



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:

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

PLANNING COMMISSION AGENDA

6:00 PM – March 15, 2016

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 minutes of the February 16, 2016 Planning Commission meeting.

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. EYE LIFE INSTITUTE TREE FELLING PERMIT APPLICATION (PL16-00054): Request for town approval of a tree felling permit proposing the felling of +26 qualifying trees upon a +1.47 acre property zoned Community Commercial (CC) located at 5889 Clark Road (AP No. 054-330-019) to facilitate construction of a +/-6,607 square foot medical office (Eye Life Institute) and related site improvements.

6. OTHER BUSINESS

6a. Colenzo Tentative Parcel Map Extension (PL16-00025) Request for a time extension for the conditional approval of the Colenzo Tentative Parcel Map (PM-05-6) for an additional six years beyond January 29, 2016.

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

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

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	



TOWN OF PARADISE

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PLANNING COMMISSION MINUTES

**February 16, 2016
6:00 PM**

CALLED TO ORDER by Chairman James Clarkson at 6:01 p.m. who led the Pledge of Allegiance to the Flag of the United States of America.

COMMISSIONERS PRESENT: Raymond Groom, Stephanie Neumann, Martin Nichols, Anita Towslee and Chairman Clarkson. No commissioners were absent.

1. APPROVAL OF MINUTES

- 1a. MOTION BY NICHOLS, seconded by Neumann, approved Minutes of the December 21, 2015 Special Planning Commission Meeting. Roll call vote was unanimous.

2. COMMUNICATION

- a. Recent Council Actions: Town Council gave direction staff to regarding establishment of a temporary civil penalty amnesty program that would last no longer than a one-year period during which property owners who have been fined in an amount of \$2,000 or more would have opportunity to apply for a reduction of the fines after bringing violations into compliance.
- b. Staff Comments: None

3. PUBLIC COMMUNICATION - None.

4. CONTINUED PUBLIC HEARING - None.

5. PUBLIC HEARING

- 5a. Community Development Director Craig Baker reported to the Commission regarding the FREEDLE SITE PLAN REVIEW PERMIT (PL15-00436) APPLICATION: Request for town approval of a site plan review permit to establish a motel land use occupancy containing ten motel rooms within an existing +/-6,100 square foot structure formerly

occupied by a convalescent service upon a +/-0.26 acre parcel located at 5446 Black Olive Drive. Advanced wastewater treatment is proposed to be installed within approximately 24 months of motel occupancy to permit conversion to a multiple-family land use consisting of studio apartments. (AP No. 052-223-013). The application is exempt from the California Environmental Quality Act regulations and has received favorable review by all reviewing agencies.

Director Baker informed the Commissioners that he is suggesting an adjustment to the wording of Condition #10 and explained that the site plan review process is more discretionary than the use permit process, is essentially a "junior" use permit, and that he would like to establish three classes of use permits in the place of the site plan review process that is set forth in the Paradise Municipal Code. The Community-Business (C-B) zoning of this property is what makes it necessary to have a site plan review. Director Baker discussed the density bonus and stated that the intent of the state law is to provide an allowance for additional housing.

Amend Condition #10 by adding the words "or any subsequent revisions to that memorandum" in order to avoid locking the project to one specific date in one condition.

Director Baker informed the Commissioners that the Town believes there is enough off-street parking to accommodate the density and that the Community-Business or C-B zone allows for parking on the street.

Commissioner Neumann stated that she is concerned that the intent is to provide long-term motel use. Director Baker stated that there are definitions for motel rooms and for dwelling units, but no definition for studio, which is the term of choice for the applicant. Also, the clear difference between motel rooms and apartments is the presence of a full stove/range.

Chairman Clarkson opened the public hearing at 6:17 p.m.

1. Clint Freedle, stated that he is the applicant and owner of the property and explained to the Commissioners that he had the opportunity to buy this property in 2014. The buildings on the property were in very poor condition and vagrants were using the site for a hang-out to drink alcoholic beverages, and that it took thirteen dumpsters to contain the rotted interior he had to tear out of the building interior, and that the inspector has been out there at least ten times. He would like to call the rooms 'studios' but will call them whatever the Town wants, is very excited about this project, and what he wants to establish is housing for people to live in with dignity and security, people such as veterans and seniors. Mr. Freedle stated that he would prefer to keep it as a convalescent home but that opportunity was not available as that use was revoked by the Town. He thinks the project is coming along and he will be proud to offer the rooms for rent. Mr. Freedle also stated that he is ok with the fire suppression requirement but doesn't like the smoke alarm requirements, that he will have alarms but doesn't want the ones that all go off at the same time.

Commissioner Neumann is concerned that the site will become an attraction for people who don't follow rules.

Mr. Freedle stated that he intends to rent out the rooms as motel rooms and will collect the transient occupancy tax (TOT).

Director Baker informed the Commissioners that if there is residency for more than 30 days, the TOT tax cannot be collected past the 30th day.

Mr. Freedle stated that he wants a decent place for people to live comfortably, that he will evict people with bad behaviors and for not paying rent, and will have an on-site manager.

Chairman Clarkson asked if the tenants will undergo a credit check via a professional property manager.

Mr. Freedle stated that Butte County is very excited about the project and might consider a long-term lease for the property and if that occurs, he is willing to go over and cleanup if necessary. He needs to make the mortgage payment, wants to help people, and has had a lot of experience with people. He is not interested in giving people a place for one night.

Chairman Clarkson asked if the location of the site, which is right across the street from a public park, would be a limitation on the type of tenants, such as people released to the community from prison, and that he is asking the question in light of comments in the General Plan that discuss providing a safe environment for the community.

Director Baker stated that the proposal is for a motel that will be converted to studio apartments within two years. The Town would not become involved with the type of tenants. The nearby proximity of the park, the police station, a grocery store and a bus stop make this location appropriate for a high density development.

Director Baker stated that there are required findings for the Commissioners to consider, that this proposal is not for a halfway house, and that staff is not inclined to believe that this development will become that type of environment and that the applicant's plan addresses the concerns set forth in the Housing Element of the General Plan relating to affordable housing units.

Commissioner Neumann asked if the density bonus will allow additional six or eight units, and Director Baker responded that an application for additional units would have to come back to Planning Commission for consideration.

Mr. Freedle stated that he doesn't want any hassle, will do the best he can, has invested over \$400,000 cash into the improvements, that it is now a nice building, no longer a site for vagrants.

Chairman Clarkson informed Mr. Freedle that he appreciates the improvements made and the intentions of Mr. Freedle, but he wants to be as realistic as possible, as it is their responsibility as Planning Commissioners to think through how this development will affect the Town. The housing projects in Chicago, for example, became the opposite of what was intended because they were not properly managed.

Mr. Freedle stated that he is not looking for second chance people, just looking for people. He will manage occupants to the best of his ability without invading their privacy. He will use a property manager for credit and background checks as he would not want to be saddled with problems and that he would really like to have senior housing.

Vice Chair Nichols asked if the Planning Commission denies this project, what other uses could be permitted on the property. Director Baker stated that uses such as retail or restaurants would be allowed, but no assisted living, group homes or community care facilities would be permitted.

