



TOWN OF PARADISE

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PLANNING COMMISSION MINUTES

April 21, 2015

6:00 PM

CALL TO ORDER

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

COMMISSIONERS PRESENT: James Clarkson, Martin Nichols, Daniel Wentland and Stephanie Neumann, Chair.

COMMISSIONERS ABSENT: None.

1. APPROVAL OF MINUTES

Following a MOTION by Wentland, seconded by Clarkson, the regular meeting minutes of March 17, 2015 were approved by unanimous roll call vote.

2. COMMUNICATION

Director Baker informed the Commissioners that on April 14, 2015 the Town Council adopted the ordinance recommended by the Planning Commission to revise the parking requirements for senior housing (Ordinance No. 556) and discussed the recruitment process for the upcoming vacancies on the Planning Commission which will be scheduled for appointment at the June 9, 2015 Council meeting.

3. PUBLIC COMMUNICATION

1. Stephen Sayre stated that he was unable to access the agenda information from the Town's website. Staff offered to provide guidance if Mr. Sayre would call and provide staff the opportunity to do so.

4. CONTINUED PUBLIC HEARING - NONE

5. PUBLIC HEARING

- 5a. Director Baker reported to the Commissioners regarding the tree felling permit application that proposes the felling of 58 qualifying trees due to potentially hazardous conditions upon seven contiguous parcels improved with the facilities of the Feather River Hospital's main campus located at 5794 Pentz Road (AP Nos. 053-390-003, 004, 005, 009, 010, 012 and 013).

Director Baker referred the Commissioners to the Site Plan Map that was provided in the packet, informed that Tom Gomez, the Project Forester, is present to answer questions, that the report and listing of trees proposed to be felled was prepared by Randolph Vasquez, a registered professional forester, and stated that the tree expert that prepares such a report is not eligible to remove the trees. There are 386 qualifying trees on the site and if this application is approved, 328 qualifying trees will remain on the Feather River Hospital campus properties.

Dan Derrick stated that he is here tonight on behalf of the hospital as Carol Michelson was unable to attend. Mr. Derrick confirmed that Carol Michelson did receive the documentation provided tonight regarding the tree felling application, but he has not reviewed it.

Director Baker provided a complete packet of information to Mr. Derrick.

Commissioner Nichols asked if the term “hazardous” is defined in the municipal code, if the canyon live oak is a rare tree and whether or not the commission is required to make a CEQA finding.

Director Baker stated that a tree expert defines what is hazardous based on the condition of a tree, and that the term is not defined in the code. Director Baker further indicated that the canyon live oak is not rare and that a CEQA finding has been prepared for the Planning Commission.

Chair Neumann opened the public hearing at 6:20 p.m.

Speaking in favor of approval of the tree felling permit:

1. Tom Gomez referred to the analysis of the trees provided by Mr. Vasquez and stated that it includes the risk from dead, dying or diseased trees to the hospital facilities, especially those within striking distance of the buildings. The trees on the removal list are structurally unsound or pose a risk to facilities. Mr. Gomez explained the indicators of disease for the various trees, such as West Pine gall rust, cankers and mushrooms that indicate fungus, and that stump rot was present in most of the trees.

Speaking against approval of the tree felling permit:

1. Stephen Sayre stated that he loves the huge trees in Paradise and that although many of the trees have a lean, they do not appear to create a hazardous condition, and that oaks trees have a natural tendency to develop dead limbs. Mr. Sayre requested that another tree expert be invited to formulate a forest health plan for the Feather River Hospital site.

Commissioner Nichols asked Mr. Sayre if he had a determined any number for trees that should not be removed, and Mr. Sayre stated that had found ten trees that he believes should have been on the list as they appear to have the same conditions as trees that were deemed to be hazardous, and his conclusion is that the condition of the trees is normal and not hazardous.

Commissioner Wentland stated that it is the larger trees that are falling, not the smaller trees.

Commissioner Neumann expressed concern for the large live oak trees, but agrees with the justification for removal of the three live oaks.

- 1a. Mr. Sayre stated that he agrees that the lives oaks were appropriately marked, questioned the removal of the pine on the roadside of Peach Lane as wires attached to the tree caused the sap to flow.

