LIVE OAK PLANNING COMMISSION

REGULAR MEETING AGENDA
AUGUST 16, 2022
7:00 PM

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

MEMBERS OF THE COMMISSION

GURVEER BUTTER, CHAIR
AARONDEEP PAMMA, VICE CHAIR
JOAQUIN BERMUDEZ, COMMISSIONER
AARON ELLER, COMMISSIONER
CHRISTINE IVORY, COMMISSIONER
KRIS SELVIDGE, COMMISSIONER
JERRY STEWART, COMMISSIONER

KEVIN VALENTE,
CONTRACT PLANNER

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:***
    - *Members of the public can view a livestream of the meeting online at* https://liveoakca.granicus.com/ViewPublisher.php?view_id=1.
    - *Members of the public can access the Zoom webinar as follows:*
        - ***Join by Electronic Device:***
          https://us02web.zoom.us/j/87330403151
        - ***Join by Phone:***
          1-669-900-6833 or 1-877-853-5247 (Toll Free)
          Webinar ID: *873 3040 3151*
- ***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.*

- ***Live Remote Public Comment:*** *Members of the public can submit a live remote public comment by:*

  - *Joining the virtual Commission meeting via the link below. When public comment is opened, raise your virtual hand and be called upon to speak for up to 3 minutes.*

    https://us02web.zoom.us/j/87330403151

  - *Joining the virtual Commission meeting by calling the phone number below. When public comment is opened, dial *9 to raise your hand and be called upon to speak for up to 3 minutes.*

    1-669-900-6833 or 1-833-548-0282 (Toll Free)
    Webinar ID: *873 3040 3151*

- ***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 Planning Director at kvalente@liveoakcity.org. Comments will be distributed to Commission prior to the meeting and attached to the minutes. Please note that emailed comments will NOT be read aloud by staff during the meeting.*

- ***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 attached to the minutes. Please note that eComments will NOT be read aloud by staff during the meeting.*

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

CORRECTIONS AND/OR CHANGES TO THE AGENDA

PUBLIC COMMENT

PUBLIC HEARING ITEMS

1. Orchard View I and II Tentative Subdivision Map Extension
   Recommendation: Adopt resolutions extending the Orchard View I and II Tentative Subdivision Maps expiration date an additional five years to January 28, 2028.
   (Kevin Valente, Contract Planner)

2. Bishop Avenue Truck Parking Project Conditional Use Permit Reconsideration
   Recommendation: Provide direction to staff regarding the approved Bishop Avenue Truck Parking Conditional Use Permit.
   (Kevin Valente, Contract Planner)

UPDATES AND ANNOUNCEMENTS FROM THE PLANNING DIRECTOR

COMMISSIONER REPORTS/COMMENTS/REQUESTS

ADJOURNMENT

City of Live Oak
Report to Planning Commission

Meeting Date: August 16, 2022

Title: Orchard View I and II Tentative Subdivision Map Extension

Contact Information: Kevin Valente, AICP, Contract Planner

Location: Orchard View I is located east of Luther Road extending to Hampton Road and is identified by Assessor Parcel Numbers (APNs) 06-010-001, 06-600-006, and -007(Attachment 1). Orchard View II is located South of Pennington Road and east of De Ree Road and is identified as APNs 06-400-002, -003, and -004 (Attachment 2).

Background: The Orchard View I and Orchard View II Subdivision Project includes the development of two single-family residential subdivisions consisting of a total of 172 single-family lots. The Tentative Subdivision Maps for the Project were originally approved by the Live Oak City Council on November 18, 2020. Pursuant to Section 16.14.120 of the Live Oak Municipal code, an approved tentative subdivision map is valid for 24 months after its effective date, making the original expiration for the maps November 18, 2022.

Analysis: On April 11, 2022, the City of Live Oak received an application to extend the expiration date for the Orchard View I and Orchard View II Tentative Subdivision Maps for an additional five years. Pursuant to Section 16.14.130(1) of the Live Oak Municipal Code, once a written request for an extension is submitted, the map shall automatically be extended for another 60-days (January 18, 2023).

Section 16.14.130(2) of the Live Oak Municipal Code states the Planning Commission may grant the extension in increments it deems necessary, provided the total of the extensions do not exceed five years. Therefore, the Orchard View I and II maps are allowed to receive five-year extensions. If granted, the expiration dates for the maps would then be January 18, 2028.

The Orchard View I and II tentative subdivision maps are not proposed to change in any way, and the previous conditions of approval for the project would continue. As a result, staff recommends the Planning Commission adopt the attached resolutions granting five-year extensions to the Orchard View I and Orchard View II tentative subdivision maps, consistent with Section 16.14.130 of the Live Oak Municipal Code.

