



TOWN OF PARADISE

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PLANNING COMMISSION MINUTES

March 19, 2013

6:00 PM

CALL TO ORDER: 6:01 p.m.

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

ROLL CALL: Commissioners James Clarkson, Stephanie Neumann, Dan Wentland, Michael Zuccolillo and Jody Jones, Chair.

1. APPROVAL OF MINUTES

- 1a. Motion by Zuccolillo, seconded by Wentland, approved Minutes from the Regular meeting of February 19, 2013. Roll call vote was unanimous.

2. COMMUNICATION

Community Development Director Baker informed the Planning Commission that the Town Council approved the Housing Element Progress Report and the report will be forwarded to the State Department of Housing and Community Development.

3. PUBLIC COMMUNICATION

1. Jon Remalia, Paradise resident, informed the Planning Commissioners of the impact the Sphere of Influence (SOI) has on individuals building in areas outside of Paradise, but within the SOI, and that the road standards are extreme, cost prohibitive and should be reconsidered because the standards will probably never be used.

4. CONTINUED PUBLIC HEARING – None.

5. PUBLIC HEARING – None.

6. OTHER BUSINESS

- 6a. Community Development Director Baker explained that the 1994 Paradise General Plan Implementation Status Report, required by the State of California, is still an adequate document because not much has changed, the growth projections have never been realized and most of the changes that did occur happened in the beginning of the plan, therefore, there are very few changes in the update.

MOTION by Wentland, seconded by Clarkson to accept and refer, as presented by staff, the calendar year 2012 Paradise General Plan implementation status report to the Town Council. Roll call vote was unanimous.

- 6b. Mr. Baker explained that the first Tree Ordinance, Ordinance No. 21, for the Town of Paradise was adopted within five months of Incorporation on May 7, 1980 and that there have been several changes throughout the years.

Commissioner Zuccolillo asked about the Tree Ordinance being suspended at one time, the reason behind that and if there were any changes when it was reinstated.

Mr. Baker explained that the previous ordinance was different in that it required more field inspections, public hearings, was a drain on staff and therefore was temporarily suspended to save money in May of 1996. When reinstated in February 1998, changes were made because lumber was valuable and there was a sense of alarm that residential property was being purchased, logged and then sold.

Commissioner Neumann asked about the cost of the mitigation fee of \$175 per tree and permit fees for under four, or over five, trees.

Mr. Baker stated that the tree permit fees are on the Fee Schedule that is adopted by Town Council Resolution and that the In Lieu fee is adopted by a separate resolution. The permit fee for one tree is \$48.68, up to four trees is \$109.16 and if the permit needs to go to the Planning Commission or Planning Director for five or more trees the minor hearing fee is \$173.60. A major permit of 30 trees or more has a beginning cost is \$173 plus \$2 per tree starting out at \$243.04 and going up from there. Most permit applications for 5 or more trees are for single family residential development and are exempt from the public hearing requirements, which is how Council wanted the ordinance set up.

Commissioner Neumann stated that the Tree Ordinance states that to harvest more than five trees an arborist needs to be hired and a plan submitted to document where the trees are and if the permit is denied the applicant could incur a large cost and is concerned that the process could be intimidating to an individual.

Mr. Baker stated that generally anything dealing with a single family residential land use does not require an arborist, is exempt from a hearing, and usually a photograph is adequate to issue the permit, though there is discretion to request a second opinion, but is not used often. Mr. Baker also stated that when an individual comes in to apply for a tree permit the process is explained for their convenience and that 99 percent of the permits are issued over the counter.

Commissioner Neumann asked what Commissioner Zuccolillo's concern was when asking the Planning Commission to review the Tree Ordinance in regard to economic growth.

Commissioner Zuccolillo stated that with all the time, effort and cost associated with obtaining a permit, he wanted to look at the ordinance to see if it could be changed or suspended along with the cost associated with it.

Commissioner Clarkson asked if there was a positive or negative response from individuals when dealing with tree issues.

Mr. Baker stated that, based on his experience, the issue is a very emotional one when brought into the public forum, but individual contacts are generally positive.

Chair Jones stated that her concern is that the Planning Commission was not involved in drafting the ordinance and was not asked or given direction by the Town Council to review it and is reluctant to do anything without their direction especially since it can be such an emotional issue.

Commissioner Wentland asked if it was within the Planning Commission's purview to make a recommendation to the Town Council.

Mr. Baker stated that if there is consensus to forward a message to Town Council then his job is to take the message to Council.

