



TOWN OF PARADISE

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PLANNING COMMISSION MINUTES

**October 17, 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, Ray Groom, Stephanie Neumann, Anita Towslee and Martin Nichols, Chair.

COMMISSIONERS ABSENT: None.

1. APPROVAL OF MINUTES

- 1a. **MOTION by Neumann, seconded by Towslee** to approve the Regular Meeting Minutes of September 19, 2017, with changes (For the roll call, Commissioners Absent said Commissioner Present) Roll call vote was unanimous.

2. COMMUNICATION

- 2a. Recent Council Actions – Community Development Director Baker informed the Planning Commissioners that at the October 10, 2017 Town Council meeting the Town Council considered an application to abandon a 1' strip of land (Noble property) , which was unanimously denied by the Council.
- 2b. Staff Comments - None

3. PUBLIC COMMUNICATION - None

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

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

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

- 3. Parties against the project
- 4. Rebuttals

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

4. CONTINUED PUBLIC HEARING

4a. Item for which a proposed mitigated negative declaration document regarding environmental impacts is proposed to be adopted.

Indian Rock Springs Tentative Map Application (PL17-00027) The project proponent is requesting approval of a tentative map (Indian Rock Springs) to divide an 11.75 acre property located at the west end of Buschmann Road and zoned Rural Residential-1 acre minimum (RR-1) 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.

Planning Director Baker provided a brief overview of the continued public hearing regarding the Indian Rock Springs Tentative Map Application. There are additional/new conditions included in the revised staff report for items #1, 6, 7, 8, 9 (new) and 10 (highlighted in bold letters). The items were discussed/addressed at the previous public hearing.

Town Engineer Marc Mattox provided an engineering review of the Indian Rock Springs project and addressed the questions that were asked by the Planning Commissioners at the previous meeting. Engineer Mattox addressed the increase in trips generated by additional homes, collision data for the Foster/Buschmann intersection, concern with realignment of Buschmann Road, sight distance issues both north and south and presented additional conditions of approval regarding removal of vegetation on Foster Road (#9), drainage requirements (#10) and cul-de-sac improvements (#1). (Powerpoint attached to the minutes)

Commissioners expressed concern with streets not aligning and think that, moving forward, that should be a requirement; line of sight is an issue and there are drainage concerns with the current Indian Rock Lane.

Chair Nichols opened the public hearing at: 6:21 p.m.

1. Rodney Dyer, 5660 Indian Rock Lane, asked for clarification of item 3 on page 35 of the agenda packet, asking if he was the property owner. Mr. Dyer stated for the record, that the previous owners had installed the aggregate driveway, mailbox, and other items that were in the easement and that he purchased the property already completed that way.
2. Herb Votaw clarified that the intersection sight distance issue will be remedied by clearing of the property, no grading (just removal of vegetation).
3. Bill Mannel stated that he thinks this is a good project, questions/concerns have been addressed. Clarified that previous comments regarding drainage were referring to the

subsurface springs. Mr. Mannel is willing to try to coordinate the road maintenance agreement with all parties on Indian Rock Lane.

Chair Nichols closed the public hearing at: 6:30 p.m.

Director Baker had one suggested edit to Condition #8, to remove/change part of the sentence, “project drainage facilities **and** maintenance of the remainder lot ~~and the proposed on-site fire access facility~~ to be recorded concurrently with final map recordation.”

Commissioners had concerns with disrupting items/plants/mailboxes in the current easement and that the property was purchased, by the current owner, with the assumption that everything was correctly placed.

The cul-de-sac could be shifted to preserve approach and driveway, don't want to affect property boundaries, but can't say 100 percent that it won't be changed.

Mr. Mannel stated that the current project developer/applicant is the individual that developed Indian Rock Lane, built the home, made the improvements, encroached into the easement and sold the home to the Dyers. There is no way the Dyers would have known they were encroaching on the easement and that should be taken into consideration during the design and make accommodations.

Chair Nichols re-opened the public hearing at: 6:43 p.m.

Herb Votaw, Rolls Anderson and Rolls, stated that there is no opposition to the condition being re-worded and that the developer doesn't want to change the current easement, if possible, because it costs money. If Rolls Anderson and Rolls designs the job he cannot guarantee that there won't be any changes, but they will do their best to have the least impact on the driveway and items in the easement. There may have to be improvements to the drainage and there may be some disturbance to the landscaping, but it will be put back as close to possible as it was.