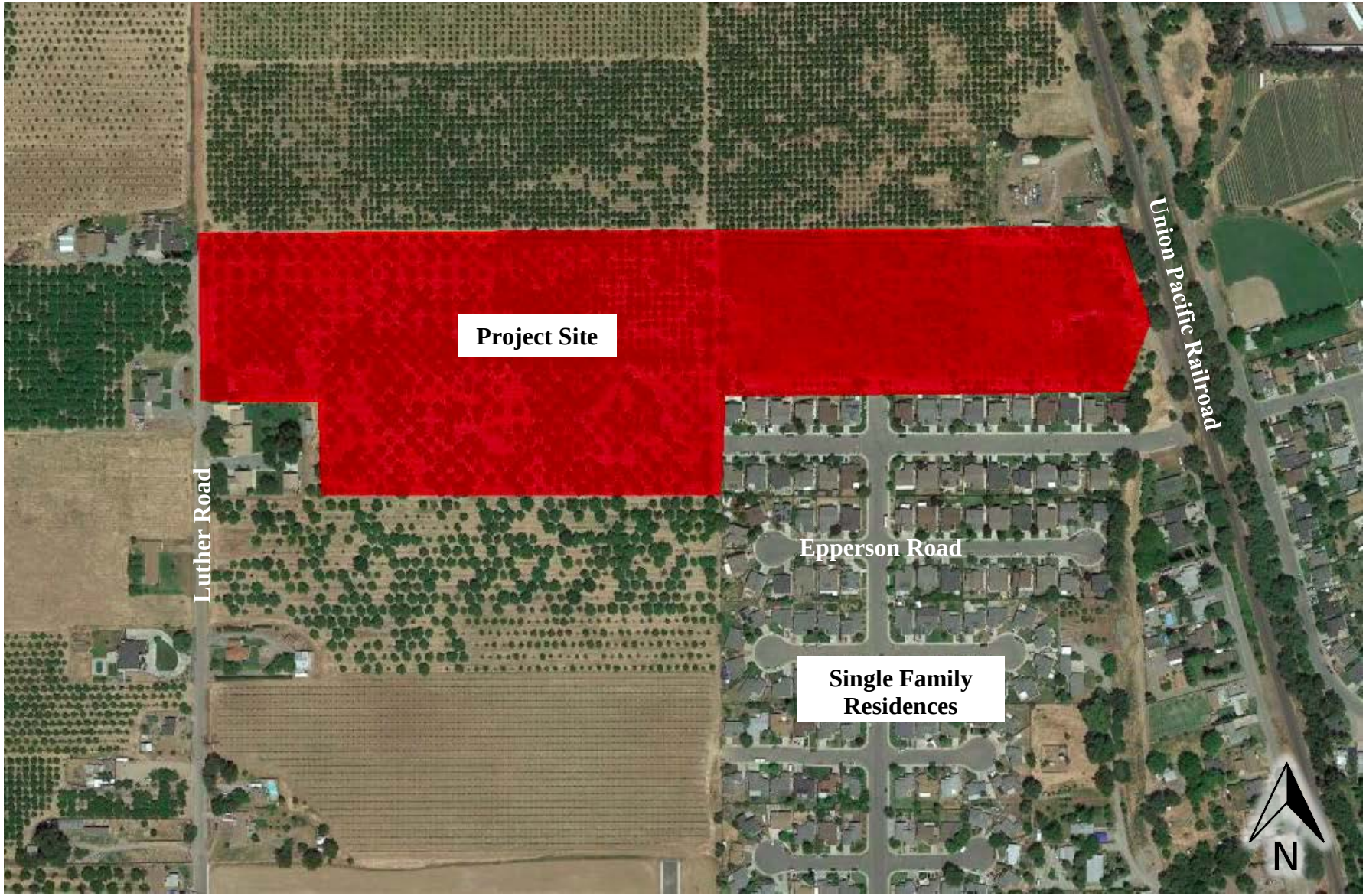
Fiscal Impacts: None.

Recommendation: Adopt resolutions extending the Orchard View I and II Tentative Subdivision Maps expiration date an additional five years to January 28, 2028.

Attachments:

ATT 1 - Orchard View I Vicinity Map
ATT 2 - Orchard View II Vicinity Map
ATT 3 - Orchard View I TSM PC Resolution
ATT 3.1 - Exhibit A_Orchard View I TSM
ATT 4 - Orchard View II TSM PC Resolution
ATT 4.1 - Exhibit A_Orchard View II TSM

Attachment 1
Orchard View I Project Vicinity Map



Attachment 2
Orchard View II Project Vicinity Map



Attachment 3

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY OF LIVE OAK PLANNING COMMISSION APPROVING A FIVE-YEAR EXTENSION TO THE PREVIOUSLY ADOPTED ORCHARD VIEW I TENTATIVE SUBDIVISION MAP (APNs 06-010-001, 06-600-006, AND -007)

WHEREAS, on November 18, 2020, the City Council duly held a public hearing, received and considered evidence, both oral and documentary and adopted the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring Program (MMP) and approved the Orchard View I Tentative Subdivision Map; and,

WHEREAS, On April 11, 2022, the City of Live Oak received an application from Baker-Williams Engineering Group, for a five-year extension to the previously approved Orchard View I Tentative Subdivision Map for the subdivision and future development of 129 single-family residential lots on 28.71 acres. The project site is located east of Luther Road extending to Hampton Road and is identified by Assessor Parcel Numbers (APNs) 06-010-001, 06-600-006, and -007; and

WHEREAS, pursuant to Section 16.14.130(1) of the Live Oak Municipal Code, once a written request for an extension is submitted, the map shall automatically be extended for another 60-days (January 18, 2023); and

WHEREAS, pursuant to Section 16.14.130(2) of the Live Oak Municipal Code, the previously approved Orchard View I Tentative Subdivision Map may be extended for an additional five years with Planning Commission approval (January 18, 2028); and

WHEREAS, the Planning Commission gave notice of public hearing as required by law; and

WHEREAS, on August 16, 2022, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary approving the five-year time extension for the previously approved Orchard Grove I Tentative Subdivision Map; and

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, the Live Oak Planning Commission finds as follows:

1. General Plan Consistency. There have been no changes to the General Plan or any specific plan or precise road plan to which the tentative map would no longer be in conformity.

2. City Codes. There have been no changes to City codes to which the tentative map would no longer be in conformity.

3. Availability of Services. The capacity of community infrastructure, including, but not limited to, water supply, sewage treatment capacity, schools or roads remains sufficient to serve the project.

4. Tentative Subdivision Map Expiration Date. The Orchard View I Tentative Subdivision Map approved on November 18, 2020 will expire on January 18, 2028, unless a Final Map for the Orchard View I Tentative Subdivision Map is approved by the Live Oak City Council pursuant to Chapter 16.18 of the Live Oak Municipal Code.

5. Additional Tentative Subdivision Map Extensions. Pursuant to Section 16.14.130(2) of the Live Oak Municipal Code, the Orchard View I Tentative Subdivision Map shall not receive additional time extensions.

* * * * * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Live Oak, at a regular meeting thereof, held on the 16th day of August, 2022 by following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_____

