of cultivation.*
- Section 4 Item 9 and 11 - Who defines what is noxious/nuisance? *Difficult to make case without scientific evidence, it is not supposed to be subjective.*
- Section 4 Item 9 discusses ventilation of the building code standards. *Was reviewed by the Building Official.*
- Section 4 Item13 discusses excess of 28.5 grams, is there no limit, could they have more? *Item is only about indoor cultivation.*
- Section 4 Item #11 – How would the town attempt to take care of the smell? *The Town would try to determine whether others had the same problem with the odor and what is reasonable. It is difficult to enforce in court. All previous complaints have been from outdoor grows.*
- Is everything complaint driven? *Yes.*
- Ordinance requires that the authorized grower must reside in the residence where plants are being grown – *CA State Law requires certain criteria for growing to be allowed. The Town’s ordinance states that the resident must be full-time.*
- Can there be two grows on one parcel? *No more than 6 plants on one parcel.*

- When committee was working on this ordinance, were dispensaries considered from a tax viewpoint? *It was determined it would cause more problems than revenues could be generated, medical marijuana users would be exempt from tax, if dispensaries charged too much, people would be forced to buy on the black market, Colorado had trouble with dispensaries being robbed. In larger areas, people may not want to grow own plants.*
- Would a marijuana tax have to be voted on by citizens? – *Yes, just like Measure C.*

Chair Groom opened the public hearing at 6:28 p.m.

1. Jim Ratekin – lives at the Plantation, stated that there is a major grow in his neighborhood that has been there for several years, the smell is forcing neighbors to stay inside with closed windows, can't enjoy outside patio and it is very noisy, possibly from a generator, that keeps people up at night. He is also concerned with the grow site and its proximity to the school and park. Thinks it's ok if people want to smoke marijuana, just doesn't want to smell it. Supports the proposed ordinance.

Mr. Baker stated that if staff is not allowed on the property to inspect it then the next step is an inspection warrant from the court, but it is hard to prove that something is going on.

Commissioner Nichols asked if there was any way to write the ordinance to make it mandatory for the Town to be allowed to go on to someone's property if they are suspected of growing. *Attorney Moore stated that it would be a violation of the property owners constitutional rights to privacy, the Town could get an inspection warrant, but would need probable cause/facts.*

Commissioner Neumann asked if a search warrant was issued, the violation would only be for a misdemeanor not a felony, depending on the amount and if they had a medical marijuana license. *Currently there is no growing in Town limits and the individual would be issued a citation. How would fines change? Individuals would still be issued a citation/\$100 fine for first offense.*

Commissioner Clarkson stated that in order for indoor grows to not become health hazards, they need to be well ventilated. Indoor grows can be done at any time of the year where outdoor grows have a limited growing period. Thinks that indoor grows will be more problematic, the smell will be more concentrated coming from indoors and the bigger concern is health issues created from mold; and is concerned that the proposal before the Planning Commission is for indoor grows only, there is no provision for outdoor grows.

2. David Lundberg – lives next door to a rental property that had a large grow on it, is concerned with the smell, neighbors complained, but nothing was done; asked what will it take for something to be done about it. The property has a seven (7) foot fence and tarps up making it impossible to view. How will anyone know the grow is there if it's inside and nobody can see it. Asked if after a property was inspected, a citation was issued, if the Town confiscated the plants and if the landowner or renter was responsible for the property

Mr. Baker stated that Town staff does not confiscate plants, will respond as permitted; there is an expectation of privacy with private property, that inspection warrants are hard to obtain and that the landowner, not the renter, is responsible if there is marijuana being grown on the property.

Commissioner Nichols stated that he understood that the purpose of the ordinance is to minimize issues and be less of a burden on the neighbors.

Commissioner Groom asked that if someone was fined and they didn't pay the citation, can a lien be attached to the property per the ordinance.

Mr. Baker stated that the approach for violations of chapter 17.31 were changed to be more aggressive with marijuana cultivation.

Commissioner Neumann asked if we are confident that we can prove there's activity that's unlawful, we would be more proactive with a fine, but are limited on how to prove the activity is unlawful because we don't have permission to access the property.

Mr. Baker stated that that could work if the property can be viewed from someone else's property.

Commissioner Clarkson asked if there was potential in the ordinance to have a clause inserted that states if five residents within the suspected area complain about the smell, a process to resolve the problem could be implemented.

3. Jerry Lundberg – stated that the smell from the marijuana plants is obnoxious and has complained about it; she is not against marijuana, supports growing indoors, has issues with the smell.
4. Jim Ratekin – suggested that legal growers be required to register with the Town.

Chair Groom closed the public hearing at 6:55 p.m.

The Planning Commissioners discussed numerous issues regarding the proposed Resolution and Ordinance which are listed below:

Commissioner Clarkson stated that having individual register to grow is unlikely due to privacy issues.

Commissioner Nichols reason for having grows indoors was to limit the smell, that the Town could allow outdoor grows if they chose to and questioned about growing in a bedroom.

Attorney Moore stated that the Town did not have a choice about permitting the indoor grow but tried to regulate and leave a small footprint, limit activity and minimize negative impact on the community and had to be reasonable.

