



# TOWN OF PARADISE

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## PLANNING COMMISSION MINUTES

October 15, 2013

6:00 PM

**CALL TO ORDER** by Chair Jody Jones at 6:00 pm in the Town Council Chamber located at 5555 Skyway, Paradise, CA.

**PLANNING COMMISSIONERS PRESENT:** James Clarkson, Stephanie Neumann, Daniel Wentland, Michael Zuccolillo and Jody Jones, Chair.

**PLANNING COMMISSIONERS ABSENT:** None.

**STAFF PRESENT:** Craig Baker, Community Development Director; Joanna Gutierrez, Town Clerk.

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

#### 1. APPROVAL OF MINUTES

**1a. MOTION** by Wentland, seconded by Zuccolillo, approved the regular meeting minutes of September 17, 2013. Roll call vote was unanimous.

#### 2. COMMUNICATION

**2a. Recent Council Actions:** Community Development Director Baker reported that at the October 8, 2013 meeting, the Town Council introduced an ordinance to adopt the 2013 Building Standards Codes and certain amendments to the Paradise Municipal Code; and, acknowledged receipt of Pedestrian Safety recommendations that resulted from the community Pedestrian Safety Workshop held on September 5, 2013.

**2b. Staff Comments:** None.

**3. PUBLIC COMMUNICATION – None.**

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

#### 5. PUBLIC HEARING

**5a. EMBRY ASSET GROUP TREE FELLING PERMIT APPLICATION:** Request for town approval of a tree felling permit proposing the felling of +/-36 qualifying trees upon a vacant +1.62 acre site zoned Community Commercial (CC) located at 6574 Clark Road (AP No. 050-400-013 and 014) to facilitate construction of a +/-9,100 square foot discount retail store (Dollar General) and related site improvements.

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Community Development Director Baker reported that the trees that are subject of the application are proposed for felling to accommodate development of the site with a commercial retail building and that many of the trees proposed for removal have grown on top of fill dirt that was left from the development of the K-Mart shopping plaza three decades or so ago. Mr. Baker pointed out that the application appears to be complete and consistent with Town tree felling and zoning regulations. Mr. Baker noted for the record that a letter of opposition to the tree removal was received from John Heebink, owner of two houses located on Clark Road south of the proposed site of the Dollar General, a copy of which has been provided to each Planning Commissioner and is part of the public record.

Chair Jones opened the public hearing at 6:15 pm.

1. Brian Berry stated that he represents Embree Asset Group, the developers for the proposed Dollar General store, that they are happy to be pursuing the development of a second Dollar General store in Paradise, and that he would be happy to answer any questions. In response to questions from Community Development Director Baker, Mr. Berry stated that he has seen the letters submitted with regard to the project, and that he is in agreement with the recommended action and conditions.
2. Carol Serrano stated that she was alarmed that 36 trees might be felled, is concerned that the trees might be cut down unnecessarily if the project does not go forward, as occurred with a project behind Wells Fargo several years ago and on the Walgreen's site. Ms. Serrano also stated that she is concerned that a second Dollar General Store will not be successful and is very concerned about the dust and traffic issues that will be created during the excavation and removal of the fill dirt from the project site. Ms. Serrano explained that she was owner of a business in James Square when the Safeway shopping center was developed in the early 1980's and the excavation that occurred was a nightmare for them between the trucks hauling dirt created traffic hazards.

Commissioner Wentland stated that the standards for excavating have changed and the situation that occurred during the construction of the Safeway site is very unlikely to occur during the development of the Dollar General. He stated that the trucks used to haul off the dirt will not be 18-wheelers, rather, the smaller trucks that haul ten yards or so.

3. Jeff Rice stated that he is the property owner of property adjacent to the proposed Dollar General site, has no problem with a commercial property coming in but wants to be sure that the neighborhood is protected from noise, light and dust that will be generated by the store. Mr. Rice stated that he has issues with the proposed site of the septic leach field as it will be located within a few feet of his property. Mr. Rice provided copies of a petition that he circulated requesting a sound wall be placed between the neighboring homes and the project. Mr. Rice, in response to a question from Commissioner Wentland, stated that he has not yet discussed the location of the leach lines with any town staff.

Commissioner Neumann reminded Mr. Rice that the Planning Commission was not reviewing the site plan and could make no decision relative to lighting, and asked if Mr. Rice had met with the developers. Mr. Rice stated that he met Brian Berry tonight and plans to meet with the developers in the future to discuss his concerns with the project.

At the request of Chair Jones, Community Development Director explained that the lighting would be addressed during the Town's design review of the project and that security lighting would be required to be shielded and directed downward. Mr. Baker suggested that Mr. Rice examine the type of lighting installed at the Dollar General located on Skyway. Mr. Baker also stated that dust abatement and erosion control measures will be required and any issues with either should be reported to the Town.