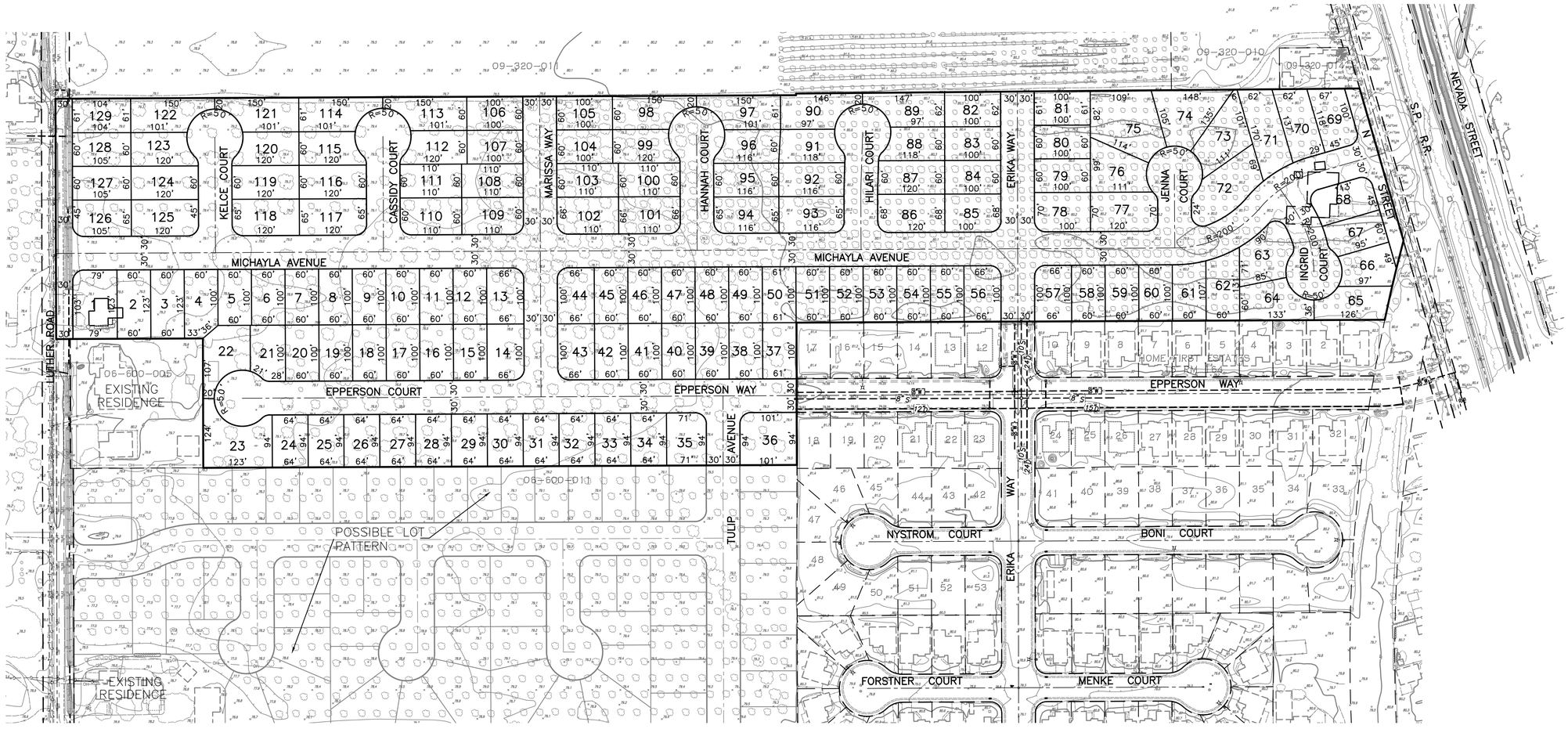
PLANNING COMMISSION CHAIR, City of Live Oak

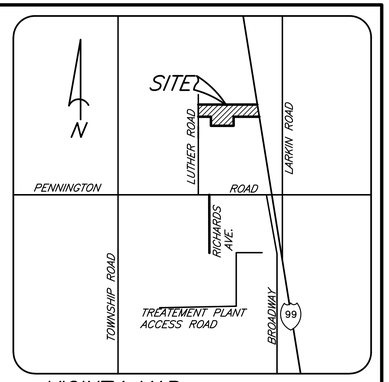
ATTEST:

_____

CITY CLERK, City of Live Oak

DRAFT





VICINTY MAP
NO SCALE

OWNER/DEVELOPER:
CHRIS SORDI
SPM 28, LLC
401 WATT AVENUE, #3
SACRAMENTO, CA 95864
PH (916) 768-7718 FAX (916) 384-3130

ENGINEER:
BAKER-WILLIAMS ENGINEERING GROUP
6020 RUTLAND DRIVE, SUITE 19
CARMICHAEL, CALIFORNIA 95608
PH. (916) 331-4336
FAX (916) 331-4430

ASSESSOR'S PARCEL NUMBER:
06-010-001, 06-600-006 & 007

ACREAGE:
28.71± ACRES GROSS

EXISTING USE:
ORCHARD

PROPOSED USE:
129 SINGLE FAMILY RESIDENCES

EXISTING ZONING:
R-1, R-2

PROPOSED ZONING:
R-1, R-2

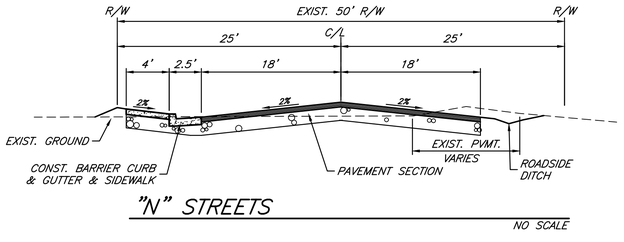
LOT SIZE:
MINIMUM LOT SIZE 6000 S.F.

SEWER:
CITY OF LIVE OAK

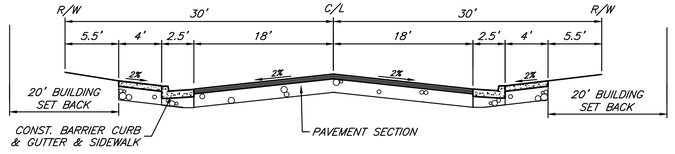
WATER SUPPLY:
CITY OF LIVE OAK

DRAINAGE:
CITY OF LIVE OAK

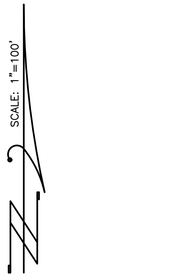
FIRE PROTECTION:
CITY OF LIVE OAK

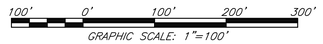


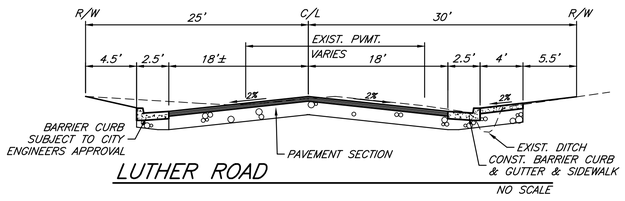
"N" STREETS
NO SCALE



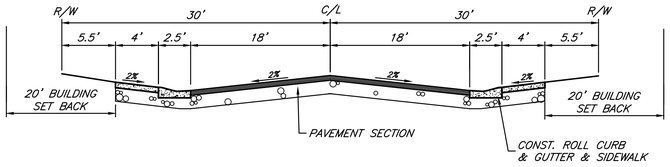
INTERIOR LOCAL STREETS
MICHAYLA, MARISSA AVENUE, EPPERSON AND TULIP WAY
NO SCALE