Commissioner Neumann asked if with the previous ordinance that smell was prohibited and nothing was done with a large grow, how can something be enforced now if it's inside?

Mr. Baker stated that there is not a lot of choices with permitting indoor and outdoor grows and in the past if a unlawful marijuana grow was found and the person cited, the marijuana grow was generally harvested immediately.

Commissioner Clarkson stated that indoor grows have health issues with ventilation, a lot of power is required to function, think outdoor grows could be limited to three plants, indoor grows will create mold issues and create uninhabitable housing.

Commissioner Nichols stated that the Planning Commission is dealing with a proposed Town Ordinance that regulate uses to minimize the impact to citizens, recommendation from staff is best way to comply with law.

Commissioner Neumann would like to consider allowing dispensaries to take the street element out of marijuana use.

Commissioner Clarkson stated that growing marijuana takes a lot of time to do it correctly and a dispensary may be easier for some individuals.

Commissioner Nichols stated that the criminal element will still be around even if dispensaries are allowed, they create an element that is not desirable in the Town.

Mr. Baker stated that the Town Council can change the ordinance due to the fact that the Planning Commission has discussed several items and that the issue may come back at a later date if necessary and recommends not including the dispensaries.

Motion by Nichols to adopt Planning Commission Resolution No 17-01, A Resolution recommending Town Council Adoption of Amendments to the Town's Zoning Ordinance Regulations regarding the Cultivation of Marijuana (Paradise Municipal Code Chapter 17.31). The motion failed due to the lack of a second.

Commissioner Clarkson stated that he thinks allowing an outdoor grow is the same as allowing an indoor grow.

Commissioner Nichols asked that if the ordinance was passed tonight to include indoor and outdoor grows if the Town Council could change it.

Attorney Moore stated that since the item was discussed the Town Council would be able to change the ordinance based on the Planning Commission discussion.

Commissioner Clarkson asked if the prior Marijuana ordinance could be referenced to make a motion to forward to Town Council.

Mr. Baker stated that the Planning Commissioners could provide direction to staff to revise the proposed ordinance to reflect the previous ordinance and set a date specific meeting to consider approval to forward to the Town Council.

Commissioner Clarkson asked if staff could research the option of including three plants to be grown outdoors.

Motion by Nichols, seconded by Clarkson, to request staff to draft a revised ordinance to allow both indoor and outdoor grow compliant with the new law with reasonable regulations to protect the citizens of the Town of Paradise.

Commissioner Clarkson amended the motion to support staff's recommendation to adopt Planning Commission Resolution No. 17-01, a Resolution recommending Town Council Adoption of Amendments to the Town's Zoning Ordinance Regulations regarding the Cultivation of Marijuana (Paradise Municipal Code Chapter 17.31). **The motion was seconded by Commissioner Nichols.** Ayes of Clarkson, Nichols, Towslee and Chair Groom, Noes of Neumann. Motion passed four to one.

6. **OTHER BUSINESS** - None

7. **COMMITTEE ACTIVITIES** - None

8. **COMMISSION MEMBERS**

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

Director Baker explained that the Planning Commissioners may need to hold a special Planning Commission meeting to approve a Parcel Map Extension that will expire prior to the next regular meeting. The meeting may need to be held the week of May 8, 2017 if the completed application is submitted.

9. ADJOURNMENT

Chair Groom adjourned the meeting at 7:37 p.m.



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PLANNING COMMISSION MINUTES

May 10, 2017
6:00 PM

CALL TO ORDER by Chair Groom at 6:02 p.m. who led the Pledge of Allegiance to the Flag of the United States of America.

COMMISSIONERS PRESENT: Stephanie Neumann, Anita Towslee and Ray Groom Chair.

COMMISSIONERS ABSENT: James Clarkson and Martin Nichols

1. OTHER BUSINESS

- 1a. Community Development Director Baker provided an overview of the Hornback Tentative Parcel Map that was previously approved on March 14, 2007.

Jon Hornback, project applicant – thanked the Commissioners for reviewing the extension and requested that they approve the project.

MOTION by Neumann, seconded by Towslee, Approved, on behalf of the Town of Paradise, the granting of a six year time extension for assignment to the conditionally approved Hornback Tentative Parcel Map (PM-06-15) (PL17-00043) at 5977 Williams Dr. AP No. APN 053-070-019, thereby creating a new tentative parcel map expiration date of March 14, 2023. Roll call vote was unanimous with Clarkson and Nichols absent and not voting.

- 1b. Assistant Planner Hartman provided an overview of the Skyway Land Project Tentative Subdivision Map Extension that was previously approved on May 18, 2010.

Nicole Ledford from NorthStar Engineering represented the project applicant and answered questions from the Commissioners regarding the project.

MOTION by Neumann, seconded by Towslee, Approved, on behalf of the Town of Paradise, the granting of a six year time extension for assignment to the conditionally approved Skyway Land Project Tentative Subdivision Map Extension (SD-08-2) (PL17-00062) at 9141 & 9189 Skyway, AP No. 050-011-012 & 013, thereby creating a new subdivision map expiration date of May 19, 2023. Roll call vote was unanimous with Clarkson and Nichols absent and not voting.

