



Commissioner Chairmen Jeramy Chapdelaine

Commissioner Christine Alcocer

Commissioner Vice-Chair Tyler Eccles

Commissioner Elizabeth Cervantes

Commissioner Donald Albers

Commissioner Aaron Eller

Commissioner Luis Hernandez

July 3, 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 May 1, 2018.

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.

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 May 1, 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 C. Alcocer, J. Chapdelaine, T. Eccles, A. Eller, and L. Hernandez were present.

Commissioners D. Albers and E. Cervantez were 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 March 20, 2018 Planning Commission meeting.

Motion: A. Eller

2nd: C. Alcocer

Ayes: 5-0

No: 0

Abstain: 0

Absent: 2

F. COMMISSION CONSIDERATION

1. Council requests the Live Oak Planning Commission appoint two Ad-hoc Committee members and one alternate for the re-evaluation process of the City's Employment Zone District.

K. Valente presented staff report.

Commissioner A. Eller asked staff to explain the reasoning for the re-evaluation. K. Valente provided background and explained the process and intent moving forward.

Public Hearing opened, and Mr. Jerry Stewart spoke at the podium. Mr. Stewart commented that the use of a firewood yard should not be allowed in the employment zone district. In addition, Mr. Stewart commented on uses permitted by right according to the Code is a concern.

No additional public comments received. Public Hearing closed.

Planning Commission Chair J. Chapdelaine nominated Commission Vice Chair T. Eccles and L. Hernandez to serve on the Ad-hoc Committee with C. Alcocer to serve as an alternate. The nominations were seconded by Commissioner A. Eller.

Ayes: 5-0

No: 0

Abstain: 0

Absent: 2

F. REPORTS

Planning Commission Chair J. Chapdelaine asked staff about current development within the City. K. Valente provided background and status update on the following projects within the City:

- Silver Oaks Subdivision (f.k.a Heenan Subdivision);
- Kristen Court Apartments Phase II;
- Oak Knoll Pennington Ranch; and
- 10202 N Street (Habitat for Humanity Project).

Commissioner A. Eller reported on current items before the Sutter County Planning Commission.

H. ADJOURNMENT 7:23

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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.

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DRAFT



STAFF REPORT

AGENDA ITEM: F.1

DATE: July 3, 2018

TO: City of Live Oak Planning Commission

FROM: Kevin Valente, Planning Director

SUBJECT: Planning Commission action to approve a requested amendment to an existing conditional use permit for Gill Orchards (18-4).

LOCATION: The subject property located at 11066 Larkin Road and identified as Sutter County Assessor Parcel Numbers (APNs) 06-760-011 and -012.

RECOMMENDATION: Adopt the Resolution approving an amendment to an existing conditional use permit for Gill Orchards to allow general vehicle maintenance and repair including changing tires and oil changes for semi-trucks and tractors located at 11066 Larkin Road (see Attachment 1).

BACKGROUND

On June 1, 2018, Surjit Gill of Gill Orchards (applicant) submitted a completed application for a requested amendment to an existing conditional use permit to allow general vehicle maintenance and repair including changing tires and oil changes for semi-trucks and tractors located at 11066 Larkin Road in the City of Live Oak.

On July 28, 2015, the City of Live Oak Planning Commission adopted an Initial Study/Mitigated Negative Declaration (IS/MND) and conditionally approved a conditional use permit (1-15) to establish a non-agricultural related truck and trailer parking area at an existing agricultural operation within a residential zone (see Attachment 2). In 2015, the existing agricultural operations were determined to be non-conforming; therefore, the addition of truck and trailer parking at the site required Planning Commission approval of a conditional use permit.

The project site is developed with two single-family dwellings, each with an accessory structure as well as existing orchards. The surrounding area is developed with orchards. As a result of the conditional use permit approved in 2015, the site is allowed to support parking for approximately 25 trucks and/or trailers on a portion of the site that is unpaved, but improved with gravel. The hours of operation for the truck parking are 6:00 AM to 10:00 PM daily. The existing conditional use permit also allows conducting minor vehicle maintenance on-site including checking fluids, air pressure, and replacing filters.

In 2015, staff received a comment letter from the Fire Department stating that general vehicle maintenance, including oil changes, shall not be performed on site. Therefore, the conditional use permit approved in 2015 included the following condition:

5. *No hazardous materials in association with the truck and trailer parking shall be stored on-site or transported on and off the site. Only minor vehicle maintenance checks are allowed on-site to include (tire air pressure checks, oil fluid checks, filter replacement, etc.). General vehicle maintenance is not allowed on-site (general maintenance as example includes; changing oil, engine and transmission maintenance, etc.).*

DISCUSSION

Pursuant to section 17.37.080 of the Live Oak Municipal Code (LOMC) and 2015 Condition of Approval No. 2, the Community Development Director (Planning Director) may approve minor modifications to a previously approved project if the project is considered substantially the same as originally approved and the basis for the findings of the environmental document prepared for the project and the findings for the approval if the project is not affected. All other modifications must be approved by the Planning Commission.

The proposed amendment requesting to expand the current operations directly in conflict with the existing applicable Condition of Approval No. 5; therefore, the Planning Director determined the proposed conditional use permit amendment would require Planning Commission approval.

The proposed project is proposing to expand the current non-agricultural related truck and trailer parking use to allow the general maintenance of up to three (3) semi-trucks and tractors per day. The general maintenance would include oil changes and tire changes. The general maintenance operations would be conducted indoors, in an existing, approximately 7,500 square foot, metal building.

On June 28, 2018, the applicant participated in the City's Technical Advisory Committee (TAC) with city staff to discuss the proposed project and staff concerns. During the TAC meeting, staff identified concerns with the handling and storage of hazardous materials on-site.

With compliance with Sutter County's Certified Unified Program Agency (CUPA) requirements related to hazardous materials and hazardous waste management and potential site and building improvements, the Live Oak Building Department and Fire Department would approve the proposed expansion of use.

Therefore, staff has included conditions of approval requiring compliance with CUPA as well as inspection and approval by both the Live Oak Building Department and Fire Department.

ENVIRONMENTAL REVIEW

Staff analysis of the proposed project supports a Planning Commission finding that the proposed project qualifies for a Class 1 categorical exemption from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Existing Facilities.

CONCLUSION

Based on the information contained in the staff report, staff recommends that the Planning Commission take the following actions:

- Adopt the attached resolution approving the amendment to an existing use permit subject to the conditions and based upon the findings for approval below.

