



Town of Paradise

Planning Commission Minutes

October 19, 2021
6:00 PM

CALL TO ORDER by Chair Garrard at 6:00 p.m. who led the pledge of Allegiance to the Flag of the United States of America.

PLANNING COMMISSIONERS PRESENT: Lynn Costa, Kim Morris, Ron Lassonde, Zeb Reynolds (via Teams) and Carissa Garrard, Chair

PLANNING COMMISSIONERS ABSENT: None

1. APPROVAL OF MINUTES

- 1a. **MOTION by Morris, seconded by Lassonde**, approved Regular Meeting Minutes of August 17, 2021. Roll call vote was unanimous.

2. COMMUNICATION

Community Development Director Susan Hartman provided an update on Town Council actions which included the approval and second reading of the Large Family Daycare Ordinance; the postponement of the Exceptions Committee Standards to be deferred until the November meeting; and at NRWS' request, Council approved waiving the year 4 costumer service satisfaction survey due to the challenges NRWS has faced while working around the recovery and construction efforts.

3. PUBLIC COMMUNICATION - None

4. CONTINUED PUBLIC HEARING - None

5. PUBLIC HEARING

- 5a. Associate Planner Nick Bateman provided an overview of the Munjar Conditional Use Permit Application (PL21-00090) and requested Commission approve the project based on staff's recommendations. Mr. Bateman also stated that there is a seven-day appeal period and that no permits could be issued until that appeal period had closed.

1. The applicants described how they intend to design the yard with Commissioner Lassonde suggesting that the applicants provide examples as part of their design.

Chair Garrard opened the public hearing at 6:14 p.m.

There were no public comments.

Chair Garrard closed the public hearing at 6:15 p.m.

MOTION by Costa, seconded by Morris, adopted the required findings for approval as provided by staff, and approved the Munjar Conditional Use Permit Application (PL21-00090)

and affirmed staff's recommendation to approve this project subject to the following conditions of approval below. Roll call vote was unanimous.

GENERAL CONDITIONS

1. If any land use for which a conditional use permit has been granted and issued is not established within three (3) years of the permit's effective date, the conditional use permit may become subject to revocation by the Town of Paradise.
2. Apply for and secure Town of Paradise architectural design review approval for the project. Pursuant to Town Council resolution, there shall be no fee collected by the Town for this review process.
3. Secure Town of Paradise design review approval for any new business sign structures prior to the establishment of such signs on the site.
4. Outside light fixtures associated with the project shall be designed to not exceed a height of sixteen feet above finished grade and shall be shielded to prevent the direct projection of light onto adjoining and nearby properties.
5. Minor changes to the interior and/or exterior design of the project may be approved administratively by the Town Planning Director upon submittal of a written request for such changes, if the requested changes are consistent with the overall intent of the project, its environmental document and its approval action. Any requested changes deemed by the Planning Director to be major or significant shall require a formal use permit modification review by the Planning Commission and the payment of the appropriate processing fees.
6. Pay any applicable development impact fees in accordance with Paradise Municipal Code requirements.

CONDITIONS TO BE MET PRIOR TO ISSUANCE OF BUILDING PERMIT(S)

SITE DEVELOPMENT

7. Submit a detailed Soil Erosion, Sediment Control, and Dust Emission Control Plan to the Town Public Works Department for approval by the Town Engineer **PRIOR** to the start of any earthwork.

ROADS AND ACCESS

8. All work within the Clark Road public right of way is subject to Town issuance of an encroachment permit. Applicant shall secure an encroachment permit from the Town of Paradise Public Works Department. All work in the public right-of-way requires a licensed, bonded, and insured contractor.
9. Deed 25 feet from the center of the Clark Road right-of-way in a manner deemed satisfactory to the Town Engineer or provide a recorded document showing that this requirement has been met.

GRADING / DRAINAGE

10. If more than fifty (50) cubic yards of soil is displaced in association with the project, apply for and secure Town issuance of a grading permit satisfying all Town Public Works Department requirements. Pay applicable grading permit fees per current fee schedule.