- 1c. Assistant Planner Hartman provided information on the Draft Annual Housing Element Progress report that once approved by the Planning Commission, is forwarded to the Town Council for consideration and then submitted to the Housing and Community Development by the end of June, 2017. The report contains detailed enumeration of each program and its implementation status as of December 31, 2016.

MOTION by Neumann, seconded by Towslee, Accepted and referred the Planning Commission Annual Report for calendar year 2016 to the Town Council regarding the present implementation status of the 1994 Paradise General Plan Housing Element. Roll call vote was unanimous with Clarkson and Nichols absent and not voting.

- 1d. Community Development Director Baker provided information on the 2016 – 1994 Paradise General Plan Implementation Status Report. The plan highlights and makes comments regarding the past year’s progress toward implementation of individual policy statements and measures accomplished by the Town of Paradise.

MOTION by Neumann, seconded by Towslee, Accepted and referred the Planning Commission Annual Report for the calendar year 2016 to the Town Council regarding the present implementation status of the 1994 Paradise General Plan. Roll call vote was unanimous with Clarkson and Nichols absent and not voting.

Commissioner Neumann requested:

- 1. That the Planning Commission review the Gold Seekers Use Permit and what the conditions of approval were and if they are adhering to the conditions.
- 2. Asked that staff review if driveways can be required to put in aprons to their driveways to help reduce the debris that ends up on the roadway. Mr. Baker will inform Town Engineer Mattox of Commissioner Neumann’s inquiry.

Community Development Director Baker updated the Commission on the following items/projects: Marijuana Ordinance, Safeway, Starbucks at Coffee’s On, Taco Bell, Valley Vista Subdivision, Risley Final Map, Landmark Tree Designation, Subdivision map on Indian Rock Lane and Westside Pizza, Chico Certified Farmers Market-permit issued and Chocolate Festival-permit issued..

2. ADJOURNMENT

Chair Groom adjourned the meeting at 6:46 p.m.

Date Approved:

By: _____
Ray Groom, Chair

Attest:

Dina Volenski, CMC, Town Clerk

M E M O R A N D U M

TO: Paradise Planning Commission Agenda No. 6(a)

FROM: Craig Baker, Community Development Director

SUBJECT: Application for Approval of an Extension of Time Assigned to the Conditionally Approved East Ridge Estates Tentative Map (SD-05-5); APN 050-230-084

DATE: June 14, 2017

BACKGROUND:

On **May 7, 2007**, the Planning Commission conducted a public hearing and conditionally approved the above-noted tentative map application authorizing the division of two adjoining properties totaling 11.97 acres into twelve lots of record subject to 35 conditions of approval. The project site is located along the south side of Merrill Road near its eastern terminus.

Town records indicate that the Town's conditional approval of this tentative map and its authorization to be completed as a recorded final map would have expired on **May 7, 2010**. 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 East Ridge Estates Tentative Map was extended to **May 7, 2017**. In anticipation of this circumstance, the civil engineering firm Rolls, Anderson & Rolls, acting on behalf of a representative of the property owners, Mr. Jim Rickards, submitted a formal request on May 3, 2017 for the Planning Commission to grant an additional six year period, expiring on **May 7, 2023** in order to accommodate fulfillment of the map conditions and recordation of the map as proposed. Pursuant to PMC Section 16.07.060, that action automatically extended the tentative 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 16.07 (Subdivisions of Five or More Lots) 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 map. PMC section 16.07.060 stipulates that the Planning Commission may extend an approved tentative map once for up to an additional six years.

DISCUSSION:

The design of the original tentative map application proposed to create twelve lots ranging in size from 0.67 acres to 2.81 acres, all compliant with the Rural Residential-2/3 acre minimum (RR-2/3) zoning and the Rural Residential (RR) General Plan land use designation assigned to the site. An environmental document (Mitigated Negative Declaration) was prepared for the project pursuant to the California Environmental Quality Act (CEQA) containing a conclusion

that the project would not result in any significant adverse environmental impacts if the adopted mitigation measures were incorporated into approval of the project.

Rolls, Anderson & Rolls has indicated to staff on behalf of Mr. Rickards that due to the economy downturn, it has been difficult to fulfill all of the tentative map conditions before the May 7, 2017 deadline. A review of the project file documentation reveals that the owner has completed, or has attempted to complete project conditions and incurred expenses along the way. Unfortunately, the applicant for the subdivision is now deceased and the original surveying and engineering firm (Sierra West Surveying) is no longer in business. As a result, efforts to recover records of expenses, improvement plans and the final map that was being prepared have been largely unsuccessful. Rolls, Anderson & Rolls staff did indicate that it would cost \$26,500 to provide services needed to finish nearly completed plans and the final map (see attached email dated June 12, 2017). Neither the improvement plans nor the final map have yet been submitted to the town for checking, but efforts have been made to fulfill conditions requiring these plans and documents. Please review the time request letter submitted by Rolls, Anderson & Rolls staff dated May 3, 2017 regarding additional project history and details.

The statutory authority for the Planning Commission to approve an extension application is contained within Paradise Municipal Code (PMC) Section 16.07.060, which states that the commission must find evidence that a “good faith effort” has been made in satisfying the conditions of the approved tentative map.

