

PARADISE PLANNING COMMISSION
January 17, 2012 - 6:00 p.m.
Paradise Town Council Chambers
5555 Skyway, Paradise, CA

M I N U T E S

CALL TO ORDER

The meeting was called to order by Vice Chair Bolin at 6:00 p.m.

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

ROLL CALL

Present at roll call were Commissioners Jones, Woodhouse, Zuccolillo and Vice Chair Bolin. Chair Grossberger was absent. Community Development Director Craig Baker and Assistant Planner Susan Hartman were also present.

1. APPROVAL OF MINUTES

a. Regular Meeting of October 18, 2011.

It was moved by Commissioner Zuccolillo, seconded by Commissioner Jones and unanimously carried by those present to approve the minutes of the October 18, 2011 Planning Commission meeting as submitted by staff.

VOTE: AYES: Commissioners Jones, Woodhouse, Zuccolillo and Vice Chair Bolin.
NOES: None. ABSTAIN: None. ABSENT: Chair Grossberger.

MOTION CARRIES.

2. COMMUNICATION

a. Recent Council Actions

Mr. Baker reported on Town Council actions occurring since the October 18, 2011 Planning Commission meeting. Town Council met at a special meeting on November 8, 2011 and adopted Resolution No. 11-46 recommending a modification of mitigation measure assigned to the Paradise Community Village project regarding traffic mitigation fees for signalization of two intersections on State Hwy.191, Clark Road. At the December 6, 2011 Town Council Meeting, Steve "Woody" Culleton was selected as Mayor and Council Member Titus was selected as Vice Mayor. Council also approved an amendment to a development agreement between the Town and PCV regarding wastewater treatment system and vacated an existing public service easement in order to accommodate the PCV project. On January 10, 2012, Town Council authorized the Town

Clerk to advertise for vacancies on the Tree Advisory Committee with a deadline of January 30, 2012. Director Baker explained that the Tree Advisory Committee is utilized by the staff, Planning Commission or Town Council when an expert analysis of trees is needed.

b. Staff Comments

None.

3. PUBLIC COMMUNICATION

Hollis Lundy from L& L Surveying brought to the attention of the Commission that he previously wrote letters to Al McGreehan regarding issues with commercial properties and the survey monumentation that is being destroyed during development and is not being replaced. There are no conditions requiring that the monuments be reset, examples are the drug store at the corner of Elliott and Clark, the gas station at Wagstaff, there are no more monuments and the control points for the intersections can be lost. He thinks that a requirement should be in place to restore the monuments. Commissioner Woodhouse asked what the monuments were. Mr. Lundy explained that they are iron pipe with surveyor tags or centerline intersections that control the Town's right-of-way. The locator points are not being replaced after construction and the Town may not have a record of survey. The company that does the survey knows where the boundary is, but it is not put on record or filed with the county, and the monuments are never set, so it is lost information. Commissioner Zuccolillo asked if there would be an additional cost to set the survey stakes back down. Mr. Lundy stated that monument surveys cannot be replaced unless a map has been filed. There would be an additional cost to the development, but the Town would at least have the information.

4. CONTINUED PUBLIC HEARING – None.

5. PUBLIC HEARING

Community Development Director Baker explained that the project proponent is seeking Town of Paradise approval for a parcel map application to divide an existing ± 3.3 acre property into four new parcels of record. The project site is zoned Rural Residential – 2/3 acre minimum (RR-2/3) and is located in the southwest portion of the Paradise community on the south side of Buschmann Road.

Mr. Baker indicated that Town staff and Paradise Irrigation District staff are supportive of the project and have developed recommended conditions of project approval designed to assure the orderly development of this portion of the Paradise community. Staff is recommending project approval, based upon and subject to a list of findings and conditions. Mr. Baker asked the Commissioners to make a change to condition #12 by changing the word “drainage” to “seasonal creek”.

A letter regarding the Visinoni Parcel Map application was submitted by Bonnie Petersen expressing concerns with legal access for Kemlyn Lane and has been included in the project file.

Vice Chair Bolin opened the public hearing at 6:23 p.m.

Hollis Lundy, L & L Surveying, Project Engineer for the Visinoni project, stated that parcel 2 is the only lot that has a gate but there is no legal access, does not think a condition is necessary; lots are 2/3 acre parcels and property lines were not able to be straight due to configuration of lots.

Vice Chair Bolin closed the hearing to the public hearing at 6:27 p.m.

