



Commissioner Chairmen Jeramy Chapdelaine

Commissioner Christine Alcocer

Commissioner Vice-Chair Tyler Eccles

Commissioner Elizabeth Cervantes

Commissioner Donald Albers

Commissioner Aaron Eller

Commissioner Luis Hernandez

November 20, 2018 7:00 PM

A. CALL TO ORDER

B. ROLL CALL

Commissioners Albers, Alcocer, Cervantes, Chair Chapdelaine, Vice-Chair Eccles, Eller, and Hernandez

C. PLEDGE OF ALLEGIANCE

D. APPEARANCE OF INTERESTED CITIZENS*

The public is permitted to address the Planning Commission on non-agendized items. To address the Commission please step to the podium and state your name and address. COMMENTS SHOULD NOT EXCEED THREE (3) MINUTES. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda.

E. APPROVAL OF MINUTES

1. Approval of Regular Meeting Minutes from July 3, 2018.

F. PUBLIC HEARING

1. Consideration to recommend Council approval of the Employment Zoning District Text and Map Amendment Project Initial Study/Negative Declaration and recommend Council adoption of the draft Ordinance amending Chapter 17.04 of the Live Oak Municipal Code and the City's Zoning Map.

G. 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 July 3, 2018
City Hall – 9955 Live Oak Boulevard, Live Oak, CA 7:00 PM

A. CALL TO ORDER

The meeting was called to order at 7:00 p.m.

B. ROLL CALL

Commissioners D. Albers, C. Alcocer, E. Cervantez, J. Chapdelaine, A. Eller, and L. Hernandez were present.

Commissioner T. Eccles was absent.

C. PLEDGE OF ALLEGIANCE

Planning Commission Chair J. Chapdelaine led the Pledge of Allegiance.

D. APPEARANCE OF INTERESTED CITIZENS

None.

E. APPROVAL OF MINUTES

1. Approval of Minutes from the May 1, 2018 Planning Commission meeting.

Motion: A. Eller

2nd: L. Hernandez

Ayes: 6-0

No: 0

Abstain: 0

Absent: 1

F. PUBLIC HEARING

1. Consideration to approve a major amendment to an existing use permit (18-4) located at 11066 Larkin Road (APNs 06-760-011 and -012). The applicant, Surjit Gill of Gill Orchards, is proposing to amend his existing use permit (1-15) to allow

general vehicle maintenance and repair including changing tires and oil changes for semi-trucks and tractors.

K. Valente presented staff report.

Commissioner L. Hernandez asked staff about the annual inspections by Planning, Building, or Fire. K. Valente provided background and explained the applicant has not had a code enforcement issue with the current use.

Commissioner A. Eller also asked staff about the annual inspections and the existing metal building for this proposed use. K. Valente provided information regarding the existing metal building and any site improvements required is would be subject to Building Department and Fire Department inspections, as well as the County's CUPA requirements.

Commissioner D. Albers asked staff about Condition of Approval No. 9 and 10 regarding signs. K. Valente provided background and explained the City's sign process.

Planning Commission Chair J. Chapdelaine asked staff about the Condition of Approval No. 11 from the original Conditional Use Permit approval. K. Valente provided background and explained the applicant has installed the 10-foot wide asphalt apron at the Larkin Road entrance driveway.

Commissioner C. Alcocer asked staff about the how many trucks currently use the parking. K. Valente explained the City has not had code enforcement calls from the applicant exceeding the 25 trucks per day.

Public Hearing opened, and Mr. Jerry Stewart (10822 Stephanie Drive) spoke at the podium. Mr. Stewart commented on his concern for handling hazardous materials and potential spills and water table contamination. In addition, Mr. Stewart commented on the CEQA exemption for the proposed project.

The applicant, Surjit Gill spoke at the podium. Mr. Gill discusses the CUPA requirements that he must comply with to conduct the proposed use.

No additional public comments received. Public Hearing closed.

Motion: A. Eller
2nd: L. Hernandez
Ayes: 6-0
No: 0
Abstain: 0
Absent: 1

G. REPORTS

Commissioner D. Albers asked staff about the current status of the Sikh Temple construction. K. Valente provided a status update for the Sikh Temple construction and explained the construction is currently on hold.

H. ADJOURNMENT 7:25

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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.



PLANNING COMMISSION STAFF REPORT

AGENDA ITEM: F.1
DATE: November 20, 2018
TO: City of Live Oak Planning Commission
FROM: Kevin Valente, Planning Director

SUBJECT: Employment Zone Text and Map Amendment Ordinance.
LOCATION: Citywide Zoning Amendment Ordinance and the 28 Employment Zone properties.
RECOMMENDATION: Recommend Council approval of the Employment Zoning District Text and Map Amendment Project Initial Study/Negative Declaration (see Attachment 1) and Council adoption of the draft Ordinance amending Chapter 17.04 of the Live Oak Municipal Code and the City's Zoning Map (see Attachment 2).

BACKGROUND AND DISCUSSION

Pursuant to the direction of the Live Oak City Council, an Ad-Hoc Committee was formed to reevaluate the uses permitted in the City's Employment Zone District. The Ad-Hoc Committee consisted of two City Council members, two Planning Commission members, and two members of the public.

City staff facilitated several Ad-Hoc workshops in a round table format. Staff and the Ad-Hoc Committee evaluated the City's existing Employment Zone and identified areas to be amended. During the evaluation, it was recommended by the Committee to create two separate Employment Zones. The intent of the two separate zones are to prevent incompatibilities with surrounding uses, the first zone being more business and office uses, while the other being more manufacturing and industrial uses. The two zones are proposed below.

Employment/Office Zone (E1): *The E1 zoning district is intended for areas appropriate for a business office environment located along arterials or collectors. The E1 zoning district is designed to promote the development of professional offices, business and research and development parks, and related service uses in a campus-like setting. This zoning district is characterized by office development and may include supporting services such as retail, service, or restaurant uses developed in conjunction with office use. Office development should be designed to be pedestrian-friendly but should also be auto-accommodating. The E1 zoning district is consistent with the Employment land use designation of the General Plan.*

Employment/Manufacturing Zone (E2): *The E2 zoning district is intended to accommodate a broad range of manufacturing and industrial uses. This zoning district is characterized by medium and large lots and is designed to promote the development of uses such as auto service centers, research and development parks, construction industries, incidental wholesale and retail activity, outdoor storage, and assembly/manufacturing uses. Permitted activity may involve the manufacture, fabrication, assembly, or processing of raw and/or finished materials. This zoning district is designed to promote the development of uses such as industrial processing and assembly warehousing. Residential uses of any kind are prohibited in this district. The E2 zoning district is consistent with the Employment land use designation of the General Plan.*

As a result of creating two separate Employment Zones, the City's Zoning Map would need to be updated with the E1 and E2 designations. All 28 properties that are currently zoned Employment would be designated either E1 or E2. All existing Employment Zoned properties are located along the State Route 99 (SR 99) corridor; however, the proposed E1 properties would be primarily located adjacent to existing residential land uses and all proposed E2 properties would be located primarily towards the northern and southern boundaries of the City near existing manufacturing uses or rural and vacant properties.

Staff created a draft Employment Zones that were evaluated and modified by the Committee to be specifically tailored to the concerns regarding compatibility. Staff and the Committee prepared a new list of land uses and discussed the suitability of those uses in the City's Employment Zones. The Committee discussed at length the type of approval that would be required for each type of use, including Planning Commission approval of a Use Permit, Planning Director approval of a Zoning Clearance, as well as a permitted and prohibited uses (see Attachment 2).

ENVIRONMENTAL REVIEW

Pursuant to the California Environmental Quality Act (CEQA), the City has prepared an Initial Study/Negative Declaration, which has determined the proposed draft Ordinance amending Chapter 17.04 of the Live Oak Municipal Code and the City's Zoning Map would not have a significant effect on the environment. In addition, in compliance with CEQA, the Initial Study/Negative Declaration was published from October 26, 2018 to November 15, 2018 to solicit comments and input from the public. Public comments on the Initial Study/Negative Declaration have not been received.

CONCLUSION

Based on the information contained in the staff report, staff and the Ad-Hoc Committee recommend that the Planning Commission recommend Council approval of the Employment Zoning District Text and Map Amendment Project Initial Study/Negative Declaration (see Attachment 1) and recommend Council adoption of the Draft Ordinance amending Chapter 17.04 of the Live Oak Municipal Code and the City's Zoning Map (see Attachment 2).

ALTERNATIVES

The Planning Commission could choose not to recommend Council approval of the Initial Study/Negative Declaration and adoption of the draft Employment Zone Amendment Ordinance. The Planning Commission could also continue the public hearing to a future meeting date for further discussion or revisions to the draft Employment Zone Amendment.

MOTION FOR APPROVAL

Move that the Planning Commission recommends City Council approval of the Employment Zoning District Text and Map Amendment Project Initial Study/Negative Declaration and adoption of the Draft Ordinance amending Chapter 17.04 of the Live Oak Municipal Code and amending the City's Zoning Map; and, incorporates all testimony into the record by reference.

ATTACHMENTS

1. Employment Zoning District Text and Map Amendment Project Initial Study/Negative Declaration
2. Draft Ordinance amending Chapter 17.04 of the Live Oak Municipal Code.
Exhibit A: Draft Live Oak Zoning Map.

