



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:

Ray Groom, Chair
Anita Towslee, Vice Chair
James Clarkson, Commissioner
Stephanie Neumann, Commissioner
Martin Nichols, Commissioner

PLANNING COMMISSION AGENDA

6:00 PM – February 21, 2017

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, 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 December 20, 2016

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

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** - None.

6. OTHER BUSINESS

6a. Risley Tentative Parcel Map Extension (PL17-00005). Request for approval of an extension of time assigned to the conditionally approved Riley Tentative Parcel Map (PM-06-16) and Tree Felling Permit (PL10-00024); 5893 Kibler Rd, APN 053-180-162.

6b. Sonntag Vesting Tentative Subdivision Map Extension (PL17-00007). Request for approval of an extension of time assigned to the conditionally approved Sonntag Vesting Tentative Subdivision Map (SD-05-02); Vacant land - Merrill Road, APNs 050-260-014 & 015.

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

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

9. ADJOURNMENT

STATE OF CALIFORNIA)	SS.
COUNTY OF BUTTE)	
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:	
<hr/>	
TOWN/ASSISTANT TOWN CLERK SIGNATURE	



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P L A N N I N G C O M M I S S I O N M I N U T E S

December 20, 2016

6:00 PM

CALL TO ORDER by Chair Groom at 6:02 p.m. who led the Pledge of Allegiance to the Flag of the United States of America

COMMISSIONERS PRESENT: James Clarkson, Stephanie Neumann, Martin Nichols, Anita Towlsee and Ray Groom, Chair.

1. APPROVAL OF MINUTES

- 1a. **MOTION by Clarkson, seconded by Neumann,** approved the Regular Meeting Minutes of October 18, 2016. Roll call vote was unanimous.

2. COMMUNICATION

- 2a. Recent Council Actions – Community Development Director Craig Baker reported that two new Council Members were sworn in on December 13, 2016, Melissa Schuster and Mike Zuccolillo; that Scott Lotter is the new Mayor and Jody Jones is the Vice Mayor and that Ordinance 565 regarding tree removal was adopted by the Town Council.
- 2b. Staff Comments – None

3. PUBLIC COMMUNICATION - None

4. CONTINUED PUBLIC HEARING - None.

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6a. Consideration of a request to approve a time extension assigned to the conditionally approved Visinoni parcel map proposing to divide an existing 3.3 acre property located at 678 Buschmann Road into four parcels of record for residential use (PL16-00401); APN 052-360-007

Motion by Nichols, seconded by Towslee, approved, on behalf of the Town of Paradise, the granting of a six year time extension for assignment to the conditionally approved Visinoni Tentative Parcel Map (PL11-00156), thereby creating a new tentative parcel map expiration date of **January 17, 2023**. Roll call vote was unanimous.

7. COMMITTEE ACTIVITIES - None.

8. COMMISSION MEMBERS

8a. Identification of future agenda items (All Commissioners/Staff)

Community Development Director Baker discussed that with the legalization of recreational marijuana, the issue of dispensaries may becoming before the Planning Commission at a later date.

9. ADJOURNMENT

Chair Groom adjourned the meeting at 6:29 p.m.

Date approved:

By: _____
Ray Groom, Chair

Attest:

Dina Volenski, CMC, Town Clerk

M E M O R A N D U M

TO: Paradise Planning Commission Agenda No. 6 (a)

FROM: Craig Baker, Community Development Director

SUBJECT: Application for Approval of an Extension of Time Assigned to the Conditionally Approved Risley Parcel Map (PM-06-16); APN 053-180-162

DATE: February 15, 2017

BACKGROUND:

On **February 16, 2010**, the Planning Commission conducted a public hearing and conditionally approved the above-noted parcel map application authorizing the division of a ± 4.22 acre property located at 5893 Kibler Road into four separate parcels subject to 25 conditions of approval.

Town records indicate that the Town's conditional approval of this tentative parcel map and its authorization to be completed as a recorded final parcel map would have expired on **February 16, 2013**. However, in consideration of the poor economy, the California State Legislature automatically extended the life of all unexpired land division approvals in the state several times. As a result of these legislative actions, the expiration date for the Risley Tentative Parcel Map was extended to **February 16, 2017**. In anticipation of this circumstance, the project applicant, Mr. Niel Risley, submitted a formal request on January 10, 2017 for the Planning Commission to grant an additional six year period, expiring on **February 16, 2023** in order to accommodate fulfillment of the map conditions and recordation of the map as proposed. Pursuant to PMC Section 16.08.085, that action automatically extended the parcel map for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

The statutory provisions of PMC Chapter 16.08 (Subdivisions of Four or Fewer Parcels) empowers the Planning Commission to legally exercise discretion on behalf of the Town of Paradise to either approve or deny applications for a time extension for any tentative parcel map. PMC section 16.08.085 stipulates that the Planning Commission may extend an approved tentative parcel map up to an additional six years.

DISCUSSION:

The design of the original tentative parcel map application proposed to create four parcels; 2.56 acres, 0.52 acre, 0.50 acre and 0.63 acre, all compliant with the existing Rural Residential $\frac{1}{2}$ acre minimum zoning. An environmental document (Mitigated Negative Declaration) was prepared for the project pursuant to the California Environmental Quality Act (CEQA) containing a conclusion that the project would not result in any significant adverse environmental impacts.

Mr. Risley has indicated to staff that due to the economy downturn it has been difficult to fulfill all of the parcel map conditions before the February 16, 2017 deadline. A review of the project file documentation reveals that the owner has completed a number of the 25 conditions, incurred expenses exceeding \$39,000 pursuing fulfillment of the project conditions, including development of road and drainage improvement plans, dedication of right-of-way, and surveying costs. (Most recently, Mr. Risley has contracted the services of a professional archaeologist to conduct a required archaeological survey of the project site. The cost of this work is not reflected in the estimate of costs incurred fulfilling other conditions of approval.)

The statutory authority for the Planning Commission to approve an extension application is contained within Paradise Municipal Code (PMC) Section 16.08.085, which states that the commission must find evidence that a “good faith effort” has been made in satisfying the conditions of the approved tentative parcel map.

The circumstances outlined above compel staff to be supportive of Mr. Risley’s request for a six year extension and therefore staff recommends that the Planning Commission grant the a six year extension of time for assignment to this tentative parcel map in order to provide the applicant ample opportunity to successfully complete the remaining conditions of project approval and record a final map.