LUTHER ROAD
NO SCALE



INTERIOR CUL DE SACS
KELCE, CASSIDY, HANNAH, HILARI, JENA, INGRID COURT AND EPPERSON COURT
NO SCALE

TENTATIVE SUBDIVISION MAP
ORCHARD VIEW

CITY OF LIVE OAK, SUTTER COUNTY, CALIFORNIA
JULY, 2019
BAKER-WILLIAMS ENGINEERING GROUP

BAKER WILLIAMS ENGINEERING GROUP
6020 RUTLAND DRIVE, SUITE 19
CARMICHAEL, CA 95608-0515
Phone (916)331-4336~Fax (916)331-4430
EMAIL: office@bwengineers.com

S:\BWEG Jobs\2004 Jobs\0412136 Luther Rd. Live Oak\Planning\0412136-TENT-MAP.DWG, Layout1, 7/19/2019 8:27:12 AM, Duane Rogers

0412136-TENT-MAP

Attachment 4

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY OF LIVE OAK PLANNING COMMISSION APPROVING A FIVE-YEAR EXTENSION TO THE PREVIOUSLY ADOPTED ORCHARD VIEW II TENTATIVE SUBDIVISION MAP (APNs 06-400-002, -003, and -004)

WHEREAS, on November 18, 2020, the City Council duly held a public hearing, received and considered evidence, both oral and documentary and adopted the Initial Study/Mitigated Negative Declaration (IS/MND) and Mitigation Monitoring Program (MMP) and approved the Orchard View II Tentative Subdivision Map; and,

WHEREAS, On April 11, 2022, the City of Live Oak received an application from Baker-Williams Engineering Group, for a five-year extension to the previously approved Orchard View II Tentative Subdivision Map for the subdivision and future development of 43 single-family residential lots on 9.68 acres. The project site is located South of Pennington Road and east of De Ree Road and identified as Sutter County Assessor Parcel Numbers (APNs) 06-400-002, -003, and -004; and

WHEREAS, pursuant to Section 16.14.130(1) of the Live Oak Municipal Code, once a written request for an extension is submitted, the map shall automatically be extended for another 60-days (January 18, 2023); and

WHEREAS, pursuant to Section 16.14.130(2) of the Live Oak Municipal Code, the previously approved Orchard View II Tentative Subdivision Map may be extended for an additional five years with Planning Commission approval (January 18, 2028); and

WHEREAS, the Planning Commission gave notice of public hearing as required by law; and

WHEREAS, on August 16, 2022, the Planning Commission duly held a public hearing on the matter, and received and considered evidence, both oral and documentary approving the five-year time extension for the previously approved Orchard Grove II Tentative Subdivision Map; and

NOW, THEREFORE, BE IT RESOLVED AND DETERMINED, the Live Oak Planning Commission finds as follows:

1. General Plan Consistency. There have been no changes to the General Plan or any specific plan or precise road plan to which the tentative map would no longer be in conformity.

2. City Codes. There have been no changes to City codes to which the tentative map would no longer be in conformity.

3. Availability of Services. The capacity of community infrastructure, including, but not limited to, water supply, sewage treatment capacity, schools or roads remains sufficient to serve the project.

4. Tentative Subdivision Map Expiration Date. The Orchard View II Tentative Subdivision Map approved on November 18, 2020 will expire on January 18, 2028, unless a Final Map for the Oak Grove Tentative Subdivision Map is approved by the Live Oak City Council pursuant to Chapter 16.18 of the Live Oak Municipal Code.

5. Additional Tentative Subdivision Map Extensions. Pursuant to Section 16.14.130(2) of the Live Oak Municipal Code, the Orchard View II Tentative Subdivision Map shall not receive additional time extensions.

* * * * * * * *

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the Planning Commission of the City of Live Oak, at a regular meeting thereof, held on the 16th day of August, 2022 by following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

_____

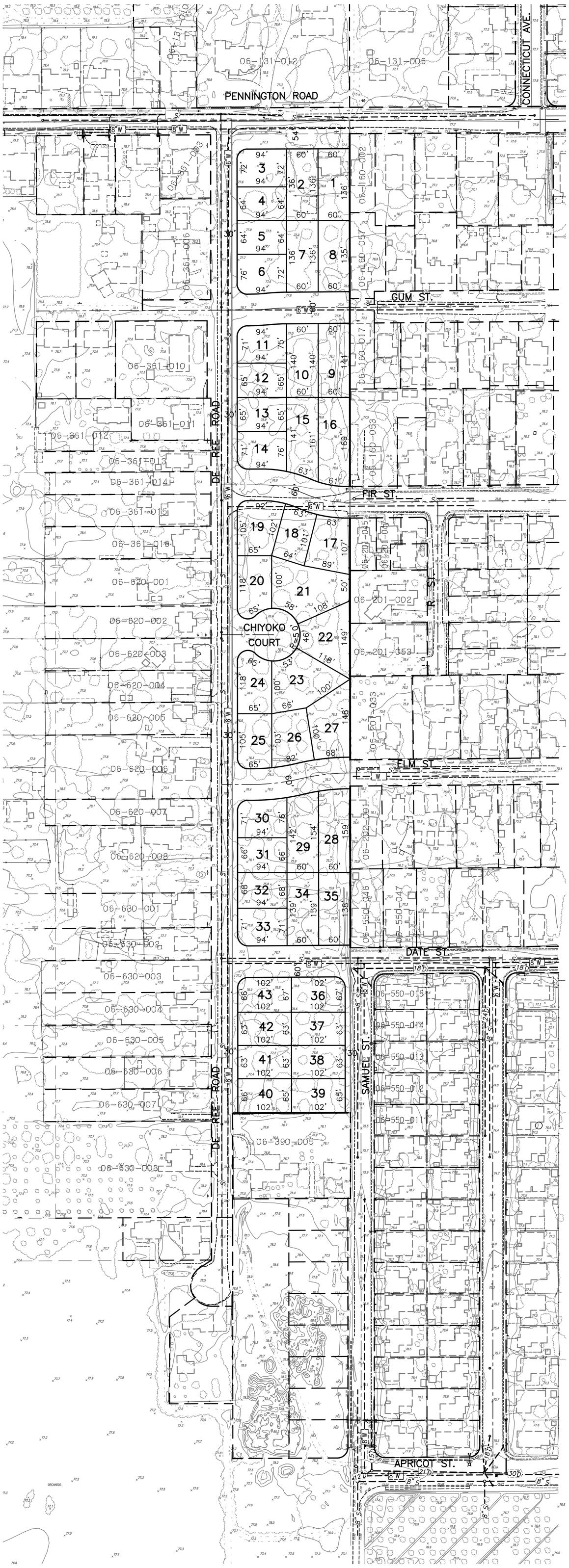
PLANNING COMMISSION CHAIR, City of Live Oak

