

**PARADISE PLANNING DIRECTOR**  
**August 30, 2006 – 2:00 p.m.**  
**Town Hall Conference Room**  
**5555 Skyway, Paradise**

**M I N U T E S**

**CALL TO ORDER**

Planning Director Al McGreehan called the meeting to order at 2:05 p.m.

**1. APPROVAL OF MINUTES – July 18, 2006**

Planning Director McGreehan approved the minutes of the July 18, 2006 Planning Director meeting as prepared and submitted by staff.

**2. PUBLIC COMMUNICATION - None.**

**3. CONTINUED PUBLIC HEARING – None.**

**4. PUBLIC HEARINGS**

**Items for which an environmental document is proposed for adoption**

**a. MUHLBAEIR Tentative Parcel Map (PM-05-13) Application proposing to divide a +2.14 acre property into three new parcels of record located on the west side of Neal Road, AP No. 055-050-088.**

Planning Director McGreehan opened the hearing to the public. Appearing:

1. Tom Wrinkle, Sierra West Surveying, representing applicant. Mr. Wrinkle acknowledged receipt of a copy of the staff report. Mr. Wrinkle requested modification to the Fire Department's recommended condition No. 16 which includes a turnaround requirement for Parcel No. 2. Parcel.

Assistant Community Development Director Craig Baker recommended clarifying the requirements of the Fire Department in proposed conditions No. 16. The dates in proposed project conditions Nos. 14(a) and 16 were corrected to reflect May 10, 2006.

The hearing was closed to the public by Mr. McGreehan.

The Planning Director proclaimed the adoption the findings listed below and approved the Muhlbaeir Tentative Parcel Map (PM-05-13) subject to the conditions listed below.

**FINDINGS**

- a. Find that the proposed project, **as conditioned**, could not have a significant effect on the environment, and adopt the mitigated negative declaration.

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- b. Find that the project, **as conditioned**, is consistent with the goals and policies of the Paradise General Plan, because the resulting sizes and uses of the parcels would be consistent with existing land use in the area, and adequate infrastructure would be in place to serve the parcels.
- c. Find that the project, **as conditioned**, is consistent with the spirit and intent of the zoning district in which the project site is situated, because the land use proposed for the parcels would be low-density residential and parcel sizes proposed are consistent with the requirements of the zone.
- d. Find that the project, **as conditioned**, will not result in a significant adverse effect on existing plant and animal life in the project vicinity for the following reasons:
  1. The project site is located within an area that has been altered from its natural state by decades of agricultural and residential development;
  2. No known outstanding wildlife habitat exists in the immediate project vicinity; and
  3. The site is small (2.14 acres).

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

**ROADS AND ACCESS**

1. Access to parcels for ingress and egress/public utilities shall be shown on the final parcel map.
2. Provide a recorded road maintenance agreement for Sutter Road meeting the requirements of the Town Engineer.
3. Submit three copies of engineered private roadway improvement plans for the construction of a pro-rata share upgrade improvement to Sutter Road to the Town Engineer for review and approval. 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 commonly accepted engineering practices and the town-adopted A-3a road standard.
4. Place the following note on the final map information data sheet: "Prior to the issuance of a building permit authorizing residential development upon Parcel Nos. 1 or 2, the project developer shall construct the pro-rata share upgrade improvement to Sutter Road in accordance with town-approved Sutter Road upgrade improvement plans."
5. Deed thirty feet from the centerline of Neal Road to the Town of Paradise or provide a recorded deed document showing that this requirement has been met.
6. Construct or defer by covenant executed with the Town of Paradise a one-half street section upgrade improvement along the project site frontage of Neal Road to the town-adopted B-2 road standard (28 feet total paved width with A/C dike and four foot sidewalk).

## **DRAINAGE**

7. The design of the required engineered private roadway improvement plans shall include necessary drainage improvements both on and off site to accommodate existing and additional project induced drainage flows without generating any off-site adverse effects.
8. Place the following note on the final map information data sheet: “Prior to issuance of a building permit authorizing construction on Parcel Nos. 1 and/or Parcel No. 2, a storm water mitigation plan shall be submitted and approved by the Town Engineer. This plan must address how the additional storm water drainage from the new impervious surfaces will be detained, rerouted, or otherwise mitigated to prevent adverse impacts to the downstream neighboring properties.”

