



TOWN OF PARADISE

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PLANNING COMMISSION MINUTES

September 19, 2017
6:00 PM

CALL TO ORDER by Chair Nichols at 6:00 p.m. who led the Pledge of Allegiance to the Flag of the United States of America.

COMMISSIONERS PRESENT: James Clarkson, Stephanie Neumann, Anita Towslee and Martin Nichols Chair.

COMMISSIONERS ABSENT: Ray Groom

1. APPROVAL OF MINUTES

- 1a. **MOTION** by Towslee, seconded by Neumann, approved the Regular Meeting Minutes of August 15, 2017 with one change (page 1. Item a. forth section down, says **Motion my**, should say **Motion by**). Roll call vote was unanimous with Groom absent and not voting.

2. COMMUNICATION

- 2a. Recent Council Actions – Community Development Director Baker informed the Planning Commissioners that at the September 12, 2017 Town Council meeting the Town Council approved the updated and revised Master Fee Schedule and also adopted a Resolution revising two job descriptions in Community Development and restructured the department.

- 2b. Staff Comments - None

3. PUBLIC COMMUNICATION - None

4. CONTINUED PUBLIC HEARING - None

5. PUBLIC HEARING

- 5a. Indian Rock Springs Tentative Map Application (PL17-00027) Planning Commission consideration of a tentative map to divide an 11.75 acre property and currently developed with a single family residence located at 5640 Indian Rock Lane (west end of Buschmann Road) into 6 lots of record and a 5.6 acre remainder. The project site is zoned Rural Residential-1 acre minimum (RR-1) and is further Identified as Assessor Parcel No. 052-250-117. (Staff recommendation: Conditional approval)

Community Development Director provided a brief update on the project that is proposing to divide a 11.75 acre site into six lots for residential use and a 5.6 acre remainder lot that will serve as open space. Proposed lot sizes would range from 1.0 to 1.28 acres.

The Planning Director has reviewed the project pursuant to the provisions of the California Environmental Quality Act of 1970 (CEQA) and determined that it will not have a significant effect on the environment.

There are 27 conditions proposed for the approval of this project.

Commissioners asked the following questions:

1. Where primary access to the development was from?
2. The number of fire hydrants to be added.
3. Who will own the open space and maintain it?
4. Understands that there are cultural resources, is there any obligation to provide public access to the open space?
5. There is concern of the road alignment with the old and new Bushmann Road.
6. Is there any leveling of the proposed sidewalks?
7. Is access defined well enough by site?

Community Development Director Baker answered the questions:

1. The primary access will be off of Buschmann Road (Existing Road) there are three lots that will have access off of Indian Rock Lane and three will access off of Buschmann extension.
2. Stated the Fire Marshal evaluated and required the adequate number of fire hydrants for the plan.
3. The open space will be a common space potentially owned by all property owners and will have to be maintained due to municipal code requirements.
4. There are cultural resources on the property that have been known for many years, there are no recommendations for protective measures from the archeologist. The Town will request designation of a "No soil disturbed area" and there is no obligation to provide public access to the open space because it is a private street.
5. There was no recommendation from Public Works or the Town Engineer to re-align the road and determined that there would not be a large increase in vehicle traffic to require alignment.
6. There are no sidewalks required or proposed.
7. The entrance will be slightly improved due to the size.

Chair Nichols opened the public hearing at: 6:14 p.m.

1. Herb Votaw, project Engineer from Rolls, Anderson and Rolls, clarified/answered some of the questions:
Stated that the applicant agrees with all of the conditions, there will be two new fire hydrants, the designated remainder will be owned by the original owner and maintained by a maintenance agreement within the subdivision by an HOA or CC&R or is willing to give the parcel to the Town. Mr. Votaw stated that the Town will not record the map until the Town Engineer is confident that the remainder property will be maintained.
2. Gary Maran, Property Owner, stated that the intention for the open space/greenbelt area is to have an HOA for new and current lot owners, agreeing to a fund, so that it will always be maintained. Mr. Maran thinks that the best use of the property is to include walking paths along the storm drain areas to make it a park like setting, but it is dependent on Planning Commission approval.

Planning Commissioners asked if the owner would object to an additional condition requiring that the maintenance agreement be approved by the Town Engineer.

