LIVE OAK PLANNING COMMISSION

REGULAR MEETING AGENDA
MARCH 3, 2026
6:00 PM

MEETING LOCATION
LIVE OAK COUNCIL CHAMBERS
9955 LIVE OAK BOULEVARD
LIVE OAK, CALIFORNIA 95953

MEMBERS OF THE COMMISSION

JERRY STEWART, CHAIR
MIKE TUMAN, VICE CHAIR
MATT CASHMAN, COMMISSIONER
ALAN DEALA, COMMISSIONER
CHRIS SCHMIDL, COMMISSIONER
MICHELLE SERPA, COMMISSIONER
LIZ SKUTLEY, COMMISSIONER

BENJAMIN MOODY,
CITY MANAGER

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 Boulevard, 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 x107. Requests must be made at least 24 hours in advance.

- ***Remote Viewing Only – No Public Participation:***
    - *The meeting will be livestreamed for public viewing, but not participation, as follows:*
        - *Granicus livestream:* https://liveoakca.granicus.com/ViewPublisher.php?view_id=1.
        - Zoom livestream:
            - ***Join by Electronic Device:***
              https://us02web.zoom.us/j/85360941626
            - ***Join by Phone:***
              1-669-900-6833 or 1-877-853-5247 (Toll Free)
              Webinar ID: *853 6094 1626*
- ***Public Comment:*** *Members of the public can submit general public comments, as well as comment on specific agenda items in the following ways:*
    - ***Public Attendance:*** *Members of the public who attend in person may make comments from the Council Chamber podium.*

- ***Email Public Comment:*** *Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via email to the City Clerk at cmenchaca@liveoakcity.org. Comments will be distributed to the Commission prior to the meeting and reflected in the meeting minutes. Please note that emailed comments will NOT be read aloud during the meeting unless an approved accommodations request has been granted.*

- ***eComment Feature:*** *Comments from the public on agenda items will be accepted until 1:00 pm on the date of the meeting, via the eComment feature at https://liveoakca.granicus.com/ViewPublisher.php?view_id=1. Comments will be distributed to Commission prior to the meeting and reflected in the meeting minutes. Please note that eComments will NOT be read aloud during the meeting unless an approved accommodations request has been granted.*

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CORRECTIONS AND/OR CHANGES TO THE AGENDA

PRESENTATIONS

PUBLIC COMMENT

CONSENT ITEMS

1. Draft Minutes – Regular Meeting of the Planning Commission – June 3, 2025
   Recommendation: Approve the June 3, 2025, Planning Commission Regular Meeting minutes.
   (Benjamin Moody, City Manager)

BUSINESS ITEMS

2. Live Oak Planning Commission Chair Appointment
   Recommendation: Appoint the Planning Commission Chair for a one-year term.
   (Benjamin Moody, City Manager)

3. Live Oak Planning Commission Vice Chair Appointment
   Recommendation: Appoint the Planning Commission Vice Chair for a one-year term.
   (Benjamin Moody, City Manager)

4. Sutter County Planning Commission Appointment
   Recommendation: Appoint the Live Oak Planning Commission representative on the Sutter County Planning Commission for a one-year term.
   (Benjamin Moody, City Manager)

PUBLIC HEARING ITEMS

5. Medina Tentative Parcel Map 25-01
   Recommendation: Conduct a Public Hearing and make the necessary findings to: adopt a resolution determining the project is Categorically Exempt from environmental review pursuant to CEQA Guidelines Section 15315, Minor Land Divisions, and approve TSM 25-01, subject to the Conditions of Approval, creating two Single-Family Residential lots on approximately 0.33 acres, located at 2962 Elm Street, Accessors Parcel Number 006-202-003.
   (Benjamin Moody, City Manager)

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COMMISSIONER CONSIDERATION AND ACTION

UPDATES AND ANNOUNCEMENTS FROM THE CITY PLANNER

COMMISSIONER REPORTS/COMMENTS/REQUESTS

ADJOURNMENT

CITY OF LIVE OAK
STAFF REPORT

Date: March 3, 2026

To: Honorable Mayor & Members of the City Council

From: Benjamin Moody, City Manager

Subject: Draft Minutes - Regular Meeting of the Planning Commission - June 3, 2025

Recommendation:
Approve the June 3, 2025, Planning Commission Regular Meeting minutes.

Attachments:
Minutes

LIVE OAK
PLANNING COMMISSION

MEETING MINUTES
JUNE 3, 2025
6:00 PM

CALL TO ORDER

Meeting called to order by Vice Chair Stewart at Live Oak City Council Chambers, 9955 Live Oak Boulevard, Live Oak, CA at 6:00 pm.

OATH OF OFFICE

Laura Stewart, City Planner, administered the Oath of Office for newly appointed Live Oak Planning Commissioner Chris Schmidl.

ROLL CALL

Present: Commissioners Tuman, Cashman, Stewart, Skutley, Deala, and Schmidl.

Absent: Commissioner Serpa.

PLEDGE OF ALLEGIANCE

Commissioner Stewart led the Pledge of Allegiance.

CORRECTIONS AND/OR CHANGES TO THE AGENDA

None.

PUBLIC COMMENT

None.

CONSENT ITEMS

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

1. Draft Minutes – Regular Meeting of the Planning Commission – May 20, 2025
   Laura Stewart, City Planner
   Commission action: May 20, 2025, Planning Commission Regular Meeting minutes approved.

