



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

TELEPHONE (530) 872-6291 FAX (530) 877-5059

www.townofparadise.com

PLANNING COMMISSION AGENDA

June 15, 2010

6:00 p.m.

CALL TO ORDER

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

ROLL CALL

1. APPROVAL OF MINUTES

- a. Regular Meeting of May 18, 2010

2. COMMUNICATION

- a. Recent Council Actions
- b. Staff Comments

3. PUBLIC COMMUNICATION

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Commission meeting.

***** PUBLIC HEARING PROCEDURE *****

- | | |
|------------------------------------|--------------------------------|
| A. Staff comments | C. Close hearing to the public |
| B. Open the hearing to the public. | D. Commission discussion |
| 1. Project applicant | E. Motion |
| 2. Parties for the project | F. Vote |
| 3. Parties against the project | |
| 4. Rebuttals | |

NOTE: Pursuant to Planning Commission Resolution No. 96-001, any person may speak before the Commission regarding the matter under consideration for **a maximum of five minutes** unless granted additional time by the Chair. "In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Community Development Dept., at 872-6291 at least 48 hours in advance of the meeting."

4. CONTINUED PUBLIC HEARING – None.

5. PUBLIC HEARING

a. Item determined to be exempt from environmental review

PARADISE MUNICIPAL CODE: Planning Commission recommendation for Town Council adoption of proposed text amendments to the Town's zoning regulations contained in Paradise Municipal Code Title 17 [Zoning]. The amendments affect municipal code statutes related to a land use definition for "fuelwood sales" activity and which zoning districts wherein such activity may be potentially permitted. The proposed text amendments will also affect "construction sales and service" and "towing service/vehicle impound" land use activities and which zoning districts wherein such activities may be potentially permitted.

6. OTHER BUSINESS – None.

7. COMMITTEE ACTIVITIES – RDA Committee Meeting Report: May 25, 2010

8. COMMISSION MEMBERS

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

9. ADJOURNMENT

PARADISE PLANNING COMMISSION
May 18, 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, Grossberger, Serna and Chairman Woodhouse. Commissioner Johns was absent (excused). Community Development Director Al McGreehan and Assistant Community Development Director Craig Baker were also present.

1. APPROVAL OF MINUTES

a. Regular Meeting of April 20, 2010

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

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

MOTION CARRIES.

2. COMMUNICATION

a. Recent Council Actions: Community Development Director McGreehan reported on recent actions of the Town Council at their special meeting of April 21, 2010 and their regular meeting of May 11, 2010.

b. Staff Comments: The Town adopted-design standards went into effect on May 14, 2010. They are available on the Town's website.

3. PUBLIC COMMUNICATION – None.

4. CONTINUED PUBLIC HEARING – None.

5. PUBLIC HEARING

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

SKYWAY LAND PROJECT: The project proponent is requesting approval of a Subdivision Map (SD-08-2), Administrative Permit (PL09-00191), and Tree Felling Permit (TPC-08-10) applications for a multi-family residential condominium project proposing the establishment of 35 housing units upon a 3.52 acre land area to be served by an off-site clustered wastewater treatment and disposal system. The project site consists of three parcels (050-011-012, -013 and -031) located at 9189 and 9141 Skyway, southwest of the Skyway/Clark Road intersection.

Asst. Community Development Director Baker presented and explained the project applications for which staff is recommending conditional approval. The project site is currently vacant. There are 103 qualifying trees proposed for removal, leaving approximately 238 qualifying trees on the site. The environmental study contains mitigation measures that are identified by numbers which should be adopted as project conditions of approval. The proposed project will be constructed in a single phase, but with no known timing. The 35 condominium units are proposed to be established and located with larger units along the canyon rim with 1950 sq ft. each and smaller units in the interior of the project that will each be 700 sq ft. The larger units would have an attached lower story garage and the smaller condominium units would have detached garages. Mr. Baker also pointed out the project's proposed primary roadway access and emergency egress/access and gated roadway design features.

Staff recommended that the Planning Commission adopt the following amendments/corrections:

1. The mitigation measures assigned in the environmental document each have numbers that staff recommends be incorporated behind each mitigation measure that would become an adopted condition of project approval.
2. Page 3-8: Change the date of the referenced Butte County Air Quality Management District letter from 2006 to 2008.
3. Page 3-10: Mitigation Measure 3.4.1 – Referencing the provision of a Botanical Survey, add “prior to recordation of map” under “Site Development”.

Mr. Baker explained that the project applicant turned in a botanical survey that was conducted during the fall months and not appropriate in this mitigation measure. A second botanical survey will need to be performed in the spring. He proposed this mitigation measure be incorporated as a condition prior to recordation of the subdivision map under the sub- heading “Site Development”.

Additionally, Mr. Baker recommended that condition No. 36 referring to mitigation monitoring be moved to the end of the conditions under “General Project Conditions”. Add the following text to this condition: “Prior to initiating construction activities on the site, the project developer shall post a bond (or similar financial instrument) with the Town to cover the costs of any mitigation monitoring conducted by Town staff. The amount of the financial instrument shall be determined by the Town Planning Director.”

On recommendation by the Town Attorney, recommended project conditions should be amended to replace any references to “subdivider” with “developer” and “agency” with “Town of Paradise”.