Commissioners discussed issues that could occur on Kemlin lane if there are no conditions placed on the development and determined to add condition number 25, "If resulting parcels do not possess deeded legal access to Kemlyn lane, all access to the parcels shall be taken via the proposed private roadway and private road easement."

AGENDA ITEM 5(a): It was moved by Commissioner Jones, seconded by Commissioner Zuccolillo, and carried by those participating, to adopt the required findings, with changes in condition #12 and adding condition #25, and approve the Visinoni parcel map application (PL11-00156) proposing to create four parcels of record from an existing ±3.3 acre property located at 678 Buschmann Road, subject to the following conditions:

**CONDITIONS TO BE MET PRIOR TO RECORDATION
OF FINAL PARCEL MAP**

ROADS AND ACCESS

1. Submit three copies of engineered road construction and drainage Improvement plans for the proposed on-site private road to the Engineering Division for approval. Pay appropriate plan check and inspection fees. Plans must be stamped and wet-signed by a licensed civil engineer. All elements of the engineered plans shall be designed in accordance with the requirements of the Town Engineer, based upon accepted engineering standards and the town-adopted A-2a road standard. Road and drainage plans must be approved **PRIOR** to the construction or installation of the required facilities.
2. Access to parcels for ingress and egress/public utilities shall be shown on the final parcel map.
3. Deed thirty feet from the center of the Buschmann Road right-of-way to the Town of Paradise or provide a recorded deed document showing that this requirement has been met.
4. Construct or defer by covenant executed with the Town of Paradise a one-half street section upgrade improvement along the project site frontage of Buschmann Road to the town-adopted B-2 road standard.

5. Place the following notes on the final map information data sheet:
 - a. “Prior to the issuance of a building permit authorizing residential development upon Parcel Nos. 2, 3 or 4, the project developer shall apply for and secure town issuance of an encroachment permit, physically abandon the existing driveway connection to Buschmann Road serving the existing dwelling and construct on-site private road and drainage improvements in accordance with town-approved private road and drainage improvement plans for the Visinoni parcel map. The private road shall be constructed to the town-adopted A-2a standard. Street signs and all pavement markings shall be installed as required and at the developer’s sole expense.”
 - b. “Upon completion of the on-site private road improvements and prior to the issuance of a building permit authorizing residential development upon Parcel Nos. 2, 3 or 4, the project developer shall apply for and secure town approval for a change of address for the existing residence located upon Parcel 1 from a Buschmann Road address to an address assigned to the new private road.”
 - c. “If more than 50 cubic yards of soil are displaced to accommodate road and drainage improvements, the project developer shall apply for and secure town issuance of a grading permit satisfying all engineering division requirements and the current adopted edition of the UBC and pay applicable grading permit fees per current fee schedule.”
 - d. “Prior to the commencement of construction activities associated with private road and drainage improvements, the project developer shall submit an engineered erosion and dust control plan to the Town Engineering Division for approval by the Town Engineer . All erosion control devices and sedimentation basins required by the PMC 15.04.280.shall be shown on the plan.”
6. Apply for and secure town approval for a new road name for assignment to the proposed new private road. Pay current road name review fee.
7. Provide a recorded road maintenance agreement in a form deemed acceptable to the Town Engineer obligating all owners of the resultant parcels to participate in the maintenance of the proposed onsite private road and drainage improvements.

SITE DEVELOPMENT

8. All easements of record shall be shown on the final parcel map.
9. Indicate a fifty foot building setback line measured from the center line of Buschmann Road, a thirty foot building setback line measured from the center of the proposed on

site private road easement and a thirty foot building setback line measured from the center of Kemlyn lane.

10. The proposed on-site private road and public utility easement shall encumber all private road and drainage improvements.
11. Place the following notes on the final map information data sheet:
 - a. “No fences shall be established within the private road and public utility easement serving these parcels. In addition, no solid wood or masonry fences over four feet in height shall be established within building setback areas.”
 - b. “Prior to the issuance of building permits authorizing residential development of Parcels 3 or 4, the project developer shall submit a storm water mitigation plan that minimizes any adverse effects of increased storm water run-off upon adjacent properties and meets the requirements of the Town Engineer.”
12. Establish an on-site drainage easement that encumbers all land within ten feet of the center of the on-site ~~drainage~~ *seasonal creek* and offer for dedication to the Town of Paradise as proposed.
13. Remove any existing fencing located within land to be offered for dedication to the Town of Paradise for additional public street right-of-way.