Conditions of Approval

1. The use permit may be modified or revoked by the City Council, or Planning Commission, should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare, or materially injurious to property, or improvements in the vicinity, or if the property is operated or maintained, so as to constitute a public nuisance.
2. Any expansion of this use (additional vehicle maintenance or welding) or substantial modification that results in a change of use shall not be allowed on-site without Planning Commission review and approval.
3. The conditional use permit shall be subject to annual review by the Planning Department, Building Department, Code Enforcement, or Fire Department for compliance with the conditions of approval and to address concerns that may have occurred during the past year. If the Planning Director, Code Enforcement Officer, or Fire Chief determine the use is not in compliance with the conditions of approval, the required annual review shall be set for a public hearing before the Planning Commission to consider modification or revocation of the conditional use permit.
4. There shall be no use of the sleeping cabs of the larger vehicles as overnight accommodations.
5. Truck or trailer exterior washing is not allowed on-site.
6. Hours of operation are 6:00 AM t 10:00 PM.
7. Any trucks associated with the project shall not idle longer than 5 minutes (Mitigation Measure 4.12.1).
8. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
9. Signs shall not be installed on this site without prior City review and approval.
10. All signs shall comply with the requirements of the City of Live Oak Municipal Code.
11. The applicant shall obtain all Sutter County Certified Unified Program Agency (CUPA) permits and shall remain in compliance with all CUPA requirements during operation.
12. Prior to operation of the proposed use, the site shall be inspected and approved by the Sutter County Fire Department, potential site improvements resulting from the inspection shall occur prior to operation of the proposed use.
13. Prior to operation of the proposed use, the site shall be inspected and approved by the City of Live Oak Building Department, potential site improvements resulting from the inspection shall occur prior to operation of the proposed use.
14. The applicant shall obtain a City of Live Oak Business License prior to operation of the proposed use.

Findings for Approval

In order to approve the application (18-4), or approve it with modifications and/or conditions, the Planning Commission must first make the following findings required by LOMC 17.35.030(E), based on information in the record:

1. The proposal is consistent with the General Plan and any relevant specific plan, neighborhood plan, or area plan.
2. The site for the proposed use is adequate in size and shape to accommodate said use and its associated yards, parking, landscaping and other improvements required by this Title and other relevant City standards.

3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.
4. The site design and the size and design of the building(s) will complement neighboring facilities.
5. The establishment and operation of the use will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

The conditional use permit with conditions was determined to be consistent with the General Plan and Zoning Code. The proposed use would have minimal impacts on the surrounding land uses and would conform to the development standards applicable to the use and the conditions of approval. The existing truck parking is located adjacent to Larkin Road, which is an existing two-lane road and the proposed expansion of use would not create an increase in capacity or demand on the streets in the vicinity. As conditioned, approval of the application would not be incompatible with neighboring facilities and would not create conditions materially detrimental to the public health, safety, and general welfare or injurious to or incompatible with other properties or land uses in the vicinity.

ALTERNATIVES

The Planning Commission could choose not to adopt the attached resolution approving an amendment to an existing conditional use permit to allow the general maintenance of up to three (3) semi-trucks and tractors per day in an existing building located at 11066 Larkin Road. The Planning Commission could also continue the public hearing to a future meeting date for further discussion or revisions to the proposed conditions of approval.

RECOMMENDATION

Staff recommends the Planning Commission adopt the attached resolution approving an amendment to an existing conditional use permit for Gill Orchards to allow general vehicle maintenance and repair including changing tires and oil changes for semi-trucks and tractors located at 11066 Larkin Road (18-4).

MOTION FOR APPROVAL:

Move that the Planning Commission finds the project is exempt from the California Environmental Quality Act; **APPROVES** an amendment to an existing use permit by adopting the attached resolution, including conditions of approval in Attachment 1; and, incorporates all testimony into the record by reference.

ATTACHMENTS

1. Draft Planning Commission Resolution and Conditions of Approval for an Amendment to an Existing Conditional Use Permit.
2. August 4, 2015 City of Live Oak Approval Letter for Conditional Use Permit (1-15) with attachments.



Attachment 1

RESOLUTION NO. 17-2018

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LIVE OAK APPROVING AN AMENDMENT TO AN EXISTING CONDITIONAL USE PERMIT (1-15) FOR 11066 LARKIN ROAD (18-4) WITH AN ALL-INCLUSIVE LIST OF THE CONDITIONS OF APPROVAL FOR ASSESSOR PARCEL NUMBER (APN): 06-760-011 AND -012

WHEREAS, the City received an application from Surjit Gill, from Gill Orchards for approval of an amendment to an existing Conditional Use permit (1-15) to allow general vehicle maintenance and repair including changing tires and oil changes for semi-trucks and tractors located at 11066 Larkin Road (APNs 06-760-011 and -012); and,

WHEREAS, on July 28, 2015 the City of Live Oak Planning Commission approved an Initial Study/Mitigated Negative Declaration to establish a truck and trailer parking area within a residential zone; and,

WHEREAS, on July 28, 2015 the City of Live Oak Planning Commission approved a Conditional Use Permit (1-15) to establish a truck and trailer parking area within a residential zone; and,

WHEREAS, on July 28, 2015, the Planning Commission duly held a public hearing on the matter, and received and considered evidence both oral and documentary; and,

WHEREAS, the project meets the requirements for a Class 1 categorical exemption from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 Existing Facilities; and,

WHEREAS, on July 3, 2018, the Planning Commission duly held a public hearing on the matter, and received and considered evidence both oral and documentary.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Live Oak does hereby make the following required findings for approval of the requested amendment to the existing use permit:

1. The proposal is consistent with the General Plan and any relevant specific plan, neighborhood plan, or area plan.
2. The site for the proposed use is adequate in size and shape to accommodate said use and its associated yards, parking, landscaping and other improvements required by this Title and other relevant City standards.
3. The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.



4. The site design and the size and design of the building(s) will complement neighboring facilities.
5. The establishment and operation of the use will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.

The conditional use permit with conditions was determined to be consistent with the General Plan and Zoning Code. The proposed use would have minimal impacts on the surrounding land uses and would conform to the development standards applicable to the use and the conditions of approval. The existing truck parking is located adjacent to Larkin Road, which is an existing two-lane road and the proposed expansion of use would not create an increase in capacity or demand on the streets in the vicinity. As conditioned, approval of the application would not be incompatible with neighboring facilities and would not create conditions materially detrimental to the public health, safety, and general welfare or injurious to or incompatible with other properties or land uses in the vicinity.