Initial Study/Negative Declaration

Employment Zoning District Text and Map Amendment Project

Prepared for
The City of Live Oak



October 2018

Prepared by



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INITIAL STUDY

October 2018

Project Title: Employment Zoning District Text and Map Amendment Project

Lead Agency Name and Address: City of Live Oak
9955 Live Oak Boulevard
Live Oak, CA 95953

Contact Person and Phone Number: Kevin Valente, AICP
Planning Director
(530) 695-2112

Project Location: City of Live Oak (Citywide Zoning Code)
Live Oak

Project Sponsor's Name and Address: City of Live Oak
Community Development Department
9955 Live Oak Boulevard
Live Oak, CA 95953

Project Description Summary:

The proposed project includes the adoption of an Employment Zoning District Text and Map Amendment. The purpose of the Employment Zoning District Text and Map Amendment Project (proposed project) is to prevent future land use conflicts with uses surrounding existing employment Zoning properties. Currently, the existing Employment Zoning District allows manufacturing uses adjacent to existing residential development. The City of Live Oak's current zoning code was comprehensively updated and adopted in 2012.

Status of Native American Consultation Pursuant to Public Resources Code Section 21080.3.1:

Pursuant to Public Resources Code Section 21080.3.1, the Lone Band of Miwok Indians, the United Auburn Indian Community of the Auburn Rancheria, and the Torres Martinez Desert Cahuilla Indians have each submitted requests to the City to be consulted during the review process for proposed projects within the City's jurisdiction. As such, the City provided each of the tribes notification regarding the proposed project, consistent with Section 21080.3.1 requirements. The required 30-day response period ended on October 9, 2018 and the City did not receive any request for consultation. As a result, the City of Live Oak has complied with all requirements pursuant to Public Resources Code (PRC) Section 21080.3.1.

SOURCES

The following documents are referenced information sources used for the analysis with this Initial Study:

1. City of Live Oak. *2030 Live Oak General Plan*. November 2005.
2. City of Live Oak. *Title 17 Zoning Regulations*. December 2011.
3. City of Live Oak. *Zoning Map*. January 2010.
4. City of Live Oak. *Draft Environmental Impact Report for the 2030 Live Oak General Plan*.
5. City of Live Oak. *Final Environmental Impact Report for the 2030 Live Oak General Plan*.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural and Forest Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology and Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Hydrology and Water Quality |
| <input type="checkbox"/> Stormwater Quality | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Mineral Resources |
| <input type="checkbox"/> Noise | <input type="checkbox"/> Population and Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Tribal Resources |
| <input type="checkbox"/> Utilities and Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |

DETERMINATION: (To be completed by the Lead Agency)

On behalf of this initial evaluation:


- (X) I find that the proposed project **COULD NOT** have a significant effect on the environmental, and a **NEGATIVE DECLARATION** will be prepared

- () I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

- () I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

- () I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in a earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

- () I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.



Lead Agency Signature

Kevin Valente, AICP

Printed Name

10/25/18

Date

City of Live Oak

For

BACKGROUND AND INTRODUCTION

This Initial Study identifies and analyzes the potential environmental impacts of the proposed project. The information and analysis presented in this document is organized in accordance with the California Environmental Quality Act (CEQA) checklist in Appendix G of the CEQA Guidelines. If the analysis provided in this document identifies any potentially significant environmental effects of the project, mitigation measures that shall be applied to the project are prescribed.

Any mitigation measures prescribed for environmental effects described in this Initial Study will be implemented in conjunction with the project, as required by CEQA. Any mitigation measures will be incorporated into the project through project conditions of approval. The City would adopt findings and a Mitigation Monitoring/Reporting Program for the project in conjunction with its approval of the project.

In 2004, the City of Live Oak completed a comprehensive General Plan Update (GPU) with an associated Environmental Impact Report (EIR). The GPU EIR is a program EIR, prepared pursuant to Section 15168 of the CEQA Guidelines (Title 14, California Code of Regulations, Sections 15000 et seq.). The Live Oak GPU EIR analyzed full implementation of the Live Oak GPU and identified measures to mitigate the significant adverse impacts associated with the General Plan to the maximum extent feasible. This Initial Study uses information from the City of Live Oak GPU and EIR for the analysis where appropriate. Both documents are available online at the City of Live Oak website.

DESCRIPTION OF PROJECT

The City of Live Oak is located in the Sacramento Valley in the northern portion of Sutter County along State Route (SR) 99. The City of Gridley is located approximately six miles to the north and Yuba City is located approximately 10 miles to the south (see Figure 1). Live Oak is situated between the Sutter Buttes to the west and the Feather River to the east and is surrounded by agricultural land.

The proposed project would include the adoption of both an Employment Zoning District Text and Map Amendment. The purpose of the project is to prevent future land use compatibility issues involving the uses permitted in the City's current Employment Zoning. The project includes creating two separate Employment Zoning Districts: Employment/Office (E1) and Employment/Manufacturing (E2). The proposed amendment is intended to ensure manufacturing would not be located adjacent to residential uses, as is allowed by the current Employment Zoning District (See Figure 2).

The purpose and intent of the proposed Employment Zoning Districts are detailed below.

Employment/Office Zoning (E1)

The E1 Zoning District would be intended for areas appropriate for a business office environment located along thoroughfares, arterials or collectors. The E1 District is designed to promote the development of professional offices, business and research and development parks, and related service uses in a campus-like setting. While the E1 District would be characterized by office development, it would allow for development of supporting services such as retail, service, and restaurant uses developed in conjunction with the associated office use. Office development within the E1 District should emphasize a pedestrian-friendly design and accommodate automobiles and other forms of alternative transportation. The E1 Zoning District is consistent with the Employment land use designation of the General Plan.

Employment/Manufacturing Zoning (E2)

The E2 Zoning District is intended to accommodate a broad range of manufacturing and industrial uses. The E2 District is characterized by medium and large lots and is designed to promote the development of uses such as auto service centers, research and development parks, construction industries, incidental wholesale and retail activity, outdoor storage, and assembly/manufacturing uses. Permitted activity in the E2 District would include the manufacture, fabrication, assembly, or processing of raw and/or finished materials. In addition to the above-mentioned uses, the E2 District is designed to promote the development

Figure 1
Regional Project Location

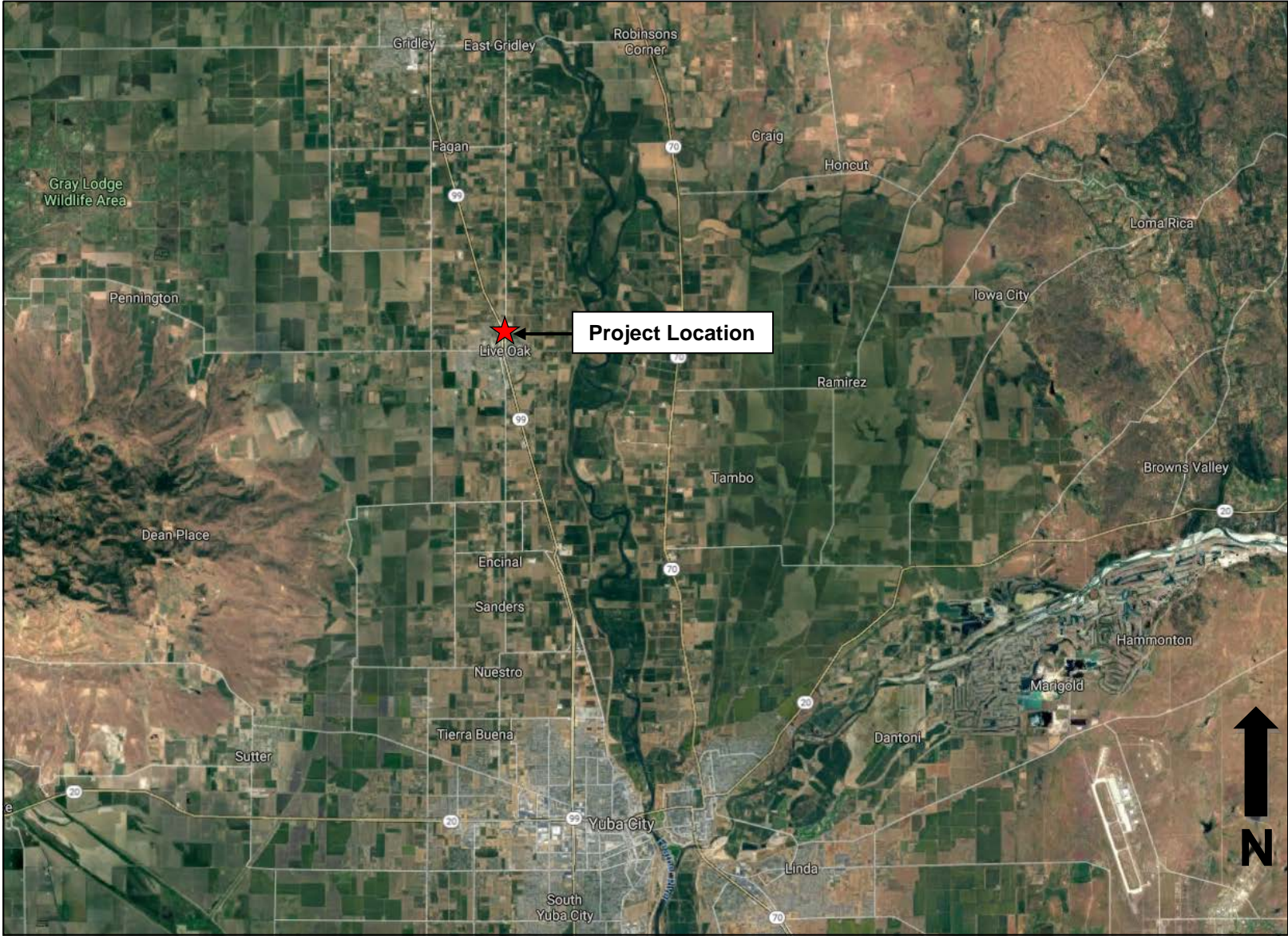
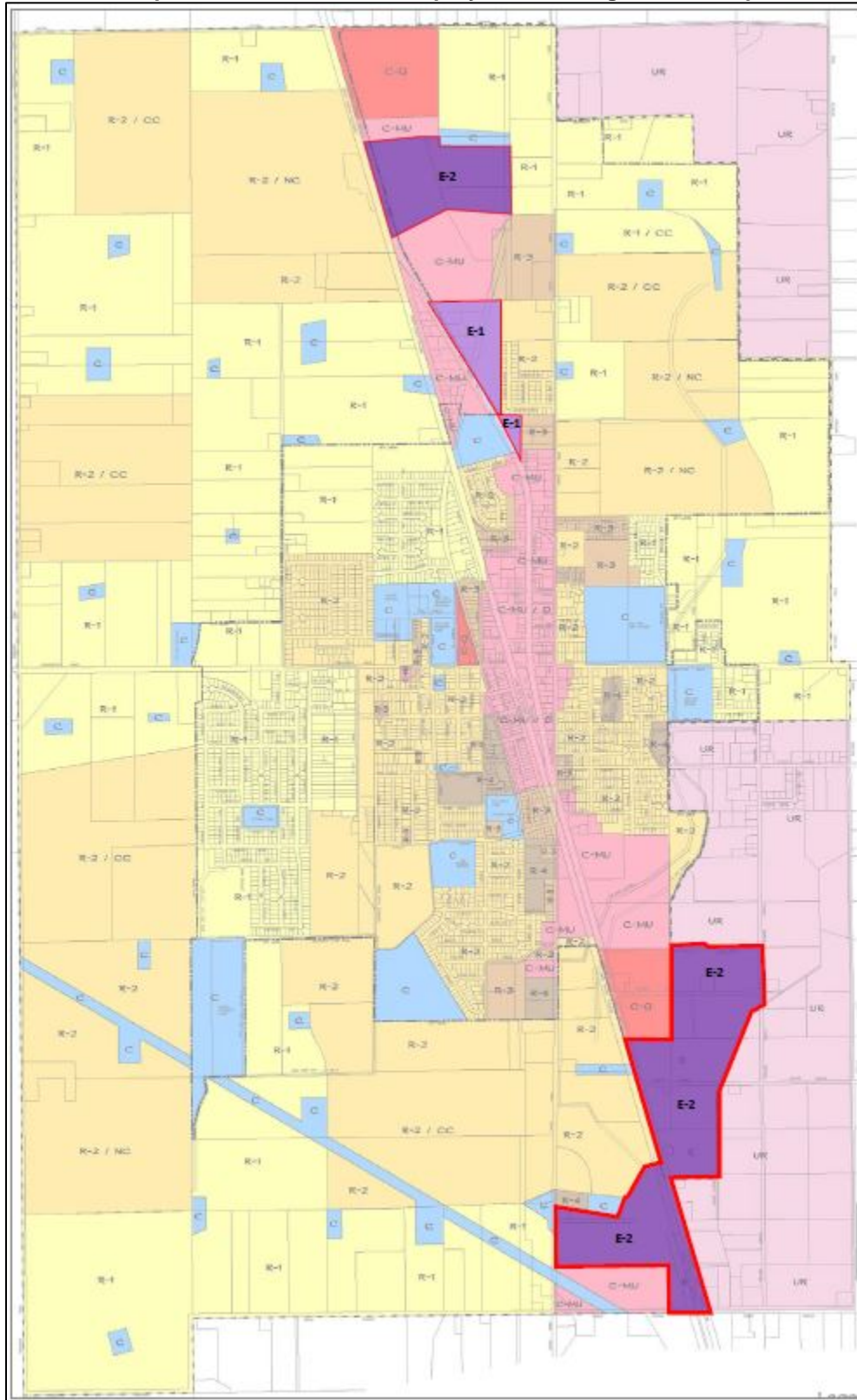


