



# TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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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

**September 20, 2011**

**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 16, 2011

#### 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 for which an Environmental Impact Report has been previously certified:

**PARADISE COMMUNITY VILLAGE TENTATIVE MAP MODIFICATION AND SITE PLAN REVIEW PERMIT MODIFICATION APPLICATIONS (PL11-00260, PL11-00248):** Request for town approval of modifications to previously approved project conditions primarily relating to phased public road improvements upon a ±48.93 acre project site area zoned Community Services/Planned Development (CS/PD) located at the west end of Village Parkway, AP Nos. 054-380-001 and 054-380-002.

**6. OTHER BUSINESS** – None.

**7. COMMITTEE ACTIVITIES**

**8. COMMISSION MEMBERS**

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

**9. ADJOURNMENT**

**PARADISE PLANNING COMMISSION**  
**August 16, 2011 - 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 Chair Grossberger at 6:01 p.m.

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

**ROLL CALL**

Present at roll call were Commissioners Bolin, Woodhouse and Chair Grossberger. Community Development Director Baker, Town Attorney Moore and Assistant Planner Hartman were also present.

The swearing in of newly appointed Planning Commissioner Michael Zuccolillo and re-appointed Commissioner April Grossberger was administered by Town Clerk Gutierrez.

**1. APPROVAL OF MINUTES**

**a. Regular Meeting of July 19, 2011**

It was moved by Commissioner Woodhouse, seconded by Commissioner Bolin and carried by those present to approve the minutes of the July 19, 2011 regular Planning Commission meeting as submitted by staff.

**VOTE:** AYES: Commissioners Bolin, Woodhouse, Zuccolillo and Chair Grossberger.  
NOES: None. ABSTAIN: None. ABSENT: Commissioner Jones.

**MOTION CARRIES.**

**2. COMMUNICATION**

**a. Recent Council Actions** - Community Development Director Baker updated Planning Commissioners on Town Council actions taken at the August 2, 2011 Town Council meeting which included adoption of Ordinance No. 521, a court ordered Prezone to AR-1 for the Walmart project site. The public hearing regarding medical marijuana was cancelled by the Town Council and referred back to the Planning Commission for further consideration. Ordinance No. 522 was introduced and Resolution 11-33 was adopted (both related to sewage disposal). The Town Council also accepted a report developed by NorthStar Engineering that outlined three options for sewage disposal for portions of the RDA; 1) Blue Oaks Estates, 2) partnering with Tuscan Ridge Golf Course or 3) A sewer line to Chico. The Town Council authorized staff to further investigate options 2 and 3. The Town Council also authorized the mayor to sign an agreement with PCV regarding funding for construction of a clustered wastewater treatment and disposal system for the project.

**b. Staff Comments:** Mr. Baker congratulated Planning Commissioners Grossberger and new Commissioner Zuccolillo.

**3. PUBLIC COMMUNICATION** –None.

**4. CONTINUED PUBLIC HEARING** – None.

**5. PUBLIC HEARING** –

Community Development Director Baker explained that, based upon conversations between the Town Attorney and the U.S. Attorney's office, the Town Attorney has determined that the ordinance version reviewed by the Planning Commission on July 7, 2011 might subject Town Officials to threats of prosecution under federal law. Therefore, Town Council's August 2, 2011 consideration of the Planning Commission's recommendation to adopt the ordinance was cancelled. The matter has been returned to the Planning Commission for reconsideration of a proposed ordinance that has been revised to avoid the threat of federal prosecution.

The proposed ordinance would still allow medical marijuana to be cultivated in a residential zoning district for personal use, but medical marijuana collectives and cooperatives would be prohibited.

Mr. Baker also explained that the proposed ordinance remains exempt from environmental review.

Commissioner Woodhouse inquired if other municipalities are allowing collectives and what the consequences might be for the Town of Paradise if collectives are not allowed in town.

Attorney Moore stated that state law mentions collectives, but Proposition 215 does not have a provision for collectives. The legislature adopted statutes that addressed collectives. Cities and counties can regulate collectives and cooperatives and are not required to allow them. Mr. Moore indicated that he had spoken to the state attorney who said that if a jurisdiction allows collectives in a community, they could be prosecuted because they would be allowing and actively endorsing that activity. Mr. Moore further indicated that the proposed prohibition of collectives and cooperatives is purely a land use issue that can be controlled by zoning.

Chair Grossberger opened the public hearing at 6:18 p.m.

1. Paul McCarthy asked that if there were complaints from two neighbors, if an officer would be sent out to investigate and if there were three houses growing marijuana and neighbors complained, how it would be determined where the odor was coming from. He also said that since his prescription says he can grow 100 sq. ft. of medical marijuana, the proposed ordinance would not allow him to do what his doctor prescribed.

Attorney Moore stated that if there were two separate complaints on a specific property then there would be a noticed hearing in front of the Planning Director. If there were three houses growing marijuana and complaints were filed there would also be a noticed hearing.

Typically, the complaints would be accompanied by an address. Attorney Moore also stated that the town has the authority to control land use and that an individual could not have more than the ordinance states regardless of what a medical prescription stipulates.

2. Jon Remalia indicated that he thinks existing residential non-conforming uses in commercial zones should be permitted to cultivate medical marijuana for personal use. He expressed concern with outdoor growing close to schools, thinks that grows should be required to be at least 600 ft away from schools in a secured area and thinks the Planning Commission should send that message to the Town Council.
3. J. Wirth asked that the Planning Commission keep in mind that accessibility to medical marijuana is an issue for individuals that don't drive and cooperatives help solve that problem.
4. Virgil Hales stated that marijuana is a complete food source that provides several amino acids that keep people healthy and it should be kept legal and decriminalized.

Chair Grossberger closed the public hearing at 6:30 p.m.

Planning Commissioners asked staff if there were other jurisdictions that had put in a specific setback distance for grows from schools in their ordinances.