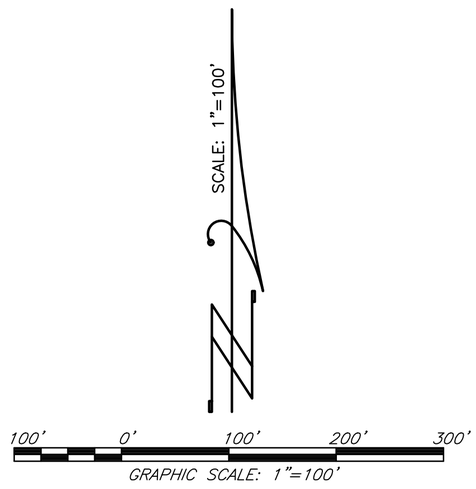
ATTEST:

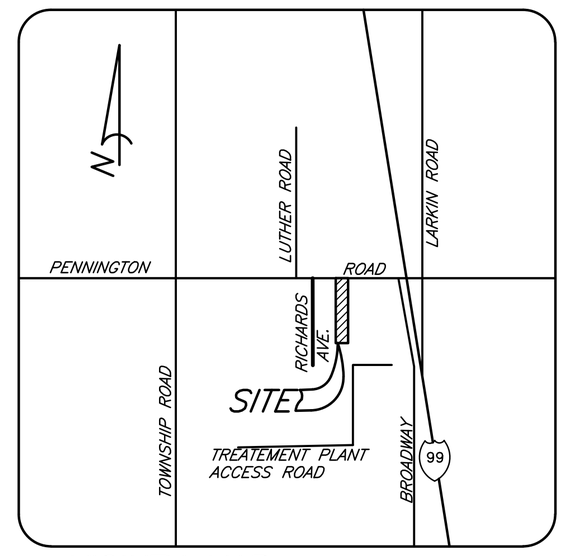
_____

CITY CLERK, City of Live Oak

DRAFT







VICINTY MAP
NO SCALE

TENTATIVE SUBDIVISION MAP
ORCHARD VIEW II
CITY of LIVE OAK, SUTTER COUNTY, CALIFORNIA
JUNE, 2019
BAKER–WILLIAMS ENGINEERING GROUP

OWNER/DEVELOPER:

CHRIS SORDI
DEREE ROAD QUAIL HOLLOW LP
401 WATT AVENUE #3
SACRAMENTO, CALIFORNIA 95864
PH (916) 768–7718 FAX (916) 384–3130

ENGINEER:

BAKER–WILLIAMS ENGINEERING GROUP
6020 RUTLAND DRIVE, SUITE 19
CARMICHAEL, CALIFORNIA 95608
PH. (916) 331–4336
FAX (916) 331–4430

ASSESSOR'S PARCEL NUMBER:

06–400–002, 003, & 004

ACREAGE:

9.68± ACRES GROSS

EXISTING USE:

1 SINGLE FAMILY RESIDENCE & ORCHARD

PROPOSED USE:

43 SINGLE FAMILY RESIDENCES

EXISTING ZONING:

R–1

PROPOSED ZONING:

R–1

LOT SIZE:

MINIMUM LOT SIZE 6000 S.F.

SEWER:

CITY OF LIVE OAK

WATER SUPPLY:

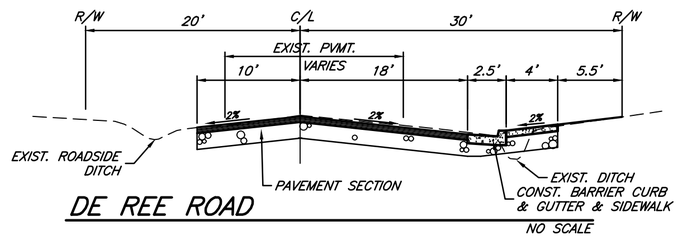
CITY OF LIVE OAK

DRAINAGE:

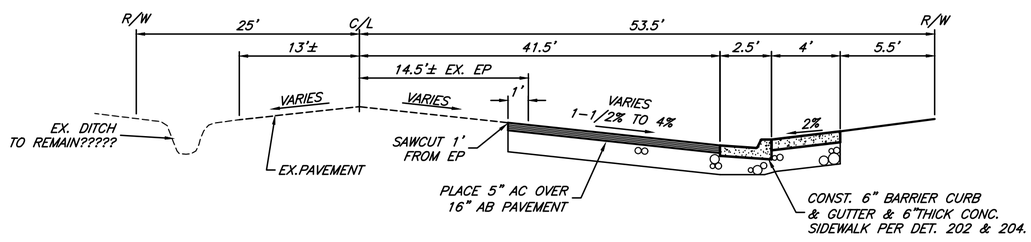
CITY OF LIVE OAK

FIRE PROTECTION:

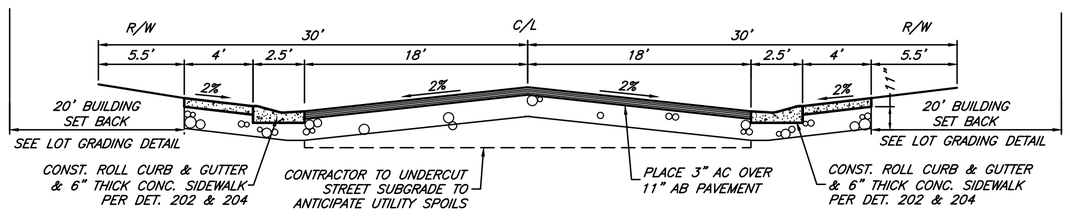
CITY OF LIVE OAK



DE REE ROAD
NO SCALE



PENNINGTON ROAD (STA. 54+65.95 TO 56+59.77)
TI=8.0 ARTERIAL STREET (NO PARKING)
NO SCALE



INTERIOR LOCAL STREETS
TI=5.5 (CHIYOKO COURT, GUM ST., FIR ST., DATE ST. & ELM ST.)
NO SCALE

BAKER WILLIAMS
ENGINEERING GROUP
6020 RUTLAND DRIVE, SUITE 19
CARMICHAEL, CA 95608–0515
Phone (916)331–4336~Fax (916)331–4430
EMAIL: office@bwengineers.com

S:\BWEG Jobs\2005 Jobs\0503032 Orchard View II\Planning\0503032-TENT-MAP.DWG, Layout1, 6/4/2019 1:35:26 PM, Duane Rogers

City of Live Oak
Report to Planning Commission

Meeting Date: August 16, 2022

Title: Bishop Avenue Truck Parking Project Conditional Use Permit Reconsideration

Contact Information: Kevin Valente, AICP, Contract Planner

Location: The project site is located southeast of the intersection of State Route (SR) 99 and Bishop Avenue in the City of Live Oak, California. The approximately 9.7-acre parcel is identified by Assessor's Parcel Number (APN) 06-800-007.