NOW THEREFORE BE IT RESOLVED that the Planning Commission of the City of Live Oak does hereby APPROVE an amendment to an existing Conditional Use Permit (1-15) to allow general vehicle maintenance and repair including changing tires and oil changes for semi-trucks and tractors located at 11066 Larkin Road (APNs 06-760-011 and -012) subject to the following conditions:

1. The use permit may be modified or revoked by the City Council, or Planning Commission, should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare, or materially injurious to property, or improvements in the vicinity, or if the property is operated or maintained, so as to constitute a public nuisance.
2. Any expansion of this use (additional vehicle maintenance or welding) or substantial modification that results in a change of use shall not be allowed on-site without Planning Commission review and approval.
3. The conditional use permit shall be subject to annual review by the Planning Department, Building Department, Code Enforcement, or Fire Department for compliance with the conditions of approval and to address concerns that may have occurred during the past year. If the Planning Director, Code Enforcement Officer, or Fire Chief determine the use is not in compliance with the conditions of approval, the required annual review shall be set for a public hearing before the Planning Commission to consider modification or revocation of the conditional use permit.
4. There shall be no use of the sleeping cabs of the larger vehicles as overnight accommodations.
5. Truck or trailer exterior washing is not allowed on-site.



6. Hours of operation are 6:00 AM t 10:00 PM.
7. Any trucks associated with the project shall not idle longer than 5 minutes (Mitigation Measure 4.12.1).
8. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
9. Signs shall not be installed on this site without prior City review and approval.
10. All signs shall comply with the requirements of the City of Live Oak Municipal Code.
11. The applicant shall obtain all Sutter County Certified Unified Program Agency (CUPA) permits and shall remain in compliance with all CUPA requirements during operation.
12. Prior to operation of the proposed use, the site shall be inspected and approved by the Sutter County Fire Department, potential site improvements resulting from the inspection shall occur prior to operation of the proposed use.
13. Prior to operation of the proposed use, the site shall be inspected and approved by the City of Live Oak Building Department, potential site improvements resulting from the inspection shall occur prior to operation of the proposed use.
14. The applicant shall obtain a City of Live Oak Business License prior to operation of the proposed use.

* * * * *

I HEREBY CERTIFY that the foregoing recommendation was passed and adopted by the Planning Commission of the City of Live Oak, at a regular meeting thereof, held on the 3rd day of July, 2018 by following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Planning Commission Chairperson



ATTEST:

Kevin Valente, Planning Director



CERTIFICATE

**STATE OF CALIFORNIA)
COUNTY OF SUTTER) ss.
CITY OF LIVE OAK)**

I, Kevin Valente, Planning Director of the City of Live Oak, do hereby certify the foregoing Resolution of the Planning Commission of the City of Live Oak was duly passed and adopted at a Regular Meeting of the Planning Commission held on July 3, 2018.

DATED: _____, 2018

**Kevin Valente, Planning Director
City of Live Oak**



August 4, 2015

Surjit Gill
1531 Malta Drive
Yuba City, CA 95993

**Re: Planning Commission Approval: Conditional Use Permit No. 1-15;
Applicant: Dennis Nelson
Owner: Surjit Gill
Location: 11066 and 11244 Larkin Road, Live Oak CA
APN: 06-760-011 and 06-760-012**

Dear Mr. Surjit Gill:

This letter is to inform you that on July 28, 2015 the City of Live Oak Planning Commission approved the above-noted Conditional Use Permit application to establish a truck and trailer parking area within a residential zone. The action becomes final after a 10-day appeal period.

Please review, sign and return the attached Conditions of Approval and Initial Study document for this project.

Congratulations on your approved project. Please do not hesitate to call or email me if you have additional questions.

Sincerely,

A handwritten signature in blue ink that reads "June Cowles". The signature is written in a cursive, flowing style.

June Cowles, AICP
City Planner

jcowles@mbakerintl.com

916-298-6653

cc: Dennis Nelson

APPROVED CONDITIONAL USE PERMIT No. 1-15
GILL TRUCK/TRAILER PARKING
11066 and 11244 Larkin Road APNs 06-760-011 and 06-760-01

Project:

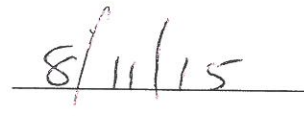
The Conditional Use Permit is to allow the parking for up to 25 non-agricultural trucks and trailers on an existing agricultural production site. Conditions of Approval 1 through 12. Approved at the July 28, 2015 City of Live Oak Planning Commission Meeting.

1. The use permit may be modified or revoked by the City Council, or Planning Commission, should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare, or materially injurious to property, or improvements in the vicinity, or if the property is operated or maintained, so as to constitute a public nuisance.
2. Any expansion of this use or substantial modification that results in a change of use shall require an amendment of this conditional use permit. Minor modifications to this Conditional Use Permit shall be considered by the Planning Director in accordance with LOMC 17.37.100, and may require notification of surrounding property owners prior to such approval.
3. The Conditional Use Permit shall expire on July 28, 2017 and shall become null and void in accordance with Live Oak Municipal Code Section 17.37.090, unless the use has been established.
4. The Conditional Use Permit shall be subject to annual review by the Planning for compliance with the conditions of approval and to address concerns that may have occurred during the past year. If the Director determines the use is not in compliance with the conditions of approval, the required annual review shall be set for a public hearing before the Planning Commission to consider modification or revocation of the use permit.
5. No hazardous materials in association with the truck and trailer parking shall be stored on-site or transported on and off the site. Only minor vehicle maintenance checks are allowed on-site to include (tire air pressure checks, oil fluid checks, filter replacement, etc.). General vehicle maintenance is not allowed on-site (general maintenance as example includes; changing oil, engine and transmission maintenance, etc..)
6. There shall be no use of the sleeping cabs of the larger vehicles as overnight accommodations

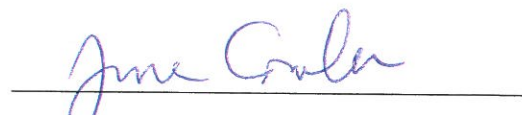
7. No truck or trailer exterior washing is allowed on-site.
8. The truck and trailer parking shall be a 24 hour operation.
9. The truck route shall enter from and exit the site to the north, (entering from Riviera Road and exiting to Riviera Road). A sign shall be posted on the site stating the truck route.
10. Mitigation Measure 4.12.1 Any trucks associated with the project shall not idle longer than 5 minutes.
11. The owner shall install a concrete or asphalt 10 foot wide apron from the edge of Larkin Road at the entrance driveway.
12. The owner shall provide the truck parking area renters a written contract with these said (1-12) Conditions of Approval.



