



Agenda
Regular Meeting of the Planning Commission
Tuesday-April 16, 2019
7:00 PM

Live Oak Council Chambers
9955 Live Oak Boulevard, Live Oak, CA 95953

Commission Chair	Jeremy Chapdelaine
Commission Vice-Chair	Tyler Eccles
Commissioner	Donald Albers
Commissioner	Aaron Eller
Commissioner	Aaraondeep Pamma
Commissioner	Jerry Stewart

The Commission may take up any agenda item at any time, regardless of the order listed. Action may be taken on any item on this agenda. Materials related to an item on this Agenda submitted to the Commission after distribution of the agenda packet are available for public inspection at City Hall, 9955 Live Oak Blvd., Live Oak, during normal business hours. Such documents are also available on the City of Live Oak’s website at www.liveoakcity.org, subject to staff’s availability to post the documents before the meeting.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk’s office at (530) 695- 2112 x102. Requests must be made at least 24 hours in advance.

Call to Order

Roll Call

Pledge of Allegiance

Public Communications-Appearance of Interested Citizens

Members of the audience wishing to address the Commission regarding City business (other than Public Hearing items) may do so at this time. When recognized by the Commission Chair, please come to the podium and state your name and address for the record. Comments will be limited to three (3) minutes unless the Chair specifically grants further time.

If you would like to address an item on tonight's agenda, please approach the podium when the item comes up for action. Please wait to be recognized by the Chair, then state your name and address for the record. Your comments will be limited to three (3) minutes unless the Chair grants further time.

Presentations

1. New Commissioners – Oath of Office

The Planning Director will conduct the Oath of Office for the two incoming Live Oak Planning Commissioners, Aarondeep Pamma and Jerry Stewart.

Contact: Kevin Valente, Planning Director, (530) 695-2112

Consent Items

Consent Calendar is passed by one motion with exceptions and separate votes as noted.

2. Planning Commission Minutes Approval

Recommendation: Pass a **Motion** approving the Planning Commission Regular Meeting Minutes for January 15, 2019.

Contact: Kevin Valente, Planning Director, (530) 695-2112

Discussion Items

3. Planning Commission Chair Appointment

Recommendation: Pass a **Motion** appointing the Planning Commission Chair for a one-year term.

Contact: Kevin Valente, Planning Director, (530) 695-2112

4. Planning Commission Vice-Chair Appointment

Recommendation: Pass a **Motion** appointing the Planning Commission Vice-Chair for a one-year term.

Contact: Kevin Valente, Planning Director, (530) 695-2112

5. Sutter County Planning Commission Appointment

Recommendation: Pass a **Motion** appointing the Live Oak Planning Commission representative on the Sutter County Planning Commission for a one-year term.

Contact: Kevin Valente, Planning Director, (530) 695-2112

Public Hearing

6. **Citywide Fence Height Ordinance**

Recommendation: Pass a **Motion** recommending Council adoption of the draft Ordinance amending Section 17.24.020 of the Live Oak Municipal Code.

Contact: Kevin Valente, Planning Director, (530) 695-2112

Updates and Announcements (Planning Director)

Commissioner Reports/Comments/Requests

Adjournment



LIVE OAK PLANNING COMMISSION MINUTES
REGULAR MEETING OF January 15, 2019
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 J. Chapdelaine, T. Eccles, A. Eller, and C. Alcocer, and were present.

Commissioners D. Albers, and E. Cervantez were absent.

C. PLEDGE OF ALLEGIANCE

Commissioner T. Eccles led the Pledge of Allegiance.

D. APPEARANCE OF INTERESTED CITIZENS

None.

E. APPROVAL OF MINUTES

1. Approval of Minutes from the November 20, 2018 Planning Commission meeting.

Motion: T. Eccles

2nd: C. Alcocer

Ayes: 4-0

No: 0

Abstain: 0

Absent: 2

F. PUBLIC HEARING

1. Consideration to recommend Council approval of an Initial Study/Mitigated Negative Declaration (IS/MND), Mitigation Monitoring and Reporting Program (MMRP), and a Tentative Subdivision Map (TSM) located south of Apricot Street and east of Treatment Plant Road (APN 06-470-035). The applicant, John

Ochipinti and project engineer, Gerorge Musallam, are proposing to subdivide a 26-acre parcel into 93 single-family residential lots consisting of 82 detached units and 22 duplex units. The lot sizes for the proposed project would range from 6,100 square feet (sf) to 20,040 sf.

