

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:**

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

## PLANNING COMMISSION AGENDA

**SPECIAL MEETING - 6:00 PM - May 05, 2014** 

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. PUBLIC HEARING

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 ext. 111 at least 48 hours in advance of the meeting."

- <u>1a.</u> **DAVIS TREE FELLING PERMIT APPLICATION** (**PL14-00111**): Request for town approval of a tree felling permit proposing the felling of +22 qualifying trees upon a +1.94 acre property zoned Town Residential ½ acre minimum (TR ½) located at 1004 Maple Park Dr (AP No. 053-101-034) due to declining health and potentially hazardous conditions.
- <u>1b.</u> **BIG 5 TREE FELLING PERMIT APPLICATION** (**PL14-00121**): Request for town approval of a tree felling permit proposing the felling of +20 qualifying trees upon a +1.42 acre property zoned Community Commercial (CC) located at 7337 Skyway (AP No. 053-021-081) to facilitate construction of a +/-9,975 square foot retail store (Big 5) and related site improvements.

### 2. ADJOURNMENT

STATE OF CALIFORNIA ) COUNTY OF BUTTE )	SS.
	at I am employed by the Town of Paradise in at I posted this Agenda on the bulletin Board on the following date:
TOWN/ASSISTANT TOWN CLERK S	SIGNATURE

### **MEMORANDUM**

TO: Planning Commission AGENDA NO. 1(a)

**FROM:** Craig Baker, Community Development Director

SUBJECT: Davis Tree Felling Permit Application (PL14-00111); APN 053-101-034

**DATE:** April 30, 2014

### **SPECIAL INFORMATION:**

The permit applicant and property owner, Ken Davis, is requesting approval from the Town of Paradise to fell and remove up to 22 qualifying ponderosa pine trees on a  $\pm 1.94$  acre property developed for residential use. The property is located at 1004 Maple Park Drive in the central portion of the Paradise Community. The trees are proposed to be felled due to diseases, foundation damage, structural and root damage and hazards to structures on the property.

The property is developed with a single family residence, a detached garage and a storage building and contains 40 ponderosa pines and 17 California Black Oaks; all qualifying trees. Therefore, 35 qualifying trees would remain on the property if the tree felling permit is approved by the Planning Commission. The attached 8-1/2"x 11" site plan provided by the project applicant's forester illustrates the locations of the trees proposed for felling relative to structures and property lines.

### **ANALYSIS**

Along with other application materials, the project applicant submitted a report and listing of trees to be felled, dated March 31, 2014 and prepared by Randolph Vasquez, a registered professional forester. The report correlates to the 8-1/2"x 11" site plan showing numbered trees proposed to be felled. The report indicates the size and species of each tree and the reason each tree is proposed to be felled.

It is hoped that the project applicant and/or his forester will be in attendance at the public hearing for this matter to answer any questions Planning Commissioners may have.

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

### **Zoning Regulations**

The project site is zoned Town Residential-1/2 acre minimum (TR-1/2). 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 his property within a twelve-month period, the trees are proposed for felling in order to improve forest health and mitigate hazardous conditions on the site; not solely for the purpose of commercial timber harvesting. Thus, the proposed tree felling activity appears to be in compliance with current town zoning regulations.

### **Environmental Review**

Since the exiting land use on the site (single-family residential) is enumerated as a land use that is permitted by right in the TR-1/2 zone, the issuance of a tree felling permit to promote the health of what is essentially site landscaping and to remove hazards that threaten the land use is not subject to CEQA. The proposed tree felling activity will promote forest health and mitigate hazardous conditions on the site and it is not anticipated that this 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 tree felling permit application proposing the felling of 5 or more qualifying trees and not associated with a single-family residential construction project or 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 Davis property, the 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 promote forest health and mitigate hazards related to the trees.

Pursuant to the requirements of PMC Section 8.12.040, the Davis tree felling permit application was submitted with detailed material evidence provided by Registered Professional Forester Randolph Vasquez (RPF No. 1884), certifying that all 22 qualifying trees must be felled to improve forest health and mitigate hazards to improvements on the property. As mentioned above, no specific request for relief or partial relief from tree restocking/replacement has been submitted by the project applicant or the project forester for Planning Commission consideration.

### **ANALYSIS CONCLUSION**

Based upon the preceding observations and analysis, it appears that the Davis 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 Davis property and contact Town staff with any questions prior to the scheduled public hearing.