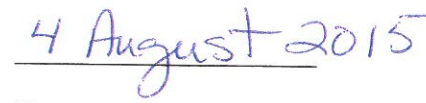
Property Owner



Date



June Cowles, City Contract Planner



Date

City of Live Oak



DATE: July 28, 2015
TO: City of Live Oak Planning Commission
FROM: June Cowles, Contract City Planner

Application: Conditional Use Permit No. 1-15;
Applicant/Owner: Dennis Nelson/Surjit Gill
Location/APN: 11066 and 11244 Larkin Road, 06-760-011 and 06-760-012
Environmental: Mitigated Negative Declaration (Attached Initial Study)
General Plan: Medium Density Residential
Zoning: Medium Density Residential (R-3)
Site Information: Existing Orchard Single-Family Residence

RECOMMENDED ACTION:

Approve Conditional Use Permit No. 1-15, subject to the required Findings and project Conditions of Approval.

EXECUTIVE SUMMARY:

The applicant is requesting a Conditional Use Permit for non-agricultural related truck and trailer parking at an existing agricultural operation. Since the existing agricultural use of the property is considered non-conforming, the addition of truck and trailer parking at the site requires a conditional use permit.

The proposal is for parking of ±25 trucks and/or trailers on an area of the project site that is improved with gravel. There are no proposed improvements to the site. The hours of operation for the truck and trailer parking area will be from 6:00 a.m. to 10:00 p.m. daily. The proposal also includes conducting on-site general maintenance of the trucks and trailers (checking fluids, air pressure, and replacing filters). With the recommend conditions of approval, the proposed truck and trailer parking complies with the development requirements of the Live Oak Municipal Code.

SETTING:

The project site is developed with two single family dwellings each with an accessory structure as well as existing orchards. The surrounding area is developed with agriculture. The table below lists the land use, zoning designation, and General Plan designation of the area surrounding the project site.

	Land Use	Zoning Designation	General Plan Designation
North	Agriculture – Orchards	R-1	Low Density Residential
South	Agriculture – Orchards, Residences	R-2	Small Lot Residential
East	Agriculture – Orchards	Civic, R-1/CC, R-2/CC	Park, Low Density Residential, Civic center, Small Lot Residential
West	Agriculture - Orchards	C-MU	Commercial Mixed Use

BACKGROUND:

The project site is located on the west side of Larkin Road, north of Brianne Way and south of Riviera Road. The applicant is proposing up to 25 non-agricultural truck and trailer parking on the existing 24.25 project site. The project site consists of Parcel 1 and Parcel 2 (Attachment 1). Parcel 1 is approximately 4.25 acres and has one existing single family dwelling as well as orchards on the site. The existing gravel driveway comes off of Larkin on Parcel 1 providing access to the proposed truck and trailer parking area on Parcel 2. Parcel 2 is approximately 20 acres and has an existing single family dwelling on the north end of the property, a barn that stores agricultural equipment, a metal warehouse, and orchards on the site. The existing use of the graveled lot is an equipment yard and truck/trailer parking for the existing agricultural operation.

The non-agricultural truck and trailer parking is proposed on the existing graveled area to the south and east of the metal warehouse. As stated earlier, the trucks and trailers would take access to the graveled parking area from Larkin Road through an existing driveway on Parcel 1. The proposed hours of operation are 6:00 a.m. to 10:00 a.m. daily. The proposal also includes general maintenance of the non-agricultural truck and trailers, such as checking tire air pressure, checking fluids, and replacing filters. No vehicle repair will be conducted on-site or the handling or storage of hazardous wastes in connection with the truck and trailer parking.

The non-agricultural truck and trailers in reference could be trucks/trailers used locally on a daily/weekly basis or long distance trucks that park at the project site for a few days while the driver is off-duty. The driveway is gravel and there is a power pole in the middle of the driveway. No changes are proposed to the buildings and no improvements are proposed to the land including improvements to the graveled lot.



PROPOSAL & ANALYSIS:

Truck and trailer parking is not a defined or listed use in the Live Oak Municipal Code. According to the Live Oak Municipal Code, the Community Development Director may determine whether an unlisted use is permitted by-right use, permitted with a use permit, if the following findings can be made:

- A. The proposed use is similar in character and impact to a listed use; and
- B. The proposed use will be treated in the same manner as the listed use, including requiring the same permits and application for the same development standards. In the R-3 zoning district, Agricultural uses which includes normal use of the property for truck and trailer parking and vehicle yards are allowed by-right. Parking for an off-site use is allowed with a Use Permit as long as the site abuts a Commercial zoned parcel. The proposed non-agricultural truck and trailer parking is similar to the current truck and trailer parking at the use in association with the current agricultural operation. The proposed use is also similar to the parking for off-site uses in that these vehicles will not be parked for use on-site. The intent of this use is more for a parking area next to a commercial center, but it is similar in that vehicles would be entering and exiting the residentially zoned property for a use that isn't on-site. The Community Development Director at the time determined that the non-agricultural truck and trailer parking would require a Use Permit in the R-3 zoning district.

In order to approve a Conditional Use Permit, the Planning Commission must make specific findings regarding consistency with the General Plan, a determination that there will be no significant impacts to the neighborhood, and a determination that establishment of the operation will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City (per Live Oak Municipal Code Section 17.35.030). The required findings and analysis are attached as Exhibit 1 to this staff report.

The location of the proposed non-agricultural truck and trailer parking is set back 342-feet from Larkin Road. The parcels in this area of the City are large and the nearest off-site residence is approximately 400-feet away. The parking area is screened from Larkin Road by the orchard. The orchard is still in the growing phase, but the trees still screen the area relatively well. There should be no impacts as the hours of operation are limited to 6:00 a.m. to 10:00 p.m. The location of the parking area is set-back from Larkin Road. There will be no use of the sleeping cabs of the larger vehicles as overnight accommodations. All drivers will be required to be off-site by 10:00 p.m. The applicant does not propose any additional exterior lighting, signage, or noise generating equipment. The trucks idling could cause potential noise issues, so a condition of approval has been added to limit truck idling to 5 minutes. In addition, the project will be reviewed in one year to determine if any complaints have been submitted and if additional conditions of approval are necessary. As conditioned, the proposed use is consistent with the standards listed in the Municipal Code for the R-3 zoning district.