CONSTRUCTION

11. Meet the requirements of the Town Building Official regarding accessibility requirements, fire resistive materials, submittal of construction plans, building permit applications, and all applicable construction code requirements.

SANITATION

12. Complete the requirements of the Onsite Sanitary Official concerning application, final system design, and issuance of permit approvals for installation of a sewage disposal system to serve the proposed land use.

CONDITIONS TO BE MET PRIOR TO FINAL BUILDING INSPECTION AND CERTIFICATE OF OCCUPANCY

SITE DEVELOPMENT

13. Complete the project as per the Town of Paradise adopted California Building Standards and Town of Paradise approved plans and specifications.
14. Construct all necessary site, drainage, access, and other facilities improvements as required by the Town Engineer. All construction shall be in conformance with generally acceptable engineering and construction practices.
15. Submit landscaping plans and current application fee to the Development Services Department (Planning division) in accordance with Paradise Municipal Code requirements and install approved landscape materials in a manner deemed satisfactory to the town Planning Director. Installation of required landscape materials may be guaranteed by a bond (or a similar financial instrument) for a limited additional period of time determined by the Planning Director to be appropriate (ex: 90 days). Landscape Plans shall be designed in accordance with the requirements of the State of California Model Water Efficient Landscape Ordinance (MWELo).

ROADS AND ACCESS

16. 20' deep driveways from each encroachment entrance/exit into the property shall be paved to reduce the tracking of materials into the public right of way.

UTILITIES

17. Meet the requirements of all utility providers regarding the extension or relocation of utility service lines and the establishment of any necessary on-site utility easements.
18. Meet all requirements of the Paradise Irrigation District (PID) in accordance with written project review comments received from PID staff dated July 19, 2021, regarding water main upgrades and any revisions thereto on file with the Town Development Services Department.

SANITATION

19. Complete the requirements of the Town Onsite Sanitary Official regarding the installation of the required septic system. Provide evidence thereof to the Town Development Services Department (building division).
- 5b. Community Development Director Susan Hartman provided an overview of the Lupin Tentative Subdivision Map Application (PL20-00259) and requested Commission approve the project based on staff's recommendations. Ms. Hartman reminded Commission that there is a ten-day appeal period and that no permits could be issued until the appeal period had closed.
1. The applicants representative stated that they would try to beat the 2024 deadline and were looking to complete the conditions faster than required.

Chair Garrard opened the public hearing at 6:29 p.m.

There were no public comments.

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

MOTION by Lassonde, seconded by Morris, adopted the required findings for approval as provided by staff, and approved the Lupine tentative subdivision map application (PL20-00259) of a tentative subdivision map application for a residential subdivision of real property into ten lots and a remainder lot to accommodate residential development, 5389 Newland Road, Assessor Parcel Number 054-181-051. Roll call vote was unanimous. There is a ten-day appeal period and no permits can be issued until that appeal period has closed.

CONDITIONS TO BE MET PRIOR TO RECORDATION OF FINAL SUBDIVISION MAP

ROADS/ACCESS

1. Prepare and submit three (3) copies of a detailed and engineered street and drainage improvement plans to the Public Works Department (Engineering Division) for review and approval by the Town Engineer. Approval of the designed improvement plans by the Town Engineer must be secured **PRIOR TO COMMENCEMENT** of project improvements construction.

2. Construct a full street section along the entire Newland Road Street frontage of the project site to the town-adopted B-4 road standard in a manner deemed satisfactory to the Town Engineer.
3. Apply for and secure town issuance of an encroachment permit for the proposed project roadway access connection to Newland Road for all work in the Newland Road right-of-way including the appropriate bonding and insurance certificates.
4. Establish a project interior fifty-foot minimum width private road easement as proposed; and construct full street section improvements within the road access instrument to the town-adopted A3-a road standard. Private road grades shall not exceed thirteen (13) percent per Town of Paradise Resolution No. 06-09.
5. Construct a paved forty-foot radius cul-de-sac bulb turnaround within a fifty-foot radius easement located at the terminus of the proposed cul-de-sac.
6. Apply for and secure town approval for new private road name. Place the approved name of the proposed road upon the final map.
7. Street signs shall be provided by the developer at the intersection of Newland Road and the new access roadway conforming with Butte County sign standard S-12-A.
8. The project developer shall install appropriate stop signs and other traffic signs and thermoplastic pavement markings as determined by the Town Engineer and in accordance with generally acceptable engineering practices.
9. Provide a road maintenance agreement for the proposed private road satisfying Engineering Division requirements. **(mitigation)**

