



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 – May 17, 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 the minutes of the April 19, 2016 Regular 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 - None

6. OTHER BUSINESS

- 6a. Consideration of a request for approval of an extension of time assigned to the conditionally approved Mountain Terrace Vesting Tentative Subdivision Map (SD-07-1); APN 054-060-102, 103 and 104

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

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931
TELEPHONE (530) 872-6291 FAX (530) 877-5059
www.townofparadise.com

PLANNING COMMISSION MINUTES

**April 19, 2016
6:00 PM**

CALL TO ORDER AT 6:00 P.M.

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

ROLL CALL: Commissioners Raymond Groom, Martin Nichols, Anita Towslee and James Clarkson, Chairman. Commissioner Stephanie Neumann was absent.

1. APPROVAL OF MINUTES

- 1a. **MOTION BY NICHOLS, SECONDED BY TOWSLEE,** Approved the minutes of the March 16, 2016 Regular Planning Commission meeting. Roll call vote was unanimous with Commissioner Neumann absent and not voting.

2. COMMUNICATION

- a. Recent Council Actions: Development Services Director Baker updated the Commissioners on the progress of the Safeway project. They are still pursuing the project and currently working out the details to move forward which includes the Safeway Store, additional retail space and a drive through pad for a restaurant and a grant has been awarded for a signal at Black Olive and Skyway which will go in regardless of whether or not the Safeway store moves forward.
- b. Staff Comments – None

3. PUBLIC COMMUNICATION - None

4. CONTINUED PUBLIC HEARING - None

5. PUBLIC HEARING - None.

6. OTHER BUSINESS

- 6a. Acceptance and referral of the Planning Commission Annual Report for calendar year 2015 to the Town Council regarding the present implementation status of the 1994 Paradise General Plan Housing Element.

Assistant Planner Susan Hartman informed the Commissioners that this is the annual report to the State Department of Housing and Community Development, this report details how many new housing starts at all affordability levels for 2015 and progress towards the housing program objectives in the Housing Element. The Town has issued 50 permits for new housing units and that number is deducted from the housing allocation number for the reporting period of 2014 to 2022 leaving 573 housing units for the remainder of the reporting period. 2015 highlights include the grant award for the sewer feasibility study, density bonus agreement for three deed restricted units with the Carousel motel and modifying parking regulations for senior housing.

MOTION BY NICHOLS, seconded by Clarkson, Accepted and referred the Planning Commission Annual Report for calendar year 2015 to the Town Council regarding the present implementation status of the 1994 Paradise General Plan Housing Element. Roll call vote was unanimous with Commissioner Neumann absent and not voting.

6b. Acceptance and referral of the Planning Commission Annual Report for calendar year 2015 to the Town Council regarding the present implementation status of the 1994 Paradise General Plan.

Community Development Director Craig Baker informed the Commissioners that this is the General Plan Implementation status report for 2015, outlines policy and implementation measures in the 1994 General Plan except the Housing Element. Most of the implementation over the last calendar year was public/street improvements with Public Works staff-secured several grants and achieving construction of several projects throughout town. The Plan was intended to be 15 year plan and has been in effect for 22 years so most of the items have been implemented. The Planning Commission previously adopted a resolution stating that due to the lack of growth the General Plan is still valid. Mr. Baker stated that there is approximately \$200,000 in a fund reserved specifically to update the plan.

MOTION BY CLARKSON, seconded by Towslee, Accepted and referred the Planning Commission Annual Report for calendar year 2015 to the Town Council regarding the present implementation status of the 1994 Paradise General Plan. Roll call vote was unanimous with Commissioner Neumann absent and not voting.

7. COMMITTEE ACTIVITIES

8. COMMISSION MEMBERS

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

Mr. Baker informed the Commissioners that an incomplete Site Plan Review application was submitted for a Community Care facility at the Lutheran Church on Luther Drive that would provide Administrative services to the homeless and provide showers, laundry services and employment services for up to 15 clients per day; a Chico Engineer is working on a parcel map subdivision on East Dottie; a potential six lot subdivision on Indian Rock Road; a map extension for the Paradise Land Project - a 40 lot planned development on Clark Road; and, the Paradise Community Village Project will be requesting an extension of their map.

9. ADJOURNMENT

Chairman Clarkson adjourned the Planning Commission meeting at 6:24 p.m.

Date approved:

By: _____
James Clarkson, Chairman

Attest: _____
Dina A Volenski, CMC, Town Clerk

M E M O R A N D U M

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

FROM: Craig Baker, Community Development Director

SUBJECT: Application for Approval of an Extension of Time Assigned to the Conditionally Approved Mountain Terrace Vesting Tentative Subdivision Map (SD-07-1); APN 054-060-102, 103 and 104)

DATE: May 11, 2016

BACKGROUND:

On **May 14, 2009**, the Planning Commission conducted a public hearing and conditionally approved the above-noted vesting tentative subdivision map application authorizing the division of an 11.47 acre land area located on the east side of Clark Road between Pearson Road and Buschmann Road into 64 lots (60 residential lots and 4 lots to be held in common) subject to 53 conditions of approval. On **July 28, 2009**, the Town Council adopted Town Ordinance No. 493, assigning Multiple-Family/Planned Development (MF/PD) zoning to the site in order to accommodate the proposed design of the subdivision.

Town records indicate that the Town's conditional approval of this tentative subdivision map and its authorization to be completed as a recorded subdivision map approval would have expired on **May 24, 2012**. 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 Map was ultimately extended to **May 24, 2016**. In anticipation of this circumstance, the project applicant's agent, NorthStar Engineering, submitted a formal request on May 5, 2016 for the Planning Commission to grant an additional six year period, expiring on **May 24, 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 subdivision map for 60 days or until the application for the extension is approved, conditionally approved, or denied, whichever occurs first.

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

DISCUSSION:

The design of the original subdivision map application proposed to create 60 residential lots

and 4 lots held in common to accommodate placement of clustered wastewater treatment components and storm water detention. Lot sizes proposed to be accommodated by the MF/PD zoning would range in size from 0.08 to 0.13 acre and are compliant with the density requirements of the MF/PD zoning. The project was accompanied by required environmental review pursuant to the California Environmental Quality Act (CEQA) that resulted in the adoption of a mitigated negative declaration document and a finding that all project-induced impacts would be reduced to a less than significant level with mitigation measures assigned to the project.

On behalf of the project applicant, NorthStar Engineering has indicated that due to the downturn in the economy and its effects upon the real estate market, it has not been feasible to fulfill all of the project conditions and record the map prior to the May 24, 2016 expiration date. A review of the project file and documentation submitted with the time extension request reveals that the applicant has incurred expenses totaling approximately \$157,359.00 pursuing the project, including development of road and drainage improvement plans, wastewater requirements, easement abandonment, vegetation management and surveying costs. A number of conditions remain unfulfilled (construction of frontage improvements, interior roadways, tree felling, establishing monumentation, etc.).