The Planning Commission discussed the location of the signal standards, setbacks and the Skyway widening. Al McGreehan responded that the project applicant will offer for dedication to the Town the necessary right-of-way width of the project property frontage along Skyway for future widening. Concern was expressed that the detached garages may be used for retail storage.

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

1. Nicole Ledford, NorthStar Engineering, Applicant’s agent. Ms. Ledford requested the following modifications to the proposed project conditions:
 - a) Condition No. 23: Delete the word “approve” as the State Regional Water Quality Control Board does not approve the SWPPP, they accept it and file it.
 - b) Condition No. 38: Replace the word “permit” with “requirements” as the State Regional Water Quality Control Board does not issue permits.

Ms. Ledford indicated that the applicant concurs with the recommended project conditions and added amendments recommended by staff.

Commissioner Grossberger discussed her concern for the number of trees proposed for removal, specifically a canyon live oak at the south end of the project area. She requested the applicant to retain about six additional qualifying trees if possible.

Ms. Ledford responded that, depending on the design of the improvement plans, the applicant will try to retain additional trees. There are concerns about grading that may injure the roots of some trees.

Mr. McGreehan added that a tree protection and retention plan is required to be submitted. There is a tree replacement requirement as well.

Commissioner Woodhouse requested some assurance from the applicant that the project will go through after the trees are removed. Mr. Baker stated that the septic permit needs to be issued and the building plans submitted before the applicant removes any trees.

Commissioner Woodhouse closed the public hearing.

The Planning Commission concurred that they believe this is a good project.

It was moved by Commissioner Grossberger, seconded by Commissioner Bolin and unanimously approved by those present to adopt: (1) the amended environmental document; (2) the findings as provided by staff; and based on the findings, approve the project applications subject to all conditions and modifications as presented by staff and Nicole Ledford from NorthStar Engineering as listed below:

FINDINGS

- a. Find that the project, **as mitigated and conditioned**, will not result in any significant adverse effects on the environment, and adopt the mitigated negative declaration prepared by Pacific Municipal Consultants for the Skyway Land Condominium Subdivision project.
- b. Find that the proposed subdivision, **as mitigated and conditioned**, together with its provisions for its design and proposed improvements, is consistent with the goals and policies of the 1994 Paradise General Plan, the State Subdivision Map Act and the Town's subdivision and zoning ordinances.
- c. Find that the project, **as mitigated and conditioned**, is compatible with surrounding land uses and shall not be detrimental to the public's health, safety and general welfare because the proposed residential density for the project is lower than that which is potentially permitted in the MF zone (up to 15 units per acre when served by a clustered wastewater treatment and disposal facility), and adequate infrastructure would be in place to serve the proposed condominium subdivision and the proposed multiple-family residential land use.
- d. Find that the private and public infrastructure improvements assigned to the proposed project are necessary to promote orderly and safe development of the area; and need to be completed prior to the time of final map recordation.
- e. Find that the Skyway Land Project tree felling permit applications meet the criteria for conditional approval as outlined within PMC Section 8.12.090 because the proposed tree felling activity is necessary to accommodate the establishment of the project upon land that is planned to accommodate such land use.
- f. Find that the proposed tree felling activity, as conditioned, is consistent with applicable town zoning regulations regarding commercial timber harvesting.

CONDITIONS OF CONDOMINIUM SUBDIVISION MAP APPROVAL

CONDITIONS TO BE MET PRIOR TO RECORDATION OF FINAL CONDOMINIUM SUBDIVISION MAP

ROADS/ACCESS

1. Prepare and submit three copies of a detailed and engineered site development, grading plan and road and drainage improvements plan for the subdivision development to the Public Works Department (engineering division) for review and approval by the Town Engineer and secure the issuance of a town-approved grading permit. Approval of the designed improvements plans by the Town Engineer must be secured **PRIOR TO COMMENCEMENT** of project improvements construction.
2. Deed +/-40 feet from the centerline of Skyway or offer for dedication to the Town of Paradise. Right-of-way line shall be established a minimum of 2.5 feet behind the back of the sidewalk and shall encompass all public facilities.

3. Deed all necessary right-of-way around the Clark Road/Skyway intersection to the Town of Paradise to allow for future widening and maintenance, as determined by the Town Engineer.
4. Construct all necessary road widening, traffic signal pole relocation, curb and gutter removal/replacement, etc., as necessary to allow for full roadway width through the Clark/Skyway intersection. Perform striping modifications and lengthen the left turn pocket to provide sufficient queuing for the ultimate traffic flows.
5. Establish sixty-foot minimum width public street access right-of-way at the Skyway/Clark Road intersection as proposed; secure a town issued encroachment permit, construct full street section improvements within the public street access instrument and offer for dedication to the Town of Paradise.
6. Construct pedestrian and handicapped ramps at all proposed intersections to the County of Butte Department of Public Works Improvement Standard No. S-5 (Standard P.C.C. ADA-Compliant Pedestrian Ramp Type A) or equivalent as determined by the Town Engineer.
7. The proposed fire and emergency access connecting to the Skyway near the southerly boundary of the project site shall be for fire and emergency vehicle access only and shall be physically restricted to such purposes in a manner deemed satisfactory to the town Fire Marshal and the Town Engineer.
8. All public street and private road improvements shall be designed and constructed in accordance with the requirements of the Town Engineer, outlined in written comments regarding the Skyway Land Project, dated May 7, 2010 and on file with the Town of Paradise.
9. Secure Town of Paradise approval for public street and interior access road names. Place the approved names upon the final map.
10. Street and road name signs shall be provided by the developer at all intersections per town requirements. Contact the town Public Works Department (engineering division) for information regarding the purchase and installation of street signs.
11. The project developer shall install appropriate stop signs and other traffic signs and thermoplastic pavement markings as determined by the Town Engineer. Show all required markings upon project improvement plans.
12. Establish twenty-foot radius property line returns or a similar design feature deemed acceptable to the Town Engineer at all proposed street intersections.
13. Submit reproducible “**AS BUILT**” improvement plans for abutting public street improvements and any off-site drainage improvements in accordance with the requirements of the Town Engineer.