The circumstances outlined above compel staff to be supportive of this request for a six year extension and therefore, staff recommends that the Planning Commission grant the a six year extension of time for assignment to this tentative 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 East Ridge Estates Tentative Map (SD-05-5), thereby creating a new tentative map expiration date of **May 7, 2023**.

APPEAL PROCESS: In accordance with the provisions of PMC Section 16.07.060(B), in the event that the Planning Commission denies the time extension application the project applicant can appeal such decision to the Town Council.

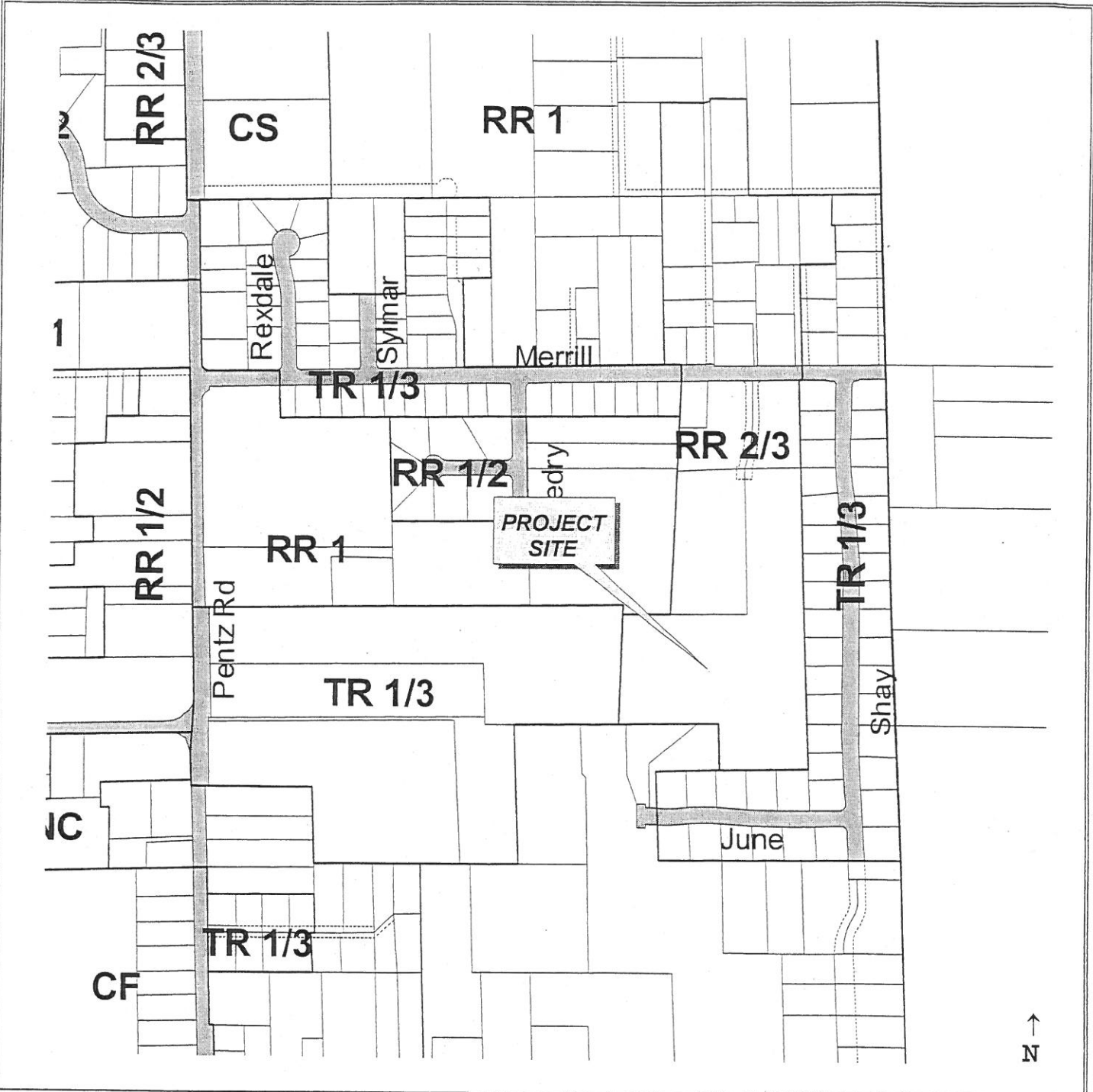
If a written appeal to the Town Council is not filed with the Town Clerk within fifteen calendar days of any denial decision, then the Planning Commission decision on behalf of the Town of Paradise becomes legally effective.

LIST OF ATTACHMENTS

FOR

EAST RIDGE ESTATES TENTATIVE MAP TIME EXTENSION REQUEST

1. Project vicinity map and aerial photo of the project site
2. Time extension request letter from Rolls, Anderson & Rolls, dated May 3, 2017.
3. Email communication from Rolls, Anderson & Rolls, dated June 12, 2017.
4. East Ridge Estates Tentative Map conditions of approval.
5. East Ridge Estates Tentative Map.