### **FINDINGS FOR APPROVAL**

- A. The Davis 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 improve forest health and mitigate hazardous conditions that threaten improvements related to an existing single-family 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 Davis tree felling permit application (PL14-00111), authorizing the felling of up to twenty-two (22) qualifying ponderosa pine trees on property located at 1004 Maple Park Drive (APN 053-101-034), subject to the following condition:

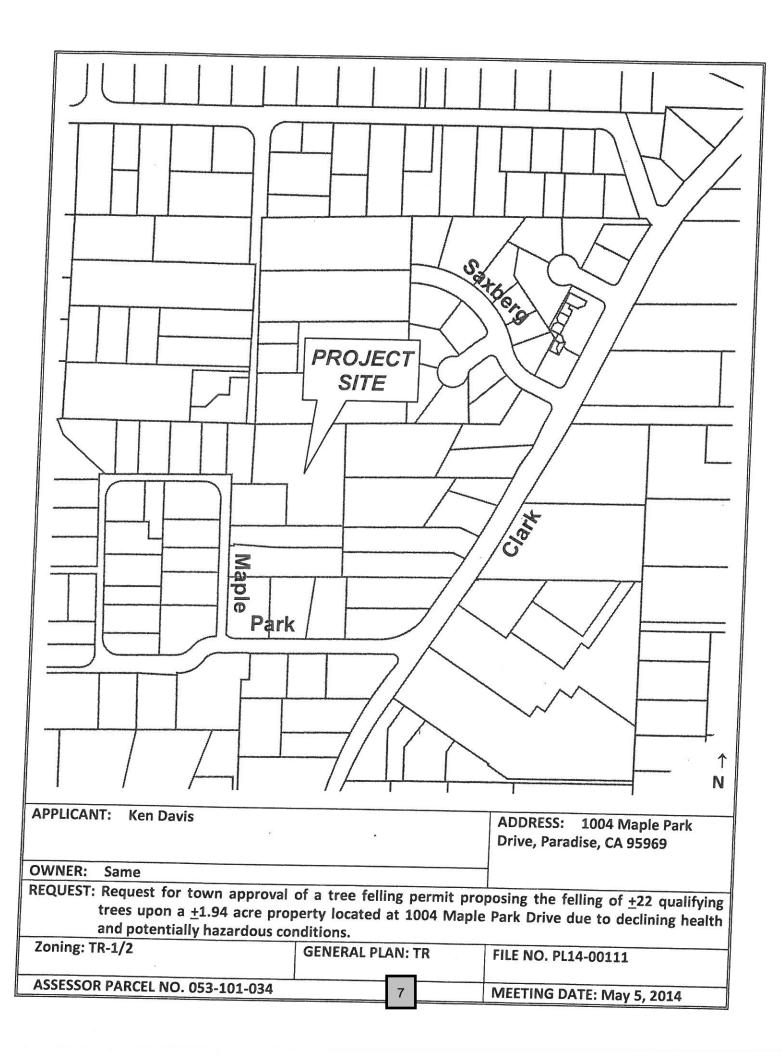
### **CONDITION OF TREE FELLING PERMIT APPROVAL**

1. The approval action for the Davis 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.

### Attachments

### LIST OF ATTACHMENTS FOR THE DAVIS TREE FELLING PERMIT APPLICATION

- 1. Vicinity map of the project site area
- 2. List and map of property owners notified of the public hearing
- 3. Copy of the notice of public hearing for the Davis tree felling permit application
- 4. Tree felling permit application (PL14-00111) submitted on April 15, 2014 for the proposed tree felling activity
- 5. Written certification provided by RPF No. 1884 Randolph Vasquez that the 22 trees proposed for felling must be felled to improve forest health and reduce hazards on the property, dated March 31, 2014
- 6. Plot plan (8-1/2"x 11") submitted with the tree felling permit application showing the locations of numbered trees proposed to be felled relative to residential improvements and property lines



053-070-018-000 053-070-019-000 053-070-054-000 CARTER JON A HORNBACK LORI & JON ISENBERG FAMILY TRUST 5997 WILLIAMS DR 5977 WILLIAMS DR 1531 JAMIE DR PARADISE CA 95969 PARADISE CA 95969 YUBA CITY CA 95993 053-070-054-000 053-070-055-000 053-080-002-000 OCCUPANT WILSON DEBORAH ANDERSON FAMILY TRUST 5965 WILLIAMS DR 5990 WILLIAMS DR 590 CRICKETFIELD CT PARADISE CA 95969 PARADISE CA 95969 THOUSAND OAKS CA 91361 053-080-003-000 053-080-018-000 ANDERSON FAMILY BYPASS 053-080-019-000 JONES RANAE ETAL OT TRUST ESTATE PETERSEN FAMILY TRUST 7054 SKYWAY 6178 WOODBROOK CIR 6179 WOODBROOK CIR PARADISE CA 95969 PARADISE CA 95969 PARADISE CA 95969 053-080-034-000 053-080-034-000 JEFFREY G VESELY CPA 053-101-001-000 OCCUPANT EMPLOYEE RETIREMENT PLAN ANDERSON FAMILY BYPASS 5998 WILLIAMS DR ETAL TRUST ESTATE PARADISE CA 95969 PO BOX 560 7054 SKYWAY MAGALIA CA 95954 PARADISE CA 95969 053-101-008-000 053-101-010-000 053-101-009-000 DEURLOO DOUGLAS S GORMAN LEE V & BONNIE S SHAW MICHELLE M FAMILY 1095 MAPLE PARK DR 1087 MAPLE PARK DR TRUST PARADISE CA 95969 PARADISE CA 95969 992 MAPLE PARK DR PARADISE CA 95969 053-101-015-000 053-101-013-000 SCHROEDER DENNIS H & 053-101-015-000 **BURT GARRY T** OCCUPANT MARGARET T 1008 MAPLE PARK DR 6103 CLARK RD 10365 DITSON ST PARADISE CA 95969 SUNLAND CA 91040 PARADISE CA 95969 053-101-022-000 053-101-022-000 JOHN KENNETH M & MARIANNE 053-101-025-000 BACHUS FAMILY TRUST ETAL OCCUPANT OCCUPANT 6077 CLARK RD 1706 ELLIS DR 6091 CLARK RD PARADISE CA 95969 PARADISE CA 95969 PARADISE CA 95969 053-101-025-000 053-101-026-000 WIPPLER ANDREAS & 053-101-026-000 OCCUPANT KATHARINA **GUYNN INC** PO BOX 1482 6081 CLARK RD 1218 MANGROVE AVE BLAIRSDEN CA 96103 PARADISE CA 95969 **CHICO CA 95926** 053-101-034-000 053-101-035-000 053-101-036-000 DAVIS KEN & CANDACE BENINI ANTHONY L ETAL BITKER MATTHEW D ETAL 1004 MAPLE PARK DR 1002 MAPLE PARK DR 996 MAPLE PARK DR PARADISE CA 95969 PARADISE CA 95969 PARADISE CA 95969 053-101-037-000 GRAY DEAN V & LEFFORGE 053-110-002-000 053-110-002-000

