

PARADISE PLANNING COMMISSION
August 17, 2010 - 6:00 p.m.
Paradise Town Council Chambers
5555 Skyway, Paradise, CA

M I N U T E S

CALL TO ORDER

The meeting was called to order by Chairman Woodhouse at 6:00 p.m.

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

ROLL CALL

Present at roll call were Commissioners Bolin, Johns, Grossberger, Serna and Chairman Woodhouse. Community Development Director Craig Baker and Assistant Planner Susan Hartman were also present.

1. APPOINTMENT OF PLANNING COMMISSION CHAIRMAN AND VICE CHAIRMAN FOR THE 2010-2011 FISCAL YEAR

Chairman Woodhouse turned the meeting over to Town Clerk Gutierrez who opened nominations for the selection of a Chairman for the 2010-2011 Fiscal Year.

Commission Serna nominated Commissioner Johns to serve as Chairman of the Planning Commission for Fiscal Year 2010-2011.

MOTION by Woodhouse, seconded by Serna, closed the nominations. Roll call vote was unanimous.

Roll call vote on the nomination of Commissioner Johns to serve as Chairman for the Planning Commission for Fiscal Year 2010-2011: Ayes of Bolin, Grossberger, Serna and Woodhouse; Abstention of Johns. Commissioner Johns was appointed to serve as Chairman for the Fiscal year 2010-2011. Town Clerk Gutierrez turned the meeting over to Chairman Johns who opened nominations for the selection of Vice-Chairman for the 2010-2011 Fiscal Year.

Commissioner Woodhouse nominated Commissioner Grossberger to serve as Vice-Chairman of the Planning Commission for Fiscal year 2010-2011.

MOTION by Serna, seconded by Bolin, closed the nominations. Roll call vote was unanimous.

Roll call vote on the nomination of Commission Grossberger to serve as Vice-Chairman for the Planning Commission for Fiscal Year 2010-2011 was unanimous.

2. APPROVAL OF MINUTES

a. Regular Meeting of July 20, 2010

It was noted that page 13 of the Minutes will be amended to reflect that Commissioner Grossberger is the representative to the Redevelopment Advisory Committee.

It was moved by Commissioner Bolin, seconded by Commissioner Grossberger and unanimously carried by those present to approve the minutes of the July 20, 2010 Planning Commission meeting as submitted by staff.

VOTE: AYES: Commissioners Bolin, Grossberger, Serna, Woodhouse and Chairman Johns. NOES: None. ABSTAIN: None. ABSENT: None.

MOTION CARRIES.

3. COMMUNICATION

a. Recent Council Actions

Mr. Baker reported on recent actions of the Town Council at their regular meeting of August 10, 2010.

b. Staff Comments

Mr. Baker introduced Susan Hartman, the Community Development Department Assistant Planner, to the Planning Commissioners.

4. PUBLIC COMMUNICATION

1. **Carol Perkins**, stated that she lives on Neal Road, is representing the Butte Environmental Council, and is here to discuss the Paradise Irrigation District plan to pipe 300' of Clear Creek. Ms. Perkins stated that it is her understanding that the Town of Paradise is requiring the creek to be piped and asked the Town to consider reevaluating the Master Drainage Plan in order to not have to require piping the creek.

Mr. Baker stated that the Master Drainage Plan is not necessarily under the purview of the Planning Commission.

Ms. Perkins stated that she thinks the Paradise Irrigation District use permit will be coming to the Town and that she wants to urge the Planning Commission to do what they can to improve the management of creeks and water.

Mr. Baker explained the concept of "best management practices" (that are incorporated into development reviews and within engineered site plans) of the Town as the Town does not want to violate the regulations of other agencies, such as the state Fish and Game or Water Quality Control Board; that PID has submitted a request for a use permit to the Town, that the scope of the project is beyond that which can be reviewed by the Planning Director, so the project will be noticed for public hearing before the Planning Commission.

5. CONTINUED PUBLIC HEARING – None.

6. PUBLIC HEARING

Community Development Department Director Baker reported to the Commission that the proposed General Plan Amendment/Rezone and Parcel map application would eliminate the AR 1 zoning for a single parcel, and would secure residential zoning with a one-half minimum parcel size for the site to facilitate a division of the property into three parcels of record and that staff is recommending adoption of Resolution No. 10-10 and approval of the parcel map. Commissioner Bolin questioned why there was a 15' easement between parcels one and three and Mr. Baker stated that was to provide a drainage easement for future landscaping on the parcels in order to address any increased drainage.