Figure 2
Proposed Amendment to Employment Zoning District Map



of uses such as industrial processing and industrial warehousing. The aforementioned uses have potential to emit odors, vibrations, and sounds which could disturb sensitive receptors such as residential development and schools. Thus, residential uses of any kind are prohibited within the E2 District.

Required City of Live Oak Approvals

The following entitlements are required by the City of Live Oak for the proposed project:

- Adoption of the Employment Zoning District Text and Map Amendment Project Initial Study/Negative Declaration; and
- Adoption of the Employment Zoning District Text and Map Amendment Ordinance.

EVALUATION OF ENVIRONMENTAL IMPACTS

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>I. AESTHETICS</u> -- Would the project:				
(a) Have a substantial adverse effect on a scenic vista?	()	()	(X)	()
(b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	()	()	(X)	()
(c) Substantially degrade the existing visual character or quality of the site and its surroundings?	()	()	(X)	()
(d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	()	()	(X)	()

Comments:

a-d) The City of Live Oak and surrounding areas within the Sacramento Valley are characterized primarily by flat agricultural land. The Sutter Buttes, a small, isolated mountain range that rises to an elevation of 2,000 feet above sea level, are located southwest of the City and constitute the predominant scenic vista in the area.

The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. As identified in the General Plan EIR, implementation of General Plan policies designed to preserve visual resources and minimize light and glare generated by new development would lower the impact of urban buildout associated with implementation of the 2030 General Plan; however, a significant and unavoidable impact to views throughout the City and of scenic vistas such as the Sutter Buttes would still occur. Therefore, a Statement of Overriding Considerations was also approved by the City for the 2030 General Plan EIR.

It should be noted that future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. Furthermore, all future development would be subject to Section 16.32.690.0700 of the Live Oak Municipal Code requiring lighting to be shielded to minimize impacts of glare onto the public right-of-way or adjoining properties. As a result, the proposed project would result in a **less-than-significant** impact related to aesthetics including an adverse effect on a scenic vista, damage scenic resources, degrade the existing visual character, or create new sources of light and glare.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
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II. AGRICULTURAL AND FOREST RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

- | | | | | |
|---|-----|-----|-----|-----|
| (a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | () | () | (X) | () |
| (b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | () | () | (X) | () |
| (c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland Zoningd Timberland Production (as defined by Government Code section 51104(g))? | () | () | (X) | () |
| (d) Result in the loss of forest land or conversion of forest land to non-forest use? | () | () | (X) | () |
| (e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use? | () | () | (X) | () |

Comments:

- a-e) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. As identified in the General Plan EIR, implementation of the General Plan policies designed to conserve agricultural land and reduce conflicts between agricultural operations and adjacent uses and impacts related to the conversion

of important farmland to non-agricultural uses would lower the impact on agricultural resources; however, a significant and unavoidable impact would still occur. Therefore, a Statement of Overriding Considerations was also approved by the City for the 2030 General Plan EIR.

However, it should be noted that agricultural and timberland zoning does not exist within the City limits of Live Oak. Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a ***less-than-significant*** impact related to agricultural resources including the conversion of important farmland to non-agricultural uses, an existing Williamson Act Contract, the rezoning of timberland, and the loss or conversion of forest land to non-forest use.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
III. AIR QUALITY -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
(a) Conflict with or obstruct implementation of the applicable air quality plan?	()	()	(X)	()
(b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	()	()	(X)	()
(c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for Zoning precursors)?	()	()	(X)	()
(d) Expose sensitive receptors to substantial pollutant?	()	()	(X)	()
(e) Create objectionable odors affecting a substantial number of people?	()	()	(X)	()

Comments:

a-e) Although the City of Live Oak is subject to the Feather River Air Quality Management District, the proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. As identified in the General Plan EIR, implementation of General Plan policies designed to reduce air quality impacts would lower the impacts associated with exceeding air quality standards; however, a significant and unavoidable impact would still occur. Therefore, a Statement of Overriding Considerations was also approved by the City for the 2030 General Plan EIR.

Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a **less-than-significant** impact related to air quality including the implementation of an existing air quality plan, violation of any air quality standards, exposing sensitive receptors to pollutants, or create objectionable odors.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>IV. BIOLOGICAL RESOURCES</u> -- Would the project:				
(a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	()	()	(X)	()
(b) Have a substantial adverse effect on any riparian habitat or sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	()	()	(X)	()
(c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	()	()	(X)	()
(d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native residents or migratory wildlife corridors or impede the use of native wildlife nursery sites?	()	()	(X)	()
(e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	()	()	(X)	()
(f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	()	()	(X)	()

Comments:

a-f) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. According to the General Plan EIR, four special status-plant species could occur in the City along ditches, irrigation canals, and waterways, as well as special-status fish and wildlife species. However, with implementation of 2030 General Plan policies designed to reduce biological impacts, a less-than-significant impact would occur. The City of Live Oak has not adopted a habitat conservation plan, the City of Live was a participant in the preparation of the Yuba-Sutter Regional Conservation Plan, however, the preparation of that plan has stopped and will not be completed.

Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result,

the proposed project would result in a ***less-than-significant*** impact related to biological resources including having a substantial adverse effect on any sensitive or special-status wildlife or plant species, adversely effecting a riparian habitat, sensitive natural community, or federally protected wetlands, or interfere substantially with the movement of any native migratory fish or wildlife species. In addition, the proposed project would not facilitate development that would conflict with any local policies or ordinances designed to protect biological resources, such as a tree preservation policy or ordinance or an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or State habitat conservation plan.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>V. CULTURAL RESOURCES</u> -- Would the project:				
(a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	()	()	(X)	()
(b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	()	()	(X)	()
(c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	()	()	(X)	()
(d) Disturb any human remains, including those interred outside of formal cemeteries?	()	()	(X)	()

Comments:

a-d) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. As identified in the General Plan EIR, implementation of General Plan policies would reduce impacts to cultural resources to a less-than-significant level. Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a ***less-than-significant*** impact related to cultural resources including causing a substantial adverse change in the significance of a historical or archeological resource, destroying a unique paleontological sire or geologic feature, or disturbing any human remains.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>VI. GEOLOGY AND SOILS</u> -- Would the project:				
(a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	()	()	(X)	()
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault?				
ii. Strong seismic ground shaking?				
iii. Seismic-related ground failure, including liquefaction?				
iv. Landslides?				
(b) Result in substantial soil erosion or the loss of topsoil?	()	()	(X)	()
(c) Be located on a geologic unit or soil that is unstable or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	()	()	(X)	()
(d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	()	()	(X)	()
(e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	()	()	(X)	()

Comments:

- a-e) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. As identified in the General Plan EIR, with implementation of General Plan policies designed to reduce the potential damage to people or structures from seismic activity, a less-than-significant impact would occur. In addition, implementation of existing regulations outlined by the California Building Standards Code, the potential for substantial adverse effects due to exposure to seismic related ground failure, soil erosion, and soil liquefaction would also be less than significant. Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a **less-than-significant** impact related to geology and soils including exposing people or structures to potential risks involving seismic related ground shaking or failure, soil erosion, and soil liquefaction.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>VII. GREENHOUSE GAS EMISSIONS</u> -- Would the project:				
(a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	()	()	(X)	()
(b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gasses?	()	()	(X)	()

Comments:

a-b) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. As identified in the General Plan EIR, implementation of General Plan policies designed to reduce greenhouse gas emissions would lower the impacts associated with greenhouse gas emission; however, a significant and unavoidable impact would still occur. Therefore, a Statement of Overriding Considerations was also approved by the City for the 2030 General Plan EIR.

It should also be noted that future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a **less-than-significant** impact related to greenhouse gas emissions.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>VIII. HAZARDS AND HAZARDOUS MATERIALS --</u>				
Would the project:				
(a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	()	()	(X)	()
(b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	()	()	(X)	()
(c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	()	()	(X)	()
(d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	()	()	(X)	()
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	()	()	(X)	()
(f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working within the project area?	()	()	(X)	()
(g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	()	()	(X)	()
(h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	()	()	(X)	()

Comments:

a-h) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. As identified in the General Plan EIR, with implementation of General Plan policies designed to address the transport and handling of hazardous materials, a less-than-significant impact would occur related to hazards and hazardous materials. All future development that includes any use or storage of hazardous materials would

be subject to the requirements identified by the Sutter County Certified Unified Program Agency (CUPA). The Sutter County airport is located at 100 Airport Road in Yuba City, approximately 12 miles from Live Oak. The Oroville Municipal Airport is approximately 22 miles from Live oak and the Chico Municipal Airport is approximately 37 miles from the City. Bowles Airport, a small private airstrip is located approximately 1.5 miles to the northwest of the City; however, the City of Live Oak is not subject to any airport land use plans. The City of Live Oak does not contain any areas of moderate, high, or very high fire hazard severity zones. Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a ***less-than-significant*** impact related to hazards and hazardous materials.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>IX. HYDROLOGY AND WATER QUALITY</u> -- Would the project:				
(a) Violate any water quality standards or waste discharge requirements?	()	()	(X)	()
(b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	()	()	(X)	()
(c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	()	()	(X)	()
(d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	()	()	(X)	()
(e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	()	()	(X)	()
(f) Otherwise substantially degrade water quality?	()	()	(X)	()
(g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	()	()	(X)	()
(h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	()	()	(X)	()
(i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	()	()	(X)	()
(j) Inundation by seiche, tsunami, or mudflow?	()	()	(X)	()

Comments:

- a-j) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. As identified in the General Plan EIR, with implementation of General Plan policies designed to address water quality and flooding, a less-than-significant impact would occur related to hydrology and water quality. The City of Live Oak is not located in an area subject to seiche or tsunami, and the area topography is relatively level and not subject to mudflow. Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a **less-than-significant** impact related to hydrology and water quality including the violation of any water quality standards, substantially deplete groundwater supplies, alter existing drainage patterns, or place housing or structures within a 100-year floodplain or expose people or structures to a significant risk involving flooding.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XI. LAND USE AND PLANNING</u> -- Would the project:				
(a) Physically divide an established community?	()	()	(X)	()
(b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	()	()	(X)	()
(c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	()	()	(X)	()

Comments:

a-c) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. The City of Live Oak has not adopted a habitat conservation plan, the City of Live was a participant in the preparation of the Yuba-Sutter Regional Conservation Plan, however, the preparation of that plan has stopped and will not be completed. Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a **less-than-significant** impact related to land use and planning including dividing an established community or conflicting with and applicable land use plan, policy, or regulation. In addition, the proposed project would not facilitate development that would conflict with any applicable habitat conservation plan.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XII. MINERAL RESOURCES</u> -- Would the project:				
(a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	()	()	()	(X)
(b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	()	()	()	(X)

Comments:

- a-b) Mineral resources are not currently being mined or produced in the City of Live Oak and any mineral resources of value to the region or residents of the State have not been identified in the City. Therefore, ***no impact*** from loss of such resource would result from implementation of the proposed project.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XIII. NOISE -- Would the project result in:				
(a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	()	()	(X)	()
(b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	()	()	(X)	()
(c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	()	()	(X)	()
(d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	()	()	(X)	()
(e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	()	()	(X)	()
(f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	()	()	(X)	()

Comments:

a-f) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. As identified in the General Plan EIR, with implementation of General Plan policies designed to address noise, a less-than-significant impact would occur. Bowles Airport, a small private airstrip is located approximately 1.5 miles to the northwest of the City; however, the City of Live Oak is not subject to any airport land use plans. Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a **less-than-significant** impact related to noise including exposing persons to excess noise levels, a permanent increase in noise levels, a periodic increase in ambient noise levels, groundborne vibration, or expose people to excessive noise levels from an airport or private airstrip.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XIV. POPULATION AND HOUSING</u> -- Would the project:				
(a) Induce substantial population growth in an area, either directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through the extension of roads or other infrastructure)?	()	()	(X)	()
(b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	()	()	(X)	()
(c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	()	()	(X)	()

Comments:

- a-c) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. The proposed policy change would not affect the City's existing residential zoning districts, and therefore, the policy change would not induce a substantial population growth in the area. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a **less-than-significant** impact related to population and housing including inducing substantial population growth or the displacement of a substantial amount of existing housing and/or people.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XV. PUBLIC SERVICES</u> -- Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
(a) Fire protection?	()	()	(X)	()
(b) Law enforcement?	()	()	(X)	()
(c) Schools?	()	()	(X)	()
(d) Parks?	()	()	(X)	()
(e) Other public facilities?	()	()	(X)	()

Comments:

a-e) In 1996, the City of Live Oak Fire Department consolidated with the Oswald-Tudor Fire Department, and the Sutter Fire Department to form what is not the Sutter County Fire Department-County Service Area F, which provides fire protection services to the City of Live Oak. Throughout the three fire stations, the county has 16 paid staff, two battalion chiefs, nine captains, and five engineers under the direction of the Fire Services Manager. The Sutter County fire station that serves the City of Live Oak is located at 2745 Fir Street in the City of Live Oak. The Sutter County Sheriff's Department currently provides law enforcement services to the City of Live Oak from the Sutter County Sherriff's substation located at 9867 O Street in Live Oak.

The City of Live Oak is served by the Live Oak Unified School District (LOUSD), which consists of six schools, two elementary schools (grades K through eight and K through four), a middle school (grades 5 through eight), a high school (grades nine through 12), as well as a continuation high school (grades nine through 12) and alternative school (grades one through 12). The City of Live Oak Parks and Recreation Departments consists of five parks, Oak Tree Park, Pennington Ranch Park, Live Oak Memorial Park, Date Street Park, and the Live Oak Soccer Park.

The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a **less-than-significant** impact related to public services including fire protection, law enforcement, schools, parks, or other public facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XVI. RECREATION --</u>				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	()	()	(X)	()
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	()	()	(X)	()

Comments:

a-b) The City of Live Oak Parks and Recreation Departments consists of five parks, Oak Tree Park, Pennington Ranch Park, Live Oak Memorial Park, Date Street Park, and the Live Oak Soccer Park. The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a ***less-than-significant*** impact related to recreation.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XVII. TRANSPORTATION/TRAFFIC</u> – Would the project:				
(a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	()	()	(X)	()
(b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	()	()	(X)	()
(c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	()	()	(X)	()
(d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	()	()	(X)	()
(e) Result in inadequate emergency access	()	()	(X)	()
(f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	()	()	(X)	()

Comments:

a-f) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR.

The City of Live Oak General Plan EIR identifies the level of service (LOS) threshold for traffic impacts on City streets and intersections to be LOS E or F. The LOS for State Route (SR) 99 would need to degrade to LOS F to be considered an impact. As identified in the General Plan EIR, implementation of General Plan policies designed to reduce transportation and circulation impacts generated by new development would reduce congestion and traffic impacts associated with implementation of the 2030 General Plan on City streets; however, a significant and unavoidable impact would still occur for SR 99. Therefore, a Statement of Overriding Considerations was also approved by the City for the 2030 General Plan EIR.