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

The circumstances outlined above compel staff to be supportive of the 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 subdivision 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 Mountain Terrace Vesting Tentative Subdivision Map (SD-07-1), thereby creating a new subdivision map expiration date of **May 24, 2022.**

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

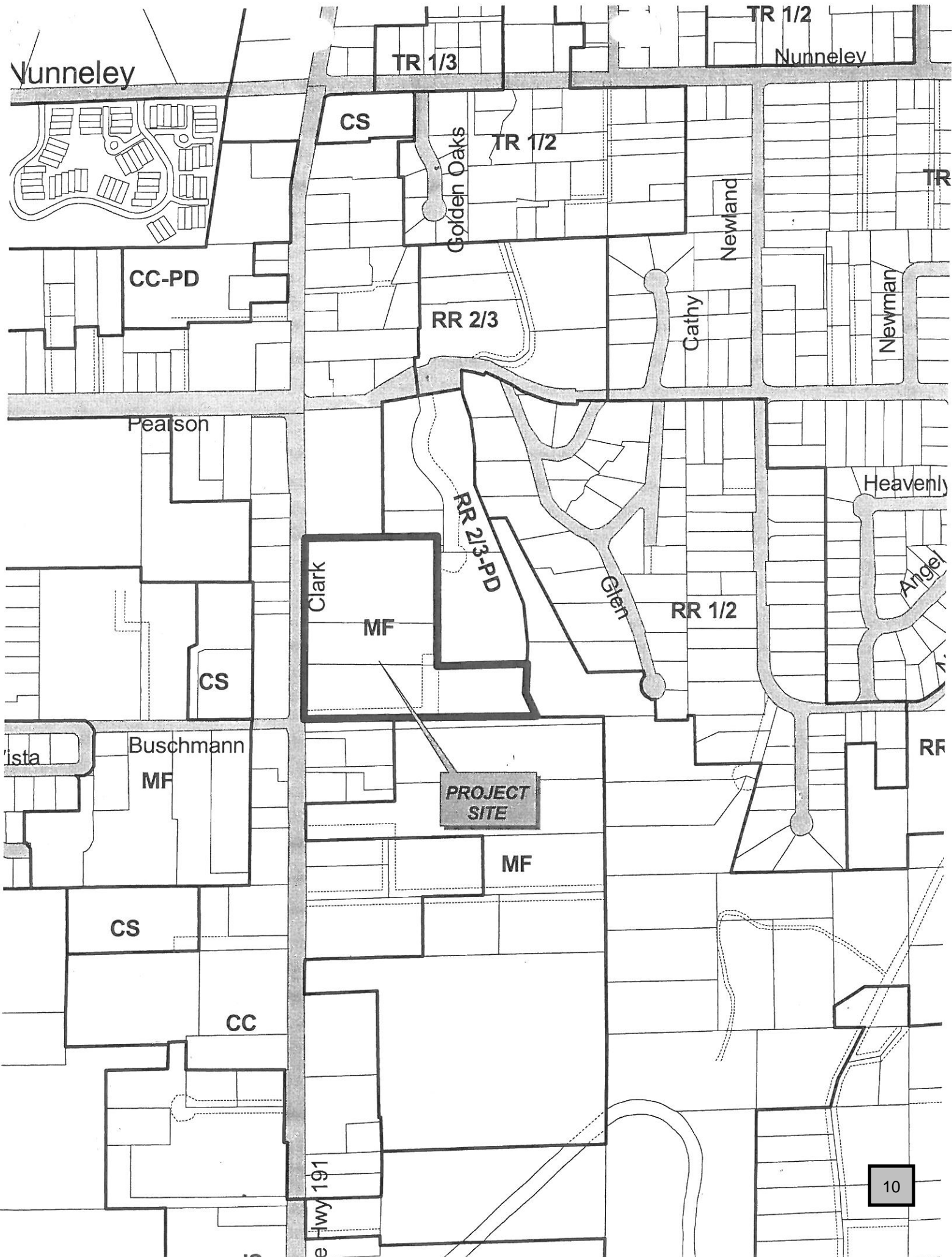
If a written appeal to the Town Council is not filed with the Town Clerk within ten calendar days of any denial decision, then the Planning Commission decision becomes legally effective.

LIST OF ATTACHMENTS

FOR

MOUNTAIN TERRACE VESTING TENTATIVE SUBDIVISION MAP TIME EXTENSION REQUEST

1. Project vicinity map.
2. Time extension request letter from NorthStar Engineering, dated April 26, 2016, with attached list of expenses incurred pursuing development of the project.
3. Mountain Terrace Vesting Tentative Subdivision Map conditions of approval
4. Mountain Terrace Vesting Tentative Subdivision Map (Sheets 1 and 2)
5. Mountain Terrace Vesting Tentative Subdivision Map project description



NorthStar

ENGINEERING

Civil · Surveying · Architecture & Design
Water Resources · Environmental · GIS

April 26, 2016

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

RE: Mountain Terrace Tentative Subdivision Map Extension (SD-071) (TP-07-204) (MR-08-1)

Dear Commissioners,

On behalf of the Paradise Land Project, LLC. we would like to respectively request the six (6) year extension of the Mountain Terrace Tentative Subdivision Map (SD-071), Tree Felling Permit (TP-07-204), and Mello Roos District (MR-08-1). The map, and related applications, is set to expire May 24, 2016. To date the owners have invested \$157,359.00 into the study and development of plans for the project site. The breakdown of costs is as follows:

Entitlement	\$ 43,970
Development Studies	\$ 44,640
Design and Land Preparation	\$ 68,749

After the entitlement process, the main investment for the project site has been in relation to the development to meet the project needs. Preliminary grading and drainage plans were prepared for the site so we could insure the project could conform to the approved Planned Development Permit (RZ-07-1). In addition, a Report of Waste Discharge was developed and approved at the California Regional Water Quality Control Board.

The project was also the first within the Town of Paradise to begin the proceedings for a Mello Roos District. Paradise Land project worked with the Town's consultant in order to prepare the initial Town documents and procedures.

