



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931
TELEPHONE (530) 872-6291 FAX (530) 877-5059
www.townofparadise.com

Planning Commission Staff:

Craig Baker, Community Development Director
Susan Hartman, Assistant Planner

Planning Commission Members:

Jody Jones, Chair
Daniel Wentland, Vice Chair
James Clarkson, Commissioner
Stephanie Neumann, Commissioner
Michael Zuccolillo, Commissioner

PLANNING COMMISSION AGENDA

6:00 PM – October 15, 2013

In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact Community Development Director Baker, at 872-6291 at least 48 hours in advance of the meeting. Hearing assistance devices for the hearing impaired are available from the Presiding Clerk.

Members of the public may address the Planning Commission on any agenda item, including closed session. If you wish to address the Planning Commission on any matter on the Agenda, it is requested that you complete a "Request to Address Council/Commission" card and give it to the Presiding Clerk prior to the beginning of the Council Meeting.

All writings or documents which are related to any item on an open session agenda and which are distributed to a majority of the Planning Commission within 72 hours of a Regular Meeting will be available for public inspection at the Town Hall in the Town Clerk or Community Development Services Department located at 5555 Skyway, Room 3, at the time the subject writing or document is distributed to a majority of the subject body. Regular business hours are Monday through Thursday from 8:00 a.m. to 5:00 p.m.

CALL TO ORDER

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

ROLL CALL

1. APPROVAL OF MINUTES

- 1a. Approve regular meeting minutes of September 17, 2013.

2. COMMUNICATION

- a. Recent Council Actions
b. Staff Comments

3. PUBLIC COMMUNICATION

Comments are limited to a maximum of five minutes duration. If more time is needed, please request staff to place the subject on an agenda for a future Commission meeting.

***** PUBLIC HEARING PROCEDURE *****

- A. Staff comments
- B. Open the hearing to the public
 - 1. Project applicant
 - 2. Parties for the project
 - 3. Parties against the project
 - 4. Rebuttals
- C. Close hearing to the public
- D. Commission discussion
- E. Motion
- F. Vote

NOTE: Pursuant to Planning Commission Resolution No. 96-001, any person may speak before the Commission regarding the matter under consideration for a **maximum of five minutes** unless granted additional time by the Chair. "In accordance with the Americans with Disabilities Act, if you need a special accommodation to participate, please contact the Community Development Dept., at 872-6291 at least 48 hours in advance of the meeting."

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.

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.

6. OTHER BUSINESS

7. COMMITTEE ACTIVITIES

8. FUTURE AGENDA ITEMS

9. ADJOURNMENT

STATE OF CALIFORNIA) COUNTY OF BUTTE)	SS.
I declare under penalty of perjury that I am employed by the Town of Paradise in the Town Clerk’s Department and that I posted this Agenda on the bulletin Board both inside and outside of Town Hall on the following date: _____	
TOWN/ASSISTANT TOWN CLERK SIGNATURE _____	



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PLANNING COMMISSION MINUTES

September 17, 2013

6:00 PM

CALLED TO ORDER at 6:00 pm by Chair Jody Jones.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA\ROLL CALL

COMMISSIONERS PRESENT: Stephanie Neumann, Daniel Wentland, Michael Zuccolillo and Jody Jones, Chair.

COMMISSIONERS ABSENT: James Clarkson.

1. **APPROVAL OF MINUTES** MOTION by Wentland, seconded by Zuccolillo, approved the Minutes of the August 27, 2013 Special Meeting. Roll call vote was unanimous; Clarkson absent and not voting.
2. **COMMUNICATION**
 - a. **Recent Council Actions:** None.
 - b. **Staff Communication:** Community Development Director Baker informed the Planning Commission that future agenda items tentatively scheduled for the October 15, 2013 meeting include a tree felling permit application for the proposed Dollar General store and a minor zoning code text amendment.
3. **PUBLIC COMMUNICATION – None.**
4. **CONTINUED PUBLIC HEARING – None.**
5. **PUBLIC HEARING – Fraternal Order of Eagles Request for Use Permit Modification (PL13-00239)**

Community Development Director Baker reported to the Planning Commission regarding the application submitted by the Fraternal Order of Eagles to modify the terms and conditions of an existing use permit. The item has been determined to be exempt from environmental review and, if approved, the proposed modification would authorize a +/-1,428 square foot expansion of an existing +/-2,940 square foot building housing the Paradise Eagles Lodge on property located at 9079 Skyway in Paradise. Mr. Baker indicated that the proposed project also includes an interior remodel, +/-412 square feet of new covered area, parking facility improvements and landscaping. Mr. Baker further stated that three findings would be necessary and recommended a modification to the second sentence in Condition #23 relating to PID requirements for installation of backflow prevention assembly at the water meter, so the sentence would read as follows: “If nec³y, provide material evidence of having fulfilled this

condition to the Town Development Services Department (building safety division), *unless this requirement is waived by PID staff.*”

In response to questions from Commissioners, CDD Director Baker stated (1) that the condition providing for bonding of the landscaping is necessary to accommodate the issuance of a temporary certificate of occupancy when required landscaping is not yet installed; (2) that it is doubtful that the Town Fire Marshall would require an additional fire hydrant due to the proposed inclusion of a firewall in the lodge and (3) the frontage improvements are being deferred as there are no other sidewalks in the area, and that Town road standards for upper Skyway may change from what they are today.

Chair Jones opened the public hearing at 6:10 pm.

1. Nancy Muravez, 9089 Skyway, stated that she is concerned about the traffic and noise and additional parking spaces that might create a problem for her as a neighboring property owner, that she would like to see a fence in between the properties and would be willing to share in the expense.
2. Dave Lunde, project manager for the Eagles, discussed the paving that is planned for the site stating the paving and striping will let people know actually where to park, there is no intention to allow any parking on the neighboring properties, and that the additional parking spaces to be added will further alleviate any existing problem.

In response to questions from Commissioners, Mr. Lunde stated (1) there would not be a curb on the asphalt; (2) there would be a short curb within the landscape border, no more than a 45 degree berm; and, (3) the existing portion of the building will remain occupied during construction. Mr. Baker stated that the applicants must be cognizant of which conditions must be fulfilled and when with respect to issuance of a building permit and planned occupancy of the addition.

The Planning Commissioners discussed whether or not the establishment of a fence should be made a condition of approval. CDD Director Baker recommended that the Planning Commission concur and proclaim that their expectation is that there will be cooperation and cost-sharing between the Eagles and the neighboring property owner in the event that a fence is necessary to prevent cars from parking on the adjacent private property.

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

5a. Following a MOTION by Zuccolillo, seconded by Neumann, the Planning Commission concurred that there is an expectation that there will be cooperation and cost-sharing between the Eagles and the neighboring property owner in the event that a fence becomes necessary to prevent cars from parking on the adjacent private property; and, made the following findings and approved the Fraternal Order of Eagles use permit modification request (PL13-00239) to construct a +/-1,428 expansion to the existing Eagles Lodge on property located at 9079 Skyway and identified as Assessor Parcel No. 050-040-147, subject to the following conditions of project approval, with the amendment to Condition #23 as stated by the Community Development Director:

REQUIRED FINDINGS FOR APPROVAL:

- a. Find that the proposed modified project remains categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 (Class 3) of the State CEQA Guidelines.
- b. Find that the project, as modified and conditioned, is consistent with the Multi-Family Residential (MR) land use designation as shown on the Paradise General Plan land use map; and is consistent with the development goals, objectives and policies of all applicable General Plan elements.
- c. Find that the project, as modified and conditioned, is compatible with surrounding land uses and would not be detrimental to the health, safety and general welfare of the residents of the Town of Paradise.

GENERAL CONDITIONS OF USE PERMIT MODIFICATION APPROVAL

1. All work within the Skyway public right of way is subject to Town issuance of an encroachment permit, which will require that the contractor be properly licensed and bonded with the Town of Paradise.
2. Outside light fixtures associated with the project shall be designed to not exceed a maximum height of sixteen (16) feet above finished grade and shall be shielded to avoid the direct projection of light onto adjoining and nearby properties.
3. Contact Underground Service Alert at least three days prior to conducting any sub-surface excavations.
4. Site improvements (building, signs, lighting, landscaping, etc.) shall be subject to design review and shall conform to all Town of Paradise applicable design standards.
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 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 and the payment of the appropriate processing fees.

**CONDITIONS TO BE MET PRIOR TO THE
ISSUANCE OF A BUILDING PERMIT**

ROADS AND ACCESS

6. Deed 40 feet from the center of Skyway public right of way or provide a recorded document showing that this requirement has already been fulfilled.
7. Improvements to property frontage of Skyway are required per Paradise Municipal Code (PMC) Chapter 12.20. Such improvements shall be deferred per Town Resolution 83-18. Improvement plans will not be required until necessary for deferred construction. Execute an improvement agreement for deferred frontage improvements in accordance with the requirements of the Town Engineer.
8. Secure the issuance of an encroachment permit for repair of the southerly driveway encroachment connecting to Skyway.

DRAINAGE

9. Provide a final design solution for drainage per requirements of the Town Engineer and the INTERIM DRAINAGE DESIGN GUIDELINES prepared April 2, 1998. Drainage facilities shall be designed in a manner that provides for the establishment of all necessary drainage improvements to accommodate existing and additional project induced drainage flows without generating any off-site adverse effects. If new impervious surfacing exceeds 5,000 square feet, an engineered drainage analysis will be required to be submitted for Town Engineer review.

SITE DEVELOPMENT

10. Submit three (3) copies of a detailed engineered site development and improvements plan showing all facilities as proposed. Plans shall be prepared by a registered civil engineer (including final parking facility design and site drainage design) and submitted to the Public Works Department (Engineering Division) for review and approval. Pay required site plan checking fee. Construction and drainage improvement plans must be approved **PRIOR TO CONSTRUCTION** or installation of the required facilities. Show all easements of record on the site development and improvements plan as well as fifty-foot building setback line measured from the centerline of Skyway.
11. Show the proposed location of trash containers/enclosures on the engineered site development plan.
12. Properly abandon or relocate any easements that conflict with the design of the project.
13. If total disturbed area is less than 1.0 acre (43,560 square feet), applicant is required to submit a storm water soil loss prevention plan, pursuant to Town-adopted construction codes, to the Town Public Works Department. If total disturbed area exceeds 1.0 acre (43,560 square feet), applicant is required under state law to submit a detailed storm water pollution prevention plan (SWPPP) to the State Regional Water Quality Control Board (along with the appropriate filing fee). Provide a copy of this approved plan to the Town of Paradise prior to initiation of grading activities. Implement all approved approved erosion control measures **PRIOR** to the start of any earthwork and maintain such measures for the term of project construction.
14. Meet the requirements of the Town Building Official/Fire Marshal regarding submittal of construction plans, interior automatic fire sprinkler plans, building permit applications, and all applicable Town adopted construction and fire code requirements.
15. Secure the issuance of a Town approved tree-felling permit prior to felling any qualifying trees. Incorporate tree protection measures during all construction activities in conformance with generally accepted standards for the protection of trees to be retained (e.g., protective fencing, etc.).

