TOWN OF PARADISE
5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931
TELEPHONE (530) 872-6291 FAX (530) 877-5059
www.townofparadise.com

P L A N N I N G C O M M I S S I O N A G E N D A

October 19, 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 August 17, 2010

3. COMMUNICATION

a. Recent Council Actions
b. Staff Comments

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

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."

TOWN OF PARADISE PLANNING COMMISSION STAFF REPORT
MEETING DATE: October 19, 2010

FROM: Craig Baker, Community Development Director **AGENDA NO. 6(a)**
SUBJECT: Paradise Irrigation District Use Permit (PL10-00280) and Tree Felling Permit (PL10-00278) Applications
DATE: October 14, 2010 **AP** 053-150-195, 053-012-018, 019 & 020

GENERAL INFORMATION:

Applicant:	Paradise Irrigation District P.O. Box 2409 Paradise, CA 95967
Location:	6344 Clark Road
Requested Action:	Use permit and tree felling permit approval to establish a water utility corporation yard and operations facility
Purpose:	To provide improved function and a centralized location for the domestic water purveyor for the Paradise Community
Project Density:	N/A
Present Zoning:	"CC" (Community Commercial)
General Plan Designation:	"TC" (Town Commercial)
Existing Land Use:	Vacant

Surrounding Land Use:		
	North:	Commercial
	East:	Single-family residential
	South:	Administrative service/Single-family residential
	West:	Clark Road

Parcel Size:	±3.4 acres
CEQA Determination:	Mitigated Negative Declaration

Other: An appeal of the Planning Commission's decision can be made within seven (7) days of the decision date.

NOTE: THE APPLICANT OR A REPRESENTATIVE SHOULD BE IN ATTENDANCE OR THE PLANNING COMMISSION MAY NOT TAKE ACTION ON THIS APPLICATION.

SPECIAL INFORMATION:

The permit applicant is requesting approval from the Town of Paradise to establish a development project consisting of a corporation yard and operations facility for the Paradise Irrigation District (PID) operations on property located at 6344 Clark Road. PID has proposed to construct a 4,000 square foot field staff office including a training room and shower/locker room facilities and an attached 6,880 square foot warehouse and repair facility situated on a +/-3.4 acre vacant site zoned Community Commercial (CC).

Access for the operations facility will be provided by Clark Road, an arterial public street, approximately 800 feet southwest of the Clark Road/Bille Road intersection and immediately adjacent to the new PID administrative offices. Access for district customers and visitors to the PID administration building will remain via Rossi Lane, a paved private road, but a driveway linkage will be incorporated into the proposed paved parking facility and access for of the operations facility.

The operations facility will include an above ground fueling station, emergency electrical generator for supply to all buildings, sand and gravel storage, vehicle and equipment storage and pipe and fittings storage. Communication conduit will be placed between the PID administrative offices building and the proposed corporation yard buildings. The property will be graded and sloped with retaining walls and a cobble-lined storm water drainage swale constructed to accommodate the seasonal drainage way that transects the southeast corner of the site.

A lot line adjustment is proposed in association with the project affecting the project site parcel and three adjacent parcels (APNs 053-012-018, 053-012-019 and 053-012-020) that possess approximately 340 lineal feet of public street frontage along Clark Road and physically separate the project site from Clark Road (aside from its proposed access). The intent of the proposed lot line adjustments is to eliminate one parcel and enlarge the two remaining parcels to increase their wastewater capacity, lengthen their street frontage and provide additional area for future commercial development of the parcels by subsequent owners/developers.

Development of the site as proposed will result in the felling and removal of approximately twenty-three trees large enough to require town issuance of a tree felling permit prior to being felled to accommodate proposed site improvements. Accordingly, PID has also submitted a tree felling permit application accompanied by a detailed written analysis prepared by a qualified tree expert, certifying that all twenty-three trees proposed for felling would be adversely impacted by the proposed project and must be felled.