Chairman Clarkson closed the public hearing at 6:56 p.m.

Commissioner Neumann stated that she would like to add a condition that would require an onsite manager to live on the site while it is a motel, before it is converted to apartments.

Mr. Freedle stated that condition would be acceptable to him while it is a motel.

Director Baker stated that the applicant would have to submit a formal application to have the condition removed and stated for the record the amended Condition #10 and a proposed Condition #17 as follows:

Condition #10: Establish and maintain compliance with all requirements of the Town Building Official/Fire Marshal in accordance with the written comments dated January 7, 2016 or any subsequent revisions to that memorandum for the Freedle site plan review permit application (copy on file with the Town Development Services Department).

Condition #17: During the period of operation as a motel unit, the facility shall be staffed by an onsite resident manager.

MOTION by Nichols, seconded by Neumann, adopted the required findings below as provided by staff and approved the Freedle site plan review permit application (PL15-00436) authorizing the establishment of a motel land use within an existing +/- 6,100 square foot building space and its future conversion to studio apartments on property located at 5446 Black Olive Drive, subject to the following conditions of approval:

FINDINGS REQUIRED FOR APPROVAL:

1. Certify the Planning Director's determination that the proposed project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15303 of the State CEQA Guidelines.
2. Find that the project, **as conditioned**, is consistent with the goals and policies of the Paradise General Plan because the project will result in the establishment of a land use on property that is conditionally zoned for such use and within an existing vacant structure suitable for such use.

3. Find that the project, **as conditioned**, is in compliance with all applicable regulations of the Central Business zoning district.
4. Find that adequate infrastructure is currently in place to serve the proposed project.
5. Find that the project, as conditioned, will not detrimentally affect existing plant and animal life in the project vicinity for the following reasons:
 - a. The project is located within an area that has been altered from its natural state by long-established commercial and residential land uses and public infrastructure;
 - b. No known outstanding wildlife habitat exists in the immediate project vicinity; and
 - c. No known rare or endangered plants are known to exist in the immediate project vicinity.

GENERAL CONDITIONS OF SITE PLAN REVIEW PERMIT APPROVAL

1. If any land use for which a site plan review permit has been granted and issued is not established within three years of the site plan review permit's effective date, the site plan review permit may become subject to revocation by the Town of Paradise.
2. Secure Town of Paradise design review approval for any new business or identification signs prior to the establishment of such signs.
3. Any work within the Black Olive Drive 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.
4. Outside light fixtures associated with the project shall be designed to not exceed a height of sixteen feet above finished grade and shall be shielded to prevent the direct projection of light onto adjoining and nearby properties.
5. Maintain the property in a manner consistent with any density bonus agreement executed with the Town of Paradise.
6. Pay any required impact fees prior to issuance of building permits for project construction in accordance with Paradise Municipal Code requirements.
7. Within 36 months of motel land use occupancy, the project developer shall execute a development agreement with the Town of Paradise in accordance with the procedures and requirements of Paradise Municipal Code Chapter 17.44 (Affordable Housing Incentives/Residential Density Bonus) and California Government Code section 65915 authorizing conversion of the motel occupancy land use to a multiple-family land use consisting of studio apartments.
8. Prior to conversion of the motel land use occupancy to a multiple-family land use consisting of studio apartments, the project developer shall secure Onsite Division land use approval for such conversion, secure the necessary construction permits and upgrade

and improve the wastewater disposal system serving the project to accommodate such conversion in a manner deemed satisfactory to the Town Onsite Sanitary Official.

9. 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 site plan review permit modification review and the payment of the appropriate processing fees.

CONDITIONS TO BE MET PRIOR TO OCCUPANCY

FIRE PROTECTION

10. Establish and maintain compliance with all requirements of the Town Building Official/Fire Marshal in accordance with the written comments dated January 7, 2016 or any subsequent revisions to the memorandum for the Freedle site plan review permit application (copy on file with the Town Development Services Department).

CONSTRUCTION CODES

11. Meet the requirements of the Town Building Official/Fire Marshal regarding submittal of any plans, building permit applications, and all applicable Town adopted building code requirements.

SITE DEVELOPMENT

12. Secure the issuance of a tree felling permit prior to the felling of any qualifying trees on or off-site.

UTILITIES

13. Meet the requirements of the Paradise Irrigation District (PID) in accordance with written communication from PID staff regarding the Freedle site plan review permit application, dated January 6, 2016 and on file with the Town Development Services Department.
14. Meet all other utility company requirements regarding the establishment of necessary utility easements and installation of new or expanded utility facilities. Provide evidence of compliance with these requirements to the Town Building Official.

WASTEWATER DISPOSAL

15. Either record a parcel merger affecting Assessor Parcel Nos. 052-223-012 and 052-223-013 in a manner deemed satisfactory to the Town Engineer or record a covenant agreement for wastewater disposal affecting the same parcels in a manner deemed satisfactory to the Town Onsite Sanitary Official and the Town Attorney. The covenant agreement shall require a merger of the parcels upon severance of joint ownership.

OTHERS

- 16. The required on-site solid waste storage and collection facility shall be located and constructed in a manner deemed satisfactory to Northern Recycling and Waste Services (NRWS) staff. Provide evidence thereof to the Town Development Services Department.
- 17. During the period of operation as a motel unit, the facility shall be staffed by an onsite resident manager.

6. OTHER BUSINESS – Commissioner Nichols informed the Planning Commissioners that he may be working as the Interim County Administrator for Trinity County, that the commission’s by-laws do not allow for unexcused absences, and that he would like the Planning Commission to approve a six-month leave of absence if he serves in the interim administrator position as he would like to remain as a Paradise Planning Commissioner.

MOTION by Neumann, seconded by Towslee, granted Vice Chair Nichols an excused absence or a leave of absence for six months in order that he may serve as Interim CEO of Trinity County. Roll call vote was unanimous.

Director Baker will consult with the Town Attorney to confirm whether or not a formal action must go on an agenda for approval of Vice Chair Nichol’s leave of absence.

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

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

9. ADJOURNMENT

Date Approved:

By: _____ Attest: _____

James Clarkson, Chairman

Joanna Gutierrez, CMC, Town Clerk

MEMORANDUM

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

FROM: Craig Baker, Community Development Director

SUBJECT: Eye Life Institute Tree Felling Permit Application (PL16-00054); APN 054-330-019

DATE: March 8, 2016

SPECIAL INFORMATION:

The permit applicant, Trilogy Construction, is requesting approval from the Town of Paradise to fell up to 26 qualifying trees on a ± 1.47 acre project site located at 5889 Clark Road in the southern portion of the Paradise Community. The trees are proposed to be felled to accommodate the establishment of a $\pm 6,607$ square foot Eye Life Institute medical office. 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 Rd, a paved arterial public street that is four lanes in width. As designed, the proposed project parking facility would be served by one driveway encroachment connecting to Clark Rd at the northern end of the property.