It should also be noted that future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a ***less-than-significant*** impact related to transportation including traffic congestion, air traffic patterns, hazards, and adopted policies or plans for the performance of the circulation system and public transit, bicycle, or pedestrian facilities.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XVIII. TRIBAL RESOURCES -- Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:				
(a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	()	()	(X)	()
(b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	()	()	(X)	()

Comments:

- a-b) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, pursuant to Public Resources Code (PRC) Section 21080.3.1, the City provided the Lone Band of Miwok Indians, the United Auburn Indian Community of the Auburn Rancheria, and the Torres Martinez Desert Cahuilla Indians with notification regarding the proposed project. The City did not receive responses from the aforementioned tribes during the 30-day comment period. Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a **less-than-significant** impact related to tribal resources.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XIX. UTILITIES AND SERVICE SYSTEMS</u> -- Would the project:				
(a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	()	()	(X)	()
(b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	()	()	(X)	()
(c) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	()	()	(X)	()
(d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	()	()	(X)	()
(e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	()	()	(X)	()
(f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	()	()	(X)	()
(g) Comply with federal, state, and local statutes and regulations related to solid waste.	()	()	(X)	()

Comments:

a-g) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. As identified in the General Plan EIR, construction of new water facilities and infrastructure including stormwater drainage facilities would be required to support the increase in demand associated with buildout of the 2030 General Plan; however, with adherence to goals and policies identified in the General Plan, including using conservation measures, the City of Live Oak would reduce its overall water demand and potential impacts would be less-than significant. The City of Live Oak recently completed upgrades to the wastewater treatment plant (WWTP), which was designed to sufficiently support the City General Plan Buildout of approximately four million gallons per day MGD. The Ostrom Road Landfill in Yuba County is the primary destination for solid waste collected in Live Oak. In 2007, the Ostrom Road Landfill was permitted to accept 3,000 tons of solid waste per day and had an estimated remaining capacity of 40,600,000 cubic yards (97.1 percent). The expected closure date of this facility is December 2066.

Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a ***less-than-significant*** impact related to utilities and service systems including water supply, wastewater treatment and conveyance, storm water facilities, or solid waste.

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
<u>XX. MANDATORY FINDINGS OF SIGNIFICANCE</u>				
(a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	()	()	(X)	()
(b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects)?	()	()	(X)	()
(c) Does the project have environment effects which will cause substantial adverse effects on human beings, either directly or indirectly?	()	()	(X)	()

Comments:

- a-c) The proposed project is a policy change and does not include any specific development proposals, nor does the project grant any entitlements for development. In addition, all future development in both the proposed E1 and E2 Zones have been previously analyzed in the 2030 Live Oak General Plan EIR. Therefore, future development in the E1 and E2 Zones would result in similar impacts related to those identified in the 2030 General Plan EIR. Furthermore, future development in the E1 and E2 Zones that require a discretionary approval (i.e., a Zoning Clearance or Use Permit) would be subject to further environmental analysis. As a result, the proposed project would result in a **less-than-significant** impact related to the potential degradation of the quality of the environment or wildlife species, elimination of important examples of California history, cumulatively considerable impacts, or cause substantial adverse effects on human beings, either directly or indirectly.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LIVE OAK, CALIFORNIA,
AMENDING CHAPTER 17.04 OF THE LIVE OAK MUNICIPAL CODE
AND THE LIVE OAK ZONING MAP.**

SECTION 1: Purpose and Authority. The purpose of this ordinance is to approve the proposed Zoning Code Text and Map Amendment to the Live Oak Municipal Code. This ordinance is adopted pursuant to Government Code sections 65853-65859, and other applicable law.

SECTION 2: Findings. The City Council finds and determines as follows:

- A. On November 20, 2018, the Planning Commission held a duly noticed public hearing concerning the proposed Zoning Code Text and Map Amendment, which is depicted in Exhibit A attached hereto and incorporated herein by reference. After the hearing, the Planning Commission recommended that the City Council approve the proposed zoning code text and map amendment.
- B. An Initial Study/Negative Declaration (IS/ND) was prepared for the proposed project. The IS/ND addressed all the subjects required pursuant to the California Environmental Quality Act (CEQA).
- C. The proposed Zoning Code Text and Map Amendment is consistent with and would implement the policies of the City of Live Oak General Plan.
- D. The area is physically suited to the uses authorized in the proposed zone.
- F. The proposed Zoning Code Text and Map Amendment is compatible with the land uses existing and permitted on the properties in the vicinity.
- G. The land uses and their density and intensity, allowed in the proposed zones are not likely to create serious health problems or create nuisances on properties in the vicinity.
- H. The City Council finds that the proposed Zoning Code Text and Map Amendment as shown in Exhibit A, attached hereto and incorporated by reference herein, is consistent with the Zoning Ordinance Chapter 17.01: Administration.

SECTION 3: Chapter Amendment.

17.04 Employment Zone Districts

14.04.010 Purpose of the Employment Zone Districts

The purpose of the individual employment zone districts are as follows:

Employment/Office Zone (E1): The E1 zoning district is intended for areas appropriate for a business office environment located along arterials or collectors. The E1 zoning district is designed to promote the development of professional offices, business and research and development parks, and related service uses in a campus-like setting. This zoning district is characterized by office development and may include supporting services such as retail, service, or restaurant uses developed in conjunction with office use. Office development should be designed to be pedestrian-friendly but should also be auto-accommodating. The E1 zoning district is consistent with the Employment land use designation of the General Plan.

Employment/Manufacturing Zone (E2): The E2 zoning district is intended to accommodate a broad range of manufacturing and industrial uses. This zoning district is characterized by medium and large lots and is designed to promote the development of uses such as auto service centers, research and development parks, construction industries, incidental wholesale and retail activity, outdoor storage, and assembly/manufacturing uses. Permitted activity may involve the manufacture, fabrication, assembly, or processing of raw and/or finished materials. This zoning district is designed to promote the development of uses such as industrial processing and assembly warehousing. Residential uses of any kind are prohibited in this district. The E2 zoning district is consistent with the Employment land use designation of the General Plan.

17.04.020 Allowed Uses and Permit Requirements

Table 17.04.020 identifies the uses of land allowed by each of the employment zone districts. The last column of the table identifies a section of this Title that references additional land use regulations or development standards that are applicable to that use. The applicable permit requirements for each use are established by the letter designations as follows:

“P” Designates a permitted use. New development requires a development plan review which is a ministerial staff review process that ensures compliance with all City development standards, pursuant to Sec. 17.35.010.

“ZC” Designates that a zoning clearance is needed, which is a ministerial staff review, pursuant to Sec. 17.35.020.

“U” Designates that a use permit is required, pursuant to Sec. 17.35.030.

Blank Not an allowable use in that zone district.

**Table 17.04.020: Allowed Uses and Permit Requirements for the
Employment Zone Districts**

Land Use	Zone District		Specific Use Regulation
	E1	E2	
Residential Uses			
Day Care Center	U		
Live/Work Projects	U		
Emergency Shelter	U		
Transitional Housing			
Agricultural Uses			
Commercial Crops		P	
Community Garden			
Farmers Market	P	P	
Ranch Marketing Operation		P	
Animal Uses			
Kennels, indoor	U	P	Title 6
Kennels, outdoor		U	Title 6
Veterinary Services/Animal Care Facility excluding Outdoor Kennels	P	P	Title 6
Veterinary Services/Animal Care Facility including Outdoor Kennels		U	Title 6
Recreation and Entertainment Uses			
Adult Oriented Business	U	U	Sec. 17.16.070
Auditorium or Theater	U	ZC	
Club or Lodge	U	ZC	
Health Club and Dance/Karate Studio	P	P	
Recreation, Indoor	P	P	
Recreation, Outdoor, No Field Lights	U	P	
Recreation Outdoor, With Field Lights	U	U	
Shooting Range, Indoor		U	
Shooting Range, Outdoor			
Tourist and Visitor Serving Uses			
Bed and Breakfast	P	U	
Motels and Hotels	U	U	
Recreational Vehicle Park		U	
Commercial Uses			
Automotive and Recreational Vehicle Sales, Leasing, and Rental	ZC	P	
Appliance Repair and Service	ZC	P	
Automotive Type Repair and Service ¹	ZC	P	
Bakery	P	P	
Bank and Financial Services	P	P	
Bar, Tavern, or Lounge, Cocktail	ZC	ZC	

Land Use	Zone District		Specific Use Regulation
	E1	E2	
Beauty Salon/Barber including Incidental Massage Therapy	P	P	
Brewery, Micro/Winetasting Room	ZC	ZC	
Broadcast Studio	P	P	
Business or Professional Office	P	P	
Call Center or Telemarketing Facility	P	P	
Cannabis Operations			Sec. 17.17
Car Wash	ZC	ZC	Sec. 17.16.040
Catering	P	P	
Check Cashing Services	P	P	
Convenience Market	ZC	P	
Crematorium	U	ZC	
Fortune Teller or Similar Service	P	P	
Gas Station	U	U	
Grocery/Supermarket	ZC	P	
Hospital		ZC	
Laboratory, Testing or Classification, including Medical, excluding Agricultural related services	U	U	
Laboratory, Testing or Classification, including Agricultural related services		U	
Laundry and Dry Cleaning	ZC	ZC	
Liquor Store	ZC	P	
Massage Parlor	U	P	
Medical Services, including Clinics and Physical Therapy	ZC	P	
Mobile Food Vending	ZC	P	
Mortuary	U	ZC	
Nursery, Retail Garden Store ³	ZC	P	
Nursery, Wholesale Farm ³		P	
Outdoor holiday sales	ZC	ZC	Sec. 17.16.050
Photography/Art Studio, Photographic Processing or Supply, and Picture Framing	P	P	
Place of Worship	U	ZC	
Printing, Publishing, Cartography, Lithography, or Blue Printing		ZC	
Restaurant, Café, Internet Café, Coffee Shop/House ²	P	P	
Restaurant, Fast Food, With Drive Through	U	ZC	
Restaurant, Fast Food, Without Drive Through ²	P	P	
Restaurant, Take Out Only ²	P	P	
Retail, Discount Store	U	P	Sec. 17.16.030
Retail Stores, General	U	P	Sec. 17.16.030

