

**MINUTES OF THE
GRIDLEY PLANNING COMMISSION**



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

REGULAR MEETING
6:00 P.M., TUESDAY
SEPTEMBER 20, 2016

**MEETING CALLED TO ORDER
ROLL CALL**

**CHAIR THOMAS
RECORDING SECRETARY**

CALL TO ORDER: At 6:00 p.m. the meeting was called to order by Chair Thomas.

ROLL CALL

Planning Commissioners Present:

**Robert Thomas
Robert Wise
Maria Espino
Ishrat Aziz Khan**

Arriving Post Roll Call **Shirley O'Brien (6:03 p.m.)**

Absent: **None**

Staff Present: **Donna Decker, City Planner/Consultant
Elisa Arteaga, Recording Secretary**

1. INTRODUCTION AND SWEARING IN OF PLANNING COMMISSIONER ISHRAT AZIZ-KHAN –

Planning Commissioner Ishrat Aziz Khan was previously sworn in at by Mayor Frank Hall at the City Hall Office.

2. CONSENT AGENDA

2.1 Approval of Planning Commission Minutes dated July 19, 2016.

MOTION BY ESPINO, SECOND BY WISE, for approval of minutes dated July 19th, 2016.

By unanimous vote, the motion passes 5-0.

3. PUBLIC HEARINGS

3.1 Zoning Text Amendment 2-16: A zoning text amendment to modify Chapter 8.10, "Property Maintenance", of the Gridley Municipal Code related to the health, safety, and welfare, and quality of life in the City of Gridley (Citywide)

Prior to the meeting an email sent to Donna Decker, Planning Consultant by Chairman Robert Thomas was distributed to the Planning Commission; the verbal staff report would address the questions contained in the email communication.

- A. Receive staff report – Donna Decker announced this item before Commission was so that they could provide staff feedback and City Council recommendations. The City has received a grant from the California Department of Conservation, Sustainable Growth Council 2011 Sustainable Communities Planning Grant. The grant consists of the development of a greenhouse gas reduction plan, development code and public works construction standards update and also the development guidelines. All the recommendations will be forwarded to City Council for their consideration. Decker clarified there are three code amendments that the Commission would be making recommendations zoning text amendment 2-16, 3-16 and 4-16. She added some of the zoning text amendments incorporate recommendations from the prior planning consultant AECOM and zoning text amendment 4-16 being the largest to review (80+pages) will most likely take longer to review. Decker recommended Planning Commissioners take more time to review that amendment and send her feedback via emails with any questions or concerns. The deadline is to finish the amendments through the end of the year through Council. There will be additional special meetings. The existing codes could be found now on the city website.

She reviewed the staff report zoning text amendment 2-16 of Chapter 8.10, Property Maintenance code by section as provided by the redline copy with changes. She explained the color codes contained in the redlined copy, the language to strike out being deleted language in red, existing code language in black, existing language moved from one section to another is double underlined in green, and new language is in blue. The code language utilized is taken from the International ICC building code for property maintenance. The biggest change to the code is the addition of the first four categories and the removal of the shipping containers from property maintenance to accessory structures section.

- B. Open public hearing – Chairman Thomas, opened the public hearing.
- C. Hear public testimony – No testimony or audience present.
- D. Close public hearing – Chairman Thomas closed the public hearing.
- E. Commission discussion – The Commission reviewed the email from Chairman Thomas with questions and concerns relating to this specific code amendment.

Deliverables and Sustainable Communities Planning Grant and Rural ambience of Gridley

Ms. Decker reported that the code amendment is a portion of the deliverables under “development code”. The proposed text amendment addresses property maintenance issues that are related to the work to bring the Gridley Municipal code into conformity with the adopted 2030 General Plan. None of the deliverables are for the intent to become a big city, the intent was to be consistent the General Plan adopted by the city. The grant received is to help bring our code to general plan.

Paragraph 8.10.020

Ms. Decker confirmed that the sentence is incomplete and will rephrase as the suggested language.

The next paragraph, line 3:

Ms. Decker reported those other standards include codes of the California government code and building code standards reflected in zoning, the most restrictive code will be applicable. Chairman Thomas suggested providing an example of city and government codes so that the reader understands there are other places to research. As for line 5, the current means that it is based upon the current existing code of the time period, not when the structure was built or city code adopted. Chairman Thomas suggested providing language to indicate the codes in effect would be those that are current at the time period of the issue or dispute arising.

8.10.040, definitions -add, "Attractive Nuisance."

Planning Consultant, Decker concurred to add the definition for “Attractive Nuisance” page 7, top paragraph. Chairman Thomas suggested to delete “creating a hazard to the health and safety minors” and add and define an attractive nuisance neutrally because there is no need include an age limit.

