



Commissioner Malcolm Weston, Chair
Commissioner Christine Alcocer
Commissioner Tyler Eccles
Commissioner Ranjit Davit

Commissioner Aaron Eller, Vice Chair
Commissioner Jeramy Chapdelaine
Commissioner Donald Albers

July 11, 2017 7:00 PM

A. CALL TO ORDER

B. ROLL CALL

Commissioners Albers, Alcocer, Chapdelaine, Eccles, Eller, Davit, and Weston

C. PLEDGE OF ALLEGIANCE

D. APPEARANCE OF INTERESTED CITIZENS*

To address the Commission please step to the rostrum and state your name and address

E. APPROVAL OF MINUTES

1. Approval of Minutes from the April 4, 2017 regular meeting.

F. NEW BUSINESS

1. Discussion on fence height and storage containers

G. PUBLIC HEARING

1. **Tentative Subdivision Map Extension No. 17-3;** Approve a 3-year extension request to June 20, 2020 of Tentative Subdivision Map Extension Request No. 17-3 for Oakgrove Tentative Subdivision Map, subject to the required Findings and report Conditions of Approval.

H. ADJOURNMENT

Persons dissatisfied with any decision of the Planning Commission may appeal such action to the City Council. Appeals, accompanied by a fee of \$733, must be filed with the City Clerk, 9955 Live Oak Blvd., Live Oak, CA 95953, within 10 days of such action. If no appeal is filed within this time limit, the Commission action becomes final. The exception to this is rezonings – please check with the Planning Department, 9955 Live Oak Blvd., Live Oak, CA 95953, for the

procedure. Mailed notices of the Council hearings will be accomplished in the same manner as the Planning Commission hearings unless additional notice is deemed necessary.

If you require auxiliary aids or services (e.g., signing services) to make a presentation to the Planning Commission, the City will be glad to assist you. Please contact the City offices (530) 695-2112 at least 72 hours in advance so such aids or services can be arranged.

*Members of the public may address the Planning Commission on items of interest that are within the City's jurisdiction whether or not such items of interest are on the agenda for this meeting. Members of the Commission will respond as best as they can to public comments but cannot take action or enter into a discussion on items not contained on the agenda. Public comment on public hearing agenda items will be permitted during the hearing.



LIVE OAK PLANNING COMMISSION MINUTES
REGULAR MEETING OF APRIL 4, 2017
City Hall – 9955 Live Oak Boulevard, Live Oak, CA 7:00 PM

A. CALL TO ORDER

The meeting was called to order at 7:01 p.m.

B. ROLL CALL

Commissioners Albers, Chapdelaine, Eccles, Davit and Weston were present. Commissioners Alcocer and Eller were absent. Commissioner Eller joined the meeting at 7:27pm.

C. PLEDGE OF ALLEGIANCE

Commissioner Weston led the Pledge of Allegiance.

D. APPEARANCE OF INTERESTED CITIZENS

None.

E. APPROVAL OF MINUTES

1. The minutes of October 4, 2016 and February 7, 2017 regular meetings were approved. Commissioner Weston had a correction regarding the spelling of his last name as it is Weston, not Watson.

Commissioner Albers motioned to approve.
Commissioner Weston seconded the motion.

AYES: 2

NOES: 0

Abstain: 3

F. PUBLIC HEARING

None.

G. NEW BUSINESS

1. Oath of Office – New Commissioners Chapdelaine, Eccles

2. Planning Commission Training- conducted by Erin Ventura

3. Appoint a Planning Commission Chair
Commissioner Davit nominated Weston, seconded by Eller 5-0-1
4. Appoint a Planning Commission Vice-Chair
Commissioner Weston nominated Eller, seconded by Eccles 5-0-1
5. Appoint a member of the Live Oak Planning Commission to sit on the Sutter County
Planning Commission
Commissioner Weston nominated Chapdelaine, seconded by Eller 5-0-1

H. ADJOURNMENT

The meeting was adjourned at 7:49pm by Commissioner Weston.



DATE: July 11, 2017
TO: City of Live Oak Planning Commission
FROM: Erin Ventura, Contract City Planner

SUBJECT: Discussion on updates to the City's Zoning Ordinance regarding fence height and storage containers
RECOMMENDATION: Provide input and direct staff to draft ordinances for updates to the City's Zoning Ordinance

BACKGROUND:

From time to time the City's Zoning Ordinance needs to be updated to address new concerns or questions that may arise. The City has received questions and concerns about the maximum allowed fence height along public open spaces and also the placement of storage containers on a parcel.

Storage containers are not currently addressed in the City's Zoning Ordinance.

On April 5, 2017 the City Council held a discussion regarding fence height and storage containers and referred this discussion back to the Planning Commission.

ANALYSIS

Fence Height

Currently the maximum allowed heights of a fence within the City is in a residential zone is 6 feet for the interior side yard and rear yard. The City has received requests from residence to allow them to increase their fence height along public open spaces like parks and the rec trail.

Staff is asking for direction from the Planning Commission regarding allowing residents with properties abutting public open spaces to increase the maximum allowed fence height. If the Council wishes to pursue this change to the Zoning Ordinance, an amendment to Section 17.24 would be brought back for further review and adoption.

Storage Containers

Staff has also received requests for storage containers to be used on properties and also complaints about them. The Code does not currently allow someone to have a storage container on their property. If this is something the Planning Commission would like to consider allowing within the City certain regulations should be established.

- What zones should they be allowed?

- Where can they be located on a property?
- Setback requirements
- Screening requirements
- Should they be allowed permanently or only for a set amount of time?
- What additional approvals are needed prior to the installation of one?