DRAINAGE

14. Provide a final design solution for drainage per requirements of the Town Engineer in accordance with INTERIM DRAINAGE DESIGN GUIDELINES prepared April 2, 1998. Drainage improvements shall be engineered and constructed in a manner that includes the establishment of all necessary drainage improvements onsite and possibly offsite to adequately accommodate existing and project induced drainage flows without generating any offsite significant adverse environmental effects.

UTILITIES

15. Satisfy all utility company requirements regarding the construction and installation of new utility facilities as well as relocation of existing utility facilities, including establishment and offer of dedication of public utility easements. NOTE: All on-site utilities are required to be placed underground in accordance with PMC Section 16.11.020. **NOTE:** At least two joint utility poles will require relocation within the Skyway right-of-way to accommodate the construction of required public street frontage improvements.

WATER SUPPLY

16. Meet the requirements of the Paradise Irrigation District (PID) regarding the installation of water main extensions, payment of development fees, and fulfillment of other requirements in accordance with written comments received from PID staff on June 24, 2009 for the Skyway Land Project. Submit evidence thereof to the town Public Works Department (engineering division).

FIRE PROTECTION

17. Establish minimum required fire flow via fire hydrant(s) installation, water main installation, etc. Infrastructure improvements (water supply and fire hydrants) shall be completed and fire flow available prior to recordation of the final map and the placement of flammable materials on the site.
18. As determined by the Town Fire Chief, fulfill, establish and maintain all other project-related requirements applicable to required subdivision improvements of the Paradise Fire Department in accordance with the Paradise Fire Department project review memorandum dated July 22, 2009 for the Skyway Land Project and on file with the Town of Paradise.

SANITATION

19. Satisfy all requirements of the Onsite Sanitation Official and the California Regional Water Quality Control Board regarding the design of the final subdivision map and compliance with Town of Paradise sewage disposal regulations.

SITE DEVELOPMENT

20. Show a twenty foot building setback line measured from the center of all interior private roads and a fifty foot building setback line measured from the centerlines of the Skyway and the proposed public street connecting to the Skyway/Clark Road intersection.
21. All vegetation (i.e., trees, shrubs) that will need to be removed for construction shall be cut down between the months of August 1 and February 15 (**outside of the nesting season of migratory bird species**) to ensure that active nests are not removed as a result of the project. To avoid potential erosion impacts, vegetation removal should be limited to cutting of shrubs and trees at ground level to maintain the root system. Once the rainy season has passed, the root systems can be removed. If all vegetation removal associated with construction activities is completed between August 1 and February 15, no pre-construction surveys or additional mitigation is required. If vegetation removal cannot be accomplished between August 1 and February 15, prior to commencement of grading and construction activities the project proponent shall retain a qualified biologist to:
- Conduct a survey for the migratory bird species in all suitable nesting habitats within the project area no more than 30 days prior to any construction activity. Active nests located within 500 feet of construction activities shall be mapped. If nesting migratory birds are not detected, no further mitigation will be necessary.
 - If active nests are located in, or within 500 feet of, construction activities, appropriate no-disturbance buffer zones shall be established. Construction activities shall be prohibited within the buffer zone until the end of the nesting season (late July to early August), or until the young have fledged. The qualified biologist shall monitor the nest to determine when the young have fledged and submit weekly reports throughout the nesting season. Also signs will be placed locating areas to be avoided.
 - If necessary, identified nest trees may only be removed prior to the onset of the nesting season (March) or after the young have fledged (late July to early August). (**Mitigation**) [MM 3.4.4]
22. Should the project interfere with Waters of the U.S., prior to grading or construction, the project applicant shall obtain a water quality certification and construction stormwater permit from the Regional Water Quality Control Board (Clean Water Act, Section 401), and Army Corps of Engineers (COE) Nationwide permit (Clean Water Act, Section 404), and final approval by CDFG. (**Mitigation**) [MM 3.4.3]
23. Submit a detailed storm water pollution prevention plan (SWPPP) and a Notice of Intent (NOI) to the State Regional Water Quality Control Board for the entire project (along with the appropriate filing fee). Provide a copy of this plan to the Town of Paradise prior to initiation of grading activities.
24. Prior to commencement of grading and construction activities for the project, the project applicant shall incorporate as many Standard Mitigation Measures and applicable general air quality strategies as feasible into the project, as recommended by the Butte County Air Quality Management District (BCAQMD) as outlined within the BCAQMD letter

regarding the Skyway Land Project, dated December 1, 2008 and on file with the Town of Paradise. **(Mitigation) [MM 3.3.1]**