Bathroom -contrast to Toilet Room

Ms. Decker defined the difference between toilet room and bathroom. Bathroom has a shower/bathtub whereas to the toilet room only has a water closet or urinal. Chairman Thomas inquired if Ms. Decker would like to include a cross reference from the two because of the term “water closet” is not used in California, the way that it would be used as a term “half bath”. There was brief discussion between Planning Commission and Staff as to whether or not the cross reference should be included. It was determined that it would be best to cross reference the terms.

Chairman Thomas reported that before moving on to the next recommendation, he suggested including the definition “blighting affect” between bedroom and condemned on page 2 and define the term.

Definition "Detached"

Planning Consultant Decker reviewed the definition and provided an example of what could be considered detached based on the definition provided. After brief discussion, it was suggested to word the definition such as “When a structural element is physically disconnected from one structural element to another necessary to provide a positive connection”.

Planning Commissioner Maria Espino asked for clarification between sleeping unit and dwelling unit. Ms. Decker explained a dwelling unit would provide facilities for cooking vs. sleeping would not.

Vice Chairman, Robert Wise asked for clarification between rust and corrosion. There was discussion between Planning Commissioner and Ms. Decker relating to the differences in deterioration, rust, and decay as well as different scenarios that could be considered deterioration such as paint flaking off of the wood. Planning Chair Thomas inquired if it would be pertinent to include examples to illustrate conditions of deterioration and/or discuss further with the building department for recommendations. Ms. Decker reported that the intent of the code is not only to address concerns with integrity of a structural element but also the appearance of a structure. There was further discussion relating to debris and clutter on properties, and ongoing yard sales. Vice Chairman asked for further clarification on the term Equipment Support. Ms. Decker elaborated as to the definition.

There was discussion between Planning Commission and Staff as to whether or not change the definition to Equipment Support to Structural Element.

Planning Chairman Thomas suggested including a cross reference between the terms “rubbish and garbage”.

Imminent danger definition

Ms. Decker concurred that term was misspelled and provided possible definitions for the term “imminent danger”. Chairman Robert Thomas provided suggestions removing “at any time” and insert “that is about to occur”. There was discussion relating to the red tagging structures that would cause the code enforcement to address. Furthermore, there needs to be clarification as to what is considered “imminent danger” and the scope of what a code enforcement officer can do lawfully. He added he had additional concerns with the powers given to the code enforcement officer.

Planning Commissioner Maria Espino suggested including the word “recurrent” in front of “presence” to the definition of infestation. Chair Thomas added “continuous” would also be acceptable.

"Inoperable Motor Vehicle" and "Non-op" Vehicles

Chairman Thomas suggested adding the term “non-op” and Planning Consultant Decker concurred. Vice Chairman Wise expressed concerns with storing of non-op vehicles because some may be project vehicles. There was discussion to the storage of non-op vehicles and what the code allows. Chairman Thomas expressed that there should not be an issue if there is a vehicle stored in the garage that is considered a project vehicle being worked on for a few years, as long as it is not visible from the street. The non-op vehicle is licensed but its license is not current and it cannot be driven. Ms. Decker announced she would work on the language further the intent was not to allow someone to work on their vehicle it was to eliminate the storing of a number of non-op vehicles on the properties.

Planning Commissioner Espino inquired if under the term “Neglect”, there could be further elaboration to the term “proper maintenance” due to the possibility of the differences of opinions as to what is considered “proper maintenance”. Ms. Decker concurred and added the definition would be revised.

Planning Commissioner Wise suggested linking “neglect” with “deterioration”. Chairman Thomas concurred and suggested providing the link and addition of “obvious visible deterioration”.

"Operator" definition

Ms. Decker concurred with Chairman Thomas and added the use of the word was somewhat redundant and stated the term “operator” would be stricken. Chairman Thomas addressed the term of the definition of “Owner”, and suggested elaborating the term, after the third line of the paragraph “having control of the property”, to include “with or without written agreement or lease and rental” because the landlord tenant law of California very precisely defines both the residential and commercial terms. Chair Thomas added he would suggest Ms. Decker to consider importing or referring to the civil codes in those areas.

There was discussion relating the use of the word harborage and pest elimination. Ms. Decker informed Planning Commission she would research further for definitions. There was a spelling correction of the word public found as well and Decker announced it would be corrected.

"Public Way" definition

There was brief discussion between Planning Commission and Planning Consultant relating to the definition of public way. After brief deliberation, there was no direction given to Decker for changes.

Definitions of "Structure," and "Structural element"

There was discussion and clarification as to use of wording for the term “structure”, Ms. Decker reported she could include a structural element in the definition, however it would be best to remove the term “equipment support” and utilize that definition for “structural element”. Planning Commission concurred.

Ms. Decker further reported that for the term “tenant” she would include a definition titled “Responsible Party” because the term could be used to describe the owner, operator, person, and tenant. The term “toilet room” would be referenced back to “bathroom”. Planning Commission concurred. There was brief discussion relating to the term “workmanlike” term and Ms. Decker reported she would research further as to contractual language. There was brief discussion relating to “yard being” similar to “exterior property”.