ANALYSIS:

Pursuant to Section 17.20.600 of the Paradise Municipal Code, the establishment of water utility corporation yard and operations facility on the project site is subject to town approval of a use permit. Accordingly, the project applicant filed a Use Permit application with the Town of Paradise on July 15, 2010.

A proposed mitigated negative declaration based upon the findings of an initial study concerning the proposed project application has been prepared by PID staff and certified as adequate and adopted by the PID Board of Directors. Potential environmental impacts associated with the requested use permit and tree felling permit applications are identified within the initial study. It has been determined by PID that the proposed project, if prudently mitigated and conditioned, would not result in a significant adverse effect on the environment. Therefore, the project, if approved, will not result in direct and significant adverse effects upon the existing environmental setting.

The project has received favorable responses from commenting agencies and appears to be a reasonable location for the establishment of a water utility corporation yard and operations facility of the type proposed. The design of the proposed project is in compliance with all applicable zoning regulations, can be found to be consistent with applicable Paradise General Plan policies and would be compatible with the surrounding land uses.

Please refer to the enclosed initial study and mitigated negative declaration for a more detailed description of the existing environmental setting and an analysis of potential environmental impacts associated with the proposed project.

ANALYSIS CONCLUSION:

After reviewing the existing environmental setting and circumstances associated with this application request, it is staff's position that approval of the requested use permit and tree felling permit applications is reasonable and appropriate. However, staff has developed several recommended conditions of project approval to insure the orderly development of this portion of the Paradise community and endorses Planning Commission approval of the Paradise Irrigation District use permit and tree permit applications, based upon and subject to the following recommended findings and conditions of project approval:

REQUIRED FINDINGS FOR APPROVAL:

a. Find that, **as conditioned and mitigated**, the proposed project could not have a significant effect on the environment and concur with the Paradise Irrigation District Board of Directors action of adopting the mitigated negative declaration prepared by staff for the Paradise Irrigation District project.

b. Find that the project, **as conditioned and mitigated**, is consistent with the Town-Commercial designation as shown on the Paradise General Plan land use map; and is consistent with the development goals, objectives and policies of all applicable General Plan elements.

c. Find that the project, **as conditioned and mitigated**, is compatible with surrounding land uses and would not be detrimental to the health, safety and general welfare of the residents of the Town of Paradise.

d. Find that the project, **as mitigated and conditioned**, will not detrimentally affect existing plant and animal life in the project vicinity for the following reasons:

    a. The project is located within an area that has been altered from its natural state by long-established commercial, community service and residential land uses;

    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.

e. Find that the proposed tree felling activity meets the criteria for tree felling permit approval as outlined within PMC Section 8.12.090 because the proposed tree felling activity is necessary to accommodate the proposed facility establishment, parking and grading improvement plans and written certification confirming the necessity for the proposed tree felling has been provided by the project applicant.

RECOMMENDATION:

Adopt the required findings as provided by staff and approve the Paradise Irrigation District use permit (PL10-00280) and tree felling permit (PL10-00278) applications to allow the establishment of a water utility corporation yard and operations facility on property located at 6344 Clark Road and further identified as APN 053-150-195 subject to the following conditions and mitigations:

GENERAL CONDITIONS

1. If any land use for which a use permit has been granted and issued is not established within three years of the use permit permit's effective date, the use permit may become subject to revocation by the Town of Paradise.

2. 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 use permit.

3. All work within the Clark Road public right of way is subject to Town issuance of an encroachment permit, which will require that the contractor be properly licensed and bonded with the Town of Paradise.

4. Establish and maintain on-site parking facilities and pavement markings in accordance with all town parking ordinance regulations and the requirements of the Town Engineer.

5. Outside light fixtures associated with the project shall be designed to not exceed a height of sixteen feet above finished grade and shall be shielded to prevent the direct projection of light onto adjoining and nearby properties.