25. Prior to the start of any site improvements construction and/or earthwork activities on the site, submit and secure Town Engineer approval of an engineered soils erosion, sedimentation prevention and dust emission control plan for the entire project. All activities associated with project development shall be conducted in compliance with all control and prevention measures outlined in the approved plan.
26. Prior to commencement of grading activity for the project, the project developer shall avoid the valley elderberry occurrences on the project site by establishing and maintaining a 100-foot buffer around elderberry plants containing stems measuring one inch or greater in diameter at ground level. The buffer area shall be identified on the final site plan. If encroachment within the 100-foot buffer around the elderberry complex will occur during construction, the developer shall consult with the U.S. Fish and Wildlife Service (USFWS) and implement mitigation measures consistent with the USFWS Conservation Guidelines for Valley Elderberry Longhorn Beetle. If disturbance of the elderberry bushes is anticipated with implementation of the proposed project, the project applicant shall initiate a Section 7 consultation under ESA and adhere to any mitigation measures proposed as a result of the consultation and construction. **(Mitigation) [MM 3.4.2]**
27. The project's wastewater treatment system facility site shall be designed and constructed such that the facilities are not visible from nearby public streets and adjacent land uses. It is expected that this action will be accomplished by utilizing sight obscuring site improvement design features such as low-profile treatment facilities, landscaping etc., or a combination thereof. The proposed design of project improvements shall be included within the project's landscaping plan that shall be reviewed and subject to approval by the Town Planning Director as well as the town's Design Review Board (or equivalent).
28. Access to Lots 1 and 2 for ingress, egress and public utilities shall be reserved and shown on the final map.
29. All easements of record shall be shown on the final subdivision map. Properly abandon any easements that conflict with the project design.

OTHERS

30. Place the following notes on the final map information data sheet:
 - a. "At the time of building permit issuance, owner will be required to pay any Town of Paradise adopted development impact fees."
 - b. "No final building inspection or occupancy shall be permitted for any residence within the Skyway Land Project until all proposed landscaping for the individual building site has been installed in accordance with the approved landscape plan for the Skyway Land Project."

- c. "All residential building designs, project sound or retaining walls, permanent project identification signs and the project's required landscape plan shall be compatible with the Town of Paradise Design Standards (or equivalent) and all such designs shall be subject to review and approval by the Town of Paradise."
 - d. "All buildings constructed upon lots determined by the Paradise Fire Chief to be subject to the requirements of the Wildland Urban Interface Code shall be built of exterior construction meeting the requirements of the Paradise Fire Department."
- 31. Provide a "Statement of Taxes" from the office of the Butte County Tax Collector.
 - 32. Provide monumentation as required by the Town Engineer complying with the State Subdivision Map Act and Town of Paradise standards.
 - 33. Pay appropriate funds to the local recreation district per requirements of the Paradise subdivision ordinance to offset impact (cumulative) upon areawide recreation facilities. Provide evidence of payment to the town Community Development Department.
 - 34. Make application, pay current processing fees and execute and record an agreement with the Town of Paradise in a form approved by the Town Attorney in which the developer agrees to form a Mello-Roos community facilities district (CFD) affecting all lands within the Skyway Land Project. **NOTE:** The project developer will be responsible for the cost of consultant's fees associated with the formation of the Mello-Roos CFD.
 - 35. The project developer shall defend, indemnify and hold harmless the Town of Paradise or its agents, officers and employees from any claim, action or proceeding against the Town of Paradise or its agents, officers or employees to attach, set aside, void or annul the Town of Paradise approval of the Skyway Land Project if such action is brought forward within the time period provided in California Government Code Section 66499.37, including any legal challenge relating to the California Environmental Quality Act. The Town of Paradise shall promptly notify the developer of any claim, action or proceeding and shall cooperate fully in the defense. In the event that the Town of Paradise fails to promptly notify the developer of any claim, action or proceeding, or if the Town fails to cooperate fully in the defense, the developer shall not thereafter be responsible to defend, indemnify, or hold harmless the Town of Paradise. Nothing contained within this condition prohibits the Town of Paradise from participating in the defense of any claim, action, or proceeding, if both the following occur: (1) The Town of Paradise bears its own attorney's fees and costs; and (2) The Town of Paradise defends the action in good faith. The developer shall not be required to pay or perform any settlement unless the settlement is approved by the developer.

CONDITIONS OF ADMINISTRATIVE PERMIT APPROVAL

CONDITIONS TO BE MET PRIOR TO BUILDING PERMITS ISSUANCE

SANITATION

36. Complete the requirements of the Town Onsite Sanitary Official concerning issuance of permit approvals for installation of an engineered sewage treatment and disposal system to service the proposed project. Provide evidence thereof to the Town Community Development Department (building division).
37. Apply for and secure issuance of wastewater discharge requirements assigned to the proposed project from the California Regional Water Quality Control Board (RWQCB) and provide material evidence to the town staff.

