

M I N U T E S

CALL TO ORDER

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

ROLL CALL

Present at roll call were Commissioners Griffin, Grossberger, Johns, Mannel, and Woodhouse. Community Development Director Al McGreehan and Assistant Community Development Director Craig Baker were also present.

1. APPROVAL OF MINUTES

a. Regular meeting of September 20, 2007

It was moved by Commissioner Griffin, seconded by Commissioner Grossberger and unanimously carried by those present to approve the minutes of the September 20, 2007 regular Planning Commission meeting as submitted by staff.

2. COMMUNICATION

a. Recent Council Actions

Mr. McGreehan reported upon recent actions of the Town Council at their regular meetings of September 25 and October 9, 2007.

b. Staff Comments

1. Mr. McGreehan announced the presence of Public Works Director/Town Engineer Dennis Schmidt who will provide a presentation concerning the upper section of Honey Run Road. Mr. Schmidt explained that the last five or six miles of Honey Run Road above the covered bridge poses a safety hazard due to limited width and site distance, fire risk, accidents, illegal dumping, graffiti and two-way traffic conflicts. Because the road is so narrow with steep grades and sharp curves, there is more potential for vehicle/pedestrian accidents. He identified three possible ways to address these issues as follows:

1. Do nothing and let the road remain the same.
2. Close the roadway to all traffic except pedestrian and bicycles. The problem with this solution would be evacuating canyon residents and who would keep the keys for any locked gates.
3. Convert the road to one way traffic going uphill. There would be no gate, or cost. This solution would reduce potential for dumping, allow for uninterrupted evacuation during emergencies, and reduce the potential for dumping and fire.

There will be a scoping session on Thursday, October 18th at 6:00 p.m. at Town Hall to further discuss these issues.

2. Town Clerk Joanna Gutierrez presented and discussed the requirement for the Planning Commission to complete Ethics Training. She provided a copy of information materials and the email address concerning this training. The certificate issued upon completion of this training will be effective until 2008.

Town Attorney Dwight Moore advised the Planning Commission that new members have twelve months to complete the training and current members should complete the training as soon as possible. This ethics training is to guide the Planning Commission regarding when they need to ask the Town Attorney questions concerning planning issues.

3. **PUBLIC COMMUNICATION** – None.

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

5. **PUBLIC HEARING**

Items for which a mitigated negative declaration document is proposed to be adopted

- a. **Anderson Brothers [PM-07-2] – Tentative Parcel Map Application proposing to divide a ±6.3 acre property into four parcels of record located at the end of Valstream Drive, AP 052-310-032.**

Craig Baker presented the project application for which staff is recommending conditional approval. A mitigated negative declaration document and its addendum have indicated that any impacts can be successfully mitigated to a less than significant level. All agencies notified have been supportive of the proposed project. The Tree Permit Review Committee adopted the mitigated negative declaration document and approved a tree felling permit on September 27, 2007 for this proposed project. Mr. Baker made typographical corrections to the proposed project conditions.

The hearing was opened to the public. Appearing:

1. Hollis Lundy, L & L Surveying, representing applicant. Mr. Lundy discussed the proposed upgrade to Valstream Drive. The applicant is aware of the importance of leaving the stream undisturbed. In addition, Mr. Lundy stated that it is difficult to build below the road and the Applicant is prepared to plant vegetation along the fill slopes on the side of the road to disguise the slopes from the neighbors and to make it aesthetically pleasing. The Applicant concurs with the recommended project conditions. The security gate will be moved up the road. The new grade for the road is approximately 12-13%. Any surveying discrepancies referred to in a letter from neighboring property owner Mr. Wren have been corrected or have been addressed. Mr. Lundy stated that the drainage plan was not yet been designed. There will be a .25% greater surface drainage runoff from the project which will be addressed when the road improvements are made.
2. Dave Anderson, Applicant. Mr. Anderson stated that he is a contractor and that he is familiar with the requirements of developing property.

The hearing was closed to the public by Chairman Woodhouse.

