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# Town of Paradise / Tree Permit Review Committee

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## MINUTES

**Meeting Date:** Wednesday, August 15, 2007

**Meeting Time:** 4:00PM

**Location:** Town of Paradise – Council Chambers #8

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### **Committee Members:**

Denice Britton, Chair  
Forrest Rea  
Al McGreehan  
Timothy Negle  
L. Craig Woodhouse

### **CALL TO ORDER**

Chair Denice Britton called the meeting to order at 4:05PM

### **ROLL CALL**

Present at roll call were Tree Committee Members Forrest Rea, Al McGreehan, Timothy Negle, L. Craig Woodhouse and Chair Denice Britton. Also present was Assistant Community Development Director Craig Baker.

### **1. APPROVAL OF MINUTES - Regular Meeting of May 10, 2007**

It was moved by Committee Member Al McGreehan, seconded by Committee Member Woodhouse and carried by those present to approve the Minutes of the regular meeting of May 10, 2007 with no changes.

### **2. PUBLIC COMMUNICATION - None**

### **3. PUBLIC HEARING**

**a. SIERRA CASCADES PROPERTIES [TP-07-04-42]** - Tree Felling Permit Application proposing the felling of +/-32 qualifying trees on a +/-2.74-acre property located at 6470 Pentz Road, Paradise (AP No. 050-250-087). The trees are proposed to be felled to accommodate the construction and establishment of +/-25,000 square feet of medical office space (a legally permitted land use) in three separate buildings along with related site improvements.

Craig Baker presented the proposed tree felling permit application. The applicant doctors have a +/-2.74-acre property they wish to develop with three (3) medical office buildings and with a proposed total square footage of 23,400. The proposed parking facility will have 99 parking spaces with two separate driveway encroachments onto Bille Road Extension and Pentz Road, accordingly. There will be eighteen (18) trees felled to accommodate the buildings, eleven (11) trees being felled for the parking area

and three (3) trees have been determined to be in poor health and grading will adversely affect them and it is recommended that they are felled.

The applicants were very concerned with tree retention and the project was designed to save as many qualifying trees as possible. The largest of the trees will be saved.

The tree felling regulations require any project that proposes tree felling of five or more qualifying trees to be reviewed by this Committee and the permit issuance is subject to Tree Permit Review Committee's review and approval.

The application process required the applicants to secure the services of a certified arborist or forester.

Medical offices upon this project property is a permitted land use due to the fact that the property is within a Town-established "CS" (Community Services) zoning district. The three medical buildings are sited in such a manner to allow for a high level of tree retention.

This project, after analysis, is eligible to be approved by this Tree Permit Review Committee; the applicant has complied with all applicable Town adopted development standards; mitigation measures have been agreed to along with a tree replacement program of two to one to accommodate the project.

The staff recommended action is to open the public hearing and hear input, close the public hearing, adopt findings and approve the project application subject to the list of conditions.

Chair Denise Britton asked for a clarification on the application process, asking if this application had gone to the Planning Commission or did it go to the Tree Committee first.

Craig Baker explained that this project is solely being presented to the Tree Committee and no other Town decision-making body because the project land use is legally permitted via the current zoning of the property.

Committee Member Al McGreehan asked for a definition of a "qualifying tree."

Craig Baker explained that a qualifying tree is any woody perennial plant that has a main stem that measures thirty-one (31) inches in circumference. Fruit and nut trees do not qualify.

Craig Baker stated that the applicant is aware of the Town's requirement for replacement of trees on a two to one basis. The applicant may wish to consult with a forester as it may be suggested that a lower tree replacement ratio be more appropriate.

Craig Baker put an aerial view of the project up on the screen.

Craig Baker stated that no Town permits have been currently issued for work on this project property.

At 4:30PM Chair Denice Britton called for a ten-minute recess in order for the Committee to review additional, new information that was presented to them on this project.

Chair Denice Britton called the meeting back to order at 4:40PM.

Chair Denice Britton declared the Public Hearing as officially open.

1. Applicant Dr. Jason Vance stated that he had no issues with the mitigation measures that were required and was comfortable with them. He is willing to plant tree replacements at a two to one ratio if this is what his forester suggested. If that ratio is determined to be too much, then he would hope to plant at the suggested ratio.

Dr. Vance stated that he is working with a landscape architect and that a project landscape plan has already been submitted to the Town.

In response to inquiry by Committee Member McGreehan, Applicant Vance stated that he is OK with the two to one ratio, as no one, so far, has suggested that replacement trees would not survive if planted at that ratio.

2. Randy Vasquez, Forester stated that an inventory had been taken of the existing trees and there is a decent chance that they will survive at the two to one ratio.

3. Member of the public, Mike Bitker, 1776 Bille Road Extension spoke to the Committee. Mr. Bitker said that he was confused in that there is no other hearing being held on this project to allow for citizen comments. He is upset that he was not allowed to make comment and have the opportunity to have his say about the project land use. The mitigation measures are unbelievable and if the tree felling permit is allowed, then the project goes through. He stated that he felt there would be lawsuits.

Mr. Bitker further stated that he felt that Bille Road Extension is not large enough to accommodate the additional traffic. He was upset that a maximum lighting height of eighteen feet was given to the applicant, because then, that will be the height that they go to. He said that the community should have a say in this and that the community is being lied to. He said he was led to believe there would be a tree hearing and then another hearing on the project itself. Had he known this was the process, the room would have been filled to capacity with angry neighbors.