COMMISSION ACTION REQUESTED:

Adopt a **MOTION TO:**

1. Approve, on behalf of the Town of Paradise, the granting of a six year time extension for assignment to the conditionally approved Risley Tentative Parcel Map (PM-06-16), thereby creating a new tentative parcel map expiration date of **February 16, 2023**.

APPEAL PROCESS: In accordance with the provisions of PMC Section 16.08.070(B), in the event that the Planning Commission denies the time extension application the project applicant can appeal such decision to the Town Council.

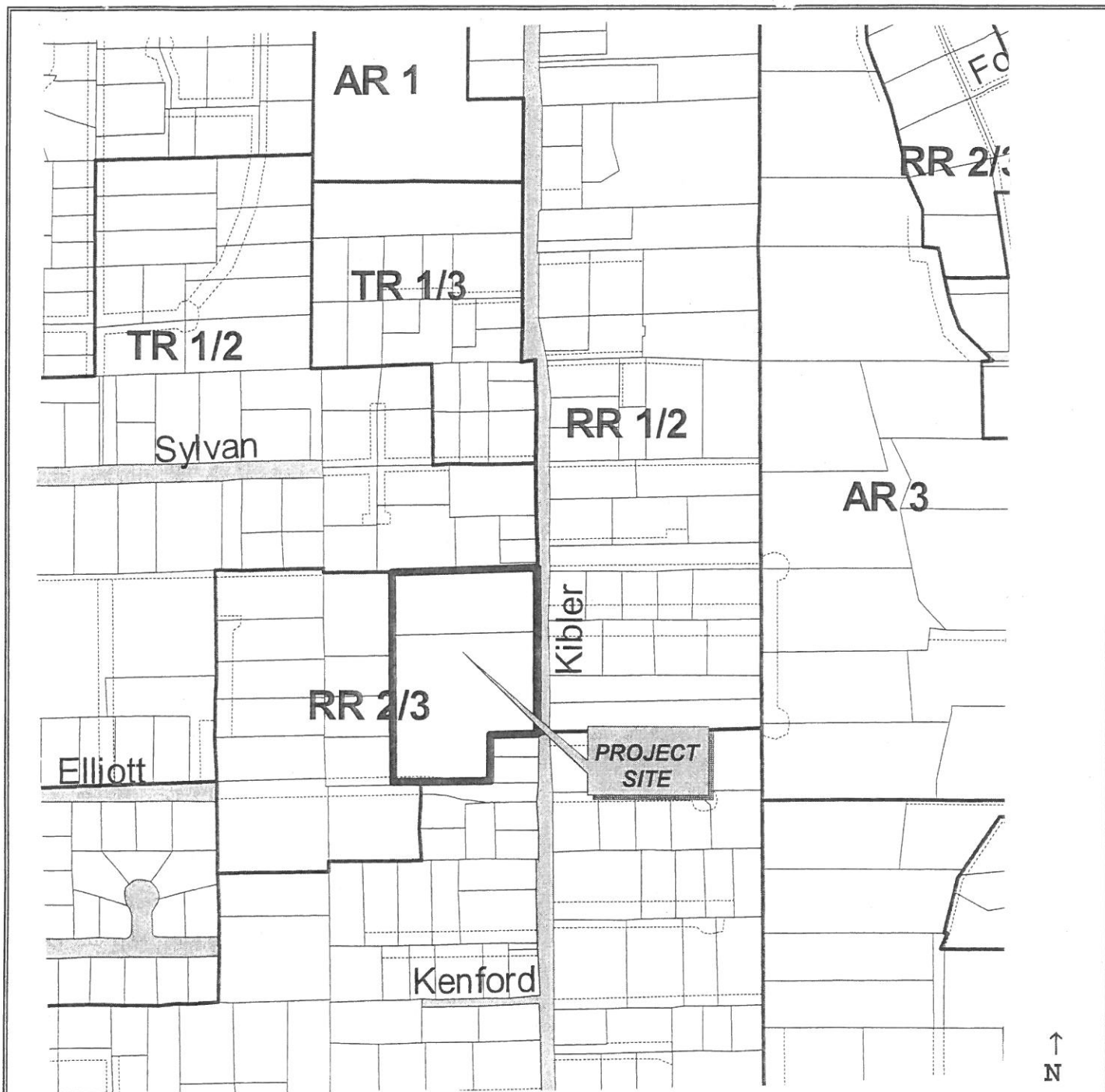
If a written appeal to the Town Council is not filed with the Town Clerk within ten calendar days of any denial decision, then the Planning Commission decision on behalf of the Town of Paradise becomes legally effective.

LIST OF ATTACHMENTS

FOR

RISLEY TENTATIVE PARCEL MAP TIME EXTENSION REQUEST

1. Project vicinity map.
2. Time extension request letter from Niel Risley, dated January 9, 2017, with attached list of expenses incurred pursuing development of the project.
3. Risley Parcel Map conditions of approval.
4. Risley Tentative Parcel Map.



APPLICANT: RISLEY		ADDRESS: 5893 KIBLER
PROJECT DESCRIPTION: <p>The project consists of a property rezone for a +/-6.11 acre land area consisting of three properties from Rural Residential-2/3 acre minimum (RR-2/3) to Rural Residential-1/2 acre minimum (RR-1/2) and approval of a parcel map to divide a +/-4.22 acre property included in the rezone into four parcels of record.</p>		
Zoning: RR 2/3	GENERAL PLAN: RR	FILE NO. PM-06-16, RZ-06-4
ASSESSOR PARCEL NO. 053-180-162, 164, 165		HEARING DATE:

January 9, 2017

Town of Paradise Planning Commission
C/o Craig Baker
5555 Skyway
Paradise, CA. 95969

RE: Risley Map APN 053-180-162

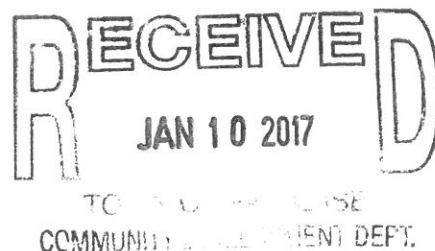
Dear Commissioners,

I would like to respectfully request an extension on my parcel map (APN 053-180-162), Tree Felling Permit PL10-00024, and related applications. The parcel map and related applications are set to expire on 2/16/17. Currently, I am working with Rolls Anderson Rolls who are developing the following: Topographic Survey, Drafting of parcels, identification of easements, Storm drain design, profile drawings, onsite grading plan, frontage improvements, roadway drawings, water main layout, erosion control plan, final parcel map, dedications, and other agreements.