Attorney Moore stated that other jurisdictions generally deal with collectives/cooperatives and not residential grows. Examples Attorney Moore gave were the following: Grass Valley prohibits collectives and cooperatives in every zone but does not restrict residential grows. Chico's ordinance on residential grows is similar to the Town of Paradise's proposed ordinance except that the required setback in Chico's Ordinance is only five feet from a residential property line. Attorney Moore stated that he had not personally seen any ordinance where a special setback was imposed from a school for a personal growing area. A required setback from schools may carry a legal risk because many people would be unable to grow outdoors. Proposition 215 discusses cultivation, but does not discuss indoor or outdoor grows. The right to grow cannot be taken away by prohibiting indoor and outdoor grows, which could be considered an attempt to amend Proposition 215. Primary caregivers are given the right to grow for patients and can provide a safety valve for those with transportation issues. This proposed ordinance is based on zoning and does not limit the number of marijuana plants, but limits the area in which the marijuana is grown to fifty square feet.

Commissioners asked if a duplex, triplex, fourplex or apartment project was considered a collective if all the plants are on one piece of property

Attorney Moore stated that there was no difference in zones as long as it is a residential zone and made reference to the draft ordinance, page 5, Section **17.31.400 Cultivation in residential zoning district for personal use:**

3. An area of no more than fifty (50) square feet shall be devoted to the cultivation of the marijuana. This restriction applies regardless of how many qualified patients are living on the property.

Commissioners posed questions to staff regarding how the ordinance addresses multiple-family land uses with an outdoor grow areas with perhaps several individuals who had medical marijuana

permits, specifically regarding how many patients would be allowed to cultivate marijuana for their personal use.

Mr. Baker stated that the town could defer to the property owner to determine who would be allowed to grow since the owner's permission would be required, or it could be determined on a first come, first served basis and the grow area does not necessarily have to be contiguous as long as it only cumulatively totals 50 sq. ft. in size. The limited grow area should effectively limit the number of patients in any case.

Commissioners expressed concern over limiting the distance a personal grow site could be from a school which could potentially exclude some residential properties from growing and having access to their medicine.

Attorney Moore stated that if it only applied to outdoor grows, then an indoor grow could be within 600 ft. which would give some qualified patients an opportunity to grow, but could prevent some qualified patients from having the opportunity to grow at all.

Commissioners further discussed the establishment of setback requirements from schools which could force some residence to grow indoors. Commissioners also discussed the fact that by limiting the ability to grow, it could be opening the door for potential lawsuits.

Mr. Baker stated that currently the ordinance would restrict a tenant or land owner from growing outdoors if they were unable to meet the required setbacks or were unable to fence the area as required.

Attorney Moore indicated that an amendment could be made to the draft ordinance regarding schools. The draft ordinance currently reads on page 5 the first item 2: "The location of the plants shall be in the rear or side yard at least seventy-five (75) feet from any habitable structure." The language that could be added is: "or school property boundary line"

Commissioners discussed the intent of Proposition 215 and that the proposed ordinance would limit the size of the growing area regardless of what a patient's prescription states. Commissioners indicated their intent to only address the allowable size of land available for growing marijuana, and not to limit the number of plants that a qualified patient can grow within the specified space of 50 sq ft.

Attorney Moore stated that how much outdoor land can be devoted to growing medical marijuana is a land use issue, and as long as it is a reasonable regulation, there should be a good basis for the regulation. The Town is not intentionally trying to prevent patients from obtaining enough marijuana for treatment. This particular subject has not generated a lot of concern as a litigated matter, because most of the focus has been on larger medical marijuana facilities/collectives. There is no allowable number of plants contained in Proposition 215.

Commissioners also discussed the issue of whether the 50 sq. ft. area should be required to be in one contiguous area or possibly even two, or could allow for several small medical marijuana growing areas on one property. In an apartment complex with several qualified patients each growing in small separate areas, Commissioners speculated as to how the area limitation enforced. The Planning Commissioners acknowledged the possibility of revisiting this particular issue at a later date if it becomes problematic.

Attorney Moore requested a word be changed on page 5 in section 17.31.400, A-1. “The owner of the property, if other than the ~~applicant~~ **resident**, has consented in writing to the cultivation of marijuana on the property.”

Mr. Baker asked Planning Commissioners for consensus on several items:

1. Change to require setback of 600 ft. from a school for individual grows – No Majority Consensus
2. Change in the ordinance to limit the area of 50 sq ft. to no more than three separate areas – No Majority Consensus
3. Additional language to 17.31.400 A-2, “or school property boundary line” – Majority Consensus
4. Change 17.31.400, A-1, “applicant” to “resident” – Majority Consensus

Attorney Moore returned to the multi-family residence land use issue and wanted clarification from the Planning Commissioners regarding if each dwelling unit is considered an individual residence, should only one permit be issued for the entire property or should each residence have the opportunity to apply for a permit.

Commissioners acknowledged that the property owner would have to provide written permission to allow for an indoor growing facility and while doing so may have to decide which tenant would be allowed to grow on that property. The Planning Commissioners did not arrive at a majority consensus for an additional amendment to the proposed ordinance.

Mr. Baker stated that the current ordinance does not appear to specifically limit the number of indoor permits allowed on a property per se, but does limit the cumulative area of cultivation to 50 sq. ft., which may effectively limit the number of permits per property.

Attorney Moore stated that the draft ordinance addresses indoor cultivations on page 6, 3b and: “an area no larger than fifty (50) square feet shall be devoted to the cultivation of marijuana. This restriction applies regardless of how many qualified patients are living on the property.”

Attorney Moore surmised that this proposed language includes all the individuals living on the entire parcel.

Commissioners discussed the fact that the limit of 50 sq. ft. for an indoor grow per property should be intended to mean only one permit per property/parcel.