4. Mr. Berry stated that he will continue to meet with Mr. Rice and other neighbors as they intend to build a project that is good for the community, that they will replace all the trees on the site one-to-one and take every possible opportunity to shift the septic leach field and place trees such that any impact to neighbors is minimized. Addressing Ms. Serrano's concerns, Mr. Berry stated that they will take every pre-caution to prevent abandoning the project after trees have been felled and that when their company closes escrow on a property, they make sure they have a tenant lease and that plans are set in stone prior to the felling of any trees.

Commissioner Neumann stated that she visited the site to determine if any of the trees could be saved, realizes that the trees must be removed because they have grown out of the fill dirt, and asked Mr. Berry if more than the 36 trees could be replaced.

Mr. Berry stated that they will be able to replace the trees one-to-one and that there may be opportunities to plant even more on the site.

Chair Jones closed the public hearing at 6:40 pm.

**Following a MOTION by Wentland, seconded by Zuccolillo**, the Planning Commission, by unanimous roll call vote, (1) Adopted the following findings for approval as provided by staff; and, (2) Approved the Embree Asset Group tree felling permit application (PL13-00261), authorizing the felling of up to thirty-six (26) qualifying trees on property located at 6574 Clark Road (APNs 050-400-013 & 14), subject to the conditions listed below:

#### **FINDINGS FOR APPROVAL**

- A. The Embree Asset Group tree felling permit application meets the criteria for conditional tree felling permit approval as outlined within PMC Section 8.12.090 because the proposed tree felling activity is necessary to accommodate the establishment of a Retail land use upon land that is planned designated and zoned to accommodate such a land use.
- B. The proposed tree felling activity, as conditioned, is consistent with applicable Town zoning regulations regarding commercial timber harvesting.

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

1. Secure the issuance of a construction permit for any required septic system construction permit for the proposed retail store office facility.
2. File any required building permit applications for the proposed retail store with the Town Building Official/Fire Marshal.

#### **GENERAL CONDITIONS**

3. Required landscape plans for the proposed retail store shall be designed to accommodate all required replacement trees and, to the extent that is feasible, shall be designed to buffer and screen the proposed project from abutting residential properties south of the site via an aggressive tree and shrub planting plan along the southerly project site boundary. Replacement tree species shall be selected for their ability to compensate for the loss of large native trees on the site.
4. All trees to be retained on the site 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.

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5. A certified arborist shall be engaged by the applicant to oversee the employment of tree protection measures during all related project site improvements construction.

ROLL CALL VOTE: AYES: Clarkson, Neumann, Wentland, Zuccolillo and Chair Jones. NOES: None. ABSTAIN: None. ABSENT: None.

Community Development Director Baker announced that the Planning Commission decision can be appealed within ten (10) days of today's date by filing an appeal with the Town Clerk.

**5b. PARADISE MUNICIPAL CODE: Planning Commission consideration of a recommendation for Town Council adoption of a proposed text amendment to the Town's zoning regulations contained in Paradise Municipal Code Title 17 (Zoning Ordinance). If adopted, the amendment would affect a municipal code section related to the definition of "major utility service" by rewording the definition to include privately-owned and operated major utility services. As currently worded, the definition only includes publicly-owned and operated major utility services.**

Community Development Director Baker reported to the Planning Commission that the intent of the proposed amendments is to create the ability for the Town to authorize the establishment of privately owned and operated utility services, including clustered wastewater treatment plants as primary land uses on independent parcels to promote the establishment and retention of commercial and residential land use projects within the Town of Paradise. Mr. Baker stated it is his belief that that public necessity, convenience and general welfare are sufficiently served as to warrant Planning Commission and Town Council adopt of such amendments. In addition, the amendments would contribute to the economic sustainability of the Paradise community. If approved by the Planning Commission, the proposed text amendments resolution will be forwarded to the Town Council for consideration.

Chair Jones opened the public hearing at 6:53 pm. There were no speakers for or against the matter and Chair Jones closed the public hearing.

Following a MOTION by Neumann, seconded by Clarkson, the Planning Commission, by unanimous roll call vote, adopted Planning Commission Resolution No. 13-05, A Resolution of the Paradise Planning Commission Recommending Town Council Adoption of Text Amendments to Chapter 17.04 of the Paradise Municipal Code Relative to Major and Minor Utility Services.

ROLL CALL VOTE: AYES: Clarkson, Neumann, Wentland, Zuccolillo and Chair Jones. NOES: None. ABSTAIN: None. ABSENT: None.

**6. OTHER BUSINESS – None.**

**7. COMMITTEE ACTIVITIES – None.**

**8. COMMISSION MEMBERS – None.**

**9. ADJOURNMENT**

Chair Jones adjourned the Planning Commission Meeting at 6:53 pm.

Date Approved: November 19, 2013

By: \_\_\_\_\_/s/\_\_\_\_\_  
Dan Wentland, Vice Chair

\_\_\_\_\_/s/\_\_\_\_\_  
Joanna Gutierrez, CMC, Town Clerk