OCCUPANT

1012 MAPLE PARK DR

PARADISE CA 959 8

HEMBEL MERLIN R

PARADISE CA 95969

1012 1/2 MAPLE PARK DR

CHRISTIE N

1000 MAPLE PARK DR

PARADISE CA 95969

053-110-002-000 OCCUPANT 1012-1/2 MAPLE PARK DR PARADISE CA 95969

053-110-016-000 OCCUPANT 999 MAPLE PARK DR #B PARADISE CA 95969

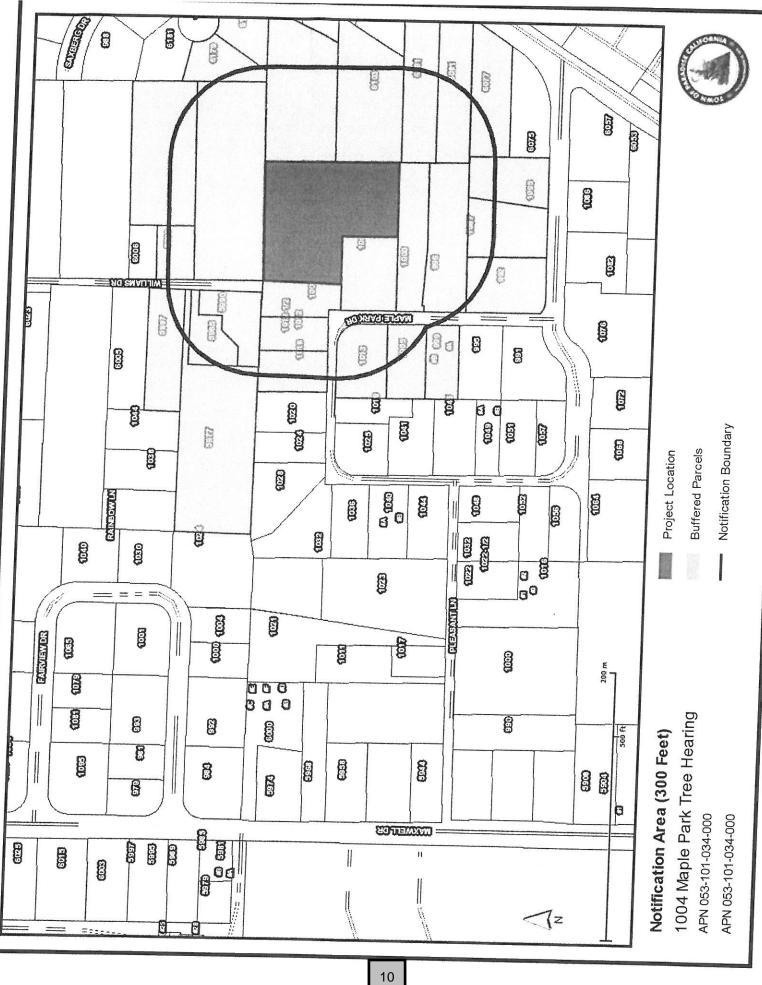
053-110-058-000 OCCUPANT 1013 MAPLE PARK DR PARADISE CA 95969 053-110-003-000 MCGUIRE KENNETH C 1016 MAPLE PARK DR PARADISE CA 95969

053-110-016-000 OLESKY FAMILY LIVING TRUST 395 RANKIN WAY PARADISE CA 95969

053-110-058-000 KLACKLE KURT & JOY PO BOX 1697 CHICO CA 95927 053-110-016-000 OCCUPANT 999 MAPLE PARK DR #A PARADISE CA 95969

053-110-016-000 OCCUPANT 999 MAPLE PARK DR PARADISE CA 95969

053-110-059-000 VANSTAVERN HELEN A ESTATE 1005 MAPLE PARK DR PARADISE CA 95969



# 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 at a special Planning Commission meeting on Monday, May 5, 2014 at 6:00 p.m. in the Paradise Town Hall Council Chambers, 5555 Skyway, Paradise, CA, regarding the following projects:

## Items determined to be exempt from environmental review:

- a. BIG 5 TREE FELLING PERMIT APPLICATION (PL14-00121): Request for town approval of a tree felling permit proposing the felling of ±20 qualifying trees upon a ±1.42 acre property zoned Community Commercial (CC) located at 7337 Skyway (AP No. 053-021-081) to facilitate construction of a +/-9,975 square foot retail store (Big 5) and related site improvements.
- b. DAVIS TREE FELLING PERMIT APPLICATION (PL14-00111): Request for town approval of a tree felling permit proposing the felling of ±22 qualifying trees upon a ±1.94 acre property zoned Town Residential ½ acre minimum (TR ½) located at 1004 Maple Park Dr (AP No. 053-101-034) due to declining health and potentially hazardous conditions.

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 5555 SKYWAY, PARADISE - (530)872-6291 TREE FELLING APPLICATION/PERMIT

The state of the s
PROPERTY ADDRESS: 10 PERMIT NO. PULY - 00111 DATEY-15 - 2014
PROPERTY ADDRESS: 1004 MAPLE PARK
PROJECT DESCRIPTION (attach additional sheet(s) if necessary)  NUMBER OF TREES: Type OF TREES: ton ARGOR PINES  DIAMETER OR CIRCUMFERENCE OF TREES (at 54" above grace):
DATE FELLING SHALL START:  CONSTRUCTION PERMIT NO(S):  PURPOSE OF REMOVAL:  TREE FELLING PERMIT HISTORY FOR PROPERTY:
OWNER INFORMATION:  NAME: KEU DAUIS  ADDRESS: STREET NUMBER/NAME: 1004 MAPIE PAR DE  CITY/STATE/ZIP: PAR
CONTRACTOR INFORMATION:  NAME: TOM'S REE S. (), C. TELEPHONE NUMBER: 877-6055  ADDRESS: STREET NUMBER/NAME: P.O. Box 2495  CITY/STATE/ZIP: PAL
PERMIT FEE S RECEIPT NO.
PLOT PLAN (Show Streets, Structures and Tree(s) in space provided below.)
in the early this pace provided below.)

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

COM	NTRACTOR LICENSE LAW: I declare under penalty of perjury (check one):
K	am licensed under provisions of the Business and Professions Code and my license is in full force and effect.  License No. 652515 Classification 1 Code and my license is in full force and effect.
	The contracted service price is \$500.00 or less and the owner has provided written disclosure at per Business & Professions Code Section 7048.
	i. as the owner, or my employees with wages as their sole compensation will go the work.
	i, as the owner, am exclusively contracting with licensed contractors.
	r am licensed under provisions of Public Resources Code 4570 et sec, and my license is ir. full force and effect. License No
	i. as the owner, an exclusively contracting with a licensed timper operator.
WOF	RKER'S COMPENSATION INSURANCE: I declare under penalty of perjury (check one):
<u>                                      </u>	I have placed on file with the Town of Paradise Community Development Department a certificate of worker's compensation on a certificate of consent to self-insure.
	I shall not employ any person, in any manner so as to pecome subject to the workers compensation laws of California.
	The contracted service price is \$500.00 valuation of less.
property expenses i unde withir occurs	FICATION: Certify that I have reacting and nereby authorize representatives of the Town of Paradise to enter upon the above-mentioned for inspection purposes. Laiso agree to save, indemnify and keep narmiess the town and its agents against all liabilities, judgments, costs and that may in any way accrue against sale agency in consequence of the granting of this permit.  Perstand that for each tree felled, one tree (fifteen gallon minimum size) shall be planted in twelve months thereafter or within one year of occupancy of new construction, whichever is first. Replacement trees must be of a species listed within PIMC Section8.12.120.  Date: 4-15-14  Some Contractor Agent LTO
□ A	DECISION: pproved enied Reason denied:
Bi.	(Town Manager or Designee) Date:
It is recomn felling. This	nended that you contact the California Department of Porestry, Reading Office, (530) 225-2428 for regulations that may apply to tree permit expires 90 days beyond date of issue.
POS	T THIS PERMIT AT A POINT PROVIDING PRING ARY ACCESS TO THE SITE OF THE TREE
(4.1)	FELLING PRIOR TO FELLING 13 QUALIFYING TREES.

# Randolph Vasquez Forest Management

1600 Feather River Blvd Suite B Oroville , California 95965 (530)534-5229



TOWN OF PARADISE COMMUNITY DEVELOPMENT DEPT.

March 31, 2014

Town of Paradise 555 Skyway Paradise CA 95969 Attn: Craig Baker APR 0 8 2014

RECEIVED

Re: Tree report for ap#053-100-034 Ken Davis Property, 1004 Maple Park Drive. Purpose for tree removal;

Hazard tree removals. The project will require the removal of 22 trees, All Ponderosa Pines(PP). The property is 1.94 acres with house garage and storage building. The property includes 40 ponderosa Pines greater than 10" dbh, and 17 California Black oaks greater than 10" dbh. All of the trees to be removed are less than 50 foot from the structures, most of the trees are within 20 feet of the structures. Reasons for tree removals include structural instability with heavy leans and damaged boles, fomes pini heart rot, cankers from gall rust bole damage, foundation damage from root structures, and compromised root structures from past excavation and compaction. The following table list all trees to be removed and the individual reasons for removal. Trees have corresponding numbers painted with white paint on the boles. All of the trees recommended for removal are considered a safety risk to the structures and inhabitants.