DRAINAGE

10. The proposed Post Construction Standards Plan and Drainage Analysis dated February 4, 2021 is conceptually approved. Any modifications to the map shall trigger commensurate updates to these documents. A final Operations and Maintenance Plan shall be submitted to the Town before the project reaches completion.
11. Establish a fifteen-foot-wide drainage easement along the north boundary of Lot7 as proposed and offer for dedication to the Town of Paradise.
12. Show limits of the Special Permit Zone, as depicted on the 1980 McCain Master Storm Drain Study, on the final map information data sheet.

UTILITIES

13. 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 Paradise Municipal Code Section 16.11.020.

WATER SUPPLY

14. Prior to recordation of the final subdivision map, the project developer will be required to install a new water main within Newland Road from an existing valve in Newland Road, near South Libby Road, extending westerly to the project site and across the entire extent of the subject property's Newland Road frontage. **(mitigation)**
15. Installation of a water main valve providing a future connection point to the new water main within Newland Road will be required at a location near the north end of the Bennett Road right-of-way. **(mitigation)**
16. Meet all other project requirements of the Paradise Irrigation District (PID) regarding the installation of water main extensions, payment of development fees, etc. in accordance with the letter from PID staff dated March 1, 2021 and on file with the Town Community Development Department.

FIRE PROTECTION

17. Establish minimum required fire flow via fire hydrant(s) installation, water main extension(s) and installation, etc. Infrastructure improvements (water supply and fire hydrants) shall be completed and fire flow available prior to recordation of the final map.
18. The project developer shall execute and record an agreement with the Town of Paradise binding future subdivision property owners to a fuel modification and maintenance plan. **(mitigation)**
19. Meet all other requirements of the Paradise Fire Department in accordance with the Paradise Fire Department project review memorandum dated February 26, 2021 for the Lupine Subdivision and on file with the Town Community Development Department.

SANITATION

20. Satisfy all requirement of the Town of Paradise sewage disposal regulations concerning the design of the final subdivision map.

SITE DEVELOPMENT

21. 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 with all control and prevention measures outlined in the approved plan.
22. Apply for and secure Town issuance of a grading permit satisfying all Engineering Division requirements and the current adopted edition of the California Building Code. Pay applicable grading permit fees per current fee schedule.
23. This project will be subject to filing a Notice of Intent (NOI) with the Regional Water Quality Control Board and preparation of a Storm Water Pollution Prevention Plan (SWPPP). Provide evidence of an issued WDID# prior to commencement of work.
24. Access to lots for ingress, egress and public utilities shall be reserved and shown on the final map.
25. All easements of record shall be shown on the final subdivision map.
26. Indicate on the final subdivision map a fifty-foot building setback line measured from the centerline of Newland Road and a thirty-foot building setback line measured from the center of the interior fifty-foot private road easement.

OTHERS

27. a) Establish a special assessment district (or comparable mechanism) affecting all lots created via recordation of the Lupine Subdivision final map to assure maintenance of the project's onsite private roadway, drainage facilities, underground water main and affixed above-ground hydrants in a manner deemed satisfactory to the Town Attorney. **OR** b) The subdivision project's onsite interior roadway, water main extension with related above-ground fire hydrant(s), and drainage facilities shall be built to appropriate public construction standards and offered for dedication to the Town of Paradise and the Paradise Irrigation District, respectively. **(mitigation)**
28. Place the following notes on the final map information data sheet:
 - a. "At the time of building permit issuance, lot owners will be required to pay any Town of Paradise adopted development impact fees."
 - b. "If any archaeological resources are uncovered during the course of future development or construction activities, all work shall cease in the area of the find until a qualified archaeologist provides an appropriate evaluation of the discovery." **(mitigation)**
 - c. "All lots identified in the Special Permit Zone will require an Elevation Certificate prior to development."
29. Provide documentation from the Butte County Tax Collector verifying payment of current property taxes and assessment liens imposed by the Town.