AGENCY & PUBLIC REVIEW:

City Department Review

This request was sent to all applicable City departments, including both Fire and Building Departments, on April 14, 2015. Staff received a comment from the Fire Department stating that no vehicle maintenance be performed on-site.

Staff contacted the applicant to discuss the Fire Department comment. The applicant stated that routinely a truck owner will check fluids; requiring opening the truck hood (this usually entails tilting the entire hood, front section forward of the cab). This could be misconstrued as someone “working” on their truck. Likewise there might be a large air compressor in the back of a utility truck used to air up tires and someone may assume there is a repair mechanic on site working on a truck or trailer. These are normal procedures done where trucks are parked. The request is for an area to part trucks and trailers. Truck repair (replacing broken parts or changing fluids, etc.) is not part of the request. Mr. Gill does not want people “repairing” working on their trucks and trailers at the site. A condition has been added to prohibit vehicle maintenance that would be beyond minor vehicle checks.

Public Notice

This project was advertised in The Appeal Democrat newspaper on June 24, 2015, and mailed to all property owners within 300 feet of the site. To date, no comments have been submitted either against or in support of this project. Any additional written comments received will be handed out at the Planning Commission hearing.

ENVIRONMENTAL REVIEW:

An Initial Study was prepared for this project in accordance with the California Environmental Quality Act (CEQA) and the Guidelines. The Initial Study found potential significant impacts on Noise. These impacts were address in the Initial Study and mitigated to a level of less than significant (refer to Mitigation Measures 4.12.1). The Mitigation Measures were agreed to be the applicant. Staff recommends the Planning Commission adopt the attached Mitigated Negative Declaration and Mitigation Monitoring Program for UP 1-15 Gill.

RECOMMENDATION:

Staff concludes that the proposed non-agricultural truck and trailer parking is acceptable; having minimal impacts upon other existing surrounding uses and recommends the Planning Commission approve the Conditional Use Permit subject to the Conditions of Approval and Findings attached to this staff report.

Attachments:

1. Findings of Fact
2. Proposed Conditions of Approval
3. Project vicinity map
4. Proposed site plan
5. Surjit Gill Non-agricultural Truck and Trailer Parking Use Permit Application

FINDINGS FOR APPROVAL

Per Section 17.35.030 of the Live Oak Municipal Code, at the conclusion of the public hearing for this project, in order to approve the application, or approve it with modifications and/or conditions, the Planning Commission must first make the following findings, based on the information in the record:

1. **The proposal is consistent with the General Plan.** The proposed use is consistent with the General Plan land use designation of Medium Density Residential. In that a Conditional Use Permit once approved with conditions is consistent with the Zoning Code and the City's General Plan policies relating to Medium Density Residential.
2. **The site for the proposed use is adequate in size and shape to accommodate said use and its associated yards, parking, landscaping and other improvements required by this Title and other relevant City standards.** As conditioned, the proposed use is consistent with the provisions of the zoning code. Truck parking is permitted in Medium Density Residential zone with approval of a Conditional Use Permit. The proposed truck parking will have minimal impacts on the surrounding land uses and will conform to the development standards applicable to the use, and the Conditions of Approval.
3. **The streets serving the site are adequate to carry the quantity of traffic generated by the proposed use.** The proposed truck parking will be located adjacent to Larkin Road which is an existing two-lane road. The establishment of the 25 truck parking use will not create a significant increase in capacity or demand of the streets in the vicinity.
4. **The site design and the size and design of the building(s) will complement the neighboring facilities.** The property is physically suitable for use of truck parking as the surrounding uses are agriculture, single family homes with orchards, and on Parcel 2 a graveled lot with an equipment yard and truck/trailer parking for the existing agricultural operation.
5. **The establishment of the operation of the use will not be detrimental to the health, safety, peace, comfort and general welfare of persons residing or working in the vicinity of the proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the City.** As Conditioned, approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity. The proposed use is contained on site with a maximum of 25 parked trucks, is in conformance with current all current fire, health, and building codes, and conditions of approval have been incorporated to mitigate potential code compliance conflicts.

**RECOMMENDED CONDITIONAL USE PERMIT No. 1-15
GILL TRUCK/TRAILER PARKING
11066 and 11244 Larkin Road APNs 06-760-011 and 06-760-01**

Project:

The Conditional Use Permit is to allow the parking for up to 25 non-agricultural trucks and trailers on an existing agricultural production site. Conditions of Approval 1 through 9.