SITE DEVELOPMENT

38. Meet the requirements of the town Building Official regarding submittal of construction plans, building permit application, and all applicable town adopted construction code requirements.
39. All residential building designs, project sound or retaining walls, permanent project identification signs and the project's required landscape plan shall be compatible with the Town of Paradise Design Standards (or equivalent) and all such designs shall be subject to review and approval by the Town of Paradise.
40. Maintain a twenty foot building setback line measured from the center of all interior private roads and a fifty foot building setback line measured from the centerlines of Skyway and the proposed public street connecting to the Skyway/Clark Road intersection.
41. All vegetation (i.e., trees, shrubs) that will need to be removed for construction shall be cut down between the months of August 1 and February 15 (**outside of the nesting season of migratory bird species**) to ensure that active nests are not removed as a result of the project. To avoid potential erosion impacts, vegetation removal should be limited to cutting of shrubs and trees at ground level to maintain the root system. Once the rainy season has passed, the root systems can be removed. If all vegetation removal associated with construction activities is completed between August 1 and February 15, no pre-construction surveys or additional mitigation is required. If vegetation removal cannot be accomplished between August 1 and February 15, prior to commencement of grading and construction activities the project proponent shall retain a qualified biologist to:
 - Conduct a survey for the migratory bird species in all suitable nesting habitats within the project area no more than 30 days prior to any construction activity. Active nests located within 500 feet of construction activities shall be mapped. If nesting migratory birds are not detected, no further mitigation will be necessary.
 - If active nests are located in, or within 500 feet of, construction activities, appropriate no-disturbance buffer zones shall be established. Construction activities shall be prohibited within the buffer zone until the end of the nesting season (late July to early August), or until the young have fledged. The qualified biologist shall monitor the nest to determine when the young have fledged and submit weekly reports throughout the nesting season. Also signs will be placed locating areas to be avoided.

- If necessary, identified nest trees may only be removed prior to the onset of the nesting season (March) or after the young have fledged (late July to early August). **(Mitigation) [MM 3.4.4]**
42. Submit and secure approval for the project's required landscaping plan application to the town Planning Director for review and approval in accordance with the Paradise Municipal Code requirements. Landscape plan(s) for this project shall include provisions for the use of noise attenuating plantings, drought resistant plant species, low-flow irrigation systems, recreational amenities within common areas and conifer or large shade tree plantings within common areas. Trees shall be a minimum fifteen-gallon size and most tree plantings shall be selected and ultimately approved by the Town for inclusion within the landscape plan primarily based upon their ability to provide summer shade for the project site. Small ornamental tree species (i.e. dogwood, crepe myrtle) shall not be considered suitable for purposes of mitigating the loss of native trees on the site unless larger native tree species are conspicuously and aggressively included in the landscape plan. At least fifty percent of the tree plantings included within the project site landscape plan shall be conifer species native to Northern California.
 43. The proposed project buildings shall be designed to be constructed of non-glare material and shall be subject to formal design review by the Town of Paradise. Exterior project lighting shall be designed to be shielded and/or to reflect away from any nearby land uses and recreation facilities and shall not exceed sixteen feet above grade.

UTILITIES

44. Meet all utility company and Paradise Irrigation District requirements concerning the relocation, extension and installation of new utility facilities, water main, etc. Provide evidence of compliance with such requirements to the town Building Official.

FIRE PROTECTION

45. All buildings constructed upon lots determined by the Paradise Fire Chief to be subject to the requirements of the Wildland Urban Interface Code shall be built of exterior construction meeting the requirements of the Paradise Fire Department.
46. Pursuant to Town of Paradise requirements, prior to the issuance of a building permit, the applicant must prepare and submit a fuel modification plan for review and approval to the Town of Paradise Fire Department in order to identify any fire fuels on the site and determine if the standard buffer requirement of 100 feet is adequate to address the fire risk at the wildland/urban interface. **(Mitigation) [MM 3.7.1]**

OTHERS

47. Pay development impact fees to the Town of Paradise in accordance with the requirements of the Paradise Municipal Code, etc.

CONDITIONS TO MEET PRIOR TO FINAL BUILDING INSPECTION/OCCUPANCY

SITE DEVELOPMENT

48. Construct all site improvements shown upon the town-approved site improvement plans in accordance with all applicable design standards administered by the Town of Paradise, all project assigned mitigation measures and all proposed site improvements and amenities in a manner deemed satisfactory to the Town Engineer.
49. Units along the Skyway shall have the minimum amount of window area facing the road allowed by the Town. All east-facing windows and southeast-facing windows in the units nearest the street should have a minimum Sound Transmission Class (STC) rating of 29. **(Mitigation)** [MM 3.11.1]
50. No final building inspection or occupancy shall be permitted for any residence within the Skyway Land Project until all proposed landscaping for the individual building site has been installed in accordance with the approved landscape plan for the Skyway Land Project. Excepting undeveloped building sites, all required landscaping for Lot 1 shall be installed prior to the issuance of certificates of occupancy for more than 50% of the thirty-five proposed condominium units. **NOTE:** Uncompleted landscaping may be bonded (or similar financial instrument) with the Town of Paradise to guarantee the installation of all required landscaping. Contact town staff for details of this procedure.
51. Completed site improvements shall include the construction of six foot-tall architectural sound wall segments, as proposed, to attenuate noise disturbances generated by vehicular traffic along Skyway. The design of the sound walls shall be subject to Town of Paradise design review and shall contain architectural features to lessen what may otherwise be a monolithic appearance. Project landscape plans shall be designed such that the sound walls will ultimately develop a vegetative cover via the use of climbing vines, etc.
52. Fulfill the requirements of the local solid waste services provider (Northern Recycling and Waste Systems) regarding the design and locations of solid waste containers and enclosures for the Skyway Land Project.