## **SITE DEVELOPMENT**

9. All easements of record shall be shown on the final parcel map.
10. Indicate a fifty-foot front yard building setback line measured from the center line of Neal Road and a thirty-foot front yard building setback line measured from the centerline of Sutter Road.

## **SEWAGE DISPOSAL**

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

## **UTILITIES**

12. Meet all requirements of the Paradise Irrigation District (PID) in accordance with the comments submitted by PID staff for the Muhlbaier parcel map application, dated May 4, 2006 and on file in the Town Community Development Department.
13. Meet all other requirements of utility companies regarding the establishment of necessary public utility easements.

## **FIRE PROTECTION**

14. Place the following notes upon the final parcel map information data sheet:
  - a. “Future owners of Parcel Nos. 1, 2 and 3 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 project review memorandum dated May 10, 2006 for the Muhlbaier parcel map application and on file in the Town Community Development Department.
  - b. “All buildings constructed upon Parcel Nos. 1, 2 and 3 shall be built of non-combustible exterior

construction meeting the requirements of Chapter 5 of the Urban Wildland Interface Code and in accordance with the Paradise Fire Department project review memorandum dated May 10, 2006 for the Muhlbaier parcel map application and on file in the Town Community Development Department.”

15. Execute a work order with the Paradise Irrigation District for the purpose of upgrading the existing wharf-style fire hydrant (#460), located at the intersection of Lassen Road and Sutter Road in a manner deemed satisfactory to the Paradise Fire Department. Provide evidence thereof to the Town Community Development Department (planning division). [NOTE: The Town of Paradise will share the cost of the upgrade with the project developer via the town’s fire hydrant replacement program.]
16. Meet all other requirements of the Paradise Fire Department in accordance with the Fire Department plan check review for the Muhlbaier parcel map dated May 10, 2006 and on file in the Town of Paradise Community Development Department. The requirement embodied within the plan check review received from the Fire Department will not entail a turnaround area required relative to resultant Parcel No. 2.

### **OTHERS**

17. Provide written documentation verifying payment of current property taxes and payment of any assessment liens imposed by the Town.
18. Provide monumentation as required by the Town Engineer in accordance with accepted town standards.
19. 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.
20. The following notes shall be placed upon the final parcel map data sheet:
  - a. “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.”
  - b. “In the absence of an approved dwelling unit on the same site, the existing barn and shed located upon Parcel No. 2 will constitute a nonconforming use of land. If any nonconforming structures are destroyed by any means to the extent of fifty percent or more of their assessed value, a Town of Paradise conditional use permit may be required to reestablish the structure(s) as a nonconforming use.”
21. Parcels created via recordation of the Muhlbaier parcel map shall each possess a minimum street or road frontage of thirty lineal feet.

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

**b. GILMORE Tentative Parcel Map (PM-06-3) Application proposing to divide a ±1.72 acre property into three parcels of record planned for medium density, single family residential land use**

**on property located at 6984 Clark Road, AP No. 050-082-106.**

The hearing was opened to the public. Appearing:

1. Ken Skillman, Rolls, Anderson & Rolls, representing applicant. Mr. Skillman acknowledged receipt of a copy of the staff report and concurred with the recommended conditions of approval.

Planning Director McGreehan advised the applicant's agent that the design of the tentative map reflects a fifty foot setback from the centerline of the access road across this property from a prior map. Although the Town's current minimum setback is 30 feet from centerline for a private road, the prior map setback must be honored in this case.

The hearing was closed to the public by the Planning Director.

The Planning Director proclaimed the adoption of the findings listed below and approved the Gilmore Tentative Parcel Map (PM-06-3) subject to the following conditions:

### **FINDINGS**

- a. Find that the proposed project, **as mitigated and conditioned**, could not have a significant effect on the environment, and adopt a mitigated negative declaration.
- b. Find that the infrastructure improvements assigned to the Gilmore Construction parcel map are reasonable and necessary and must be completed prior to recordation of a final parcel map in order to insure orderly development of the Paradise community.
- c. Find that the project, **as mitigated and conditioned**, is consistent with the goals and policies of the Paradise General Plan, because the resulting sizes and uses of the parcels would be consistent with existing land use in the area, and adequate infrastructure would be in place to serve the parcels.
- d. Find that the project, **as mitigated and conditioned**, is consistent with the spirit and intent of the zoning district in which the project site is situated, because the land use proposed for the parcels would be residential and parcel sizes proposed are consistent with the requirements of the zone.
- e. Find that the project, **as mitigated and conditioned**, will not result in a significant adverse effect on existing plant and animal life in the project vicinity for the following reasons:
  1. The project site is located within an area that has been extensively altered by residential and agricultural development spanning several decades.
  2. No known outstanding wildlife habitat exists in the immediate project vicinity; and
  3. No known rare or endangered plants exist in the immediate project vicinity.