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

Sincerely,
NorthStar Engineering



Nicole Ledford
PE, LEED AP BD&C

Project Costs to Date

\$157,359

ENTITLEMENT

	<i>Type</i>	<i>Purpose</i>	<i>Cost</i>
1	<i>Rezone & Subdivision Map</i>	<i>Application Fees</i>	<i>\$ 4,675</i>
2	<i>Land Use Review</i>	<i>Application Fees</i>	<i>\$ 305</i>
3	<i>Soils Testing and Report</i>	<i>Wastewater Capacity</i>	<i>\$ 10,540</i>
4	<i>Tentative Map and Rezone</i>	<i>Entitlement</i>	<i>\$ 18,350</i>
5	<i>Surveying</i>	<i>Topographic</i>	<i>\$ 4,500</i>
6	<i>Mitigated Neg. Dec from PMC</i>	<i>CEQA</i>	<i>\$ 5,600</i>
			<i>\$ 43,970</i>

DEVELOPMENT STUDIES

	<i>Type</i>	<i>Purpose</i>	<i>Cost</i>
1	<i>Surveying</i>	<i>Boundary and Topographic</i>	<i>\$ 9,500</i>
2	<i>Soils Testing and Report</i>	<i>Wastewater Capacity</i>	<i>\$ 10,540</i>
4	<i>Archaeological Study</i>	<i>Entitlement</i>	<i>\$1,585</i>
5	<i>Biological Analysis and Delineation</i>	<i>Entitlement</i>	<i>\$ 1,880</i>
6	<i>Acoustical Analysis</i>	<i>Entitlement</i>	<i>\$ 3,345</i>
7	<i>Delineation - Waters of the US</i>	<i>Entitlement</i>	<i>\$ 1,800</i>
8	<i>Traffic Analysis</i>	<i>Entitlement</i>	<i>\$ 9,500</i>
9	<i>Geotechnical Analysis</i>	<i>Entitlement and Building</i>	<i>\$ 4,990</i>
10	<i>Tree Survey</i>	<i>Tree Permit</i>	<i>\$ 1,500</i>
			<i>\$44,640</i>

DESIGN AND LAND PREPERATION

	<i>Type</i>	<i>Purpose</i>	<i>Cost</i>
1	<i>Surveying</i>	<i>Boundary - Final Map</i>	<i>\$ 5,000</i>
2	<i>Report of Waste Discharge</i>	<i>State Wastewater Approval</i>	<i>\$ 14,700</i>
3	<i>Engineering</i>	<i>Prelim. Grading and Drainage</i>	<i>\$ 25,600</i>
4	<i>Brush and Trash Removal</i>	<i>Site Preparation</i>	<i>\$ 10,130</i>
5	<i>Vegetation Management</i>	<i>Site Clearing</i>	<i>\$ 3,500</i>
6	<i>Easement Abandonment</i>	<i>Final Map</i>	<i>\$ 8,000</i>
7	<i>Easement Fees</i>	<i>Recordation</i>	<i>\$ 340</i>
8	<i>Mello Roos Initiation (TOP)</i>	<i>District Formation -Final Map</i>	<i>\$ 654</i>
9	<i>Mello Roos Consultant</i>	<i>District Formation -Final Map</i>	<i>\$ 825</i>
			<i>\$ 68,749</i>



TOWN OF PARADISE

5555 SKYWAY • PARADISE, CALIFORNIA 95969-4931

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

www.townofparadise.com

May 15, 2009

Cecil Wall
1041 Dias Drive
Chico, CA 95926

Subject: Mountain Terrace Vesting Tentative Subdivision Map (SD-07-1), Property Rezone (RZ-07-1), Tree Felling Permit (TP-07-204) and Mello-Roos District (MR-08-1) Applications; APN's: 054-060-102, -103 and -104

Dear Mr. Wall:

The Planning Commission conducted a public hearing on May 14, 2009, concerning the above noted applications for property located along the east side of Clark Road at Buschmann Road. After a public discussion, the Planning Commission closed the hearing and adopted the following findings as provided by staff and approved your proposed "Mountain Terrace" vesting tentative subdivision map, tree felling permit, property rezone and Mello-Roos District applications subject to the conditions listed below:

FINDINGS

- a. Find that the project, as mitigated and conditioned, will not result in any significant adverse effects on the environment, and adopt the mitigated negative declaration, as amended by the Paradise Planning Commission on May 14, 2009. (**Mitigation Measures 3.4.3 and 3.4.4**)
- b. Find that the proposed subdivision, as mitigated and conditioned, together with its provisions for its design and proposed improvements, is consistent with the goals and policies of the 1994 Paradise General Plan, the State Subdivision Map Act and the Town's subdivision ordinance.
- c. Find that the project, as mitigated and conditioned, is compatible with surrounding land uses and shall not be detrimental to the public's health, safety and general welfare because the proposed residential density for the project is roughly one-third of that which is potentially permitted in the MF zone, and adequate infrastructure would be in place to serve the lots.

- d. Find that the private and public infrastructure improvements assigned to the proposed project are necessary to promote orderly and safe development of the area; and need to be completed prior to the time of final map recordation.
- e. Find that the project, as mitigated and conditioned, will not detrimentally effect existing plant and animal life in the project vicinity for the following reasons:
 1. No known outstanding wildlife habitat exists in the immediate project vicinity;
 2. The project site is located within an area that has been extensively altered by commercial and residential development, and
 3. A botanical survey of the project site performed by a professional botanist has revealed the following: No threatened, endangered or species of concern were identified as currently existing or inhabiting the project site.
 4. The most sensitive and botanically diverse area of the site (Clear Creek stream corridor) is adequately protected by virtue of its location on the site relative to the project design and surrounding steep slopes.

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

ROADS/ACCESS

1. Prepare and submit six copies of a detailed and engineered site development, grading plan and road and drainage improvements plan for the subdivision development to the Public Works Department (engineering division) for review and approval by the Town Engineer and secure the issuance of a town-approved grading permit. Approval of the designed improvements plans by the Town Engineer must be secured PRIOR TO COMMENCEMENT of project improvements construction.
2. Establish fifty-foot minimum width interior street access rights-of way as proposed; construct full street section improvements within the interior roadway access instruments to the Town-adopted B-1 road standard and offer for dedication to the Town of Paradise.
3. Establish a sixty-foot minimum width street access right-of way as proposed for the easterly extension of Buschmann Road; construct full street section improvements within the right-of-way to the Town-adopted B-2 road standard and offer for dedication to the Town of Paradise.

