

**TOWN OF PARADISE  
RESOLUTION NO. 11-46**

**A RESOLUTION OF THE TOWN OF PARADISE MODIFYING CERTAIN MITIGATION MEASURES  
RELATING TO THE ENVIRONMENTAL IMPACT REPORT AND THE ENVIRONMENTAL ASSESSMENT  
FOR THE PARADISE COMMUNITY VILLAGE PROJECT**

**WHEREAS**, on January 18, 2007, the Paradise Planning Director approved the Environmental Assessment (EA) and a Finding of No Significant Impact for the Paradise Community Village Project (Project); and

**WHEREAS**, on July 24, 2007, the Paradise Town Council certified the Environmental Impact Report (EIR) for the Project; and

**WHEREAS**, the EIR contained certain mitigation measures that were imposed on the Project among which are mitigation measures 4.3.1 and 4.3.3 relating to future signalization of two intersections on SR 191-Clark Road that are owned, maintained and controlled by the California Department of Transportation; and

**WHEREAS**, the EA contained corresponding mitigation measures that were imposed on the Project among which are mitigation measures 14 and 15 relating to the future signalization of the same two intersections on SR 191-Clark Road; and

**WHEREAS**, the owner of the Project has requested that mitigation measures 4.3.1 and 4.3.3 contained within the EIR be modified due to the following changed circumstances relating to the traffic signals at Buschmann Road/SR 191-Clark Road and SR 191-Clark Road/Village Parkway:

The Project developer submitted a formal request to the Town of Paradise to modify these mitigation measures in a manner that incorporates an alternative formula for establishing a "fair share contribution" from the Project for signalization of these intersections (see attached letter from David Ferrier). Inasmuch as the Project is now proceeding in phases, the traffic impact of the first phase is considerably less significant than the traffic impact of the entire Project as originally proposed and analyzed, and the access to Paloma Avenue and Buschmann Road is now limited to emergency access only, further reducing the traffic impact of the Project; and

**WHEREAS**, it stands to reason that, if mitigation measures contained within the EIR for the Project are modified in accordance with the Project developer's request, corresponding mitigation measures 14 and 15 contained within the EA for the Project should be similarly modified; and

**WHEREAS**, on October 18, 2011, the Paradise Planning Commission adopted Resolution No. 11-07, in which it recommends such modification of Mitigation Measures 4.3.1 and 4.3.3 of the EIR and Mitigation Measures 14 and 15 of the EA; and

**WHEREAS**, on October 29, 2011, public notice provided that the Town Council will consider proposed modifications to mitigation measures contained within the Project environmental documents on November 8, 2011; and

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RESOLUTION NO. 11-46**

**WHEREAS**, the California Department of Transportation has concurred in writing with Town staff's analysis of the Project applicant's request and the implementation of the alternative formula for establishing a "fair share contribution" from the Project for signalization of two intersections on SR 191-Clark Road that are owned, maintained and controlled by the California Department of Transportation.

**NOW, THEREFORE, THE TOWN OF PARADISE TOWN COUNCIL** hereby resolves as follows:

**Section 1.** The above statements are true and correct.

**Section 2.** The Town Council has independently considered the substantial evidence associated with the modifications of mitigation measures 4.3.1 and 4.3.3 of the EIR for the Project and mitigation measures 14 and 15 of the EA for the Project.

**Section 3.** Based on such substantial evidence and the Planning Commission's recommendation, the Town Council modifies mitigation measures 4.3.1 and 4.3.3 of the EIR and mitigation measures 14 and 15 of the EA for the Paradise Community Village Project to read:

**EIR mitigation measure 4.3.1 and EA mitigation measure 14:** *Prior to issuance of certificate(s) of occupancy for each unit, the Project developer shall pay their fair-share determined to be 16.7 percent based on "Fair Share of Improvement Cost Calculations" methodology discussed previously for the installation of a new traffic signal at the Buschmann Road/SR 191-Clark Road intersection. The intersection signals shall be constructed prior to occupancy of total Project development that is greater than 50% of the proposed traffic increase using average weekday trip rates (see attached spreadsheet identified as Exhibit "A"). The fair share contribution payment shall be calculated on a per dwelling basis using average weekday trip rates and the contribution payment shall be paid to the Town of Paradise prior to occupancy of each unit; and*

**EIR mitigation measure 4.3.3 and EA mitigation measure 15:** *The project developer shall provide for through the payment of a fair-share in-lieu traffic fee of 19.9% of the total cost for the signalization of the SR 191-Clark Road/Village Parkway intersection as the roadway providing the main access to the Project site. The traffic signal shall be constructed prior to occupancy of total Project development that is greater than 75% of the proposed traffic increase using average weekday trip rates (see attached spreadsheet identified as Exhibit "A"). The entire contribution payment shall be paid to the Town of Paradise prior to recordation of the Final Map for the single-family residential subdivision.*

**Section 4.** This resolution shall become effective immediately upon its adoption.

**TOWN OF PARADISE  
RESOLUTION NO. 11-46**

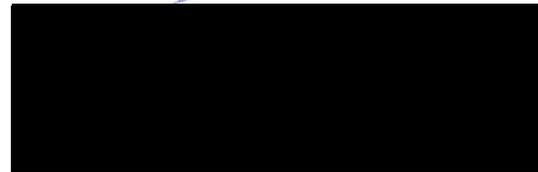
**PASSED AND ADOPTED** by the Town Council of the Town of Paradise this 8th day of November, 2011, by the following vote:

**AYES:** Steve "Woody" Culleton, Joe DiDuca, Scott Lotter and Alan White, Mayor

**NOES:** None

**ABSENT:** Tim Titus

**NOT VOTING:** None



\_\_\_\_\_  
Alan White, Mayor

APPROVED AS TO FORM: *11-9-2011*



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Dwight L. Moore, Town Attorney

ATTEST: *11-9-2011*



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Joanna Gutierrez, Town Clerk

NorthStar Engineering  
 111 Mission Ranch Blvd  
 Chico, CA 95926

PARADISE COMMUNITY VILLAGE  
 BUSCHMANN ROAD/SR 191-CLARK ROAD  
**TRAFFIC SIGNAL "FAIR-SHARE" OF IMPROVEMENT COST CALCULATIONS**  
 September 15, 2011

Total Estimated Signal Cost \$ 250,000.00  
 PCV Share of Signal Cost 16.7% \$ 41,750.00

Land Use	Quantity		Unit	Trip Generation		Trips	Percentage	Cost Share	Cost Per Unit
				Rate					
Single Family Residential	32		Each	9.57		306	13%	\$ 5,372.74	\$ 167.90
Multi Family Residential	96		Each	9.57		919	39%	\$ 16,118.21	\$ 167.90
Middle School	160		Students	1.62		259	11%	\$ 4,547.46	\$ 28.42
Clubhouse	12000		1000 Sq Ft	22.88		275	12%	\$ 4,816.94	\$ 0.40
Community Center	10300		1000 Sq Ft	22.88		236	10%	\$ 4,134.54	\$ 0.40
Soccer Complex	4		Fields	71.33		285	12%	\$ 5,005.71	\$ 1,251.43
Recreational Facilities (Skateboard Park)	1		Each	100		100	4%	\$ 1,754.42	\$ 1,754.42
						2380	100%	\$ 41,750.00	

EXHIBIT "A"