After the real estate crash in 2008', it has been a long road to try and keep property let a lone develop it. I believe this project will be a benefit to the town of Paradise. It will help upgrade a neighborhood and improve infrastructure. I am ready to move forward on this project and that is why I am asking for a parcel map extension. Thank you for your consideration on this matter.

Sincerely, Niel Risley

List of running expenses enclosed.



List of Running Expenses

L&L Surveying– Tentative Parcel Map, perk tests, soils work, survey work, title company fees, pre-application review fees, town onsite fees, drainage calcs., town application fees, town rezone fees, exhibit of trees, and reproduction.

\$11,682.55

Rolls Anderson Rolls- Topo survey, easement identification on map, storm drain design and improvement, onsite grading plan, plan and profile drawings, frontage improvement drawings, private road way drawings, conceptual layout of water main, design and preparation of an erosion control plan, preparation of pipeline easement, preparation and submittal of final parcel map, coordination of revisions, recording final map, road maintenance agreement preparation.

\$21,000

Mitigated Neg. Declaration report \$1,900

Drainage Plan Review \$492.41

Park Fees \$601.72

Final Map Review \$984.82

Covenant Street Improv. \$147.72

Road Maint. Agreement \$147.72

Tree hearing permit 2 trees \$173.60

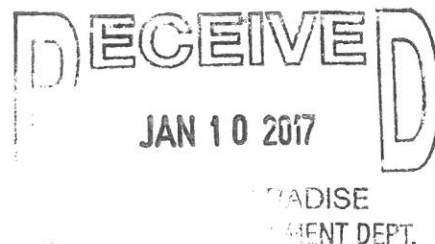
CEQA Fee \$2,216.25

Map extension filing fee \$426.91

Road improvement plans 5% of value– don't know yet ?

Offer of dedication to the town 1/4 acre lot for road \$35,000

Running total \$74,773.70



February 17, 2010

Niel Risley
5893 Kibler Road
Paradise, CA 95969

SUBJECT: Parcel Map (PM-06-16), Rezone (RZ-06-4) and Tree Felling (PL09-00024)
Applications; AP No. 053-180-162

Dear Mr. Risley:

The Paradise Planning Commission held a public hearing on February 16, 2010, regarding your tentative parcel map, rezone and tree felling applications for property located at 5893 Kibler Road, Paradise.

After receiving public testimony, the Planning Commission closed the hearing, adopted the following findings and approved your project applications subject to the conditions listed below:

FINDINGS

1. Find that the proposed project, **as mitigated and conditioned**, could not have a significant effect on the environment, and adopt a mitigated negative declaration.
2. Find that, **as mitigated and conditioned**, the project is consistent with the goals and policies of the Paradise General Plan because the project would assign zoning to the project site that is not characterized by severe constraints to residential development and is consistent with existing residential zoned development located upon adjacent and nearby properties.
3. Find that the project, **as mitigated and conditioned**, is consistent with the spirit and intent of the requested RR-1/2 zoning district, because the land use proposed for the parcels would be residential and parcel sizes proposed are consistent with the requirements of the zone.

4. Find that the project, **as mitigated and conditioned**, will not result in a significant adverse effect on existing plant and animal life in the project vicinity for the following reasons:
 - a. The project site is located within an area that has been significantly altered by residential development spanning several decades.
 - b. No known outstanding wildlife habitat exists in the immediate project vicinity;
and
 - c. No known rare or endangered plants exist in the immediate project vicinity.
5. Find that the Risley tree felling permit application meets the criteria for conditional approval as outlined within PMC Section 8.12.090 because the proposed tree felling activity is necessary to accommodate the establishment of the project upon land that is planned to accommodate such land use.
6. Find that the proposed tree felling activity, as conditioned, is consistent with applicable town zoning regulations regarding commercial timber harvesting.

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

ROADS/ACCESS

1. Access to parcels for ingress and egress/public utilities shall be shown on the final parcel map.
2. Submit six copies of stamped and signed road and drainage improvement construction plans to the Town Public Works Department (engineering division) for approval. Pay appropriate plan check and inspection fees. The proposed private roadway must be designed to a modified Town of Paradise A-3a road standard in accordance with the specifications outlined within the memorandum regarding the Risley parcel map from Town Engineer Dennis Schmidt dated September 30, 2009 and on file with the Town of Paradise. Construction and drainage improvement plans must be approved **PRIOR TO CONSTRUCTION** or installation of the required facilities.
3. The following notes shall appear upon the final parcel map information sheet:
 - a. "Prior to the issuance of a building permit authorizing residential development upon Parcel Nos. 2, 3 or 4, the project developer shall secure a town-issued encroachment permit and construct a full width private road access with all

necessary drainage facilities for Parcel Nos. 2, 3 and 4 to a modified Town adopted A-3a road standard including a town approved turn around facility in accordance with road construction, drainage Improvements, grading permit requirements and erosion and dust emissions control plans previously approved by the Town of Paradise.”

- b. “Prior to the issuance of building permits authorizing residential development of Parcel Nos. 2, 3 or 4, the developer shall submit a detailed soil erosion and air emissions control plan addressing additional storm water drainage resulting from the new private roadway and the additional residences to the Town of Paradise for review and approval by the Town Engineer and, if necessary, the Butte County Air Quality Management District.” (**Mitigation**)
4. Provide and record a road maintenance agreement for the proposed private roadway satisfying Town Public Works Department (engineering division) requirements.
5. Indicate on the final parcel map a fifty-foot building setback line measured from the centerlines of Kibler Road and the proposed private access roadway. The building setback line along the proposed private access road shall be situated such that it lays fifty lineal feet from the centerline of the future extension of Elliott Road.
6. Deed thirty feet from the center of the Kibler Road right-of-way to the Town of Paradise or provide a recorded deed document showing that this requirement has been met.
7. Construct or defer by covenant executed with the Town of Paradise a one-half street section upgrade improvement along the project site frontage of Kibler Road to the town-adopted B-2 road standard.
8. Provide an offer of dedication for future Elliott Road right-of-way as proposed and shown upon the parcel map submitted to the Town of Paradise in a manner deemed satisfactory to the Town Engineer.

DRAINAGE

9. Submit engineered plans for a design solution for drainage per requirements of the Town Engineer and the **INTERIM DRAINAGE DESIGN GUIDELINES prepared April 2, 1998**. This solution shall be designed in a manner that includes the establishment of all necessary drainage improvements both on and possibly off-site to accommodate existing and additional project induced drainage flows without generating any off-site adverse effects.

SITE DEVELOPMENT

10. All easements of record shall be shown on the final parcel map.

SEWAGE DISPOSAL

11. Satisfy all requirements of the Town of Paradise Onsite Sanitary Official concerning the design of the final parcel map.