4. Construct pedestrian and handicapped ramps at all proposed intersections to the County of Butte Department of Public Works Improvement Standard No. S-5 (Standard P.C.C. Pedestrian Ramp Type A) or equivalent as determined by the Town Engineer.
5. Deed additional right-of-way from the center of the Clark Road (State Route 191) right-of-way to the State of California in a manner deemed acceptable to CalTrans. Provide a deed document to the Town Engineer showing that this requirement has been met.
6. Prepare and submit detailed and engineered Clark Road (State Route 191) frontage improvement plans for the subdivision development to CalTrans for review and approval. Secure the issuance of encroachment permit(s) from Caltrans and construct Clark Road frontage improvements in accordance with approved plans.
7. Secure Town of Paradise approval for interior access street names. Place the approved names upon the final map.
8. Street name signs shall be provided by the developer at all street intersections per town requirements. Contact the town Public Works Department (engineering division) for information regarding the purchase and installation of street signs.
9. The project developer shall install appropriate stop signs and other traffic signs and thermoplastic pavement markings as determined by the Town Engineer and CalTrans. Show all required markings upon project improvement plans.
10. Establish twenty-foot radius property line returns or a similar design feature deemed acceptable to the Town Engineer and CalTrans at all proposed street intersections.
11. The developer will be responsible for installation of either a raised median or a pork chop along the extension of Buschmann Road to the east to prohibit left turns at the western project driveway. (**Mitigation**)

DRAINAGE

12. Provide a final design solution for drainage per requirements of the Town Engineer in accordance with INTERIM DRAINAGE DESIGN GUIDELINES prepared April 2, 1998 and CalTrans. Drainage improvements shall be engineered and constructed in a manner that includes the 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.
13. Provide an offer of dedication in a manner and design deemed satisfactory to the Town Engineer for project-related storm water drainage facilities.

UTILITIES

14. 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

15. Meet the requirements of the Paradise Irrigation District (PID) regarding the installation of water main extensions, payment of development fees, etc., and submit evidence thereof to the town Public Works Department (engineering division).

FIRE PROTECTION

16. Establish minimum required fire flow via fire hydrant(s) installation, water main installation, etc. Infrastructure improvements (water supply and fire hydrants) shall be completed and fire flow available prior to recordation of the final map.
17. If deemed necessary by the Town Fire Chief, the project developer shall execute an agreement with the Town of Paradise binding future lot owners to a fuel reduction plan for the lots meeting the requirements of the Paradise Fire Department. Contact the Town Fire Marshal for details of this process.
18. As determined by the Town Fire Marshal, meet all other applicable requirements of the Paradise Fire Department in accordance with the Paradise Fire Department project review memorandum dated June 5, 2007 for the Mountain Terrace Subdivision and on file in the Town Community Development Department.

SANITATION

19. Satisfy all requirements of the Onsite Sanitation Official and the California Regional Water Quality Control Board regarding the design of the final subdivision map compliance with Town of Paradise sewage disposal regulations and, if necessary, completion of an Antidegradation Analysis in accordance with State Water Resources Control Board Resolution No. 68-16.

SITE DEVELOPMENT

20. Submit a detailed storm water pollution prevention plan (SWPPP) to the State Regional Water Quality Control Board (along with the appropriate filing fee). Provide a copy of this approved plan to the Town of Paradise prior to initiation of grading activities.

21. Construction activities shall be limited to the hours of 7am and 7pm. The primary contractor shall be responsible for ensuring that all construction equipment is properly tuned and maintained. When feasible, existing power sources, such as power poles, or clean fuel generators should be used, rather than temporary power generators. Idling time will be minimized to 10 minutes. **(Mitigation)**
22. Prior to the start of any site improvements construction and/or earthwork activities on the site, submit and secure Town Engineer approval of an engineered soils erosion, sedimentation prevention and dust emission control plan for the project. All activities associated with project development shall be conducted in compliance all control and prevention measures outlined in the approved plan.
23. The project applicant shall incorporate all Standard Mitigation Measures into the project and incorporate as many applicable Supplemental Mitigation Measures as feasible into the project as recommended by the BCAQMD (BCAQMD letter, August 22, 2006). **(Mitigation)**
24. A qualified biologist shall conduct a pre-construction botanical U.S. Department of Fish and Wildlife Service (USFWS)/California Department of Fish and Game (CDFG) protocol-level survey, within the months of May or June, to determine if there are any CNPS List 1B plants, including clarkia or checkerbloom, occurring onsite. If any special-status plant species occurrences are found onsite, the applicant shall comply with the Native Plant Protection Act, Sections 2062 and 2067, USFWS, and CDFG. **(Mitigation)**
25. A qualified biologist shall conduct a pre-construction raptor survey, within the months of April or May, or up to one month prior to construction, to determine the presence of nesting raptors in the project area. Should nesting raptors be observed, appropriate mitigation or avoidance measures will be required per CDFG. In addition, larger trees (i.e., greater than 12-inch diameter at breast height) to be removed, should be removed between September 1 and March 1 to ensure that active raptor nests are not removed as a result of construction related activities. **(Mitigation)**
26. Prior to grading or construction, the project applicant shall obtain a Streambed Alternation Agreement (California Department of Fish and Game Code, Section 1602), a water quality certification and construction storm water permit from the Regional Water Quality Control Board (Clean Water Act, Section 401), and Army Corps of Engineers (COE) Nationwide permit (Clean Water Act, Section 404), and final approval by CDFG, if such actions are required by these respective agencies. **(Mitigation)**

- 27. Submit and secure approval for the project's required landscaping plan application to the town Planning Director for review and approval in accordance with the Paradise Municipal Code requirements. Landscape plan(s) for this project shall include provisions for the use of noise attenuating plantings, drought resistant plant species, low-flow drip irrigation systems, recreational amenities within common areas, conifer or large shade tree plantings within common areas and a minimum of one conifer or large shade tree to be planted and maintained upon each residential building site.
- 28. No final building inspection or occupancy shall be permitted for any residence within the Mountain Terrace Subdivision until all proposed landscaping along the Clark Road frontage of the site has been installed in accordance with the approved landscape plan.
- 29. At least fifty percent of the tree plantings included within the project site landscape plan shall be species native to Northern California.
- 30. Access to lots for ingress, egress and public utilities shall be reserved and shown on the final map.
- 31. All easements of record shall be shown on the final subdivision map. Properly abandon any easements that conflict with the project design.