Engineer Mattox stated that in the design review process he will try to minimize disruptions to the existing improvements to the maximum extent possible.

Chair Nichols closed the public hearing at: 6:47 p.m.

MOTION by Neumann, seconded by Groom, to approve the proposed Indian Rock Springs Tentative Map application (PL17-00027) subject to the following conditions and mitigations. Roll call vote was unanimous.

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

ROADS/ACCESS

1. Prepare and submit three copies of a detailed and engineered road, grading and drainage improvements plan and a dust emissions control plan for the subdivision development and any required off-site improvements to the Public Works Department (engineering division) for review and approval by the Town Engineer. Road improvement plans shall be designed to minimize disruption of existing trees and private improvements. Private

improvements that are disrupted shall be relocated or replaced **to match like in-kind as existing**. Approval of the designed improvements plans by the Town Engineer must be secured **PRIOR TO COMMENCEMENT** of project improvements construction.

2. Establish forty-foot minimum width interior roadway access easements as proposed; and construct full street section improvements within the roadway access instruments to include 2" Hot Mix Asphalt (1/2" aggregate max) on 6" Class II Aggregate Base (3/4" aggregate max) and two asphalt curbs encompassing a 20' wide roadway.
3. Construct paved forty-foot radius cul-de-sac bulb turnaround areas within fifty-foot radius easements located at the terminus of each proposed onsite cul-de-sac.
4. Construct fifteen-foot radius returns at the proposed onsite private access road intersection.
5. Apply for and secure town issuance of an encroachment permit for any work proposed or required to be located within the public street right-of-way.
6. Street name signs shall be provided by the developer at all street intersections per town requirements. Contact the town Public Works Department (engineering division) for information regarding the purchase and installation of street signs. Place the approved names of proposed access roads upon the final map. (Buschmann Road and Indian Rock Lane).
7. The project developer shall install appropriate stop signs and other traffic signs, removal of pavement markings and the addition of thermoplastic pavement markings as determined by the Town Engineer and in accordance with generally acceptable engineering practice.
8. Provide a Town approved road maintenance, drainage facilities and on-site fire access maintenance agreement for the proposed private roads, project drainage facilities and maintenance of the remainder lot to be recorded concurrently with final map recordation.
9. The project developer shall remove vegetation from within the public right-of-way of Foster Road to a distance of 100 feet north and south of the Buschmann Road private road encroachment onto Foster Road to improve traffic sight distance in a manner deemed satisfactory to the Town Engineer.

DRAINAGE

10. Provide a final design solution for drainage per requirements of the Town Engineer and the Post-Construction Standards Plan dated July 6, 2015 as a Regulated Project and that shall be engineered and constructed in a manner that shall include establishment of all necessary drainage improvements onsite and possibly offsite to adequately accommodate existing and project induced drainage flows without generating any offsite significant adverse environmental effects.

UTILITIES

11. Satisfy all utility company requirements regarding the construction and installation of new utility facilities as well as relocation of existing utility facilities, including establishment and offer of dedication of public utility easements.

NOTE: All utilities are required to be placed underground in accordance with PMC Section 16.11.020.

WATER SUPPLY

12. Meet the requirements of the Paradise Irrigation District (PID) regarding the installation of water main extensions, payment of development fees, etc. in accordance with the letter from PID staff dated April 28, 2017 for the Indian Rock Springs Tentative Map and on file in the town Development Services Department. Submit evidence thereof to the town Public Works Department (engineering division).

FIRE PROTECTION

13. Establish minimum required fire flow via fire hydrant(s) installation, water main extension(s) and installation, etc. Infrastructure improvements (water supply and fire hydrants) shall be completed and fire flow available prior to recordation of the final map.
14. Meet all other requirements of the Town of Paradise in accordance with the project review memorandum completed by the town Building Official/Fire Marshal dated February 28, 2017 for the Indian Rock Springs Tentative Map and on file in the Town Development Services Department.

SANITATION

15. Satisfy all requirements of the Town of Paradise sewage disposal regulations concerning the design of the final map in accordance with all requirements outlined within the Land Division Review for the Indian Rock Springs Tentative Map from Town of Paradise Assistant Onsite Sanitary Official dated December 21, 2016 and amended on May 3, 2017 and on file in the town Development Services Department.