CONSTRUCTION/FIRE CODES

16. Submit required construction plans designed in accordance with all Town-adopted construction and fire codes in accordance with comments submitted for the Eagles Lodge expansion project by Town Building Official/Fire Marshal, dated August 30, 2013 (attached).

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

ROADS/ACCESS

17. Construct an improvement upgrade to the southerly driveway encroachment connecting to Skyway in a manner deemed acceptable to the Town Engineer.
18. Establish on-site parking facilities in accordance with all town parking ordinance regulations. Maintain parking facilities in accordance with Town requirements for the term of the proposed land use.

SITE DEVELOPMENT

19. 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.
20. Meet the requirements of all other utility providers regarding the extension or relocation of utility service lines and the establishment of any necessary on site utility easements.

CONSTRUCTION/FIRE CODES

21. Fulfill all remaining construction and fire code requirements of Town-adopted construction and fire codes in accordance with comments submitted for the Eagles Lodge expansion project by Town Building Official/Fire Marshal, dated August 30, 2013 (attached).
22. Pay development impact fees prior to issuance of building permits for project construction in accordance with Paradise Municipal Code requirements or execute an agreement with the Town of Paradise providing for a deferral of such fees.

WATER

23. *If necessary, meet the requirement of the Paradise Irrigation District (PID) for the installation of a backflow prevention assembly at the water meter serving the project site property. Provide material evidence of having fulfilled this condition to the Town Development Services Department (building safety division), unless this requirement is waived by PID staff.*
24. Meet all other requirements of the Paradise Irrigation District (PID) in accordance with written comments submitted for the Eagles Lodge expansion project by PID staff, dated August 19, 2013 (attached).

OTHERS

25. Submit landscaping plans and application fee to the Development Services Department (planning division) in accordance with Paradise Municipal Code requirements. **IMPORTANT NOTE:** No final building inspection or occupancy shall be permitted until the landscape plans for the project have been formally approved by the Town of Paradise and landscape materials have been installed (or bonded to guarantee installation).

26. All activities on the site shall be conducted in conformance with the Town of Paradise Noise Ordinance regulations (PMC Chapter 9.18) during construction activities and for the term of the proposed land use.

6. **OTHER BUSINESS** – Commissioner Wentland reported on his participation in the Pedestrian Safety Community Workshop hosted by UC Berkeley SafeTrec, California Walks and the Town of Paradise on September 5, 2013; that unmarked crosswalks present more of a danger than no crosswalks at all; and, discussed “daylighting” as a way to provide better visibility of pedestrians at a crosswalk. Daylighting is providing an additional 20’ of space, i.e. red curbing, on either side of a crosswalk in which no vehicles are allowed to park.

7. **COMMITTEE ACTIVITIES - None**

8. **COMMISSION MEMBERS - None**

9. **ADJOURNMENT**

Chair Jones adjourned the Planning Commission meeting at 6:45 pm.

Date of Approval:

By: _____
Jody Jones, Chair

Joanna Gutierrez, CMC, Town Clerk

MEMORANDUM

TO: Planning Commission **AGENDA NO. 5(a)**

FROM: Craig Baker, Community Development Director

SUBJECT: Embree Asset Group Tree Felling Permit Application (PL13-00261); APN 050-400-013 & 014

DATE: October 8, 2013

SPECIAL INFORMATION:

The permit applicant, Embree Asset Group, acting on behalf of discount retail store chain Dollar General, is requesting approval from the Town of Paradise to fell up to 36 qualifying trees on a vacant ±1.62 acre project site located at 6574 Clark Road in the north-central portion of the Paradise Community. The trees are proposed to be felled to accommodate the establishment of a +/-9,100 square foot Dollar General store. The proposed project development is to occur in a single phase and is to include establishment of necessary site improvements (on-site parking facility, drainage detention facility, utility connections, wastewater disposal system, trash enclosure, business sign, landscaping, etc.).

Primary road access for the project site is via Clark Road, a paved arterial public street that is four lanes in width. As designed, the proposed project parking facility would be served by two driveway encroachments connecting to Clark Road.

The project site is comprised of two separate parcels divided along an east-west property boundary. The parcels are proposed to be merged into one property via the recordation of a parcel merger prior to the issuance of building permits for the project. Almost all of the northerly parcel is covered with fill material that is up to 15 feet deep. This material may have been deposited on the site when the adjacent Kmart shopping center was originally developed. A residence occupied the southerly parcel until approximately 15 to 18 years ago.

Many native trees have grown on top of the fill material since it was originally placed on the site, most of which are now large enough to require a town tree felling permit in order to be felled. In order for the project to move forward, almost all of the fill material must be removed, necessitating the felling of the trees that have grown upon it. The attached 11"x 17" site plans provided by the project applicant illustrate the nature of the topographical changes necessary to develop the site.

The proposed mode of sewage disposal for the project will be the construction of a conventional on-site wastewater disposal system. Excess storm water runoff that may otherwise create

downstream drainage impacts is proposed to be detained on-site by an above ground drainage detention facility to be located in the southwest corner of the site.

ANALYSIS

Along with other application materials, the project applicant submitted a report and listing of trees to be felled and retained on the site, dated September 6, 2013 and prepared by Randolph Vasquez, a registered professional forester. The report correlates to the 11"x 17" project site improvement plan showing numbered trees proposed to be felled. According to the report, the site contains 42 qualifying ponderosa pine and black oak trees along with several non-native trees. The report indicates that development of the site as proposed will result in the felling and removal of up to 36 qualifying trees on the site. Six qualifying trees and two non-qualifying trees are proposed to be retained. Other observations regarding the report and site plan include the following:

- Tree nos. 49 and 50, shown within the forester's report as proposed to be retained, are shown upon the project site plan as being within the footprint of the building and cannot be retained, but they are non-qualifying trees.
- The tree shown on the site plan at the southeast corner of the proposed parking facility is a non-qualifying 5" DBH black oak tree. It does not appear to be included within the forester's report, but is presumably planned to be felled.
- Three trees shown in a tight cluster of trees within the building footprint as proposed to be felled are not numbered on the site plan, but are small, non-qualifying black oaks.
- The numbers on the site plan for tree nos. 42 and 43 are reversed on the site plan.
- Staff could not locate tree nos. 53 and 54 during a field inspection of the project site. If these trees are shown within the forester's report erroneously, the total number of qualifying trees proposed to be felled would be reduced to 34.

It is hoped that either the project applicant, their forester and/or their arborist will be in attendance at the public hearing for this matter and will be able to reconcile, at minimum, the last observation outlined above.

As of the date of this memorandum, neither the project applicant nor the project forester have requested relief from Town tree replacement requirements. Therefore, it is assumed that any qualifying trees felled during the course of site preparation will be replaced on-site as required with native, 15-gallon sized trees that will be incorporated into the required landscape plan for the project.

Zoning Regulations

The project site is designated by the Paradise General Plan and zoned Community Commercial (CC) which allows retail services as a planned, permitted land use. Current zoning regulations

assigned to the site prohibit the establishment of a “commercial timber harvesting” as a primary land use. Commercial timber harvesting is generally defined within the Paradise Municipal Code (PMC) as the harvesting of 12 or more qualifying trees for commercial purposes from a single property within a twelve-month period. Although the applicant is proposing the felling of more than 12 qualifying trees from each property comprising the project site within a twelve-month period, the trees are proposed for felling in order to accommodate development of the property with a new +/-9,100 square foot retail store with related site improvements and not solely for commercial timber harvesting. Thus, the proposed tree felling activity appears to be in compliance with current town zoning regulations.

Environmental Review

Since the proposed land use (retail services) is enumerated as a land use that is permitted by right in the CC zone, the issuance of development permits is ministerial in nature and therefore not subject to CEQA. The General Plan land use designation, zoning and planned use of the site for the establishment of commercial/retail land use was thoroughly evaluated and established through the process of extensive environmental and public review and adoption/certification by the Paradise Town Council in 1994. Therefore, it is not anticipated that the proposed project or its associated tree felling activity would result in any direct and unforeseen significantly adverse environmental impacts.

Tree Felling Regulations

Pursuant to Paradise Municipal Code (PMC) Section 8.12.090, any new development project involving the felling of 5 or more qualifying trees and not associated with a planning or land use entitlement must be reviewed and acted upon by the Planning Commission. Since application materials indicate that more than 5 trees are proposed to be felled upon each property comprising the project site in order to accommodate the proposed project, the Embree Asset Group tree felling permit application was duly noticed and scheduled for Planning Commission consideration.

The Planning Commission may approve the issuance of a tree felling permit as proposed if it finds that all trees proposed for felling must be felled to accommodate construction of the proposed improvements.

Pursuant to the requirements of PMC Section 8.12.040, the Embree Asset Group tree felling permit application was submitted with detailed material evidence provided by Registered Professional Forester Randolph Vasquez (RPF No. 1884), certifying that all 36 qualifying trees must be felled to accommodate the proposed project. As mentioned above, no specific request for relief or partial relief from tree restocking/replacement has been submitted by the project applicant or the project arborist for Planning Commission consideration.

ANALYSIS CONCLUSION

Based upon the preceding observations and analysis, it appears that the Embree Asset Group tree felling permit application is complete, consistent with applicable Town zoning regulations and eligible to be approved by the Planning Commission, pursuant to the requirements of Chapter 8.12 and Title 17 of the Paradise Municipal Code. Accordingly, staff has prepared potential findings to support approval of the tree felling permit application.

Planning Commissioners are encouraged to visit the project site and contact Town staff with any questions prior to the scheduled public hearing for the Embree Asset Group tree felling application.

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.

REQUESTED ACTION

- 1. Open the public hearing and solicit input from the attending public;
- 2. Close the public hearing and move to:
 - a. Adopt the findings for approval as provided by staff and approve the Embree Asset Group tree felling permit application (PL13-00261), authorizing the felling of up to thirty-seven (36) qualifying trees on property located at 6574 Clark Road (APNs 050-400-013 & 014), subject to the following conditions:

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.