6. If any archaeological resources are uncovered during project construction activities, all work shall stop in the area of the find until a qualified archaeologist provides an appropriate evaluation of the discovery.

7. Minor changes to the interior and/or exterior design of the project may be approved administratively by the Town Planning Director upon submittal of a written request for such changes, if the requested changes are consistent with the overall intent of the project and its approval action. Any requested changes deemed by the Planning Director to be major or significant shall require a formal use permit modification review and the payment of the appropriate processing fees.

8. Pay development impact fees prior to issuance of building permits for project construction in accordance with Paradise Municipal Code requirements.

9. Fulfill the requirements of all mitigation measures assigned to the project via adoption of the mitigated negative declaration by the Paradise Irrigation District Board of Directors on August 18, 2010, in accordance with the required timing of such mitigation measures.

CONDITIONS TO BE MET PRIOR TO THE ISSUANCE OF A BUILDING PERMIT

ROADS AND ACCESS

10. Submit and secure Town Engineer approval of six (6) copies of design plans for the construction of frontage improvements in accordance with the requirements outlined within the memorandum regarding the Paradise Irrigation District project from Town Engineer Dennis Schmidt dated October 6, 2010 and on file in the town Community Development Department. Pay appropriate fees, provide the appropriate bonds and insurance certificates, obtain town issued encroachment permit and construct all design-approved work in the right of way (including driveway approach and utility connections). All design features shall meet ADA requirements and comply with the Caltrans A-87 standard, Town ordinances, accepted engineering standards and the requirements of the Town Engineer. Street frontage and driveway improvement plans must be approved **PRIOR** to the construction or installation of the required facilities.

    Construct all proposed paved interior roadways/parking areas to the A-3a road standard (minimum 20 ft. wide, 2" AC, 6" AB curb, gutter or AC dike). Areas subject to truck and heavy loading should have the structural section designed accordingly. Paved parking facilities shall be designed in compliance with the Town of Paradise Off-street Parking Regulations.

11. Deed forty feet from the center of the Clark Road right-of-way or provide a deed document showing that this requirement has been met.

DRAINAGE

12. Provide a final design solution for drainage per requirements of the Town Engineer and the **INTERIM DRAINAGE DESIGN GUIDELINES prepared April 2, 1998**. Drainage facilities shall be designed in a manner that provides for the establishment of all necessary drainage improvements to accommodate existing and additional project induced drainage flows without generating any off-site adverse effects.

13. If legally required, obtain permits as necessary to realign the on-site storm drainage channel from the California Department of Fish and Game, Regional Water Quality Control Board and the Army Corps of Engineers.

SANITATION

14. Complete the requirements of the Town Onsite Sanitary Official concerning application, final system design, and issuance of permit approvals for installation of a sewage treatment and disposal system improvements to serve all proposed facilities. Provide evidence thereof to the Town Community Development Department (Community Safety Services Division).

SITE DEVELOPMENT

15. Submit three (3) copies of a detailed engineered site development and improvements plan showing all on-site and off-site project improvements and facilities as proposed and required. Plans shall be prepared by a registered civil engineer (including final parking facility design and site drainage design) and submitted to the Public Works Department (Engineering Division) for review and approval. Pay required site plan checking fee. Construction and drainage improvement plans must be approved **PRIOR TO CONSTRUCTION** or installation of the required facilities.

16. Pay appropriate processing fees and submit detailed grading plans and an estimate of cut/fill volume in accordance with the requirements of the Town Engineer. If cut and fill volumes exceed 5,000 cubic feet, "engineered grading" requirements will be triggered (geotechnical report, etc.). Engineered grading requirements may also be triggered if the building is proposed to be constructed upon fill material.

17. Incorporate Best Management Practices (BMPs) into the site design to insure that storm water runoff from the proposed facilities will not negatively influence storm water quality. Verify if separate permits (e.g. National Pollution Discharge Elimination System Permit) are required to operate this facility with the Regional Water Quality Control Board.