The Planning Commission discussed their concern that the State Fish and Game had not responded to a request for comments regarding the proposed project. Mr. Baker stated that Fish and Game does not usually respond to these requests. This particular project has many safeguards and the Town Engineer will ensure that all requirements are met and there is no degradation of the property. Mr. McGreehan added that in the event the application is approved by the Planning Commission, the project conditions will force the interaction of Fish and Game. The Planning Commission also has the option to continue this hearing and send the proposed project to the state agencies for review.

After further discussion, it was moved by Commissioner Griffin, seconded by Commissioner Johns and unanimously carried to adopted the following findings and to approve the Anderson Brothers Tentative Parcel Map subject to the conditions listed below:

FINDINGS

- a. Find that any potentially significant adverse environmental impacts have been addressed in previously-adopted environmental documents (mitigated negative declaration and associated addendum).
- 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 compatible 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 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. Access to parcels for ingress and egress/public utilities shall be shown on the final parcel map.
2. The project developer shall submit engineered road, driveway, building pad, turn around facility and drainage improvement plans for the entire project designed in accordance with town adopted road standards, all applicable provisions of the California Fire Code, the requirements of the Town Engineer, the Town Fire Chief and accepted engineering standards. **(mitigation)**
3. Pay appropriate road and drainage improvement plan check and inspection fees. Street grades and all design features shall comply with town ordinances, design resolution and accepted engineering standards.

The proposed access road shall be constructed to the town-adopted A-3a private road standard. Road grade shall not exceed 13%. Road and drainage plans must be approved **PRIOR** to the construction or installation of the required facilities.

4. Place the following notes upon the final parcel map information sheet:
 - a. “Prior to the issuance of any building permit authorizing residential development of Parcel Nos. 1, 2, 3 or 4, the project developer shall obtain a town-approved encroachment permit and construct road, driveway, building pad, turn around facility and drainage improvements for the entire project in accordance with Town Engineer approved improvement plans.” **(mitigation)**
 - b. “Prior to the issuance of any building permit authorizing residential development of Parcel Nos. 1, 2, 3 or 4, the project developer shall provide a minimum of twenty feet of horizontal clearance along Valstream Drive to assure adequate emergency vehicle access in a manner deemed acceptable to the Town Fire Chief.” **(mitigation)**
 - c. “If more than 50 cubic yards of material is to be moved in association with required road and/or driveway improvements, the project developer shall apply for and secure town issuance of a grading permit satisfying all Engineering Division requirements and the current adopted edition of the U.B.C. Pay applicable grading permit fees per current fee schedule.”
 - d. “Prior to the issuance of building permits authorizing residential development of Parcel Nos. 1, 2, 3 or 4, the developer shall submit a detailed soil erosion control plan to the Town of Paradise for review and approval by the Town Engineer. Soil erosion control plans shall include provisions for replanting and slope stabilization in areas disturbed by access roads and driveways and residential development. **(mitigation)**”
5. Provide a recorded road maintenance agreement(s) in a form deemed acceptable to the Town Engineer obligating all owners of the resultant parcels to participate in the maintenance of the proposed onsite private road and drainage improvements.

SITE DEVELOPMENT

6. Prior to the conduct of any construction activity associated with required site improvements, the project developer shall submit a detailed soil erosion control plan to the Town of Paradise for review and approval by the Town Engineer. The soil erosion control plan shall include provisions for replanting and slope stabilization.
7. All easements of record shall be shown on the final parcel map.
8. Indicate a thirty foot building setback line measured from the center of any existing or proposed on-site private road easements.
9. Delineate all areas containing slopes of 30% and greater upon the final parcel map. Excepting any portion of these areas necessary for the development of access to building sites and actual building sites, all such areas shall be designated as a “NO SOIL DISTURBANCE/BUILDING EXCLUSION AREA.”
10. Excepting any areas necessary for the construction of drainage facilities approved by the Town Engineer all land within fifty lineal feet of the center of Honey Run Creek shall be designated as a “NO SOIL DISTURBANCE/BUILDING EXCLUSION AREA.”