DRAINAGE

53. The proposed facilities shall be constructed in a manner that shall include establishment of all necessary drainage improvements onsite and possibly off-site to accommodate existing and additional project induced drainage flows; and without generating any off-site adverse environmental effects.

SANITATION

54. Complete construction and installation of the Town and RWQCB reviewed/approved community sewage treatment/disposal system for the proposed project.

FIRE PROTECTION

55. As determined acceptable by the Town Fire Chief, meet all other project requirements of the Paradise Fire Department in accordance with the Fire Department development review comments/conditions dated July 22, 2009 and on file with the Town of Paradise.

CONDITIONS OF TREE FELLING PERMIT APPROVAL

CONDITIONS TO BE MET PRIOR TO ISSUANCE OF TREE FELLING PERMIT(S)

56. Apply for and secure town approval of a tree-felling permit for any qualifying trees to be removed associated with required subdivision improvements.
57. To protect trees greater than 10 inches in dbh that will be avoided but are located in proximity to construction areas, a 4-foot tall, brightly colored (usually orange or yellow), temporary fence shall be installed as far as feasible outside the driplines of trees within the vicinity of construction areas prior to and during construction activities. At a minimum, the fencing shall extend outside tree driplines. No encroachment into the fenced areas shall be permitted and fencing shall remain in place until all construction activities have ceased. Protective fencing shall be shown upon grading and improvement plans. **(Mitigation)** [MM 3.4.6]
58. Removal of trees greater than 10 inches in dbh shall be avoided to the greatest extent practicable. Any removal of such trees shall be approved by the Town of Paradise. Planting of replacement trees and new trees shall be implemented as directed by the Town of Paradise. Prior to project grading, the developer shall provide a tree replacement/replanting plan and specifically identify which trees would be removed and submit a plan for replacing those trees. This mitigation measure shall identify minimum replanting and monitoring requirements for any tree loss to the satisfaction of the Town of Paradise. **(Mitigation)** [MM 3.4.5]
59. Apply for and secure Town Engineer/Public Works Director review and approval of the detailed project site improvements plan(s).
60. Secure Town Onsite Sanitary Official approval of the detailed engineered plan(s) and issuance of construction/installation permit(s) for the project's community sewage treatment/disposal system.
61. The applicant 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 replacement planting as well as existing tree protection measures (fencing, etc.); prior to the commencement of ground disturbance site work.

GENERAL CONDITIONS OF TREE FELLING PERMIT(S) APPROVAL

62. All qualifying trees proposed to be retained and shown as such upon the project's tree protection plan, reviewed and approved by the Town Planning Director, 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”.

63. A certified arborist shall be engaged by the applicant to oversee the employment of tree protection measures during all project related improvements construction.
64. The approval action of the project’s tree felling permit application shall only be valid and in effect until the expiration date of the Skyway Land Project Tentative Condominium Subdivision Map.
65. No heavy equipment shall be operated or stored within the drip line of any tree that is not planned for felling and removal.

GENERAL PROJECT CONDITIONS

66. Pursuant to CEQA Guidelines Section 15064.5(e), in the event of the accidental discovery or recognition of cultural or archaeological resources in an area subject to development activity, work shall be diverted from that area. Construction operations shall stop within 3 meters (10 feet) of exposure of any unanticipated significant cultural materials until a qualified archaeologist can evaluate the find (35 CFR 800.11.1). Examples of such cultural materials would include ground stone tools such as mortars, bowls, pestles, and manos; chipped stone stools such as projectile points or choppers; flakes of stone not consistent with the immediate geology such as obsidian or fused shale; fragments of non-fossil shell, concentrations of bottles and/or ceramics; or structural remains. Further, if human remains are discovered, the Coroner of Butte County must be contacted to determine that no investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission within 24 hours. Upon completion of the site examination, the archeologist shall submit a report to the County describing the significance of the finds and make recommendations as to its disposition. If human remains are unearthed during construction, the provisions of California Health and Safety Code Section 7050.5 shall apply. Under this section, no further disturbance of the remains shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98. Mitigation measures, as recommended by the archaeologist and approved by the County in accordance with Section 15064.5 of the CEQA Guidelines, shall be implemented prior to recommencement of construction activity within the 50-foot perimeter. **(Mitigation)** **[MM 3.5.1.]**
67. Construction activities shall be limited to the hours of 7am and 7pm. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Idling time will be minimized to 10 minutes. **(Mitigation)** **[MM 3.11.2]**
68. Unless otherwise noted, it shall be the sole responsibility of the project developer to implement, monitor and fulfill the requirements of all conditions and mitigations assigned

to this development project. Prior to initiating construction activities on the site, the project developer shall post a bond (or similar financial instrument) with the Town to cover the costs of any mitigation monitoring conducted by Town staff. The amount of the financial instrument shall be determined by the Town planning director.