18. Show all easements of record on the site development and improvements plan as well as fifty-foot building setback lines measured from the centerline of Clark Road. Show required setbacks from storm drainageways and facilities.

19. Apply for and secure Town issuance of a grading permit satisfying all Engineering Division requirements and the current town adopted edition of the Uniform Building Code. Pay applicable grading permit fees per current fee schedule.

20. Properly abandon or relocate any easements that conflict with the design of the project.

21. Make proper application to the Town of Paradise and pay applicable fees to facilitate the successful recordation of a lot line adjustment affecting properties identified as 053-150-195, 053-012-020 and 053-012-018 in accordance with the project site plan submitted on September 16, 2010 and the requirements of the Town Engineer.

22. Submit a detailed storm water pollution prevention plan **(SWPPP)** to the State Regional Water Quality Control Board (along with the appropriate filing fee). Provide a copy of this approved plan to the Town of Paradise prior to initiation of grading activities.

23. Submit a detailed soil erosion prevention plan to the Town Public Works Department for approval by the Town Engineer **PRIOR** to the start of any earthwork. Show all erosion control devices and sedimentation basins required by Paradise Municipal Code Section 15.04.280.

24. Submit a detailed dust emissions control plan to the Town Public Works Department and to the Butte County Air Quality Management District for approval **PRIOR** to the start of any earthwork.

25. Meet the requirements of the Town Building Official and the Town Fire Marshal regarding submittal of construction plans, interior automatic fire sprinkler plans, building permit applications, and all applicable Town adopted construction and fire code requirements.

26. Apply for and secure administrative design review approval for the exterior design of the proposed facility building(s) and identification sign(s). Building elevations shall be designed and exterior colors chosen in accordance with the requirements of the Town of Paradise Design Standards and shall include structural, design features and building materials that are compatible with existing commercial buildings.

27. Secure the issuance of a Town approved tree-felling permit prior to felling any qualifying trees.

FIRE PROTECTION

28. Install new water mains and new onsite fire hydrants in accordance with the requirements of the Paradise Fire Chief. The new fire hydrants shall be installed and functioning prior to the placement of flammable building materials on the site, as determined by the Town Fire Chief.

29. Apply for and secure the issuance of required permits from the Butte County Health Department and the Paradise Fire Department for installation and operation of the on-site fuel dispensing facility and for the use and storage of any hazardous materials.

WATER

30. Meet all requirements of the Paradise Irrigation District (PID) Provide material evidence of having fulfilled this condition to the Town Community Development Department (Community Safety Service Division).

TREE FELLING

31. 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. The Tree Protection Plan shall be developed in accordance with the General Tree Preservation Recommendations contained within the Arborist Report developed by Gallaway Consulting in July 2010 for the Paradise Irrigation District Corporation Yard project.

32. All qualifying trees proposed to be retained and any native saplings proposed to be retained 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.

33. A certified arborist shall be engaged by the applicant to oversee the employment of tree protection measures during all related project site improvements construction that has the potential to effect trees to be retained.

34. The required landscape plan for the proposed Paradise Irrigation District commercial development project shall include provisions for the planting of evergreen climbing vines along perimeter fencing. All required replacement trees shall be planted on-site and within each landscape area, particularly in areas adjacent to residential land uses and in areas plainly visible from Clark Road. A minimum of fifty percent of required replacement trees shall be conifer

species. 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. Smaller 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 and screening the proposed facilities from adjacent land uses.

35. The approval action of this tree felling permit application shall only be valid and in effect for two years (twenty-four months) past its conditional approval date.

CONDITIONS TO BE MET PRIOR TO FINAL BUILDING INSPECTION AND CERTIFICATES OF OCCUPANCY

ROADS AND ACCESS

36. Construct and install required project site frontage improvements. In accordance with approved frontage improvement plans

37. Submit reproducible "as-built" improvement plans for Clark Road street improvements.

SITE DEVELOPMENT

38. Construct all necessary site, drainage, access, wastewater treatment/disposal and other facilities improvements as required by the Town Engineer and the Town Onsite Sanitary Official. All construction shall be in conformance with generally acceptable engineering and construction practices.