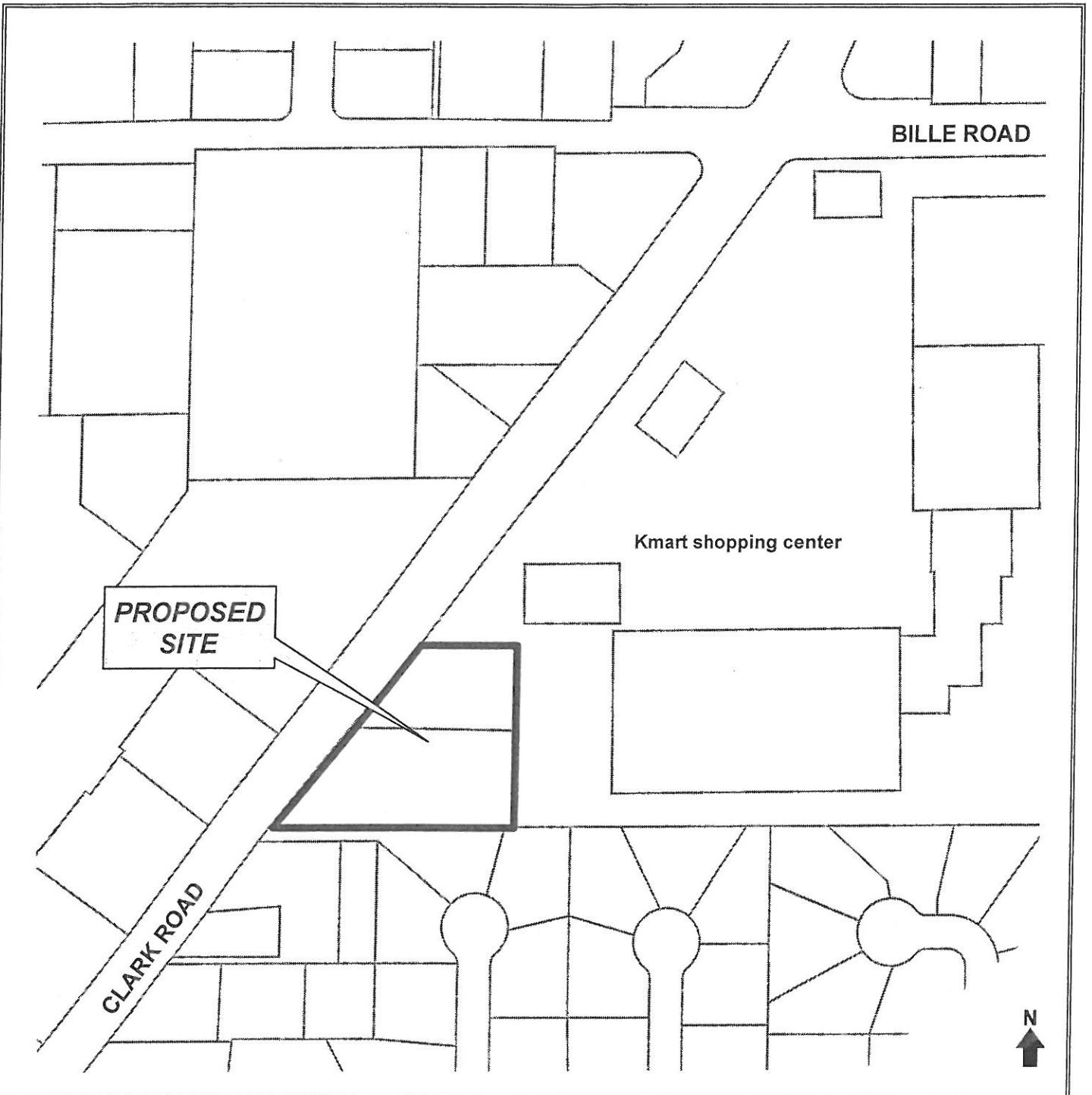
GENERAL CONDITIONS

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.
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.

Attachments

LIST OF ATTACHMENTS FOR THE EMBREE ASSET GROUP TREE FELLING PERMIT APPLICATION

1. Vicinity map of the project site area
2. List of property owners notified of the public hearing
3. Copy of the notice of public hearing for the Embree Asset Group tree felling permit application
4. Tree felling permit application (PL13-00261) submitted on September 5, 2013 for the proposed tree felling activity
5. Written certification provided by RPF No. 1884 Randolph Vasquez that the 36 trees proposed for felling must be felled to accommodate construction activities, September 6, 2013
6. Tree protection plan and verification as project arborist submitted by Tom Gomez, dated August 28, 2013
7. Two plot plans (11"x 17") submitted with the tree felling permit application showing (1) existing topography and (2) the proposed Dollar General store site improvements and the locations of numbered trees proposed to be felled



APPLICANT: EMBREE ASSET GROUP (DOLLAR GENERAL)		LOCATION: 6574 CLARK ROAD, PARADISE
OWNER: HYUNG W. AN & SUK YOUNG AHN		
REQUEST: Request for Planning Commission approval to fell up to 36 qualifying trees on a vacant +/-1.62 acre site to accommodate the development of a proposed +/-9,100 square foot discount retail store and related improvements. (access, parking, drainage, wastewater disposal, landscaping, etc.).		
Zoning: CC	GENERAL PLAN: TC	FILE : PL13-00261
ASSESSOR PARCEL NOS: 050-400 013& 014		MEETING DATE: October 15, 2013

**NOTICE OF PUBLIC HEARING
PARADISE PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN by the Paradise Planning Commission that a public hearing will be held on Tuesday, October 15, 2013 at 6:00 p.m. in the Town Hall Conference Room, 5555 Skyway, Paradise, CA, regarding the following matters:

Items determined to be exempt from environmental review:

- a. 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.
- b. EMBREE ASSET GROUP TREE FELLING PERMIT APPLICATION (PL13-00261): 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.

The project file is available for public inspection at the Development Services Department, Paradise Town Hall. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Paradise Planning Commission at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6291, extension 111.

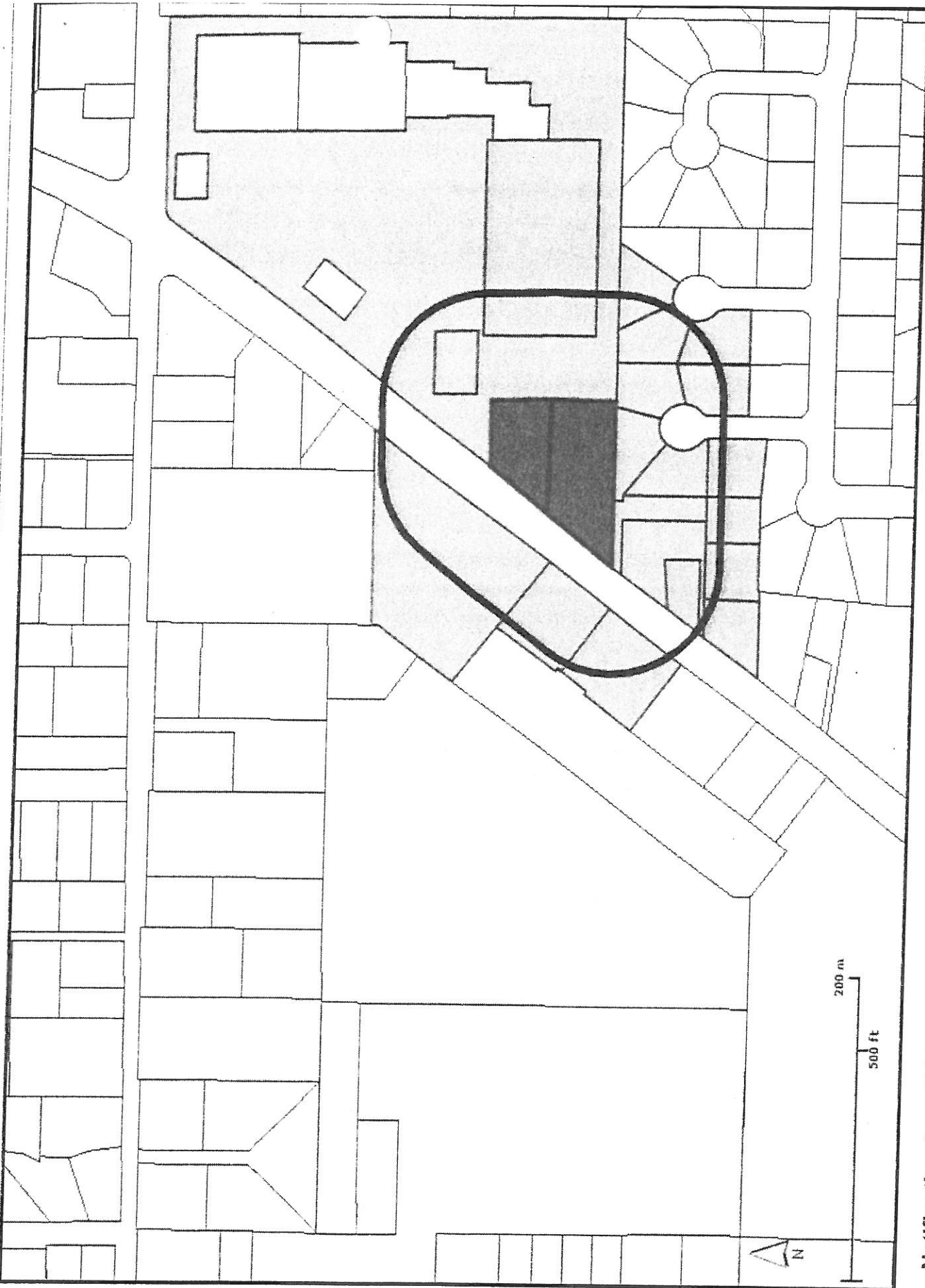
CRAIG BAKER
Community Development Director