Commissioners also discussed the issue of existing nonconforming residences in commercial zones. Mr. Baker stated that this draft ordinance would not allow cultivation of marijuana in commercial zones. Any of the non-conforming residences located in commercial zones would be precluded from cultivating marijuana. The Commission did not concur to make any revisions to the text of the ordinance to accommodate them.

It was moved by Commissioner Bolin, seconded by Commissioner Woodhouse to adopt a motion to forward a recommendation to the Town Council, via adoption of Planning Commission Resolution No. 11-06, with changes made by majority consensus, to adopt a Town ordinance amending the text of current PMC land use regulation intended to restrict medical marijuana cultivation, processing and distribution.

**VOTE:** AYES: Commissioners Bolin, Woodhouse and Chair Grossberger. NOES: Commissioner Zuccolillo. ABSTAIN: None. ABSENT: Commissioner Jones.

**MOTION CARRIES.**

**6. OTHER BUSINESS**

- a. Planning Commissioners confirmed Greg Bolin as Planning Commission Representative to the Town or Paradise Development Impact Fees Adjustment Board during FY 2011-2012 (Requirement of PMC Section 3.40.070)
- b. Planning Commissioners appointed Jody Jones and Michael Zuccolillo as Planning Commission Representatives to serve upon the Town of Paradise Landscape Committee (appeals body) during the FY 2011-2012 (Requirement of PMC Chapter 15.36)
- c. Planning Commissioners confirmed Chair April Grossberger as Planning Commission representative to serve upon the Paradise Redevelopment Advisory Committee.

**7. COMMITTEE ACTIVITIES - None**

**8. COMMISSION MEMBERS**

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

Mr. Baker stated that there will be a subdivision map/site plan review modification request for Paradise Community Village on the September meeting agenda.

Commissioners requested information regarding the Town Council discussion related to wastewater issues. Mr. Baker stated that interest in the Chico option is being considered because Chico has reserve capacity in its sewage treatment plant, partly due to lack of development. This is not an uncommon solution to wastewater issues and it has been successfully implemented in areas of southern California.

**9. ADJOURNMENT**

The Planning Commission meeting was adjourned at 7:24 pm.

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Chair Grossberger

Attest:

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Planning Commission Secretary

## MEMORANDUM

**TO:** Paradise Planning Commission **AGENDA NO. 5(a)**

**FROM:** Craig Baker, Community Development Director

**SUBJECT:** Paradise Community Village Vesting Tentative Map and Site Plan Review Permit Modification Applications (PL11-00260 & PL11-00248); APNs 054-380-001, 002

**DATE:** September 14, 2011

### **BACKGROUND:**

On July 21, 2009, the Paradise Planning Commission conditionally approved vesting tentative subdivision map, site plan review permit and tree felling permit applications for the proposed Paradise Community Village (PCV) planned development project which entails the creation of a forty-lot mixed-use planned development subdivision on a 48.38 acre site in south-central Paradise.

As authorized by a subsequent “minor modification” to the terms and conditions of the conditionally approved vesting tentative map granted by the Town on June 24, 2010, the project is now proceeding in four phases, as shown upon the enclosed 24” X 36” vesting tentative subdivision map sheets. Although the maps show that the project site is comprised of four parcels, recordation of the first phase of the tentative map on September 23, 2010 resulted in consolidation of the original four parcels into two lots; Lot 1 (2.52 acres) and Lot 2 (45.86 acres).

Lot 1 is proposed to be developed with Phase I of the project’s multiple-family housing element of the Paradise Community Village project, comprised of 36 residential units, evenly split between one, two and three-bedroom units and accompanied by a community building. Development of Lot 1 in this manner was authorized via Planning Commission approval of the site plan review permit application. Development of Lot 1 will be facilitated by grant funding secured and administered by the Community Housing Improvement Program (CHIP), based in Chico. CHIP is currently in the process of acquiring title to Lot 1.

Lot 2 of the project site is to be developed with other elements of the PCV project, including a skate park, a charter middle school, 32 single-family residential lots, a gym and community center, a second phase of multi-family housing and open space. At this time, the project developer has only sought and received sanction from the Town for the vesting tentative subdivision map and Phase I of the multi-family housing project, both of which will be accompanied by all necessary and appropriate phasing of infrastructure improvements, as will future phases. Other subsequent phases of the Paradise Community Village project will require additional review by the town, pursuant to current local zoning and development regulations.

Primary road access to the subdivision lots and all elements of the project are proposed to be established with the construction of a westerly extension of Village Parkway, ultimately built to applicable Town of Paradise public road standards, including some limited offsite construction and linkage of this extension to Clark Road. A supplemental fire and emergency road access route is proposed to connect to Paloma Avenue and will not serve as motorized vehicle access except during emergencies and then only for emergency vehicles. All proposed newly constructed interior project roadways from which all lots will be directly accessed shall ultimately be offered for dedication to the Town of Paradise for inclusion into the Town's publicly maintained road system.

Other project improvements associated with the proposed subdivision and multiple-family housing elements of the project include but are not limited to: a) the extension and installation (both on- and off-site) of water mains as part of the PID community system domestic water supply; b) the installation of properly spaced fire hydrants; c) the creation of storm drainage facilities to be offered for dedication; and d) the extension and installation of underground utilities (ex. cable TV, electric, gas, telephone, etc.).

## **MODIFICATION REQUESTS**

PCV is a consortium of several partner agencies, including CHIP, the Paradise Recreation and Park District, the Paradise Ridge Youth Soccer Club and the Town of Paradise. Since the project entitlements were approved in 2009 and modified in 2010, several circumstances have developed that have compelled PCV and CHIP to file the modification requests with the Town. These circumstances include the changing situations for the individual member entities to trigger their respective project responsibilities and contribute to the required infrastructure improvements, the changes to the general economic climate that have influenced all aspects of the project, particularly the failing housing market that has significantly deflated the value of the proposed single family lots that were to be the primary source of infrastructure improvements funding for the project. To meet these concerns, PCV made a collective decision to refocus their immediate efforts on phasing the infrastructure in a manner that accommodates future phases as they develop.