PLANNED DEVELOPMENT DESIGN

32. Development standards for individual lots within the Mountain Terrace subdivision shall be modified as follows and shall be shown upon the final subdivision map:

Minimum net lot area:	3,300 square feet
Minimum lot width:	45 feet
	25 feet (Lots 50 and 51)
Minimum street frontage width:	33 feet
	25 feet (Lots 50 and 51)
Minimum front yard setback (from center of street):	30 feet (excepting Buschmann Rd.)
Minimum side yard setback:	3 feet
Minimum rear yard setback:	3 feet
	0 feet (Lots 54, 55, 59 and 60)
Maximum building coverage:	58 percent
Maximum impervious coverage:	77 percent

33. The allowances of Project Condition No. 32 notwithstanding, all other development standards of the town-established Multiple-Family Residential (MF) zoning regulations shall apply to the creation and development of the lots in the Mountain Terrace Subdivision.
34. Contrary to the proposed project design, indicate upon the final subdivision map a fifty-foot building setback line measured from the centerline of proposed Buschmann Road extending east from Clark Road (State Route 191). NOTE: This requirement will effect the project design and may result in the practical elimination of Lot Nos. 1, 5, 46 and 47. Lot nos. 2, 3, 4, 6, 7, 44, 45, 48 and 49 may be enlarged accordingly.
35. The Mountain Terrace Subdivision map shall not be recorded until such time as town-established Multiple-Family/Planned Development combining (MF/PD) zoning is in legal effect for the entire +/-11.47 acre project site.
36. Pursuant to CEQA Guidelines Section 15064.5(e), in the event of the accidental discovery or recognition of cultural or archaeological resources in an area subject to development activity, work shall be diverted from that area. Construction operations shall stop with 3 meters (10 feet) of exposure of any unanticipated significant cultural materials until a qualified archaeologist can evaluate the find (35 CFR 800.11.1). Examples of such cultural materials would include ground stone tools such as mortars, bowls, pestles, and manos; chipped stone stools such as projectile points or choppers; flakes of stone not consistent with the immediate geology such as obsidian or fused shale; fragments of non-fossil shell, concentrations of bottles and/or ceramics; or structural remains. Further, if human remains are discovered, the Coroner of Butte County must be contacted to determine that no investigation of the cause of death is required. If the County Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission within 24 hours. Upon completion of the site examination, the archeologist shall submit a report to the County describing the significance of the finds and make recommendations as to its disposition. If human remains are unearthed during construction, the provisions of California Health and Safety Code Section 7050.5 shall apply. Under this section, no further disturbance of the remains shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98. Mitigation measures, as recommended by the archaeologist and approved by the County in accordance with Section 15064.5 of the CEQA Guidelines, shall be implemented prior to recommencement of construction activity within the 50-foot perimeter. (Mitigation)

TREE FELLING

37. Apply for and secure town approval of a tree-felling permit for any qualifying trees to be removed associated with town sanctioned subdivision improvements.

38. No heavy equipment shall be operated or stored within the drip line of any tree that is not planned for felling and removal.
39. All vegetation (i.e., trees, shrubs) that will need to be removed for construction shall be cut down between the months of August 1 and February 15 (outside of the nesting season of migratory bird species) to ensure that active nests are not removed as a result of the project. To avoid potential erosion impacts, vegetation removal should be limited to cutting of shrubs and trees at ground level to maintain the root system. Once the rainy season has passed, the root systems can be removed. The project proponent shall retain a qualified biologist to:
- a. Conduct a survey for the migratory bird species in all suitable nesting habitats within the project area no more than 30 days prior to any construction activity. Active nests located within 500 feet of construction activities shall be mapped. If nesting migratory birds are not detected, no further mitigation will be necessary. **(Mitigation)**
 - b. If active nests are located in, or within 500 feet of, construction activities, appropriate no-disturbance buffer zones shall be established. Construction activities shall be prohibited within the buffer zone until the end of the nesting season (late July to early August), or until the young have fledged. The qualified biologist shall monitor the nest to determine when the young have fledged and submit weekly reports throughout the nesting season. Also signs will be placed locating areas to be avoided. **(Mitigation)**
 - c. If necessary, identified nest trees may only be removed prior to the onset of the nesting season (March) or after the young have fledged (late July to early August). To protect the nesting habitat of woodpeckers, the removal of oak trees should be minimized or avoided to the greatest extent practicable. Dead trees and snags provide nesting and foraging habitat for woodpeckers. Whenever possible and when not in conflict with fire hazard policies and public safety, dead trees and snags should be left standing. **(Mitigation)**
40. Removal of trees greater than 10 inches in dbh shall be avoided to the greatest extent practicable. Any removal of such trees shall be approved by the Town of Paradise. Planting of replacement trees and new trees shall be implemented as directed by the Town of Paradise. The applicant shall provide a tree replacement/replanting plan and specifically identify which trees would be removed and submit a plan for replacing those trees. This mitigation measure shall identify minimum replanting and monitoring requirements for any tree loss to the satisfaction of the Town of Paradise. **(Mitigation)**

OTHERS

41. Place the following notes on the final map information data sheet:
- a. "At the time of building permit issuance, owner will be required to pay any Town of Paradise adopted development impact fees."
 - b. "Individual six-foot high patio walls shall be constructed for each residential unit with rear lot lines along Clark Road. The wall shall be constructed of masonry block and have a cap stone, protruding at least two inches on the west-facing side. Aesthetic impacts of the walls can be improved with vines or decorative stone."
(Mitigation)
 - c. "Units in lots along Clark Road (Lots 50 through 60, and Lot 26) should have the minimum amount of window areas facing the road allowed by the Town as practical. Walls facing the road in these units should have a minimum of R13 insulation. All west-facing windows in these units should have a minimum Sound Transmission Class (STC) rating of 32."
(Mitigation)
 - d. "No final building inspection or occupancy shall be permitted for any residence within the Mountain Terrace Subdivision until all proposed landscaping for the individual building site has been installed in accordance with the approved landscape plan for the Mountain Terrace Subdivision project."
 - e. "All residential building designs, project sound or retaining walls, permanent project identification signs and the project's required landscape plan shall be compatible with the Town of Paradise Design Guidelines (or equivalent) and shall be subject to review and approval by the Town of Paradise Design Review Board (or equivalent)."
 - f. "All buildings constructed upon lots determined by the Paradise Fire Chief to be subject to the requirements of the Wildland Urban ~~Wildland~~ Interface Code shall be built of exterior construction meeting the requirements of the Paradise Fire Department."
42. Provide a "Statement of Taxes" from the office of the Butte County Tax Collector.
43. Provide monumentation as required by the Town Engineer complying with the State Subdivision Map Act and Town of Paradise standards.
44. 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 Community Development Department planning division.

45. Execute and record an agreement with the Town of Paradise in a form approved by the Town Attorney in which the developer agrees to a) form a Mello-Roos community facilities district affecting all lands within the Mountain Terrace Subdivision project and b) install a traffic signal at the Buschmann Road/Clark Road intersection meeting all requirements of CalTrans. As part of the agreement, the developer shall construct and install all Caltrans-required intersection improvements at no cost to the Town of Paradise. The developer shall be entitled to be reimbursed for up to 95.3 percent of the signal installation costs from subsequent discretionary development projects for which a traffic impact analysis is required by the Town Engineer, based upon their proportionate share of the impact upon the intersection and in accordance with the provisions of the agreement.
46. 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 Mountain Terrace Subdivision 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.
47. Unless otherwise noted, it shall be the sole responsibility of the project developer to implement, monitor and fulfill the requirements of all conditions and mitigations assigned to this development project.