### **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 construction of a pro-rata share upgrade improvement to the existing 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-3a road standard. Road and drainage plans must be approved PRIOR to the construction or installation of the required facilities. Required road approach must be designed to accommodate ultimate width of 64 feet for Clark Road.
2. Access to parcels for ingress and egress/public utilities shall be shown on the final parcel map.
3. Deed forty feet from the center of the Clark 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 Clark Road to the town-adopted C-1 road standard (64 foot face of curb to face of curb, with PCC curb and five foot sidewalk).
5. Place the following note on the final map information data sheet: "Prior to the issuance of a building permit authorizing residential development upon Parcel Nos. 1, 2 or 3, the project developer shall apply for and secure town issuance of an encroachment permit, construct an upgrade to the existing private road encroachment onto Clark Road and construct a pro-rata share upgrade improvement to the existing on-site private road in accordance with town-approved private road upgrade and drainage improvement plans."
6. Apply for and secure town approval for a new road name for assignment to the existing private road easement. Pay current road name review fee.
7. Provide a recorded private road maintenance agreement satisfying Town Public Works (engineering division) requirements.

## **DRAINAGE**

8. Site development and roadway design shall include necessary drainage improvements on and possibly off site to accommodate existing and additional project induces drainage flows without generating any off-site adverse effects. Drainage design shall include conveying drainage to existing drainage channel.

## **SITE DEVELOPMENT**

9. If more than 50 cubic yards of soil are displaced to accommodate road and drainage improvements, apply for and secure town issuance of a grading permit satisfying all engineering division requirements and the current adopted edition of the UBC. Pay applicable grading permit fees per current fee schedule.
10. Submit an Engineered erosion and dust control plan to the Town Engineering Division for approval by the

Town Engineer PRIOR to the start of any grading operations. Show all erosion control devices and sedimentation basins required by the PMC 15.04.280.

11. All easements of record shall be shown on the final parcel map.
12. Indicate a fifty foot building setback line measured from the center line of Clark Road and the applicant proposed fifty foot building setback line measured from the center of the existing on site private road easement.
13. Indicate on the final parcel map a sixty decibel (60 dB L<sub>dn</sub>) noise contour line measured 163 lineal feet from the centerline of Clark Road (**mitigation**).

### **SEWAGE DISPOSAL**

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

### **UTILITIES**

15. Meet the requirements of the Paradise Irrigation District (PID) in accordance with the comments provided by PID staff for the Gilmore Construction project, dated March 24, 2006 and on file with the town Community Development Department.
16. Meet all other requirements of utility companies regarding the establishment of necessary public utility easements.

### **FIRE PROTECTION**

17. The design of proposed private road access improvements shall include an adequate turnaround facility (either on-site or off-site) near the northeastern corner of the site to accommodate fire and emergency vehicle access in accordance with town adopted road standards and in a manner deemed satisfactory to the Paradise Fire Department.
18. Execute a work order with the Paradise Irrigation District for the installation of a new fire hydrant along the east side of Clark Road in a location and manner deemed satisfactory to the PID and the Paradise Fire Department. Provide material evidence to the town Community Development Department (planning division) that this requirement has been met.
19. Meet all other requirements of the Paradise Fire Department in accordance with the Fire Department plan check review for the Gilmore Construction parcel map dated April 6, 2006 and on file in the Town of Paradise Community Development Department.

### **OTHERS**

20. Provide written documentation verifying payment of current property taxes and payment of any assessment liens imposed by the Town.