APPLICANT: Arch Marjama		ADDRESS: Merrill Road and Summerwood Court	
OWNER: Same			
PROJECT DESCRIPTION:			
EAST RIDGE ESTATES: Tentative subdivision map application requesting approval to divide an <u>11.97</u> acre property into twelve lots of record.			
Zoning: RR-2/3	GENERAL PLAN: R-R	FILE NO. SD-05-5	
ASSESSOR PARCEL NO. 050-230-084, 085		MEETING DATE: 5-7-07	

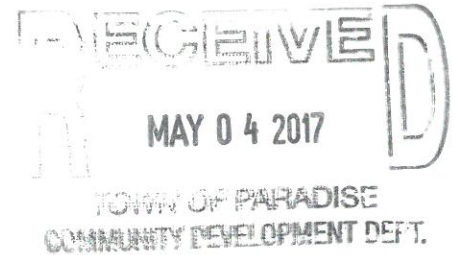
MERRILL RD

SUMMERWOOD CT

SHAY LN

May 3, 2017

Mr. Craig Baker
Planning Director
Town of Paradise
5555 Skyway
Paradise, CA 95969



**SUBJECT: TENTATIVE SUBDIVISION MAP (SD-05-5)
EXTENSION REQUEST**

Dear Craig:

On behalf of the current owners of the above-described tentative subdivision map, we hereby request a six (6) year extension.

Arch Marjama was the owner of the project when it was originally approved on May 7, 2007 and is now deceased. The Marjama family still owns the property and has decided to proceed with the project. Jim Rickards is our family contact and his phone number is (530) 521-0500.

Although it is unclear how much of a financial commitment Mr. Marjama had made to the project prior to the downturn of the economy, it is known that the improvement plans and final map were prepared by Ed Anderson, PE, but not submitted or approved by the town, along with securing the necessary easement for the roadway and preparation of the CC&R documents.

In moving forward, the family has recently met with us and requested a proposal to complete the engineering and surveying services. They have also consulted with Dave Anderson to determine costs associated with construction of the proposed improvements.

This project will be an upscale development which is consistent with the current development of the project area and would be a benefit to the Town of Paradise. Thank you for your consideration to extend the tentative subdivision map application. If you have any questions or require additional information, please call.

Sincerely,

ROLLS, ANDERSON & ROLLS



Herb Votaw, PLS

cc: Jim Rickards
Susan Hartman

Baker, Craig

From: Herb Votaw [hv@rarcivil.com]
Sent: Monday, June 12, 2017 4:05 PM
To: Baker, Craig
Cc: Hartman, Susan
Subject: TENTATIVE SUBDIVISION MAP (SD-05-5)

Good afternoon Craig,

Based on our phone conversation I did a little more research to determine the amount Mr. Marjama has spent on this project to date. Unfortunately I could not come up with hard evidence of real costs. What I do know is prior to finding out the improvement plans and final map were almost complete we prepared a proposal to complete those services and the two items are \$26,500.00. The current owner's have also spent time researching the profitability of moving forward and although there is no hard number for that time is money.

Clearly the deceased previous owner was intending on developing the parcel and was clearly moving in that direction prior to the downturn in the economy.

Hopefully this helps you justify the requested extension.

If you have any additional questions, please let me know.

Thanks,

--

Herb Votaw, PLS
Rolls Anderson & Rolls
115 Yellowstone Drive
Chico, CA 95973
Phone: (530) 895-1422
Fax: (530) 895-1409
Email: hv@rarcivil.com



TOWN OF PARADISE

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Telephone: (530) 872-6291

May 8, 2007

Arch Marjama
P. O. Box 2499
Paradise, CA 95967-2499

Subject: Tentative Subdivision Map (SD-05-5) Application; AP No.: 050-230-084 and -085

Dear Mr. Marjama:

The Paradise Planning Commission conducted a public hearing on **May 7, 2007** to consider your above-noted tentative subdivision map application to create twelve lots of record from two properties totaling ± 11.97 acres.

After concluding the public hearing, the Planning Commission adopted findings of fact as presented by staff and conditionally approved your tentative subdivision map application subject to the conditions listed below.

CONDITIONS TO BE MET PRIOR TO RECORDATION OF FINAL SUBDIVISION MAP

ROADS/ACCESS

1. Prepare and submit six copies of a detailed and engineered street and drainage improvements plan to the Public Works Department (engineering division) for review and approval by the Town Engineer. Approval of the designed improvements plans by the Town Engineer must be secured **PRIOR TO COMMENCEMENT** of project improvements construction.
2. Establish a project interior sixty-foot minimum width private road access easement as proposed; and construct full street section improvements within the street access instrument to the town-adopted B-2 road standard with concrete curb, gutter and sidewalk on the east side of summerwood Court and the north side of the proposed road extending west from the extension of Summerwood Court.
3. Construct pedestrian and handicapped ramps at the proposed intersection of Merrill Road and the proposed new private road to the County of Butte Department of Public Works Improvement Standard No. S-5 (Standard P.C.C. Pedestrian Ramp Type A) or equivalent as determined by the Town Engineer.