CONDITIONS TO BE MET PRIOR TO TREE FELLING PERMIT ISSUANCE

48. Apply for and secure Town Engineer/Public Works Director review and approval of the detailed project site improvements plan(s).
49. Secure Town Onsite Sanitary Official approval of the detailed engineered plan(s) and issuance of construction/installation permit(s) for the project's community sewage treatment/disposal system.

50. The applicant shall submit and secure town Planning Director review and approval of a professionally designed and accurately mapped "Tree Protection Plan" for the proposed project that provides for tree replacement planting as well as existing tree protection measures (fencing, etc.); prior to the commencement of ground disturbance site work.

GENERAL TREE FELLING CONDITIONS

51. All qualifying trees proposed to be retained and shown as such upon the project's tree protection plan, reviewed and approved by the Town Planning Director, and all native saplings proposed to be protected on the site as replacement trees 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".
52. A certified arborist shall be engaged by the applicant to oversee the employment of tree protection measures during all project related improvements construction.
53. The approval action of the project's tree felling permit application shall only be valid and in effect until the expiration date of the Mountain Terrace Vesting Tentative Subdivision Map.

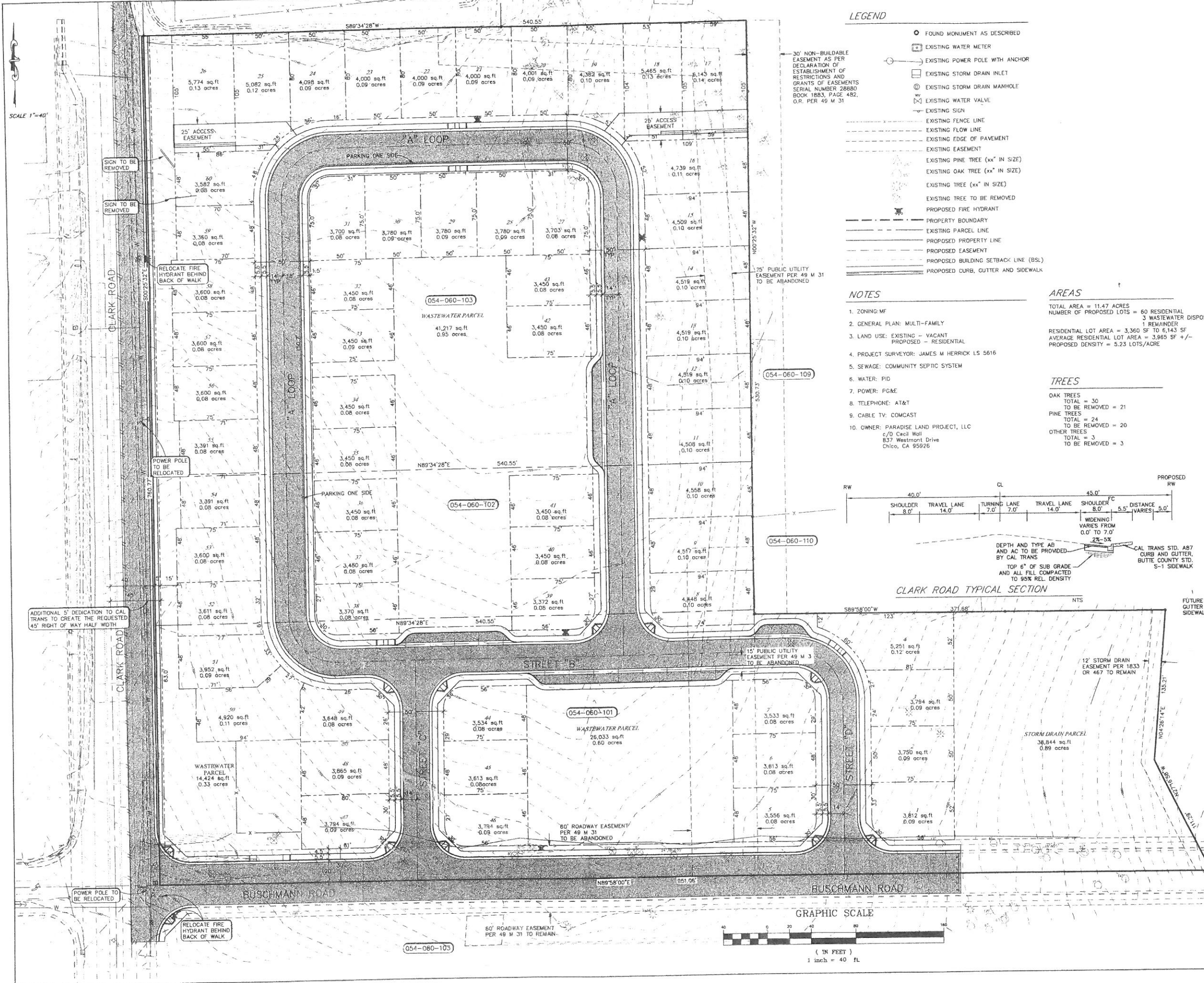
If you wish to appeal the decisions of the Planning Commission you must do so within ten (10) days of the Planning Commission's decisions for the vesting tentative subdivision map and tree felling permit and within seven (7) days for the rezone, by filing your written appeal together with the appeal fee deposit of \$166.88 with the Town Clerk's Office. **If no appeal is filed within the time period, your vesting tentative subdivision map will be deemed approved for a period of three years with an expiration date of May 24, 2012.** You will be notified when the property rezone is scheduled for a public hearing before the Town Council. If you should have any questions, please contact me at this office.

Sincerely,



Craig Baker
Asst. Community Development Director

cc: Mark Adams, NorthStar Engineering, 111 Mission Ranch Blvd., Ste 100, Chico, CA 95926
Joanna Gutierrez, Town Clerk
Paradise Fire Department
Paradise Irrigation District
Kari Eurotas, CDD/PW Project Coordinator



- ### LEGEND
- FOUND MONUMENT AS DESCRIBED
 - EXISTING WATER METER
 - EXISTING POWER POLE WITH ANCHOR
 - EXISTING STORM DRAIN INLET
 - EXISTING STORM DRAIN MANHOLE
 - EXISTING WATER VALVE
 - EXISTING SIGN
 - EXISTING FENCE LINE
 - EXISTING FLOW LINE
 - EXISTING EDGE OF PAVEMENT
 - EXISTING EASEMENT
 - EXISTING PINE TREE (xx" IN SIZE)
 - EXISTING OAK TREE (xx" IN SIZE)
 - EXISTING TREE (xx" IN SIZE)
 - EXISTING TREE TO BE REMOVED
 - PROPOSED FIRE HYDRANT
 - PROPERTY BOUNDARY
 - EXISTING PARCEL LINE
 - PROPOSED PROPERTY LINE
 - PROPOSED EASEMENT
 - PROPOSED BUILDING SETBACK LINE (BSL)
 - PROPOSED CURB, GUTTER AND SIDEWALK