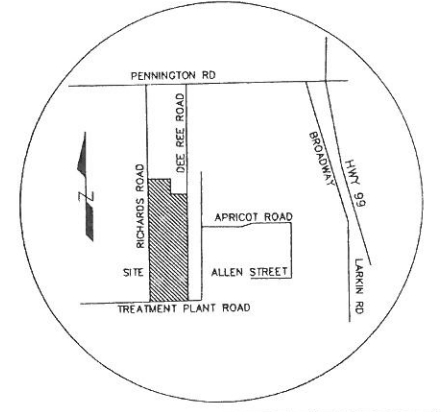
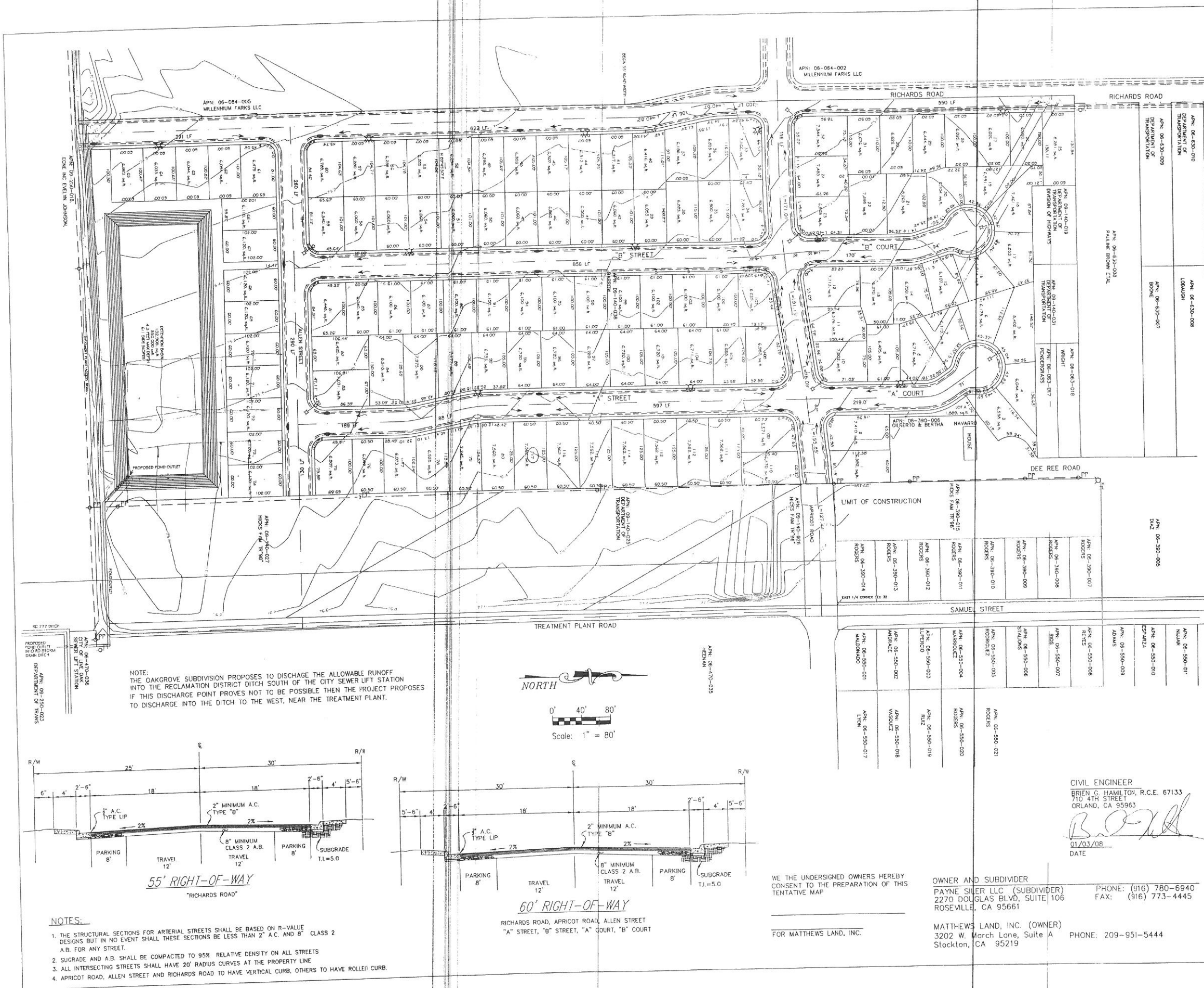
The above are just some of the considerations that must be made when deciding whether or not they should be allowed in the community. If Commission wishes to pursue regulating storage containers in the City, staff will work on a draft ordinance for consideration.

RECOMMENDATION

Staff recommends the Planning Commission provide direction to staff to develop draft changes to the Zoning Ordinance regarding fence heights and storage containers. The proposed changes will be brought back to the Planning Commission for review. Any changes made to the Zoning Ordinance require a draft ordinance to be brought before City Council for review, a public hearing to be held, and the City Council to adopt the changes.

ATTACHMENTS:

None



VICINITY MAP

- LEGEND**
- Post Development Drainage Flow Direction
 - STREET LIGHT - (9 PROPOSED LIGHTS)
 - ⊕ PROPOSED HYDRANT - (12 PROPOSED)
 - PROPOSED STORM DRAIN INLET
 - PROPOSED SIDEWALK
 - PROPOSED EP
 - EXISTING OVERHEAD ELECTRICAL
 - EXISTING UTILITY EASEMENT
 - CENTER LINE OF STREETS
 - PROJECT BOUNDARY
 - PP EXISTING POWER POLE
 - FH EXISTING FIRE HYDRANT

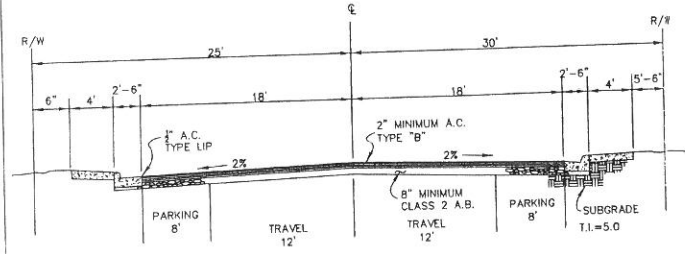
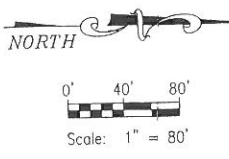
GENERAL NOTES