21. Provide monumentation as required by the Town Engineer in accordance with accepted town standards.
22. 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.
23. Prior to recordation of the final parcel map, the project developer shall secure and provide to the town an archaeological field survey report for the proposed project site prepared by a professional archaeologist. Any recommendations contained within the field survey report shall be adhered to by the project developer and incorporated into the project.
24. Place the following notes on the final parcel map information sheet:
  - a. Prior to the issuance of a building permit authorizing residential development of Parcel No. 1 within 163 lineal feet of the centerline of Clark Road, an acoustical analysis prepared in accordance with the requirements of Table 6.4-3 of the 1994 Paradise General Plan shall be submitted to the Town. The acoustical analysis shall identify noise mitigation measures required to achieve the noise standards of Tables 6.4-1 and 6.4-2 of the 1994 Paradise General Plan. The emphasis of such measures shall be placed upon site planning and project design (mitigation).
  - b. At the time of building permit issuance, owner will be required to pay any Town of Paradise adopted development impact fees.
  - c. 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 (**mitigation**).

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

**Items determined to be categorically exempt from environmental review**

**c. WORK TRAINING CENTER Use Permit (UP-06-2) Application proposing a licensed adult day care facility associated with the onsite manufacture and retail sale of artwork/crafts within an existing 1,800 square foot commercial building located at 7323-A Skyway; AP 053-021-082.**

The hearing was opened to the public. Appearing:

1. Abbey Todd-Burleigh, applicant. Ms. Todd-Burleigh acknowledged receipt of a copy of the staff report. She questioned whether the property should be addressed via the town adopted building codes for dual occupancy.

Planning Director McGreehan stated that the nature of the activity is a multiple use. The interior alteration will be treated as a stand alone occupancy. It has no bearing on the nature of the use permit. In addition, the Planning Director acknowledged receipt of a fax from the Fire Department agreeing with the Building staff and acknowledging the occupancy is a Group M rather than a G-3 occupancy.

Planning Director McGreehan closed the hearing to the public.

The Planning Director adopted the findings as submitted by staff (and listed below) and approved the Work Training Center Use Permit (UPS-06-2) application subject to the following conditions:

### **FINDINGS**

1. Concur with staff's determination that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines.
2. Find that the project, as conditioned, is consistent with the goals and policies of the Paradise General Plan because the project will result in the establishment of a retail industrial land use in an area zoned for such use and within an existing structure suitable for such use.
3. Find that the project, as conditioned, is in compliance with all applicable regulations of the Community Commercial zoning district.
4. Find that adequate infrastructure is currently in place to serve the proposed project.
5. Find that the project, as conditioned, will not detrimentally effect existing plant and animal life in the project vicinity for the following reasons:
  - a. The project is located within an area that has been altered from its natural state by long-established commercial land uses;
  - b. No known outstanding wildlife habitat exists in the immediate project vicinity; and
  - c. No known rare or endangered plants are known to exist in the immediate project vicinity.

### **GENERAL CONDITIONS OF USE PERMIT 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, the use permit may become subject to revocation by the Town of Paradise.
2. Apply for and secure Town of Paradise design review approval for any business signs prior to the establishment of such signs related to the proposed project building occupancy.
3. The total number of clients and support staff that occupy the building proposed for licensed adult day care occupancy shall at no time exceed the occupancy level expressly authorized by the Town of Paradise Public Works Department (onsite sanitation division).

### **CONDITIONS TO BE MET PRIOR TO OCCUPANCY AND PUBLIC PATRONAGE**

## **FIRE PROTECTION**

4. Establish and maintain compliance with all requirements of the Town Fire Marshal in accordance with the Paradise Fire Department plan check review for the Work Training Center project dated August 28, 2006 and on file with the Town Community Development Department.

## **CONSTRUCTION CODES**

5. Meet the requirements of the Town Building Official regarding submittal of construction plans, building permit applications, and all applicable Town adopted construction code requirements for any construction work subject to the requirements of the Uniform Building Code.

## **SITE DEVELOPMENT**

6. Maintain an on site parking facility in compliance with all applicable provisions of Chapter 17.38 (Off-Street Parking and Loading Regulations) of the Paradise Municipal Code.