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

MOTION CARRIES.

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

6. OTHER BUSINESS – None.

7. COMMITTEE ACTIVITIES

a. Status Report: Paradise RDA Advisory Committee Meeting

Mr. McGreehan stated that the Paradise RDA submitted a check to the State for \$137,000. Staff will assist with the preparation of the agenda for the May 25th meeting.

8. COMMISSION MEMBERS

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

A rezone/parcel map application may be considered at a future meeting. Town Council has given direction to town staff and the Planning Commission to review the zoning regulation(s) concerning the keeping of chickens in residential zones.

9. ADJOURNMENT

The Planning Commission meeting was adjourned at 6:49:p.m.

Chairman

Attest:

Planning Commission Secretary

M E M O R A N D U M

AGENDA NO. 5 [a]

TO: Paradise Planning Commission

FROM: Craig Baker, Assistant Community Development Director

SUBJECT: Public Hearing - Consider Adoption of a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Related to “Fuelwood Sales”, “Construction Sales and Service” and “Towing Service/Vehicle Impound” Land Use Activities

DATE: June 10, 2010

BACKGROUND:

In order to preserve and enhance the integrity of commercial and industrial zoning districts within the Town of Paradise and to minimize the potential establishment of incompatible land uses, town staff has prepared several proposed amendments to the town’s zoning ordinance regulations in an attempt to address the Town’s limited ability to exercise land use control over a few select and specific types of land use activities. The specific land use activities included within the proposed text amendments are “fuelwood sales”, “construction sales and service” and “towing service/vehicle impound”.

During its meeting on April 20, 2010, the Planning Commission conducted a duly noticed public hearing to consider a resolution document (Planning Commission Resolution No. 10-5) recommending Town Council adoption of proposed text amendments to the land use regulations contained within Chapters 17.04, 17.20 and 17.23 of the Paradise Municipal Code (PMC) that would establish a definition and land use regulations for fuelwood sales in the C-C and I-S zones. At the conclusion of the hearing, the Planning Commission unanimously concurred to amend the resolution document prior to adoption in a manner that would not permit the establishment of fuelwood sales as a primary use upon C-C zoned properties and directed staff to agendize the matter for a future RDA Steering Committee meeting for formal discussion and possible adoption of a recommendation by the committee. Planning Commission members also suggested that such a discussion should address other potentially incompatible land uses currently defined and specifically enumerated within the C-C zone regulations.

On May 25, 2010, the RDA Citizen’s Advisory Committee convened and discussed various aforementioned land use activities, their potential for incompatibility, their potential for adversely affecting the desirable development of the Redevelopment Project Area and desired changes in land use regulations to address any identified concerns. At the conclusion of their discussion, the committee passed a motion recommending that staff develop proposed zoning regulation text amendments that would require a town approved use permit in order to establish land use activities identified as construction sales and service, fuelwood sales, towing service/vehicle impound or general warehousing and distribution within the boundaries of the C-C zone. Further, the committee

endorsed the development of a new Paradise General Plan policy prohibiting the future establishment of these land uses, as defined, within the boundaries of the Redevelopment Project Area. It should be noted that general warehousing and distribution is already enumerated as a land use activity that requires a conditional use permit prior to being established as a new land use in the C-C zone and is not permitted as a new land use in the C-B or N-C zones. Therefore, staff is not recommending the adoption of a text amendment that would affect the way this specific land use is administered.

A copy of the draft minutes from the May 25, 2010 RDA Citizen's Advisory Committee meeting is attached for your review. In addition, a copy of the Town Planning Director's CEQA determination regarding the proposed text amendments is also attached for your review and consideration.

DISCUSSION:

Staff has developed a resolution document (and its attached exhibit "A") that, if adopted by the Planning Commission, would recommend Town Council adoption of several text amendments to the Town's zoning regulations in order to accomplish the following objectives:

1. Establish a specific definition within the PMC for fuelwood sales where none currently exists.
2. Require a town approved conditional use permit for the future establishment of a construction sales and service land use activity in the C-C and N-C zones. Currently, the land use is listed as permitted by right in the C-C zone and subject only to a site plan review permit in the N-C zone.
3. Require a town approved conditional use permit for the future establishment of a fuelwood sales land use activity in the C-C zone. Currently, the land use is administered as a retail service which is permitted by right in all commercial zones (C-C, C-B and N-C). If adopted and enacted, new fuelwood sales land uses would not be permitted in the C-B and N-C zones.
4. Require a town approved conditional use permit for the future establishment of a towing service/vehicle impound land use activity in the C-C zone. Currently, the land use is listed as subject only to a site plan review permit in the zone. The land use would continue to be prohibited as a new land use in the C-B and N-C zones.
5. Require a town approved conditional use permit for the future establishment of a fuelwood sales land use activity in the I-S zone. Currently, the land use is not defined and not enumerated in the regulations for the zone.

6. Require a town approved site plan review use permit for the future establishment of a towing service/vehicle impound land use activity in the I-S zone. Currently, the land use is not enumerated in the regulations for the zone.