EXISTING USE: AGRICULTURE - WALNUT ORCHARD
 PROPOSED USE: SINGLE FAMILY RESIDENTIAL 117 UNITS
 WATER, SEWER & STORM DRAINS: CITY OF LIVE OAK STANDARDS
 ELECTRICAL: PG&E
 TELEPHONE: PAC BELL
 NATURAL GAS: PG&E
 STORM DRAIN DETENTION FACILITY: SHOWN AS LOT B
 STREET NAMES:
 APRICOT STREET
 ALLEN STREET
 "A" STREET
 "B" STREET
 "C" LOOP
 "A" COURT
 "B" COURT

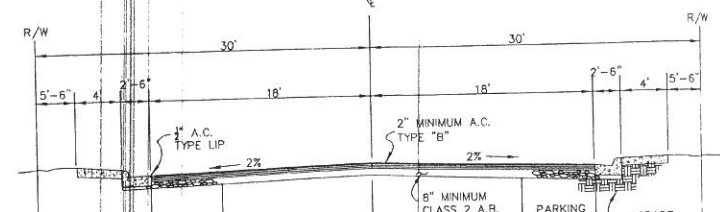
(NAME DESIGNATIONS ARE PRELIMINARY ONLY.
 FINAL NAMES WILL BE ASSIGNED UPON
 SUBMITTAL TO AND APPROVAL BY CITY OF LIVE OAK)

GROSS AREA: 28.1 ACRES
 DENSITY: SINGLE FAMILY RESIDENCE
 ZONING - R-1
 MINIMUM LOT SIZE: 6,000 SQUARE FEET
 MAXIMUM LOT SIZE: 8,600 SQUARE FEET

NOTE:
 THE OAKGROVE SUBDIVISION PROPOSES TO DISCHARGE THE ALLOWABLE RUNOFF INTO THE RECLAMATION DISTRICT DITCH SOUTH OF THE CITY SEWER LIFT STATION IF THIS DISCHARGE POINT PROVES NOT TO BE POSSIBLE THEN THE PROJECT PROPOSES TO DISCHARGE INTO THE DITCH TO THE WEST, NEAR THE TREATMENT PLANT.



55' RIGHT-OF-WAY
 "RICHARDS ROAD"



60' RIGHT-OF-WAY

RICHARDS ROAD, APRICOT ROAD, ALLEN STREET
 "A" STREET, "B" STREET, "A" COURT, "B" COURT

- NOTES:**
- THE STRUCTURAL SECTIONS FOR ARTERIAL STREETS SHALL BE BASED ON R-VALUE DESIGNS BUT IN NO EVENT SHALL THESE SECTIONS BE LESS THAN 2" A.C. AND 8" CLASS 2 A.B. FOR ANY STREET.
 - SURFACE AND A.B. SHALL BE COMPACTED TO 95% RELATIVE DENSITY ON ALL STREETS
 - ALL INTERSECTING STREETS SHALL HAVE 20' RADIUS CURVES AT THE PROPERTY LINE.
 - APRICOT ROAD, ALLEN STREET AND RICHARDS ROAD TO HAVE VERTICAL CURB, OTHERS TO HAVE ROLLED CURB.

WE THE UNDERSIGNED OWNERS HEREBY
 CONSENT TO THE PREPARATION OF THIS
 TENTATIVE MAP

FOR MATTHEWS LAND, INC.

OWNER AND SUBDIVIDER
 PAYNE SILER LLC (SUBDIVIDER) PHONE: (916) 780-6940
 2270 DOUGLAS BLVD, SUITE 106 FAX: (916) 773-4445
 ROSEVILLE, CA 95661

MATTHEWS LAND, INC. (OWNER)
 3202 W. March Lane, Suite A PHONE: 209-951-5444
 Stockton, CA 95219

CIVIL ENGINEER
 BRIEN C. HAMILTON, R.C.E. 67133
 710 4TH STREET
 ORLANDO, CA 95963
 01/03/08
 DATE



OAKGROVE

TENTATIVE
 SUBDIVISION MAP

OF
 PARCEL 2, OF PARCEL MAP NO. 484
 SECTION 32, T. 17 N., R. 3 E., M.D.B. & M.
 COUNTY OF SUTTER STATE OF CALIFORNIA

FOR
 PAYNE SILER LLC
 BY
 HAMILTON ENGINEERING INC.
 FEB 2008

JOB NO. 06-09

PAGE 1 OF 1

RESOLUTION NO 28-2008

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LIVE OAK TO APPROVE A GENERAL PLAN AMENDMENT, FOR PROPERTY HAVING ASSESSOR'S PARCEL NUMBER 09-140-025, 09-140-026, 09- 140-027 AND 09-140-038

WHEREAS, the City of Live Oak has received applications for a General Plan Amendment, pre-zoning and request for annexation on four parcels identified as Assessor's Parcel Numbers 09-140-025, 09-140-026, 09-140-027 and 09-140-038, totaling 34.59 acres more or less; and

WHEREAS, the General Plan Amendment would change land use diagram for the City of Live Oak General Plan on 34.59 acres from "Agriculture" to "Low Density Residential" which would permit single family residential development at densities ranging between 2 and 7 dwelling units per acre(GPA 2008-0206); and

WHEREAS, the City Council finds that the proposed Low Density Residential land use designation is consistent with the goals and policies of the City of Live Oak General Plan; that the proposed land use is consistent with adjacent lands to the east, north, and west; that the project represents an in-fill project; and that the change in land use will not significantly affect the viability of agriculture in the Live Oak area or on adjacent properties; and

WHEREAS, an appropriate pre-zoning of the property is also proposed which would designate the land for an R-1 Single family residential zoning which would become effective upon annexation of the property into the City of Live Oak; and

WHEREAS, at a noticed public hearing held on June 18, 2008, the City Council considered the comments and concerns of interested parties who are potentially affected by approval of the project described herein, and also considered City Staff's report regarding the entirety of the project; and

WHEREAS, the City Council, having further considered a Mitigated Negative Declaration, and Initial Study for the project described herein, and any comments related thereto, adopts a Mitigated Negative Declaration, finding that there is no evidence in the record to support a finding that potentially significant adverse environmental effects are likely to occur, because the project must conform to the mitigation measures identified in the environmental document as well as other applicable City ordinances and standards; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LIVE OAK, AS FOLLOWS:

- I. That the City Council adopts a Mitigated Negative Declaration for General Plan Amendment No. 2008-0206 finding there is no evidence in the record before the City Council to support a finding that potentially significant adverse environmental effects are likely to occur as a result of approval of GPA 2008-0206 and the associated a, ZC 2008-0206, and TSM 2008-0206, which determination reflects the City Council's independent judgment and analysis, and is based upon the following facts:

1. The environmental impacts of the project arise from future development of the site. The proposed subdivision on 28.1 acres of the project area has been conditioned by the Planning Commission in Resolution 2008-03 to meet all of the mitigation measures identified in the initial study. The subdivider must obtain permits from agencies responsible for protecting natural resources, then implement the requirements of those permits and maintain the conditions required by the permits.