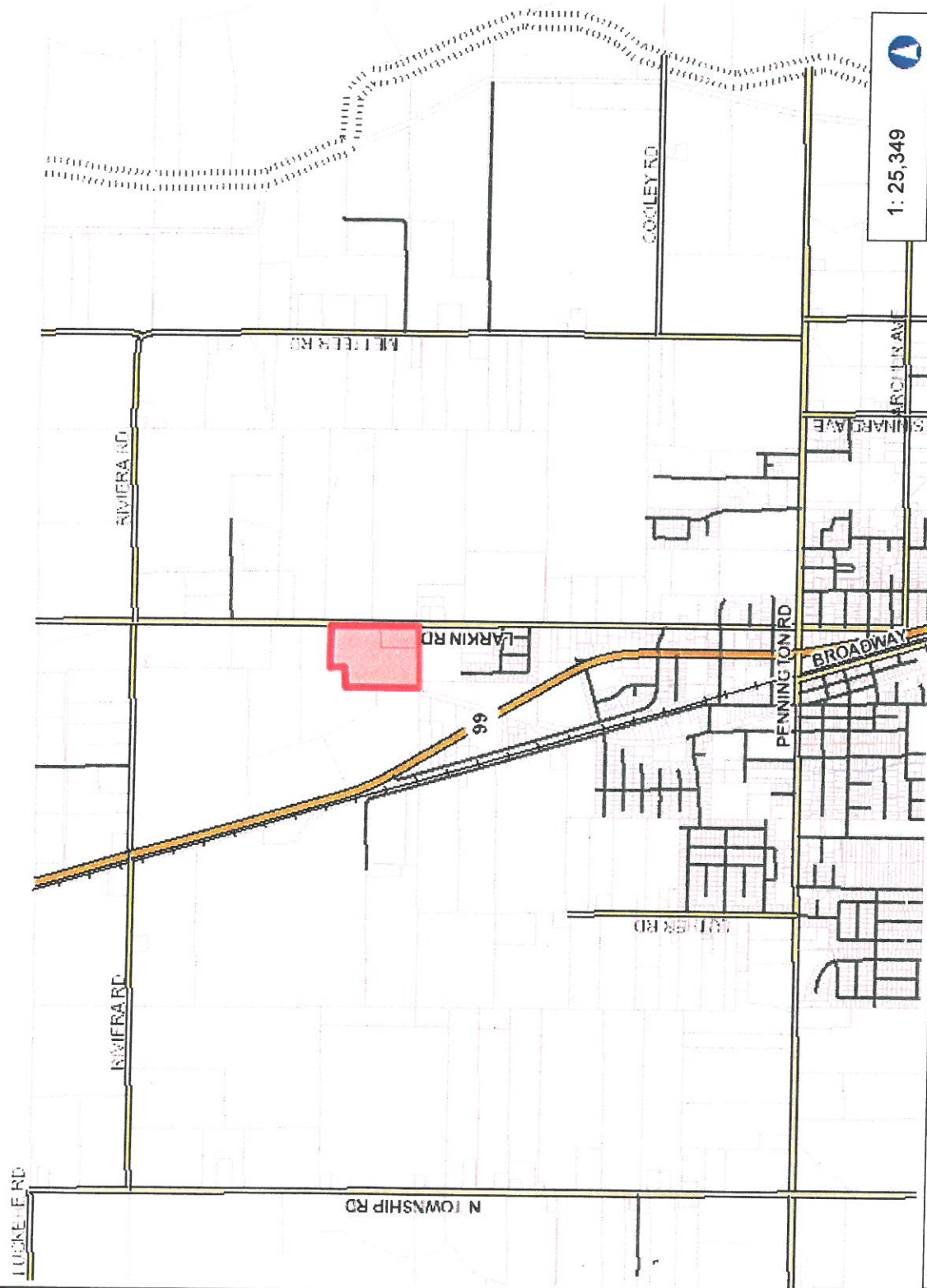
1. The use permit may be modified or revoked by the City Council, or Planning Commission, should they determine that the proposed uses or conditions under which it is being operated or maintained is detrimental to the public health, welfare, or materially injurious to property, or improvements in the vicinity, or if the property is operated or maintained, so as to constitute a public nuisance.
2. Any expansion of this use or substantial modification that results in a change of use shall require an amendment of this conditional use permit. Minor modifications to this Conditional Use Permit shall be considered by the Planning Director in accordance with LOMC 17.37.100, and may require notification of surrounding property owners prior to such approval.
3. The Conditional Use Permit shall expire on July 28, 2017 and shall become null and void in accordance with Live Oak Municipal Code Section 17.37.090, unless the use has been established.
4. The Conditional Use Permit shall be subject to annual review by the Planning for compliance with the conditions of approval and to address concerns that may have occurred during the past year. If the Director determines the use is not in compliance with the conditions of approval, the required annual review shall be set for a public hearing before the Planning Commission to consider modification or revocation of the use permit.
5. No hazardous materials in association with the truck and trailer parking shall be stored on-site or transported on and off the site. Only minor vehicle maintenance checks are allowed on-site to include (tire air pressure checks, oil fluid checks, filter replacement, etc.). General vehicle maintenance is not allowed on-site (general maintenance as example includes; changing oil, engine and transmission maintenance, etc..)

6. There shall be no use of the sleeping cabs of the larger vehicles as overnight accommodations
7. No truck or trailer exterior washing is allowed on-site.
8. Hours of operation are from 6:00 a.m. to 10:00 p.m.
9. Mitigation Measure 4.12.1 Any trucks associated with the project shall not idle longer than 5 minutes.

City of Live Oak Project Vicinity



- Legend**
- Roads 10k - 40k
 - 1
 - 3
 - 4
 - 5
 - Levees 1k - 30k
 - Railroads
 - Parcels 20k - 100k