MOTION: **APPROVE THE CONSENT CALENDAR.**
(MOTION: SKUTLEY; SCHMIDL)

VOTE: **MOTION PASSED UNANIMOUSLY.**

BUSINESS ITEMS

2. Live Oak Planning Commission Chair Appointment
Recommendation: Appoint the Planning Commission Chair for a one-year term.
(Laura Stewart, City Planner)

Commissioner Tuman nominated Commissioner Stewart for Chair of the Planning Commission, following with Commissioner Cashman seconding his nomination. Commissioner Jerry Stewart encouraged the floor to nominate others if they would like to do so. Commissioner Tuman provides an explanation, stating Commissioner Stewart has the most experience.

MOTION: APPOINT COMMISSIONER STEWART FOR CHAIR OF THE PLANNING COMMISSION.
(MOTION: TUMAN; SECOND: CASHMAN)

VOTE: MOTION PASSED UNANIMOUSLY

3. Live Oak Planning Commission Vice Chair Appointment
Recommendation: Appoint the Planning Commission Vice Chair for a one-year term.
(Laura Stewart, City Planner)

Commissioner Stewart nominates Commissioner Tuman for Vice Chair of the Planning Commission, following with Commissioner Deala seconding the nomination.

MOTION: APPOINT COMMISSIONER TUMAN FOR VICE CHAIR OF THE PLANNING COMMISSION.
(MOTION: STEWART; SECOND: SCHMIDL)

VOTE: MOTION PASSED UNANIMOUSLY

4. Sutter County Planning Commission Appointment
Recommendation: Appoint the Live Oak Planning Commission representative on the Sutter County Planning Commission for a one-year term.
(Laura Stewart, City Planner)

Commissioner Chair Stewart explains the duties fulfilled by the representative on the Sutter County Planning Commission, and provides examples of common project types heard by the Sutter County Planning Commission. Commissioner Tuman nominates Commissioner Cashman, who declines due to time constraints. Commissioner Deala volunteers to be the representative. Commissioner Tuman then nominates Commissioner Deala, which is seconded by Commissioner Skutley.

MOTION: APPOINT THE LIVE OAK REPRESENTATIVE TO THE SUTTER COUNTY PLANNING COMMISSION.
(MOTION: TUMAN; SECOND: SKUTLEY)

VOTE: MOTION PASSED UNANIMOUSLY

5. Mobile Food Vendor and Sidewalk Vendor Ordinance and Enforcement Discussion Recommendation: Continue discussion of draft ordinance and enforcement procedures. Feedback from the Commission will be incorporated into a revised version of the draft ordinance for further consideration and potential recommendation to the City Council.
(Laura Stewart, City Planner)

City Planner Laura Stewart provided a map of the brick-and-mortar restaurant locations in Live Oak. Live Oak Union School District, out of concern for student safety, they are not interested in having mobile food vendors on or immediately surrounding school campuses.

The Commission requests clarification on definitions for terms such as "sidewalk vendors", "peddlers", and "open air vending". The Commission agrees that the City of Indio Municipal Code example is easier to follow than the other draft provided and would like to move forward using the Indio example as the primary reference.

Public Comment: Resident Karn Deol recently purchased a food truck and is interested in using it on a property he owns in Live Oak. The Commission requested him to submit a preliminary plan for review.

ITEMS REMOVED FROM THE CONSENT AGENDA FOR COMMISSION CONSIDERATION AND ACTION

None.

UPDATES AND ANNOUNCEMENTS FROM THE PLANNING DIRECTOR

None.

COMMISSIONER REPORTS/COMMENTS/REQUESTS

None.

ADJOURNMENT

Meeting adjourned at 7:19 PM.

CITY OF LIVE OAK
STAFF REPORT

Date: March 3, 2026

To: Honorable Mayor & Members of the City Council

From: Benjamin Moody, City Manager

Subject: Live Oak Planning Commission Chair Appointment

Recommendation:
Appoint the Planning Commission Chair for a one-year term.

CITY OF LIVE OAK
STAFF REPORT

Date: March 3, 2026

To: Honorable Mayor & Members of the City Council

From: Benjamin Moody, City Manager

Subject: Live Oak Planning Commission Vice Chair Appointment

Recommendation:
Appoint the Planning Commission Vice Chair for a one-year term.

CITY OF LIVE OAK
STAFF REPORT

Date: March 3, 2026

To: Honorable Mayor & Members of the City Council

From: Benjamin Moody, City Manager

Subject: Sutter County Planning Commission Appointment

Recommendation:
Appoint the Live Oak Planning Commission representative on the Sutter County Planning Commission for a one-year term.

CITY OF LIVE OAK
STAFF REPORT

Date: March 3, 2026

To: Honorable Mayor & Members of the City Council

From: Benjamin Moody, City Manager

Subject: Medina Tentative Parcel Map 25-01

Summary: Recommendation: Conduct a Public Hearing and make the necessary findings to: adopt a resolution determining the project is Categorically Exempt from environmental review pursuant to CEQA Guidelines Section 15315, Minor Land Divisions, and approve TSM 25-01, subject to the Conditions of Approval, creating two Single-Family Residential lots on approximately 0.33 acres, located at 2962 Elm Street, Accessors Parcel Number 006-202-003.

Fiscal Impact: None.