During the process a paradigm shift occurred that redefined the project. The prior approach for the partner agencies was one that was designed in a manner that anticipated a fairly fast succession of individual project elements moving through construction with a corresponding completion of the majority of the site. The new preferred approach became a multi-phased project with a primary emphasis only on projects that were timely and ready to move forward. This new focus lessened the necessary scale of many of the proposed improvements. This approach is simply what has made the project approachable, because it became affordable.

As a consequence of these developments PCV and CHIP have made these modification requests primarily to allow for phasing of road and drainage improvements intended to serve the CHIP Phase I housing element, future phases and the development of an adjacent site by the Paradise

Ridge Youth Soccer Club with several soccer fields and parking facilities, for which the Town has received a use permit application.

The portion of PCV's request regarding the ultimate formation of a Mello-Roos Community Facilities District for the project is driven by the possibility that the Town's current Mello-Roos policies and procedures may soon be amended (the Town Council is scheduled to consider such an amendment on September 15, 2011).

If approved, the modification requests would result in amendments to a total of five out of 77 existing project conditions of approval and would result in the immediate development of road improvements that are adequate to serve the Phase I CHIP housing project. An 11" X 17" map showing the proposed road improvements is enclosed for your review. Town staff, including the Town Engineer/Public Works Director are supportive of these requests and have provided amended conditions in the context of all original conditions of approval currently assigned to the vesting tentative map, site plan review permit and tree felling permit(s).

### **ENVIRONMENTAL ANALYSIS**

A Draft Environmental Impact Report (EIR) was prepared by a professional environmental consultant for the Paradise Community Village project pursuant to the provisions of the California Environmental Quality Act (CEQA). The Draft EIR was released for public and agency review on January 23, 2007 and the review period ended on March 8, 2007. The Final EIR was certified as adequate by the Paradise Town Council on July 24, 2007. In addition an Environmental Assessment (EA) resulting in a Finding of No Significant Impact was certified for the project by the Town Planning Director on January 18, 2007. Staff has determined that the proposed modification requests are consistent with the analysis and conclusions contained within the project EIR and EA and will not result in any unforeseen or unintended environmental consequences, as the requested modifications are relatively minor in nature.

### **RECOMMENDATION**

If approved by the Planning Commission, the proposed modification requests would be consistent with the goals and land use policies of the Paradise General Plan, and should continue to assure that the project will continue to be compatible with existing zoning as well as surrounding land uses. Accordingly, Town staff recommends approval of the modification requests. The resulting amended list of conditions and mitigations to which the project is subject would continue to promote orderly and safe development of this area of the Paradise community.

Staff is prepared to address any questions that the Planning Commission may have regarding details of the proposed project.

### **REQUIRED FINDINGS FOR APPROVAL:**

- a. Find that any potentially significant adverse environmental impacts associated with the Paradise Community Village project have been addressed with mitigations in previously-adopted environmental documents (Final Environmental Impact Report certified on July 24, 2007, its associated addendum the project's Environmental Assessment certified for the project by the Town Planning Director on January 18, 2007).
- b. Find that the proposed modifications are 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, in the context of the requested modifications, will be 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 a small fraction of that which is potentially permitted in the CS zone, and adequate infrastructure would be in place to serve the proposed subdivision and the proposed multiple-family residential land use.
- d. Find that the phased private and public infrastructure improvements assigned to the proposed project are appropriate and 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 modification to the conditionally-approved Paradise Community Village Vesting Tentative Subdivision Map [PL09-00235] is reasonable and appropriate for the following reasons:
  1. No lot, units or building sites are added.
  2. The change is consistent with the intent of the original tentative map approval.
  3. There are no resulting violations of the Paradise Municipal Code.
- f. Find that this amendment action shall not affect the originally assigned **July 21, 2012** expiration date of this conditionally approved subdivision map.

**REQUESTED ACTION:**

**MOVE TO ADOPT** the required findings as provided by staff and approve the Paradise Community Village Vesting Tentative Map and Site Plan Review Permit modification applications (PL11-00260 & PL11-00248) affecting property identified as Assessor Parcel Nos. 054-380-001 and 002, subject to the amended list of project conditions contained within the attached documents entitled "Modified Conditions of Vesting Tentative Map Approval" and "Town of Paradise Modified Site Plan Review Permit"

**ATTACHMENTS  
FOR  
PLANNING COMMISSION AGENDA NO. 5(a)**

1. Notice sent to surrounding property owners for the public hearing concerning the Paradise Community Village project modification requests scheduled for September 20, 2011
2. Project vicinity map
3. Mailing list of property owners notified of the public hearing concerning the Paradise Community Village project modification requests
4. Copy of the written modification requests dated July 26, 2011, submitted by David Ferrier, PCV President
5. Copy of proposed modified conditions of vesting tentative map approval
6. Copy of proposed Town of Paradise modified site plan review permit
7. 11" X 17" map of proposed road improvements
8. 24" X 36" map of the PCV vesting tentative subdivision map