DOLLAR GENERAL
PLANNING COMMISSION 10-15-13

apn	owner_1	owner_2	street_address	city_state_zip
050-190-061-000	MOUSER GEORGE CORBETT RE	MOUSER GEORGE CORE	6553 CLARK RD	PARADISE CA 95969
050-190-065-000	OCCUPANT		6585 CLARK RD #320	PARADISE CA 95969
050-190-065-000	OCCUPANT		6585 CLARK RD #200	PARADISE CA 95969
050-190-065-000	OCCUPANT		6585 CLARK RD #360	PARADISE CA 95969
050-190-065-000	OCCUPANT		6585 CLARK RD #400	PARADISE CA 95969
050-190-065-000	OCCUPANT		6585 CLARK RD #240	PARADISE CA 95969
050-190-065-000	OCCUPANT		6585 CLARK RD #120	PARADISE CA 95969
050-190-065-000	OCCUPANT		6585 CLARK RD #220	PARADISE CA 95969
050-190-065-000	BOLIN FAMILY LIMITED PARTNEI		7066 SKYWAY	PARADISE CA 95969
050-190-065-000	OCCUPANT		6585 CLARK RD #300	PARADISE CA 95969
050-190-065-000	OCCUPANT		6585 CLARK RD #100	PARADISE CA 95969
050-190-065-000	OCCUPANT		6585 CLARK RD	PARADISE CA 95969
050-190-065-000	OCCUPANT		6585 CLARK RD #420	PARADISE CA 95969
050-190-065-000	OCCUPANT		6585 CLARK RD #340	PARADISE CA 95969
050-190-076-000	OCCUPANT		6585 CLARK RD #440	PARADISE CA 95969
050-190-076-000	BOLIN FAMILY LIMITED PARTNEI		6569 CLARK RD	PARADISE CA 95969
050-200-025-000	CORGAN ALYSSA J		7066 SKYWAY	PARADISE CA 95969
050-200-025-000	OCCUPANT		PO BOX 2865	PARADISE CA 95967
050-200-026-000	LERoy JOHN H & TAMARA J		1420 JUNIPER LN	PARADISE CA 95969
050-200-103-000	CALDWELL FAMILY TRUST		1428 JUNIPER LN	PARADISE CA 95969
050-200-103-000	OCCUPANT	C/O CALDWELL DANA B T	6712 CHAPMAN LN	PARADISE CA 95969
050-200-105-000	MCLAUGHLIN BRUCE M & JUTTA		6562 CLARK RD	PARADISE CA 95969
050-200-106-000	HEEBINK JOHN D LIVING TRUST		6560 CLARK RD	PARADISE CA 95969
050-200-106-000	OCCUPANT	C/O HEEBINK JOHN D TR	200 CORDOVA ST	PARADISE CA 95969
050-200-119-000	COLLINS FAMILY LIVING TRUST		6568 CLARK RD	SAN FRANCISCO CA 94112
050-200-120-000	OGDEN GARY & DIANE LIVING TR		6281 MELENE CT	PARADISE CA 95969
050-200-122-000	OCCUPANT	C/O OGDEN GARY DEAN	6285 MELENE CT	PARADISE CA 95969
050-200-122-000	CLEESE FAMILY IRREVOCABLE		6288 MELENE CT	PARADISE CA 95969
050-200-123-000	ALLEN SAMUEL H JR & CAROLYN		55 BROOKWOOD DR	SUSANVILLE CA 96130
050-200-126-000	COHRONE FAMILY TRUST		6282 MELENE CT	PARADISE CA 95969
050-200-127-000	SERAFINE GERALD J & EDITH L		6279 MOUNTAIN MEADO	PARADISE CA 95969
050-200-128-000	JARDIN FAMILY TRUST		6287 MOUNTAIN MEADO	PARADISE CA 95969
050-200-152-000	ONSTEIN JASON		6292 MOUNTAIN MEADO	PARADISE CA 95969
050-200-152-000	OCCUPANT		504 CASTLE DR	PARADISE CA 95969
050-200-152-000	OCCUPANT		1421 JUNIPER LN	PARADISE CA 95969
050-200-152-000	OCCUPANT		1429 JUNIPER LN	PARADISE CA 95969

DOLLAR GENERAL
 PLANNING COMMISSION 10-15-13

050-200-153-000	RICE JEFFREY G & PATRICIA J		6291 MELENE CT	PARADISE CA 95969
050-400-005-000	OCCUPANT		6616 CLARK RD	PARADISE CA 95969
050-400-005-000	GALILEO PARADISE PLAZA LP	C/O EPROPERTY TAX	PO BOX 4900	SCOTTSDALE AZ 85261
050-400-005-000	OCCUPANT		6616 CLARK RD #G	PARADISE CA 95969
050-400-005-000	OCCUPANT		6616 CLARK RD #E	PARADISE CA 95969
050-400-005-000	OCCUPANT		6616 CLARK RD #D	PARADISE CA 95969
050-400-011-000	GALILEO PARADISE PLAZA LP	C/O EPROPERTY TAX	6616 CLARK RD #B	PARADISE CA 95969
050-400-011-000	OCCUPANT		PO BOX 4900	SCOTTSDALE AZ 85261
050-400-012-000	GALILEO PARADISE PLAZA LP	C/O EPROPERTY TAX	6600 CLARK RD	PARADISE CA 95969
050-400-013-000	AN HYUNG W & AHN SUK YOUNG		PO BOX 4900	SCOTTSDALE AZ 85261
050-400-013-000	OCCUPANT		5825 NIELSEN DR	PARADISE CA 95969
050-400-014-000	OCCUPANT		6580 CLARK RD	PARADISE CA 95969
050-400-014-000	AN HYUNG W & AHN SUK YOUNG		6574 CLARK RD	PARADISE CA 95969
			5825 NIELSEN DR	PARADISE CA 95969



- Project Location
- Buffered Parcels
- Notification Boundary

Notification Area (300 Feet)

DG Clark
APN 050-400-013-000
APN 050-400-014-000

TOWN OF PARADISE COMMUNITY DEVELOPMENT DEPARTMENT
5555 SKYWAY, PARADISE - (530)872-5291
TREE FELLING APPLICATION/PERMIT

AP NO. 050-040-013,014 | PERMIT NO. PL13-00261 | DATE: 9-3-13

PROPERTY ADDRESS: "Dollar General" 6574 Clark R. PAR, CA.

PROJECT DESCRIPTION (attach additional sheet(s) if necessary)

NUMBER OF TREES: _____ TYPE OF TREES: "SEE Attachment"
DIAMETER OR CIRCUMFERENCE OF TREES (at 54" above grade): _____

DATE FELLING SHALL START: _____

CONSTRUCTION PERMIT NO(S): _____ DATE ISSUED _____

PURPOSE OF REMOVAL: New construction.

TREE FELLING PERMIT HISTORY FOR PROPERTY: _____

OWNER INFORMATION:

NAME: Embree Asset Group "Bryan Barry 512-819-4786"
ADDRESS: STREET NUMBER/NAME: 4747 Williams Dr. TELEPHONE NUMBER: 858-354-0007
CITY/STATE/ZIP: Georgetown TEXAS 78633

CONTRACTOR INFORMATION:

NAME: Tam's Tree S.V.C. TELEPHONE NUMBER: 877-6055
ADDRESS: STREET NUMBER/NAME: P.O. Box 2495
CITY/STATE/ZIP: PAR.

PERMIT FEE \$

TREE REPLACEMENT FEE \$

RECEIPT NO.

PLOT PLAN (Show Streets, Structures and Tree(s) in space provided below.)

If this permit application is for five (5) or more qualifying trees, submit a separate plot map drawn to scale.

SEE Attachment

CONTRACTOR LICENSE LAW: I declare under penalty of perjury (check one):

- I am licensed under provisions of the Business and Professions Code and my license is in full force and effect. License No. 652813 Classification T-40
- The contracted service price is \$500.00 or less and the owner has provided written disclosure as per Business & Professions Code Section 7048.
- I, as the owner, or my employees with wages as their sole compensation will do the work.
- I, as the owner, am exclusively contracting with licensed contractors.
- I am licensed under provisions of Public Resources Code 4570 et seq. and my license is in full force and effect. License No. _____
- I, as the owner, am exclusively contracting with a licensed timber operator.

WORKER'S COMPENSATION INSURANCE: I declare under penalty of perjury (check one):

- I have placed on file with the Town of Paradise Community Development Department a certificate of worker's compensation or a certificate of consent to self insure.
- I shall not employ any person in any manner so as to become subject to the workers compensation laws of California.
- The contracted service price is \$500.00 valuation or less.

NOTICE TO APPLICANT: If after making this statement, should you become subject to the workers compensation provisions of the Labor Code, you must comply with such provisions or this permit shall be deemed revoked.

CERTIFICATION: I certify that I have read this application and state that the above information is correct. I agree to comply with all town ordinances and state laws relating to tree cutting, and hereby authorize representatives of the Town of Paradise to enter upon the above-mentioned property for inspection purposes. I also agree to save, indemnify and keep harmless the town and its agents against all liabilities, judgments, costs and expenses that may in any way accrue against said agency in consequence of the granting of this permit.

I understand that for each tree felled, one tree (fifteen gallon minimum size) shall be planted within twelve months thereafter or within one year of occupancy of new construction, whichever occurs first. Replacement trees must be of a species listed within PMC Section 8.12.120.

X _____ Tom Gomez Date: 9-3-13
Signature of Applicant - Owner _____ Contractor Agent _____ LTO _____

PERMIT DECISION:

- Approved
- Denied Reason denied: _____

By _____ (Town Manager or Designee) Date: _____

It is recommended that you contact the California Department of Forestry, Redding Office, (530) 225-2428 for regulations that may apply to tree felling. This permit expires 90 days beyond date of issue.

POST THIS PERMIT AT A POINT PROVIDING PRIMARY ACCESS TO THE SITE OF THE TREE FELLING PRIOR TO FELLING QUALIFYING TREES.

Randolph Vasquez
 1600 Feather River Blvd Suite B
 Oroville CA 95965
 (530)534-5229



September 6, 2013

TOWN OF PARADISE
 COMMUNITY DEVELOPMENT DEPT.

Town of Paradise
 555 Skyway
 Paradise CA 95969
 Attn: Craig Baker

Re: Tree report for ap#050-400-013&014 Dollar General Project.

Purpose for tree removal;

Clear area for parking lot, driveway access, storm water retention area, and building construction. The project will require the removal of 45 trees, 21 Ponderosa Pines(PP), 20 California Black Oaks(BO), 3 Non Native trees(2 acacias(AC), 1 Chinese Pastaio (CP)) and one Big Leaf Maple(Maple). The included table indicates tree diameter and circumference and reason for removal.

Tree #	Spc	DBH	Cir	Status	Tree #	Spc	DBH	Cir	Status
1	BO	18	56.5	RT	28	BO	24	75.4	FD
2	AC	8	25.1	RT	29	BO	12	37.7	FD
3	DEA	15	47.1	RT	30	BO	14	44.0	PL
4	JUN	18	56.5	RT	31	BO	6	18.8	PL
5	AC	18	56.5	SWB	32	BO	12	37.7	PL
6	JUN	19	59.7	PL	33	BO	10	31.4	PL
7	CP	14	44.0	PL	34	BO	12	37.7	PL
8	PP	16	50.3	PL	35	BO	18	56.5	RT
9	PP	16	50.3	PL	36	BO	14	44.0	EX
10	PP	14	44.0	RT	37	BO	6	18.8	FD
11	PP	22	69.1	RT	38	BO	8	25.1	FD
12	PP	7	22.0	RT	39	MAPLE	6	18.8	FD
13	PP	24	75.4	PL	40	BO	15	47.1	FD
14	PP	16	50.3	PL	41	BO	10	31.4	FD
15	PP	15	47.1	PL	42	PP	16	50.3	FD
16	PP	11	34.6	PL	43	PP	24	75.4	FD
17	PP	18	56.5	PL	44	BO	6	18.8	FD
18	PP	20	62.8	PL	45	BO	10	31.4	FD
19	PP	16	50.3	PL	46	BO	10	31.4	FD
20	PP	15	47.1	PL	47	BO	16	50.3	FD
21	PP	12	37.7	PL	48	BO	10	31.4	FD
22	PP	24	75.4	PL	49	BO	6	18.8	RT
23	PP	24	75.4	PL	50	BO	6	18.8	RT
24	PP	14	44.0	FD	51	PP	8	25.1	PL
25	PP	8	25.1	FD	52	PP	6	18.8	PL
26	PP	12	37.7	EX	53	PP	16	50.3	PL
27	BO	14	44.0	FD	54	PP	12	37.7	PL

Randolph Vasquez
1600 Feather River Blvd Suite B
Oroville CA 95965
(530)534-5229

Status: RT; tree to be retained, PL; tree to be removed for parking lot area, FD; tree to be removed within foundation foot print, EX; tree to be removed for excavation of side slopes and septic system area, and SWB; tree to be removed for Storm water retention pond.