Background: On April 19, 2022, the Live Oak Planning Commission voted to approve the Initial Study/Mitigated Negative Declaration (IS/MND) and Use Permit for the Bishop Avenue Truck Parking Project. The Bishop Avenue Truck Parking Project is a phased truck parking lot starting with up to 30 gravel truck parking spots that could be expanded up to 80 truck parking spots with future phases. An appeal was filed on April 24, 2022 regarding the Planning Commission approval of the Use Permit. On June 1, 2022, the Live Oak City Council held a public hearing and voted to deny the appeal.

Shortly thereafter, on-site construction activities began including tree removal prior to the preparation of pre-construction survey or the submittal of improvement plans to the City Engineer; therefore, violating the project's approved conditions of approval and mitigation measures.

Analysis: The approved conditions of approval require engineered improvement plans to be submitted and approved by the City Engineer prior to any construction activities. In addition, mitigation measures IV-1, IV-2, and IV-3, require preconstruction surveys regarding Swainson's hawk, migratory bird species, and roosting bats completed and submitted to the Live Oak Community Development Department prior to any construction activities or tree removal.

Therefore, the project is not in compliance with the approved conditional use permit.

Due to this noncompliance, staff is recommending the Planning Commission reconsider the conditional use permit and take one of the following actions:

* Amend the approved use permit to modify or include additional conditions of approval related to screening, such as a fence or wall, allowing the project

to continue;

* Revoke the Use Permit by making one or more of the findings pursuant to Section 17.37.100(C) of the Live Oak Municipal Code:

1. Misrepresentation. Permit issuance was based on misrepresentation by the applicant, either through the provision of information or statements in the application, or in public hearing testimony.
2. Invalidation of Findings. One or more of the findings required to grant the original permit can no longer be made due to changes in the project.
3. Violation of Conditions. One or more of the conditions of approval have not been completed or have been violated.
4. Violation of Other Codes. Improvements authorized by the permit or variance are in violation of any ordinance or law.
5. Improper Expansion. The approved permit or variance has been expanded beyond the scope of the original approval, so that the external impacts of the use are substantially greater than would be under the original approval.
6. Threatens the Public's Health. Exercising the permit or variance is in a manner that threatens or is injurious to the public's health or safety or constitutes a public nuisance.

If direction is given to staff to prepare a Resolution for revocation of the Use Permit, pursuant to Live Oak Municipal Code 17.37.110, the reapplication for the same or substantially the same permit shall not be filed with 12 months following the date of the previous final action; or

* Allow the project to continue with the current use permit and direct the applicants to comply with all conditions of approval and mitigation measures moving forward.

Conclusion

Based on the information contained in the staff report, staff recommends the Live Oak Planning Commission provide direction to staff regarding the Bishop Avenue Truck Parking Project.

Fiscal Impacts: None.

Recommendation: Provide direction to staff regarding the approved Bishop Avenue Truck Parking Conditional Use Permit.

Attachments:

Bishop Avenue Truck Parking Use Permit Approval Letter_6.3.22

LIVE OAK
CALIFORNIA

June 3, 2022

Jaskaran Deol
9026 Ida Street
Live Oak, CA 95953

RE: Bishop Avenue Truck Parking Project - Conditional Use Permit Approval

Dear Mr. Deol:

This letter is to inform you that on June 1, 2022 the City of Live Oak City Council denied the requested appeal of the Live Oak Planning Commission's decision to approve your proposed Bishop Avenue Truck Parking Project located on the approximately 9.7-acre parcel, identified by Assessor's Parcel Number (APN) 06-800-007 with the following conditions of approval:

1. The applicant shall defend, indemnify, and hold harmless the City in any action brought by a third party to challenge the land use entitlement.
2. No permits or approvals, whether discretionary or mandatory, shall be considered if the applicant is not current on fees, reimbursement payments, and any other payments that are due.
3. All required easements or rights-of-way for improvements shall be obtained by the developer at no cost to the City. Advance permission shall be obtained from all pertinent property owners and easement holders, if applicable, for any work done within such property or easements.
4. The use of construction equipment shall be restricted to weekdays between the hours of 7:00 AM and 6:00 PM. Requests for alternative days/times may be submitted in writing to the City Engineer for consideration.
5. Standard dust control methods and designs shall be used to stabilize the dust generated by construction activities. The developer shall post dust control signage with a contact number of the developer, City staff, and the Feather River Air Quality Management District.
6. Any expansion of this use or substantial modification that results in a change of use shall require an amendment of this use permit. Minor Modifications to this Use Permit shall be considered by the Planning Director in accordance with Live Oak Municipal Code Section 17.37.100, and may require notification of surrounding property owners prior to such approval.
7. The Use Permit shall expire on April 19, 2024 and shall become null and void in accordance with Live Oak Municipal Code Section 17.37.090(A), unless the use has been established. Live Oak Municipal Code Section 17.37.090(B) shall not apply to this Use Permit.
8. No hazardous materials in association with the truck parking shall be stored on-site or transported on and off the site. Only minor vehicle maintenance checks are allowed on-site, including tire air pressure checks, oil fluid checks, filter replacement. General vehicle maintenance is not allowed on site, including, but not limited to, changing oil, engine and transmission maintenance.
9. No truck or trailer exterior washing is allowed on-site.
10. No truck parked on-site shall idle longer than five (5) minutes.
11. The parking lot shall include, at a minimum, a 32-foot wide and 20-foot-long paved driveway, subject to review and approval by the City Engineer.

12. The parking lot shall not have a gated entry unless reviewed and approved by the City Engineer and Fire Department.
13. Prior to building permit approval, landscape plans shall be reviewed and approved by the Planning Director and the City Engineer. The existing on-site orchard trees surrounding the proposed parking lot shall remain undisturbed to the extent feasible.
14. A minimum of one concrete trash receptacle shall be located on-site and emptied as needed. The site shall be kept clean of all debris (boxes, junk, garbage, etc.) at all times.
15. The property owner shall monitor the site daily to ensure no truck idling, or any other operational issues. If operational issues are identified, the sole responsibility shall fall on the property owner.
16. An informational sign shall be posted on-site with a phone number to contact the property owner if any issues occur on-site.
17. A "No Right Turn" sign shall be posted on-site for trucks leaving the property.
18. The project consists of the following three phases:
    - Phase 1: Up to 30 truck parking spaces with temporary turnaround hammerhead for truck turning, lighting, trash receptacle, informational sign, paved driveway, retention basin, and off-site roadway improvements;
    - Phase 2: Up to 50 truck parking spaces with permanent turnaround hammerhead and lighting; and
    - Phase 3: Up to 80 truck parking spaces with lighting and additional landscaping.