**NOTICE OF PUBLIC HEARING  
PARADISE PLANNING COMMISSION**

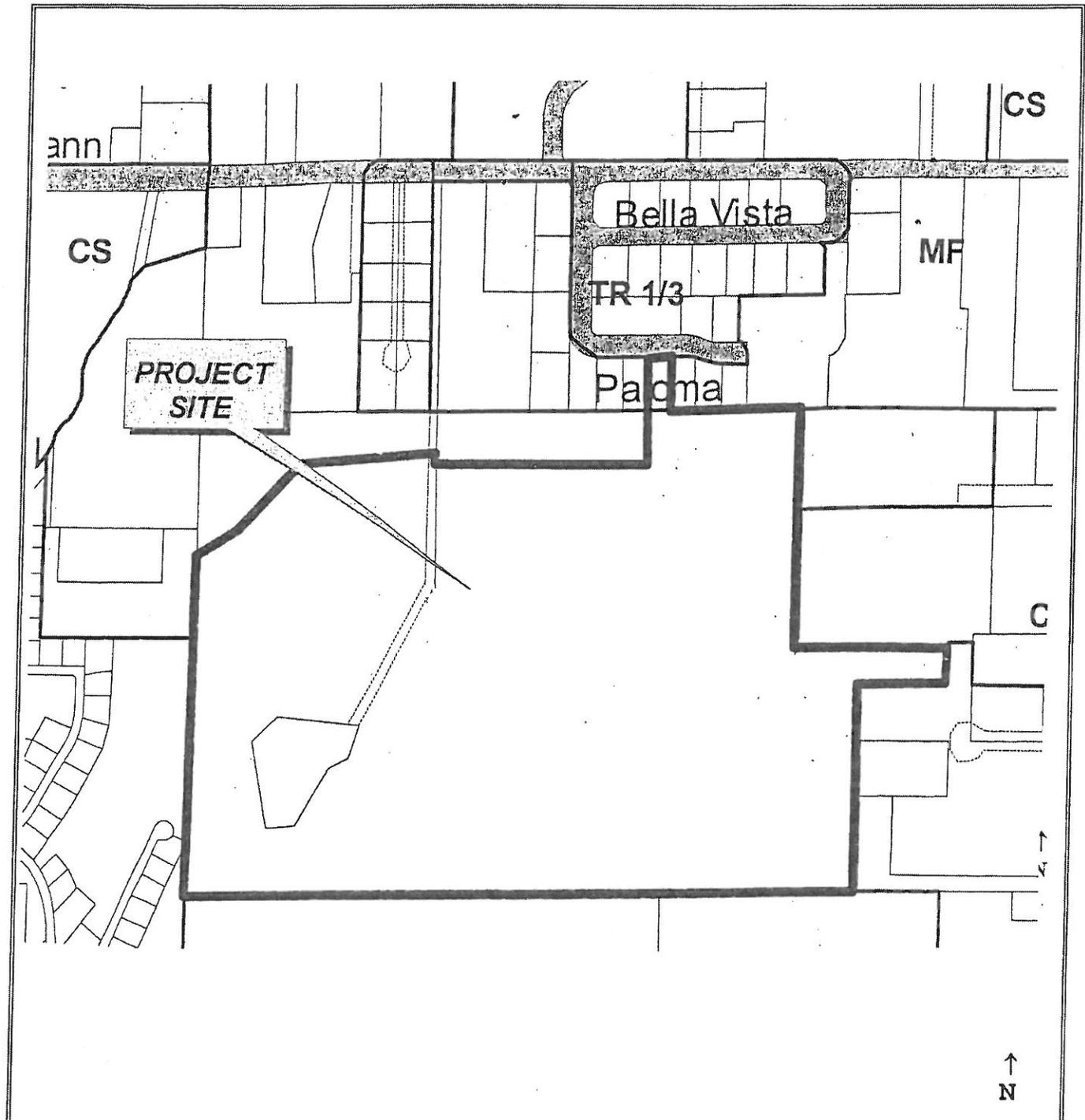
**NOTICE IS HEREBY GIVEN** that the Town Planning Commission will hold a public hearing on Tuesday, September 20, 2011 at 6:00 p.m. in the Paradise Town Hall Council Chambers, 5555 Skyway, Paradise, CA, regarding the following project:

- a. Item for which an Environmental Impact Report has been previously certified:

**PARADISE COMMUNITY VILLAGE TENTATIVE MAP MODIFICATION AND SITE PLAN REVIEW PERMIT MODIFICATION APPLICATIONS (PL11-00260, PL11-00248):** Request for town approval of modifications to previously approved project conditions primarily relating to phased public road improvements upon a  $\pm$ 48.93 acre project site area zoned Community Services/Planned Development (CS/PD) located at the west end of Village Parkway, AP Nos. 054-380-001 and 054-380-002.

The project file is available for public inspection at the Development Services Department, Paradise Town Hall, 5555 Skyway, Paradise, CA 95969. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Town of Paradise Planning Commission at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6993.

CRAIG BAKER, Planning Director



<b>APPLICANT:</b> Paradise Youth & Family Center Corp		<b>ADDRESS:</b> Village Parkway
<b>OWNER:</b> PYFCC		
<b>PROJECT DESCRIPTION:</b>		
<p>PARADISE COMMUNITY VILLAGE TENTATIVE MAP MODIFICATION AND SITE PLAN REVIEW PERMIT MODIFICATION APPLICATIONS (PL11-00260, PL11-00248): Request for town approval of modifications to previously approved project conditions primarily relating to phased public road improvements upon a +48.93 acre project site area zoned Community Services/Planned Development (CS/PD) located at the west end of Village Parkway, AP Nos. 054-380-001 and 054-380-002</p>		
<b>Zoning:</b> CS/PD	<b>GENERAL PLAN:</b> CS	<b>FILE NO.</b> PL11-00260, 248
<b>ASSESSOR PARCEL NO.</b> 054-380-001, 002		<b>MEETING DATE:</b> 09/20/11

Craig Baker  
Community Development Director  
Town of Paradise  
5555 Skyway  
Paradise, CA 95969

July 26, 2011

Mr. Baker,

Paradise Community Village (PCV) would like to request that the Town of Paradise consider the following request related to the Paradise Community Village project:

Mello Roos

We request that the requirements related to Mello Roos not be triggered for the first phase of the project which include CHIP's affordable housing, the soccer project (not on PCV property), and activities on proposed lots 2 and 3.

CHIP Site Plan Review Conditions

We request the following modifications to the Site Plan Review for CHIP:

We request to construct a modified Town adopted B-4 road standard with AC dike on the south side of the roadway for the westerly extension of Village Parkway.

We request to construct a full build out of the Town adopted B-4 road standard for the street frontage of the multiple-family housing project on Cowell Lane.

We request to construct a 22' wide paved roadway for the street frontage of the multiple-family housing project on Community Way.