11. If legally necessary, secure the issuance of an approved stream alteration permit issued by the California Department of Fish and Game for the installation of drainage facilities within the stream corridor of Honey Run Creek. If required, provide material evidence to the Town Engineer of such approval and issuance.
12. Meet any California Department of Fish and Game requirements pertaining to the protection of surface water quality and the preservation of wildlife within the stream corridor of Honey Run Creek. Provide material evidence thereof to the Town Engineer.
13. Prior to the felling of any qualifying trees, the project developer shall submit and secure Town Planning Director review and approval of a professionally designed and accurately mapped "Tree Protection Plan" for the proposed project that provides for tree planting placement as well as existing tree protection measures (fencing, etc.); and prior to the commencement of ground disturbance site work (grading, etc.) for the project (mitigation).
14. All qualifying trees proposed to be retained and shown as such upon the project site plan submitted to the Town of Paradise on September 5, 2007 for Tree Committee consideration and all native saplings proposed to be protected on the site as replacement trees shall be protected during construction activities in a manner consistent with the Town of Paradise Suggested Practices for Protection of Trees on Commercial, Quasi-Public and Multi-Family Residential Construction Sites (mitigation).
15. A certified arborist shall be engaged by the project developer to oversee the employment of tree protection measures during all related project site improvements construction (mitigation).
16. Place the following notes upon the final parcel map information sheet:
 - a. All qualifying trees proposed to be retained and shown as such upon the project site plan submitted to the Town of Paradise on September 5, 2007 for Tree Committee consideration and all native saplings proposed to be protected on the site as replacement trees shall be protected during construction activities in a manner consistent with the Town of Paradise Suggested Practices for Protection of Trees on Commercial, Quasi-Public and Multi-Family Residential Construction Sites.
 - b. A certified arborist shall be engaged by future owners of Parcel Nos. 1, 2, 3 or 4 to oversee the employment of tree protection measures during residential development of the parcels

FIRE PROTECTION

17. The project developer shall implement and maintain a fuel reduction plan for the parcels meeting the requirements of the Paradise Fire Department in accordance with the Paradise Fire Department project review memorandum dated March 13, 2007 for the Anderson Brothers parcel map application and on file in the Town Community Development Department. The fuel reduction plan shall be binding upon future owners of Parcel Nos. 1, 2, 3 and 4 and shall be recorded with the final parcel map.
18. Place the following notes upon the final parcel map information sheet:
 - a. "All buildings constructed upon Parcel Nos. 1, 2, 3 and 4 shall be constructed in accordance with the California Fire Code's Wildland/Urban Interface Code in effect at the time of building permit application and in accordance with the Paradise Fire Department project review memorandum dated March 13, 2007 for the Anderson Brothers parcel map application and on file in the Town Community Development Department."

- b. “Prior to the issuance of a building permit authorizing construction upon Parcel No’s 1, 2, 3 or 4, the project developer shall execute a work order with the Paradise Irrigation district (PID) for the onsite installation of new municipal style fire hydrants and a water main extension. The location of the new fire hydrants shall be determined by the Town fire Chief.”

- 19. Meet all other requirements of the Paradise Fire Department in accordance with the Plan Check Review for the Anderson Brothers project, dated March 13, 2007 and on file in the Town Community Development Department.

UTILITIES

- 20. Meet the requirements of the Paradise Irrigation District (PID) in accordance with the letter from PID staff regarding the Anderson Brothers project dated March 21, 2007 and on file in the Town Community Development Department.

SEWAGE DISPOSAL

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

OTHERS

- 22. The following notes shall appear upon the final parcel map information sheet:
 - a. “At the time of building permit issuance, owner will be required to pay any Town of Paradise adopted development impact fees.”
 - b. “If any archaeological resources are uncovered during the course of future development or construction activities, all work shall stop in the area of the find until a qualified archaeologist provides an appropriate evaluation of the discovery.”
- 23. Provide written documentation verifying payment of current property taxes and payment of any assessment liens imposed by the Town.
- 24. Provide monumentation as required by the Town Engineer in accordance with accepted town standards.
- 25. 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.