Chair Jones opened the discussion to the public.

1. Fred Aldred, 32 year resident, recently submitted a letter to the Commissioners stating that he believes that the trees belong to the property owner and that people move here because of the trees, not to eliminate the trees. He thinks the ordinance is outdated, should be forwarded to Council to be reviewed and removed.
2. Jon Remalia, recently purchased property in Paradise, there were a large number of oak trees with a majority of the root system gone, an arborist came out and stated that the trees needed to be removed due to safety issues, he submitted an application, and was told that more than 5 trees needed to go to Planning Commission, instead he took out the limit of trees the first and second year, and has removed the worst trees. He built a fence out of the removed trees, but stated that the ordinance does not allow for the milling of all trees due to the number requirements of tree removal and thinks there needs to be a mechanism where purchased property can be prepared for development without a huge cost and that the Town should follow the Department of Forestry Code for a healthy forest and that the process needs to be streamlined.

Commissioner Wentland stated that the original reason for the ordinance was partly due to profits being made from timber harvesting, but he believes the ordinance is currently obsolete. He was previously involved in Volunteers Advancing Defensible Space (VADS) that had grants to assist homeowners with defensible space issues, the program has ended due to finances, but thinks that fire safety in Paradise is a huge issue and that trees need to be removed to assist with fire safety and requiring permits makes it cost prohibitive. He also stated that at one time he had statistics regarding permits and tree sales and that over the years there were 800 tree permits issued, but according to the local nurseries in town over 14,000 trees were purchased, thereby showing that trees are being replaced and there should not be any fear of trees being reduced.

Commissioner Clarkson stated that he was a volunteer fire fighter and that comments regarding a catastrophic event on the ridge are a reality that it is not if, but when something will happen. He thinks the Planning Commissioners should ask the Town Council to explore the issues that were brought up tonight, ask the Town Council to consider putting the tree ordinance on the back burner for a period of time and if they are not receptive to the recommendations, then come up with alternative ideas that would assist citizens to lessen the likely hood of catastrophic type of events that are less of a burden to property owners. He thinks that this is an opportunity to do something positive regarding this issue.

Commissioner Zuccolillo discussed the issue of 100 feet of clearance around a house and stated that there are few properties in town with 100 feet of clearance and that allowing citizens to remove trees could make us more fire safe and that could possibly affect our insurance rates.

Commissioner Wentland stated that when the Christian Missionary Alliance (CMA) church developed their property they took down three trees and now it is a beautiful commercial lot with more than 50 trees and that most people are very responsible regarding trees.

Chair Jones stated that she is reluctant to throw out the tree ordinance because there is the potential for someone to come in and abuse the landscape in a way the Town wouldn't like. She is sympathetic to individual homeowners and is more inclined to look at the ordinance for homeowners as opposed to larger commercial parcels, because if there was no ordinance where would the incentive be to replace trees.

Commissioner Neumann asked if there was anything besides the Tree Ordinance that prohibited individuals from clear cutting.

Mr. Baker stated that there is nothing preventing individuals from limbing, trimming, cutting or clearing brush or trees that are less than 10" in diameter or trees that are not included in the ordinance.

Mr. Baker reminded the Commissioners that one of the Town Council's primary obligations is the implantation of the General Plan and the Tree Ordinance is directly referred to in that document and that any recommended changes to the Tree Ordinance need to be in accordance with the General Plan which also includes retaining the landscape.

After discussion by the Planning Commissioners of the current provisions of the Town of Paradise Tree Preservation Ordinance [PMC Chapter 8.12] the following was recommended:

MOTION by Clarkson, seconded by Zuccolillo, to request that the Town Council suspend the Tree Ordinance for all residential zoned lots for the purpose of increasing defensible space against wild land fires. Roll call vote was unanimous.

Mr. Baker reminded the Commissioners that the Town Council is not obligated to return the suggested changes of the ordinance to the Planning Commission and that the Town Council has the final authority.

6c. Commissioner Zuccolillo requested the discussion regarding the possibility of establishing local control of mobile home parks which are now administered by the State of California within the jurisdiction of the Town of Paradise be continued until the next regular meeting.

7. COMMITTEE ACTIVITIES – None.

8. COMMISSION MEMBERS

Future Agenda Items: None

9. ADJOURNMENT

Chair Jones adjourned the Planning Commission meeting at 7:18 p.m.

DATE APPROVED: May 21, 2013

By: _____/s/_____
Jody Jones, Chair

_____/s/_____
Dina Volenski, Asst. Town Clerk