Chairman Johns opened the public hearing at 6:38 p.m.

1. Mike Byrd, Rolls, Anderson, Rolls Civil Engineers, stated that he is representing the applicants for the project, that the findings and conditions of approval are acceptable, and that he is available to answer any questions from the Planning Commissioners. Mr. Byrd stated that because parcel two is already developed, it is not anticipated that a lot of additional impervious area will be created and the concept of these landscaped mulch areas would catch any runoff and let it perc into the ground.

Chairman Johns asked about the existing impervious surfaces on the site and Mr. Byrd stated that the only impervious surfaces on the site are concrete slabs remaining from an outbuilding previously located on the site and would be removed at such time as a home was to be built.

Commissioner Serna asked if the three sets of engineered plans have been submitted (Roads/Access Condition #3) and Mr. Baker stated those plans need to be submitted prior to the recording of the map. Mr. Byrd clarified that that the private road plans are for West Sutter Road.

Commissioner Bolin questioned the A-1 driveway requirement on lot 3 from Neal Road and Mr. Baker stated this is a typical driveway where access exceeds 150' lineal feet and Mr. Byrd stated that the Town Engineer recommended this be shown on the map.

2. Mike Coronado stated that he owns the property next to the property being proposed to be split and asked if any consideration was given to subdivide the property the same way as the other properties in the area, as a different configuration of the parcels would give him an opportunity to purchase the adjacent property, as opposed to having two properties adjacent to his parcel.

Mr. Baker stated that the applicant may not have been able to meet the required width for R-R1/2 zoning.

Chairman Johns closed the hearing to the public at 6:45 p.m.

The Planning Commissioners discussed that although they are sympathetic to Mr. Coronado's desire to acquire the property, the division is in compliance and consistent with other lot development in the area. Chairman Johns suggested that Mr. Coronado get together with Mr. Byrd and contact the property owners.

It was moved by Commissioner Bolin, seconded by Commissioner Grossberger, and carried by those present to adopt the findings listed below; to adopt Planning Commission Resolution No. 10-10, "A Resolution of the Paradise Planning Commission recommending Town Council Adoption of a Paradise General Plan Land use Map Amendment and Rezoning of Certain Real Property Within the Town of Paradise"; and to approve the Rinehart parcel map (PL10-00193) application subject to the following conditions and mitigations:

REQUIRED FINDINGS FOR APPROVAL:

1. Find that the proposed project, as mitigated and conditioned, could not have a significant effect on the environment, and adopt a mitigated negative declaration.
2. Find that, as mitigated and conditioned, the project is consistent with the goals and policies of the Paradise General Plan because the project would assign zoning to the project site that is not characterized by constraints to residential development and is consistent with existing residential zoned development located upon adjacent and nearby properties.
3. Find that the project, as mitigated and conditioned, is consistent with the spirit and intent of the requested RR land use designation and RR-1/2 zoning district, because the land use proposed for the parcels would be residential and parcel sizes proposed are consistent with the requirements of the zone.
4. 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:
 - a. The project site is located within an area that has been altered by residential and agricultural development spanning several decades.
 - b. No known outstanding wildlife habitat exists in the immediate project vicinity; and
 - c. No known rare or endangered plants exist in the immediate project vicinity.

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

ROADS/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 No. 1, 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.
7. Establish a non-exclusive easement for road and public utilities over the north twenty (20) feet of Parcel Nos. 1 and 2, also being the south twenty (20) feet of the Sutter Road private road access instrument.

DRAINAGE

8. 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.
9. 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. 3, 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 down-slope neighboring properties."

SITE DEVELOPMENT

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

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 all requirements of the Paradise Irrigation District (PID) in accordance with the comments provided by PID staff for the Rinehart parcel map, dated May 14, 2010 and on file with the Town of Paradise Community Development Department.

14. Meet the requirements of other utility companies regarding the establishment of necessary public utility easements.

FIRE PROTECTION

15. The project developer shall submit for approval and execute the requirements of a fuel reduction plan for the proposed parcels meeting the requirements of the Paradise Fire Department.

16. Place the following notes upon the final parcel map information data sheet:

- a. "All buildings constructed upon these parcels 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."
- b. "Prior to the issuance of a building permit authorizing residential development upon Parcel No. 3, the project developer shall submit driveway improvement plans that provide for the construction of an approved turn-around facility as approved by the Town Fire Chief."