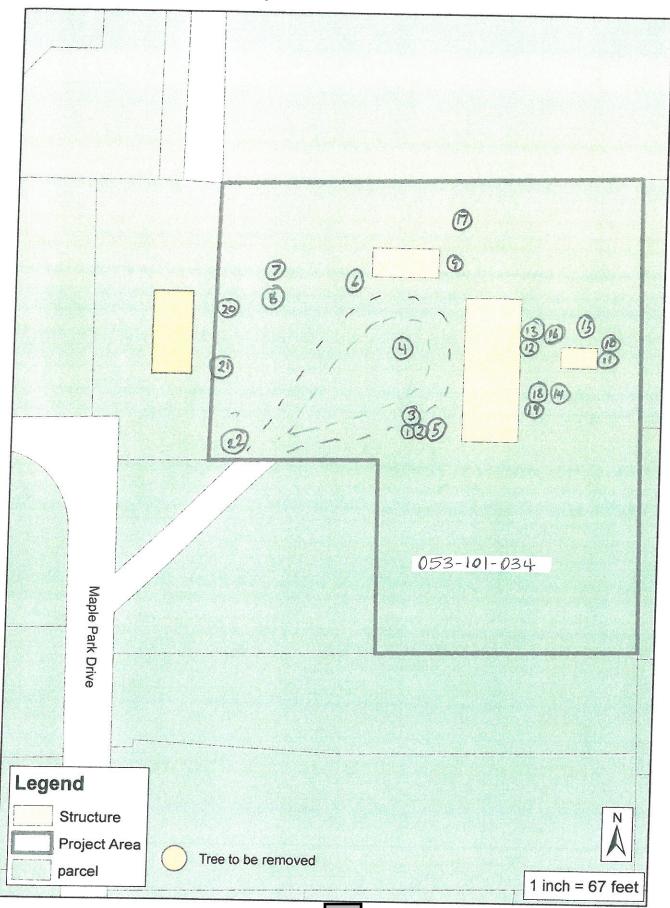
#	species	Circumference	reason	#	species	Circumference	reason
1	PP	56	k	12	PP	75	us
2	PP	75	k&us	13	PP	81	us
3	PP	88	k	14	PP	125	us
4	PP	81	k	15	PP	100	k
5	PP	94	k	16	PP	62	k
6	PP	100	k&us	17	PP	88	us
7	PP	88	k	18	PP	94	us
8	PP	94	k	19	PP	125	k&us
9	PP	94	us	20	PP	94	k&us
10	PP	125	k	21	PP	88	
11	PP	100	k	22	PP	81	us

k= fomes pini heart rot, us= unstable due to heavy lean over existing residence, bole cankers, compromised root structures

Respectfully,

Randolph Vasquez
Registered Professional Forester #1884

# Davis Hazard Tree Map



### **MEMORANDUM**

TO: Planning Commission AGENDA NO. 1(b)

**FROM:** Craig Baker, Community Development Director

**SUBJECT:** Big 5 Tree Felling Permit Application (PL14-00121); APN 053-021-081

**DATE:** April 29, 2014

### **SPECIAL INFORMATION:**

The permit applicant, Greg Melton of Melton Design Group, acting on behalf of retail store chain Big 5, is requesting approval from the Town of Paradise to fell up to 20 qualifying trees on a ±1.42 acre project site located at 7337 Skyway in the central portion of the Paradise Community. The trees are proposed to be felled to accommodate the establishment of a +/-9,975 square foot Big 5 store. The proposed project development is to occur in a single phase and is to include establishment of necessary site improvements (on-site parking facility, drainage detention facility, utility connections, wastewater disposal system, trash enclosure, business sign, landscaping, etc.).

Primary road access for the project site is via Skyway, 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 Skyway at the southern end of the property.

The project site is currently developed with a manufactured home as well as a traditional, stick-built home and detached sheds, all of which are scheduled for demolition, as well as their associated septic systems, as part of the building permit. Existing site improvements include a gravel circular driveway with two driveway encroachments along Skyway, the northern most one to be properly abandoned as part of the proposed project. The site has a gentle slope of approximately 7% from west to east with an existing drainage swale and thick blackberry bushes encompassing the rear 1/3 of the property.

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

### **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 April 23, 2014 and prepared by Kenny Rawe of RAWE Tree Care & Preservation, a licensed tree contractor. The report correlates to the 24"x 36" project site improvement plan showing numbered trees proposed to be felled. According to the report, the site contains 20 qualifying ponderosa pine, incense cedar, and black oak trees along with several non-native trees. The report indicates that development of the site as proposed will result in the felling and removal of up to 20 qualifying trees on the site. Twenty-four qualifying trees and four non-qualifying trees are proposed to be retained. Other observations regarding the report and site plan include the following:

 Tree nos. 23, 24 and 25, all identified on the site plan as 20" in diameter are actually 42", 10" and 17" respectively.