Minor Modification of the PCV Vesting Tentative Subdivision Map

We are proposing the following:

Adopt a B-1 road standard with AC dikes on both sides of the roadway with an AC pedestrian pathway on the north side that continues to Clark Road.

To construct a modified Town adopted B-4 road standard with AC dike on the south side of the roadway for the westerly extension of Village Parkway.

To construct full build out of the Town adopted B-4 road standard for the street frontage of the multiple-family housing project on Cowell Lane.

To construct a 22' wide paved roadway for the street frontage of the multiple-family housing project on Community Way.

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TOWN OF PARADISE  
COMMUNITY DEVELOPMENT DEPT.

July 26, 2011  
Craig Baker  
Page 2

Final Map Phase II

We request that the Map Phase II shall not include any roadway improvement and that these improvements will be completed as a condition of the Map Phase III

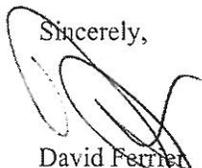
Share of Cost for signalization at Clark and Buschman

We are requesting a modification of the share of cost based on the new projected build outs of the project. We are also requesting a more refined estimate of cost.

Also, do we need to update any of these roadway conditions or if the Minor Modification of the PCV Vesting Tentative Map dated June 24, 2010 takes precedent since it already modified the sections?

Please contact either PCV Executive Director Steve Gibson, (530) 321-6485 [sgib@jps.net](mailto:sgib@jps.net) or myself at your earliest convenience with any questions.

Sincerely,



David Ferrier  
President,  
Paradise Community Village  
PO Box 2306  
Paradise, CA 95967  
(530) 624-3492  
[dferrier@chiphousing.org](mailto:dferrier@chiphousing.org)

**MODIFIED CONDITIONS OF VESTING TENTATIVE MAP APPROVAL  
Paradise Community Village (PL10-000235); AP 054-380-002**

Pursuant to the provisions of Section 16.07.070 of the Paradise Municipal Code, the Town of Paradise hereby approves a minor modification to the above-referenced subdivision map, thereby authorizing said map to be recorded via four phases of final maps; and based upon and subject to the following findings and amended list of project conditions of approval (**amended conditions are in bold; amendments are shown in shaded and strikeout text**).

**CONDITIONS TO BE MET PRIOR TO RECORDATION  
OF FINAL 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. [Map Phases II, III & IV only.]
  
- 2[a] Establish fifty-foot minimum width interior street access rights-of way as proposed and commensurate with final map Phases I and II; and construct street section improvements within these instruments to a physical standard deemed acceptable to the Town Engineer; and offer for dedication to Town of Paradise.
  
- ~~2[b] Establish fifty-foot minimum width interior street access rights-of way as proposed; construct full street section improvements within the interior roadway access instruments to the Town-adopted B-2 road standard and offer for dedication to the Town of Paradise [Map Phases III & IV].~~
  
3. Commensurate with **recordation of each mMap pPhase-I**, establish fifty-foot minimum width street access right-of-ways and appropriately-sized drainage easements as **proposed, for the westerly and off-site extension of Village Parkway; commensurate with Map Phase II, and construct a minimum half street section and drainage improvements in accordance with the requirements of the Town Engineer. within the right-of-way to the Town-adopted B-2 road standard and commensurate with Map Phase III, construct upgrade to full street section improvements within the right-of-way; and offer for dedication to the Town of Paradise.**

4. 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 and with timing thereof as determined by the Town Engineer.
5. Access from the project site to Paloma Avenue shall be for fire and emergency vehicles only and shall be physically restricted to such purposes in a manner deemed satisfactory to the town Fire Marshal and the Town Engineer.
6. Secure Town of Paradise approval for interior access street names. Place the approved names upon the final map(s) and as deemed appropriate by the Town Engineer.
7. Street name signs shall be provided by the developer at all street intersections per town requirements. Contact the town Public Works Department (engineering division) for information regarding the purchase and installation of street signs.
8. 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.
9. Establish twenty-foot radius property line returns or a similar design feature deemed acceptable to the Town Engineer at all proposed street intersections.
10. Apply for and secure an encroachment permit from Caltrans for any required improvement work in Clark Road/Hwy 191. [Map Phases II, III & IV only.]
11. Build phased and applicable improvements per approved final construction/improvement plans. Any required frontage improvements along Clark Road (State Highway 191) shall follow Caltrans criteria and specifications. Approval by Caltrans will be required before Town Engineer approval. Please place a Caltrans signature block on those sheets that pertain to Caltrans right-of-way and construction within.

### **DRAINAGE**

12. 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. [Map Phases II, III & IV only.]
13. Provide an offer of dedication in a manner and design deemed satisfactory to the Town Engineer for project-related storm water drainage facilities. Direct continuity to the adjacent right-of-way shall be preserved to allow for access to these parcels, or access easement provided.

14. As deemed appropriate and applicable by the Town Engineer, clearly delineate the limits of the 100-yr flood prone areas on the Final Map.

### **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 utilities are required to be placed underground in accordance with PMC Section 16.11.020. [Map Phases II, III, IV only.]

### **WATER SUPPLY**

16. Meet the requirements of the Paradise Irrigation District (PID) regarding the proper abandonment of existing water mains that conflict with the project design, the installation of any required pressure regulating device, installation of water main extensions, payment of development fees, and fulfillment of other requirements in accordance with written comments received from PID staff on February 6, 2009 for the Paradise Community Village project. Submit evidence thereof to the town Public Works Department (engineering division). [Map Phases II, III, IV only.]

### **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. [Map Phases II, III, IV only.]
18. If deemed necessary by the Town Fire Chief, the project developer shall execute an agreement with the Town of Paradise binding future lot owners to a fuel reduction plan for the lots meeting the requirements of the Paradise Fire Department. Contact the Town Fire Marshal for details of this process.
19. As determined by the Town Fire Marshal, meet all other applicable requirements of the Paradise Fire Department in accordance with the Paradise Fire Department project review memorandum dated June 5, 2009 (and any subsequent amendments made thereto as approved by the Town Fire Chief) for the Paradise Community Village and on file in the Town Community Development Department.