The project site is currently a vacant, dirt lot. Existing site improvements include sidewalks and a driveway encroachment along Clark Rd. The site is minimally sloped at 2.5% from north to south with a mix of 52 olive and pine trees encompassing the rear 1/2 of the property as well as along the northern property line.

The proposed mode of sewage disposal for the project will be the construction of a conventional, pressurized on-site wastewater disposal system. Excess storm water runoff that may otherwise create downstream drainage impacts is proposed to be detained on-site by a subsurface drainage detention facility to be located in the southeast corner of the property.

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 received February 25, 2016 and prepared by Scot Wineland of Wineland Walnut, a certified arborist. 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 52 ponderosa pine and olive trees. The report indicates that development of the site as proposed will result in the felling and removal of up to 26 qualifying trees and 10 non-qualifying trees/bushes on the site. Fifteen qualifying trees and one non-

qualifying (olive) tree are proposed to be retained. Other observations regarding the report and site plan include the following:

- There is no tree number 13.

As of the date of this memorandum, the project applicant has not 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 Town Commercial by the Paradise General Plan and zoned Community Commercial (CC) which allows medical offices 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 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 +/-6,607 square foot medical office 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 (medical offices) 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/medical 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 the project site in order to accommodate the proposed project, the Eye Life Institute 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 Eye Life Institute tree felling permit application was submitted with detailed material evidence provided by certified arborist Scot Wineland (ISA# 331), certifying that all 26 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 for Planning Commission consideration.

ANALYSIS CONCLUSION

Based upon the preceding observations and analysis, it appears that the Eye Life Institute 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 Eye Life Institute tree felling application.

FINDINGS FOR APPROVAL

- A. The Eye Life Institute 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 medical office 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 Eye Life Institute tree felling permit application (PL16-00054), authorizing the felling of

up to twenty-six (26) qualifying trees on property located at 5889 Clark Road (APN 054-330-019), 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 medical office facility.
2. File any required building permit applications for the proposed medical offices with the Town Building Official/Fire Marshal.

GENERAL CONDITIONS

3. The approval action for the Eye Life Institute tree felling permit application shall be valid for an initial term of 24 months. This period may be extended administratively by the Community Development Director upon submittal of substantial evidence that unforeseeable extenuating circumstances have prevented the permit applicant from securing the issuance of the permit and completing the proposed tree felling activity.
4. Required landscape plans for the proposed medical offices 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 properties. Replacement tree species shall be selected for their ability to compensate for the loss of large native trees on the site.
5. 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.
6. A certified arborist shall be engaged by the applicant to oversee the employment of tree protection measures during all related project site improvements construction.

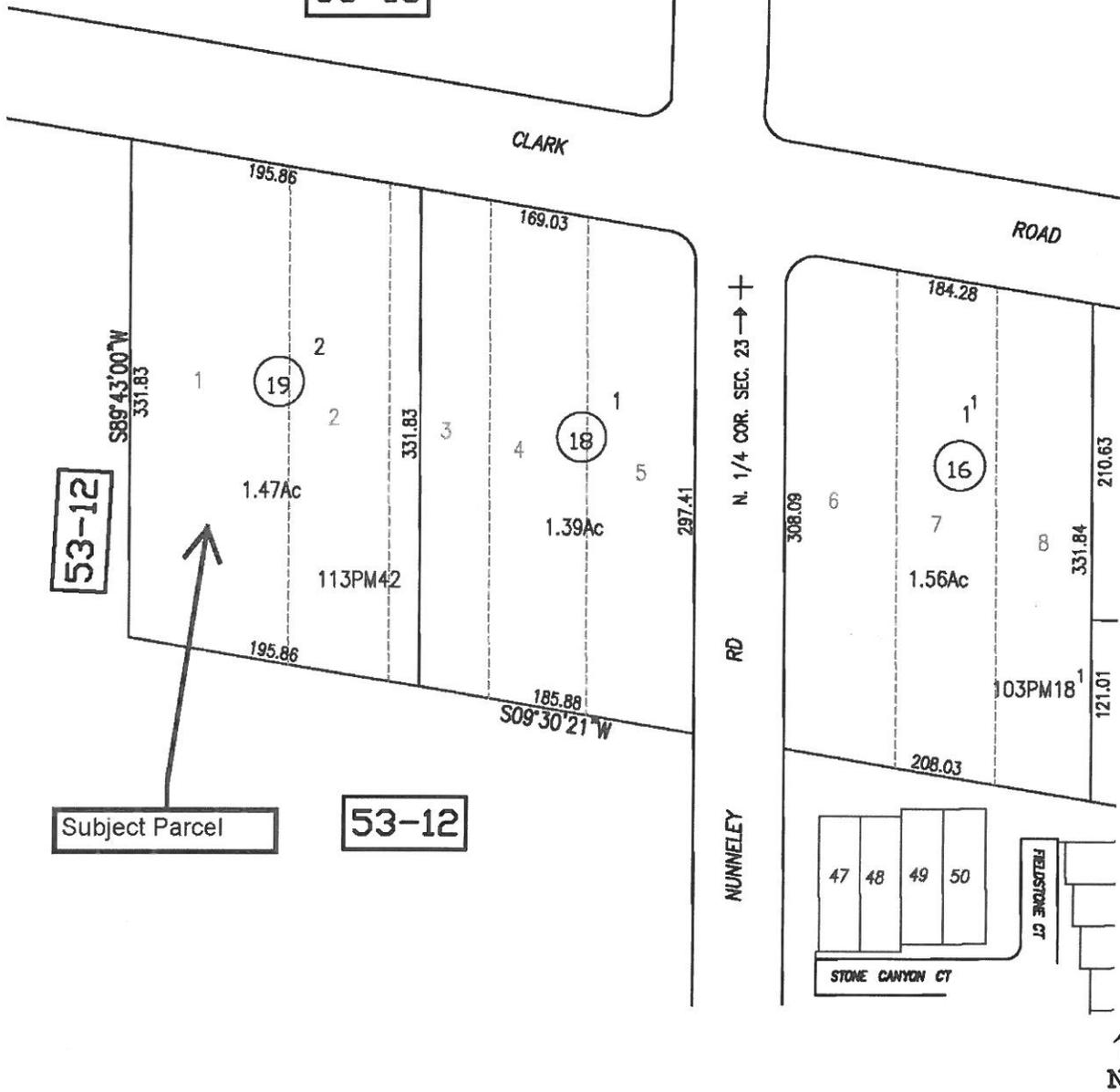
Attachments

LIST OF ATTACHMENTS FOR THE EYE LIFE INSTITUTE 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 Eye Life Institute tree felling permit application
4. Tree felling permit application (PL16-00054) submitted on February 25, 2016 for the proposed tree felling activity
5. Written certification provided by certified arborist Scot Wineland (ISA# 331) that the 26 qualifying trees proposed for felling must be felled to accommodate construction activities, February 24, 2016
6. Site plan (11"x 17") submitted with the tree felling permit application showing the proposed Eye Life Institute site improvements and the locations of numbered trees proposed to be felled

PTN. OF SEC. 14 & SEC. 23, T.22N.