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

### **Zoning Regulations**

The project site is designated Town Commercial by the Paradise General Plan and zoned Community Commercial (CC) which allows retail services as a planned, permitted land use. Current zoning regulations assigned to the site prohibit the establishment of a "commercial timber harvesting" as a primary land use. Commercial timber harvesting is generally defined within the Paradise Municipal Code (PMC) as the harvesting of 12 or more qualifying trees for commercial purposes from a single property within a twelve-month period. Although the applicant is proposing the felling of more than 12 qualifying trees from each property comprising the project site within a twelve-month period, the trees are proposed for felling in order to accommodate development of the property with a new +/-9,975 square foot retail store with related site improvements and not solely for commercial timber harvesting. Thus, the proposed tree felling activity appears to be in compliance with current town zoning regulations.

### **Environmental Review**

Since the proposed land use (retail services) is enumerated as a land use that is permitted by right in the CC zone, the issuance of development permits is ministerial in nature and therefore not subject to CEQA. The General Plan land use designation, zoning and planned use of the site

for the establishment of commercial/retail land use was thoroughly evaluated and established through the process of extensive environmental and public review and adoption/certification by the Paradise Town Council in 1994. Therefore, it is not anticipated that the proposed project or its associated tree felling activity would result in any direct and unforeseen significantly adverse environmental impacts.

### **Tree Felling Regulations**

Pursuant to Paradise Municipal Code (PMC) Section 8.12.090, any new development project involving the felling of 5 or more qualifying trees and not associated with a planning or land use entitlement must be reviewed and acted upon by the Planning Commission. Since application materials indicate that more than 5 trees are proposed to be felled upon the project site in order to accommodate the proposed project, the Big 5 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 Big 5 tree felling permit application was submitted with detailed material evidence provided by licensed tree contractor Kenny Rawe (CSLB Lic# 948673), certifying that all 20 qualifying trees must be felled to accommodate the proposed project. As mentioned above, no specific request for relief or partial relief from tree restocking/replacement has been submitted by the project applicant or the project tree contractor for Planning Commission consideration.

### **ANALYSIS CONCLUSION**

Based upon the preceding observations and analysis, it appears that the Big 5 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 Big 5 tree felling application.

### **FINDINGS FOR APPROVAL**

A. The Big 5 tree felling permit application meets the criteria for conditional tree felling permit approval as outlined within PMC Section 8.12.090 because the proposed tree felling activity is necessary to accommodate the establishment of a retail land use upon

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 Big 5 tree felling permit application (PL14-00121), authorizing the felling of up to twenty (20) qualifying trees on property located at 7337 Skyway (APN 053-021-081), subject to the following conditions:

### CONDITIONS TO BE MET PRIOR TO ISSUANCE OF TREE FELLING PERMIT

- 1. Secure the issuance of a construction permit for any required septic system construction permit for the proposed retail store office facility.
- 2. File any required building permit applications for the proposed retail store with the Town Building Official/Fire Marshal.

### **GENERAL CONDITIONS**

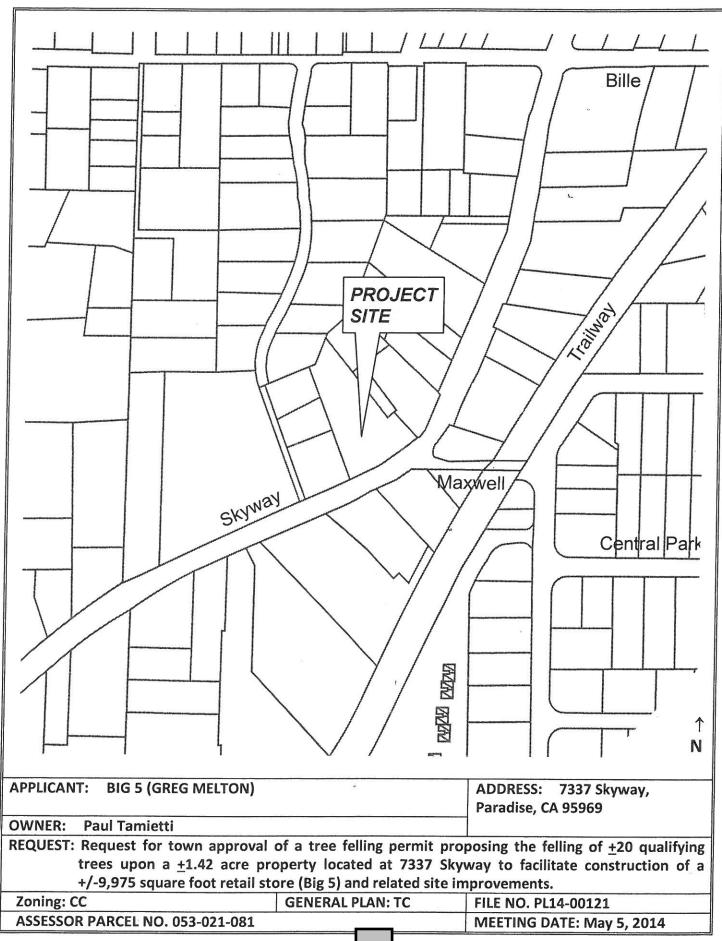
- 3. The approval action for the BIG 5 tree felling permit application shall be valid for an initial term of 24 months. This period may be extended administratively by the Community Development Director upon submittal of substantial evidence that unforeseeable extenuating circumstances have prevented the permit applicant from securing the issuance of the permit and completing the proposed tree felling activity.
- 4. Required landscape plans for the proposed retail store shall be designed to accommodate all required replacement trees and, to the extent that is feasible, shall be designed to buffer and screen the proposed project from abutting residential properties south of the site via an aggressive tree and shrub planting plan along the northern and southerly project site boundaries. 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 BIG 5 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 Big 5 tree felling permit application
- 3. Tree felling permit application (PL14-00121) submitted on April 23, 2014 for the proposed tree felling activity
- 5. Written certification provided by licensed contractor Kenny Rawe (CSLB Lic# 948673) that the 20 trees proposed for felling must be felled to accommodate construction activities, April 23, 2014
- 6. Site plan (24"x 36") submitted with the tree felling permit application showing the proposed Big 5 store site improvements and the locations of numbered trees proposed to be felled



