

**MINUTES OF THE  
GRIDLEY PLANNING COMMISSION**



REGULAR MEETING  
6:00 P.M., TUESDAY  
JULY 19, 2016

GRIDLEY CITY HALL  
COUNCIL CHAMBERS  
685 KENTUCKY STREET  
GRIDLEY, CA 95948

**MEETING CALLED TO ORDER  
ROLL CALL**

**CHAIR O'BRIEN  
RECORDING SECRETARY**

At 6:00 pm. Chairman O'Brien called the Planning Commission meeting to order.

**Roll Call:**

*Planning Commissioners*

Present: Maria Espino, Robert Wise, Robert Thomas, Shirley O'Brien  
Absent: None  
Arriving Post Roll Call: None

*Staff present:* Donna Decker, Planning Consultant  
Dean Price, Chief of Police  
Elisa Arteaga, Recording Secretary

Chairman Shirley O'Brien announced she would like to step down as Chairman and appoint Robert Thomas as Chairman to the Planning Commission. Robert Thomas accepted the appointment of Chairman to the Planning Commission.

Chairman Robert Thomas announced he would like to appoint Robert Wise as Vice-Chairman to the Planning Commission. Robert Wise accepted the appointment of Vice Chairman to the Planning Commission. By acclamation of Planning Commissioners O'Brien and Espino, Robert Wise was appointed Vice Chairman.

**1. PUBLIC HEARINGS**

**1.1 Variance No. 1-16; Wayne & Shannon Fontaine, Applicant/Owner;** Application for a variance from Title 17 zoning code development standards to allow the conversion of the single car garage from parking to recreation/laundry use and to continue the use of the side yard setback area having a metal carport for parking located at 245 Park Street on a 0.15 acres parcel. Zoning for the property is Single Family Residential Mixed Use (R-1-MUCZ)) and Residential Low Density (RLD) General Plan land use designation. (APN: 010-083-005)

A. Receive staff report –

Donna Decker announced that applicant was not present because they were out of town, however they provided additional information for the Planning Commission to take into consideration (email, 2 correction notices for 245 Park Street and additional photographs). She provided a verbal overview of the proposed conversion of the single car garage from parking to recreation/laundry use of the side yard setback area having a metal carport for parking as outlined in the staff

report. The applicants wish to continue use of the use. All the corrections listed in the notices have been corrected and inspected by the Building Department personnel. Decker closed verbal update as to variance findings to consider and announced that granting of the application would not adversely affect the health and safety of those residents residing near the property and categorically exempt per the California Environmental Quality Act, Section 15301, Existing Facilities, Class 1. Ms. Decker closed with summarizing the recommendations as listed in the staff report as well as conditions of approval as attached to the staff report.

- B. Open public hearing – Chairman Thomas opened the public hearing.
- C. Hear public testimony – There were no questions from the public.
- D. Close public hearing – Chairman Thomas closed the public hearing.
- E. Commission discussion - Chairman Robert Thomas, clarified that it appears as though the garage was constructed close to the time that the house was built and was before the setback requirements. He referred to conditions of approval pg. 5 of 5 Exhibit “A” wording#6 clarification and acknowledged and accepted the numbering correction of the document. Furthermore, for the record Thomas clarified and approved of the submittal of additional attachment, Exhibit “B”. Vice Chairman, Robert Wise asked for clarification as to existing parking. Decker reported that there would be adequate parking.

With no further discussion, the following motion was made:

**MOTION BY WISE, SECOND BY O’BRIEN**, to make the required variance findings as described within the staff report allowing the garage conversion and to allow it to remain within the side yard setback area and to allow the continued metal carport structure which is also located within the side yard setback area.

<b>Roll Call</b>	Ayes:	Espino, O’Brien, Wise, Thomas
	Noes:	None
	Abstain:	None
	Absent:	None

**Motion passes 4-0**

**MOTION BY O’BRIEN, SECOND BY WISE**, to determine the project is categorically exempt per the California Environmental Quality Act, Section 15301, Existing Facilities, Class 1 and approval of Variance No. 01-16 and Exhibit “A” as attached with noted correction of numbering.

<b>Roll Call</b>	Ayes:	Espino, O’Brien, Wise, Thomas
	Noes:	None
	Abstain:	None
	Absent:	None

**Motion passes 4-0**

**1.2 Zoning Text Amendment 1-16:** A zoning text amendment to modify Chapter 17.66, “Special Situations”, of the Gridley Municipal Code related to the cultivation, dispensing, processing, and delivery of marijuana. (Citywide)