53-13



53-12

Subject Parcel

53-12

APPLICANT: Trilogy Construction

ADDRESS: 5889 Clark Rd

OWNER: David & Dana Gajda

PROJECT DESCRIPTION:

EYE LIFE INSTITUTE TREE FELLING PERMIT APPLICATION (PL16-00054): Request for town approval of a tree felling permit proposing the felling of ±26 qualifying trees upon a ±1.47 acre property zoned Community Commercial (CC) located at 5889 Clark Road (AP No. 054-330-019) to facilitate construction of a +/-6,607 square foot medical office (Eye Life Institute) and related site improvements.

Zoning: CC

GENERAL PLAN: TC

FILE NO. PL16-00054

ASSESSOR PARCEL NO. 054-330-019

MEETING DATE: 03/15/2016

053-120-064-000
ROGERS DONALD G FAMILY
TRUST ETAL
PO BOX 74
CHICO CA 95927

053-120-075-000
SHADOWBROOK INVESTORS
7052 SKYWAY
PARADISE CA 95969

053-120-085-000
RIDGE AREA COALITION OF
SENIOR CITIZENS
PO BOX 1579
PARADISE CA 95967

053-131-027-000
JAYNES BARKER & BILLE
REVOCABLE INT VIV TRUST
1469 JONES LN
PARADISE CA 95969

053-131-028-000
JONES ROBERT B & NICKI G
REVOCABLE I V TRUST
1920 LOWRY LN
PARADISE CA 95969

053-131-090-000
JAYNES BARKER & BILLE
REVOCABLE INT VIV TRUST
1469 JONES LN
PARADISE CA 95969

053-131-100-000
HORNING M C JR
4425 JAMBOREE RD #250
NEWPORT BEACH CA 92660

053-131-101-000
TUSCAN WOODS LLC
7184 W NOBLE PRAIRIE WAY
FLORENCE AZ 85132

053-131-102-000
EUBANKS LEE S REVOCABLE
LIVING TRUST
7184 W NOBLE PRAIRIE WAY
FLORENCE AZ 85132

054-330-018-000
SMITH BRADLEY M
3078 JACKSON RANCH RD
BUTTE VALLEY CA 95965

054-330-019-000
GAJDA DAVID & DANA TRUST
5977 ROYAL POINT DR
PARADISE CA 95969

RANCHO ENGINEERING
5550 SKYWAY, SUITE C
PARADISE, CA 95969

TRILOGY CONSTRUCTION
7066 SKYWAY
PARADISE, CA 95969

Paradise Unified School District
6696 Clark Road
Paradise, CA 95969

Paradise Irrigation District
6332 Clark Road
Paradise, CA 95969

Paradise Recreation & Park Dist.
6626 Skyway
Paradise, CA 95969

Paradise Ridge Chamber of
Commerce
5550 Skyway
Paradise, CA 95969

Paradise Board of Realtors
6178 Center Street
Paradise, CA 95969

Paradise Downtown Business
Ass.
c/o Fir Street Gallery/Pam Funk
6256 Skyway
Paradise, CA 95969

Butte County Planning
Courier

Paradise Cemetery District
980 Elliott Road
Paradise, CA 95969

Butte Co. Air Quality Mgmt. Dist.
629 Entler Ave., Suite 15
Chico, CA 95928

Butte Environmental Council
116 W. 2nd Street #3
Chico, CA 95928

Pacific Gas & Electric
Laird Oelrichs, Land Agent
350 Salem St.
Chico, CA 95928

**NOTICE OF PUBLIC HEARING
PARADISE PLANNING COMMISSION**

NOTICE IS HEREBY GIVEN by the Town of Paradise Planning Commission that a public hearing will be held on Tuesday, March 15, 2016 at 6:00 p.m. in the Paradise Town Hall Council Chambers, 5555 Skyway, Paradise, CA, regarding the following project:

Item determined to be exempt from environmental review:

- a. **EYE LIFE INSTITUTE TREE FELLING PERMIT APPLICATION (PL16-00054):** Request for town approval of a tree felling permit proposing the felling of ± 26 qualifying trees upon a ± 1.47 acre property zoned Community Commercial (CC) located at 5889 Clark Road (AP No. 054-330-019) to facilitate construction of a $\pm 6,607$ square foot medical office (Eye Life Institute) and related site improvements.

The project files are available for public inspection at the Development Services Department, Paradise Town Hall, 5555 Skyway, Paradise, CA 95969. If you challenge these projects 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 Town of Paradise Planning Director at, or prior to, the public hearing. For further information please contact the Development Services Department at (530) 872-6291 x111.

CRAIG BAKER, Planning Director

**TOWN OF PARADISE
 COMMUNITY DEVELOPMENT DEPARTMENT (PLANNING DIVISION)
 5555 SKYWAY, PARADISE - (530) 872-6291
 TREE FELLING APPLICATION/PERMIT**

AP NO. 054-330-019	PERMIT NO. BR16-0090	DATE:
PROPERTY ADDRESS: 5009 CLARK RD		
PROJECT DESCRIPTION (attach additional sheet(s) if necessary) NUMBER OF TREES: 26 TYPE OF TREES: _____ CIRCUMFERENCE OF TREES (at 54" above grade): _____		
DATE FELLING SHALL START: _____		
CONSTRUCTION PERMIT NO: _____ DATE ISSUED _____		
PURPOSE OF REMOVAL: NEW CONSTRUCTION BUILDING + SITEWORK		
TREE FELLING PERMIT HISTORY FOR PROPERTY: _____		
OWNER INFORMATION:		
NAME: DAVE & DANA GARDI TRUST TELEPHONE NUMBER: 892-2020		
ADDRESS: STREET NUMBER/NAME: 5977 ROYAL POINT DR. CITY/STATE/ZIP: PARADISE, CA 95969		
CONTRACTOR INFORMATION:		
NAME: TRILEG Construction - SHAWN SHINKLER TELEPHONE NUMBER: 877-1180 EXT 226		
ADDRESS: STREET NUMBER/NAME: 7066 SKYWAY CITY/STATE/ZIP: PARADISE, CA 95969		
PERMIT FEE \$	REPLACEMENT FEE \$	RECEIPT NO.

PLOT PLAN (Show Street, Structure 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 ATTACHED MAP

↑
N

(SEE BACK PAGE FOR ADDITIONAL INFORMATION)

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. 751447 Classification _____
- The contracted service price is \$500.00 valuation or less and owner 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 forthwith 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 to 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.

X _____ Date: _____
Signature of Applicant - Owner ___ Contractor X Agent ___ LTO ___

APPROVAL:

- Approved
- Disapproved

By _____ (Town Manager or Designee)
Date: _____

It is recommended that you contact the California Department of Forestry, Redding Office, (530) 225-2418 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 ANY QUALIFYING TREES.

NO QUALIFYING TREE SHALL BE REMOVED WITHOUT POSSESSION OF AN APPROVED PERMIT.

Wineland Walnut

CA 171290

TREE SERVICE

Pruning • Safety Cabling • Consultations • Removal

February 24th, 2016

Dear Frank Sands.