4. Construct frontage improvements along the project frontage of Merrill Road to the town-adopted B-2 road standard with concrete curb gutter four foot wide walkway.
5. Construct a paved forty-foot radius cul-de-sac bulb turnaround within a fifty-foot radius easement located at the terminus of the proposed onsite cul-de-sacs.
6. Construct twenty-foot radius returns at the proposed public/private street intersection.
7. Apply for and secure town issuance of an encroachment permit prior to commencing any work in the Merrill Road right-of-way.
8. The southernmost cul-de-sac shall bear the name of Summerwood Court and the cul-de-sac extending easterly from the extension of Summerwood Court shall bear the name of East Ridge Place. Place these approved names for proposed access roads upon the final map accordingly.
9. Street name signs shall be provided by the developer at all street intersections per town requirements. Contact the town Public Works Department (engineering division) for information regarding the purchase and installation of street signs.
10. The project developer shall install appropriate stop signs and other traffic signs and thermoplastic pavement markings as determined by the Town Engineer and in accordance with generally acceptable engineering practice.
11. Provide and record a road maintenance agreement(s) for the proposed private roadways satisfying Town Public Works Department (engineering division) requirements.

DRAINAGE

12. Provide a final design solution for drainage per requirements of the Town Engineer and the **INTERIM DRAINAGE DESIGN GUIDELINES prepared April 2, 1998** and that shall be engineered and constructed in a manner that shall include establishment of all necessary drainage improvements onsite and possibly offsite to adequately accommodate existing and project induced drainage flows without generating any offsite significant adverse environmental effects.
13. Establish all necessary drainage easements required for the proposed storm drainage system and as depicted upon the East Ridge Estates Tentative Subdivision Map submitted to the Town of Paradise on September 15, 2005 and the drainage map dated December, 2006 and approved by the Town Engineer on March 10, 2007.
14. Secure an approved streambed alteration agreement from the California Department of Fish and Game prior to conducting any activity that affects nearby streams.

UTILITIES

15. Satisfy all utility company requirements regarding the construction and installation of new utility facilities as well as relocation of existing utility facilities, including establishment and offer of dedication of public utility easements. **NOTE:** All utilities are required to be placed underground in accordance with PMC Section 16.11.020.

WATER SUPPLY

16. Meet the requirements of the Paradise Irrigation District (PID) regarding the installation of water main extensions, payment of development fees, etc. in accordance with the letter from PID staff dated October 4, 2005 for the East Ridge Estates tentative subdivision map application and on file in the town Community Development Department. Submit evidence thereof to the town Public Works Department (engineering division).

FIRE PROTECTION

17. Establish minimum required fire flow via fire hydrant(s) installation, water main extension(s) and installation, etc. Infrastructure improvements (water supply and fire hydrants) shall be completed and fire flow available prior to recordation of the final map.
18. Place the following notes upon the final subdivision map information data sheet:

"All buildings constructed upon lots determined by the Paradise Fire Chief to be subject to the requirements of the Urban Wildland Interface Code shall be built of non-combustible exterior construction meeting the requirements of the Paradise Fire Department in accordance with the Paradise Fire Department project review memorandum dated October 10, 2005 for the East Ridge Estates Subdivision and on file in the Town Community Development Department." (**Mitigation**)
19. Prior to the issuance of any building permits authorizing residential development upon lots created via recordation of the East Ridge Estates final subdivision map, owners of the lots shall implement and maintain vegetative fuel reduction measures in accordance with all current applicable Fire Code requirements. Fire Code requirements are available in written form from the Paradise Fire Department."
20. Meet all other requirements of the Paradise Fire Department in accordance with the Paradise Fire Department project review memorandum dated October 10, 2005 for the East Ridge Estates Subdivision and on file in the Town Community Development Department.

SANITATION

21. Satisfy all requirements of the Town of Paradise sewage disposal regulations concerning the design of the final subdivision map.

SITE DEVELOPMENT

22. Prior to the start of any site improvements construction and/or earthwork activities on the site, submit and secure Town Engineer approval of an engineered soils erosion, sedimentation prevention and dust emission control plan for the project. Plans shall include provisions for replanting and slope stabilization. All activities associated with project development shall be conducted in compliance all control and prevention measures outlined in the approved plan.
23. Apply for and secure Town issuance of a grading permit satisfying all Engineering Division requirements and the current adopted edition of the Uniform Building Code. Pay applicable grading permit fees per current fee schedule.
24. All trees to be retained upon the project site shall be protected from damage during construction activities associated with required site improvements in accordance with the Town of Paradise Suggested Practices for the Protection of Trees on Commercial, Quasi-Public and Multi-Family Residential Construction Sites.
25. All areas of the site delineated upon the East Ridge Estates Tentative Subdivision Map submitted to the Town of Paradise on September 15, 2005 as either "wetland" or "swamp area" be delineated upon the final subdivision map and labeled as a "NO SOIL DISTURBANCE/TREE RETENTION/BUILDING EXCLUSION AREA."
26. Provide evidence of submittal of a Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board (Redding Office) and possession of a construction storm water permit.
27. Access to lots for ingress, egress, public utilities and drainage purposes shall be reserved and shown on the final map.
28. All easements of record shall be shown on the final subdivision map.
29. Indicate on the final subdivision map a fifty-foot building setback line measured from the centerlines of Merrill Road and the proposed on site private road easement.
30. Secure the issuance of a town-approved tree-felling permit for any qualifying trees to be removed associated with town sanctioned subdivision improvements.