Background:
Applicant/Owner: Jose Medina

Project Location: 2962 Elm Street, Assessor's Parcel Number 006-202-003

General Plan: Small Lot Residential

Zoning: R-2

On September 22, 2025, MHM Inc. submitted application materials on behalf of the applicant Jose Medina, who represents the property owner, Medina Vargas Family Trust, for a tentative parcel map to divide the property located at 2962 Elm Street, into two separate parcels for future residential development.

The proposed project site is a 0.33-acre property located at 2962 Elm Street in the southwest part of the City (Attachment 2, Location Map). The project site is currently vacant with vegetation and various on-site trees. The project site is zoned Residential zone district (R-2) and designated Small Lot Residential in the City's General Plan. Land uses surrounding the project site consist of Small Lot Residential development in all directions, including properties located to the north, south, east, and west. See Attachment 1 for reference.

The project proposes the subdivision of the property into two separate equal parcels for future residential development. Pursuant to the Live Oak Municipal Code (LOMC), single-family residential is permitted use in the R-2 Zone District; where the proposed lot width and lot size meet zone regulations, the proposed lot subdivision would require Planning Commission approval of tentative parcel map per City Municipal requirements.

Analysis:
According to Section 17.02.010 of the LOMC, the intent and purpose of the City's Medium Density Residential (R-2) Zone District is as follows:

Small Lot Residential (R-2) Zone District. Provides areas similar to the R-1 Zone District but also allows for smaller single-family lots and duplexes. It also allows uses compatible with these residential uses. This zone district is primarily utilized around and within areas designated by the General Plan as a Neighborhood Center or Civic Centers. The R-2 Zone District is also consistent with the Small Lot Residential General Plan designation.

The proposed tentative parcel map is consistent with the Live Oak General Plan and Zoning Regulations. Furthermore, given the proposed site is located adjacent to residential areas, the proposed project would be consistent with the intent and purpose of the R-2 Zone District. The division of the parcels is likely to not cause public health or safety problems. There are also no public easements identified to conflict with the proposed tentative parcel map.

With approval of the proposed tentative parcel map, the 0.33-acre site can be divided into two separate lots approximately 7,300 sf each. The tentative Parcel map is valid for 24 months after its effective date.

Environmental Review:

Staff analysis of the proposed project supports a Planning Commission finding that the proposed project to divide the 0.33-acre site into two separate parcels qualifies for a Class 15 categorical exemption from the CEQA under CEQA Guidelines Section 15315, as described below:

15315. MINOR LAND DIVISIONS

Class 15 consists of the division of property in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within the previous 2 years, and the parcel does not have an average slope greater than 20 percent.

Fiscal Impact:
None.

Recommendation:
Conduct a Public Hearing and make the necessary findings to: adopt a resolution determining the project is Categorically Exempt from environmental review pursuant to CEQA Guidelines Section 15315, Minor Land Divisions, and approve TSM 25-01, subject to the Conditions of

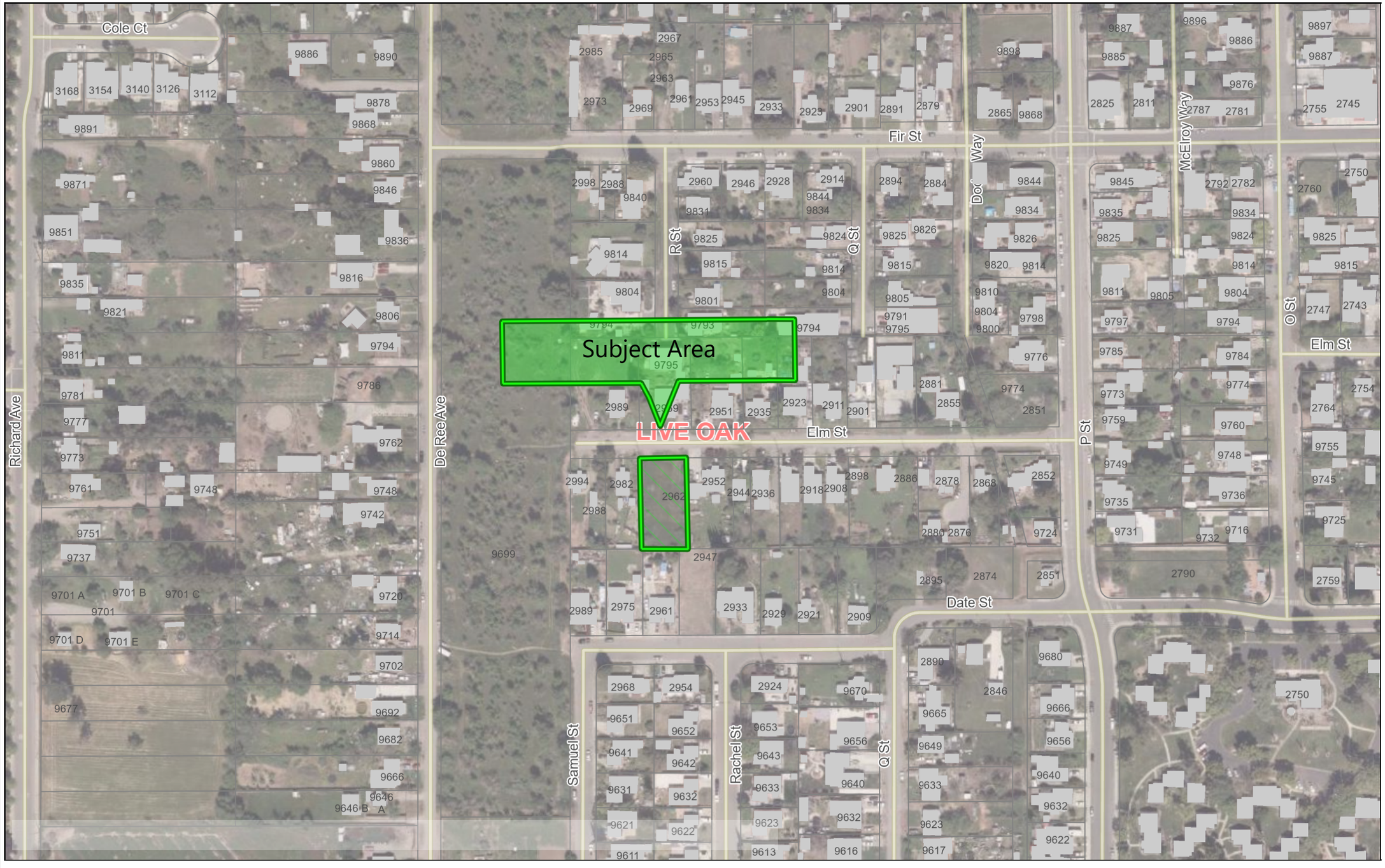
Approval, creating two Single-Family Residential lots on approximately 0.33 acres, located at 2962 Elm Street, Accessors Parcel Number 006-202-003.