- II. The City of Live Oak General Plan - Land Use diagram is hereby amended to change the land use designation on from on 34.59 acres identified as 09-140-025, 09-140-026, 09-140-027 and 09-140-038 from "Agriculture" to "Low Density Residential", as shown in Exhibit A.

PASSED AND ADOPTED this 2nd day of July 2008, by the following vote:

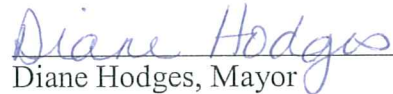
AYES: Council Members Epp, Childers, Fortino, V-Mayor Richards & Mayor Hodges

NOES: None

ABSTAIN: None

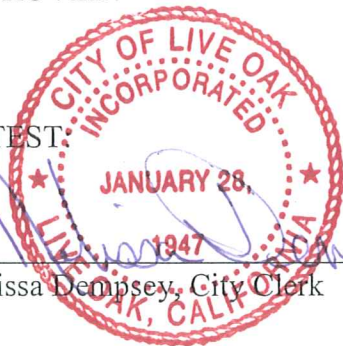
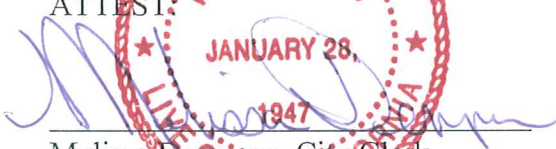
ABSENT: None

APPROVED:



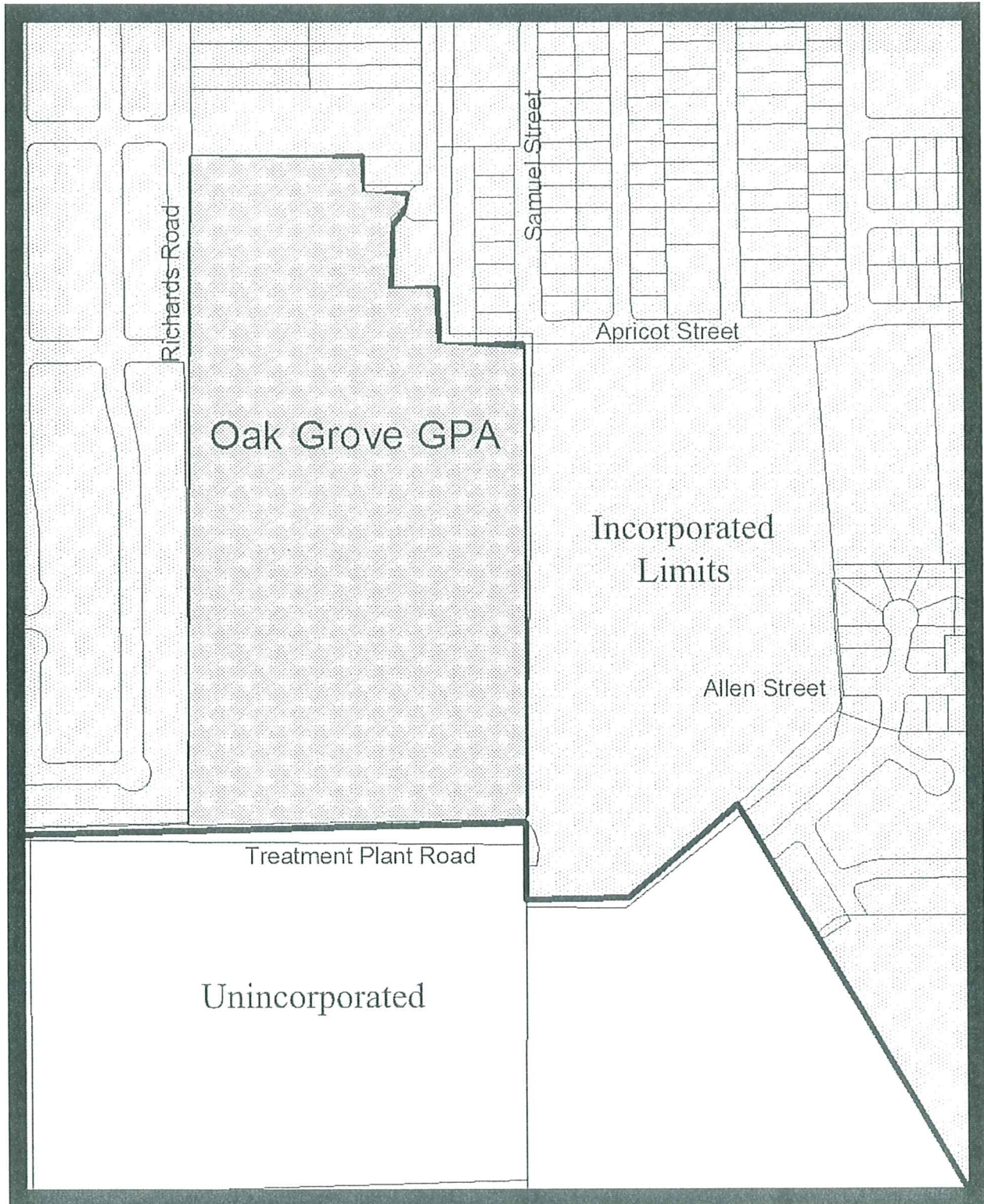
Diane Hodges, Mayor

ATTEST:

Melissa Dempsey, City Clerk

EXHIBIT A



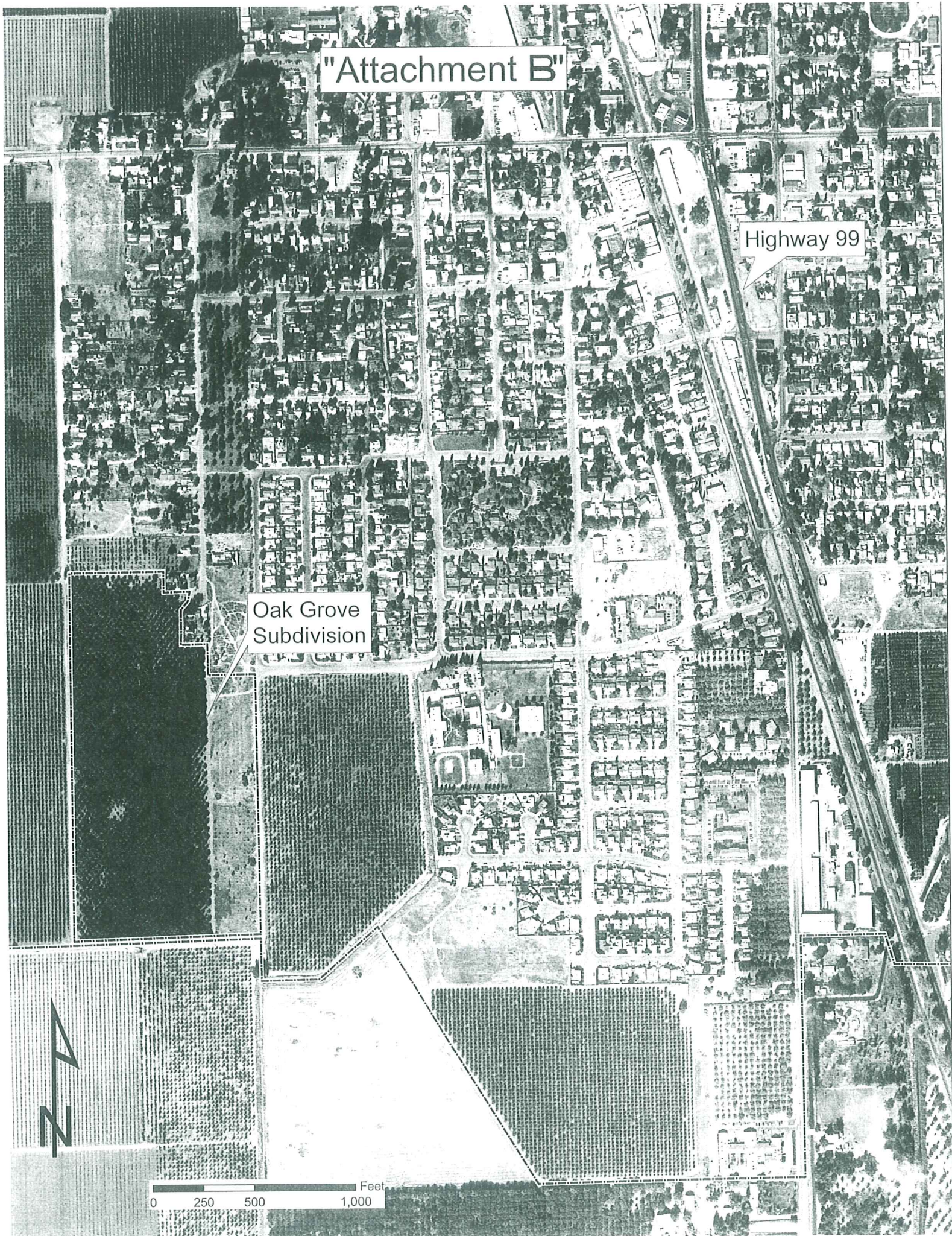
"Attachment B"

Highway 99

Oak Grove
Subdivision



0 250 500 1,000 Feet



RESOLUTION NO 2008-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LIVE OAK MAKING A RECOMMENDATION THAT LIVE OAK CITY COUNCIL APPROVE A GENERAL PLAN AMENDMENT, PREZONING, INITIATE ANNEXATION PROCEEDINGS FOR PROPERTY HAVING ASSESSOR'S PARCEL NUMBER 09-140-025, 09-140-026, 09-140-027 AND 09-140-038 AND APPROVING A TENTATIVE SUBDIVISION MAP TSM 2008 FOR THE PROPERTY HAVING ASSESSOR'S PARCEL NUMBER 09-140-038

WHEREAS, the City of Live Oak has received applications for a General Plan Amendment, prezoning and request for annexation on four parcels identified as Assessor's Parcel Numbers 09-140-025, 09-140-026, 09-140-027 and 09-140-038, totaling 34.59 acres more or less; and

WHEREAS, the General Plan Amendment would change the land use diagram for the City of Live Oak General Plan on 34.59 acres from "Agriculture" to "Low Density Residential" which would permit single family residential development at densities ranging between 2 and 7 dwelling units per acre(GPA 2008-0206); and

WHEREAS, the Planning Commission finds that the proposed Low Density Residential land use designation is consistent with the goals and policies of the City of Live Oak General Plan; that the proposed land use is consistent with adjacent lands to the east, north, and west; that the project represents an in-fill project; and that the change in land use will not significantly affect the viability of agriculture in the Live Oak area or on adjacent properties; and

WHEREAS, the proposed R-1 prezoning for the area is consistent with the proposed Low Density Residential Land use designation and development allowed under the R-1 zone would be consistent with other development immediately adjacent to and in the vicinity of the project and

that the rezoning would become effective upon annexation of the property into the City of Live Oak (RZ2008-0206); and

WHEREAS, the City concurrently received an application for a tentative subdivision map on 28.1 acres identified as Assessor's Parcel Number 09-140-038 which is 28.1. The application proposes dividing the property into 116 residential lots, which represents a density of 4.2 units per acre, in the manner illustrated on a tentative subdivision map received by the city on March 15, 2008. The tentative subdivision map and application have been assigned the file number of Tentative Subdivision Map No. 2008-0206; and