This letter is concerning the tree preservation and removal of the trees on parcel number APN 054-550-019-000 in Paradise, CA. After meeting with you February 16th, 2016 on the job site, I have determined that twenty-six qualifying trees of 10" in diameter or greater will need to be removed due to underground utilities, parking areas, new buildings, and road work; however fifteen conifer trees can be preserved. I have submitted guidelines below on how to preserve the fifteen trees to be saved.

Tree Protection Specifications:

When development occurs around native oaks or other mature trees, great care must be taken to prevent damage to trunks, branches, and the root system buried beneath the soil. The four greatest dangers to mature trees posed by construction practices are soil compaction, grade changes, trenching, and wounds on the trunk or branches hit by heavy equipment. **TREES SUFFERING SEVERE ROOT DAMAGE FROM IMPROPER CONSTRUCTION PRACTICES MAY NOT DISPLAY EXTERNAL SYMPTOMS FOR ONE TO TWO YEARS AFTER CONSTRUCTION** is completed, leaving new property owners with the expense of treating or removing dead or dying trees.

The best way to protect trees during development is to utilize design concepts that avoid substantial change to the environment within or adjacent to the dripline of mature trees. This involves the establishment of a Root Preservation Zone (RPZ), defined as the area under the canopy of the tree out to 10 feet beyond the dripline. When grading and construction in this Root Preservation Zone cannot be avoided, the specifications provided herein must be followed to mitigate the construction impacts. We recommend the work within the R.P.Z. be supervised by a Consulting Arborist who can help make on-site decisions appropriate to the specific situation at hand. A pre-construction meeting of all involved contractors, to discuss the mitigating specifications, is necessary. A plan of action can be agreed upon and a schedule established for coordinating root pruning crews with excavation time tables, delivery of protective mulch and other protection activities.

Bonded and Insured

Scot Wineiland

I.S.A. Certified Arborist #331

(530) 345-4012 • Fax: (530) 345-0980 • 9009 River Road • Chico, CA 95928 • www.winelandtreeservice.com • scot@wineland-walnut.com

On large sites, or with valuable trees, and assessment of landscape value can be established before construction begins. The owner can ask for a Bond to cover tree repair and/or fines, for unwarranted damage to the trees, as an enforcement measure.

Protective Fencing

Wounds in the bark of trunks, branches, or roots of trees provide openings for pathogens that can cause decay, disfigurement and structural weakness leading to windthrow, branch breakage, or the eventual death of the tree.

To avoid wounds to the bark and damage to roots, install a fence around the tree beyond the dripline prior to any activity such as grading or ditching. The fence should be removed only upon the completion of all construction activities. Any work performed within this zone must be under the supervision of the Consulting Arborist.

Sincerely,

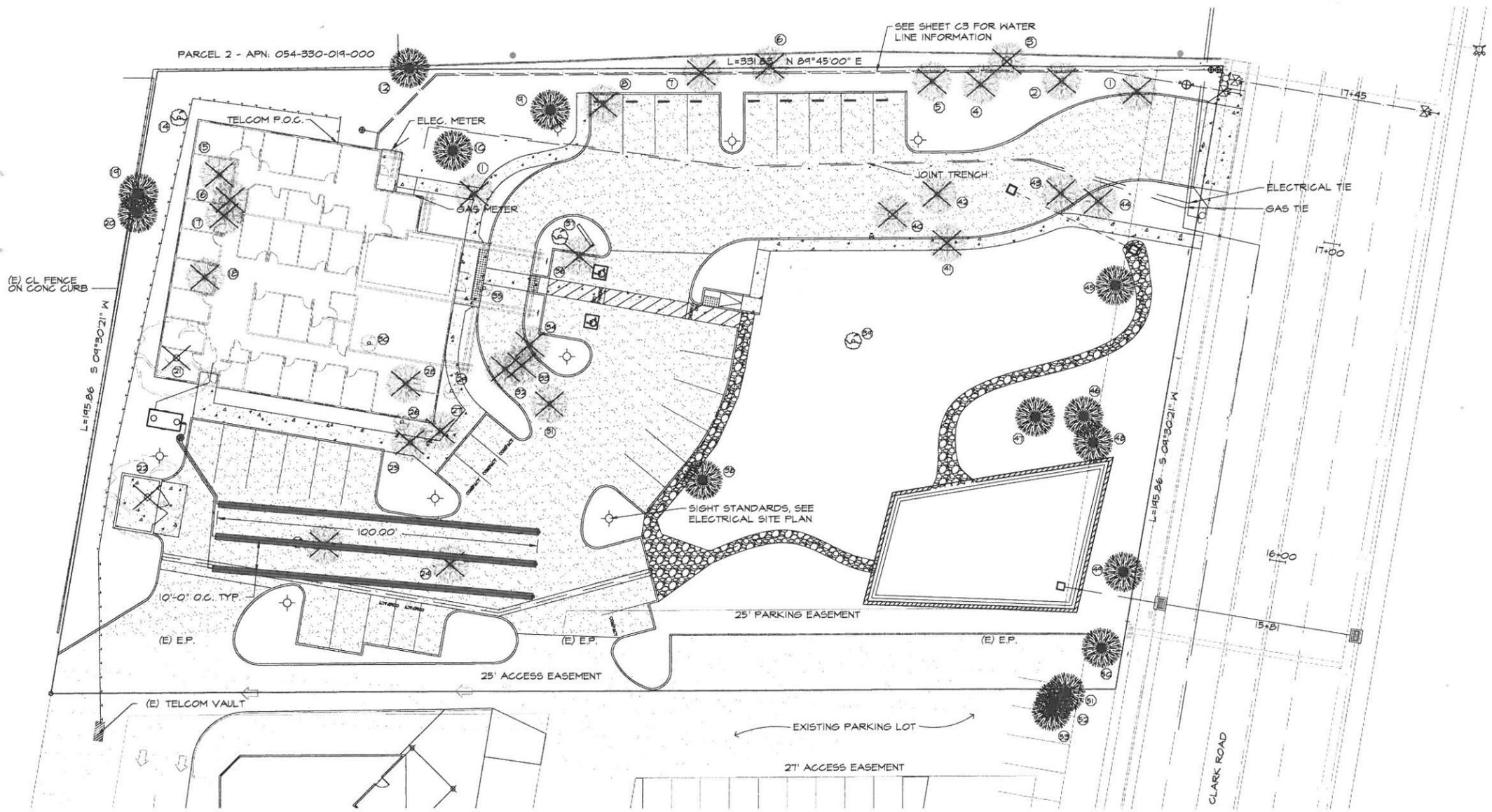


Scot Wineland
Wineland Walnut Inc.



KNOW WHAT'S BELOW.
CALL BEFORE YOU DIG.
(800) 227-2600
CALL TWO WORKING
DAYS BEFORE YOU DIG.
www.usanorth.org

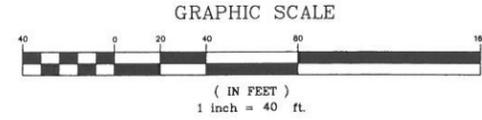
RANCHO ENGINEERING DOES NOT REPRESENT THAT THESE PLANS OR ANY SPECIFICATIONS IN CONNECTION THEREWITH ARE SUITABLE WHETHER OR NOT MODIFIED FOR ANY OTHER SITE THAN THE ONE FOR WHICH THEY WERE SPECIFICALLY PREPARED.