Attachments:

Attachment #1
Attachment #2 - Location Map
Attachment #3 - Tentative Parcel Map 25-01
Attachment #4 - Resolution
Exhibit A - Tentative Parcel Map 25-01
Exhibit B - Conditions of Approval

	Land Use	Zoning Designation	General Plan Designation
North	Single Family Residential	R-2	Small Lot Residential
South	Vacant	R-2	Small Lot Residential
East	Single Family Residential	R-2	Small Lot Residential
West	Single Family Residential	R-2	Small Lot Residential

Location Map



Legend

- Addresses & Structures
  - Building Footprints
    - 1
- Infrastructure & Facilities
  - Road Centerlines
    - 1
    - 3
    - 4
    - 5
  - Railroads
  - Levees
    - 1
- Land Records & Development
  - Tax Parcels
- Districts & Boundaries
  - Incorporated Cities
  - County Boundary
- Aerials & Rasters
  - 2025 (3 in)
    - Red: Band_1
    - Green: Band_2
    - Blue: Band_3

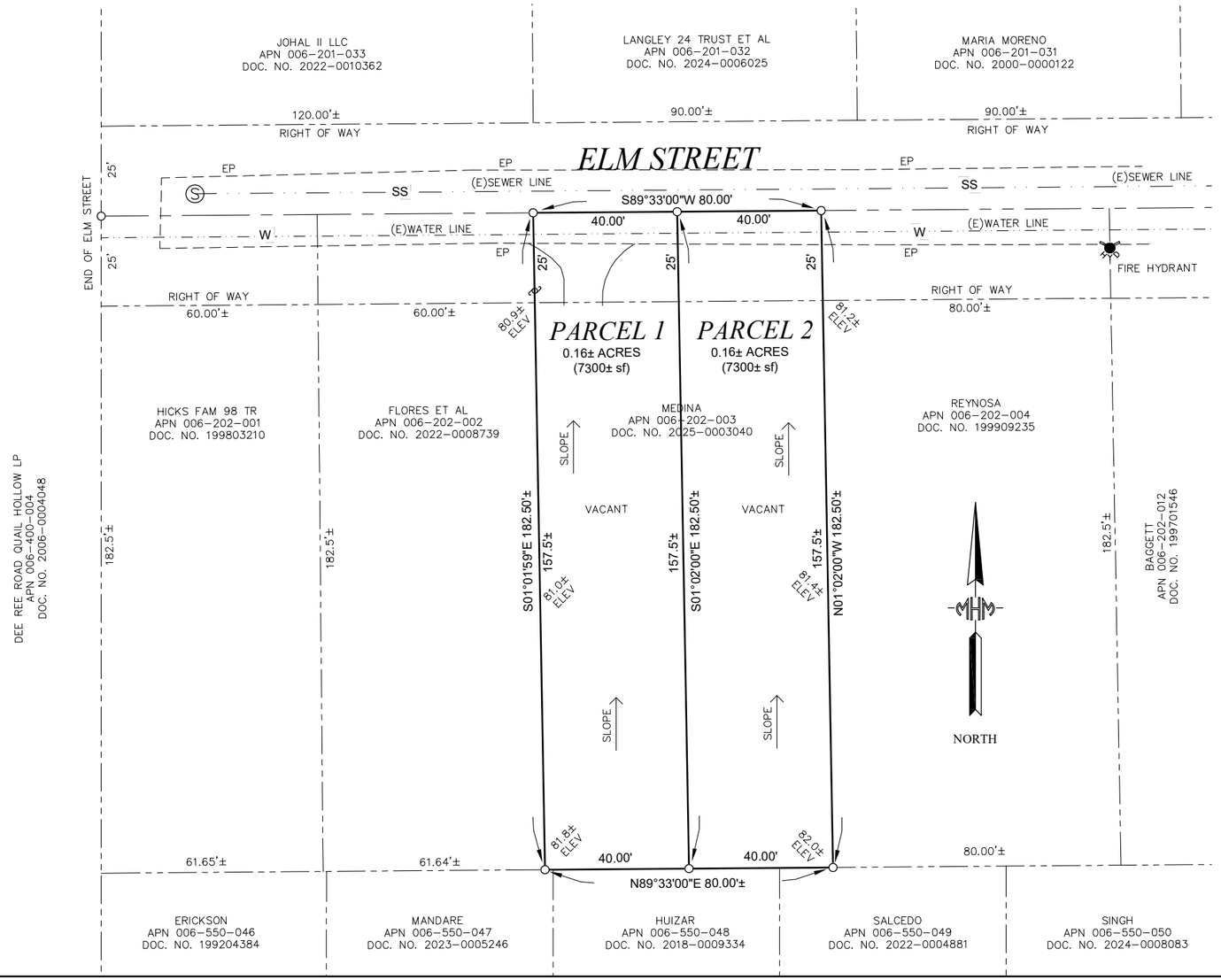
Notes

0 250 500 ft

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.

2/25/2026

LIVE OAK
CALIFORNIA



LAND DIVISION APN 006-202-003

LEGEND

O	CALCULATED POINT
(E)	EXISTING
———	BOUNDARY
—— - ——	SUTTER COUNTY GIS PARCEL LINES
– – – – –	RIGHT OF WAY (R.O.W.)
EP	EDGE OF PAVING
P/L	PROPERTY LINE
Ⓢ	SEWER MANHOLE
SS	SANITARY SEWER
W	WATER



NOT TO SCALE

STREET VIEW

APPLICANT:

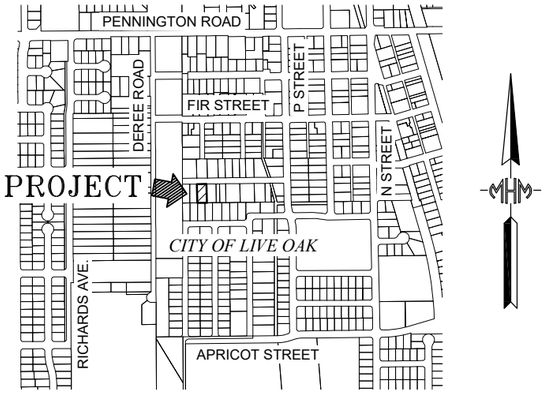
JOSE G. MEDINA
2789 PASEO ROAD
LIVE OAK, CA 95953
PHONE: (530) 713-6785
jminsulation13@gmailcom

OWNER:

MEDINA VARGAS FAMILY TRUST
DATED APRIL 10, 2025
2789 PASEO ROAD
LIVE OAK, CA 95953
PHONE: (530) 713-6785
jminsulation13@gmailcom

ENGINEER/SURVEYOR:

MHM, INC. *a Verdantas Company*
1204 "E" STREET
P.O. BOX "B"
MARYSVILLE, CA. 95901
PHONE (530) 742-6485
ATTN: ROGER HANLIN, PLS
rhanlin@mhm-inc.com



LOCATION MAP

NOT TO SCALE

GENERAL NOTES:

WATER:
CITY OF LIVE OAK WATER SUPPLY SYSTEM

SEWER:
CITY OF LIVE OAK SEWAGE COLLECTION SYSTEM

DRAINAGE:
NATURAL DRAINAGE TO REMAIN AS EXISTS

BUILDINGS:
NO EXISTING BUILDINGS

EXISTING LAND USE:

RESIDENTIAL

ZONE:

R2 *(MULTI-FAMILY RESIDENTIAL)*

APN 006-202-003 R2

EXISTING A.P. NUMBERS & AREAS

APN 006-202-003 0.33± ACRES (14,600± SF)

PROPOSED AREAS:

PARCEL 1 0.16 ± ACRES (7300± SF)

PARCEL 2 0.16 ± ACRES (7300± SF)

COMMUNICATIONS:

OWNER/APPLICANT & ENGINEER TO
RECEIVE ALL COMMUNICATIONS

TENTATIVE PARCEL MAP NO. 2025 -00_ _

FOR
JOSE G. MEDINA

BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 16 NORTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN SITUATED IN THE CITY OF LIVE OAK, COUNTY OF SUTTER, STATE OF CALIFORNIA.

CITY OF LIVE OAK
SUTTER COUNTY, CALIFORNIA

SEPTEMBER 2025
SCALE: 1"= 25'

PREPARED BY: M.H.M. INC., 1204 "E" STREET, MARYSVILLE, CA. 95901

25-619

SHEET 1 OF 1

Resolution No.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LIVE OAK APPROVING TENTATIVE PARCEL MAP (TPM) 25-01, MEDINA SUBDIVISON, SUBJECT TO THE CONDITIONS OF APPROVAL AND DETERMINE THE PROJECT IS CATEGORICALLY EXEMPT FROM ENVIRONMENTAL REVIEW PURSUANT TO CEQA GUIDELINES SECTION 15315, MINOR LAND DIVISIONS, LOCATED AT 2962 ELM STREET, ASSESSOR'S PARCEL NUMBER 006-202-003

WHEREAS, the City received Tentative Parcel Map application (TPM 25-01), Exhibit A, in September 2025 to subdivide approximately 0.33 acres into two residential lots; and

WHEREAS, this property is within Live Oak's city limits; and

WHEREAS, a review of the General Plan and Zoning Regulations determined the proposed subdivision is consistent with the Live Oak General Plan and Zoning Regulations; and

WHEREAS, the City on February 21, 2026, published a legal notice and a Public Hearing notice was mailed to each property owner within at least 300 feet of the project site in compliance with State law concerning the Planning Commission's consideration on February 18, 2026; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 3, 2026, and considered all of the project and environmental information presented by staff, public testimony and all the background information.