### **SANITATION**

20. Satisfy all requirements of the Onsite Sanitation Official and the California Regional Water Quality Control Board regarding the design of the final subdivision map compliance with Town of Paradise sewage disposal regulations and, if necessary, completion of an Antidegradation Analysis in accordance with State Water Resources Control Board Resolution No. 68-16. [Map Phases II, III, IV only.]

### **SITE DEVELOPMENT**

21. 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. [Map Phases II, III & IV only.]
22. 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 project. All activities associated with project development shall be conducted in compliance all control and prevention measures outlined in the approved plan.
23. The project applicant shall incorporate all Standard Mitigation Measures into the project and incorporate as many applicable Supplemental Mitigation Measures as feasible into the project as recommended by the BCAQMD (BCAQMD letter, August 22, 2006).
24. 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 fences, 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 staff (or equivalent).
25. 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 drip irrigation systems, recreational amenities within common areas, conifer or large shade tree plantings within common areas and a minimum of one conifer or large shade tree to be planted and maintained upon each residential building site. [Map Phases II, III, IV only.]
26. At least fifty percent of the tree plantings included within the project site landscape plan shall be species native to Northern California.
27. Access to lots for ingress, egress and public utilities shall be reserved and shown on the final map(s).
28. All easements of record shall be shown on the final subdivision map(s). Properly abandon any easements that conflict with the project design.

## **PLANNED DEVELOPMENT DESIGN**

29. Development standards for individual lots within the Paradise Community Village shall be modified as follows and shall be shown upon the final subdivision map:

Minimum net lot area:	0.13 acre
Minimum front yard setback (from center of street):	35 feet
Minimum side yard setback:	5 feet
Minimum rear yard setback:	5 feet
Maximum building coverage:	70 percent

30. The allowances of the modified development standards for the Paradise Community Village project notwithstanding, all other development standards of the town-established Community Services (C-S) zoning regulations in legal effect on June 4, 2009 shall apply to the creation and development of the lots in the Paradise Community Village project.

### **TREE FELLING**

31. Apply for and secure town approval of a tree-felling permit for any qualifying trees to be removed associated with town sanctioned subdivision improvements.
32. No heavy equipment shall be operated or stored within the drip line of any tree that is not planned for felling and removal.

### **OTHERS**

33. The project developer shall successfully implement all mitigation measures applicable to the proposed subdivision and contained within the Paradise Community Village Mitigation Monitoring and Reporting program dated May, 2007, as amended by the Paradise Planning Commission on June 4, 2007 and kept on file in the town Community Development Department, including requirements for timing, agency/department consultation and verification.
34. Place the following notes on the final map information data sheet:
- “The project developer shall successfully implement all mitigation measures contained within the Paradise Community Village Mitigation Monitoring and Reporting program dated May, 2007, as amended by the Paradise Planning Commission on June 4, 2007 and kept on file in the town Community Development Department, including requirements for timing, agency/department consultation and verification.”
  - “No final building inspection or occupancy shall be permitted for any residence within the Paradise Community Village until all proposed landscaping for the individual building site has been installed in accordance with the approved landscape plan for the Paradise Community Village 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 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.”
35. Provide a "Statement of Taxes" from the office of the Butte County Tax Collector.
36. Provide monumentation as required by the Town Engineer complying with the State Subdivision Map Act and Town of Paradise standards.
37. 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. [Map Phases II, III, IV only.]
- 38. 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 affecting all lands within the Paradise Community Village project in accordance with the town’s goals, policies and procedures for use of Mello-Roos community facilities district financing. [Map Phases II, III & IV only.]**
39. The project subdivider 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 Paradise Community Village if such action is brought forward within the time period provided in California Government Code Section 66499.37. The Town of Paradise shall promptly notify the subdivider 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 subdivider of any claim, action or proceeding, or if the Town fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the Town of Paradise. Nothing contained within this condition prohibits the local agency from participating in the defense of any claim, action, or proceeding, if both the following occur: (1) The agency bears its own attorney’s fees and costs; and (2) The agency defends the action in good faith. The subdivider shall not be required to pay or perform any settlement unless the settlement is approved by the subdivider.
40. 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.

# TOWN OF PARADISE MODIFIED SITE PLAN REVIEW PERMIT

DATE: \_\_\_\_\_

SITE PLAN PERMIT NO. PL09-00199

ASSESSOR'S PARCEL NO. 054-380-001

Pursuant to the provisions of the Zoning Ordinance regulations of the Paradise Municipal Code and the conditions set forth below:

Paradise Community Village is hereby granted a modified site plan review permit in accordance with a written request filed on July 27, 2011, associated with the establishment of a multiple-family land use (thirty-six dwelling units) on a +/-2.52 acre land area as one element of a larger planned development project located at the west end of Village Parkway in Paradise (**amended conditions are in bold; amendments are shown in shaded and strikeout text**).

## CONDITIONS TO BE MET PRIOR TO BUILDING PERMITS ISSUANCE

### ROADS/ACCESS

1. **Design and submit three (3) copies of civil engineer-stamped and signed street frontage construction plans and drainage plans for all public street frontage of the multiple-family housing project to the Engineering Division for review and approval, and construct ~~full~~ appropriate street sections to the standards specified in conditions assigned to the Paradise Community Village Subdivision ~~and offer for dedication to the Town of Paradise in a manner deemed satisfactory to the Town Engineer.~~ Pay appropriate plan check and inspection/encroachment fees. Street grades, right-of-way widths and all design features shall comply with town ordinances, design resolution and accepted engineering standards.**
2. Access from the project site to Paloma Avenue shall be for fire and emergency vehicles only and shall be physically restricted to such purposes in a manner deemed satisfactory to the town Fire Marshal and the Town Engineer.