ROLL CALL VOTE: AYES: Commissioners Griffin, Grossberger, Johns, Mannel and Chairman Woodhouse. NOES: None. ABSENT: None.

MOTION CARRIES.

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

- b. **Keffeler [PM-07-4] – Tentative Parcel Map Application proposing to divide a ±2 acre property into four parcels of record located at 802 Wagstaff Road; AP 051-083-004.**

Mr. Baker reviewed the project application for which staff is recommending conditional approval. The Tree Permit Review Committee adopted a mitigated negative declaration document and tree permit for this proposed tentative parcel map application on September 27, 2007. Mr. Baker corrected some errors in the staff report.

The hearing was opened to the public by Chairman Woodhouse. Appearing:

1. Hollis Lundy, L & L Surveying, representing applicant. Mr. Lundy discussed the project application and stated that the applicant concurs with recommended project conditions.
2. Paul Strobel, 6440 North Point Drive. Mr. Strobel would like the property to remain zoned residential in keeping with the surrounding residential neighborhood.

The hearing was closed to the public by Chairman Woodhouse.

It was moved by Commissioner Mannel, seconded by Commissioner Griffin and unanimously carried to adopt the findings listed below and to approve the Keffeler Tentative Parcel Map application subject to the following conditions:

FINDINGS

- a. Find that any potentially significant adverse environmental impacts have been addressed in previously-adopted environmental documents (mitigated negative declaration).
- 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 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 the proposed on-site private road to the Engineering Division for approval. Pay appropriate plan check and inspection fees. Plans must be stamped and wet-signed by a licensed civil engineer. All elements of the engineered plans shall be designed in accordance with the requirements of the Town Engineer, based upon accepted engineering standards and the town-adopted A-2a road

standard. Road and drainage plans must be approved **PRIOR** to the construction or installation of the required facilities.

2. Access to parcels for ingress and egress/public utilities shall be shown on the final parcel map.
3. Deed thirty feet from the center of the Wagstaff 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 Wagstaff Road to the town-adopted B-2 road standard.
5. Place the following notes on the final map information data sheet:
 - a. “Prior to the issuance of a building permit authorizing residential development upon Parcel Nos. 1, 2, 3 or 4 the project developer shall apply for and secure town issuance of an encroachment permit, physically abandon the existing western most driveway connection to Wagstaff Road, construct on-site private road and drainage improvements in accordance with town-approved private road and drainage improvement plans for the Keffeler parcel map. The private road shall be constructed to the town-adopted A-2a standard.”
 - b. “If more than 50 cubic yards of soil are displaced to accommodate road and drainage improvements, the project developer shall apply for and secure town issuance of a grading permit satisfying all engineering division requirements and the current adopted edition of the UBC and pay applicable grading permit fees per current fee schedule.”
 - c. “Prior to the commencement of construction activities associated with private road and drainage improvements, the project developer shall submit an engineered erosion and dust control plan to the Town Engineering Division for approval by the Town Engineer . All erosion control devices and sedimentation basins required by the PMC 15.04.280 shall be shown on the plan.”
6. Apply for and secure town approval for a new road name for assignment to the proposed new private road. Pay current road name review fee.
7. Provide a recorded road maintenance agreement in a form deemed acceptable to the Town Engineer obligating all owners of the resultant parcels to participate in the maintenance of the proposed onsite private road and drainage improvements.

SITE DEVELOPMENT

8. All easements of record shall be shown on the final parcel map.
9. Indicate a fifty foot building setback line measured from the center line of Wagstaff Road and a thirty foot building setback line measured from the center of the proposed on site private road easement.
10. Indicate on the final parcel map a sixty decibel (60 dB L_{dn}) noise contour line measured 88 lineal feet from the centerline of Wagstaff Road.
11. Place the following note on the final map information data sheet:
 - a. “Prior to the issuance of a building permit authorizing residential development of Parcel No. 1 within 88 lineal feet of the centerline of Wagstaff 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 .”