OTHERS

31. Place the following notes on the final map information data sheet:
 - a. "At the time of building permit issuance, lot owners will be required to pay any Town of Paradise adopted development impact fees."

- b. "If any archaeological resources are uncovered during project construction activities, all work shall stop in the area of the find until a qualified archaeologist provides an appropriate evaluation of the discovery." (**Mitigation**)
32. Provide documentation from the Butte County Tax Collector verifying payment of current property taxes and assessment liens imposed by the town.
33. Provide monumentation as required by the Town Engineer complying with the State Subdivision Map Act and Town of Paradise standards.
34. 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.
35. The project subdivider shall defend, indemnify and hold harmless the Town of Paradise or its agents, officers and employees from any claim, action or proceeding against the Town of Paradise or its agents, officers or employees to attach, set aside, void or annul the Town of Paradise approval of the East Ridge Estates Subdivision if such action is brought forward within the time period provided in California Government Code Section 66499.37. The Town of Paradise shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense. In the event that the Town of Paradise fails to promptly notify the subdivider of any claim, action or proceeding, or if the Town fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the Town of Paradise. Nothing contained within this condition prohibits the local agency from participating in the defense of any claim, action, or proceeding, if both the following occur: (1) The agency bears its own attorney's fees and costs; and (2) The agency defends the action in good faith. The subdivider shall not be required to pay or perform any settlement unless the settlement is approved by the subdivider.

If you wish to appeal the decision concerning the tentative subdivision, you must do so within ten (10) days of the date of the Planning Commission decision by filing your written appeal together with the appeal fee deposit of \$141.70 with the Town Clerk's Office. **If no appeal is filed within the time period, your tentative subdivision map will be deemed approved for a period of three years with an expiration date of May 7, 2010.**

Arch Marjama

-6-

May 8, 2007

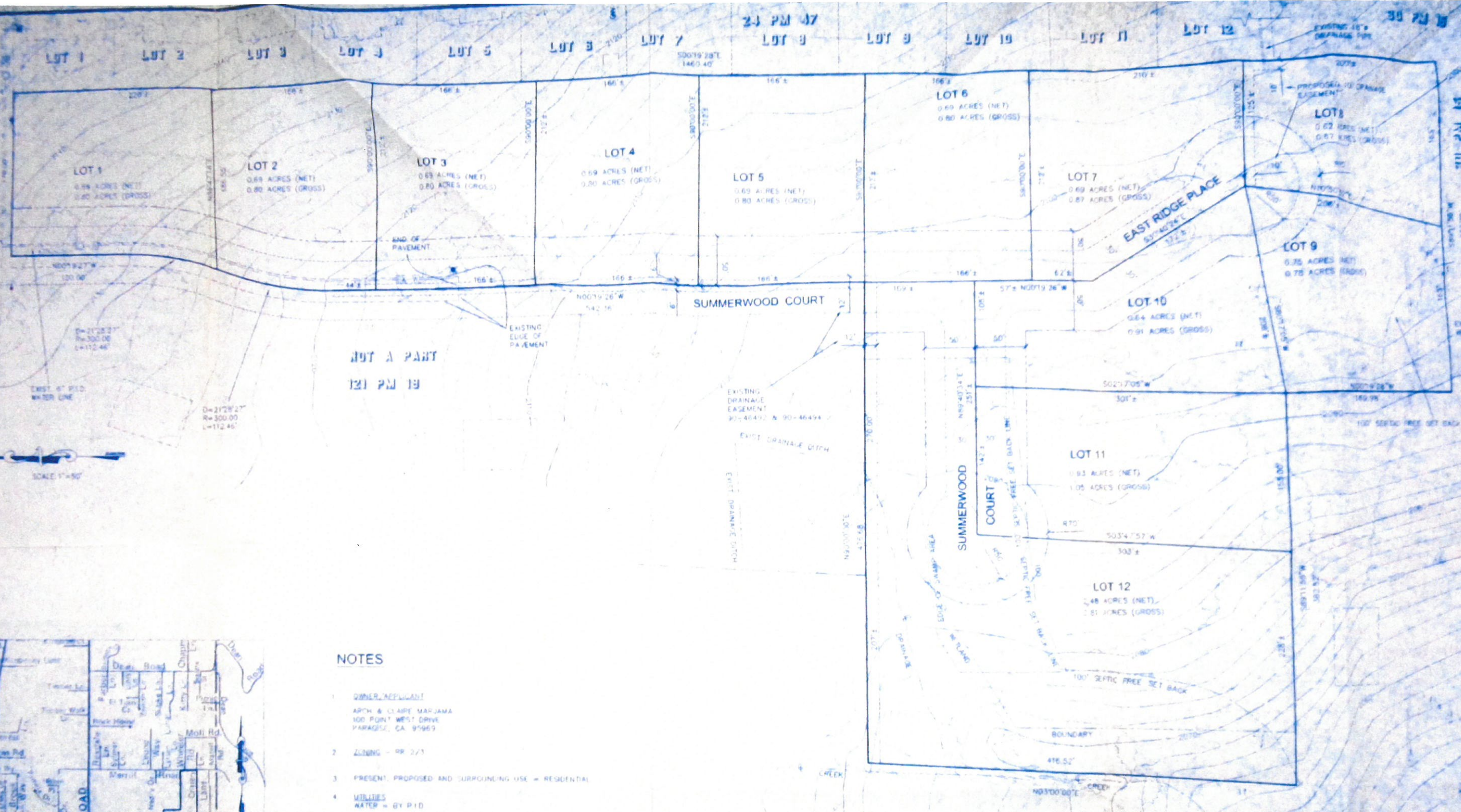
Lastly, if you have any questions, please contact Asst. Community Development Director Craig Baker at this office.