NOW, THEREFORE, BE IT RESOLVED the Planning Commission of the City of Live Oak resolves and orders as follows:

Environmental Review: Based on the whole of the administrative record, the project is exempt from CEQA pursuant to CEQA Guidelines, section 15315 and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines:

1. The project proposes the division of a property located within an area zoned for residential with less than four parcels.
2. The proposed subdivision is consistent with the City of Live Oak General Plan and zoning regulations, requires no variances or exceptions, and has access to existing public services and infrastructure. Therefore, the project is exempt from further environmental review under CEQA.
3. The parcel does not have an average slope greater than twenty.
4. The parcel was not involved in the division of a larger parcel within the previous two years.

Findings: None of the following findings set forth in Live Oak Municipal Code Section 16.14, and the California Subdivision Map Act Section 66474 that require the City to deny the approval of a tentative map apply to this project

1. The proposed tentative map is not consistent with the with the City of Live Oak General Plan, any applicable specific plan, Zoning Regulations, the Improvement Standards, the Citywide Design Guidelines, or any portions of the City of Live Oak Municipal Code or its standards and specifications, or the Subdivision Map Act;
2. The site is not physically suited for the proposed density of development.
3. The site is not physically suited for the proposed type of development.

4. The design of the subdivision or the type of improvements is likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
5. The design of the subdivision or the type of improvements is likely to cause serious public health problems.
6. The design of the subdivision or the type of improvements will conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

AND, BE IT FURTHER RESOLVED, that the Planning Commission, approves Tentative Parcel Map 25-01, subject to the Conditions of Approval as provided in Exhibit B.

PASSED AND ADOPTED by the Planning Commission of the City of Live Oak this 3rd day of March, 2026, by the following vote:

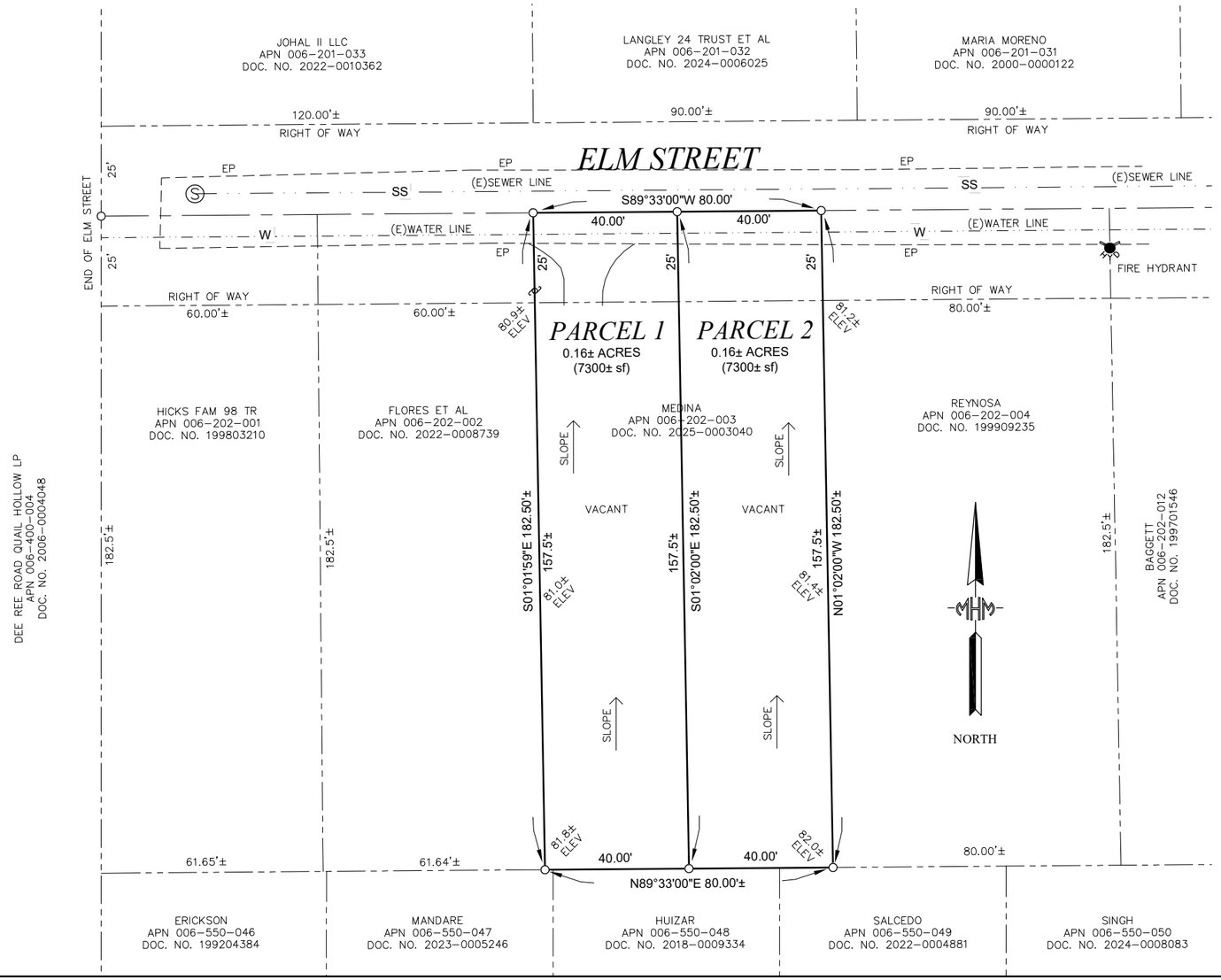
AYES:
NOES:
ABSENT:
NOT VOTING:

APPROVED:

_____

ATTEST:

_____
Clarissa Menchaca, City Clerk



LAND DIVISION APN 006-202-003

LEGEND

O	CALCULATED POINT
(E)	EXISTING
———	BOUNDARY
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– – – – –	RIGHT OF WAY (R.O.W.)
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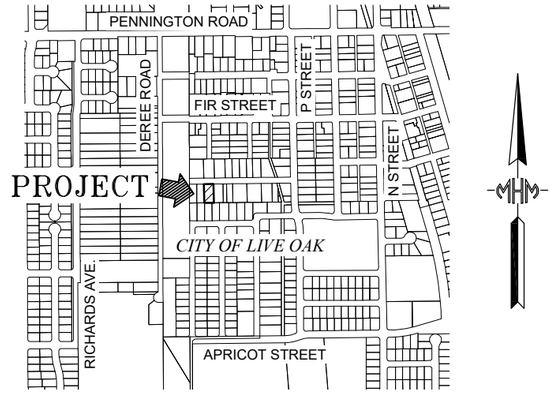
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ATTN: ROGER HANLIN, PLS
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LOCATION MAP

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APN 006-202-003 R2

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RECEIVE ALL COMMUNICATIONS

TENTATIVE PARCEL MAP NO. 2025 -00_ _

FOR
JOSE G. MEDINA

BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 5, TOWNSHIP 16 NORTH, RANGE 3 EAST, MOUNT DIABLO MERIDIAN SITUATED IN THE CITY OF LIVE OAK, COUNTY OF SUTTER, STATE OF CALIFORNIA.

CITY OF LIVE OAK
SUTTER COUNTY, CALIFORNIA

SEPTEMBER 2025
SCALE: 1"= 25'

PREPARED BY: M.H.M. INC., 1204 "E" STREET, MARYSVILLE, CA. 95901

25-619

SHEET 1 OF 1

CITY OF LIVE OAK
CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP 25-01
March 3, 2026

MEDINA PARCEL MAP – PM 25-01
APN: 006-202-003

NOTICE TO PROJECT APPLICANT

In accordance with the provisions of Government Code Section 66020(d)(1), the imposition of fees, dedication, reservations or exactions for this project are subject to protest by the project applicant at the time of approval or conditional approval of the development or within ninety (90) calendar days after the date of imposition of fees, dedications, reservation, or exactions imposed on the development project. This notice does not apply to those fees, dedications, reservations, or exactions which were previously imposed and duly noticed; or, where no notice was previously required under the provisions of Government Code Section 66020(d)(1) in effect before January 1, 1997.

IMPORTANT: PLEASE READ CAREFULLY

Please note that this project is subject to a variety of discretionary conditions of approval. These include conditions based on adopted City plans and policies, those determined through tentative subdivision map review and environmental assessment essential to mitigate adverse effects on the environment including the health, safety, and welfare of the community, and recommended conditions for development that are not essential to health, safety, and welfare, but would on the whole enhance the project and its relationship to the neighborhood and environment.

Discretionary conditions of approval may be appealed. All code requirements, however, are mandatory and may only be modified by variance, provided the findings can be made.

All discretionary conditions of approval will ultimately be deemed mandatory unless appealed by the applicant to the City Council within ten (10) days after the decision by the Planning Commission. In the event you wish to appeal the Planning Commission's decision or discretionary conditions of approval, you may do so by filing a written appeal with the City Clerk. The appeal shall state the grounds for the appeal and wherein the Commission failed to conform to the requirements of the zoning ordinance. This should include identification of the decision or action appealed and specific reasons why you believe the decision or action appealed should not be upheld.

These conditions are applicable to any person or entity making use of this tentative subdivision map, and references to "developer" or "applicant" herein also include any applicant, property owner, owner, leasee, operator, or any other person or entity making use of this tentative subdivision map.

CONDITIONS OF APPROVAL

1. To the furthest extent allowed by law, applicant/property owner shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's/property owner's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval.

   Nothing in this section shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim not defended by the City, unless the City approves the settlement in writing. Nor shall the City be prohibited from independently defending any claim, and if the City does decide to independently defend a claim, the applicant/property owner shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Applicant/property owner shall submit all documents filed in the Third-Party Action for review and approval of the City Attorney prior to filing of said documents on behalf of the City.

   The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide applicant/property owner with an invoice detailing all reasonable costs incurred. Applicant/property owner shall tender to the City payment-in-full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant/property owner shall contact the City within a reasonable time to arrange any extension of the thirty (30) day time period for payment-in-full of the invoiced amount. Applicant/property owner further acknowledges and agrees, failure to timely tender payment-in-full to the City shall be considered a breach and non-compliance with the conditions of approval for the project. Applicant/property owner shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant/property owner as noted herein.