- | | |
|----------------------|----------------------|
| ① 10" φ TREE REMOVE | ③① 20" φ PINE REMOVE |
| ② 12" φ PINE REMOVE | ③② 18" φ PINE REMOVE |
| ③ 30" φ PINE REMOVE | ③③ 18" φ PINE REMOVE |
| ④ 12" φ PINE REMOVE | ③④ 20" φ PINE REMOVE |
| ⑤ 10" φ PINE REMOVE | ③⑤ OLIVE BUSH REMOVE |
| ⑥ 6" φ PINE REMOVE | ③⑥ 20" φ PINE REMOVE |
| ⑦ 3" φ ALMOND REMOVE | ③⑦ OLIVE BUSH REMOVE |
| ⑧ 20" φ PINE REMOVE | ③⑧ 20" φ PINE REMAIN |
| ⑨ 20" φ PINE REMAIN | ③⑨ OLIVE BUSH REMAIN |
| ⑩ 20" φ PINE REMAIN | ④① 30" φ PINE REMOVE |
| ⑪ 20" φ PINE REMOVE | ④② 18" φ PINE REMOVE |
| ⑫ 12" φ PINE REMAIN | ④③ 18" φ PINE REMOVE |
| ⑬ N/A | ④④ 20" φ PINE REMOVE |
| ⑭ OLIVE BUSH REMOVE | ④⑤ 16" φ PINE REMOVE |
| ⑮ 12" φ PINE REMOVE | ④⑥ 24" φ PINE REMAIN |
| ⑯ 18" φ PINE REMOVE | ④⑦ 18" φ PINE REMAIN |
| ⑰ 18" φ PINE REMOVE | ④⑧ 16" φ PINE REMAIN |
| ⑱ 24" φ PINE REMOVE | ④⑨ 18" φ PINE REMAIN |
| ⑲ 12" φ PINE REMAIN | ④⑩ 10" φ PINE REMAIN |
| ⑳ 18" φ PINE REMAIN | ④⑪ 20" φ PINE REMAIN |
| ㉑ OLIVE BUSH REMOVE | ④⑫ 20" φ PINE REMAIN |
| ㉒ OLIVE BUSH REMOVE | ④⑬ 20" φ PINE REMAIN |
| ㉓ 18" φ PINE REMOVE | ④⑭ 20" φ PINE REMAIN |
| ㉔ 18" φ PINE REMOVE | ④⑮ 20" φ PINE REMAIN |
| ㉕ 18" φ PINE REMOVE | ④⑯ 20" φ PINE REMAIN |
| ㉖ OLIVE BUSH REMOVE | ④⑰ 20" φ PINE REMAIN |
| ㉗ 20" φ PINE REMOVE | ④⑱ 20" φ PINE REMAIN |
| ㉘ 18" φ PINE REMOVE | ④⑲ 20" φ PINE REMAIN |
| ㉙ OLIVE BUSH REMOVE | ④⑳ 20" φ PINE REMAIN |
| ㉚ OLIVE BUSH REMOVE | ④㉑ 20" φ PINE REMAIN |

DEMO TREE PLAN

SCALE: 1"=40'



ALL TREES HAVE BEEN NUMBERED ON SITE. EXISTING OLIVES ARE ALL BUSHES OF WHICH NO TRUNKS ARE LARGER THAN 3" IN DIAMETER. ALL OLIVE BUSHES ARE TO BE REMOVED EXCEPT NUMBER 39. EXISTING TREES TO REMAIN HAVE BEEN WRAPPED IN BLUE FLAGGING.

- EXISTING TREE REMAIN
- EXISTING TREE REMOVE

RECEIVED
FEB 25 2016

TOWN OF PARADISE
COMMUNITY DEVELOPMENT DEPT.

EYE LIFE INSTITUTE TREE DEMO PLAN
CLARK ROAD
PARADISE, CA 95969
APN: 054-330-019-000

RANCHO



RANCHO ENG.
DRAWN BY
CKD.BY:

DATE:
REVISION
DRAWING

PROJECT SITE: 1.47 ACRES	22
DEMO TREES	
DEMO QUALIFYING TREES, 10" OR GREATER AT BREST HEIGHT	26

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 Colenzo Parcel Map (PL16-00025); APN 053-240-070

DATE: March 9, 2016

BACKGROUND:

On **January 18, 2006**, the Planning Director conducted a public hearing and conditionally approved the above-noted tentative parcel map application authorizing the division of a ± 1.56 acre property located at 6356 Pentz Road into two separate parcels subject to 19 conditions of approval. On **February 9, 2010**, the Planning Director held another public hearing to modify the timing of one of the conditions.

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 **January 29, 2009**. 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 Colenzo Tentative Parcel Map was extended to **January 29, 2016**. In anticipation of this circumstance, the project applicant, Mr. Andy Colenzo, submitted a formal request on January 27, 2016 for the Planning Commission to grant an additional six year period, expiring on **January 29, 2022** 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 two parcels; one that is 0.62 gross acres in size and another that is 0.94 acres, both compliant with the existing Rural Residential $\frac{1}{2}$ acre minimum zoning. The project was deemed to belong to a class of infill projects

which have been determined not to have a significant effect upon the environment and therefore categorically exempt from environmental review, pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332.

Mr. Colenzo has indicated to staff that due to the economy downturn, and subsequent job layoff, it has been difficult to fulfill all of the parcel map conditions within the January 29, 2016 deadline. A review of the project file documentation reveals that the owner has completed 12 of the 19 conditions, incurred expenses exceeding \$27,850.00 pursuing fulfillment of the project conditions, including development of road and drainage improvement plans, dedication of right-of-way, and surveying costs. Though conditions are currently unfulfilled (PID work order for a new fire hydrant, statement of taxes, and submittal of mylars), the applicant is having to start over with a new surveyor as the original surveyor of record, Sierra West Surveying, has gone out of business.

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. Colenzo'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 Colenzo Tentative Parcel Map (PM-05-6), thereby creating a new tentative parcel map expiration date of **January 29, 2022**.