- ### NOTES
- ZONING: MF
 - GENERAL PLAN: MULTI-FAMILY
 - LAND USE: EXISTING - VACANT
PROPOSED - RESIDENTIAL
 - PROJECT SURVEYOR: JAMES M HERRICK LS 5616
 - SEWAGE: COMMUNITY SEPTIC SYSTEM
 - WATER: PID
 - POWER: PG&E
 - TELEPHONE: AT&T
 - CABLE TV: COMCAST
 - OWNER: PARADISE LAND PROJECT, LLC
c/o Cecil Wall
837 Westmont Drive
Chico, CA 95926

AREAS

TOTAL AREA = 11.47 ACRES
 NUMBER OF PROPOSED LOTS = 60 RESIDENTIAL
 3 WASTEWATER DISPOSAL
 1 REMAINDER

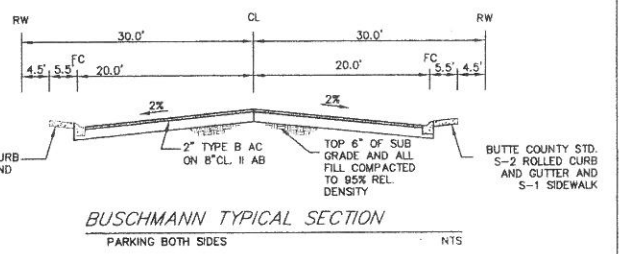
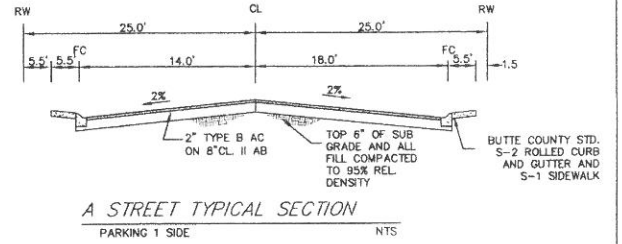
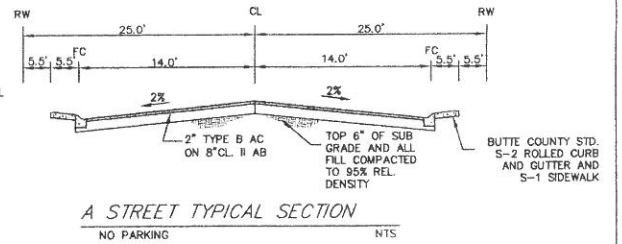
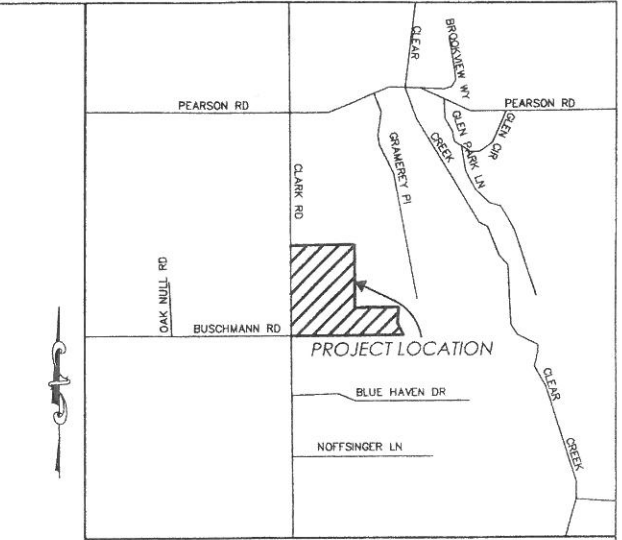
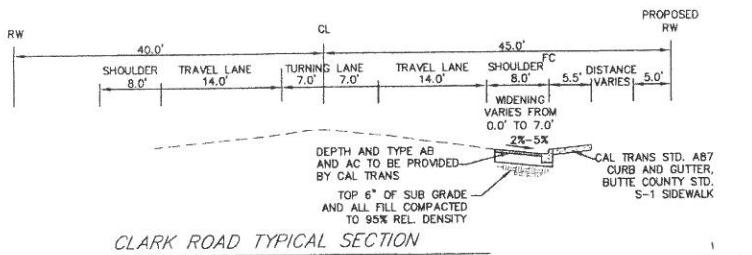
RESIDENTIAL LOT AREA = 3,360 SF TO 6,143 SF
 AVERAGE RESIDENTIAL LOT AREA = 3,965 SF +/-
 PROPOSED DENSITY = 5.23 LOTS/ACRE

TREES

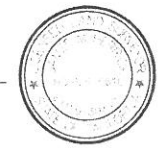
OAK TREES
 TOTAL = 30
 TO BE REMOVED = 21

PINE TREES
 TOTAL = 24
 TO BE REMOVED = 20

OTHER TREES
 TOTAL = 3
 TO BE REMOVED = 3



James M. Herrick 4-22-2009
 NORTHSTAR ENGINEERING, JAMES M. HERRICK
 EXP. 9/30/2010 PLS5616



VESTING TENTATIVE SUBDIVISION MAP MOUNTAIN TERRACE

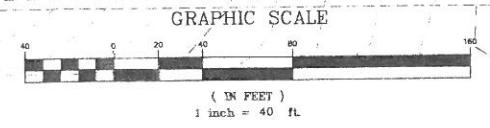
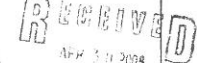
A PUBLIC STREET SUBDIVISION