    The proposed phasing shall have no time requirement. The applicant may expand to the next phase at any time, subject to review and approval by the City Engineer.
19. The parking lot gravel shall be maintained in good condition with no potholes, etc., subject to the City's Code Enforcement procedures.
20. Applicant shall be solely responsible for receiving encroachment permits from the City of Live Oak and Caltrans prior to any work within the City of Live Oak's and Caltrans' right-of-way.
21. Applicant shall be solely responsible for any additional State or federal permits as may be required including, but not limited to, Army Corps of Engineers or California Department of Fish and Wildlife.
22. A detailed grading and drainage plan shall be provided which accounts for the increase in impervious area and runoff in accordance with the Live Oak Public Works Improvement Standards. The City Engineer, prior to any construction activities, shall approve the design of any storm drainage facilities.
23. Bishop Avenue shall be widened from Live Oak Boulevard (SR 99) to the proposed driveway to include, at a minimum, 32 feet of paved width plus 3-foot gravel shoulders, subject to review and approval by the City Engineer.
24. Bishop Avenue shall be improved from Live Oak Boulevard (SR 99) to the proposed driveway with a structural section of sufficient strength to provide a 20-year life with reasonable projections of traffic and truck volumes, subject to review and approval by the City Engineer.
25. Prior to any construction activities, engineered improvement plans shall be submitted to the City and approved by the City Engineer.
26. Should it be necessary to acquire any additional right of way for the purpose of access or infrastructure, the applicant will be responsible for any and all costs associated with such acquisition.
27. Prior to operation, the gravel surface shall be inspected and approved by the City Engineer.
28. The applicant will be responsible for complying with the requirements of the Caltrans comment letter dated February 25, 2022, prior to operation.

In addition to the conditions of approval identified above, the mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the Bishop Avenue Truck Parking Project are identified in the attached Mitigation Monitoring Program along with the party responsible for implementation of the mitigation measure, the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign off that the mitigation measure has been implemented.

You may now begin the building permit and grading permit process for the required project site and off-site improvements with the Live Oak Building Department and City Engineer.

Please do not hesitate to call or email me if you have any additional questions.

Sincerely,

Kevin Valente, AICP
Planning Director
City of Live Oak
Kvalente@liveoakcity.org
(530) 695-2112 ext. 120

Attachment - Bishop Avenue Truck Parking Project Mitigation Monitoring Program

cc: Gurveer Butter and Jim Whittaker

Bishop Avenue Truck Parking Project
Mitigation Monitoring Program

– April 2021

The California Environmental Quality Act (CEQA) and CEQA Guidelines require Lead Agencies to adopt a program for monitoring the mitigation measures required to avoid significant environmental impacts of a project. The Mitigation Monitoring Program ensures that mitigation measures imposed by the City are completed at the appropriate time in the development process.

The mitigation measures identified in the Initial Study/Mitigated Negative Declaration for the Bishop Avenue Truck Parking Project are listed below along with the party responsible for implementation of the mitigation measure, the party responsible for monitoring implementation of the mitigation measure, the milestones for implementation and monitoring, and a sign off that the mitigation measure has been implemented.

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
Air Quality					
III. (a-b.)	Would the project conflict with or obstruct implementation of the applicable air quality plan or result in a cumulatiavely considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	*III-1. Prior to approval of any grading plans, the project applicant shall show on the plans via notation that the contractor shall ensure that the heavy-duty off-road vehicles (50 horsepower or more) to be used in the construction project, including owned, leased, and subcontractor vehicles, shall achieve a project wide fleet average 39 percent NO_X reduction compared to the year 2021 California Air Resources Board (CARB) fleet average. The NO_X reduction may be achieved by requiring a combination of engine Tier 3 or Tier 4 off-road construction equipment or the use of hybrid, electric, or alternatively fueled equipment. For instance, the emissions presented in Table 3 were achieved by requiring Rubber Tired Dozers and Tractors/Loaders/Backhoes to be engine Tier 4.* *In addition, all off-road equipment operating at the construction site must be maintained in proper working condition according to manufacturer's specifications. Idling shall be limited to 5 minutes or less in accordance with the Off-Road Diesel Fueled Fleet Regulation as required by CARB. Clear signage regarding idling restrictions should be placed at the entrances to the construction site.* *Portable equipment over 50 horsepower must have either a valid District Permit to Operate (PTO) or a valid statewide Portable Equipment*	Community Development Department	Prior to approval of any grading plans and during construction activities. Included with any project plans submitted prior to issuance of building permits.	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		Registration Program (PERP) placard and sticker issued by CARB. *Conformance with the foregoing requirements shall be included as notes and be confirmed through review and approval of grading plans by the City of Live Oak Community Development Department*			
Biological Resources					
IV-1a	Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	*Swainson's Hawk* *IV-1. If construction, grading, or activities associated with the project would commence during the nesting season (February 1st to September 30th), focused surveys for Swainson's hawk nests shall be conducted by a qualified biologist within a ½-mile radius of project activities, in accordance with the Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk TAC 2000). To meet the minimum level of protection for the species, surveys shall be completed for the two survey periods immediately prior to commencement of construction activities in accordance with the 2000 TAC recommendations. Results of the pre-construction survey shall be submitted to the City of Live Oak Community Development Department. If disturbance associated with the project would occur outside of the nesting season, surveys shall not be required.*	Qualified Biologist Community Development Department	Prior to construction, if construction would commence during the nesting season (February 1st to September 30th).	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		If active nests are found, a qualified biologist shall prepare an avoidance plan in consultation with CDFW that proposes measures to comply with the California Endangered Species Act and the Fish and Game Code and these measures shall be implemented prior to the start of any construction related activities. Measures may include but are not limited to nest-specific no disturbance buffers, biological monitoring, rescheduling project activities around sensitive periods for the species (e.g. nest establishment), or implementation of construction best practices such as staging equipment out of the species' line of sight from the nest tree. In the event take of Swainson's hawk cannot be avoided, the project proponent may seek related take authorization as provided by the Fish and Game Code. *MBTA Protected Species* *IV-2. During construction of the proposed project, the project applicant shall implement the following measures to avoid or minimize impacts to protected migratory bird species:* • *If any site disturbance or construction activity for any phase of development is scheduled to begin between February 1 and September 30, a qualified biologist shall conduct a preconstruction survey for active tree nests and ground nests from publicly accessible areas within 14 days prior to site disturbance for any phase of*	Qualified Biologist Community Development Deapartment	During construction of the proposed project (February 1st to September 30th)	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		development. The survey area shall cover all potential nesting habitat on-site and off-site up to a distance of 250 feet from the project boundary. The preconstruction survey results (including date, time of survey, survey method, name of surveyor and survey results) shall be submitted to the City of Live Oak Community Development Department for review. If no nesting migratory birds are found, then further mitigation measures are not necessary. • *If an active nest of a MBTA bird, or other CDFW-protected bird is discovered that may be adversely affected by any site disturbance, a qualified biologist shall be retained to prepare a site-specific take avoidance plan that proposes measures to comply with the Fish and Game Code. Measures may include, but are not limited to, nest-specific no disturbance buffers, biological monitoring, rescheduling project activities around sensitive periods for the species (e.g. nest establishment), or implementation of construction best practices such as staging equipment out of the species' line of sight from the nest tree. The avoidance/protective measures shall be implemented prior to the commencement of construction within 250 feet of an identified nest.*			