Land Use	Zone District		Specific Use Regulation
	E1	E2	
Retail, Superstores (Over 100,000 Square Feet)	U	ZC	Sec. 17.16.030
Shopping Center	U	ZC	Sec. 17.16.030
Substance Use Disorder Treatment Facility		U	
Tailoring, Shoe Repair Shop	P	P	
Tattoo, Body Piercing Parlor	ZC	ZC	
Thrift Store	P	P	
Tobacco, Vape, and Smoke Shop	U	U	
Wholesale Membership Club Stores	U	U	
Manufacturing Uses			
Auto Dismantling/Junk or Salvage Yards		U	
Impound Yard		U	
Manufacturing, Major		U	
Manufacturing, Minor		ZC ³ , 4	
Mini Storage ⁵	P	P	
Propane Sales (Where Storage Does Not Exceed 500 Gallons)		ZC	
Research and Development ⁶	P	P	
Shipping Container, Incidental Permanent Storage ⁷		ZC	
Storage Yards		P ⁴	
Wholesale and Distribution	U	ZC	
Wineries and Distilleries	U	ZC	
Transportation Facilities Uses			
Automobile Parking Lot or Structure, Commercial	U	P	
Freight Yard/Truck Terminal		U	
Railroad Depot		U	
Utility and Communication Facilities			
Satellite Receiving Dish	P	P	
Telecommunications Facility	U	U	
Utility Substation		U	
Waste Facilities			
Recycling Collection Facility		U	Sec 17.16.010
Solid Waste Transfer Station		U	
Educational Institutions and Schools (Private)			
College or University	U	ZC	
Preschool (More than 12 Students)	U	ZC	
Private Specialty School/Trade School	U	ZC	
School (Kindergarten Through 12 th Grade)	U	ZC	

1. Automobile repair garages including the parking and storage of vehicles and related equipment/accessories used in connection with the garage shall be conducted within a completely enclosed building or within a view-obscuring fence. These vehicles shall be

actively worked on or they will be considered stored within an unpermitted impound yard.

2. A zoning clearance is required when use involves the sale of alcohol sales and/or includes outdoor dining, pursuant to Sec. 17.35.020.
3. A use permit is required when located within 500 feet of any residential zoning district, pursuant to Sec. 17.35.030.
4. Use shall be conducted within a completely enclosed building or within a view-obscuring fence, otherwise a use permit is required, pursuant to Sec. 17.35.030.
5. Mini-storage units shall not be used for any of the following uses:
 - A. The storage of explosives or bulk quantities of flammable or combustible materials as defined in the current edition of the California Building Code or the California Fire Code.
 - B. The shelter or housing of persons, plants or animals.
 - C. The storage of materials which are infested with or especially attractive to vermin, rodents or disease vectors.
 - D. Manufacturing.
 - E. A store, office, or repair facility. The electrical supply in a mini-storage unit shall not exceed one hundred twenty (120) volts.
 - F. The storage of vehicles in customer parking spaces. A rental truck operation is permitted as an ancillary use if the vehicles for rent are parked inside approved, view-obscuring fenced areas and not in customer parking spaces.
6. A use permit is required for any on-site chemicals or hazardous materials, pursuant to Sec. 17.35.030.
7. A shipping container is constructed of metal, wood, or other material and designed or patterned after structures used in containerized shipping operations. No shipping container or similar structure shall be used as an accessory structure for incidental storage, permanent or temporary, in any zoning district unless granted a use permit, pursuant to Sec. 17.35.030.

17.040.030 Employment Zone District Development Standards

Table 17.04.030: Employment Zone District Development Standards

Minimum lot size	10,000 square feet. Other criteria and exceptions are provided in Chapter 17.20
Minimum lot width	75 feet
Minimum yards (E1 District)	Front yard: 10 feet Street side yard: 10 feet Interior side: none, except when abutting a residential zone district, it is 15 feet. Rear yard: none, except when abutting a residential zone district, it is 15 feet. Other criteria and exceptions are provided in Chapter 17.22.
Minimum yards (E2 District)	Front and Street side yard: shall be reserved for landscaping only, excluding access and egress driveways and shall be determined on a graduated scale based upon type of street type as follows: Arterial Street: minimum 30 feet Collector Street: minimum 25 feet Local Street: minimum 20 feet As defined in the Live Oak General Plan Circulation Element. Interior side: none, except when abutting a residential zone district, it is 15 feet. Rear yard: none, except when abutting a residential zone district, it is 15 feet. Other criteria and exceptions are provided in Chapter 17.22.
Maximum building height	Three stories, not to exceed 50 feet. Other criteria and exceptions are provided in Chapter 17.23.
Public improvements	See Chapter 17.21
Fences, walls, hedges and intersection visibility	See Chapter 17.24
Off-street parking and loading	See Chapter 17.25
Exterior lighting	See Chapter 17.26
Landscaping	See Chapter 17.27
Signs	See Chapter 17.28
Trash enclosures	See Chapter 17.29
Screening mechanical equipment	See Chapter 17.30

17.04.040 Employment Zone Use Definitions

Appliance Repair and Service: A retail establishment that involves the repair or service of any sort of mechanical, plumbing, or electrical device should it become out of order, broken or performing routine actions which keep the device in working order.

Auditorium or Theater: A building or outdoor area in which movies, plays and other dramatic performances are given.

Auto Dismantling: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of 5 or more motor vehicles which for a period exceeding 30 days have not been capable of operating under their own power, and from which parts have been or may be removed for reuse or sale shall constitute prima facie evidence of an automobile wrecking yard.

Automotive and Recreational Vehicle Sales, Leasing, and Rental: A retail establishment selling, leasing, and/or renting automobiles, trucks and vans, motorcycles, mobile homes, recreational vehicles, and watercrafts. May also include repair shops and the sales of parts and accessories, incidental to vehicle dealerships. Does not include the sale of auto parts/accessories separate from a vehicle dealership; tire recapping establishments; businesses dealing exclusively in used parts; or repair and service.

Automotive Type Repair and Service: A use engaged in service or major repair of new or used automobiles, trucks, trailers, boats, motorcycles, mopeds, recreational vehicles, or other similar vehicles, including tire recapping, painting, body and fender repair, and engine, transmission, air conditioning, and glass repair and replacement, and similar services.

Automobile Parking Lot or Structure, Commercial: Surface parking lot or building for short-term storage of motor-vehicles that is a primary use of a site. A parking structure has two or more tiers or levels and at least two open sides with the top tier either roofed or not.

Bakery: Any commercial bakery where bread and/or pastry goods are made and/or sold.

Bank and Financial Services: Financial institutions including:

- A. Banks and trust companies;
- B. Credit unions;
- C. Holding (but not primarily operating) companies;
- D. Home loan services;
- E. Mortgage brokers;
- F. Other investment companies;
- G. Securities/commodity contract brokers and dealers;
- H. Security and commodity exchanges;
- I. Vehicle finance (equity) leasing.
- J. Automated teller machines (ATM) means a computerized, self-service machine used by banking customers for financial transactions, including deposits, withdrawals and fund transfers, without face-to-face contact with financial institution personnel. These machines may be located at or within banks, or in other locations.

Bar, Tavern, or Lounge, Cocktail: A use providing preparation and retail sale of alcoholic beverages, on a licensed “on sale” basis, for consumption on the premises.

Beauty Salon/Barber Including Incidental Massage Therapy: Retail establishments providing non-medical services to individuals as a primary use. These uses may also include secondary or ancillary retail sales of products related to the services provided.

Bed and Breakfast: A house, or portion thereof, where short-term (less than thirty (30) days within any sixty (60) day period) lodging rooms and meals are provided. The operator or manager of the facility shall live on the premises or in adjacent premises.

Brewery, Micro: A manufacturer of specialty beers that are typically made available locally or regionally. A microbrewery may also have a restaurant on the premises. The operation of such facility shall be consistent with the Alcohol and Beverage Code Section 23357.

Broadcast Studio: A facility where radio or television broadcasts originate.

Call Center or Telemarketing Facility: An office set up to handle a large volume of telephone calls, especially for taking orders, providing customer service, or sales.

Car Wash: A building containing equipment for washing motor vehicles.

Catering: An establishment that serves and supplies food to be consumed off premises.

Check Cashing Service: Any person engaged in the business of cashing checks for a fee, service charge or other consideration.

Club or Lodge: A not-for-profit association of persons, whether incorporated or unincorporated, organized to pursue common goals, interest or activities, but not including a group organized solely or primarily to render a service customarily carried on as a business.

Coffee House: A retail establishment, with or without drive through service, which primarily sells prepared coffee, tea, and related beverages, but also provides an incidental sale of food, glassware, coffee beans, tea bags, and related merchandise.

College or University: A facility providing a continuous academic program primarily for students seventeen (17) years of age or older.

Commercial Crops (With Off-Site Sales): Commercial agricultural production field and orchard uses, including the production of the following or similar, primarily in the soil on the site and not in containers:

- A. Field crops;
- B. Flowers and seeds;
- C. Fruits;
- D. Grains;
- E. Melons;
- F. Ornamental crops;
- G. Tree nuts;

- H. Trees and sod;
- I. Vegetables; and
- J. Wine and table grapes.

Also includes associated crop preparation services and harvesting activities, such as mechanical soil preparation, irrigation system construction, spraying, and crop processing, not including sales sheds. Commercial Crops does not include non-commercial home gardening, which is allowed as an accessory residential use allowed without City approval.

Community Garden: A lot or portion of a lot that is made available by the owner(s) for non-commercial production of vegetative food products by persons within the vicinity of such lot. It is the intent that the garden be used by persons for the production of food for their own use.

Convenience Market: Easy access retail store of 5,000 square feet or less in gross floor area, which carries a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a service station or an independent facility.

Crematorium: A crematorium is a facility that houses a cremator having a cremation chamber or retort. In this chamber, the body of a deceased incinerated and hence, reduced to skeletal remains and bone fragments. Use includes pet crematorium.

Day Care Center: A child day care center for children not yet enrolled in elementary school and not located inside a residence with no more than twelve (12) students.

Emergency Shelter: A permanent facility providing temporary housing for one (1) or more individuals who are otherwise homeless.