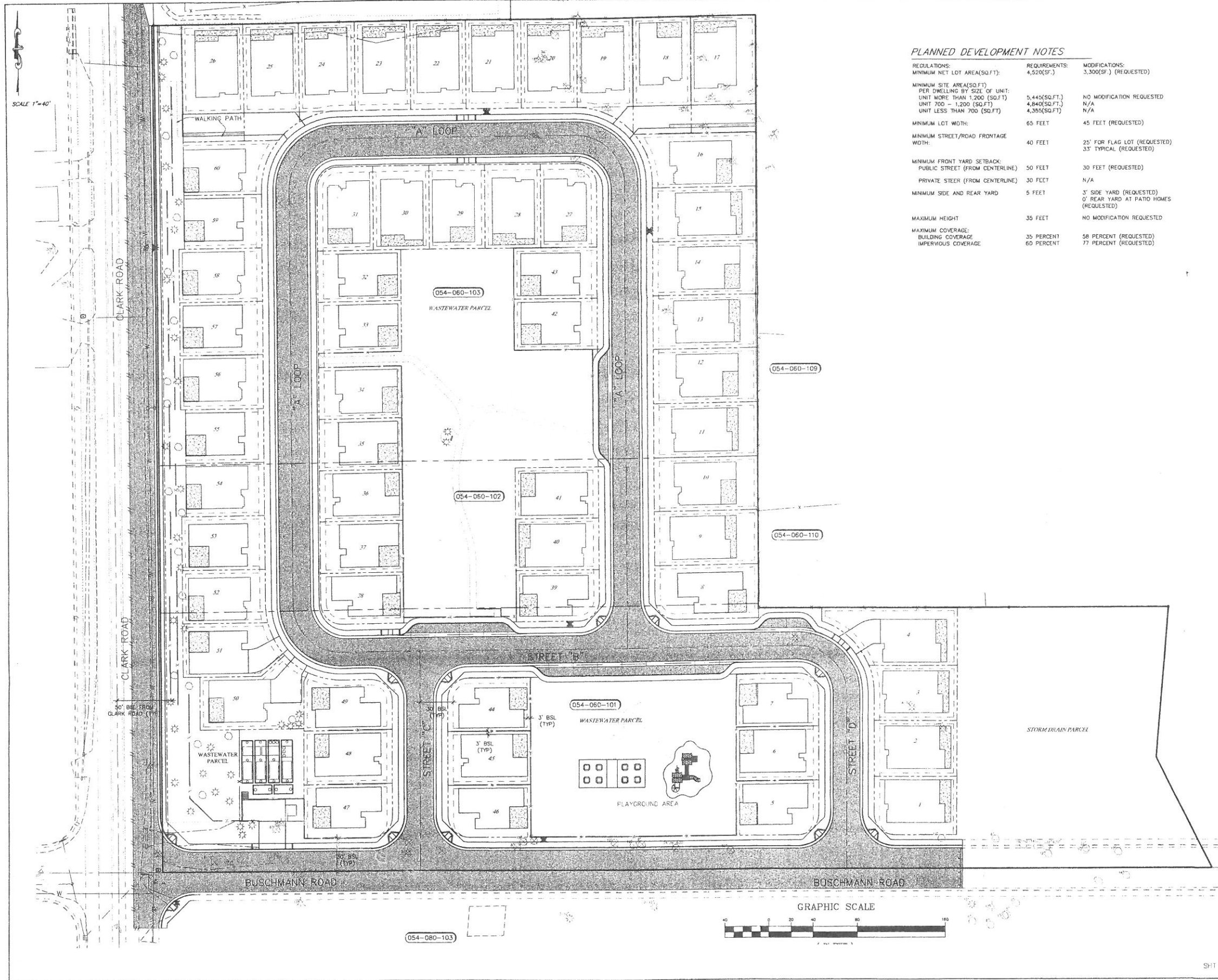
BEING LOTS 2, 3, AND 4 ACCORDING TO THE MAP ENTITLED "AMENDED PARCEL MAP FOR RYBAR AND ASSOCIATES" BUTTE COUNTY, CALIFORNIA, BOOK 105 OF MAPS, AT PAGES B1 AND B2.

IN THE TOWN OF PARADISE BUTTE COUNTY CALIFORNIA
 for PARADISE LAND PROJECT, LLC

NorthStar
 Civil Engineers, Surveyors
 Chico, California

111 Mission Ranch Blvd. Ste 100
 Chico, California 95926
 Phone: (530) 893-1600 Fax: (530) 893-2113
 Web Site: www.northstareng.com





PLANNED DEVELOPMENT NOTES

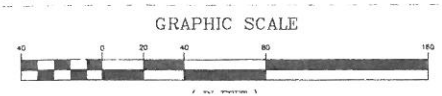
REGULATIONS:	REQUIREMENTS:	MODIFICATIONS:
MINIMUM NET LOT AREA(SQ.FT.):	4,520(SQ.FT.)	3,300(SQ.FT.) (REQUESTED)
MINIMUM SITE AREA(SQ.FT.) PER DWELLING BY SIZE OF UNIT:		
UNIT MORE THAN 1,200 (SQ.FT.)	5,445(SQ.FT.)	NO MODIFICATION REQUESTED
UNIT 700 - 1,200 (SQ.FT.)	4,840(SQ.FT.)	N/A
UNIT LESS THAN 700 (SQ.FT.)	4,355(SQ.FT.)	N/A
MINIMUM LOT WIDTH:	65 FEET	45 FEET (REQUESTED)
MINIMUM STREET/ROAD FRONTAGE WIDTH:	40 FEET	25' FOR FLAG LOT (REQUESTED) 33' TYPICAL (REQUESTED)
MINIMUM FRONT YARD SETBACK:		
PUBLIC STREET (FROM CENTERLINE)	50 FEET	30 FEET (REQUESTED)
PRIVATE STEER (FROM CENTERLINE)	30 FEET	N/A
MINIMUM SIDE AND REAR YARD:	5 FEET	3' SIDE YARD (REQUESTED) 0' REAR YARD AT PATIO HOMES (REQUESTED)
MAXIMUM HEIGHT:	35 FEET	NO MODIFICATION REQUESTED
MAXIMUM COVERAGE:		
BUILDING COVERAGE	35 PERCENT	58 PERCENT (REQUESTED)
IMPERVIOUS COVERAGE	60 PERCENT	77 PERCENT (REQUESTED)

M. N. Ledford
 NORTHSTAR ENGINEERING
 MARY N. LEDFORD
 EXP. 9/30/2010
 PCE 65938



VESTING TENTATIVE SUBDIVISION MAP
MOUNTAIN TERRACE
 A PUBLIC STREET SUBDIVISION
 BEING LOTS 2, 3, AND 4 ACCORDING TO THE MAP
 ENTITLED "AMENDED PARCEL MAP FOR RYBAR AND ASSOCIATES"
 BUTTE COUNTY, CALIFORNIA, BOOK 105 OF MAPS,
 AT PAGES B1 AND B2.
 IN THE
 TOWN OF PARADISE
 BUTTE COUNTY CALIFORNIA
 for
PARADISE LAND PROJECT, LLC

NorthStar
 Civil Engineers, Surveyors
 Chico, California
 111 Mission Road, Suite 100
 Chico, California 95926
 Phone: (530) 893-1400 Fax: (530) 893-2113
 Web Site: www.northstareng.com



S:\Projects\CT\1000-8999\8768\11\p\mg\0368-1394.dwg, TSN, L21, 4/22/2008 1:37:00 PM