UTILITIES

12. Construct a water main extension satisfactory to the Paradise Fire Department and the Paradise Irrigation District or defer construction of the required water main by covenant executed with the Paradise Irrigation District and place the following note upon the final parcel map information sheet: "Prior to the issuance of a building permit authorizing residential development of Parcel Nos. 2, 3 or 4, the project developer shall construct a water main extension in accordance with Paradise Irrigation District and Paradise Fire Department-approved construction plans."
13. Meet all other requirements of the PID in accordance with the comments provided by PID staff for the Risley parcel map, dated December 17, 2007 and on file with the Town of Paradise.
14. Meet the requirements of other utility companies regarding the establishment of necessary public utility easements.

FIRE PROTECTION

15. The project developer shall execute and record an agreement with the Town of Paradise binding all owners of Parcel Nos. 1, 2, 3 and 4 to a fuel reduction plan for the parcels meeting the requirements of the Paradise Fire Department in accordance with the Paradise Fire Department project review memorandum dated September 2, 2008 for the Risley parcel map application and on file with the Town of Paradise.
16. Place the following notes upon the final parcel map information data sheet:
 - a. "All buildings constructed upon these parcels determined by the Paradise Fire Chief to be subject to the requirements of the Urban Wildland Interface Code shall be built of non-combustible exterior construction meeting the requirements in accordance with the Paradise Fire Department project review memorandum dated September 2, 2008 for the Risley parcel map application and on file with the Town of Paradise."

- b. "All owners of Parcel Nos. 1, 2, 3 and 4 are obligated to the terms of a recorded a fuel reduction plan for the parcels meeting the requirements of the Paradise Fire Department."
 - c. Prior to the issuance of a building permit authorizing residential development of Parcel Nos. 2, 3 or 4, the project developer shall execute a work order with the Paradise Irrigation district to upgrade the existing wharf-type fire hydrant located at the intersection of Kibler Road and Mystic Lane to a municipal-style fire hydrant in a manner deemed satisfactory to the Paradise Fire Department."
17. Meet all other requirements of the Paradise Fire Department in accordance with the Fire Department plan check review for the Risley parcel map dated September 2, 2008 and on file with the Town of Paradise.

TREE FELLING

18. Place the following notes upon the final parcel map information data sheet:
- "All qualifying trees proposed to be retained shall be protected during road and drainage improvements 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".

OTHERS

19. Provide a "Statement of Taxes" from the office of the Butte County Tax Collector.
20. Provide monumentation as required by the Town Engineer in accordance with the State Subdivision Map Act and Town of Paradise standards.
21. 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.
22. Submit the results of an archaeological field survey of the site in the form of a written report. The report shall contain recommendations for any necessary mitigation measures designed to protect any cultural resources found to exist on the site. Any mitigation measures shall be incorporated into the design of the final parcel map. (**mitigation**)

23. The following notes shall be placed upon the final parcel map information data sheet:
- a. At the time of building permit issuance, landowners 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. **(mitigation)**
24. The Risley final parcel map shall not be recorded unless and until a town-established Rural Residential-1/2 acre minimum zoning is in legal effect for the project site. The resultant parcel configurations shall be in substantial conformance with the Risley parcel map design submitted to the town on September 10, 2009.

GENERAL CONDITION

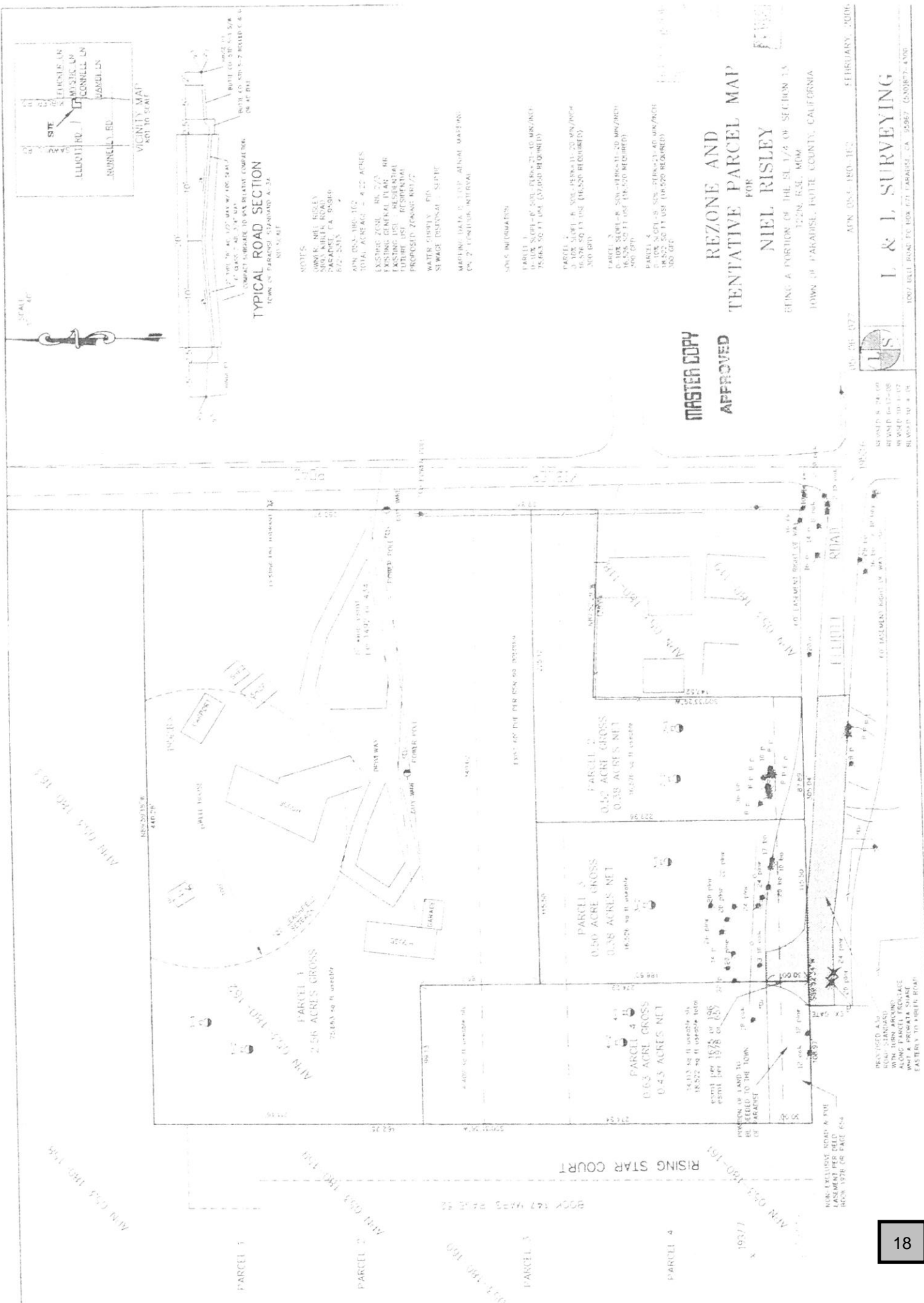
25. The approval action of the project's tree felling permit application shall only be valid and in effect until the expiration date of the Risley parcel Map.