39. Submit landscaping plans and application fee to the Community Development Department (planning division) in accordance with Paradise Municipal Code requirements. **IMPORTANT NOTE:** No final building inspection or occupancy shall be permitted until the landscape plans for the project have been formally approved by the Town of Paradise and landscape materials have been installed (or bonded to guarantee installation).

40. Meet the requirements of all other utility providers regarding the extension or relocation of utility service lines and the establishment of any necessary on site utility easements.

41. All new utility lines (electrical, cable television, telephone, etc.) shall be installed underground.

42. Project site perimeter fencing shall be sight-obscuring such that interior facilities are substantially screened from Clark Road and adjacent residential properties. Fencing proposed for the west boundary of the site should be off-set inward from the property line to allow for landscaping (photinia, English Laurel, evergreen climbing vines, etc.) to be installed along the exterior (west side) of the fencing. The color and design of the fencing material shall be subject to review for compatibility with the Town of Paradise Design Standards. The design of the exterior fencing shall not include the use of barbed wire.

FIRE PROTECTION

43. The security gate proposed to control vehicular access to the site shall operate automatically and shall meet the requirements of the Paradise Fire Chief.

44. Meet all other project requirements of the Paradise Fire Department in accordance with the Fire Department development review comments/conditions dated October 14, 2010 and on file with the Town Community Development Department.

SANITATION

45. Meet the requirements of Town onsite sanitation staff regarding inspection and approval for the construction and final design of the onsite sewage disposal system.

CONDITIONS OF LAND USE OPERATION

46. All land use activities associated with the function of the water utility corporation yard and operations facility shall be conducted in a manner that does not create noise disturbances across a real property line and in accordance with Town of Paradise noise ordinance regulations.

47. Any future function of the water utility corporation yard and operations facility that contributes to or creates a traffic or pedestrian hazard attributable to the project shall be corrected to the reasonable satisfaction of and in a manner deemed acceptable to the Town Engineer within sixty days after receipt of a town-issued notification for correction.

ATTACHMENTS FOR
PLANNING COMMISSION AGENDA NO. 6(a)

1. Project vicinity map.

2. Notice sent to surrounding property owners for the public hearing regarding the Paradise Irrigation District (PID) project.

3. Mailing list of property owners notified of the public hearing regarding the PID project.

4. Development review response from Northern Waste and Recycling systems received on July 29, 2010 regarding the PID project.

5. Development review response from Town Business and Housing Services staff received October 8, 2010 regarding the PID project.

6. Development review response from Town Engineer Dennis Schmidt dated October 6, 2010 regarding the PID project.

7. Development review response received July 29, 2010 from the Paradise Police Department regarding the PID project.

8. Sanitation clearance provided by from Town Onsite Sanitary Official Doug Danz dated October 6, 2010 indicating compliance with the town's sewage disposal regulations for the PID project.

9. Development review response received October 14, 2010 from the Paradise Fire Department regarding the PID project.

10. Tree felling permit application dated June 9, 2010.

11. Initial study (environmental review document) and proposed negative declaration developed by PID staff and adopted by the PID Board of Directors.

12. Mitigated Negative Declaration Mitigation Monitoring and Reporting Program developed by PID staff and dated July, 2010

13. Packet of comments received by PID in response to public release of the draft Initial study and Mitigated Negative Declaration for the PID project and PID's responses to those comments.

14. Plot plan (24"x 36") for the PID project, prepared by NorthStar Engineering and received on September 16, 2010.

15. Scaled building elevations, floor plans and color charts for the proposed PID corporation yard structure.

16. Arborist report and tree felling plan map (17"x 22") developed by Gallaway Consulting for the PID project, revised August 2010.