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

### **d. NESSI Tentative Parcel Map (PM-06-6) Application proposing to divide a ±1.01 acre property into two parcels of record for residential use located at 6379 Graham Road; AP 051-081-008.**

The hearing was opened to the public. Appearing:

1. Dan Nessi, applicant. Mr. Nessi acknowledged receipt of a copy of the staff report.
2. Lorrie Lundy, applicant's agent. Ms. Lundy questioned whether a demolition permit would be required to remove the shed on the property.

Craig Baker advised Ms. Lundy that with the demolition of the shed the applicant may receive a credit toward DIF or drainage fees.

Ms. Lundy inquired whether the Urban Interface Code has been adopted. Planning Director McGreehan stated that it has not been formally adopted by the Town of Paradise, however, the Fire Marshal may use it as part of the Town's discretionary decision for parcel creation. Ms. Lundy requested the deletion of a turnaround in Condition No. 12 for the property because it does not exist.

The hearing was closed to the public by the Planning Director.

Planning Director McGreehan adopted the findings listed below and approved the Nessi Tentative Parcel Map (PM-06-6) application subject to the following conditions:

## **FINDINGS**

- a. Find that the proposed project, **as conditioned**, is categorically exempt from environmental review under the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15332 (Class 32) of the CEQA Guidelines.
- b. Find that the project, **as mitigated and conditioned**, is consistent with the goals and policies of the Paradise General Plan, because the resulting sizes and uses of the parcels would be consistent with existing land use in the area, and adequate infrastructure would be in place to serve the parcels.
- c. Find that the project, **as mitigated and conditioned**, is consistent with the spirit and intent of the zoning district in which the project site is situated, because the land use proposed for the parcels would be residential and parcel sizes proposed are consistent with the requirements of the zone.
- d. Find that the project, **as mitigated and conditioned**, will not result in a significant adverse effect on existing plant and animal life in the project vicinity for the following reasons:
  1. The project site is located within an area that has been extensively altered by residential and agricultural development spanning several decades.
  2. No known outstanding wildlife habitat exists in the immediate project vicinity; and
  3. No known rare or endangered plants exist in the immediate project vicinity.

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

**ROADS AND ACCESS**

1. Deed thirty feet from the center of the Graham Road right-of-way to the Town of Paradise or provide a recorded deed document showing that this requirement has been met.
2. Construct or defer by covenant executed with the Town of Paradise a one-half street section upgrade improvement along the project site frontage of Graham Road to the town-adopted B-2 road standard (28 foot face of curb to face of curb, with a/c dike and four foot sidewalk).

**DRAINAGE**

3. Place the following note on the final parcel map information sheet: "Prior to issuance of a building permit authorizing construction upon Parcel No. 2, a storm water mitigation plan shall be submitted for approval by the Town Engineer. The plan must address how the additional storm water drainage from the new impervious surfaces will be detained, rerouted, or otherwise mitigated to prevent adverse impacts to any downstream neighboring properties."

**SITE DEVELOPMENT**

4. All easements of record shall be shown on the final parcel map.

5. Indicate a fifty-foot building setback line measured from the centerline of Graham Road.
6. Either a) demolish the existing shed located upon proposed Parcel No. 2, or b) move it onto Parcel No. 1 in a location in conformance with zoning regulations assigned to the site. Secure proper permits for such activity from the Town of Paradise Community Development Department (building division).
7. Modify the existing deck located partly upon Parcel No. 1 and partly upon Parcel No. 2 such that no portion of the deck is located within five feet of the proposed new property line located between Parcel No. 1 and Parcel No. 2.

### **SEWAGE DISPOSAL**

8. Satisfy all requirements of the Town of Paradise Onsite Sanitary Official concerning the design of the final parcel map. Provide material evidence of having properly abandoned the existing well located upon proposed Parcel No. 2 in a manner deemed satisfactory to the Town Sanitary Official.

### **UTILITIES**

9. Meet the requirements of the Paradise Irrigation District (PID) in accordance with the comments provided by PID staff for the Nessi project, dated June 9, 2006 and on file with the town Community Development Department.
10. Meet all other requirements of utility companies regarding the establishment of necessary public utility easements.