If you wish to appeal these project decisions, you must do so within ten (10) days of the date of the Planning Commission's decision of the Parcel Map and Tree Felling Permit, and within five (5) days for the decision of the property rezone by filing your written appeal with the town Clerk's Office together with the appeal fee deposit (\$166.88). **If no appeal is filed within the time period, your parcel map will be deemed conditionally approved for a period of three years with an expiration date of February 16, 2013.** You will be notified when the rezone of the property is scheduled for a Town Council hearing. In addition, please remit a \$2060.25 check as soon as possible made out to the Butte County Recorder for filing the Notice of Determination on your project.

Sincerely,

Al McGreehan
Community Development Director

cc: Joanna Gutierrez, Town Clerk
Kari Eurotas, CDD/PW Project Coordinator



MASTER COPY
APPROVED

REZONE AND TENTATIVE PARCEL MAP

FOR
NIEL RISLEY

BEING A PORTION OF THE S1/4 OF SECTION 15
T27N R.1E. M06
TOWNSHIP OF PARADISE, BUTTE COUNTY, CALIFORNIA

APR 05-180-182 FEBRUARY, 2006



I & L SURVEYING

1007 BELL ROAD PO BOX 671 PARADISE, CA 95667 (530)875-4300

NOT USED AND
NOT RECORDED
ALONG PARCEL BOUNDARY
POST A PRIVATE SHANTY
EASTERN TO SOUTH ROAD

NON-EXCLUSIVE GRANT OF EASE
ALONG PARCEL BOUNDARY
FROM 1976 TO 1984

M E M O R A N D U M

TO: Paradise Planning Commission Agenda No. 6 (b)

FROM: Craig Baker, Community Development Director

SUBJECT: Application for Approval of an Extension of Time Assigned to the Conditionally Approved Sonntag Vesting Tentative Map (SD-05-2); APN 050-260-014, 015

DATE: February 15, 2017

BACKGROUND:

On **January 14, 2008**, the Planning Commission conducted a public hearing and conditionally approved the above-noted tentative map application authorizing the division of an 11.5 acre property located just beyond the east end of Merrill Road into seven separate lots subject to 41 conditions of approval. The tentative map project also included an annexation application approved by the Butte County Local Agency Formation Commission (LAFCo) on January 9, 2009, an annexation to the Paradise Irrigation District (PID) approved on March 19, 2008 and a General Plan amendment and rezone application approved by the Paradise Town Council on June 3, 2008.

Town records indicate that the Town's conditional approval of this tentative map and its authorization to be completed as a recorded final map would have expired on **January 14, 2011**. However, in consideration of the poor economy, the California State Legislature automatically extended the life of all unexpired land division approvals in the state several times. As a result of these legislative actions, the expiration date for the Sonntag Tentative Map was extended to **January 14, 2017**. In anticipation of this circumstance, NorthStar Engineering, on behalf of the project applicant, Mr. Walter Sonntag, submitted a formal request on January 12, 2017 for the Planning Commission to grant an additional six year period, expiring on **January 14, 2023** in order to accommodate fulfillment of the map conditions and recordation of the map as proposed. Pursuant to PMC Section 16.07.060, that action automatically extended the tentative map for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

The statutory provisions of PMC Chapter 16.07 (Subdivisions of Five or More Lots) empowers the Planning Commission to legally exercise discretion on behalf of the Town of Paradise to either approve or deny applications for a time extension for any tentative map. PMC section 16.07.060 stipulates that the Planning Commission may extend an approved tentative map up to an additional six years.

DISCUSSION:

The design of the original tentative map application proposed to create seven lots ranging in

size from 1.17 acres to 2.35 acres, all compliant with the Agricultural Residential-1 acre minimum (AR-1) zoning and the Agricultural Residential (AR) General Plan land use designation assigned to the site by the Town Council on June 3, 2008. An environmental document (Mitigated Negative Declaration) was prepared for the project pursuant to the California Environmental Quality Act (CEQA) containing a conclusion that the project would not result in any significant adverse environmental impacts.

NorthStar Engineering has indicated to staff on behalf of Mr. Sonntag that due to the economy downturn, it has been difficult to fulfill all of the tentative map conditions before the January 14, 2017 deadline. A review of the project file documentation reveals that the owner has completed a number of the 41 conditions, incurred expenses totaling \$49,483.00 pursuing fulfillment of the project conditions, including the annexation and General Plan amendment/rezone applications, development of road and drainage improvement plans, an archaeological survey, and surveying costs.

The statutory authority for the Planning Commission to approve an extension application is contained within Paradise Municipal Code (PMC) Section 16.07.060, which states that the commission must find evidence that a “good faith effort” has been made in satisfying the conditions of the approved tentative map.

The circumstances outlined above compel staff to be supportive of Mr. Sonntag’s request for a six year extension and therefore staff recommends that the Planning Commission grant the a six year extension of time for assignment to this tentative map in order to provide the applicant ample opportunity to successfully complete the remaining conditions of project approval and record a final map.

COMMISSION ACTION REQUESTED:

Adopt a **MOTION TO:**

1. Approve, on behalf of the Town of Paradise, the granting of a six year time extension for assignment to the conditionally approved Sonntag Vesting Tentative Map (SD-05-2), thereby creating a new tentative map expiration date of **January 14, 2023.**

APPEAL PROCESS: In accordance with the provisions of PMC Section 16.07.060(B), in the event that the Planning Commission denies the time extension application the project applicant can appeal such decision to the Town Council.