- A. Receive staff report – Donna Decker, Planning Consultant reviewed the staff report as presented in the packet. She provided an overview of the zoning text amendment 1-16, a zoning text amendment to modify Chapter 17.66, “Special Situations” of the Municipal Code related to the cultivation, dispensing, processing, and delivery of marijuana. Decker reviewed the wording changes in the code and she added that on January 18, 2016, the City Council adopted an urgency ordinance #815-2016 and on February 16<sup>th</sup>, 2016 the ordinance was continued for a six-month period. The zoning text amendment that is being considered by the Planning Commission is the same language that was used in the adopted Interim Urgency Ordinance, attachment 1, which will expire August 16, 2016. The primary purpose is to establish statewide laws regarding the licensing of marijuana businesses. The City of Gridley presently prohibits medical marijuana dispensaries in all zoning districts. Although the new licensing provisions of the laws do not apply to the city, one of the provisions requires the City to take action to prohibit the processing, transport, and delivery of medical marijuana in all zoning districts. Staff recommends moving forward and extending the Urgency Ordinance 815-2016 for six months because this would enable staff to bring the City Council a text amendment of Chapter 17.66 that will be long lasting. The City Council has discussed the interim urgency ordinance language and supports the amendment to the code. Decker reviewed the findings and desire of Council to be consistent with federal law therefore, the urgency ordinance was passed and adopted. Ms. Decker closed with announcing that the proposed project is categorically exempt from environmental review pursuant to the California Environmental Quality Act, Section 15061 (b) (3), and review for exemption, general rule and reviewed the recommendations as presented in the staff report.
- B. Open public hearing – Chairman Thomas opened the public hearing.
- C. Hear public testimony – No comments relating to the item.
- D. Close public hearing – With no comments from the public on this matter, Chairman Thomas closed the public hearing.
- E. Commission discussion - Chairman Thomas inquired as to why this was not scheduled sooner before the Planning Commission. Ms. Decker reported that the announcement was made in December and also due to time constraints and project demands of staff it was before Planning Commission at this time. Robert Wise reported that he has been hearing that there are some court actions (Marysville) relating to medical marijuana dispensing to people with prescriptions, could the City be put in a position. Ms. Decker reported that someone could challenge it,

however, the state has recognized under government law (Assembly Bill 21) which states that the City has a right to legislate what they want to happen in their community. Planning Commissioner Maria Espino, clarified as to what language was being reviewed. Ms. Decker reported that this ordinance has been previously approved by Council, however it was before the Planning Commission for review and any additional recommendations and add any comments to be made part of the record to take and present before City Council for action. Commissioner Espino noted the following recommended changes: page 2, paragraph E- the correction is to THS change to THC. Espino also added she would like to make her opinion know and make a comment on the paragraph E where it states the California Chiefs Association position, it is dated September 2009 and we are in 2016 and they are putting in something that is unscientific in that paragraph and it seemed to her like a leap and wasn't sure if that paragraph needs to be in there. In her opinion she felt that having the paragraph there did not add or take away from what they are trying to accomplish because it is not a rule or regulations, it is an opinion and a dated quote. Chairman Thomas indicated on paragraph J, where it states "classified as a "Scheduled I Drug" which is defined as a drug or other substance that has a high potential for abuse, which is not currently accepted as medical use for treatment in the United States, and it has not been accepted as safe for its use under medical supervision", that is not exactly correctly quoted it should state that is has no proven medical use when put through standards.

Chief of Police Dean Price reported that City Council has taken the stance to not support the cultivation and dispensing of marijuana and this is a legislation action to stop cultivation, dispensing, processing, and delivery of marijuana. Moving forward this issue may be addressed in the future with additional amendments and consideration of this topic. Chairman Thomas inquired from Price if there has ever been a nuisance abatement in the jurisdiction relating to marijuana. Chief of Price, stated there has been contacts but no formal action. Ms. Decker concurred that none particularly transportation. The reason the code changed to prohibit the grow of marijuana was a result of some vacant homes (approximately 3 or 4) being utilized for cultivation of marijuana. The City had code enforcement handle the matter because it was not in the spirit of what the California state law meant for its use, it was being used for a lucrative business and sales.

After brief discussion between Chief of Police Price and Planning Commission relating to constitutional rights, medical use and legislation on the upcoming ballots, and possible unlawful actions of transporting and dispensing of medical marijuana. Chairman Thomas inquired if the City Attorney has reviewed the language, Ms. Decker reported yes he had when the ordinance originally was before City Council.

**MOTION BY WISE, SECOND BY ESPINO**, to recommend the City Council adopt ZTA 1-16 with recommended typo/language changes and finding as listed in the staff report and determine the project is Categorically Exempt per the California Environmental Quality Act, Section 15061 (b)(3), Review for Exemption and General Rule.

**Roll Call**      Ayes:            Espino, O'Brien, Wise, Thomas  
                      Noes:            None  
                      Abstain:        None  
                      Absent:         None

**Motion passes 4-0**

2.    **CONSENT - None**
3.    **INFORMATIONAL** – Donna Decker, Planning Consultant announced there would be more additional meetings scheduled in the next six months, grant documents review and feedback, additional community outreach relating to the Greenhouse Gas Prevention Plan and Infill Design Guidelines, and Public Works Development Standards. Vice Chairman Robert Wise inquired about the Daddow Park Project status, Decker provided a verbal update on status of the landscaping and concrete walls at the Daddow Park.
4.    **COMMUNITY PARTICIPATION FORUM** - There were two boy scouts (Justin Bishop and Nathan Bishop) in attendance to earn a citizenship and community merit badge required for Eagles. They both introduced themselves to the Planning Commission. The Planning Commission welcomed them and thanked them for attending the meeting.
5.    **REGULAR AGENDA – None**
6.    **REPORTS & COMMUNICATIONS – None**
7.    **ADJOURNMENT** – at 7:50 p.m. Chairman Thomas adjourned the meeting to the next special meeting of the Planning Commission to be held on Tuesday, August 16, 2016 at 6:00 p.m.

**Approval:** \_\_\_\_\_  
**Donna Decker, City Planner/Consultant, DES LLC**