Farmers Market: An indoor or outdoor area where producers of food offer their food goods for sale.

Fortune Teller: A business establishment offering services such as fortune tellings, psychic readings, astrology, tarot card reading, palm reading, or similar services for advice on love, money, success, etc.

Freight Yard/Truck Terminal: A lot, lot area or parcel of land used, designed or maintained for the purpose of storing, parking, refueling, repairing, dispatching, servicing or the loading, unloading, and temporary storage of trucks and truck trailers or keeping motor trucks and associate equipment together with those facilities necessary to service, dispatch, store or maintain aforementioned vehicles, their cargos and crews.

Gas Station: A retail business offering the sale of gasoline or other motor vehicle fuels, oil, and minor automotive accessories, which may also provide services which are incidental to fuel services. Does not include minor repair services for the operation of motor vehicles, such as vehicle engine maintenance and repair, towing and trailer rental services, painting, body work, steam cleaning or major repairs, such as the storage or repair of wrecked or abandoned vehicles, vehicle painting, and body or fender work.

Grocery Store/Supermarket: A retail business where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. These full-service businesses do not typically have limited hours of operation.

Health Club and Dance/Karate Studio: Fitness centers, gymnasiums, health and athletic clubs including any of the following: indoor sauna, spa or hot tub facilities; indoor tennis, handball, racquetball, and other indoor sports activities.

Hospital: A facility providing medical, psychiatric, or surgical service for sick or injured persons primarily on an in-patient basis, and including ancillary facilities for outpatient and emergency treatment, diagnostic services training, research, administration, and services to patients, employees or visitors.

Hotel: A building or portion thereof containing six (6) or more guest rooms where lodging, and possibly meals, entertainment and other various personal services are provided to the public for some form of consideration, but not including those facilities defined as social care facilities (i.e., day care, medical care).

Impound Yard: Any lot, lot area, or parcel of land used, designed, or maintained for the specific purpose of storing, impounding, or keeping motor vehicles, but not including dismantling or wrecking activities.

Incidental Permanent Storage: The storage of materials accessory and incidental to a primary use and is not considered a land use separate from the primary use.

Junk or Salvage Yard: The use of any unenclosed portion of a lot for the purpose of keeping or storing junk, including scrap metals or any other scrap materials, or for the purpose of wrecking or dismantling automobiles, vehicles or machinery. A junkyard does not include a recycling center.

Kennels: An establishment where dogs and/or cats are bred, raised, trained, or boarded.

Laboratory, Testing or Classification: A facility for testing, analysis, and/or research. This type of facility is distinguished from industrial research and development in its orientation more toward testing and analysis than product development or prototyping. This land use type is oriented more toward specimen analysis and processing than direct blood drawing and specimen collection from patients but may also include incidental specimen collection.

Laundry and Dry Cleaning: Service establishments engaged primarily in high volume laundry and garment services, including: power laundries (family and commercial); garment pressing and dry cleaning; linen supply; diaper service; industrial laundries; carpet and upholstery cleaners. Includes coin-operated laundries or dry-cleaning pick-up stores without dry cleaning equipment.

Liquor Store: A retail store that sells prepackaged alcoholic beverages, typically in bottles intended to be consumed off the store's premises.

Live/Work Projects: An integrated housing unit and working space, occupied and utilized by a single household in a structure, either single-family or multi-family, that has been designed or

structurally modified to accommodate joint residential occupancy and work activity, and which includes:

- A. Complete kitchen space and sanitary facilities in compliance with the California Building Code; and
- B. Working space reserved for and regularly used by one or more occupants of the unit.

Manufacturing, Major: A facility accommodating manufacturing processes that involve and/or produce basic metals, building materials, chemicals, fabricated metals, paper products, machinery, textiles, and/or transportation equipment, where the intensity and/or scale of operations may cause impacts on surrounding land uses or the community. Examples of major manufacturing uses include the following:

- A. Chemical product manufacturing.
- B. Electronics, equipment, and appliance manufacturing.
- C. Petroleum refining and related industries.
- D. Plastics, other synthetics, and rubber product manufacturing.
- E. Structural clay and pottery product manufacturing.
- F. Textile and leather product manufacturing.

Manufacturing, Minor: A facility accommodating manufacturing processes involving and/or producing: apparel; food and beverage products; electronic, optical, and instrumentation products; ice; jewelry; and musical instruments. Minor manufacturing also includes other establishments engaged in the assembly, fabrication, and conversion of already processed raw materials into products, where the operational characteristics of the manufacturing processes and the materials used are unlikely to cause significant impacts on surrounding land uses or the community. Examples of minor manufacturing uses include the following:

- A. Primary metal industries.
- B. Pulp and pulp product manufacturing.
- C. Stone and cut stone product manufacturing.
- D. Concrete, gypsum, and plaster product manufacturing.
- E. Glass product manufacturing.
- F. Lumber and wood product manufacturing.
- G. Machinery manufacturing.
- H. Metal products fabrication, machine and welding shops.
- I. Motor vehicles and transportation equipment.
- J. Paving and roofing materials manufacturing.
- K. Clothing and fabric product manufacturing.
- L. Food and beverage product manufacturing.
- M. Handcraft industries, small-scale manufacturing.
- N. Paper product manufacturing.

Massage Parlor: A building or portion thereof or a place where massage is administered for compensation or from which a massage business or service for compensation is operated, provided, however, that a health spa or reducing salon is not a massage parlor. As used herein, “massage” means any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external surfaces of the body with the hands, or with the aid of any mechanical, electrical apparatus or appliances with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations commonly used in this practice. Therapeutic massage

administered in a medical office, hospital complex, medical care facility, beauty salon, or health club/fitness center as an incidental service shall not be deemed to render such office, complex, or facility a massage parlor within the meaning of this Code.

Medical Services, including Clinics & Physical Therapy: Facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services, but which are separate from hospitals, including:

- A. Health management organizations (HMOs).
- B. Medical and dental laboratories.
- C. Medical, dental and psychiatric offices.
- D. Out-patient care facilities.
- E. Other allied health services.

Counseling services by other than medical doctors or psychiatrists are included under “Office, Business or Professional.”

Mini Storage: A structure containing one or more units capable of being used independently of each other and which are designed for the shelter of:

- A. Privately owned household goods, recreational and personal property, passenger vehicles, antique vehicles, trucks less than five (5) tons.
- B. Business and office records.
- C. Storage of supplies.

A mini storage shall not include use for human habitation or manufacturing or any kind.

Mobile Food Vendor: A person who prepares food items for service, sale, or distribution by means of a vehicle.

Mortuary: Funeral homes and parlors, where deceased are prepared for burial or cremation, and funeral services may be conducted.

Motel: A hotel in which the rooms are accessible from the business parking areas.

Nursery, Retail Garden Store: A retail service providing propagation and sale of plants, shrubs, trees, and similar products, related to materials and services associated with installation, maintenance, and improvements of yards, gardens, landscaped areas, outdoor living and recreation areas, and similar facilities.

Nursery, Wholesale Farm: Wholesale growers/distributors that generally sell in large volume “to the trade”, not to the public.

Office, Business or Professional: Not including medical offices; or offices that are incidental and accessory to another business or sales activity that is the primary use. Incidental offices that are customarily accessory to another use are allowed as part of an approved primary use.

- A. Administrative/Business. Establishments providing direct services to consumers, such as insurance agencies, real estate offices, utility company offices, etc.
- B. Production. Office-type facilities occupied by businesses engaged in the production of intellectual property. These uses include:

1. Advertising agencies.
2. Architectural, engineering, planning and surveying services.
3. Computer software production.
4. Programming services.
5. Educational, scientific and research.
6. Organizations.
7. Media postproduction services.
8. Photography and commercial art studios.
9. Writers and artists offices.

Outdoor Holiday Sales: Temporary outdoor sales of Christmas trees during the Christmas season, pumpkins during the Halloween and Thanksgiving season and 4th of July fireworks sales are permitted for a 45-day period prior to the holiday and one week afterwards, subject to an approved zoning clearance, pursuant to Sec. 17.35.020. Due to the temporary nature of these uses, the development standards provided in this Title are not otherwise applicable, except for any health and safety issues that may arise.

Photography/Art Studio, Photographic Processing or Supply, and Picture Framing: A retail establishment for photography, the processing of photographs produced, and similar services.

Place of Worship: A use located in a permanent building and providing regular or organized religious worship and religious education incidental thereto. A property tax exemption obtained pursuant to the Constitution of the State of California and of the Revenue and Taxation Code of the State of California, shall constitute prima facie evidence that such use is a place of worship as defined herein.

Preschool (More than 12 Students): A child day care center for children not yet enrolled in elementary school and not located inside a residence with more than twelve (12) students.

Printing, Publishing, Cartography, Lithography, or Blue Printing: Establishments engaged in printing by letterpress, lithography, gravure, screen, offset, or electrostatic (xerographic) copying; and other establishments serving the printing trade such as bookbinding, typesetting, engraving, photoengraving, electrotyping, and blue printing. This use also includes establishments that publish newspapers, books and periodicals; establishments manufacturing business forms and binding devices.

Private Specialty School: Any building or group of buildings the use of which meets State requirements of primary, secondary or higher education and which use does not secure the major part of its funding from any governmental agency. A private school may also be a use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

Propane Sales (Where Storage Does Not Exceed 500 Gallons): A facility offering the sale or refilling of propane tanks. Propane is a colorless, gaseous hydrocarbon found in petroleum and natural gas, which is widely used as a fuel source. Overall storage of propane shall not exceed 500 gallons total.

Railroad Depot: A facility where trains load or unload passengers or goods.

Ranch Marketing Operation: An establishment engaged in the sale of agricultural products and edible byproducts packed or processed on the premises.