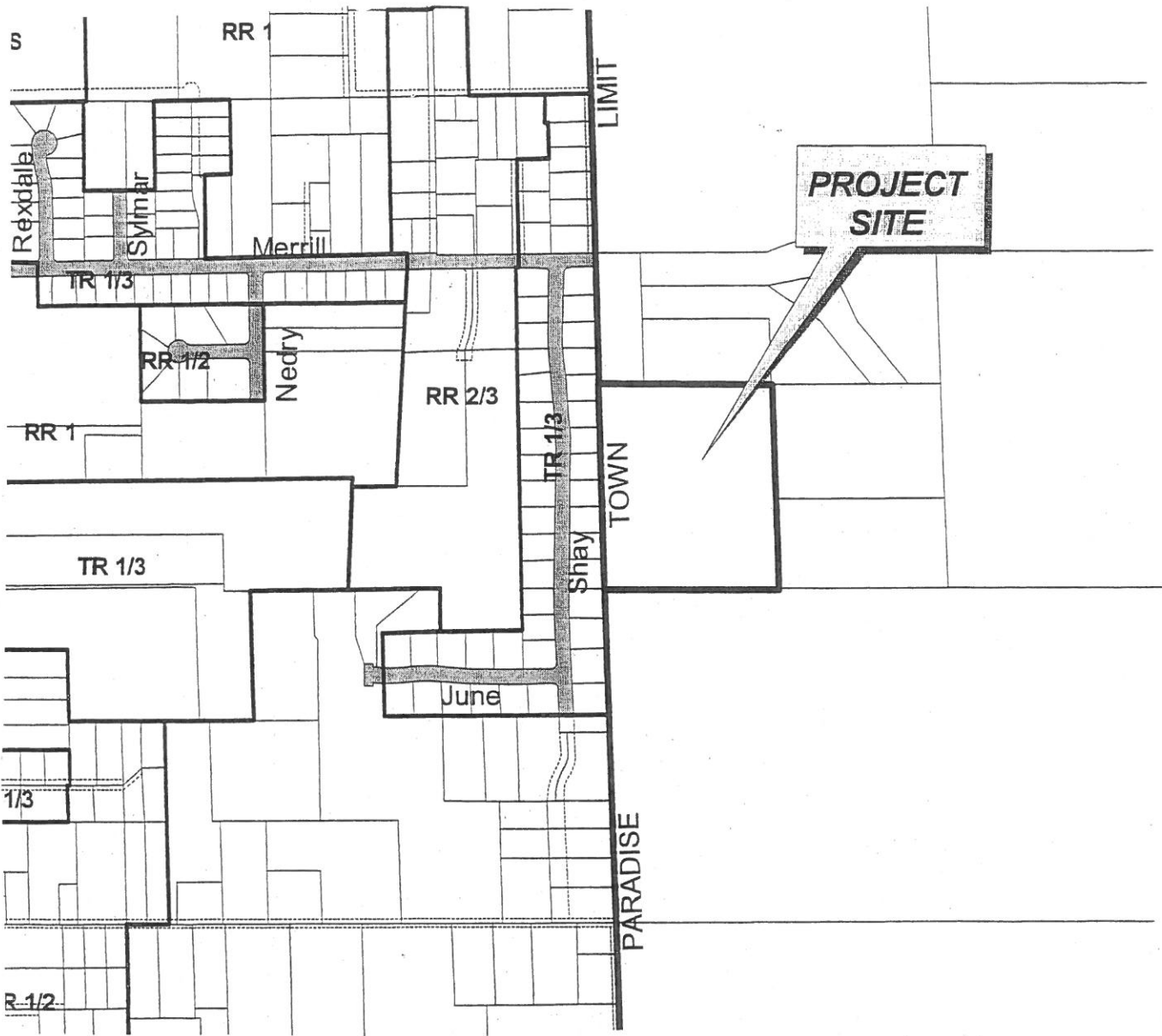
If a written appeal to the Town Council is not filed with the Town Clerk within fifteen calendar days of any denial decision, then the Planning Commission decision on behalf of the Town of Paradise becomes legally effective.

LIST OF ATTACHMENTS

FOR

SONNTAG TENTATIVE MAP TIME EXTENSION REQUEST

1. Project vicinity map.
2. Time extension request letter from NorthStar Engineering, dated January 12, 2017, with attached list of expenses incurred pursuing development of the project.
3. Sonntag Tentative Map conditions of approval.
4. Sonntag Tentative Map.



↑
N

APPLICANT: WALTER SONNTAG

ADDRESS:
MERRILL ROAD

OWNER: WALTER SONNTAG

REQUEST: SONNTAG Reorganization (Annexation to the Town of Paradise and Paradise Irrigation District) General Plan Amendment, Rezone (RZ 05-01) vesting tentative subdivision map (SD-05-02) and Boundary Line Modification applications for a proposed subdivision of a 11.5 acre (gross) site, composed of two parcels (APN 050-260-014 & 015) into seven lots for single-family residential development and use.

ZONING: AR-1

GENERAL PLAN: AR

FILE NO. RZ-05-2,
SD-05-2; AN-05-1

ASSESSOR PARCEL NO. 050-260-014, 015

MEETING DATE:



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

Telephone: (530) 872-6291

January 16, 2008

Walter Sonntag
6674 Shay Lane
Paradise, CA 95969

Subject: Sonntag Vesting Tentative Map (SD-05-2), Annexation (AN-05-1),
General Plan Amendment, and Property Prezone (GR-08-1) Applications
APN 050-260-014, 050-260-015 & 050-230-021

Dear Mr. Sonntag:

The Planning Commission conducted a public hearing on January 14, 2008, concerning the above noted applications. After receiving public testimony and closing the hearing the Planning Commission adopted the findings submitted by staff and the following actions:

- ☐ Planning Commission Resolution No. 08-1 recommending Town Council approval of a General Plan Amendment and rezoning of certain real properties abutting the east town boundary (Sonntag GR-08-1),
- ☐ Planning Commission Resolution No. 08-2 recommending Town Council endorsement of initiating processing proceedings of the Sonntag Annexation Application (AN-05-1) with the Butte Local Agency Formation Commission, and
- ☐ Approval of the proposed "Sonntag Vesting Tentative Map" (SD-05-2) application.

Be advised that your subdivision map application was conditionally approved subject to the conditions listed below.

CONDITIONS TO BE MET PRIOR TO RECORDATION OF FINAL SUBDIVISION MAP

ROADS/ACCESS

1. Prepare and submit three copies of a detailed and engineered, street, road and drainage improvements plan to the Public Works Department (engineering division) for review and approval by the Town Engineer. Approval of the designed improvements plans by the

Town Engineer must be secured **PRIOR TO COMMENCEMENT** of project improvements construction.