### **FIRE PROTECTION**

11. Place the following notes upon the final parcel map information data sheet:
  - a. “Prior to Town issuance of future residential building permit(s) the future owner of Parcel No. 2 shall implement and maintain a fuel reduction plan for the parcel meeting the requirements of the Paradise Fire Department in accordance with the Paradise Fire Department project review memorandum dated July 6, 2006 for the Nessi parcel map application and on file in the Town Community Development Department.”
  - b. “All future buildings constructed upon Parcel Nos. 1 or 2 shall be built of non-combustible exterior construction in accordance with the requirements of Chapter 5 of the Urban Wildland Interface Code and the Paradise Fire Department project review memorandum dated July 6, 2006 for the Nessi parcel map application and on file in the Town Community Development Department.”
12. Meet all other requirements of the Paradise Fire Department in accordance with the Fire Department plan check review for the Dan Nessi parcel map dated July 6, 2006 and on file in the Town of Paradise Community Development Department (NOTE: The turnaround requirement of Item No. 3 within the Fire Department Plan Check Review dated July 6, 2006 shall not apply to this project.).

## OTHERS

13. Provide written documentation verifying payment of current property taxes and payment of any assessment liens imposed by the Town.
14. Provide monumentation as required by the Town Engineer in accordance with accepted town standards.
15. 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.
16. Place the following notes on 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.

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

**e. MULLANIX Tentative Parcel Map (PM-06-8) Application proposing to divide a 1.08 acre property into two parcels of record located at 6820 Pentz Road, AP 053-240-039.**

The address of the property was corrected to reflect 6329 Pentz Road.

The hearing was opened to the public. Appearing:

1. Lorrie Lundy, representing applicant. Ms. Lundy acknowledged receipt of a copy of the staff report. Ms. Lundy requested that the applicant be permitted to install a circular driveway due to site distance concerns. Ms. Lundy requested the removal of proposed condition No. 8, because the roadway has not been constructed yet.

Planning Director McGreehan stated that the town is trying to minimize encroachments onto Pentz Road due to its designation as a scenic drive. There are already a number of encroachments in the area. In addition, the Town Engineer supported a one foot no-access strip along Pentz Road. Planning Director McGreehan informed the applicant that the roadway that is there now must be maintained.

2. Gary Mullanix, applicant. Mr. Mullanix stated he would prefer a circular driveway for the aesthetics of the property. Mr. Mullanix requested and received information concerning fire resistant exteriors. He also requested information concerning whether the town will share in the fire hydrant upgrade.
3. Ms. Lundy requested clarification of proposed condition No. 10, and asked for correction of proposed condition No. 11 to reflect "Parcel 1".

Mr. Baker responded that if the design of the roadway is known, then the applicant will know what kind of drainage construction will be needed for the road. Detailed engineered plans for the road are not required, just the drainage design for roadway improvements. In addition, the fire hydrant upgrade is being driven by the applicant's project, and the Fire Department should be contacted regarding a shared cost of the upgrade.

The hearing was closed to the public by the Planning Director.

The Planning Director proclaimed the adoption of the findings listed below and approved the Mullanix Tentative Parcel Map (PM-06-8) Application subject to the following conditions:

### **FINDINGS**

- a. Find that the proposed project, **as conditioned**, is categorically exempt from environmental review under the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15332 (Class 32) of the CEQA Guidelines.
- b. Find that the project, **as conditioned**, is consistent with the goals and policies of the Paradise General Plan, because the resulting sizes and uses of the parcels would be consistent with existing land use in the area, and adequate infrastructure would be in place to serve the parcels.
- c. Find that the project, **as conditioned**, is consistent with the spirit and intent of the zoning district in which the project site is situated, because the land use proposed for the parcels would be residential and parcel sizes proposed are consistent with the requirements of the zone.
- d. Find that the project, **as conditioned**, will not result in a significant adverse effect on existing plant and animal life in the project vicinity for the following reasons:
  1. The project site has been developed for residential use in the past and is located within an area that has been significantly altered by residential development.
  2. No known outstanding wildlife habitat exists in the immediate project vicinity; and
  3. The site is small (+/-1.08 acres).

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

#### **ROADS AND ACCESS**

1. Deed thirty (30) feet from the center of the Pentz Road project property frontage to the Town of Paradise or provide a recorded deed document showing that this requirement has been met.
2. The following note shall appear upon the final parcel map information sheet: "Prior to the issuance of a building permit authorizing residential development upon Parcel No. 1, the project developer shall secure a town-issued encroachment permit and construct a full width private driveway access for Parcel Nos. 1 and 2 to the Town adopted A-1 (chip-sealed) road standard including a town approved turn

around facility.” The design of the upgraded driveway access improvements shall provide a design solution per requirements of the Town Engineer and the **Interim Drainage Design Guidelines** prepared April 2, 1998.