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		Roosting Bats *IV-3. Within six months prior to initiation of any ground-disturbing activities, a qualified biologist with education and experience in bat biology and identification (Designated Bat Biologist) shall conduct a habitat assessment for potentially suitable bat habitat. If the habitat assessment reveals suitable bat habitat, then tree trimming and/or tree removal shall only be conducted during seasonal periods of bat activity (from August 31 through October 15, a period prior to hibernation when young are self-sufficiently volant, and from March 1 to April 15, to avoid hibernating bats and prior to formation of maternity colonies.)* *In addition, the project applicant shall implement the following measures prior to initiation of tree removal:* • *A Designated Bat Biologist shall conduct a pre-construction survey for roosting bats at the project site within 14 days prior to initiation of tree removal at the project site.* • *Survey results shall be submitted to the City of Live Oak Community Development Department. If active bat roosts are not found within the survey area, further mitigation is not required.* • *If active bat roosts are found, the Designated Bat Biologist shall establish a*	Qualified Biologist Community Development Deapartment	Within six months prior to initiation of any ground-disturbing activities Prior to initiation of tree removal	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
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		no-disturbance buffer around the roost. The width of the buffer should be determined by the Designated Bat Biologist based on the bat species, specific site conditions, and level of disturbance. The buffer shall be maintained until the Designated Bat Biologist determines that the roost is no longer active. An example of a suitable construction free buffer is 50 feet; however, each buffer distance should be determined on a case-by-case basis by the qualified biologist and approved by the City of Live Oak Community Development Department. The buffer shall be identified on the ground with flagging or fencing, and shall be maintained until a qualified biologist has determined that the tree and snag impacts would not adversely affect bat survival or survival of their young.			
Cultural Resources					
V (b-c).	Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5, or disturb any human remains, including those interred outside of dedicated cemetaries?	*V-1.* *In the event of the accidental discovery or recognition of any human remains on the project site, the City shall be notified and further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent human remains shall not occur until compliance with the provisions of CEQA Guidelines Section 15064.5(e)(1) and (2) has occurred. The Guidelines specify that in the event of the discovery of human remains other than in a dedicated cemetery, no further excavation at the site or any nearby area suspected to contain human remains shall occur*	City of Live Oak Sutter County Coroner Native American Heritage Commission	Included in project Improvement Plans prior to the issuance of grading permits. During construction activities.	

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		until the Sutter County Coroner has been notified to determine if an investigation into the cause of death is required. If the coroner determines that the remains are Native American, then, within 24 hours, the Coroner must notify the Native American Heritage Commission, which in turn will notify the most likely descendants who may recommend treatment of the remains and any grave goods. Tribes that are geographically and culturally affiliated with the area will also be contacted to assess if the find is a tribal cultural resource and provide appropriate treatment measures to the City. The potential exists that the Native American Heritage Commission may be unable to identify a most likely descendant, the most likely descendant fails to make a recommendation within 48 hours after notification by the Native American Heritage Commission, or the landowner or his authorized agent rejects the recommendation by the most likely descendant and mediation by the Native American Heritage Commission fails to provide a measure acceptable to the landowner. In such a case, the landowner or their authorized representative shall rebury the human remains and grave goods with appropriate dignity at a location on the property not subject to further disturbances. Should human remains be encountered, a copy of the resulting County Coroner report noting any written consultation with the Native American Heritage Commission shall be submitted as proof of compliance to the City's Community Development Department.			

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
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		The language of this mitigation measure shall be included on final improvement plans and/or building plans, subject to review and approval by the City.			
		V-2. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities on the project site, the City shall be notified and all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist who meets the Secretary of Interior's Professional Qualification Standards for archaeology has evaluated the find. Tribes that are geographically and culturally affiliated with the area will also be contacted to assess if the find is a tribal cultural resource and provide appropriate treatment measures to the City. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. A Native American representative and qualified archeologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to, culturally appropriate temporary and permanent treatment, which may include avoidance of cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. If avoidance is determined to be infeasible, pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data	Native American Representitive The City of Live Oak	During subsurface earthwork activities on the project site	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
		recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. If necessary, excavation and evaluation of the finds shall comply with Section 15064.5 of the CEQA Guidelines. *Potentially significant cultural resources include, but are not limited to, stone, bone, glass, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms and will be submitted to the City of Live Oak, the North Central Information Center, and the State Historic Preservation Office (SHPO), as required.* *The language of this mitigation measure shall be included on final improvement plans and/or building plans, subject to review and approval by the City.*			

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
Impact Number	**Impact**	**Mitigation Measure**	**Monitoring Agency**	**Implementation Schedule**	**Sign-off**
Geology and Soils					
VII (f).	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	*VII-1. Should construction or grading activities result in the discovery of unique paleontological resources, all work within the vicinity of the discovery shall cease. The Community Development Department shall be notified, and the resources shall be examined by a qualified archaeologist or paleontologist, at the developer's expense, for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist, paleontologist, or historian shall submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Work may only resume in the area of discovery when the preceding work has occurred.*	Community Development Department	During construction or grading activities.	
Tribal and Cultural Resources					
XIII (a,b).	Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code 5020.1(k), or a resource determined by the lead agency, in its	*XVIII-1. Implement Mitigation Measures V-1 and V-2*	See Mitigation Measures V-1 and V-2.	See Mitigation Measures V-1 and V-2.	

MITIGATION MONITORING PROGRAM BISHOPS AVENUE TRUCK PROJECT					
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	discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.				