2. Establish a project interior fifty-foot minimum width public street access easement as proposed; and construct full street section private road improvements both within the street access instrument and offsite connecting to existing Merrill Road public street improvements to a modified town-adopted B-1 road standard (AC dike on both sides; four foot AC walkway on one side). Road grades shall not exceed thirteen (13) percent.
3. Construct full street section public street improvements to Merrill Road east of Shay Lane to the town adopted B-2 public street standard in a manner deemed satisfactory to the Town Engineer.
4. Curb returns, pedestrian and handicapped features, thermoplastic pavement markings and traffic safety signs for all road and street improvements shall be designed, constricted and installed in a manner deemed satisfactory to the Town Engineer and in accordance with accepted engineering and traffic safety standards.
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 onsite cul-de-sac.
6. Apply for and secure town issuance of an encroachment permit for the proposed private road access connection to Merrill Road and for all required work in the Merrill Road right-of-way.
7. Apply for and secure town approval for new project access street name. Place the approved name of proposed access street upon the final map.
8. Street name signs shall be provided by the developer at all street intersections per town requirements. Contact the town Public Works Department (engineering division) for information regarding the purchase and installation of street signs.
9. The project developer shall install appropriate stop signs and other traffic signs and pavement markings as determined by the Town Engineer and in accordance with generally acceptable engineering practice.
10. Provide and record a road maintenance agreement(s) for the proposed private roadways satisfying Town Public Works Department (engineering division) requirements.

DRAINAGE

11. Provide a final design solution for drainage per requirements of the Town Engineer and the **INTERIM DRAINAGE DESIGN GUIDELINES prepared April 2, 1998** and that shall be engineered and constructed in a manner that shall include establishment of all necessary onsite drainage easements and drainage improvements onsite and possibly offsite to adequately accommodate existing and project induced drainage flows without generating any offsite significant adverse environmental effects.

UTILITIES

12. 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 PMC Section 16.11.020.

WATER SUPPLY

13. Meet the 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 April 27, 2007 for the Sonntag vesting tentative map application and on file in the town Community Development Department. Submit evidence thereof to the town Public Works Department (engineering division).
14. The applicant/developer shall extend the water main to serve the proposed lots as required by PID. Main extensions shall be constructed to PID standards at the applicant expense and shall be approved by the District's Board of Directors. A minimum 6-inch diameter water main extension shall be looped and sized to serve future development to the south with a fire hydrant at the end of the extended main. Appropriate utility easements shall be delineated on the Final Map. **(mitigation)**
15. The ability to provide necessary water flow to meet domestic and fire flow demands shall be demonstrated by the applicant/developer. **(mitigation)**
16. New residences constructed upon Lots created via recordation of the Sonntag Final Map shall have low-flow flush toilets; additionally, to further mitigate the impact of project water demand, the applicant/developer shall either provide replacement toilets subject to the District's replacement formula or contribute to replacement or repair of leaking pipelines subject to the District's schedule for Supply Mitigation. All existing wells on the subject parcel if not abandoned, shall have backflow prevention assembly installed at the water meter. **(mitigation)**

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. Construct and establish an emergency fire access roadway within an easement over the parcel identified as APN 050-230-027 in a manner deemed satisfactory to the Town Fire Chief. The emergency access roadway shall be gated to restrict its use to emergency purposes only and shall be constructed in a manner that avoids conflict with existing adjacent residences to the maximum extent possible.
19. Construct and establish several emergency vehicle turnouts along Merrill Road in a manner deemed satisfactory to the Town Engineer and the Town Fire Chief. Plans for turnouts shall be included within required engineered street, road and drainage improvements plans.
20. Meet all other requirements of the Paradise Fire Department in accordance fire protection mitigation measures contained within the initial study prepared on October 3, 2007 and subsequently adopted by the Paradise Planning Commission for the Sonntag development project and on file in the Town Community Development Department.

SANITATION

21. Satisfy all requirements of the Town of Paradise sewage disposal regulations concerning the design of the final subdivision map.

SITE DEVELOPMENT

22. 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. Plans shall include provisions for replanting and slope stabilization. All activities associated with project development shall be conducted in compliance all control and prevention measures outlined in the approved plan. **(mitigation)**
23. The following mitigation measures shall be included in all future construction plans and documents for the subdivision lots to reduce construction-related air quality impacts, as required by the Butte County Air Quality Management District:

- a) Water all active construction areas at least twice daily. The frequency should be based on the type of operation, soil conditions, and wind exposure.
 - b) If necessary, apply chemical soil stabilizers to inactive construction areas (disturbed areas that are unused for at least four consecutive days) to control dust emissions. Dust emissions should be controlled at the site for both active and inactive construction areas throughout the entire construction period (including holidays).
 - c) Limit vehicle speeds to 15 mph on unpaved roads.
 - d) Suspend land clearing, grading, earth moving, or excavation activities when wind speeds exceed 20 mph.
 - e) Cover inactive storage piles.
 - f) The project developer shall consult with the Butte County Air Quality Management District about the application of a paved (or dust palliative treated) apron onto the project site.
 - g) Sweep or wash paved streets adjacent to the site where visible silt or mud deposits have accumulated due to construction activities.
 - h) Post a publicly visible sign at the construction site with the name and telephone number of the person to contact regarding dust complaints. This person shall respond and take corrective action within 24 hours. The telephone number of the BCAQMD shall also be visible to ensure compliance with BCAQMD Rules 201 and 207 (Nuisance and Fugitive Dust Emissions).
 - i) Prior to final occupancy, the project proponent shall demonstrate that all ground surfaces are treated sufficiently to minimize fugitive dust emissions. Fugitive dust emissions are considered dust clouds caused by wind, traffic, or other disturbances to exposed ground surfaces. **(mitigation)**
24. Apply for and secure Town issuance of a grading permit satisfying all Engineering Division requirements and the current adopted edition of the Uniform Building Code. Pay applicable grading permit fees per current fee schedule.
25. All trees to be retained upon the project site shall be protected from damage during construction activities associated with required site improvements in accordance with the Town of Paradise Suggested Practices for the Protection of Trees on Commercial, Quasi-Public and Multi-Family Residential Construction Sites.
26. The project developer shall submit a tree survey map according to Town procedures and regulations for review by the Town Tree Permit Review Committee. The survey map shall clearly indicate existing trees and those trees proposed for removal. Replacement trees consistent with Town policies shall be planted as specified by the Town Tree Permit Review Committee. **(mitigation)**

27. All areas containing slopes in excess of thirty percent shall be delineated upon the final subdivision map and labeled as a "NO SOIL DISTURBANCE/BUILDING EXCLUSION AREA."
28. Place the following note upon the final subdivision map information sheet: "Prior to the issuance of building permits authorizing additional residential development of Lot No. 11 on slopes of 20% or more, the developer shall submit a detailed soil erosion control plan to the Town of Paradise for review and approval by the Town Engineer. Soil erosion control plans shall include provisions for replanting and slope stabilization." **(mitigation)**
29. Provide evidence of submittal of a Storm Water Pollution Prevention Plan (SWPPP) to the Regional Water Quality Control Board (Redding Office) and possession of a construction storm water permit.
30. Access to lots for ingress, egress and public utilities shall be reserved and shown on the final map.
31. All easements of record shall be shown on the final subdivision map.
32. Properly abandon any easements that conflict with the design of the vesting tentative map.
33. Indicate on the final subdivision map a thirty foot building setback line measured from the centers of the proposed on-site fifty foot wide private road easement and the proposed on-site twenty-five foot wide fire access easement.
34. Secure the issuance of a town-approved tree felling permit for any qualifying trees to be removed associated with town sanctioned subdivision improvements.