17. Meet all other requirements of the Paradise Fire Department in accordance with the comments provided by Fire Department staff for the Rinehart parcel map, dated June 8, 2010 and on file with the Town of Paradise Community Development Department.

OTHERS

18. Provide a "Statement of Taxes" from the office of the Butte County Tax Collector.

19. Provide monumentation as required by the Town Engineer in accordance with the State Subdivision Map Act and Town of Paradise standards.

20. 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.

21. The following notes shall be placed upon the final parcel map information data sheet:

- a. "At the time of building permit issuance, landowners 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)

22. The Rinehart final parcel map shall not be recorded unless and until a town-established Rural Residential-1/2 acre minimum zoning is in legal effect for the project site.

The resultant parcel configurations shall be in substantial conformance with the Rinehart parcel map design submitted to the town on May 11, 2010.

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

MOTION CARRIES.

Community Development Director Baker announced that an appeal of the Planning Commission's decision can be made within ten (10) days of the decision date.

a. FRH General Plan Amendment/Rezone (PL10-00260) Application

Community Development Director Baker reported that the Feather River Hospital is seeking a land use designation amendment from Rural Residential to Community Service and a zone change from Rural Residential ½ acre minimum to Community Services for two separate land areas totaling ± 3 acres to enable the hospital to legally establish hospital-related health services upon the affected land areas. Mr. Baker noted a typographical error that stated the environmental determination is a "mitigated" negative declaration when, in fact, it is simply a negative declaration, and that the staff recommends approval of the application and adoption of Planning Commission Resolution 10-11.

Chairman Johns opened the public hearing at 6:55 p.m.

1. Carol Michelson stated that she is the project manager for Feather River Hospital and that this application gives the hospital the opportunity to become compliant via the assignment of proper zoning even though the hospital will not be in a position to submit any plans for at least a three-year period. Ms. Michelson stated that there have been no objections to the proposed project and that FRH is very respectful of their adjoining neighbors during construction.

Commission Bolin asked if the CS zoning would allow buildings other than office buildings, such as apartments or churches, in the event that the hospital sold the property, and noted that there were no lot line modifications or boundary line adjustments requested.

Mr. Baker informed the Planning Commissioners of the permitted uses and that it is likely that any other uses would be subject to additional Town review.

Chairman Johns closed the public hearing at 7:03 p.m.

Chairman Woodhouse stated he is on the hospital board of directors and that he will be abstaining from the vote on this matter, even though the Town Attorney advised that he does not need to abstain as there is no financial benefit to him from this project.

It was moved by Commissioner Bolin, seconded by Commissioner Grossberger, to adopt Planning Commission Resolution No. 10-11, "A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of a Paradise General Plan Land use Map Amendment and Rezoning of Certain Real Property Within the Town of Paradise (Feather River Hospital: PL 10-00260)."

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

MOTION CARRIES.

7. OTHER BUSINESS

- a. The Planning Commissioners concurred to appoint Commissioner Grossberger to serve as the Planning Commission Representative to the Town of Paradise Development Impact Fees Adjustment Board during FY 2010/2011.
- b. The Planning Commissioners concurred to appoint Commissioner Serna and Chairman Johns to serve on the Town of Paradise Landscape Committee (appeals body) during FY 2010/2011.
- c. The Planning Commissioners concurred to appoint Commissioner Serna to serve as the Planning Commission representative on the Paradise Redevelopment Advisory Committee.

8. COMMITTEE ACTIVITIES

a. Status Report: Paradise RDA Advisory Committee Meeting

Commissioner Grossberger reported that the last scheduled RDA Advisory Committee meeting was cancelled.

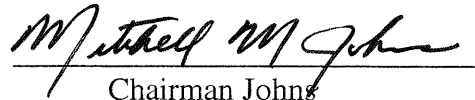
9. COMMISSION MEMBERS

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

The Planning Commission discussed the noise ordinance and the difficulty in measuring sound and determining its 'lawfulness'; and, discussed the time table for the Walmart project application process. Mr. Baker informed the Planning Commission that the Paradise Irrigation District use permit application may be coming before the commission as a noticed public hearing.

10. ADJOURNMENT

The Planning Commission meeting was adjourned at 7:30 p.m.


Chairman Johns

Attest:


Planning Commission Secretary