1:25,349

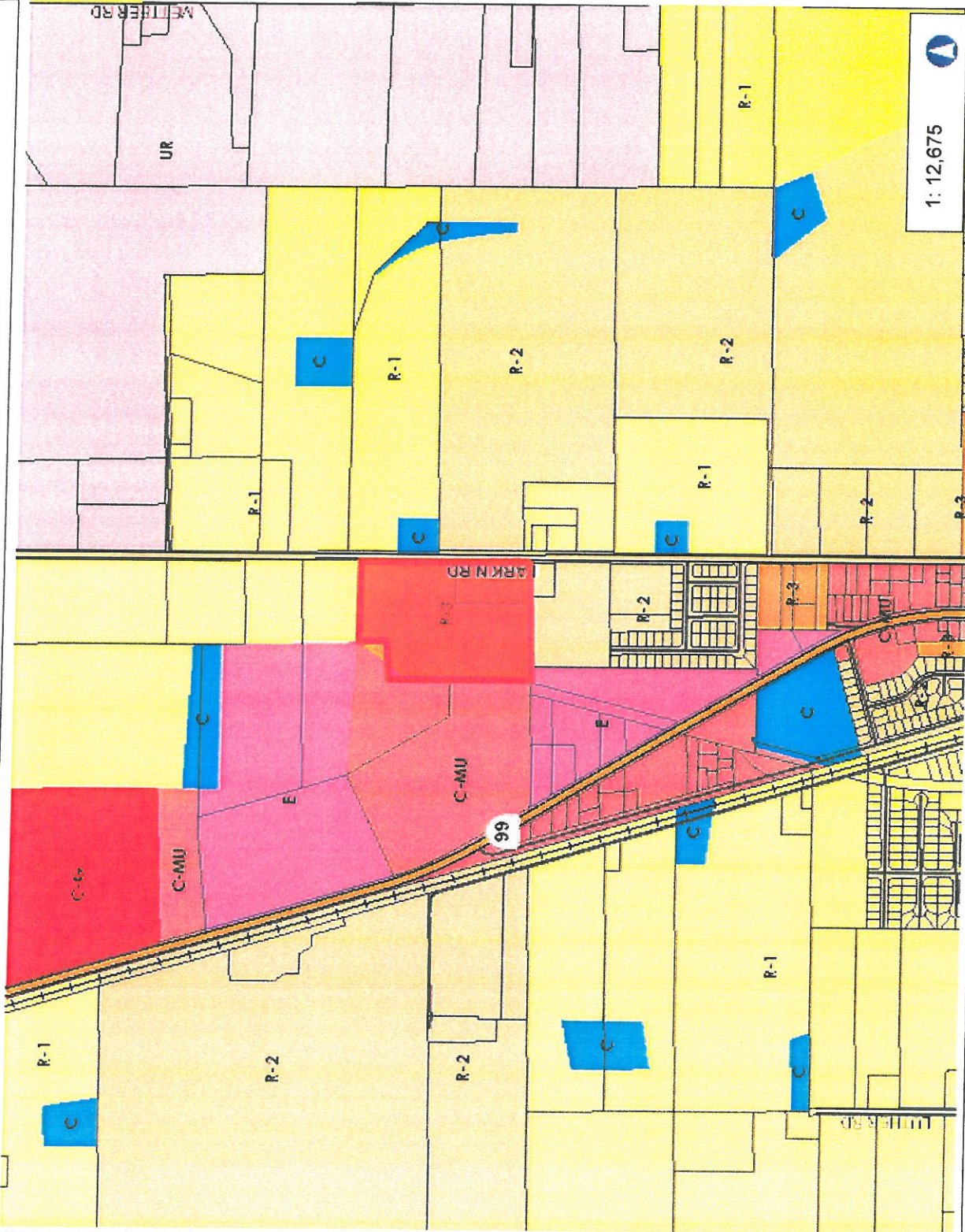


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THIS MAP IS NOT TO BE USED FOR NAVIGATION

Zoning

Legend

- Roads 10k - 40k
 - 1
 - 3
 - 4
 - 5
- Levees 1k - 30k
- Railroads
- Parcels 5k - 20k
- Zoning
 - C
 - C-G
 - C-MU
 - E
 - R-1
 - R-2
 - R-3
 - R-4
 - UR

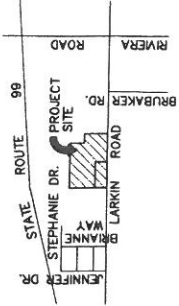


1: 12,675



This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION





VICINITY MAP
NO SCALE

GENERAL NOTES - USE PERMIT

1. USE PERMIT CONSISTS OF PROVIDING PARKING FOR 25± NON-AGRICULTURAL TRUCKS AND TRAILERS. THIS IS IN ADDITION TO EXISTING AGRICULTURAL USES CURRENTLY CONDUCTED ON THE TWO PARCELS.
2. USE PERMIT INCLUDES GENERAL MAINTENANCE (CHECKING FLUIDS AND AIR PRESSURE, REPLACING FILTERS, ETC.) OF NON-AGRICULTURAL TRUCKS AND TRAILERS. THIS IS IN ADDITION TO EXISTING AGRICULTURAL MAINTENANCE AND REPAIR OPERATIONS CURRENTLY CONDUCTED ON THE TWO PARCELS.
3. NON-AGRICULTURAL TRUCK AND TRAILER PARKING SHALL BE LIMITED TO THE GRAVEL AREA SHOWN ON PARCEL 2, APN 06-760-012 WITH A MINIMUM 300' SETBACK TO LARKLIN ROAD.

KEY NOTES

- 1 EXISTING BARN - AG EQUIPMENT STORAGE
- 2 EXISTING METAL WAREHOUSE - AGRICULTURE
- 3 EXISTING SINGLE FAMILY DWELLING AND ACCESSORY STRUCTURE TO REMAIN
- 4 EXISTING SINGLE FAMILY DWELLING AND ACCESSORY STRUCTURE TO REMAIN
- 5 DWELLING STRUCTURE - PREVIOUSLY REMOVED
- 6 EXISTING GRAVEL DRIVEWAY
- 7 EXISTING GRAVEL ACCESS AND PARKING AREA
- 8 EXISTING UTILITY POLE

LAND USE

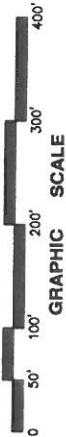
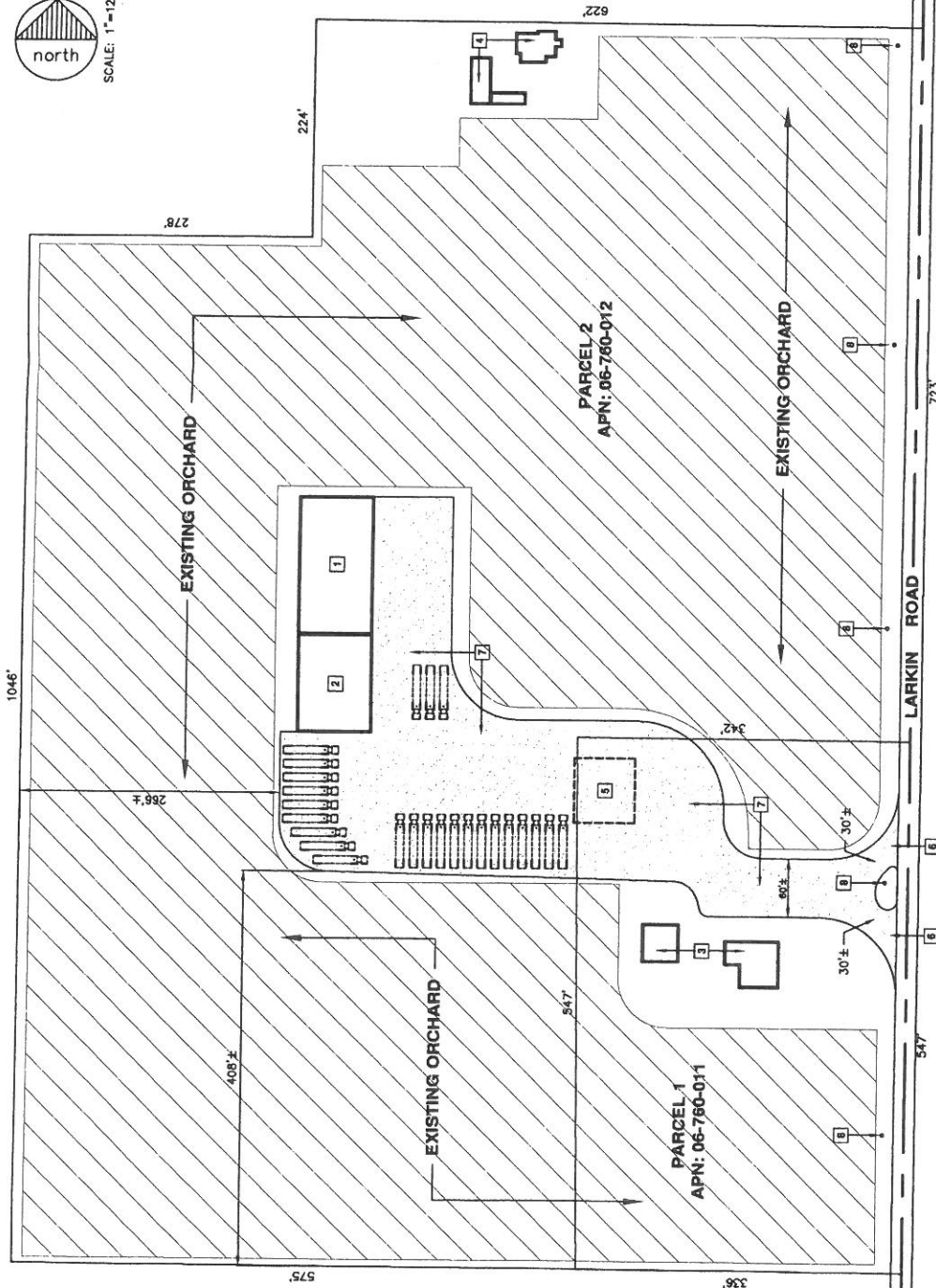
PARCEL 1: APN 06-760-011
SIZE 185,130 SQ. FT., 4.25 AC.