3. Establish upon the final parcel map a one foot-wide “no access” strip along the Pentz Road frontage of Parcel No. 1, excepting the southerly twenty feet of Pentz Road frontage required for access to Parcel Nos. 1 and 2.
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 Pentz Road to the town-adopted B-2 road standard.
5. All easements of record shall be shown on the final parcel map. Properly abandon any easements that conflict with the project design.
6. Indicate on the final parcel map a fifty-foot building setback line measured from the centerline of Pentz Road and a twenty-five foot building setback line measured from the center of the proposed private road easement over a portion of Parcel No. 1.
7. The proposed twenty-foot wide private road easement shall be designed such that the easement is a minimum of thirty feet wide at its connection with the eastern boundary of proposed Parcel No. 2.
8. Provide a road maintenance agreement for the proposed private roadway satisfying engineering division requirements.

### **SEWAGE DISPOSAL**

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

### **DRAINAGE**

10. Place a note on the final parcel map information sheet to read: “Prior to issuance of a building permit authorizing construction on Parcel No. 1, a storm water mitigation plan shall be submitted and approved by the Town Engineer. This plan must address how the additional storm water drainage from the new impervious surfaces will be detained, rerouted, or otherwise mitigated to prevent adverse impacts to the downstream neighboring properties.”

### **UTILITIES**

11. Meet all requirements of the Paradise Irrigation District (PID) in accordance with the comments provided by PID staff for the Mullanix tentative parcel map, dated August 3, 2006 and on file with the town Community Development Department.
12. Meet the requirements of other utility companies regarding the establishment of necessary public utility easements.

## **FIRE PROTECTION**

13. Execute a work order with the Paradise Irrigation District for the purpose of upgrading the existing wharf-style fire hydrant (#463), located along Paige Lane in a manner deemed satisfactory to the Paradise Fire Department. Provide evidence thereof to the Town Community Development Department (planning division). [NOTE: The Town of Paradise will share the cost of the upgrade with the project developer via the town's fire hydrant replacement program.]
14. Place the following notes upon the final parcel map information data sheet:
  - a. "Owners of Parcel Nos. 1 and 2 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 project review memorandum dated July 28, 2006 for the Mullanix tentative parcel map application and on file in the Town Community Development Department."
  - b. "All new buildings constructed upon Parcel Nos. 1 or 2 shall be subject to the requirements of Chapter 5 of the Urban Wildland Interface Code and shall be built of non-combustible exterior construction meeting the requirements in accordance with the Paradise Fire Department project review memorandum dated July 28, 2006 for the Mullanix tentative parcel map application and on file in the Town Community Development Department."
15. Meet all other requirements of the Paradise Fire Department in accordance with the Fire Department plan check review for the Mullanix tentative parcel map dated July 28, 2006 and on file in the Town of Paradise Community Development Department.

## **OTHERS**

16. 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.
17. Provide monumentation as required by the Town Engineer in accordance with accepted town standards.
18. 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.
19. Indicate on the final map a sixty decibel (60 dB L<sub>dn</sub>) noise contour line measured eighty-five (85) lineal feet from the centerline of Pentz Road.
20. Place the following notes on the final parcel map information sheet:
  - a. "Prior to the issuance of a building permit authorizing residential development of Parcel No. 1 within 85 lineal feet of the centerline of Pentz Road, an acoustical analysis prepared in accordance with the requirements of Table 6.4-3 of the 1994 Paradise General Plan shall be submitted to the Town. The acoustical analysis shall identify noise mitigation measures required to achieve the noise standards of Tables 6.4-1 and 6.4-2 of the 1994 Paradise General Plan. The emphasis of such measures shall be placed upon site planning and project design."

- b. “At the time of building permit issuance, owner of Parcel No. 1 will be required to pay any Town of Paradise adopted development impact fees.”

- 21. Place the following note on the final parcel map information sheet: “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 within ten days of the decision date.

**5. OTHER BUSINESS** – None.

**6. ADJOURNMENT**

The meeting was adjourned at 2:53 p.m.