Mr. Maran did not object to an additional condition, will be part of HOA/CC&Rs for homes allowed in there, to try and keep area clean.

Commissioners asked about the proposed HOA and stated that the current property owners could not be forced to participate if they are not willing, and if there would be an addition road maintenance agreement.

Mr. Baker stated that condition #8 includes a road maintenance agreement and he might suggest minor edits to that condition.

3. Gloria Dyer, lives on Parcel #2, asked for clarification of the easement/expanded road, stated that it appears to encroach on their existing driveway by 17 ft., asked how that can be done without their permission. Stated that she thinks the map shows it goes into their property.

Herb Votaw stated that they are not asking for any additional width on the existing easement, but will be widening the cul-de-sac bulb (approved portion), that the road standards have changed from the original development and that any changes will improve or make access better. There will not be any new utilities on the street.

Planning Commissioner Neumann informed them that the preliminary title report would clearly delineate where the property lines and easements are located with a legal description and that the original developer may have paved what was required at that time.

Mr. Baker, stated that it appears that Parcel #2 does not own any part of the easement in fee, the easement is on the designated remainder, offsite.

4. Rodney Dyer, inquired that if the cul-de-sac is widened will new pavement be put in the driveway? When the builder/developer put in the current cul-de-sac why did he not pave or put in a portion of the cul-de-sac he is proposing today. Mr. Dyer asked why the developer wants to pave into their section of the driveway that will affect the mailbox, established trees, PG&E transformers and brick wall.

Mr. Baker stated that is a requirement of the current Subdivision ordinance.

Mr. Votaw, stated that since this is a tentative map, the Town Engineer will allow the design to be moved to maintain current configurations as long as it meets the current standards and if things need to be moved, they will be put back exactly as they are, if not better.

5. Bill Mannel, property owner, thinks it is a good project, but has questions regarding the project. Why the cul-de-sac couldn't be shifted to achieve 40-50' easement and be less of an impact to the property owners? Is concerned that things should be addressed before the map is recorded, because once it is recorded, items can't be changed. Thinks that the alignment of Buschmann Road is an issue due to the lack of visibility from the property owners on the corner. Mr. Mannel's biggest question/concern is who will maintain the remainder parcel, currently has CC&Rs and a road maintenance agreement and is not interested in extending the agreement to maintain the new cul-de-sac since it is for the benefit of the new owners. Mr. Mannel is willing to participate with clean up, but doesn't want to spend more money and thinks the new subdivision owners should pay for it, not

the old ones. Biggest concern, road maintenance agreement for Indian Rock Lane was set up for 4 parcels and now there will be two new owners.

Mr. Votaw stated that the road maintenance agreement will not affect the old owners only the new owners and that there could potentially be two road maintenance agreements due to the new development because the current owners cannot be forced to participate. Road maintenance agreements usually require residents to participate when upgrades are necessary.

The roads have to meet the current road standards prior to the map recording.

Mr. Votaw stated that this is a private road and not a town maintained road and can't guarantee that the road is going to be maintained.

Mr. Baker stated that the Town has always recommended a road maintenance agreement be put in place prior to recording a final map.

Commissioners asked if there was any way to realign Buschmann Road to straighten it out.

Mr. Mannel wanted to clarify that he and Mr. Dyer participate in the road maintenance agreement on Indian Rock Lane and the Marans participate in a road maintenance agreement on Indian Rock Lane and a portion of Buschmann Road and the last improvements were split 50/25/25 by ratio of street frontage. Mr. Mannel suggested that the correct way to approach a new agreement would be by lot frontage on the road for the new property owners.

Mr. Baker stated that the Town has never been involved in determining the ratio from different property owners.

Mr. Mannel stated that there is substantial road failure on Indian Rock Lane due to poor subgrade, it has been patched and there is so much water in that area; a condition should be to evaluate the cul-de-sac.

Mr. Dyer stated that from a driving standpoint, there is an issue with visibility at the intersection of Foster and Buschmann and there have been single car accidents and disagrees with the Town Engineer's determination that Buschmann road is not an issue.

6. Gary Skopnik – lives on Scott Drive, has concerns with extending Buschmann Road.

Chair Nichols closed the public hearing at: 7:03 p.m.