### **1-800-GO-AVERY** www.avery.com

053-021-009-000 BLAKE RONNI L 6131 BOWLES BLVD PARADISE CA 95969

053-030-011-000 DING DAVID T L 5118 COUNTRY CLUB DR PARADISE CA 95969

053-030-052-000 JANSSEN FAMILY LIVING TRUST FTAI 320 PACIFIC HEIGHTS DR SANTA ROSA CA 95403

053-021-052-000 LEROSSIGNOL WILLIAM A SR & MARIE E PO BOX 1118 PARADISE CA 95967

053-021-059-000 LUALLEN FAMILY TRUST P O BOX 222 DURHAM CA 95938

053-021-065-000 MCCALLY THOMAS C & CHRISTINE A ETAI 3100 STADIUM AVE NAPA CA 94558

053-021-051-000 STILES PAULINE REVOCABLE TRUST P O BOX 1147 MIDDLETOWN CA 95461

053-021-088-000 WESTERN PACIFIC DEVELOPMENT GROUP LTD 7209 SKYWAY PARADISE CA 95969

Greg Melton Landscape Architect 309 Wall Street Chico, CA 95928

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053-021-057-000 DAVIS KRISTAL A 6110 BOWLES BLVD PARADISE CA 95969

053-022-029-000 DUNLAP FAMILY REVOCABLE LIVING TRUST 3900 DOUBLE TREE RD OROVILLE CA 95965

ap suas

053-030-050-000 KHAN FAMILY TRUST 4 BURNEY DR CHICO CA 95928

053-021-008-000 LINDSAY CHARLES M & PAMELA R 21675 LEAF AVENUE CORNING CA 96021

053-021-063-000 MCCALLY THOMAS C & CHRISTINE A 3100 STADIUM AVE NAPA CA 94558

053-022-033-000 OREILLY AUTOMOTIVE STORES INC PO BOX 1156 SPRINGFIELD MO 65801

053-021-081-000 TAMIETTI PAUL 236A W EAST AVE #257 **CHICO CA 95926** 

053-021-086-000 ZHANG TRACY J 7389 SKYWAY PARADISE CA 95969

RAWE Tree Care & Preservation P.O. Box 69 Forest Ranch, CA 95942

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053-021-010-000 DICKERSON MARK V & CATHLEEN A 6123 BOWLES BLVD PARADISE CA 95969

053-030-051-000 JANSSEN FAMILY LIVING TRUST 320 PACIFIC HEIGHTS DR SANTA ROSA CA 95403

053-021-082-000 LEE SUK C 7321 SKYWAY PARADISE CA 95969

053-021-058-000 LOWRIE PETER R & LYNN I 5192 FOSTER RD PARADISE CA 95969

053-021-064-000 MCCALLY THOMAS C & CHRISTINE A ETAL 3100 STADIUM AVE NAPA CA 94558

053-021-039-000 PIONKE JAMES PHILIP & CAROLE ANN 6138 BOWLES BLVD PARADISE CA 95969

053-021-090-000 TAVES TRUST 334 SO BERKELEY AVE PASADENA CA 91107

Worth Williams Properties 9362 Hollow Way Road Dallas, TX 75220



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 Association 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. 2<sup>nd</sup> 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 at a special Planning Commission meeting on Monday, May 5, 2014 at 6:00 p.m. in the Paradise Town Hall Council Chambers, 5555 Skyway, Paradise, CA, regarding the following projects:

Items determined to be exempt from environmental review:



**BIG 5 TREE FELLING PERMIT APPLICATION (PL14-00121)**: Request for town approval of a tree felling permit proposing the felling of  $\pm 20$  qualifying trees upon a  $\pm 1.42$  acre property zoned Community Commercial (CC) located at 7337 Skyway (AP No. 053-021-081) to facilitate construction of a  $\pm 1.42$  square foot retail store (Big 5) and related site improvements.

b. DAVIS TREE FELLING PERMIT APPLICATION (PL14-00111): Request for town approval of a tree felling permit proposing the felling of ±22 qualifying trees upon a ±1.94 acre property zoned Town Residential ½ acre minimum (TR ½) located at 1004 Maple Park Dr (AP No. 053-101-034) due to declining health and potentially hazardous conditions.