COMMISSION ACTION REQUESTED:

Be prepared to discuss and decide whether or not the Planning Commission should adopt a motion to forward a recommendation to the Town Council, via adoption of Planning Commission Resolution No. 10-6, to adopt a town ordinance amending the text of current PMC land use regulations. If deemed necessary by a majority consensus of Planning Commissioners present, staff will be prepared to make further changes or additions to the text of the attached and proposed resolution prior to Planning Commission adoption. A written copy of the land use definitions (current and proposed) for each land use discussed within this memorandum is attached for your use.

Attachments

**TOWN OF PARADISE
PLANNING COMMISSION**

RESOLUTION NO. 10-6

**A RESOLUTION OF THE PARADISE PLANNING COMMISSION
RECOMMENDING TOWN COUNCIL ADOPTION OF TEXT AMENDMENTS TO
PARADISE MUNICIPAL CODE CHAPTERS 17.04, 17.20 and 17.23 RELATED TO:
LAND USE REGULATIONS FOR FUELWOOD SALES, CONSTRUCTION SALES AND SERVICE
AND TOWING SERVICE/VEHICLE IMPOUND LAND USES**

WHEREAS, the Town of Paradise is legally required to direct and regulate land development and land uses via zoning regulations and other means that are consistent with its current Paradise General Plan as well as current state planning and zoning law; and

WHEREAS, the town planning staff recommends that text regulations within Chapters 17.04, 17.20 and 17.23 of the Paradise Municipal Code [PMC] warrant amendment in order to: 1) further implement policies contained within the 1994 Paradise General Plan; 2) improve the purpose and function of the Town of Paradise zoning ordinance regulations; and 3) assist in preventing the inappropriate establishment of incompatible land uses; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on June 15, 2010 to study and consider recommending Town Council adoption of text amendments to PMC Chapters 17.04, 17.20 and 17.23 as proposed by town staff; and

WHEREAS, the public hearings also included review and determination of whether or not the proposed PMC text amendments is an activity subject to the provisions of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission has considered the recommendation of the town staff, etc., as well as input received at their public hearings; and on the basis of the foregoing, has determined that text amendments to PMC Chapters 17.04, 17.20 and 17.23 are warranted at this time in order to: 1) further implement policies contained within the 1994 Paradise General Plan; 2) improve the purpose and function of the Town of Paradise zoning ordinance regulations; and 3) assist in preventing the inappropriate establishment of incompatible land uses;.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARADISE as follows:

The Planning Commission hereby recommends to the Town Council of the Town of Paradise, adoption of the proposed text amendments to PMC Chapters 17.04, 17.20 and 17.23 as set forth in **“Exhibit A”** attached hereto and made a part hereof by reference; and recommends to the Town Council that the proposed Paradise Municipal Code text amendments are not subject to the requirements of the California Environmental Quality Act (CEQA) in accordance with the general rule exemption provisions of CEQA Guidelines Section 15061.

RESOLUTION NO. 10-6

PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 15th day of June, 2010 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

L. Craig Woodhouse, Chairman

ATTEST:

Planning Secretary

j:/cdd/planning/resolutions/textamntsFUELWOOD.doc

EXHIBIT “A”

SECTION 1. The text of Section 17.04.0500 [General definitions] of Chapter 17.04 [Definitions] of the Paradise Municipal Code shall be amended by adding the following definition:

“Fuelwood sales” means the sale and incidental storage of wood products to be primarily used as in indoor source of heat.

SECTION 2. The text of Section 17.20.200 [Permitted and conditional uses] of Chapter 17.20 [Neighborhood –Commercial (N-C), Central-Business (C-B) and Community Commercial (C-C) Zones] of the Paradise Municipal Code shall be amended by indicating the land use “Construction Sales and Service” within the “C-C” and “N-C” zones as a potentially permitted use with town approval and issuance of a conditional use permit.

SECTION 3. The text of Section 17.20.200 [Permitted and conditional uses] of Chapter 17.20 [Neighborhood –Commercial (N-C), Central-Business (C-B) and Community Commercial (C-C) Zones] of the Paradise Municipal Code shall be amended by adding the land use “Fuelwood sales” within the “C-C” zone as a potentially permitted use with town approval and issuance of a conditional use permit.

SECTION 4. The text of Section 17.20.200 [Permitted and conditional uses] of Chapter 17.20 [Neighborhood –Commercial (N-C), Central-Business (C-B) and Community Commercial (C-C) Zones] of the Paradise Municipal Code shall be amended by indicating the land use “Towing service/vehicle impound” within the “C-C” zone as a potentially permitted use with town approval and issuance of a conditional use permit.

SECTION 5. The text of Section 17.23.200 [Permitted and conditional uses] of Chapter 17.23 [Industrial-service (I-S) Zone] of the Paradise Municipal Code shall be amended by adding the land use “Fuelwood sales” within the “I-S” zone as a potentially permitted use with town approval and issuance of a site plan review permit.

SECTION 6. The text of Section 17.23.200 [Permitted and conditional uses] of Chapter 17.23 [Industrial-service (I-S) Zone] of the Paradise Municipal Code shall be amended by adding the land use “Towing service/vehicle impound” within the “I-S” zone as a potentially permitted use with town approval and issuance of a site plan review permit.