WHEREAS, the Tentative Subdivision Map is consistent with Live Oak's General Plan Land use designation as proposed by the General Plan Amendment GPA 2008-0206, referenced above; and

WHEREAS, the Planning Commission considered at a noticed public hearing the comments and concerns of Commenting Interested Parties who are potentially affected by approval of the project described herein, and also considered City Staff's report regarding the general plan amendment, rezoning, annexation request and tentative subdivision map that illustrates the design and improvements proposed for development of site to 116 new residential building lots, and

WHEREAS, the Planning Commission, having further considered a Mitigated Negative Declaration, and Initial Study for the project described herein, and any comments related thereto, recommends approval of such Mitigated Negative Declaration, finding that there is no evidence in the record to support a finding that potentially significant adverse environmental effects are likely to occur, because the project must conform to the conditions of approval listed in

attachment A including mitigation measures identified in the environmental document as well as other applicable City ordinances and standards; and

WHEREAS, the Planning Commission finds that this tentative subdivision map complies with all State and City regulations governing the division of land, and that division and development of the property in the manner set forth on the tentative subdivision map will not unreasonably interfere with the free and complete use of existing public and/or public utility easements or rights-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF LIVE OAK, AS FOLLOWS:

- I. That the Planning Commission adopts a Mitigated Negative Declaration for Tentative Subdivision Map No. 2008-0206 finding there is no evidence in the record before the Planning Commission to support a finding that potentially significant adverse environmental effects are likely to occur as a result of approval of GPA 2008-0206, ZC 2008-0206, and TSM 2008-0206, which determination reflects the Planning Commissioner's independent judgment and analysis, and is based upon the following facts:
 1. Subdivider must obtain permits from agencies responsible for protecting natural resources, then implement the requirements of those permits and maintain the conditions required by the permits.
 2. The conditions of approval described in this resolution will implement all mitigations identified in the Mitigated Negative Declaration, those mitigations being listed in Attachment A attached to this resolution, and implementation of those mitigation measures will be monitored as described in Attachment B.
 3. All comments regarding the Mitigated Negative Declaration are addressed in the conditions of approval described in this resolution.
- II. That Tentative Subdivision Map No. 2008-0206 is approved subject to the following conditions as well as those contained in Attachment A to this resolution:

- A. Approval is subject to Live Oak City Council approval of GPA 2008-0206, RZ 2008-0206, and annexation by Sutter LAFCo into the City of Live Oak.
 - B. Use of the 28.1-acre project site is subject to all zoning regulations described in Live Oak Municipal Code for R-1 zoning as applicable to the residential zoning designation.
 - C. Physical development of the site shall conform to the design approved for Tentative Subdivision No. 2008-0206 and to all of the conditions of approval of that Tentative Subdivision Map.
 - D. Construction of two houses with substantially identical exterior appearance within sight of each other shall not be allowed. Houses with the same floor plan must have a different front elevation treatment, color and/or must have a “flipped” floor plan.
- III. Recommend that the City Council adopt a resolution approving General Plan Amendment 2008-0206 amending the City of Live Oak General Plan Land use diagram from “Agriculture” to “Low Density Residential” on 34.59 acres identified as 09-140-025, 09-140-026, 09-140-027 and 09-140-038.
- IV. Recommend that the City Council adopt an ordinance rezoning 34.59 acres identified as 09-140-025, 09-140-026, 09-140-027 and 09-140-038 to R-1 Single Family Residential.

ATTACHMENT A

That the approval granted for Tentative Subdivision Map No. 2008-0206 shall be subject to the following conditions:

A. TAXES

1. Segregate any assessments against the property.
2. Pay any delinquent taxes and/or assessments against the property.

B. FEES

3. Prior to approval of the Final Map, obtain and bear the cost of an appraisal of the value of the undeveloped property within the subject site, for the purposes of calculation of fees in-lieu of land for City parks, in accordance with Live Oak Municipal Code.
4. Note on a document to be recorded concurrently with the Final Map the requirement for payment of school impact fees as levied by the school districts in accordance with State legislation.
5. Note on a document to be recorded concurrently with the Final Map the requirement for payment of park impact fees as levied by the City of Live Oak Municipal Code Chapter 15.50 at the time a building permit is issued for development of each lot.
6. Traffic mitigation and other impact fees shall be paid at the time of issuance of building permits pursuant to the Cities adopted AB 1600 study.
7. All other fees such as plan check, inspection, water, sewer, storm drainage, etc. shall be outlined and paid for as negotiated within an adopted development agreement as noted in item C. below;

C. DEVELOPMENT AGREEMENT

8. The property owner/subdivider shall enter into a subdivision development agreement, which incorporates the provisions of this document, as well as payment of fees, cost sharing for infrastructure, and reimbursements.

D. CONVEYANCES AND EASEMENTS

1. Improve the 60-foot wide extension of Apricot Street from the eastern property line of the subdivision to the existing improved section at Samuel Street. Attempt to acquire the right-of-way between the project and Samuel Street for the continuation of Apricot Street. Participate with the owner of Pennington Ranch Subdivision in sharing the cost of the Apricot Street extension.

2. Dedicate and improve the 60-foot wide local residential street right-of-ways for Richards Avenue and internal streets within the project.
3. Dedicate the park/detention basins in fee title interest to the City of Live Oak.
4. Dedicate and improve the entire 60-foot wide local residential street right of way for Richards Avenue, including, but not limited to paving, landscaping, walls and lighting.
5. Dedicate and improve the internal streets shown on the tentative map noted as Apricot Street, Allen Street, A Court, B Court, A Street, and B Street as 60' wide streets. B Court shall be converted to a through street rather than a court and shall be stubbed-out at the northerly property line.
6. Dedicate a 10-foot wide public utility easement adjacent to all public right-of-way frontages;

E. DESIGN

1. The design of the subdivision, as submitted, is consistent with the development standards of the City of Live Oak as of June 2003. The property shall be subdivided in substantial compliance with the approved map. Any substantial changes prior to recordation of the map may require the map to be reviewed and adopted by the City Council.