Commissioner Neumann noted that the tree labeled as #103 has a good lean over the parking lot. Tom Gomez stated that tree #103 is a large tree with a lean and that this tree has moved as indicated by soil upheaval around the tree and that tree #104 is a rotten tree.

Commissioner Nichols asked about trees 156 & 195 as they appear to be out in the open. Mr. Gomez stated that #156 has oak root fungus, is in steep decline and #195 is hazardous to parking area.

2. Everett Ayers stated that he lives on property adjacent to Feather River Canyon, that he believes that the trees do pose a risk but that is part of the choice of living in a forest, and questioned the process of the follow-up of the replanting of trees, as there is a purpose beyond their beauty. Mr. Ayers stated that his concern is regarding the storm water runoff on Feather Canyon Drive and asked if there is landscape that could be planted that would retain the water and recharge the water table, rather than allowing the water to run off into the storm drains. Mr. Ayers also stated that a leaning oak tree is not necessarily a dying oak tree.

Director Baker stated that the majority of the trees felled in Paradise to accommodate development are replaced as part of a required landscape plan and that due to the amount of trees that would be felled, it is most likely that the FRH site will be inspected for replacement tree plantings. Director Baker advised that one of the Town's considerations of development projects is to evaluate the runoff and that the most common drainage is onsite or subsurface detention. Much of the water is percolated on site to mimic pre-development conditions.

Chair Neumann asked Mr. Gomez when the tree removal would occur, if the application is approved. Mr. Gomez stated that is under discussion and one of the first things that will happen is the immediate cabling and maintenance on trees located on Peach Lane, then the removal of the three pines by the CEO's office and around the building, then the remaining work would be accomplished in phases by area. There is an indication that the work will be done before winter comes, but does not know this to be certain.

Chair Neumann closed the public hearing at 6:58 p.m.

Commissioner Clarkson proposed that a condition of approval to require the applicants to submit invoices and a tree replacement plan to ensure that the tree replacement requirements are met.

The Commission concurred that it is reasonable to trust that the applicants will meet this obligation.

Following a **MOTION by Wentland, seconded by Neumann** and approval by unanimous roll call vote, the Planning Commission adopted the following findings for approval as provided by staff and approved the Feather River Hospital tree felling permit application (PL15-00111), authorizing the felling of up to 58 qualifying ponderosa pine, black oak and canyon live oak trees on properties identified as Assessor Parcel Numbers 053-390-003, 004, 005, 009, 010, 012 and 013, and subject to the following findings and condition:

FINDINGS FOR APPROVAL:

- A. Find that the Feather River Hospital 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 mitigate hazardous conditions that threaten improvements within the existing hospital campus.
- B. Find that the proposed tree felling activity, as conditioned, is consistent with applicable Town zoning regulations regarding commercial timber harvesting.

- C. Find that, since it has been determined by a qualified tree expert that the trees proposed for felling represent a hazard to essential hospital facilities, the proposed tree felling activity is exempt from the provisions of the California Environmental Quality Act (CEQA) as an emergency exemption.

CONDITION OF TREE FELLING PERMIT APPROVAL

1. The approval action for the Feather River Hospital tree felling permit application shall be valid for an initial term of 24 months. This period may be extended administratively by the Community Development Director upon submittal of substantial evidence that unforeseeable extenuating circumstances have prevented the permit applicant from securing the issuance of the permit and completing the proposed tree felling activity.

Director Baker advised that there is a ten-day appeal period relating to this decision by the Planning Commission.

6. OTHER BUSINESS

Director Baker informed the Planning Commission that there is a parcel map in progress to create four commercial lots on lower Skyway, and that Optimo establishment on Clark Road is planning to develop two drive-through restaurants on the site, and that town staff is working on environmental review for both projects.

7. COMMITTEE ACTIVITIES – No report

8. COMMISSION MEMBERS – None.

9. ADJOURNMENT – Chair Neumann adjourned the meeting at 7:05 p.m.

DATE APPROVED: May 19, 2015

By: _____/s/_____
Stephanie Neumann, Chair

_____/s/_____
Joanna Gutierrez, Town Clerk