30. Provide monumentation as required by the Town Engineer complying with the State Subdivision Map Act and Town of Paradise standards.
31. Pay appropriate funds to the local recreation district per requirements of the Paradise subdivision ordinance to offset impact (cumulative) upon areawide recreation facilities. Provide evidence of payment to the Town Community Development Department.
32. 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 attached, set aside, void or annul the Town of Paradise approval of the Lupine Subdivision 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.

5c. Associate Planner Nick Bateman provided an overview of the Burnt Barn Distillery Conditional Use Permit Application (PL20-00279) and requested Commission approve the project based on staff's recommendations. Mr. Bateman reminded Commission that there is a seven-day appeal period and that no permits could be issued until the appeal period has closed.

Melissa Schuster, project applicant, thanked the Planning Commission for their service and described the Burnt Barn Distillery model.

Cliff Jacobson, project applicant, shared his experience in foodplant sanitation, commercial water treatment and wastewater management and addressed concerns about traffic, the need for additional signage and striping. He also addressed the State requirements for the project's wastewater maintenance schedule. In response, Community Development Director Susan Hartman recommended amending Condition 22 to only require the documentation as required by the State to be submitted as reference for the project's wastewater plan/maintenance schedule.

Town Engineer Marc Mattox presented on Engineering's conditions and recommendations. In response to Cliff Jacobson's comments on signage, Mr. Mattox recommended striking Condition 17(b) to include signage, as signage is already present on that road. Mr. Mattox did recommend keeping Condition 17(c), that the applicants stripe the sides of the road to help support traffic safety.

Chair Garrard opened the public hearing at 7:23 p.m.

1. Town Clerk Dina Volenski shared that the Planning Commissioners received a letter via email, from Kathryn Briggeman Houston in support of the project.

2. Bill Hartley spoke in support of the project and shared that during his tenure at Paradise Police Department, he does not recall ever investigating a car accident on Wayland Road.
3. Mark Thorp, business advocate for the Paradise Ridge Chamber of Commerce spoke in favor of the project and any business that would bring economic development back to the Ridge.
4. James Manley spoke in opposition of the project and shared concerns about living across from a parking lot and the increased traffic.
5. Elizabeth, spoke in opposition to the project and shared concerns about living across from a parking lot and the increased traffic.
6. Winston Fox shared concerns about the road conditions, increased traffic and noise pollution.

Chair Garrard closed the public hearing at 7:48 p.m.

After hearing public comment, Community Development Director Susan Hartman recommended amending Condition 14 to include an emphasis on a screening structure as part of the landscaping to hide the parking lot.

MOTION by Morris, seconded by Costa, adopted the required findings for approval as provided by staff, and approved the Burnt Barn Distillery Conditional Use Permit Application (PL20-00279) and affirmed staff's recommendation to approve this project subject to the following amended conditions of approval, below, including striking Condition 17 a, b, and c, amending Condition 14 to include a landscape plan that includes a screen to hide the parking lot, and amending Condition 22 to only require documentation on the wastewater maintenance schedule as required by the State. Roll call vote was unanimous.