F. MUNICIPAL WATER SUPPLY

1. Provide water storage capacity for 116 homes prior to final map approval. This shall consist of purchasing a minimum of 116,000 gallons of storage entitlement in the City's water storage facility. The Development Agreement/Subdivision Agreement will provide all details regarding fair-share compensation for the construction of this facility. This is a cost to be born by the developer, and is over and above the monies paid in impact fees.

G. STORM DRAINAGE FACILITIES

1. Public and private improvements constructed as a result of approval of this subdivision shall not result in an increase in the rate of peak storm water runoff from the gross area of the pre-subdivided site during a one hundred (100) year design storm event. A Master Design and Maintenance Plan for construction of improvements to comply with this requirement shall be reviewed and approved by the City of Live Oak and by the Engineer for Reclamation District No. 777, prior to recordation of the Phase 1 Final Map.
2. Plans submitted to Reclamation District No. 777 for review must include a fee to be established by the District as reimbursement for review-related costs.

3. Dedication of the total area for the detention basin shall be made to the City of Live Oak as a condition of recordation of the Phase 1 Final Map. Phased improvements of the detention basin may be approved by the City.
4. The design of the detention facilities shall minimize the potential for mosquitoes breeding by incorporation the recommendations of the Sutter County Mosquito and Vector Control District.
5. Construct standard drainage improvements along all streets within and adjacent to the site consistent with City Standards prior to issuance of the first Certificate of Occupancy for structures within the project or any phase.
6. All drainage improvements shall be constructed in conformance with the Live Oak Public Works construction Standards, and the details shown on approved construction plans. The developer shall have a registered engineer prepare and submit calculations, construction details, plans and profiles, typical sections, specifications, and cost estimates to the Department of Public Works for review and approval prior to the recordation of the Final Map.
7. The detention facility shall be designed as dual use detention and park facility. The applicant shall construct park improvements any may receive park impact fees credits. Park improvements shall be developed prior to the occupancy of the 30th house within the subdivision and a Park Improvement Agreement will be executed prior to the issuance of the 1st building permit.

H. STREETS

1. All new internal streets of the subdivision shall be constructed in accordance with standard street and frontage improvements consistent with City Standards.
2. Street names shall be approved by City of Live Oak and County of Sutter.
3. Install street name signs, traffic control signs, pavement markings and barricades in conformance with Live Oak Public Works Construction Standards.
4. All street frontage improvement shall be constructed in conformance with the Live Oak Public Works Construction Standards and Municipal Code. The required structural sections for the streets may be required vary from that shown on the tentative subdivision map depending upon the soils report. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates that have been prepared by a registered engineer to the Department of Public Works for review and approval prior to start of any work.

5. The street with the name of B Court continues north as B Street and dead ends at the north end of property. This will allow connectivity with future development of parcels to the north, northeast, and northwest.

I. SANITATION FACILITIES

1. All homes on the new lots created by this subdivision shall be connected to the City sanitary sewer system prior to issuance of a Certificate of Occupancy.
2. All sanitation facilities shall be constructed in conformance with the Live Oak Public Works Construction Standards and Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates prepared by a registered engineer to the Department of Public Works for review and approval prior to the start of any work.
3. Applicant to verify that adequate capacity exists with current water, sewer, and stormwater main lines to support the proposed development. Should additional capacity be required, applicant will provide all additional capacity at his sole and separate expense.
4. Provide frontage for all lots created by this subdivision solely along those streets created by the subdivision and to be dedicated to the City.
5. In addition to paying the adopted traffic development impact fees, contribute a pro-rata share contribution to the following intersection improvements to be paid at time of recordation of final map (pro-rated based on phasing). The pro rata share amount shall be based on traffic number derived by using Cal Trans traffic study methodology.
 - a. Improve the intersection of Apricot Street/Larkin Road by widening the minor approach to accommodate an exclusive right-turn lane, and the northbound approach to accommodate an exclusive left-turn lane.
 - b. Improve the intersection of Allen Street/Larkin Road by widening the minor approach to accommodate an exclusive right-turn lane and the northbound approach to accommodate an exclusive left-turn lane.

J. WATER FACILITIES

1. Abandon any existing wells in accordance with the requirements of the Sutter County Environmental Health Department.
2. All homes on the new lots created by this subdivision shall be connected to the municipal water system.

3. All water facilities shall be constructed in conformance with the Live Oak Public Works Construction Standards and Municipal Code. The developer shall submit construction details, plans and profiles, typical sections, specifications, and cost estimates prepared by a registered engineer to the Department of Public Works for review and approval prior to the start of any work.

K. FIRE PROTECTION

The developer shall install fire hydrants in conformance with the requirements of the Uniform Fire Code as interpreted by the City of Live Oak's Fire Department. The number of hydrants installed, as well as the exact location and size of each hydrant and the size of the water main serving each hydrant, shall be as specified in the Code.

L. STREETLIGHT AND LANDSCAPING

Streetlights shall be installed in the locations designated and to the satisfaction of the City Engineer. The streetlights shall be City-owned and shall be installed in accordance with City standards. Subdivider shall annex to the current City's Streetlight and Landscape District.

M. OTHER PUBLIC FACILITIES

1. The developer shall provide telephone, cable television and gas service to all lots in accordance with the Live Oak Municipal Code and the Public Works Construction Standards, and the requirements of the agencies providing those services for the project or any phase of the project.
2. If any existing utilities must be relocated as a result of this subdivision, the agencies that own the facilities may require the developer to pay the cost of such relocation.

N. LOT GRADING

1. Prior to approval of a Final Map and improvement plans, a registered engineer or geologist shall prepare a soils report or geotechnical report. The report shall be prepared in a manner consistent with standard engineering practices and shall be reviewed for acceptability by the City of Live Oak.
2. The lots shall be graded in conformance with the Live Oak Public Works Construction Standards. The developer shall submit grading details, plans and specifications prepared by a registered engineer to the Department of Public Works for review and approval prior to the start of any work.
3. Prior to grading and site work, a Storm Water Pollution Prevention Plan and a N.P.D.E.S. Permit must be obtained.