### DRAINAGE

3. Provide a final design solution for development and roadway drainage per requirements of the Town Engineer and the town's **INTERIM DRAINAGE DESIGN GUIDELINES** prepared April 2, 1998. This final design shall be constructed in a manner that includes the establishment of all necessary drainage improvements both on and off-site to accommodate existing and additional project induced drainage flows without generating any off-site adverse effects.

### **SANITATION**

4. 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).
5. Meet all 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**

6. Provide evidence of submittal of a Notice of Intent (NOI) to the State of California Regional Water Quality Control Board and provide the town with a copy of the project Storm Water Pollution Prevention Plan (SWPPP).
7. If more than 50 cubic yards of soil is to be displaced, apply for and secure town issuance of a grading permit satisfying all engineering division requirements and the current adopted edition of the UBC. Pay applicable grading permit fees per current fee schedule.
8. Meet the requirements of the town Building Official regarding submittal of construction plans, building permit application, and all applicable town adopted construction code requirements.
9. Design and submit three (3) copies of a detailed engineered site development plan prepared by a California-registered civil engineer (including final interior access road, parking facilities and site drainage design) to the Public Works Department (Engineering Division) for review and approval. Pay required site plan checking fee. Plans must comply with Town of Paradise Improvement Plans Standards. Construction and drainage improvement plans shall be designed in accordance with the requirements of the Town Engineer and must be approved **PRIOR TO CONSTRUCTION** or installation of the required facilities.
10. Show all easements of record on the site development plan. Properly abandon any easements that conflict with the design of the project.
11. The required landscape plan for the proposed development project shall include provisions for the planting of tree species within landscape 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.

12. No heavy equipment shall be operated or stored within the drip line of any tree that is not planned for felling and removal.
13. At least fifty percent of the tree plantings included within the project site landscape plan shall be conifer species native to Northern California.

### **UTILITIES**

14. 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.
15. The project developer shall take precautions to minimize dust emissions and soils erosion activity during project construction. Such precautions shall be detailed within a project soils erosion and dust emission control plan included within the detailed site development plan and subject to review and approval by the Town Engineer and the Butte County Air Quality Management District.
16. 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.
17. Design and maintain a minimum thirty-five foot building setback from the centerline of all existing and proposed future public streets.
18. Submit the project's 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 drought resistant plant species, low-flow drip irrigation systems, etc. No final building inspection or occupancy shall be permitted until the landscape plan(s) have been town approved and landscape materials have been installed (or bonded to guarantee same).
19. The applicant shall arrange a final detailed design of the project to include the establishment of walkways/pathways in a manner that safely enables pedestrian access/egress to required public street improvements along adjacent public streets and connecting to Clark Road and Paloma Avenue.

### **FIRE PROTECTION**

20. Meet the requirements of the Paradise Fire department regarding the establishment of minimum required fire flow in accordance with written comments dated May 4, 2009 (and any subsequent amendments made thereto as approved by the Town Fire Chief) provided by Paradise Fire Department staff for the Paradise Community Village project

and on file with the town Community Development Department. Any required infrastructure improvements (water supply and fire hydrants) shall be completed and fire flow available prior to the placement of flammable materials on the site.

### **OTHERS**

21. Pay development impact fees to the Town of Paradise in accordance with the requirements of the Paradise Municipal Code, etc.
22. The project developer shall successfully implement all mitigation measures applicable to the proposed multiple-family housing and contained within the Paradise Community Village Mitigation Monitoring and Reporting program dated May, 2007, as amended by the Paradise Planning Commission on June 4, 2007 and kept on file in the town Community Development Department, including requirements for timing, agency/department consultation and verification.

### **CONDITIONS TO BE MET PRIOR TO FINAL BUILDING INSPECTION/OCCUPANCY**

### **ROADS/ACCESS**

23. **Construct all required road and drainage improvements in accordance with Town-approved plans, offer easements embodying all public improvements for dedication to the Town of Paradise and submit reproducible “AS BUILT” improvement plans for abutting public street improvements and any off-site drainage improvements, all in accordance with the requirements of the Town Engineer.**
24. Street signs and pavement markings shall be provided by the developer per town requirements and to the satisfaction of the Town Engineer.
25. Provide adequate fire and emergency vehicle access onsite in a manner deemed satisfactory to the town Fire Marshal.

### **SITE DEVELOPMENT**

26. Construct paved (or pervious concrete, etc.) parking facilities for the proposed project in accordance with the town-approved site improvement plans and all applicable design standards of the Paradise Municipal Code and satisfactory to the Town Engineer.
27. Construct and install all other proposed and required facilities shown on the engineered and detailed site development/improvements plan(s) approved by the Town Engineer.
28. 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 Paradise Community Village project.

### **DRAINAGE**

29. 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**

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

### **FIRE PROTECTION**

31. 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 May 3, 2009 (and any subsequent amendments made thereto as approved by the Town Fire Chief) and on file with the Town Community Development Department.

### **CONDITIONS TO BE MET PRIOR TO ISSUANCE OF TREE FELLING PERMITS**

32. Apply for and secure Town Engineer/Public Works Director review and approval of the detailed project site improvements plan(s).
33. 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.
34. 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 TREE FELLING CONDITIONS**

35. 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".

36. A certified arborist shall be engaged by the applicant to oversee the employment of tree protection measures during all project related improvements construction.
37. The approval action of the project's tree felling permit application shall only be valid and in effect until the expiration date of the Paradise Community Village Vesting Tentative subdivision Map.

**DATE MODIFIED BY THE PLANNING COMMISSION: September 20, 2011**

**NOTE:** Issuance of this site plan review permit does not waive requirements of obtaining building and sanitation division permits before starting construction or operation, nor does it waive any other requirements.

**MODIFIED PERMIT EFFECTIVE DATE:\_\_\_\_\_**

\_\_\_\_\_  
Planning Director