GENERAL CONDITIONS

1. If any land use for which a conditional use permit has been granted and issued is not established within three (3) years of the permit's effective date, the conditional use permit may become subject to revocation by the Town of Paradise.
2. Apply for and secure Town of Paradise architectural design review approval for the project. Pursuant to Town Council resolution, there shall be no fee collected by the Town for this review process.
3. Secure Town of Paradise design review approval for any new business sign structures prior to the establishment of such signs on the site.
4. Outside light fixtures associated with the project shall be designed to not exceed a height of sixteen feet above finished grade and shall be shielded to prevent the direct projection of light onto adjoining and nearby properties.
5. Minor changes to the interior and/or exterior design of the project may be approved administratively by the Town Planning Director upon submittal of a written request for such changes, if the requested changes are consistent with the overall intent of the project, its environmental document and its approval action. Any requested changes deemed by the Planning Director to be major or significant shall require a formal use permit modification review by the Planning Commission and the payment of the appropriate processing fees

6. Pay any applicable development impact fees in accordance with Paradise Municipal Code requirements.

**CONDITIONS TO BE MET PRIOR TO ISSUANCE OF BUILDING
PERMIT(S)**

CONSTRUCTION

7. Meet the requirements of the Town Building Official regarding accessibility requirements, fire resistive materials, submittal of construction plans, building permit applications, and all applicable construction code requirements.

UTILITIES

8. Provide copies of site plans and any other required construction documents to Paradise Irrigation District per comments received on March 10, 2021, on filed with the Community Development Department.

GRADING / DRAINAGE

9. Applicant shall prepare an engineered grading plan and corresponding Post- Construction Standards submittal for a Regulated Project prior to issuance of Building Permits. Pay applicable grading permit fees per current fee schedule.

SANITATION

10. Complete any requirements of the Onsite Sanitary Official concerning the use of the existing septic system for the domestic waste from the distillery (processing waste disposal to be overseen by the State Regional Water Quality Control Board).

UTILITIES

11. Submit construction plans to Paradise Irrigation District for review prior to the issuance of building permit(s) by the Town's Building Division.

**CONDITIONS TO BE MET PRIOR TO FINAL BUILDING INSPECTINON AND
CERTIFICATE OF OCCUPANCY**

SITE DEVELOPMENT

12. Complete the project as per the Town of Paradise adopted California Building Standards and Town of Paradise approved plans and specifications.

13. Construct all necessary site, drainage, access, and other facilities improvements as required by the Town Engineer. All construction shall be in conformance with generally acceptable engineering and construction practices.
14. Submit landscaping plans and current application fee to the Development Services Department (Planning division) in accordance with Paradise Municipal Code requirements and install approved landscape materials in a manner deemed satisfactory to the town Planning Director. Landscaping shall be focused in the area of the property along Wayland Road in a way that is sufficient to obscure the view of the proposed overflow parking lot from the roadway and adjacent properties. Installation of required landscape materials may be guaranteed by a bond (or a similar financial instrument) for a limited additional period of time determined by the Planning Director to be appropriate (ex: 90 days). Landscape Plans shall be designed in accordance with the requirements of the State of California Model Water Efficient Landscape Ordinance (MWELO).
15. If disturbing *over* one-acre (as shown), this project will be subject to filing a Notice of Intent (NOI) with the Regional Water Quality Control Board and preparation of a Storm Water Pollution Prevention Plan (SWPPP). If required provide evidence of an issued WDID# prior to commencement of work.

ROADS AND ACCESS

16. Submit a detailed Soil Erosion, Sediment Control Plan, and Dust Emissions Control Plan to the Town Public Works Department for approval by the Town Engineer **PRIOR** to the start of any earthwork.
17. ~~All work within the Wayland Road public right of way is subject to Town issuance of an encroachment permit. Applicant shall secure an encroachment permit from the Town of Paradise Public Works Department. All work in the public right of way requires a licensed, bonded, and insured contractor. The following are required for the encroachment permit:~~
 - a. ~~Paint striping of detail 27B right edge line around the property frontage and an additional 250' east and west for each side of the roadway. Final limits shall be determined by the Town Engineer.~~
 - b. ~~Install two W5-1 (road narrows signs) at the limits for the above required edge line termination for eastbound and westbound traffic with final locations to be determined by the Town Engineer.~~
 - c. ~~Install two W4-1 (CA) 15 MPH (curve/speed warning) signs near adjacent horizontal curves for eastbound and westbound traffic with final locations to be determined by the Town Engineer.~~
18. Provide a Truck Traffic Handling Route Map detailing how deliveries will be taken, trucks will be returned, and where deliveries will come from. Refer to the Town Engineer for requirements