SITE DEVELOPMENT

16. All trees to be retained upon the project site shall be protected from damage during construction activities associated with required site improvements in strict accordance with American National Standards Institute (ANSI) standards.
17. Secure approval of a dust emissions control plan in accordance with the Butte County Air Pollution Control District's standard dust mitigation practices.

Provide evidence thereof to the Town Public Works Department (engineering division).

18. Excluding the areas embodied within proposed Lots or existing onsite private road and utility easements, all land within twenty (20) feet of the center of the onsite perennial creek area(s) shall be designated on the final map as a "No soil disturbance and building exclusion area."
19. Prior to any ground-disturbing activity associated with private road, drainage or utility improvements construction, the project developer shall provide material evidence of compliance with the requirements of the California Department of Fish and Wildlife pertaining to the Department's Lake and Stream Alteration Program (LSA). Any design requirements of the LSA Program shall be fully incorporated into required road, drainage and utility construction plans for the project.
20. Access to lots for ingress, egress and public utilities shall be reserved and shown on the final map.
21. All easements of record shall be shown on the final subdivision map.
22. Indicate on the final map a thirty-foot building setback line measured from the centerlines of all proposed private access roadways.
23. Secure the issuance of a town-approved tree felling permit for any qualifying trees to be removed associated with town sanctioned improvements.

OTHERS

24. Place the following notes on the final map information data sheet:
 - a. "At the time of building permit issuance, lot owners will be required to pay any Town of Paradise adopted development impact fees."
 - b. "If any archaeological resources are uncovered during project construction activities, all work shall stop in the area of the find until a qualified archaeologist provides an appropriate evaluation of the discovery." (**Mitigation**)
25. Provide documentation from the Butte County Tax Collector verifying payment of current property taxes and assessment liens imposed by the town.
26. Provide monumentation as required by the Town Engineer complying with the State Subdivision Map Act and Town of Paradise standards.
27. Pay appropriate funds to the local recreation district per requirements of the Paradise subdivision ordinance to offset impact (cumulative) upon areawide recreation facilities. Provide evidence of payment to the town Development Services Department planning division.
28. The project subdivider shall defend, indemnify and hold harmless the Town of Paradise or its agents, officers and employees from any claim, action or proceeding against the Town of Paradise or its agents, officers or employees to attach, set aside, void or annul the Town of Paradise approval of the Indian Rock Springs Tentative Map if such action is brought forward within the time period provided in California Government Code Section 66499.37. The Town of Paradise shall promptly notify the subdivider of any claim, action or proceeding and shall cooperate fully in the defense. In the event that the Town of Paradise fails to promptly notify the subdivider of any

claim, action or proceeding, or if the Town fails to cooperate fully in the defense, the subdivider shall not thereafter be responsible to defend, indemnify, or hold harmless the Town of Paradise. Nothing contained within this condition prohibits the local agency from participating in the defense of any claim, action, or proceeding, if both the following occur: (1) The agency bears its own attorney's fees and costs; and (2) The agency defends the action in good faith. The subdivider shall not be required to pay or perform any settlement unless the settlement is approved by the subdivider.

Community Development Director Baker announced that the decision can be appealed to the Town Council within 10 days of this decision.

5. PUBLIC HEARING - None.

6. OTHER BUSINESS - None

7. COMMITTEE ACTIVITIES - None

8. COMMISSION MEMBERS

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

Assistant Planner Hartman informed the Commissioners of future projects that will be coming to them for approval: Hope Christian Church Use Permit Modification and a Tentative Parcel Map on East Dottie.

Community Development Director Baker provided updates on Safeway, Starbucks, Westside Pizza, Optimo, Mama Celeste's Pizza and Kentucky Fried Chicken.

Commissioner Neumann asked Engineer Mattox about concerns with the traffic at Center Street and Skyway, the intersection with Dutch Bros., US Bank and Holiday Shopping Center. Traffic is a major concern.

Engineer Mattox stated that he can review the conditions of approval for Dutch Bros. to see if there is anything addressing concerns. The intersection will be evaluated for the upcoming safety grants cycle to see if it qualifies.

9. ADJOURNMENT

Chair Nichols adjourned the meeting at 6:56 p.m.

Date Approved: November 21, 2017

By: _____/s/_____
Martin Nichols, Chair

Attest:

_____/s/_____
Dina Volenski, CMC, Town Clerk