K. Valente presented staff report.

Commissioner A. Eller asked staff about the timing of fair share payments for conditions #12 and #13 and if there were any comments received on the IS/MD. In addition, Commissioner Eller asked about the detention basin that was graded as part of the 2005 Tentative Map that I snow expired.

Public Hearing opened, and George Musallam (Project Applicant) requested draft Condition #25 be revised to reflect discussions with the City to underground Reclamation District (RD) 777 agricultural drain only to Allen Street.

Mr. Malcolm Weston (Live Oak resident) spoke about his experience as a former Live Oak Planning Commissioner working on the 2005 Tentative Subdivision Map for this project (formerly known as the Heenan Subdivision). Mr. Weston spoke about undergrounding RD 777 past Allen Street to the City's Soccer Park. Mr. Weston asked about the Hydrology and Water Quality Section of the IS/MND and future drainage studies to be conducted for the project.

Mr. David Valdez (Live Oak resident) spoke about drainage concerns and stormwater flooding in the right-of-way, potential traffic impacts resulting from the project site, existing animal habitat on the project site, and his opposition to additional residential uses and the communities' needs for additional employment generating uses.

Mr. Rick Dice (Live Oak resident) asked about the need for undergrounding RD 777.

Mr. George Musallam returned to the podium to assure the Commissioners he would continue to work with the City Engineer regarding drainage concerns for the site.

Commissioner A. Eller asked staff about any potential traffic impacts resulting from the project and the proposed mitigation for the potential traffic impacts.

Commissioner J. Chapdelaine spoke about the project's compliance with the property's zoning and General Plan designation, as well as the proposed traffic mitigation and encouraged a compromise for RD 777.

No additional public comments received. Public Hearing closed.

Motion: T. Eccles

2nd: A. Eller

Ayes: 4-0

No: 0

Abstain: 0

Absent: 2

G. REPORTS

None.

H. ADJOURNMENT 7:45

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.



**City of Live Oak
Report to Planning Commission**

Meeting Date: April 16, 2019

Title: Citywide Fence Height Ordinance

Location: Citywide

Recommendation: Pass a **Motion** recommending Council adoption of the Ordinance amending Section 17.24.020A of the Live Oak Municipal Code.

Fiscal Impacts: None.

Contact Information: Kevin Valente, City Planner, (530) 695-2112

Attachments:

01- Draft Ordinance amending Section 17.24.020A of the Live Oak Municipal Code

Background

The California Residential Building Code has recently been amended to allow fences up to seven feet in height to be exempt from building permit requirements. Therefore, the State now allows the construction of fences not over seven feet without a building permit.

City staff is proposing Section 17.24.020 of the Live Oak Municipal Code be amended to be consistent with the current State law and allow the construction of a side or rear yard fence to be a maximum of seven feet in height (see Attachment 01). If the height of an existing fence is extended to seven feet, the material used must be similar to the existing fence.

The proposed ordinance amendment to the citywide fence height requirement is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15305, Minor Alterations in Land Use Limitations.

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF LIVE OAK, CALIFORNIA,
AMENDING SECTION 17.24.020A OF THE LIVE OAK MUNICIPAL CODE**

SECTION 1: Purpose and Authority. The purpose of this ordinance is to approve the proposed Zoning Code Text 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 April 16, 2019, the Planning Commission held a duly noticed public hearing concerning the proposed Zoning Code Text Amendment. After the hearing, the Planning Commission recommended that the City Council approve the proposed Zoning Code Text Amendment.
- B. The proposed Zoning Code Text Amendment is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines section 15305, Minor Alterations in Land Use Limitations.
- C. The proposed Zoning Code Text Amendment is consistent with and would implement the policies of the City of Live Oak General Plan.
- G. The City Council finds that the proposed Zoning Code Text Amendment is consistent with the Zoning Ordinance Chapter 17.01: Administration.

SECTION 3: Section Amendment.

17.04 Standards for Fences and Walls, and Intersection Visibility

17.24.020 Standards for Residential Zone Districts

- A. **Height:** The maximum height of a fence or wall is three feet within any front yard or street-side yard, and seven feet in any interior side yard and rear yard. Residential properties may increase existing fence height from six feet to seven feet, as long as the materials used are consistent with the existing fencing material (see Figure 17.24.020).

Figure 17.24.020: Residential Fencing



SECTION 4: 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 5. Effective Date. This ordinance shall become effective thirty (30) days after its final passage and adoption.

SECTION 6. 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 _____, 2019 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 _____, 2019, 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