SEWAGE DISPOSAL

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

UTILITIES

13. Meet the requirements of the Paradise Irrigation District (PID) in accordance with the comments provided by PID staff for the Keffeler project, dated March 21, 2007 and on file with the town Community Development Department.
14. Meet all other requirements of utility companies regarding the establishment of necessary public utility easements.

FIRE PROTECTION

15. Place the following note on the final map information data sheet:

“The design of proposed private road access improvements shall include an adequate turnaround facility at its southern terminus 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.”
16. The project developer shall implement and maintain a fuel reduction plan for the parcels meeting the requirements of the Paradise Fire Department in accordance with the Paradise Fire Department project review memorandum dated March 16, 2007 for the Keffeler parcel map application and on file in the Town Community Development Department. The fuel reduction plan shall be binding upon future owners of Parcel Nos. 1, 2, 3 and 4 and shall be recorded with the final parcel map.
17. Place the following note upon the final parcel map information sheet:
 - a. “All buildings constructed upon Parcel Nos. 1, 2, 3 or 4 shall be constructed in accordance with the California Fire Code’s Wildland/Urban Interface Code in effect at the time of building permit application and in accordance with the Paradise Fire Department project review memorandum dated March 16, 2007 for the Keffeler parcel map application and on file in the Town Community Development Department.”
18. Meet all other requirements of the Paradise Fire Department in accordance with the Fire Department plan check review for the Keffeler parcel map dated April 6, 2006 and on file in the Town of Paradise Community Development Department.

OTHERS

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

20. Provide monumentation as required by the Town Engineer in accordance with accepted town standards.
21. 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.
22. The following notes shall appear upon the final parcel map information sheet:
 - a. "At the time of building permit issuance, owner will be required to pay any Town of Paradise adopted development impact fees."
 - b. "If any archaeological resources are uncovered during the course of future development or construction activities, all work shall stop in the area of the find until a qualified archaeologist provides an appropriate evaluation of the discovery." (**mitigation**)

ROLL CALL VOTE: AYES: Commissioners Griffin, Grossberger, Johns, Mannel and Chairman Woodhouse. NOES: None. ABSENT: None. ABSTAIN: None.

MOTION CARRIED.

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

6. OTHER BUSINESS

- a. **Application for Approval of an Extension of Time (TE-07-1) Assigned to the Conditionally Approved Deatherage Tentative Parcel Map (PM-04-2); APN 054-080-036**

Mr. McGreehan presented the application for an extension of time for the Deatherage Tentative Parcel Map. The applicant appears to be near completion of the project conditions. Staff recommends the granting of a four year extension of time to the tentative parcel map.

It was moved by Chairman Woodhouse, seconded by Commissioner Mannel and unanimously carried to approve a four year extension of time for filing the Deatherage final parcel map. With the additional time extension the expiration date for recordation of the final parcel map is **September 11, 2011**.

ROLL CALL VOTE: AYES: Commissioners Griffin, Grossberger, Johns, Mannel and Chairman Woodhouse. NOES: None. ABSENT: None.

MOTION CARRIES.

It was announced that the decision of the Planning Commission can be appealed by the Applicant within fifteen days of the decision date.

7. COMMITTEE ACTIVITIES

- a. **Status Report: September 26, 2007 Paradise Redevelopment Agency Advisory Committee Meeting [Commissioner Johns]**

Commissioner Johns reported on recent actions of the Paradise RDA Advisory Committee at their meeting on September 26, 2007.

**b. Status Report: September 27, 2007 Tree Permit Review Committee Meeting
(Commissioner Grossberger)**

Commissioner Grossberger reported on actions at the Tree Permit Review Committee meeting on September 27, 2007.

8. COMMISSION MEMBERS

- a. Identification of future agenda items (All Commissioners/Staff) – Possible subdivision at the end of Merrill Road**

9. ADJOURNMENT

The Planning Commission unanimously concurred to adjourn the meeting at 8:05 p.m.

Chairman Woodhouse

Attest:

Planning Commission Secretary