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

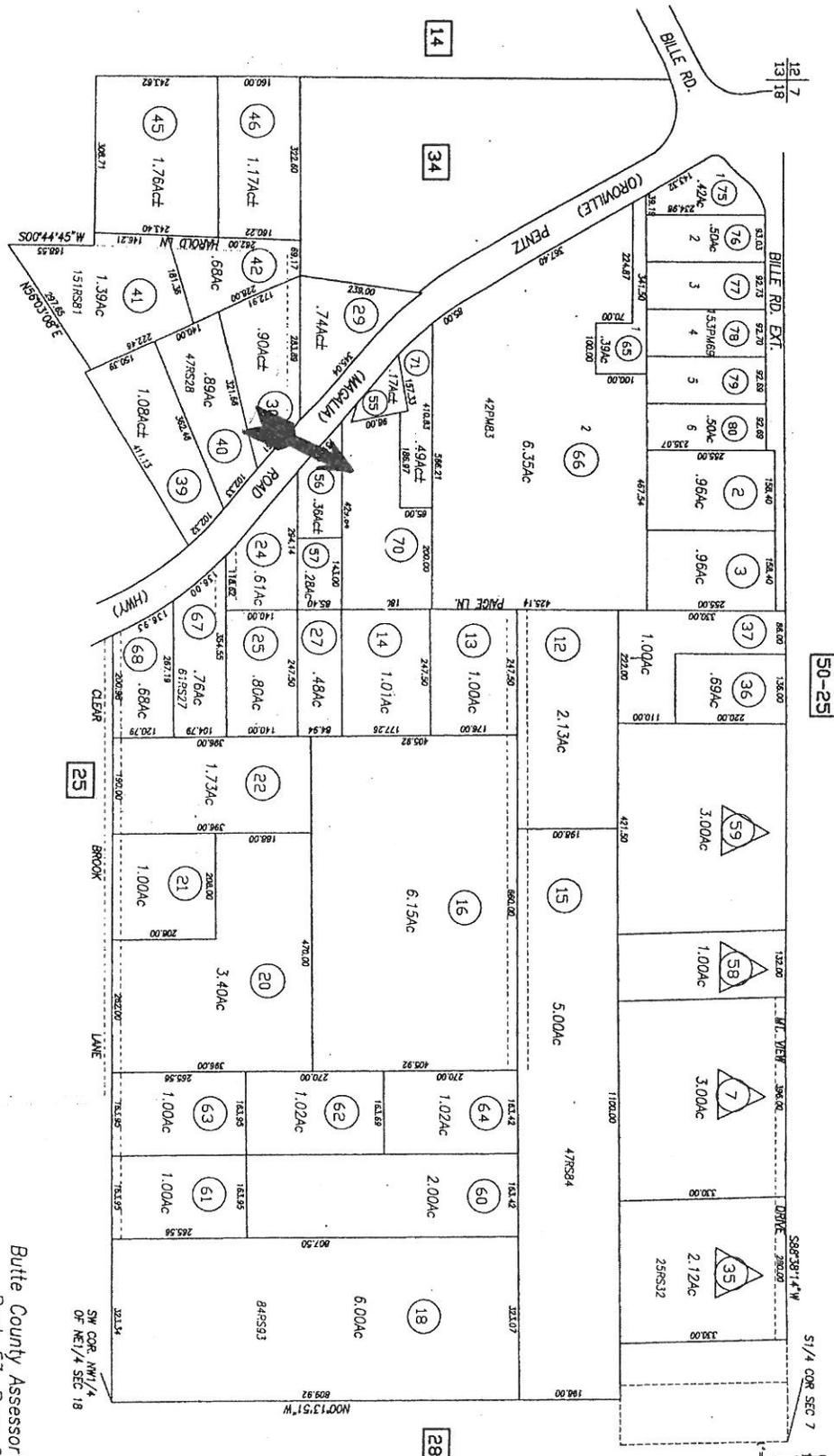
FOR

COLENZO TENTATIVE PARCEL MAP TIME EXTENSION REQUEST

1. Project vicinity map.
2. Time extension request letter from Andy Colenzo, dated March 1, 2016, with attached list of expenses incurred pursuing development of the project.
3. Colenzo Tentative Parcel Map conditions of approval
4. Colenzo Tentative Parcel Map

PTN. N.1/2 SEC. 18, T.22N. R.4E. M.D.B.&M.

53-24



NOTE: Descriptions, Parcel Maps, or Records of Survey create overlapping boundaries.

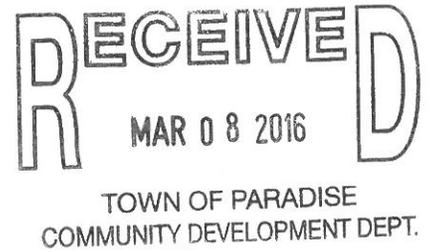
NOTE: ALL INFORMATION SHOWN ON ASSessor's PARCEL MAPS ARE FOR ASSessor's OFFICE USE ONLY AND NOT NECESSARILY CONSTITUTE THE ACQUAINTANCE OF THE DATA SHOWN.

CREATED BY	DBI CREATED ON	9-30-2002
REVISION BY	DBI REVISION ON	9-30-2002
FILE NAME	53-24 EDITED TIME	2003-04 ROLL
Compiled By The Butte County Assessor's Office		

Butte County Assessor's Map
Book 53, Page 24

DEC 13 2002

This map may or may not be a survey of the land depicted on. You should not rely upon it for any purpose other than orientation to the general location of the parcel or parcels depicted. Mid Valley Title and Escrow Company expressly disclaims any liability for alleged loss or damage that may result from reliance upon this map.



March 1, 2016

Town of Paradise
Planning Commission
5555 Skyway
Paradise, CA 95969

Subject: Tentative Parcel Map Extension, PM-05-6, 053-240-070

Dear Commissioners,

I would like to request an extension of this approved tentative subdivision parcel map. This map is set to expire. I am requesting a 6 year extension of the map in order to secure financing and complete construction. We are in the process of getting utilities designed and engineered. I have already received an approved application as well as a work order from PG&E for the installation of a power pole and to provide power to a meter. I am waiting for a quote back from the PID for the Fire Hydrant and Water Meter work order. I have moved the fences on my property line, put in a 180' driveway and paid for the initial survey costs to create the map. We have invested over \$27,000 to date on getting this project entitled and to the point where it can be developed. (Attached is a list of the expenses so far.)

My original attempt to develop and put a home on my property was put on hold four years ago due to my place of employment closing its doors. I have since become self-employed and have been able to secure the necessary funds and credit to continue where I left off. I have already completed 12 out of the 19 conditions to be met prior to Recordation of Final Parcel Map. It is my hope to have our costs budgeted and have the tentative map extended as soon as possible.

We believe this project will be an asset for the town and I look forward to developing it. Thank you for taking the time to consider this extension.

Sincerely,

Andy Colenzo

Colenzo's 6356 Pentz Road, Paradise



TOWN OF PARADISE
COMMUNITY DEVELOPMENT DEPT.