FIRE SAFETY

19. Meet all requirements of the Town Fire Prevention Inspector. See attached comments dated March 3, 2021.

UTILITIES

20. Meet the requirements of all utility providers regarding the extension or relocation of utility service lines and the establishment of any necessary on-site utility easements.
21. Meet all requirements of the Paradise Irrigation District (PIO) in accordance with written project review comments received from PIO staff dated March 10, 2021, on file with the Town Community Development Department

SANITATION

22. Complete the requirements of the Town Onsite Sanitary Official regarding the connection of the domestic waste to the existing septic system. In addition, provide an as-built, an Operations & Maintenance manual, and maintenance contract (with an approved Town licensed evaluator) for the distillery wastewater system as permitted by the Regional Water Quality Control Board.
23. Applicant must meet any requirements of the Butte County Department of Environmental Health regarding operation of the tasting room as well as permitting requirements for wholesale facilities.

AIR QUALITY

24. Meet all permitting requirements of the Butte County Air Quality Management District if operating a boiler that meets the threshold for a Permit to Operate.

BIOLOGICAL RESOURCES

25. Applicant must consult with the California Department of Fish and Wildlife (CDFW) prior to commencement of any construction activities within or adjacent to Calhouse Creek and its associated riparian habitat. If any permitting or agreements such as a lake and Streambed Alteration (LSA) Agreement is required, the applicant shall meet all requirements of the CDFW.
26. Within 7 days prior to the start of any ground disturbing or vegetation removal activities included in the project description that occur during the nesting season (February 1 - August 31), a nesting bird survey shall be conducted by a qualified biologist. If multiple years of construction will occur, then a survey shall be completed for each nesting season. If active nests are observed during a pre-construction survey, CDFW shall be consulted within 3 days prior to the start of construction. No-disturbance buffers for active nests (i.e. with eggs or young) should be determined by the qualified biologist and based on a variety of conditions including species, presence of visual buffers, proposed construction activities, nesting status, etc.

27. In order to reduce the potential for bird mortality, the applicant shall install screens, window patterns, or new types of glass such as acid-etched, fritted, frosted, ultraviolet patterned, or channel. Additional information can be found at: https://www.fws.gov/birds/bird-enthusiasts/threats-to_birds/collisions/buildings-and-glass.php
28. Potential habitat for the Foothill Yellow Legged Frog (FYLF) exists in the vicinity of Calhouse creek. Relocation of threatened FYLF's is considered "take" as defined in the Fish & Game Code, section 86. If FYLF are detected during the preconstruction survey and a "take" is likely to result from Project activities, an Incidental Take Permit (ITP) (Fish & G. Code, §§ 2080.1) shall be obtained by the applicant prior to starting construction activities.

CONDITIONS OF LAND USE OPERATION

29. Comply with all Alcohol Beverage Control (ABC) regulations.
30. If the facility handles or stores hazardous materials or waste at or above reportable thresholds, the facility shall submit a Hazardous Material Business Plan into the California Environmental Reporting System (<https://cers.calepa.ca.gov/>) within 30 days of storing reportable hazardous materials as required by California Health and Safety Code Division 20, Chapter 6.95, Article 1, Section 25507 through 25508.2. Reportable quantities include 55-gallons or greater for a liquid, 200 cubic feet at standard temperature and pressure for a compressed gas and 500 pounds for a solid.

6. OTHER BUSINESS - None

7. COMMITTEE ACTIVITIES - None

8. COMMISSION MEMBERS

Community Development Director Susan Hartman reported that a use permit for a concrete contractor will come to Commission in November; and that Planning received an application for Rental Guys at Wagstaff and Skyway.

9. ADJOURNMENT

Carissa Garrard adjourned the meeting at 7:59 p.m.

Date Approved: November 16, 2021

By: _____/s/_____
Carissa Garrard, Chair

Attest:

_____/s/_____
Dina Volenski, CMC, Town Clerk