Nine trees are to be retained include 4 Black Oaks, 2 Ponderosa Pines and 3 Non Native Trees including 1 acacia tree, 1 diadora tree, and 1 Juniper.

Thank you.

Sincerely,



Randolph Vasquez
RPF 1884



W.C. 1248

Tom's Tree Service

P. O. Box 2495
Paradise, CA 95967-2495
Tel: (530) 877-6055
Fax: (530) 877-7773
Cell: (530) 520-TREE



Contractor's License
Number 652813

TREE PROTECTION & SPECIFIC TREATMENTS

TREE PROTECTION REPORT FOR: Bryan Barry Dollar General
REPORT PREPARED BY Tom Gomez, Certified Arborist

Species

- GP = Grey Pine
- SP = Sugar Pine
- PP = Ponderosa Pine
- IC = Incense Cedar
- CL = Canyon Liveoak
- BO = California Black Oak
- DF = Douglas Fir
- BLM = Big Leaf Maple

Treatments

- 1 = Root Pruning
- 2 = Clean dead limbs out to 1"
- 3 = Remove Gall Rust
- 4 = Cable crown for stability

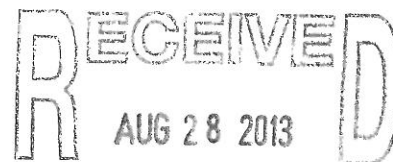
#	Species	Circumference	Treatment
A			
B			
C			
D			
E			
F			
G			
H			
I			

#	Species	Circumference	Treatment
J			
K			
L			
M			
N			
O			
P			
Q			
R			
S			
T			

Protection & Treatments for all remaining trees
Applies for all remaining trees on this project
TOM GOMEZ
8-28-13

In addition to the specific treatments listed above, the following practices will be included.

- All work to be done under I.S.A. standards.
- Dead wood will be removed down to 1 inch.
- All parasites to be removed.
- All cabling to be done as directed by a Certified Arborist.
- Pine bark spraying to be done as directed by a Certified Arborist.
- Root zones of preserved trees will have 6 inches of wood chips.
- Protective fencing to be installed by contractor prior to any excavation.
- Fertilize with calcium nitrate after tree work is finished.
- Watering to be done by contractor as directed by Certified Arborist.
- No grade changes and trenching in drip line of 24 without direction of the Certified Arborist.



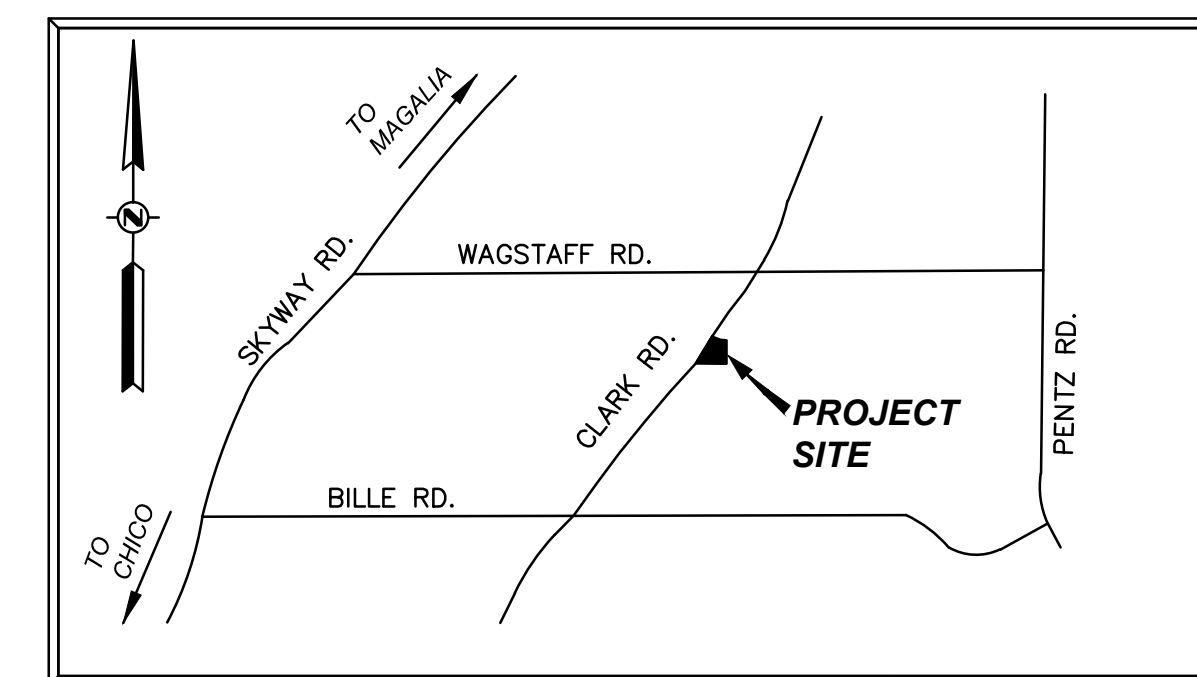
TOWN OF PARADISE
COMMUNITY DEVELOPMENT DEPT

NOTES:

1. THE TITLE REPORT USED FOR THIS ALTA WAS FURNISHED BY FIDELITY NATIONAL TITLE COMPANY AND IS NUMBERED 12-415932-KD AND DATED NOVEMBER 23, 2012.
2. THE ACREAGE OF THE LOT SHOWN HEREON IS 63,343 SQ FT, 1.454 ACRES NET.
3. THE FEMA FLOOD ZONE DESIGNATION FOR THIS PARCEL IS ZONE X PER PANEL 06007C0400E. THIS PARCEL IS NOT IN A FLOOD ZONE.
4. THE SOURCE OF THE VERTICAL AND HORIZONTAL TOPOGRAPHY SHOWN HEREON IS BASED ON A FIELD GROUND SURVEY.
5. THE ZONING CLASSIFICATION FOR THIS PARCEL IS CC (COMMUNITY COMMERCIAL).
6. THERE IS NO EVIDENCE OF CURRENT GRADING OR BUILDING CONSTRUCTION ON THIS PARCEL.
7. THERE ARE NO ANTICIPATED RIGHT OF WAY CHANGES FOR THIS PARCEL.
8. THERE IS NO EVIDENCE OF SITE USE AS A SOLID WASTE DUMP OR LANDFILL.
9. THERE ARE NO WETLANDS ON THIS PARCEL.

ALTA - LAND TITLE SURVEY

PORTION OF NE 1/4 OF SW 1/4 SEC 12, T. 22 N., R. 3 E., M.D.B. & M.
 APN: 050-400-013 AND 050-400-014
 TOWN OF PARADISE, COUNTY OF BUTTE, STATE OF CALIFORNIA
 MAY, 2013 SCALE: 1"=20'



VICINITY MAP
NOT TO SCALE

SURVEY DESCRIPTION:

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN TOWN OF PARADISE, COUNTY OF BUTTE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

TRACT ONE:

PARCEL ONE:

BEING PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 22 NORTH, RANGE 3 EAST, M.D.B. & M., AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 12; THENCE SOUTH 0° 04' 30" EAST (S 00° 04' 17" W - MEASURED) ALONG THE EAST LINE OF THE SAID SOUTHWEST QUARTER, 1021.02 FEET; THENCE LEAVING SAID EAST LINE, SOUTH 89° 28' 30" WEST (S 89° 44' 10" W - MEASURED) AND PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 623.34 FEET TO THE TRUE POINT OF BEGINNING FOR THE PARCEL OF LAND DESCRIBED HEREIN; THENCE FROM SAID TRUE POINT OF BEGINNING, CONTINUE SOUTH 89° 28' 30" WEST (S 89° 44' 10" W - MEASURED) AND PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 217.08 FEET; THENCE NORTH 0° 04' 30" WEST (N 00° 04' 17" E - MEASURED) PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 12, A DISTANCE OF 125.00 FEET; THENCE SOUTH 89° 06' 30" WEST (S 89° 44' 10" W - MEASURED) AND PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 301.43 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF CLARK ROAD; THENCE NORTH 36° 41' EAST ALONG SAID ROAD CENTERLINE FOR 160.00 FEET; THENCE NORTH 89° 28' 30" EAST (N 89° 44' 10" E - MEASURED), 422.73 FEET; THENCE SOUTH 00° 04' 30" EAST (S 00° 04' 17" W - MEASURED), 252.36 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THAT PORTION THEREOF CONVEYED TO THE COUNTY OF BUTTE, RECORDED MARCH 30, 1979 IN BOOK 2384 OF OFFICIAL RECORDS AT PAGE 531. ALSO EXCEPTING THEREFROM ALL THAT PORTION THEREOF CONTAINED IN GRANT DEED TO ALBERT B. GLUCKMAN RECORDED AUGUST 13, 1991, UNDER BUTTE COUNTY RECORDER'S SERIAL NO. 91-33148 AND MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEING A PORTION OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 22 NORTH, RANGE 3 EAST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 4, AS SHOWN ON THAT CERTAIN MAP ENTITLED, "PARADISE PLAZA SUBDIVISION", WHICH MAP WAS RECORDED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF BUTTE, STATE OF CALIFORNIA, ON DECEMBER 19, 1978, IN BOOK 66 OF MAPS, AT PAGE(S) 59 AND 60; THENCE SOUTH 89° 44' 10" WEST, 49.74 FEET TO THE WESTERLY LINE OF THE LOT 4 AS SHOWN ON SAID MAP AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89° 44' 10" WEST, 70.26 FEET; THENCE NORTH 00° 15' 50" WEST, 207.40 FEET TO THE NORTHERLY LINE OF THAT CERTAIN PARCEL DESCRIBED IN BOOK 1480, PAGE 532, OFFICIAL RECORDS; THENCE SOUTH 89° 44' 10" WEST, 145.60 FEET; THENCE SOUTH 00° 04' 17" WEST, 252.40 FEET TO THE SOUTHWESTERLY CORNER OF THE LAST SAID PARCEL; THENCE NORTH 89° 44' 10" EAST, 217.08 FEET ALONG THE SOUTHERLY LINE OF SAID PARCEL TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 00° 04' 17" EAST, 45.00 FEET TO THE POINT OF BEGINNING.

PURSUANT TO A BOUNDARY LINE MODIFICATION APPROVED BY THE TOWN OF PARADISE ON APRIL 23, 1991.