Recreation, Indoor: A use conducted within an enclosed building for the purposes of entertainment, recreation or sport, such as arcades, ranges, indoor batting cages, and bowling alleys.

Recreation, Outdoor: A use conducted outside for the purposes of entertainment, sport or recreation, such as parks or playfields for baseball, football, soccer, and the like, or ball courts golf courses, driving ranges, and outdoor batting cages. Outdoor recreational activities could include the following:

- A. No Field Lights. Various outdoor recreational activities without permanent nighttime lighting.
- B. With Field Lights. Various outdoor recreational activities with permanent nighttime lighting, where a fee is charged for use.

Recreational Vehicle Park: An area, tract of land, or designated part of a mobilehome park with two (2) or more spaces for the temporary use of recreational vehicles and may include permanent structures for an office, restrooms, laundry facilities, and similar ancillary facilities.

Recycling Collection Facility: A facility that is not a junkyard and where the public may donate, redeem or sell recyclable materials.

Research and Development: A Facility providing activities related to the enterprise of corporate or governmental innovation. The activities that are classified as Research and Development differ from company to company, but there are two primary models, with a Research and Development department being either staffed by engineers and tasked with directly developing new products, or staffed with industrial scientists and tasked with applied research in scientific or technological fields which may facilitate future product development.

Restaurant, Café, Internet Cafe, or Coffee Shop: A retail establishment that prepares and sells ready-to-eat food, including cafes, coffee shops, sandwich shops, ice cream parlors, and similar uses, and including licensed “on-sale” provision of wine and beer for consumption on the premises when accessory to such food service. For the purposes of this Code, a mobile food vendor is not considered a restaurant.

Restaurant, Fast Food, With Drive Through: A retail establishment that prepares and sells ready-to-eat food and is also known as a quick service restaurant, which is characterized both by its fast food cuisine and by minimal table service, and generally includes a “drive through”; meaning, vehicles line up for service at definite spots and where customers are served without leaving their vehicles.

Restaurant, Fast Food, Without Drive Through: A retail establishment that prepares and sells ready-to-eat food and is also known as a quick service restaurant, which is characterized both by its fast food cuisine and by minimal table service and does not include a “drive through”;

meaning, vehicles line up for service at definite spots and where customers are served without leaving their vehicles.

Restaurant, Take Out Only: A retail establishment that prepares and sells ready-to-eat food and is intended to be eaten off of the premises, with no on-site dining area available.

Retail, Discount Stores: A retail business that primarily sells merchandise at a single low or very low price point (i.e. \$1.00).

Retail Stores, General: A retail business less than 100,000 square feet in size and off-street parking that usually offers a variety of customer services and a wide range of products.

Retail, Superstores (Over 100,000 Square Feet): A retail business with off-street parking that is 100,000 square feet in size or larger. These stores usually offer a variety of customer services, centralized cashing, and wide range of products. They may also contain a full-service grocery department under the same roof that shares entrances and exits with the retail store area. They usually maintain long store hours seven days a week. The stores are often the only ones on the site, but they can also be found in mutual operation with a related or unrelated garden center or service station. Superstores are also sometimes found as separate parcels within a retail complex with their own dedicated parking.

Satellite Receiving Dish: A device or instrument designed or used for the reception of television or other electronic communications signal broadcast or relayed from an earth satellite. It may be a solid, open mesh, or bar configured structure in the shape of a shallow dish or parabola.

School: A facility providing a continuous program of instruction for students kindergarten through 12th grade.

Shipping Container: Any enclosed container constructed of metal, wood, or other material which container was designed or patterned after structures used in containerized shipping operations. No shipping container or similar structure shall be used as an accessory structure, permanent or temporary, in any zoning district unless granted a Conditional Use Permit.

Shooting Range: A private specialized facility designed for firearms practice. Each facility is typically overseen by one or more supervisory personnel, called variously a range master or Range Safety Officer (RSO). These supervisory personnel are responsible for ensuring that all weapon safety rules are followed at all times.

Shopping Center: A group of commercial establishments, planned, developed, owned, or managed as a unit, with off-street parking provided on the site.

Solid Waste Transfer Station: Facilities where municipal solid waste is unloaded from collection vehicles and briefly held while it is reloaded onto larger long-distance transport vehicles for shipment to landfills or other treatment or disposal facilities.

Storage Yards: The storage of various materials as the primary use. The storage of various materials outside of a structure other than fencing, either as an accessory or principal use. Storage yards shall not include use for human habitation or manufacturing or any kind.

Substance Use Disorder Treatment Facility: An outpatient facility that specializes in the diagnosis and/or treatment of substance abuse. Services provided may include, but need not be limited to, therapy, education, counseling, and aftercare recovery services.

Tailoring and Shoe Repair: A retail establishment providing clothing services to individuals as a primary use, including alterations, repair, and dressmaking.

Tattoo and Body Piercing Parlor: A retail establishment where tattooing, body piercing, and other body modifications are performed.

Telecommunications Facility: Public and commercial electromagnetic and photoelectrical transmission, broadcast, repeater and receiving stations for radio, television, telegraph, telephone, data network, and wireless communications, including commercial earth stations for satellite-based communications. Includes antennas, commercial satellite dish antennas, and equipment buildings. Does not include telephone, telegraph and cable television transmission facilities utilizing hard-wired or direct cable connections (see “Utility Substation”).

Thrift Store: A retail store selling secondhand clothes and other household goods, typically to raise funds for a charitable institution.

Tobacco, Vape, and Smoke Shop: A retail establishment selling tobacco products in various forms and the related paraphernalia, such as: pipes, lighters, matches, pipe cleaners, pipe tampers.

Trade School: A professional, recreational or vocational school providing a continuous program of instruction primarily for adults, as a business.

Transitional Housing: As defined in Health and Safety Code Section 50675.2, shall mean rental housing operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no more than two (2) years. Transitional housing units are residential uses subject only to those requirements and restrictions that apply to other residential uses of the same type in the same zone.

Utility Substation: Fixed-base structures and facilities serving as junction points for transferring utility services from one transmission voltage to another or to local distribution and service voltages, including the following:

- A. Corporation and maintenance yards.
- B. Electrical substations and switching stations.
- C. Natural gas regulating and distribution facilities.
- D. Public water system wells, treatment plants and storage.
- E. Telephone switching facilities.
- F. Wastewater treatment plants, settling ponds and disposal fields.

These uses do not include office or customer service centers (classified in “Office”), or equipment and material storage yards.

Wholesale and Distribution: Establishments engaged in selling merchandise to retailers; to industrial, commercial, institutional, farm, or professional business users; or to other wholesalers; or acting as agents or brokers in buying merchandise for or selling merchandise to such persons or companies. Includes such establishments as: agents, merchandise or commodity brokers, and commission merchants.

- A. Assemblers, buyers and associations engaged in the cooperative marketing of farm products.
- B. Merchant wholesalers.
- C. Stores primarily selling electrical, plumbing, heating and air conditioning supplies and equipment.

Wholesale Membership Club Stores: Wholesale store or warehouse where shoppers pay a membership fee in order to take advantage of discounted prices on a wide variety of items such as food, clothing, tires and appliances; many items are sold in large quantities or bulk.

Wineries and Distilleries: An establishment where wine or liquor is manufactured. A winery or distillery may include a tasting room, at which guests may sample what is manufactured on-site.

Winetasting Room: A retail establishment not located at a winery, providing samples and the sale of wine, and which may also sell ancillary food, clothing, glassware, and other similar items.

SECTION 4. The Official District Zoning Map of the City of Live Oak established by Live Oak Municipal Code Section 17.01.030, is hereby amended in order to rezone from Employment District (E) to Employment/Office District (E1) and Employment/Manufacturing District (E2) those 182.54 acres of land identified as the following Assessor's Parcel Numbers (APNs) as described in Exhibit A attached hereto and incorporated herein in conformance with the Live Oak Planning Commission recommendation at a public hearing held November 20, 2018, and the City Council decision at the public hearing held December 5, 2018.

- APN 06-760-005
- APN 06-760-007
- APN 06-760-008
- APN 06-560-005
- APN 06-560-006
- APN 06-560-007
- APN 06-560-008
- APN 06-560-009
- APN 06-560-010
- APN 06-560-011
- APN 06-560-012
- APN 06-020-004
- APN 06-020-009
- APN 06-310-013
- APN 06-310-014
- APN 06-800-002
- APN 06-800-003
- APN 06-800-004

- APN 06-800-005
- APN 06-800-006
- APN 06-800-007
- APN 06-800-008
- APN 06-800-009
- APN 06-800-010
- APN 09-280-014
- APN 09-280-039
- APN 09-280-055
- APN 09-280-062

Further, the Planning Commission and the City Council find that the proposed Employment Zone Map Amendment is in conformance with the Live Oak General Plan.

SECTION 5: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is held by a court of competent jurisdiction to be invalid or unconstitutional, that portion shall be deemed a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. Effective Date. This ordinance shall become effective thirty (30) days after its final passage and adoption.

SECTION 7. Within fifteen (15) days after its final passage, the City Clerk shall cause this ordinance to be published in full in accordance with Section 36933 of the Government Code.

The foregoing ordinance was introduced and the title thereof read at the regular meeting of the City Council the _____ day of _____, 2018 and by unanimous vote of the Council members present, further reading was waived.

On a motion by Councilmember _____ seconded by Councilmember _____ the foregoing ordinance was duly passed and adopted by the City Council of the City of Live Oak at a regular meeting thereof, this _____ day of _____, 2018, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

MAYOR, City of Live Oak

ATTEST:

CITY CLERK, City of Live Oak

APPROVED AS TO FORM:

CITY ATTORNEY, City of Live Oak

DRAFT

EXHIBIT A

DRAFT LIVE OAK EMPLOYMENT ZONE MAP AMENDMENT

