

PARADISE PLANNING DIRECTOR

April 15, 2010 – 2:00 p.m.

Town Council Chambers, Room 9

5555 Skyway, Paradise

M I N U T E S

CALL TO ORDER

Planning Director Al McGreehan called the meeting to order at 2:00 p.m.

1. APPROVAL OF MINUTES – April 5, 2010 meeting

The meeting minutes of April 5, 2010 were approved by the Planning Director.

2. PUBLIC COMMUNICATION

An unnamed citizen requested and received clarification concerning the public hearing regarding the abandonment of land uses on Black Olive Drive.

3. CONTINUED PUBLIC HEARINGS

Item determined exempt from environmental review

- a. Town of Paradise: Abandonment of Nonconforming Land Uses – Pursuant to provisions of Paradise Municipal Code section 17.39.200, the Planning Director on behalf of the Town of Paradise shall consider the evidence of record and determine whether or not to officially declare the nonconforming land use facilities of “Aloha Lodge” and “Aloha Paradise” that previously occupied properties located at 5424 and 5446 Black Olive Drive [AP Nos. 052-223-011, -012 and -013] as Abandoned. (Continued from April 5, 2010)**

The continued hearing was opened to the public by the Planning Director. Appearing: No testimony was presented.

The Planning Director subsequently closed the continued public hearing.

Upon conclusion and closure of the continued public hearing, the Planning Director stated that he had carefully studied the material evidence of public record within the town records along with weighing all public hearing testimony received concerning the subject matter. Subsequently, the Planning Director, on behalf of the Town of Paradise, proclaimed the following listed findings of fact and determination decision actions:

FINDINGS OF FACT:

- a) Records of the State Department of Social Services Community Care Liscensing agency office in Chico, CA. indicate that the Aloha Paradise facility at 5446 Black Olive Drive ceased (or closed)

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operation on October 8, 2008, and has not been state relicensed for such facility operation since that date.

b) As a resident and employee of the Town of Paradise, the Planning Director has observed that continuously since October 8, 2008 to the present date, the previous land use facility at this property location has not been physically re-established.

c) Records and testimony received have verified that the long standing owner of this subject property, a Mr. Agmata, lost ownership of this property to Monterey Community Bank via foreclosure action(s) that occurred during calendar year 2009.

d) Evidence exists indicating that Monterey Community Bank listed this subject property for sale via the efforts of a Paradise based real estate firm and that the sale of this property was listed as a property with potential ability for the re-establishment of a community care facility land use activity.

DECISION ACTION NO. 1:

1. Based upon the above-noted findings and in conjunction with the material evidence and public testimony of record, the Planning Director has determined , on behalf of the Town of Paradise, that the nonconforming land use facility of "Aloha Paradise" has not been totally abandoned in accordance with the provisions of Paradise Municipal Code Section 17.39.200.

FINDINGS OF FACT:

a) Records of the State Department of Social Services Community Care Licensing agency office in Chico, CA indicate that the Aloha Lodge facility at 5424 Black Olive Drive ceased (or closed) operation on **August 21, 1996**, and has not been state relicensed for such facility operation continuously since that date.

b) As a long standing resident and employee of the Town of Paradise, the Planning Director has observed that continuously since August 21, 1996, the previous land use facility at this property location has not been physically re-established.

c) Material evidence contained within the Town of Paradise maintained record file of this subject property indicates that the long standing property owner, a Mr. Agmata, failed to demonstrate a good faith effort to sustain and/or maintain the nonconforming land use facility at this property location. Such evidence constitutes, but is not limited to, a record of sporadic and infrequent building permit application(s) that were either applied for and never issued or applied for, issued and expired.

DECISION ACTION NO. 2:

1. Based upon the above-noted findings and in conjunction with the material evidence and public testimony of record, the Planning Director has determined , on behalf of the Town of Paradise, that the nonconforming land use facility of "Aloha Lodgee" has been totally abandoned in accordance with the provisions of Paradise Municipal Code Section 17.39.200

It was announced by the Planning Director that the property owner can appeal today's decision

within ten days. If no appeal is filed within this time period then the decision actions rendered on behalf of the Town of Paradise shall be in legal effect and force.

Item proposed to be determined exempt from environmental review:

- b. WENDY's SITE PLAN REVIEW PERMIT (PL09-00225) AND TREE FELLING PERMIT (PL09-00250) APPLICATIONS: Proposal for Town approval to establish a drive-in service facility in association with a restaurant, and the felling of ±12 qualifying trees on property located at 5987 Clark Road, Paradise; AP No. 053-120-079 (Continued from April 5, 2010)**

The hearing was opened to the public by the Planning Director. Appearing:

Planning Technician Susan Hartman reported that the project architect requested a continuance of this public hearing for approximately two weeks to address changes to the proposed project plans that were requested during the hearing on April 5, 2010.

The Planning Director closed the public hearing.


The Planning Director continued the public hearing to May 4, 2010 at 2:00 p.m.

4. **PUBLIC HEARING** – None.
5. **OTHER BUSINESS** – None.
6. **ADJOURNMENT**

The Planning Director adjourned the meeting at 3:15 p.m.


Planning Director

ATTEST:


Planning Secretary