PARCEL TWO:

A NON-EXCLUSIVE EASEMENT TO BE USED IN COMMON WITH OTHERS FOR ROAD PURPOSES AND PUBLIC UTILITY PURPOSES OVER A STRIP OF LAND 60.00 FEET IN WIDTH LYING NORTHERLY FROM AND CONTIGUOUS TO THE NORTH LINE OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

BEING A PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 22 NORTH, RANGE 3 EAST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 12; THENCE SOUTH 0° 04' 30" EAST (S 00° 04' 17" W - MEASURED) ALONG THE EAST LINE OF THE SAID SOUTHWEST QUARTER, 1021.02 FEET; THENCE LEAVING SAID EAST LINE, SOUTH 89° 28' 30" WEST (S 89° 44' 10" W - MEASURED) AND PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 623.34 FEET TO THE TRUE POINT OF BEGINNING FOR THE PARCEL OF LAND DESCRIBED HEREIN; THENCE FROM SAID TRUE POINT OF BEGINNING, CONTINUE SOUTH 89° 28' 30" WEST (S 89° 44' 10" W - MEASURED) AND PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 217.08 FEET; THENCE NORTH 0° 04' 30" WEST (N 00° 04' 17" E - MEASURED) AND PARALLEL TO THE EAST LINE OF SAID SOUTHWEST QUARTER OF SECTION 12, A DISTANCE OF 125.00 FEET; THENCE SOUTH 89° 06' 30" WEST (S 89° 44' 10" W - MEASURED) AND PARALLEL TO THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 301.43 FEET, MORE OR LESS, TO A POINT IN THE CENTERLINE OF CLARK ROAD; THENCE NORTH 36° 41' EAST ALONG SAID ROAD CENTERLINE, FOR 160.00 FEET; THENCE NORTH 89° 28' 30" EAST (N 89° 44' 10" E - MEASURED), 422.73 FEET; THENCE SOUTH 00° 04' 30" EAST (S 00° 04' 17" W - MEASURED), 252.36 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE WESTERLY 20.00 FEET LYING WITHIN BOUNDARY OF SAID CLARK ROAD.

PARCEL THREE:

AN EASEMENT FOR LEACH FIELD PURPOSES INCLUDING BUT NOT LIMITED TO THE INSTALLATION, REPAIR, MAINTENANCE AND REPLACEMENT OF LEACH LINES AND APPURTENANCES IN, OVER, ACROSS AND UNDER THE WESTERLY 138.56 FEET OF THE PARCEL DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 4 AS SAID IS SHOWN ON THAT CERTAIN MAP FILED FOR RECORD IN MAP BOOK 66 AT PAGES 59 AND 60 IN THE RECORDS OF SAID COUNTY AND STATE, THENCE SOUTH 89° 44' 10" WEST, 49.74 FEET TO THE WESTERLY LINE OF LOT 4, AS SHOWN ON SAID MAP AND THE TRUE POINT OF BEGINNING; THENCE CONTINUING SOUTH 89° 44' 10" WEST, 70.26 FEET; THENCE NORTH 00° 15' 50" WEST, 207.40 FEET TO THE NORTHERLY LINE OF THAT CERTAIN PARCEL DESCRIBED IN OFFICIAL RECORD BOOK 1480 AT PAGE 532 IN THE RECORDS OF SAID COUNTY, THENCE SOUTH 89° 44' 10" WEST, 145.60 FEET; THENCE SOUTH 00° 04' 17" WEST, 252.40 FEET TO THE SOUTHWESTERLY CORNER OF LAST SAID PARCEL; THENCE NORTH 89° 44' 10" EAST, 217.08 FEET ALONG THE SOUTHERLY LINE OF SAID PARCEL TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 00° 04' 17" EAST, 45.00 FEET TO THE POINT OF BEGINNING.

APN: 050-400-013-000

TRACT TWO:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 22 NORTH, RANGE 3 EAST, M.D.B. & M.; THENCE SOUTH ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER, 840.42 FEET TO A POINT; THENCE WEST AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER, 840.42 FEET TO A POINT, WHICH IS THE TRUE POINT OF BEGINNING OF THE LAND HEREBY DESCRIBED; THENCE CONTINUING WEST AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER, 378.78 FEET TO THE EASTERLY LINE OF THE PARADISE-MAGALIA PUBLIC ROAD; THENCE NORTH 37° 30' EAST ALONG THE EASTERLY LINE OF SAID ROAD, 157.56 FEET; THENCE EAST AND PARALLEL WITH THE NORTH LINE OF SAID SOUTHWEST QUARTER 283.88 FEET; THENCE SOUTH AND PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER, 125 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THAT PORTION THEREOF CONVEYED TO THE COUNTY OF BUTTE, RECORDED OCTOBER 26, 1978, IN BOOK 2338 OF OFFICIAL RECORDS AT PAGE 101.

APN: 050-400-014-000

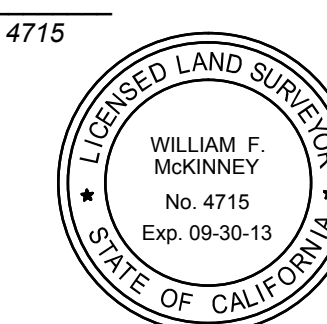
SURVEYOR'S STATEMENT:

TO: EMBREE ASSET GROUP, INC., DG-SACRAMENTO, CA-1, LLC AND FIDELITY NATIONAL TITLE INSURANCE COMPANY;

THIS IS TO CERTIFY THAT THIS MAP OF PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 3 - 6(a), 8, 11a, 14 & 16 - 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON DECEMBER 19, 2012.

WILLIAM F. MCKINNEY, PLS 4715
EXPIRES SEP 30, 2013

DATE



RFE ENGINEERING, INC.
 Civil Engineers - Planners - Surveyors
 2260 Douglas Blvd, Suite 160, Roseville, CA 95661
 Ph: 916-772-7800 Fax: 916-772-7804
 www.RFEngineering.com

LEGEND:

- DIMENSION POINT - NOTHING FOUND OR SET
- CENTERLINE
- BOUNDARY
- PARCEL LINES
- LOT LINES
- BUILDING SETBACKS
- FENCE
- OVERHEAD UTILITY LINES
- UNDERGROUND UTILITY LINES
- FIRE HYDRANT
- WATER VALVE
- POWER POLE
- SIGN
- TREE
- INDEX CONTOUR
- INTERMEDIATE CONTOURS
- SURVEY CONTROL POINT
- RECORD INFORMATION PER 66 MAPS 59 & 60
- MONUMENT FOUND AS SHOWN

TITLE REPORT EXCEPTIONS:

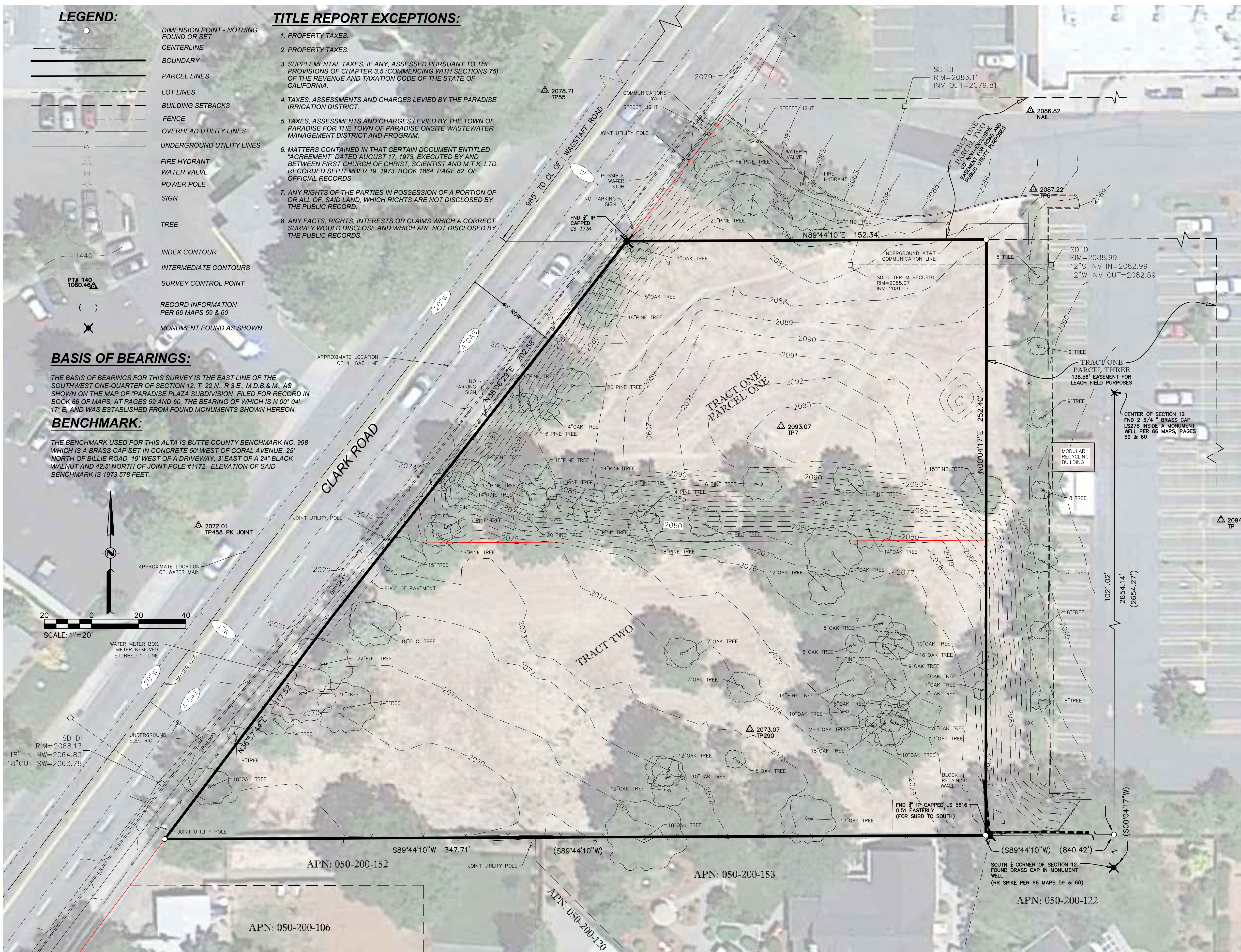
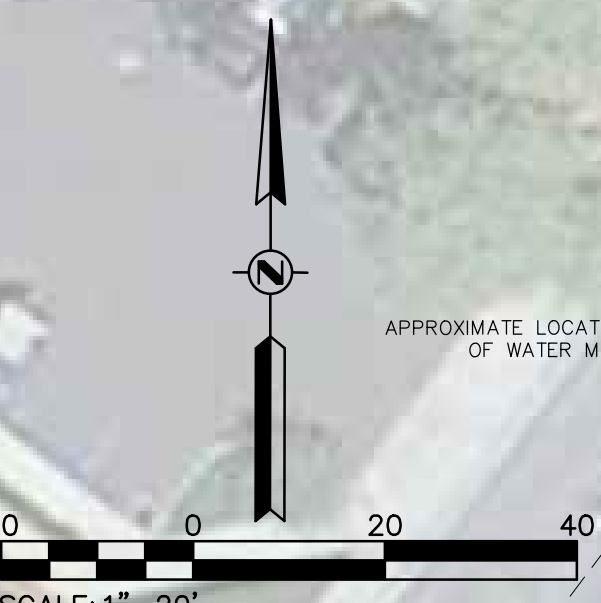
1. PROPERTY TAXES.
2. PROPERTY TAXES.
3. SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO THE PROVISIONS OF CHAPTER 3.5 (COMMENCING WITH SECTIONS 75) OF THE REVENUE AND TAXATION CODE OF THE STATE OF CALIFORNIA.
4. TAXES, ASSESSMENTS AND CHARGES LEVIED BY THE PARADISE IRRIGATION DISTRICT.
5. TAXES, ASSESSMENTS AND CHARGES LEVIED BY THE TOWN OF PARADISE FOR THE TOWN OF PARADISE ONSITE WASTEWATER MANAGEMENT DISTRICT AND PROGRAM.
6. MATTERS CONTAINED IN THAT CERTAIN DOCUMENT ENTITLED "AGREEMENT" DATED AUGUST 17, 1973, EXECUTED BY AND BETWEEN FIRST CHURCH OF CHRIST, SCIENTIST AND M.T.K. LTD, RECORDED SEPTEMBER 19, 1973, BOOK 1864, PAGE 82, OF OFFICIAL RECORDS.
7. ANY RIGHTS OF THE PARTIES IN POSSESSION OF A PORTION OF OR ALL OF SAID LAND, WHICH RIGHTS ARE NOT DISCLOSED BY THE PUBLIC RECORD.
8. ANY FACTS, RIGHTS, INTERESTS OR CLAIMS WHICH A CORRECT SURVEY WOULD DISCLOSE AND WHICH ARE NOT DISCLOSED BY THE PUBLIC RECORDS.

BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE EAST LINE OF THE SOUTHWEST ONE-QUARTER OF SECTION 12, T. 22 N., R. 3 E., M.D.B. & M., AS SHOWN ON THE MAP OF "PARADISE PLAZA SUBDIVISION" FILED FOR RECORD IN BOOK 66 OF MAPS, AT PAGES 59 AND 60, THE BEARING OF WHICH IS N 00° 04' 17" E, AND WAS ESTABLISHED FROM FOUND MONUMENTS SHOWN HEREON.

BENCHMARK:

THE BENCHMARK USED FOR THIS ALTA IS BUTTE COUNTY BENCHMARK NO. 998 WHICH IS A BRASS CAP SET IN CONCRETE 50' WEST OF CORAL AVENUE, 25' NORTH OF BILLIE ROAD, 15' WEST OF A DRIVEWAY, 3' EAST OF A 24" BLACK WALNUT AND 42.5' NORTH OF JOINT POLE #1172. ELEVATION OF SAID BENCHMARK IS 1973.576 FEET.

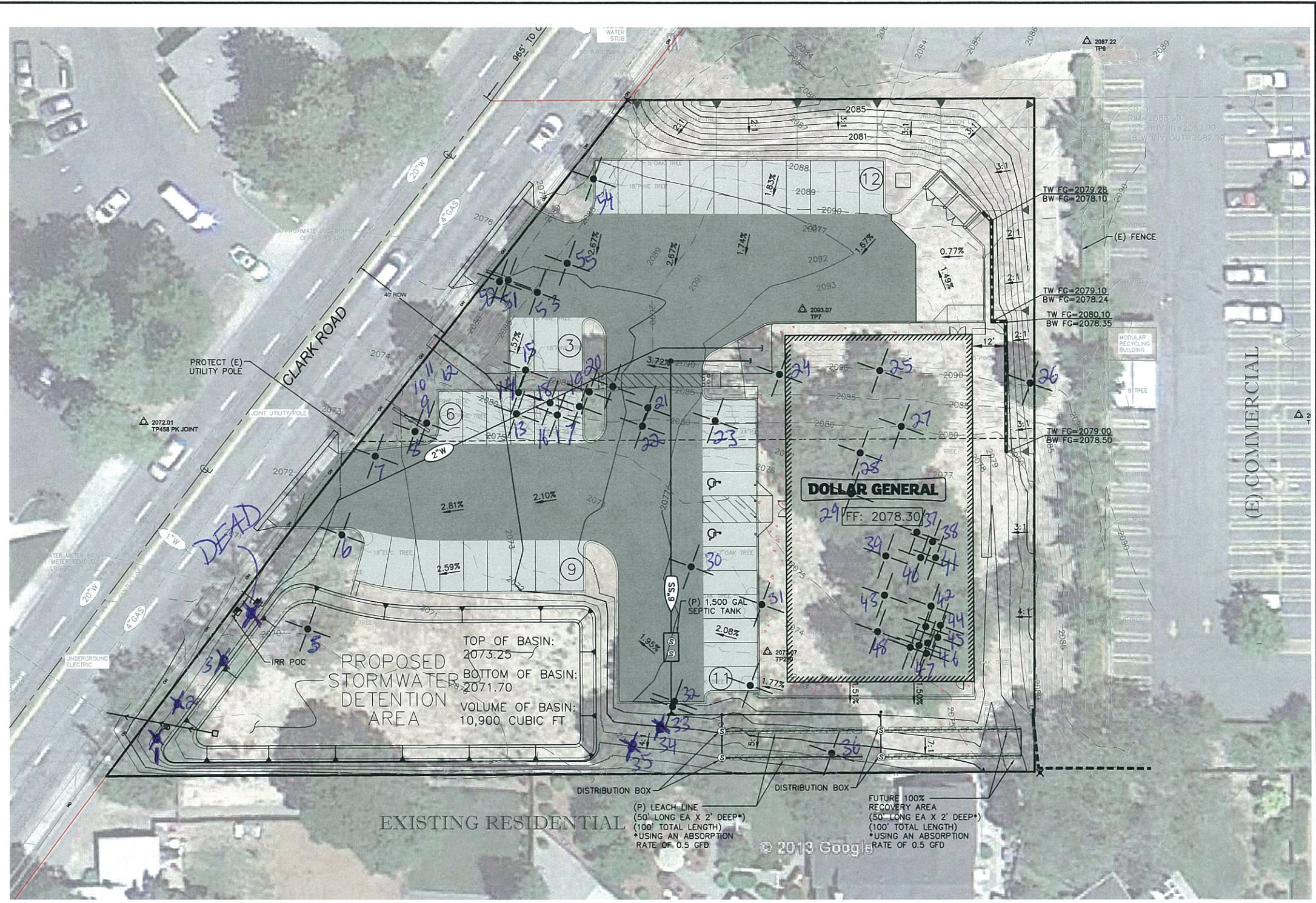


\2012 Projects\21282 DG Paradise Clark Working CAD\PRELIMINARY\2013-06-09 - C2 -DG Clark Paradise - Preliminary Grading and Utility Plan.dwg Aug 02, 2013-01:55 pm

DESCRIPTION	EXISTING	PROPOSED
PROPERTY LINE	---	---
ROW	---	---
LOT LINE	---	---
EASEMENT	---	---
CENTERLINE	---	---
SW, CURB & GUTTER	---	---
DITCH	---	---
EP	---	---
STORM DRAIN	XX"SD	XX"SD
SANITARY SEWER	XX"SS	XX"SS
WATER	XX"W	XX"W
DOMESTIC WATER	XX"DW	XX"DW
FIRE SERVICE	XX"FS	XX"FS
GAS LINE	XX"G	XX"G
TELEPHONE MH	---	---
SDMH	---	---
DROP INLET	---	---
DIRECTION OF SURFACE FLOW	---	---
SSMH	---	---
SSCO	---	---
FIRE HYDRANT	---	---
PIV	---	---
FDC	---	---
WATER VALVE	---	---
WATER METER	---	---
CONCENTRIC REDUCER	---	---
REDUCED PRINCIPAL PRESSURE ASSEMBLY	---	---
REDUCED PRESSURE BACKFLOW PREVENTOR	---	---
AIR RELEASE VALVE	---	---
BLOW OFF ASSEMBLY	---	---
MONUMENT WELL	---	---
UTILITY POLE	---	---
STREET LIGHT	---	---
FENCE	---	---
RETAINING WALL	---	---
INDEX CONTOUR	---	---
INTERMEDIATE CONTOURS	---	---
HEDGE	---	---
JUNCTION/PULL BOX	---	---
SIGN	---	---
CULVERT WITH FES	---	---
GRADE BREAK LINE	---	---
TREE & DRIP	---	REMOVAL
PIPE CAP	---	---
HANDICAP RAMP	---	---
CONTROL POINT	100 PK	100.00 PK
FINISH FLOOR ELEVATION	FF=123.00	FF=123.00
SPOT ELEVATION (ASPHALT CONCRETE)	X 157.01 AC	13.34 AC
MATCH (E) GRADE ELEVATION	---	13.61 AC MATCH (E)
TRUNCATED DOMES	---	---
BUILDING	---	---

ABBREVIATIONS

AB	AGGREGATE BASE	FL	FLOW LINE	RCP	REINFORCED CONCRETE PIPE
AC	ASPHALT CONCRETE	FG	FINISH PAVEMENT	ROW	RIGHT-OF-WAY
ARV	AIR RELEASE VALVE	FS	FIRE SPRINKLER	RT	RIGHT TURN
BC	BEGIN CURVE	GB	GRADE BREAK	RPPA	REDUCED PRINCIPAL PRESSURE ASSEMBLY
BCR	BEGIN CURB RETURN	GR	GRATE	SDMH	STORM DRAIN MANHOLE
BOW	BACK-OF-WALK	GV	GATE VALVE	SD	STORM DRAIN
CH	CHORD	GWV	GROSS VEHICLE WEIGHT	SS	SANITARY SEWER
CL	CENTERLINE	HC	HANDICAP	SSCO	SANITARY SEWER CLEAN OUT
CMP	CORRUGATED METAL PIPE	HP	HIGH POINT	SSMH	SANITARY SEWER MANHOLE
DI	DROP INLET	IRR	IRRIGATION	SWCT	SAWCUT
DIP	DUCTILE IRON PIPE	INV	INVERT	SW	SIDEWALK
DS	DOWN SPOUT	LT	LEFT TURN	STA	STATION
(E)	EXISTING	OMP	OPEN METAL PIPE	TC	TOP OF CURB
EC	END CURVE	(P)	PROPOSED	TP	TOP OF PAVEMENT
ECR	END CURB RETURN	PCC	PORTLAND CEMENT CONCRETE	TS	TOP OF SIDEWALK
EP	EDGE OF PAVEMENT	PG	PROFILE GRADE	TG	TOP OF GRATE
FDC	FIRE DEPARTMENT CONNECTION	PIV	POST INDICATOR VALVE	W	WATER
FF	FINISH FLOOR	POC	POINT OF CONNECTION	WV	WATER VALVE
FG	FINISHED GROUND	PL	PROPERTY LINE	WM	WATER METER
FH	FIRE HYDRANT	PUE	PUBLIC UTILITY EASEMENT	WWF	WELDED WIRE FABRIC