PARCEL 2: APN 06-760-012
SIZE 871,200 SQ. FT., 20.0 AC.

ZONING: R-3 MEDIUM DENSITY RESIDENTIAL

GENERAL PLAN: MEDIUM DENSITY RESIDENTIAL

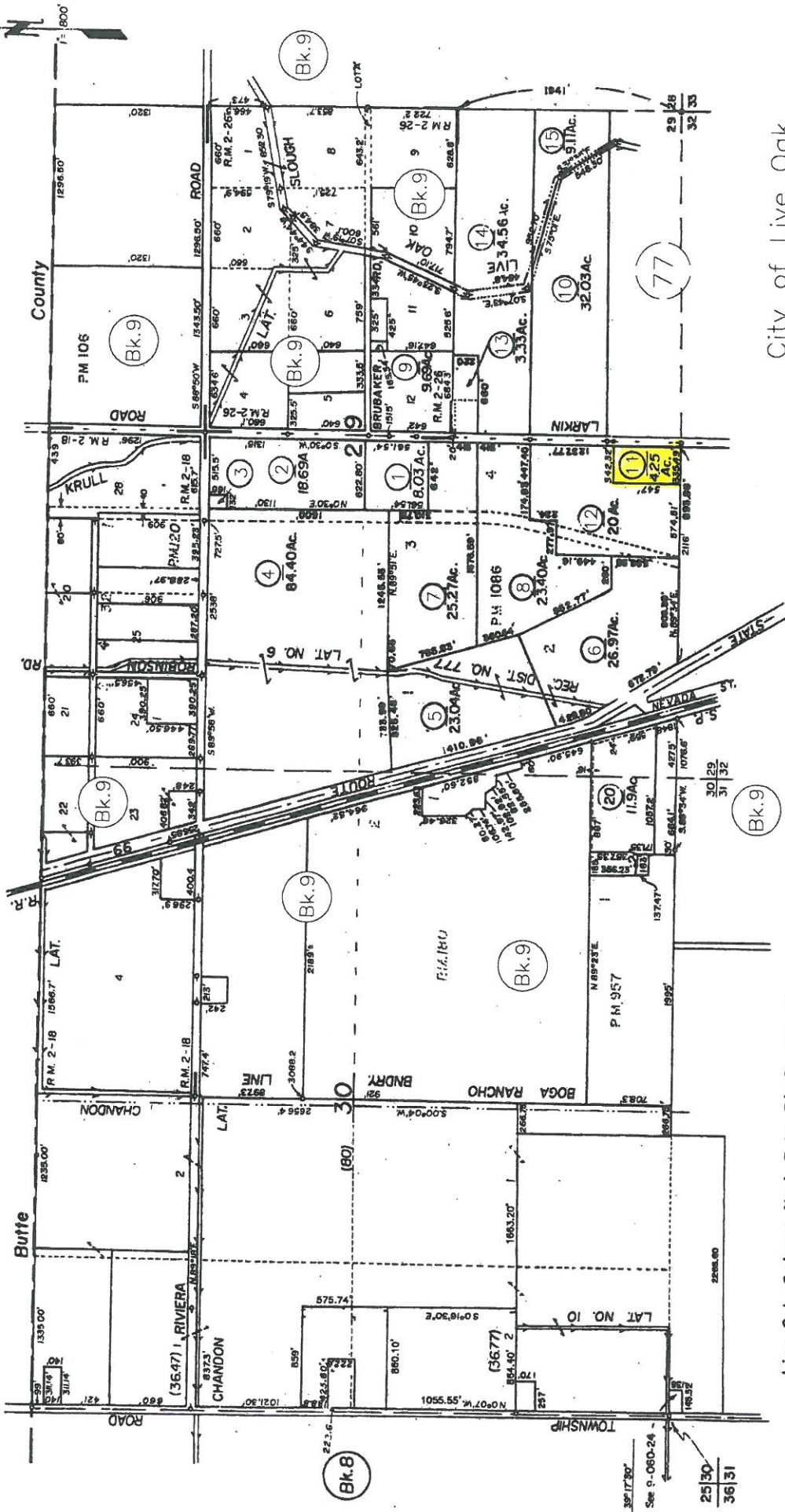
CURRENT USE: AGRICULTURE - ORCHARDS, FARM EQUIPMENT STORAGE AND FARM OPERATIONS



MASTER SITE DEVELOPMENT PLAN - USE PERMIT:
MR. SURJIT GILL
11066 AND 11244 LARKLIN ROAD, LIVE OAK, CALIFORNIA 95853
APN: 06-760-011 & 06-760-012

POR. SECS. 29 & 30, T. 17 N., R. 3 E., M. D. B. & M.
 And
 POR. SEC. 30, T. 17 N., R. 3 E., M. D. B. & M.

6-76



City of Live Oak
 Assessor's Map Bk. 6 - Pg. 76
 County of Sutter, Calif.
 2012-1

NOTE - ASSESSOR'S BLOCK
 & LOT NUMBERS
 SHOWN IN CIRCLES

Live Oak Colony No. 1 R. M. Bk. 2, Pg. 18
 Live Oak Colony No. 5 R. M. Bk. 2, Pg. 26

38°17'30"
 Sec 9 - 06D-24
 25 | 30
 36 | 31