Development Costs:

Extension Application	\$426.30
Final Parcel Map	\$626.75
Payments to Sierra West Surveying – Surveying fees	\$19,000.00
Tentative Parcel Map Review	\$1,355.20
Extension Request in 2010	\$378.20
Final Map Checking	\$425.04
Parcel Map Guarantee	\$1,000.00
Final Map Checking	\$425.04
Archaeological Site Survey	\$375.00
PRPD Fees	\$417.30
Map Checking Fees	\$598.00
Property Line Change (New Fence)	\$1,400.00
Drainage	\$330.00
Perk Test	\$750.00
Tractor Service	\$350.00
Work Order to PID for Fire Hydrant and Water Meter	\$ waiting for quote from the PID

TOTAL COST (so far) \$27,857.43



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

TELEPHONE (530) 872-6291 FAX (530) 877-5059

www.townofparadise.com

February 9, 2010

Tom Wrinkle
Sierra West Surveying
5437 Black Olive Drive
Paradise, CA 95969

Subject: Minor Modification Application (PL10-00021); Colenzo Parcel Map (PM-05-6); AP No. 053-240-070

Dear Tom:

Pursuant to the provisions of Paradise Municipal Code Section 16.08.100, the Town of Paradise hereby **approves** a minor modification to the above-referenced parcel map (**proposed change in the timing of required new fire hydrant installation**) based upon and subject to the following findings and amended list of project conditions of approval (the amended condition is shown in **bolded and italicized text**):

CONDITIONS TO BE MET PRIOR TO RECORDATION OF FINAL PARCEL MAP

ROADS AND ACCESS

1. Deed thirty (30) feet from the center of the Pentz Road project property frontage to the Town of Paradise or provide a recorded deed document showing that this requirement has been met.
2. The following note shall appear upon the final parcel map information data sheet: "Prior to the issuance of a building permit authorizing residential development upon Parcel No. 2, the project developer shall secure a town-issued encroachment permit and construct a full width private driveway access for Parcel No. 2 to the Town adopted A-1 (chip-sealed or asphalt surfaced) road standard including a town approved turn around facility. Submit plans, secure plans approval from the Town of Paradise and construct all required facilities in accordance with comments Dated October 7, 2005 by the Town Engineer for the Colenzo project and on file with the Town Community Development Department."

3. Construct or defer by covenant executed with the Town of Paradise a one-half street section upgrade improvement along the project site frontage of Pentz Road to the town-adopted B-2 road standard.
4. All easements of record shall be shown on the final parcel map. Properly abandon any easements that conflict with the project design.
5. Indicate on the final parcel map a fifty-foot building setback line measured from the centerline of Pentz Road and a thirty foot building setback line measured from the center of the Paige Lane private road easement over a portion of Parcel No. 2.
6. The proposed private road easement traversing Parcel No. 1 and accessing Parcel No. 2 shall be designed such that the easement is a minimum of thirty feet width at its connection with the western boundary of proposed Parcel No. 2.
7. Provide a road maintenance agreement for the proposed private roadway satisfying engineering division requirements.
8. Establish a non-exclusive easement for road and public utilities over the east fifteen (15) feet of Parcel No. 2.

SEWAGE DISPOSAL

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

DRAINAGE

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

14. Meet all other requirements of the Paradise Fire Department in accordance with the Fire Department plan check review for the Colenzo tentative parcel map dated September 22, 2005 and on file in the Town of Paradise Community Development Department.

OTHERS

15. Provide documentation from the office of the Butte County Tax Collector verifying payment of current property taxes and any assessment liens imposed by the town.
16. Provide monumentation as required by the Town Engineer in accordance with accepted town standards.
17. 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.
18. Place the following notes on the final parcel map information data sheet:
 - a. "At the time of building permit issuance, owner(s) of Parcel No. 1 and/or Parcel No. 2 respectively will be required to pay any Town of Paradise adopted development impact fees."
 - b. "In the absence of an approved dwelling unit on the same site, the existing shop building and shed located upon Parcel No. 2 will constitute a nonconforming use of land. If any nonconforming structures are destroyed by any means to the extent of fifty percent or more of their assessed value, a Town of Paradise conditional use permit may be required to reestablish the structure(s) as a nonconforming use."
 - c. "Prior to the issuance of a building permit authorizing residential development of Parcel No. 1 within 85 lineal feet of the centerline of Pentz Road, an acoustical analysis prepared in accordance with the requirements of Table 6.4-3 of the 1994 Paradise General Plan shall be submitted to the Town. The acoustical analysis shall identify noise mitigation measures required to achieve the noise standards of Tables 6.4-1 and 6.4-2 of the 1994 Paradise General Plan. The emphasis of such measures shall be placed upon site planning and project design. "

UTILITIES

11. Meet all requirements of the Paradise Irrigation District (PID) in accordance with the comments provided by PID staff for the Colenzo tentative parcel map, dated August 4, 2005 and on file with the town Community Development Department.
12. Meet the requirements of other utility companies regarding the establishment of necessary public utility easements.

FIRE PROTECTION

13. Place the following notes upon the final parcel map information data sheet:
 - a. “Prior to Town issuance of future residential building permit(s) the future owner of Parcel No. 2 shall implement and maintain a fuel reduction plan for the parcel meeting the requirements of the Paradise Fire Department in accordance with the Paradise Fire Department project review memorandum dated September 22, 2005 for the Colenzo tentative parcel map application and on file in the Town Community Development Department.”
 - b. “All buildings constructed upon Parcel Nos. 1 or 2 that are determined by the Paradise Fire Chief to be subject to the requirements of Chapter 5 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 22, 2005 for the Colenzo tentative parcel map application and on file in the Town Community Development Department.”
 - c. *Prior to the issuance of a building permit authorizing residential development of Parcel No. 2, the project developer shall execute a work order with the Paradise Irrigation District for the installation of a new fire hydrant in a location deemed satisfactory to the Paradise Fire Department. Provide evidence thereof to the Town of Paradise. [NOTE: The Town of Paradise will share the cost of the installation with the project developer via the town’s fire hydrant infill program.]*

- d. "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."

FINDINGS OF FACT

- I. I find that this minor modification to the conditionally-approved Colenzo parcel map (PM-05-6) is reasonable and appropriate for the following reasons:
 - a. No lot, units or building sites are added.
 - b. The change is consistent with the intent of the original tentative parcel map approval.
 - c. There are no resulting violations of the Paradise Municipal Code.
 - d. No new easements are granted or created nor shown on the approved map.
 - e. The Town Engineer has reviewed the proposed modification and has communicated his approval thereof to the Town Planning Director.
- II. I find that this minor modification to the conditionally-approved Colenzo parcel map is consistent with the prior Town adopted finding that this land division project is categorically exempt from the requirements of the California Environmental Quality Act [CEQA] as a Class 32 [in-fill development project] exemption, pursuant to Section 15332 of the CEQA Guidelines.
- III. I further find that this amendment action shall not affect the **January 29, 2012** expiration date of this conditionally approved parcel map.

I trust this above-noted action shall facilitate the finalization of the approved parcel map. However, should you wish to appeal this decision, you may do so within ten (10) days of the date of this letter by filing a written appeal along with the required appeal fee

Tom Wrinkle

-6-

February 9, 2010

(\$89.60) with the Town Clerk of the Town of Paradise. If you have any questions concerning this matter, please feel free to contact me at this office.

Sincerely,



Al McGreehan
Planning Director

cc: Andrew Colenzo, 6356 Pentz Road, Paradise, CA 95969
Chris Jensen, Interim Paradise Fire Chief
Neil Essila, Paradise Irrigation District
Dennis Schmidt, Town Engineer
Kari Eurotas, CDD/PW Projects Coordinator