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 5555 SKYWAY, PARADISE - (530)872-6291 TREE FELLING APPLICATION/PERMIT

APNO. 053-021-081	PERMIT NO. P214-00121 DATE: 4/23/14
PROPERTY ADDRESS:	
PROJECT DESCRIPTION (attach additional number of trees: Type of treDIAMETER ORCIRCUMFERENCE O	F TREES (at 54" above grade).
	SEB ATTACHED PLAN
DATE FELLING SHALL START: CONSTRUCTION PERMIT NO(S):	DATE ISSUED
PURPOSE OF REMOVAL:  TREE FELLING PERMIT HISTORY FOR PROPE	
OWNER INFORMATION:  NAME: PAUL TAMIETI  ADDRESS: STREET NUMBER/NAME:  CITY/STATE/ZIP:	TELEPHONE NUMBER:
CONTRACTOR INFORMATION:  NAME: TO BE DETERMINA  ADDRESS: STREET NUMBER/NAME:  CITY/STATE/ZIP:	TELEPHONE NUMBER:
PERMIT FEE \$ 182 85 TREE REPLAC	EMENT FEE \$ RECEIPT NO. 13796
PIOT PLAN IShow Str.	note Statement and Track-

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

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

SEE ATTACHED.

TOWN OF PARADISE COMMUNITY DEVELOPMENT DEPT.

APR 2 3 2014

RECEIVED

CONTRACTOR LICENSE LAW: T decigare 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. 948673 Classification 949
The contracted service price is \$500.00 or less and the owner has provided written disclosure as per Business & Professions Code Section 704
1, as the owner, or my employees with wages as their sole compensation will do the work.
!, as the owner, am exclusively contracting with licensed contractors.
I am licensed under provisions of Public Resources Code 4570 et sec. 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:   deciare 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.
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.
CERTIFICATION: I certify that I have read this application and state that the above information is correct. I agree to comply with all tow ordinances and state laws relating to tree cutting, and hereby authorize representatives of the Town of Paradise to enter upon the above-mentione property for inspection purposes. I also agree to save, indemnify and keep narmless the town and its agents against all liabilities, juogments, costs an expenses that may in any way accrue against said agency in consequence of the granting of this permit.  I understand that for each tree felled, one tree (fifteen gallon minimum size) shall be planted.
within twelve months thereafter or within one year of occupancy of new construction, whichever
occurs first. Replacement trees must be of a species listed within PMC Section8.12.120.  x Date: 4/23/14
Signature of Applicant - Owner Contractor X Agent LTO
PERMIT DEC!SION:  Approved  Denied Reason denied:
By(Town Manager or Designee)
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 FELLED WITHOUT POSSESSION OF AN APPROVED PERMIT.









### Tree Felling Permit – Town of Paradise

### BIG 5 SPORTING GOOD STORE - APN# -- 053-021-081

#### SITE ANALYSIS

After reviewing the plans from the Civil Engineer and walking the site it was clear why most of these trees are being removed. All trees to be removed are tagged matching the number on the site plan. The majority are located in the building footprint and or parking area. I reviewed the site plan closer and can't see a way to adjust the building to save more trees. There are also several trees on the side property lines that will be maintained. Several of these are ponderosa pines and black oaks.

The grading seemed to be logical and we will be able to save some trees in the grading by not filling around the trunks of the trees and allowing drainage away from the trunks.

There are a couple trees that are not shown as being removed that will need consideration by the owner. Tree number 23 is a large Ponderosa Pine and shows signs of pitch disease or lack of watering. The tree will most likely live through construction but will have a hard time with all the disturbance to the roots and removal of oxygen into the ground. For that reason we feel it should be removed now before construction. There are two healthy cedars behind it that are being spared to fill the void.

Trees 24 and 25 are Black Oaks and will have fill over parts of their trunks. I do believe they will survive if we can keep the soil back from trunk with stone they will be fine.

In regards to the trees in the parking lot. The grading prohibits us from saving the trees as we are cutting 2/3 of the parking lot which will take the trees with them.

Our goal is to replant with a combination of Red Maple and California Incense Cedar to bring a combination of deciduous and conifers back onto the site and avoid future disease transfer to new trees. The existing ponderosa and oaks will provide a treed site that will help the building fit into its environment.

### RECOMMENDATION:

Removal of 20 trees that will including tree 23 that is in question. There are other pines that show disease but will live for years prior to the need of removal. The plan identifies location and removal and all trees to be removed have been tagged at DBH with a number.

Sincerely,

Kenny Rawe

Contractor's License# 948763

RAWE Tree Care & Preservation P.O.BOX 69 FOREST RANCH, CA 95942 (530) 321-4576 TOWN OF PARADISE COMMUNITY DEVELOPMENT DEPT.

APR 7-3 2014

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