2. Preparation of the Final Parcel Map and lot design shall comply with all related provisions of the California Subdivision Map Act, Live Oak Municipal Code, Live

Oak Improvement Standards, and in conformance with TPM 25-01, as approved by the Planning Commission

3. The development and operation of the project shall comply with CEQA Guidelines sec. 15315 Minor Land Divisions.

4. The development and operation of the project shall comply with all local, state, and federal codes (including Building and Fire codes) and local development standards.
    a. The Developer or Representative shall obtain an Encroachment Permit from the City prior to performing any work within public rights of way.

5. Any development on Parcels 1 and 2 shall be connected to City water and sewer systems in accordance with the Public Works Improvement Standards.

6. Development of this property will require payment of the Sutter Butte Basin Regional Levee Improvement Program Development Impact Fee (DIF) pursuant to Live Oak Ordinance No. 585. The DIF fees are to be paid (or an agreement entered into with the City of Live Oak and SBFCA that constitutes satisfaction of the DIF obligation) prior to issuance of a Certificate of Occupancy. For questions pertaining to the DIF, please contact Sutter Butte Flood Control Agency at (530) 755-9859 or go to https://sutterbutteflood.org/finance/regional-levee-dif.

7. The improvement plans for the development of the subject property shall include all measures required to ensure that no drainage runoff resulting from the development of the property flow onto the adjacent lands or impede the drainage from those lands. At first submittal of the improvement plans, provide existing / proposed grades at the perimeter of the proposed development, and existing grades at the adjacent lands. If retaining walls are required, they shall be constructed of concrete or masonry block.

8. Obtain all necessary approvals from City, State, and Federal agencies, utilities and other effected parties that are required for the project including, but not limited to, the preparation of drawings, studies, reports and permit applications, and payment of fees. Prior to City approval of the Improvement Plans, the Developer shall provide evidence, to the satisfaction of the Public Works Department, that all such obligations have been met.

9. The development shall comply with all applicable Reclamation District 777 requirements related to drainage, including submittal of a drainage plan for any drainage improvements that utilize RD 777 facilities for approval by RD 777.

10. The Developer shall comply with all Sutter County requirements related to drainage, including submittal of a drainage plan for any drainage improvements that utilize County facilities for approval by the Sutter County Public Works Director

11. The improvement plans shall indicate the locations of all prior hull deposit pits, detention pond(s), and all roadway culvert(s). All unsuitable material is to be removed and replaced as recommended by a Geotechnical Engineer licensed in the State of California, and/or in accordance with Live Oak Public Works.

12. All onsite overhead utilities, including but not limited to, utility poles and all appurtenances are to be removed in accordance with utility requirements/guidelines. The development shall be serviced with underground utilities. No new overhead utilities, including but not limited to electrical and telecommunications are allowed, except as otherwise determined by the Community Development Director.

13. The development of the parcel is not subject to undergrounding existing overhead utilities along Elm Street in accordance with Municipal Code 16.24.090 C.2 with the basis of being determined unreasonable and impracticable.

14. The development is subject to construct frontage improvements to City standards, or as approved by the Public Works Director, in accordance with Municipal Code 12.01 Installation of Curbs, Gutters, and/or Sidewalks and as applicable in MC 16.26 Public Improvements. Work is to include any reconstruction and/or widening of Elm Street to align with the installation of said public improvements.

    Should property owner desire to enter into a deferred improvement agreement for the construction of said improvements in accordance with MC 12.01.030 C. Additional, minimum improvements with the development may be required as determined by the Public Works Director, including but not limited to asphalt driveways and alternative drainage improvements.

15. All existing well(s), septic tank(s), and service lines shall be destroyed in accordance with the requirements of the Sutter County Environmental Health and Live Oak Building Departments, respectively. Connections shall be made to public sewer and water. The Developer shall pay all applicable fees.

16. The contractor shall maintain record drawings of the improvements and keep them on site at all times. When the project is complete, the contractor shall deliver a marked set of plans to the Engineer of Record. The Engineer of Record shall update the improvement plans with the record information. Once the changes have been added to the plans, the Engineer of Record shall submit both an electronic copy (Civil 3D version 2020 or newer) and a hard copy to the City. The City will not accept the completion of the improvements until the electronic copy and hard copy have been submitted.

17. Prior to recording of the final map the Applicant/Developer shall execute a subdivision agreement with the City of Live Oak if required public improvements have not been constructed or deferred in accordance with City requirements.

18. Prior to recording of the final map the Applicant/Developer shall annex the subject property into, or establish a Special Assessment (SA) or Community Facilities District (CFD) as directed by the City in order to ensure adequate operational and maintenance funding availability. The SA or CFD will pay for any and all municipal services such as fire, police, parks, lighting, animal control, and any other identified municipal services. The Applicant/Developer will be responsible for all costs required to establish or annex into the SA or CFD.

19. The Developer shall dedicate right-of-way to the City as follows, or as approved by the Public Works Director [Note: all necessary right of way and easements are to be dedicated with the recordation of the Final Map]
    a. Elm Street, on the south side, along the northerly boundary of the existing parcel, shall have right-of-way dedicated to a width of 30.0 feet (measured from centerline) with an adjoining 10.0 Public Utility Easement.

20. As applicable, the Post Construction Statement of Responsibility shall be recorded at the Sutter County Recorder's Office.