Mr. Baker suggested an additional condition for the developer to be required to provide vegetation clearance on Foster Road to improve site distance in a manner acceptable to the Town Engineer and editing condition #8 to include language for maintenance of the remainder parcel and eliminating the phrase in the second to last line beginning with "and the proposed on-site fire access facility" and inserting a phrase that requires road maintenance, drainage facilities, and an onsite fire access agreement for the proposed private road project and the remainder parcel to meet the requirements of the Town Engineer.

Mr. Baker stated that they could receive input from the Town Engineer about issues and ask him to be present at the next meeting. The hearing could be postponed to the next Planning Commission meeting in October with edits from the Planning Director and changes that would be included in the additional analysis and modified conditions.

Chair Nichols asked if continuing the public hearing would create an inconvenience to the developer.

Gary Maran does not understand the need to prolong the hearing, Buschmann Road has never had a two car accident, agrees that there is a site distance concern but it is the Town's issue, doesn't think any alignment can be done to straighten Buschmann Road and that the road was built to specification. Stated that this is a tentative subdivision map and if the cul-de-sac can be realigned they are not going to tear out items that are currently established. Mr. Maran stated that after 35 years of maintaining the property the water issue at cul-de-sac is a spring and the french drain is probably not working properly. Mr. Maran's mother lives on the property-he hasn't lived in Paradise for 26 years and is aware of issues with property, wants to improve the property and this will have little impact on Buschmann Rd, only a minor impact on area, and has been working on this project for 1 ½ years.

Mr. Baker asked if there was any way to discuss potential solutions/different approaches with the Town Engineer if the hearing is continued. Mr. Maran or Mr. Votaw as his representative is willing to meet with staff to discuss concerns.

Motion by Nichols, seconded by Clarkson, approved to continue the public hearing for Indian Rock Springs Tentative Map Application (PL-17-00027) to October 17, 2017 at 6:00 p.m. with a request of staff to review the following:

1. Town Engineer to review the alignment of Buschmann Rd at Foster Rd and the sight distances at that intersection and attend the October 17th Planning Commission hearing to discuss his conclusions. If changes are needed, to suggest new conditions to the Planning Director for inclusion in the agenda report for that meeting.
2. Town Engineer to consult with the Planning Director to suggest a new condition to provide for the perpetual maintenance of the project's open space.
3. Town Engineer to review the need to correct water seepage on Indian Rock Lane.
4. Write a new condition that encourages the developer to enlarge the cul-de-sac in a way that minimizes the impact on the current residents.
5. Consult with the Town Attorney to determine if the Town has any authority to require the merger of the existing and new road maintenance agreements.

Roll call vote was unanimous with Groom absent and not voting.

6. OTHER BUSINESS

- 6a. Freedle Tentative Parcel Map Extension (PL17-00193). Request for approval of an extension of time assigned to the conditionally approved Freedle Tentative Parcel Map (PM-07-3); 6291 & 6293 Oliver Rd, AP No. 051-071-122.

Motion by Neumann, seconded by Towslee, approved, on behalf of the Town of Paradise, the granting of a six year time extension for assignment to the conditionally approved Freedle Tentative Parcel Map (PM-07-3), thereby creating a new tentative parcel map expiration date of **November 27, 2023**. Roll call vote was unanimous with Groom absent and not voting.

An appeal may be filed with the Town Clerk's office within 10 days of the decision of the Planning Commission.

Community Development Director Baker updated the Commissioners on the following projects going on in town: Safeway, Starbucks, Westside Pizzeria, Lynn's Optimo, Mamma Celeste's Pizzeria and Gastropub, Carousel Motel, Ikkyu Japanese Restaurant and R & R Custom Fabrication.

7. COMMITTEE ACTIVITIES - None

8. COMMISSION MEMBERS

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

Commissioner Neumann expressed concerns about the traffic issues at Center Street and Skyway and was directed to begin the conversation with Town Engineer Marc Mattox prior to agendaizing/discussing at the Planning Commission meeting.

9. ADJOURNMENT

Chair Nichols adjourned the meeting at 7:26p.m.

Date Approved: October 17, 2017

By: _____
Martin Nichols, Chair

Attest:

Dina Volenski, CMC, Town Clerk