OTHERS

35. Execute a Lot line adjustment to convey a +/-0.34 acre land area from APN 050-260-015 to APN 050-230-021, as proposed.
36. The Sonntag Vesting Tentative Map shall not be recorded unless and until such time as the following is accomplished:
 - a. Town-established Agricultural Residential-1 acre (AR-1) zoning is in legal effect for the +/-11.17 acre portion of the subdivision project site comprised of proposed Lots 1 through and including proposed Lot 7.

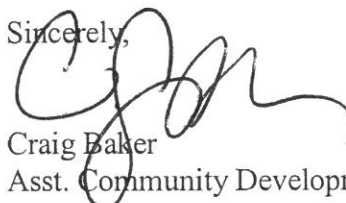
- b. Town-established Town Residential-1/3 acre (TR-1/3) zoning is in legal effect for the +/-0.36 acre portion of the subdivision project site comprised of the portion of the property proposed to be incorporated with APN 050-230-021 via a proposed lot line adjustment.
 - c. The project site properties (APNs 050-260-014 & 050-260-015) are formally annexed into the service area boundaries of the Town of Paradise and the Paradise Irrigation District (PID) by the Butte Local Agency Commission (LAFCo).
37. 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 during construction activities, unusual amounts of non-native stone (obsidian, fine grained silicates, basalt), bone, shell or prehistoric or historic period artifacts (purple glass, etc.) or if areas that contain dark-colored sediment that do not appear to have been created through natural processes are discovered, then work shall cease in the immediate area of discovery and a professionally qualified archeologist should be contacted immediately for an on-site inspection of the discovery. If any bone is uncovered that appears to be human, then the Butte County coroner shall be contacted." (**mitigation**)
38. Provide documentation from the Butte County Tax Collector verifying payment of current property taxes and assessment liens imposed by the town.
39. Provide monumentation as required by the Town Engineer complying with the State Subdivision Map Act and Town of Paradise standards.
40. 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.
41. 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 attach, set aside, void or annul the Town of Paradise approval of the Sonntag Vesting Tentative Map 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.

The decision of the Planning Commission can be appealed within ten days for the subdivision map and five days for the General Plan Amendment, both by filing a written appeal together with a \$154.00 appeal deposit fee with the Town Clerk. You will be notified when the Planning Commission's recommendation for your subdivision map is scheduled for a Town Council hearing.

If you should have any questions, please contact me at this office.

Sincerely,



Craig Baker
Asst. Community Development Director

cc: Northstar Engineering
Joanna Gutierrez, Town Clerk
Paradise Fire Department
Paradise Irrigation District
Kari Eurotas, CDD/PW Project Coordinator



NORTHSTAR
... Designing Solutions

Civil Engineering
Architecture
Environmental
Planning
Surveying
Water Resources

January 12, 2017

Town of Paradise Planning Commission
c/o Craig Baker
5555 Skyway
Paradise, CA 95969



RE: Sonntag Subdivision Map Extension (SD-05-2)

Dear Commissioners,

On behalf of our clients Dr. and Mrs. Sonntag we would like to respectfully request the six (6) year extension of the Sonntag Tentative Subdivision Map (SD-05-2). To date we have invested a minimum of \$49,483.00 into the study and development of plans for the project site. The breakdown of costs is as follows:

Entitlement	\$ 28,430.00
Development Studies	\$ 7,680.00
Design and Land Preparation	\$ 4,000.00
Annexation	\$ 9,373.00

After the entitlement process, the main investment for the project site has been in relation to the annexation of the property into the Town of Paradise and Paradise Irrigation District. To date the annexation to the Town has been completed and Dr. Sonntag continues to work with Paradise Irrigation District on the final payments for the annexation to PID. Preliminary grading and drainage plans were prepared for the site so we could insure the project could conform to the approved TSM. In addition, soils testing has occurred to insure the project could utilize septic disposal methods.

We believe the project would be a benefit for the Town of Paradise and we look forward to seeing the project move forward into development. Thank you for your consideration on the TSM extension application.

Sincerely,
NorthStar

Nicole Ledford
PE, LEED AP BD&C

Project Costs to Date

\$ 49,483.00

ENTITLEMENT

	Type	Purpose	Cost
1	Rezone & Subdivision Map	Application Fees	\$ 4,675.00
2	Land Use Review	Application Fees	\$ 305.00
3	Soils Testing and Report	Wastewater Capacity	\$ 5,350.00
4	Tentative Map and Rezone	Entitlement	\$ 8,700.00
5	Surveying	Topographic	\$ 5,400.00
6	CEQA Consultant	CEQA	\$ 4,000.00
			\$ 28,430.00

DEVELOPMENT STUDIES

	Type	Purpose	Cost
1	Surveying	Boundary and Topographic	\$ 1,980.00
2	Soils Testing and Report	Wastewater Capacity	\$ 3,400.00
3	Traffic Analysis	Entitlement	\$ 1,300.00
4	Tree Survey	Tree Permit	\$ 1,000.00
			\$ 7,680.00

DESIGN AND LAND PREPERATION

	Type	Purpose	Cost
1	Engineering	Prelim. Grading and Drainage	\$ 3,200.00
2	Vegetation Management	Site Clearing	\$ 800.00
			\$ 4,000.00

ANNEXATION

	Type	Purpose	Cost
1	PID Fees	PID Annexation	\$ 5,385.00
2	Annexation Exhibits	PID Annexation	\$ 1,394.00
1	Annexation Fees	Annexation to the Town	\$ 1,200.00
2	Attorney Fees	Annexation to the Town	\$ 1,394.00
			\$ 9,373.00