Sincerely,



Al McGreehan
Community Development Director

cc: Sierra West Surveying
Dennis Schmidt, Public Works Director/Town Engineer
Kari Eurotas, Public Works/CDD Project Coordinator
Joanna Gutierrez, Town Clerk
Paradise Fire Department
Paradise Irrigation District



JOT A PART
121 PM 19

NOTES

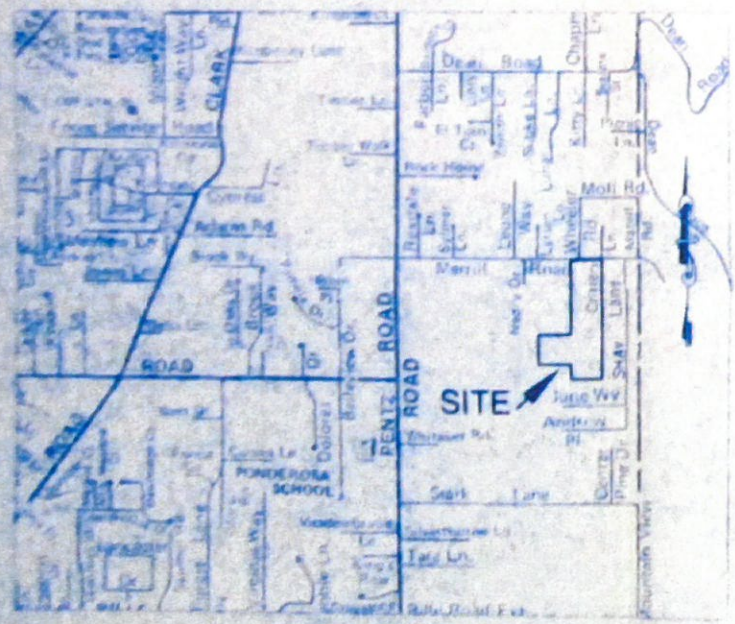
- OWNER, APPLICANT
ARCH & CLARE MARJAMA
100 POINT WEST DRIVE
PARADISE, CA 95969
- ZONING - RR 2/1
- PRESENT, PROPOSED AND SURROUNDING USE = RESIDENTIAL
- UTILITIES
WATER = BY PID
SEWER = INDIVIDUAL SEPTIC SYSTEMS TO MEET CALIFORNIA WATER QUALITY CONTROL BOARD STANDARDS AND TOWN OF PARADISE SEWAGE DISPOSAL ORDINANCE.
PHONE = SBC
CABLE = COMCAST
POWER = PG & E
- TOTAL NO. OF UNITS = 12
- TOTAL AREA = 11.974 ACRES
- MINIMUM LOT AREA = 0.674 AC (GROSS)
- EXISTING ROAD
SUMMERWOOD COURT = 20' ASPHALT
- PROJECT ROADS
SUMMERWOOD COURT AND EAST RIDGE PLACE = TO BE CONSTRUCTED TO TOWN OF PARADISE B-2 STANDARD CUL-DE-SAC TO BE 50' RADIUS RETURNS TO BE 25'



Robert G. Agre, Jr.
Robert G. Agre, Jr.
L.S. 4010
Registration Expires 6/30/06

LEGEND

- BUILDING SETBACK LINE
- PROJECT BOUNDARY LINE
- PROPOSED LOT LINE
- RIGHT-OF-WAY LINE
- ASSASSOR'S PARCEL NUMBER
- PROPOSED LOT NUMBER
- CENTERLINE
- 2' CONTOUR LINES PER TOWN TOPO DATED 11/21/91
- EXIST. WATER LINE
- EXIST. BUILDINGS
- EXIST. FIRE HYDRANT



LOCATION MAP
NO SCALE

**EAST RIDGE ESTATES
TENTATIVE SUBDIVISION MAP**

FOR
ARCH MARJAMA

APN 050-230-084 & 085
PARCELS 1 AND 2, PER BEN 2000-084745
OF ORIGINAL 127 MAPS LB
IN A PORT OF THE S.W. 1/4 OF SEC. 7
T. 22 N. R. 4 E. M.D.B. & M.
PARADISE, BUTTE COUNTY, CALIFORNIA
PREPARED BY

RECEIVED
SEP 15 2005
TOWN OF PARADISE

SIERRA WEST SURVEY

5437 BAYVIEW DRIVE
PARADISE, CALIFORNIA 95959
530-888-8888