QUALIFYING TREES TO BE REMOVED

TREE TYPE	TREE DIAMETER (INCH)	NUMBER OF TREES
EUCALYPTUS	18	1
PINE	11	2
PINE	12	1
PINE	14	3
PINE	15	2
PINE	16	4
PINE	17	1
PINE	18	4
PINE	20	2
PINE	24	1
OAK	10	4
OAK	12	2
OAK	13	1
OAK	14	2
OAK	16	2
OAK	18	1
OAK	27	1
SILK	15	1
TOTAL QUALIFYING TREES:		35

SITE PLAN INFORMATION:

SETBACKS:
 FRONT: 50' FROM STREET CENTERLINE
 SIDE: 0'
 REAR: 0'

REQUIRED PARKING:
 1 SPACE / 250 SF GFA = 37 REQUIRED PARKING SPACES
 PARKING SPACES PROVIDED = 41

REQUIRED PARKING DIMENSIONS:
 STANDARD STALLS: 9'x18'
 COMPACT STALLS: 8'x15', UP TO 33% CAN BE COMPACT

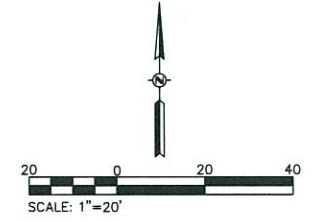
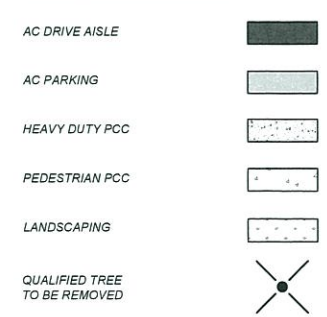
JURISDICTION:
 TOWN OF PARADISE

ZONING:
 CC - COMMUNITY COMMERCIAL

AREA OF PARCEL
 1.454 ACRES

PROPOSED CONTOUR INTERVALS
 MAJOR: 5 FT
 MINOR: 1 FT

PAVING LEGEND:



APPROVED	DATE	REVISION	CHECK NO.	BY	DATE
DESIGN	JTS	RFE	QUANT.		
DRAWN	JTS	RFE	0		
			2		
ORIGINAL SCALE IS IN INCHES					

DOLLAR GENERAL
 STORE NO. 6574
 6574 CLARK ROAD
 PARADISE, CA 95969

PRELIMINARY GRADING AND UTILITY PLAN

EMEREE ASSET GROUP
 4747 MILLANUS DRIVE
 GEORGETOWN, TEXAS 78633
 DAVID CHURCH
 PH: (858) 354-0007
 BRYAN BARRY
 PH: (512) 819-4786

RFE ENGINEERING, INC.
 Civil Engineers - Planners - Surveyors
 2280 Douglas Blvd. Suite 100, Roseville, CA 95661
 PH: (916) 781-1904
 www.RFEEngineering.com

Drawing of Sheet C2 of Total 2
 08-02-2013

M E M O R A N D U M

AGENDA NO. 5(b)

TO: Paradise Planning Commission

FROM: Craig Baker, Community Development Director

SUBJECT: Public Hearing - Consider Adoption of a Resolution Recommending Town Council Adoption of Paradise Municipal Code Zoning Regulations Text Amendments Related to the Definitions of “Major Utility Service” and Minor Utility Service”

DATE: October 9, 2013

BACKGROUND:

In order to help attract and promote commercial and residential development, Town staff has initiated proposed Paradise Municipal Code (PMC) zoning ordinance minor text amendments for Planning Commission consideration and possible Town Council adoption. The proposed text amendments are proposed by staff for the Town’s Zoning Ordinance section pertaining to definitions (PMC section 17.04.500). The intent of the proposed amendments is to create the ability for the Town to authorize the establishment of privately owned and operated clustered wastewater treatment plants and other utilities as primary land uses on independent parcels in order to assist in the establishment of new commercial and residential land uses within the Town of Paradise.

Paradise Municipal Code section 17.45.500 (*Procedures for zoning district(s) or zoning text amendments*) provides for the Planning Director to initiate the process of zoning code text amendments whenever the public necessity, convenience or general welfare are sufficiently served as to warrant Planning Commission and Town Council consideration of such amendments. It has often been the practice of Town staff, based upon cumulative experiences in project development, to seek the adoption of PMC text amendments when it is felt that the amendments would be mutually beneficial to the citizenry of the Town and the development community.

Staff-initiated zoning code amendments have often been aimed at promoting economic development. For example, in 1999 and 2012, Town staff developed and carried forward amendments to the Town’s parking regulations that were adopted and were designed to assist in economic revitalization for commercial areas of the community.

DISCUSSION

Upon reviewing the Town's zoning code definitions, it recently came to staff's attention that the definition of "major utility service" (which, by definition, includes wastewater treatment plants) and "minor utility service" only provides for the establishment of *publicly-owned and operated* utility service facilities, including wastewater treatment plants. This circumstance would preclude the development of a privately-owned and operated wastewater treatment facility (or any other utility service, as currently defined) as a primary or sole land use on a property that is separate from the property on which the land use served by the facility is located. If adopted, this text amendment would amend the current definition of major and minor utility service to include privately-owned and operated utility facilities.

Major utility services (as currently defined and publicly owned) are potentially permitted in all Town zoning districts, subject to Town approval and issuance of either a site plan review permit or a use permit. Currently lacking a proper definition, privately owned utility services are not permitted as a primary land use in any zone. Since the Town of Paradise may not choose or be in a position to own and operate a wastewater treatment facility that serves private interests, Town staff believes that it would be prudent to provide an avenue through local zoning regulations that permits and promotes the establishment of such facilities that are privately owned and operated.

One example of the potential benefits of the proposed text amendments would be increased flexibility in developing wastewater solutions that may involve the conveyance of wastewater from one property to another, when the second property is only proposed to be improved with a privately-owned and operated wastewater facility. If adopted as proposed, the amendments may also slightly increase the inventory of properties that may be suitable for certain commercial projects (large and small). The proposed amendments would also promote further implementation of the 1994 Paradise General Plan, particularly several General Plan policies relating to economic development.

Town staff has determined, and the Town Attorney has concurred, that the proposed text amendments are minor in nature and that there is no possibility that adoption and implementation of the amendments would result in a direct and significantly adverse effect upon the environment. Therefore, the proposed amendments can be found to be exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines section 15061 (General rule exemption).

Staff has developed the attached resolution document (and its attached exhibit "A") that, if adopted by the Planning Commission, would recommend Town Council adoption of several text

amendments to the Town's Zoning Ordinance definitions in order to accomplish the following objectives (deleted and added text is shown as ~~strikeout~~ and shaded, respectively):

1. Amend the definition of major utility service thus: *"Major utility service" means generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities of public agencies or public or private utility firms/entities having potentially significant impact on surrounding uses.*
2. Amend the definition of minor utility service thus: *"Minor utility service" means a facility or service installation of a public utility, municipality or, special public district or private utility entity that is necessary to provide utility service to uses in the general vicinity and requiring only minor structures such as lines, poles, transformers, control boxes and similar features.*

COMMISSION ACTION REQUESTED:

Please be prepared to discuss and decide whether or not the Planning Commission should adopt a motion to forward a recommendation to the Town Council, via adoption of Planning Commission Resolution No. 13-05, to adopt a town ordinance amending the text of current PMC Zoning Ordinance (definitions) regulations. If deemed necessary by a majority consensus of Planning Commissioners present, staff will be prepared to make further changes or additions to the text of the attached and proposed resolution prior to Planning Commission adoption.

Attachments

LIST OF ATTACHMENTS FOR THE PROPOSED ZONING ORDINANCE TEXT AMENDMENT

1. Copy of the notice of public hearing for the proposed text amendment
2. Copy of 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"

**NOTICE OF PUBLIC HEARING
PARADISE PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN by the Paradise Planning Commission that a public hearing will be held on Tuesday, October 15, 2013 at 6:00 p.m. in the Town Hall Conference Room, 5555 Skyway, Paradise, CA, regarding the following matters:

Items determined to be exempt from environmental review:

- a. 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.
- b. EMBREE ASSET GROUP TREE FELLING PERMIT APPLICATION (PL13-00261): 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.

The project file is available for public inspection at the Development Services Department, Paradise Town Hall. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Paradise Planning Commission at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6291, extension 111.

CRAIG BAKER
Community Development Director

**TOWN OF PARADISE
PLANNING COMMISSION**

**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**

WHEREAS, the Town of Paradise is legally required to direct and regulate land development and land uses via zoning regulations and other means that are consistent with its current Paradise General Plan as well as current state planning and zoning law; and

WHEREAS, the Town planning staff recommends that text regulations within Chapter 17.04 of the Paradise Municipal Code (PMC) warrant amendment in order to 1) provide for the potential for the establishment of privately owned and operated major and minor utility facilities, including wastewater treatment plants as primary land uses in all zoning districts, 2) provide existing and proposed commercial and residential land uses that must provide for wastewater disposal on a separate vacant property an opportunity to do so, 3) allow proposed and existing commercial and residential development that requires an off-site wastewater solution and 4) further implement policies regarding economic development contained within the 1994 Paradise General Plan; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on October 15, 2013 to study and consider recommending Town Council adoption of text amendments to PMC Chapter 17.04 as proposed by Town staff; and

WHEREAS, the public review also included review and determination of whether or not the proposed PMC text amendments is an activity that is subject to the provisions of the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission has considered the recommendation of the Town staff, etc., as well as input received during the public hearing; and on the basis of the foregoing, has determined that the text amendments to PMC Chapter 17.04 are warranted at this time in order to 1) attract and promote the establishment of new and the retention of existing commercial and residential land uses and provide such development with an increased range of options for off-site wastewater disposal and 4) further implement policies contained within the 1994 Paradise General Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE TOWN OF PARADISE as follows:

The Planning Commission hereby recommends to the Town Council of the Town of Paradise, adoption of the proposed text amendments to PMC Chapter 17.04 as set forth in

RESOLUTION NO. 13-05

“**Exhibit A**” attached hereto and made a part of by reference; and recommends to the Town Council that the proposed Paradise Municipal Code text amendments are not subject to the requirements of the California Environmental Quality Act (CEQA) in accordance with the general rule categorical exemption provisions of CEQA Guidelines section 15061.

PASSED AND ADOPTED by the Planning Commission of the Town of Paradise this 15th day of October, 2013 by the Following Vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jody Jones, Chair

ATTEST:

Joanna Gutierrez, Town Clerk

EXHIBIT "A"

SECTION 1. Section 17.04.500 of the Paradise Municipal Code shall be amended as follows:

Utility Service, Major. "Major utility service" means generating plants, electrical switching facilities and primary substations, refuse collection or disposal facilities, water and wastewater treatment plants and similar facilities of public agencies or public or private utility firms/entities having potentially significant impact on surrounding uses.

Utility Service, Minor. "Minor utility service" means a facility or service installation of a public utility, municipality or special public district or private utility entity that is necessary to provide utility service to uses in the general vicinity and requiring only minor structures such as lines, poles, transformers, control boxes and similar features.