O. OTHER REQUIREMENTS

1. The applicant shall hold harmless the City, its Council Members, its Planning Commission, officers, agents, employees, and representatives from liability for any award, damages, costs and fees incurred by the City and/or awarded to the plaintiff in an action challenging the validity of this tentative subdivision map or any environmental or other documentation related to approval of this tentative subdivision map.
2. Construction practices shall conform to the standards adopted by the Sutter County Air Quality Management District, which requires that 1) fugitive dust emissions related to construction of public improvements for the subdivision be controlled at all times, 2) all clearing, grading, earth moving or excavation activities must cease during periods of wind exceeding 15 miles per hour averaged over one hour, and 3) large off-road diesel equipment used for grading at the site must be maintained in good operating condition.
3. Note on a document to be recorded concurrently with the Final map that, in order to minimize adverse impacts on air quality, all wood burning devices constructed or installed on the lots shall be EPA Phase II certified, low No_x water heaters must be installed, and a minimum 20 amp electrical outlet must be installed on the outside wall of the front and back of all new homes.
4. Note on a document to be recorded concurrently with the Final Map that agricultural uses, including the keeping of animals spraying, harvesting, etc. may occur on surrounding properties and that such agricultural uses are permitted by the zoning of those properties and will not be abated unless zoning changes.
5. Obtain a demolition permit prior to demolishing existing structures on site.
6. Prior to recording of the final map the Applicant/Developer shall annex the subject property into Community Facilities District 2004-1 (CFD) as directed by the City in order to ensure adequate operational and maintenance funding availability. The CFD will pay for any and all municipal services such as fire, police, parks, lighting, animal control, and any other identified municipal services. The Applicant/Developer will be responsible for all costs required to annex into the CFD. Should several developments be included in the annexation into the CFD, the costs will be shared on a proportional basis as determined by the City.
7. Prior to recording of the Final Map, any public or landscaped areas within the boundaries of the subdivision (if any) will be annexed into a Special Assessment or Community Facility District in order to pay all future costs associated with operation and maintenance of those improvements.

8. Submit a design to the Live Oak Department of Public Works for the detention basin/park area which shall be designed in a manner to protect public safety with regard to water detention and mosquito/vector control. The drainage detention/park area shall be landscaped and maintained.
9. Applicant/Developer to submit building and landscape plans to Design Review Board for approval prior to issuance of building permits (LOMC § 15.08.020). The landscaping plan which shall include tree plantings at a minimum of one 15-gallon tree per interior lot and two trees per corner lot. A minimum of 20 trees shall be planted along the perimeter or within the detention pond/park area. The plan and species of trees shall be approved by the Live Oak Planning Department prior to recordation of the Final Map.
10. If subsurface deposits believed to be cultural in origin are discovered during construction, then all work must halt within a 100-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeologist, shall be retained to evaluate the significance of the find. Work cannot continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the National Register of Historic Places/State Register. If a potentially eligible resource is encountered, then the archaeologist, City of Live Oak, and project proponent shall arrange for proper mitigation.
11. All construction activities shall be permitted only during the hours of 7:00 a.m. to 10:00 p.m., Monday through Friday and 8 a.m. to 6 p.m. on Saturday. Construction work shall comply with the conditions set forth in Section 09.30.020 of the Live Oak Municipal Code.
12. A pre-construction raptor survey must be conducted, preferably in April or May, prior to construction activities, in order to determine whether nesting raptors are present within the proposed project area. If construction occurs between 1 March and 15 September, a qualified biologist will survey the project site and all areas within 250 ft of the project site for nesting raptors and migratory birds. The survey shall be conducted no more than 30 days prior to the initiation of construction. If grading and tree removal is proposed between 16 September and 28 February, no survey is required.
 - a. If an active nest is located within 250 ft of the project site, a biologist will monitor the nest weekly during construction to evaluate potential nesting disturbance caused by construction activities. The biological monitor will have the authority to stop construction if construction appears to be resulting in nest abandonment or forced fledging.
 - b. If an active nest occurs in a tree scheduled for removal, the species of bird using the nest will be determined. The nest tree of any bird protected under the

MBTA will be preserved until it is outside of the breeding season for that species or until the young have fledged. If construction cannot be delayed until the end of the breeding season, guidance from CDFG will be requested.

13. The project applicant, in coordination with the City and FRAQMD, shall implement standard mitigation measures set forth below.
 - a. Implement the Fugitive Dust Control Plan (FugitiveDustControlPlan.doc or FugitiveDustControlPlan.pdf (Available through Feather River Air Quality Management District).
 - b. Construction equipment exhaust emissions shall not exceed FRAQMD Regulation III, Rule 3.0, Visible Emissions limitations (40 percent opacity or Ringelmann 2.0). Operators of vehicles and equipment found to exceed opacity limits shall take action to repair the equipment within 72 hours or remove the equipment from service. Failure to comply may result in a Notice of Violation.
 - c. The primary contractor shall be responsible to ensure that all construction equipment is properly tuned and maintained prior to and for the duration of onsite operation.
 - d. Minimize idling time to 5 minutes – saves fuel and reduces emissions.
 - e. Utilize existing power sources (e.g., power poles) or clean fuel generators rather than temporary power generators.
 - f. To reduce emissions of reactive organic gasses generated during the construction phase of the project, no more than 30 homes may be painted within a 30 day period.
 - g. Portable engines and portable engine-driven equipment units used at the project work site, with the exception of on-road and off-road motor vehicles, may require California Air Resources Board (ARB) Portable Equipment Registration with the State or a local district permit. The owner/operator shall be responsible for arranging appropriate consultations with the ARB or the District to determine registration and permitting requirements prior to equipment operation at the site.
 - h. Use alternatives to open burning of vegetative material on the project site.
(MM)

I HEREBY CERTIFY that the foregoing resolution was duly introduced and passed at a regular meeting of the Planning Commission of the City of Live Oak held on the 15th day of May 2008, by the following vote:

AYES: COMMISIONERS Bertolini, Sloulin, Klotz, Singh, and Baland

NOES: COMMISIONERS None

ABSTAIN: COMMISIONERS None

ABSENT: Melinda Russell



Gary Baland Vice-Chair



Martha Martinez Intern Planner