SEWAGE DISPOSAL

14. Satisfy all requirements of the Town of Paradise Onsite Sanitary Official concerning the design of the final parcel map including delineation of all areas deemed to be unsuitable for wastewater disposal
15. Provide material evidence to the Town of Paradise that the existing water well serving the existing residence on the site has been abandoned in a manner deemed satisfactory to the Butte County Environmental Health Department.
16. Secure the issuance of a Town of Paradise septic system alteration upgrade permit and upgrade and alter the existing septic system serving the existing residence on the site as outlined in the memorandum from Wastewater division staff dated August 24, 2011 and on file in the Town Community Development Department.

UTILITIES

17. Meet the requirements of the Paradise Irrigation District (PID) in accordance with the comments provided by PID staff for the Visinoni project, dated May 23, 2011 and on file with the town Community Development Department.
18. Meet all other requirements of utility companies regarding the establishment of necessary public utility easements.

FIRE PROTECTION

19. Place the following notes on the final map information data sheet:
 - a. “The design of proposed private road access improvements shall be constructed in accordance with the requirements outlined within the Fire Department Project Condition Letter and memorandum dated June 1, 2011 on file in the Town Community Development Department and shall include an adequate turnaround facility at its southern terminus to accommodate fire and emergency vehicle access in accordance with town adopted road standards.”
 - b. “The project developer shall implement and maintain a fuel reduction plan for the parcels meeting the requirements of the Paradise Fire Department in accordance with the Paradise Fire Department Condition Letter and memorandum dated June 1, 2011 for the Visinoni parcel map application and on file in the Town Community Development Department. The fuel reduction plan shall be binding upon future owners of Parcel Nos. 1, 2, 3 and 4 and shall be recorded with the final parcel map.”
 - c. “All buildings constructed upon Parcel Nos. 1, 2, 3 or 4 shall be constructed in accordance with the California Fire Code’s Wildland/Urban Interface Code in effect at the time of building permit application and in accordance with the Paradise Fire Department Project Condition Letter and memorandum dated June 1, 2011 for the Visinoni parcel map application and on file in the Town Community Development Department.”
20. Meet all other requirements of the Paradise Fire Department in accordance with the Fire Department Project Condition Letter for the Visinoni parcel map dated June 1, 2011 and on file in the Town of Paradise Community Development Department.

OTHERS

21. Provide written documentation verifying payment of current property taxes and payment of any assessment liens imposed by the Town.
22. Provide monumentation as required by the Town Engineer in accordance with accepted town standards.
23. Pay appropriate funds to the local recreation district per requirements of the Paradise subdivision ordinance to offset impact (cumulative) upon area-wide recreation facilities. Provide evidence of payment to the Town Community Development Department planning division.
24. The following notes shall appear upon the final parcel map information sheet:
 - a. “At the time of building permit issuance, owner 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 stop in the area of the find until a qualified archaeologist provides an appropriate evaluation of the discovery."
25. If resulting parcels do not possess deeded legal access to Kemlyn lane, all access to the parcels shall be taken via the proposed private roadway and private road easement.

ROLL CALL VOTE:

AYES: Commissioners Jones, Woodhouse, Zuccolillo and Vice Chair Bolin.
NOES: None.
ABSTAIN: None.
ABSENT: Chair Grossberger.

MOTION CARRIES.

Community Development Director Baker announced that the decision of the Planning Commission may be appealed to the Town Council within ten (10) days.

6. OTHER BUSINESS

Since Chair Grossberger was absent, Planning Commissioners concurred to postpone discussing the content of the current Procedural Rules of Conduct of the Planning Commission Meetings until the regular February Planning Commission meeting.

7. COMMITTEE ACTIVITIES – None.

8. COMMISSION MEMBERS

a. Identification of future agenda items (All Commissioners/Staff)

Planning Director Baker stated that there are small projects that he is considering acting on as the hearing officer; 1. A parcel map divide, with no development, two houses are already on the property; 2. Use Permit Modification, asking for an extension of time to fulfill conditions of approval; and, 3. A Use Permit Modification, requesting an extension of time to fulfill conditions of approval due to the economy.

Commissioners inquired about a future Safeway project and the progress of the Walmart Development. Mr. Baker stated that Safeway has been investigating the property on Clark Road across from the CMA church and that the Walmart project is approximately half way through the Environmental Impact Report. Walmart has not yet found a Wastewater Disposal solution that is acceptable to them, and may prefer that the Town build this portion of the development.

9. ADJOURNMENT

The Planning Commission meeting was adjourned at 6:39 p.m.

Date Approved:

Greg Bolin, Vice Chair

Attest:

Dina Volenski, Assistant Town Clerk