Another point that was brought up by Mike Bitker is that there are over 50,000 square feet of empty medical office space in the community. He advocated that the community needs more residences, not medical offices.

He alleged that Bille Road Extension is a private road and that there cannot be parking on the road, nor could there be "no parking" signs on the road. Mr. Bitker again stated that there would be lawsuits coming very quickly regarding this project.

Chair Denice Britton stated the time frame for an appeal and said it is within ten (10) days of the date of the Tree Committee decision.

4. Tony Clark, 6471 Danny Court, Paradise (just east of the project) said he is also confused and asked how this project could go forward; has the project already been approved?

Craig Baker stated that there have been two opportunities to speak to the project. There was a mailing concerning the project's proposed environmental analysis sent to all residences within 300 feet of the proposed project. He stated that this meeting was specifically dealing with trees.

The plans, erosion control, etc., is all public information and can be viewed at will during regular business hours. There are different zones in the Town of Paradise and a list of land uses. Some land uses are permitted by right; some require public hearings, or higher levels of review. There is no formal public hearing in a CS zone and the opportunity to send comments on the proposed project ended on August 13, 2007.

Committee Member McGreehan stated that the Tree Committee is held prior to any other required project permit approvals and that subsequent to this committee review, the project applicant will submit his building plans. No tree felling permits will be issued until the building plans are submitted, septic and any other required site improvements plans are in and all of that takes place prior to any trees being felled and none of that has happened.

Mr. Clark stated that the traffic on Bille Road extension is an awkward and dangerous situation.

Craig Baker noted that as many steps as possible will be taken to remedy that situation, but the Town has no timeline because other intersections may be more important and the Town has to prioritize them. It is currently not on the list for capital improvement. He also noted that a B1 public road standard does not accommodate on-street parking.

5. Dr. Richard Thorpe, an owner in the project and also a resident of Paradise. He spoke in favor of the project and that he and his group are concerned about keeping as many trees as possible. They are very willing to make adjustments and to accommodate the needs required.

6. Roger Owens, 6472 Danny Court, Paradise, asked if there would be more meetings on this project.

Craig Baker stated that this project's proposed land use is not subject to a Public Hearing.

1. Applicant Dr. Jason Vance spoke again, to respond to comments made. He plans to have subdued lighting and is willing to accommodate project mitigation requirements.

7. Matt Thompson, property owner in Paradise, said that in reality more trees will come down as the project progresses. He also stated that there would be many more vehicles than discussed in that there is always the extra traffic of newspaper deliverers, salespersons, etc. People may not adhere to the one-way project driveway if it's easier to leave the project against the traffic. People take the easiest route and this will become dangerous.

8. John Hosford, Paradise, CA, stated that CS zoning was there long before this project. He asked why Paradise can't clean off the south corner easement?

9. James Segar, General Contractor for the project, stated that the number of parking stalls for the square footage of the medical offices was not enough and the doctors made a positive attempt to increase the number of stalls to accommodate all the needs.

Committee Member McGreehan asked Town staff to clarify that the portion of Bille Road Extension that runs along the project site as well as to the east is a public road. This was verified by Craig Baker.

There being no further comments, the Public Hearing was closed by Chair Denice Britton.

Committee Member Al McGreehan asked Town staff if all comments were received in accordance with the legally required timeline, were staff perspectives shared with all key departments issue by issue and if the Town Attorney made opinions with regard to comments received?

Craig Baker stated that the Town Attorney had reviewed all comments received by the legal deadline, which was Monday, August 13, 2007. Craig stated that each and every point and assertion in those comments was addressed. In working with the Town Attorney, it was determined that no substantial evidence was found.

3. Mr. Bitker returned to speak about having only five days to comment upon the project's environmental document was not fair and that Craig Baker did not give him the true facts on what would be considered and that he talked around the issue.

Craig Baker stated that it was reasonable to expect substantial evidence.

Chair Denice Britton again explained the appeal process. She further stated a desire to add a further condition be placed upon the Applicant, Jason Vance, which is to provide a Tree Protection Plan that provides a formal plan of tree placement as well as tree protection that is mapped, and which the Town of Paradise's Planning Director would review and approve prior to the issuance of the grading permit.

1. Dr. Vance, Applicant, stated that he would not have a problem with that additional condition.

Committee Member Al McGreehan made a motion that the Committee adopt the findings for approval as provided by staff along with an additional finding to read: "That all written and verbal commentary submitted in regards to the project's proposed environmental document does not constitute substantial evidence of the probability of project-induced significant adverse affect upon the affected environmental setting" and to approve the Sierra Cascades Properties tree felling permit application authorizing the felling of up to 32 qualifying trees to accommodate a proposed medical office land use on property located at 6470 Pentz Road and subject to all the conditions of approval as provided by staff and adding the condition as described by Chairperson Denice Britton.

The motion was seconded by Committee Member Woodhouse.

Motion approved unanimously by each Committee Member.

Craig Baker again announced that Committee decision may be appealed within ten (10) days with the Town Clerk's Department.

Chair Denice Britton pointed out the importance of getting involved with the revision of the General Plan and learn all the implications of zoning.

**4. OTHER BUSINESS** - Craig Baker introduced one of the two new Planning Commissioners, Ms. April Grossberger to the group.

**5. IDENTIFICATION/DISCUSSION OF FUTURE AGENDA ITEMS** - None

**6. ADJOURNMENT**

Chair Denice Britton adjourned the meeting at 5:47PM