On Page 5, Numbering clarification

Ms. Decker announced there would be numbering corrections to the clean copy she would present at the next meeting after she has made all the noted corrections.

Suggestion of including a term for desert landscaping

Chairman Robert Thomas reported that under landscaping there is no reference to the allowance of the use of desert landscaping and with the current water restrictions he would recommend that also be included. Planning Commissioner O’Brien recommended the use of “xeriscape” to describe the area. After brief deliberation, Ms. Decker would include “xeriscaping is permitted but must be maintained”.

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Ms. Decker noted the correction. To include also after the word “vehicle parts” include the following verbiage “nor any materials that impede safely mowing grass or other vegetation” and after the wording “Such items are not limited to” remove “those that impede the mowing of weeds or tall grass”.

8.10.070

Chairman Thomas reviewed recommended changes to the paragraph.

Further elaboration after “destroy such” need more clarification and after more clarification, insert a period and start a new paragraph “The accumulation”, Strike out “is found to” insert “creates”, insert a colon after the word “to” and add a comma after the words “property” and “blight”, strike out “of minors” and “harborage”.

Vise Chairman Wise inquired of having language to define allowed project vehicles. After Planning Commission discussion relating to allowed parking spaces and Ms. Decker announced she would look into language.

8.10.80 (90), Paragraph B: Enforcement Officer

Chairman Robert Thomas announced that this paragraph flies directly in the face of the 4th Amendment without a warrant signed by a magistrate. Since warrants may only be sought by sworn officers for crimes, there is a problem with this verbiage. He further elaborated as to California law and the process for warrants. He concluded that the Code Enforcement officer cannot enter into the property for inspection. Decker reported that the language in question is current existing language, this was not new language, and it is in the current code. There was lengthily discussion between Planning Commissioners relating to the violation of the 4th amendment, power of entrance onto private property for police officers vs. code enforcement officers, current process for abatement and current code enforcement procedures for notification.

After deliberation, Ms. Decker announced she would research the matter further with the City Attorney, as well as mention the concerns of the Planning Commission relating to this issue.

8.10.100, Procedure for Abatement letter

Ms. Decker concurred with the recommendation from Chairman Robert Thomas to include information relating to where and to whom, the sworn statement should be submitted to.

MOTION BY O'BRIEN, SECOND BY WISE, to continue **Zoning Text Amendment 2-16**: A zoning text amendment to modify Chapter 8.10, “Property Maintenance”, of the Gridley Municipal Code related to the health, safety, and welfare, and quality of life in the City of Gridley (Citywide) to the next meeting for further review.

By unanimous vote, the motion passes 5-0.

3.2 Zoning Text Amendment 3-16: A zoning text amendment to modify Chapter 17.40, “Accessory Buildings”, of the Gridley Municipal Code related to the health, safety, and welfare, and quality of life in the City of Gridley (Citywide)

- A. Receive staff report – Planning Consultant Donna Decker provided a verbal update of the intent of the modification of Chapter 17.40 and mentioned that that there would be corrections in numerations throughout the document. Ms. Decker reviewed the text with clarifications that will allow metal shipping containers as accessory structures in residential, commercial and industrial sites, limitations for setbacks on certain parcels (zoning districts R-S, C-1, C-2, M-1 and M-2) and maintenance requirements.
- B. Open public hearing – Chairman Thomas opened the public hearing.
- C. Hear public testimony – No testimony or public present.
- D. Close public hearing – Chairman Thomas closed the public hearing.
- E. Commission discussion – Planning Commission reviewed the staff report presented by Ms. Decker. There was discussion relating to the following sections:

17.40.030 – *remove additional “X” on the last line of item “Metal/Other Container”.*

17.40-060 - *Location in yard setbacks – modify section to include other residential zones so that if they meet the yard setbacks they can have the container and insert verbiage to specify “without any type of entitlement”. Planning Consultant Decker explained if there had been a prior variance, and in the event the structure burnt down, the applicant would be allowed to build the structure in the same location. The variance runs with the land and the resident can rebuild. Ms. Decker elaborated as to the conditional use permits and variances entitlements. The proposed text is a guideline for those parties that do not wish to request any entitlement, variance or conditional use permit.*

17.40-70 - *There was discussion if the paragraph should also indicate after “six feet of any other building”, add “nor within six feet of any lot line or fence”, it was determined that the verbiage was appropriate to leave as submitted. Ms. Decker elaborated as to the setbacks and lot-line requirements for the accessory structures, and why the structures are considered a permanent structure. Ms. Decker added there would be additional information relating to the research of setbacks for flag lots. Furthermore, section 17.40-70 (O) – Planning Chairman Thomas expressed concern with section (b & c). Ms. Decker clarified that the*

mention of pulling building permits pertains to container permits. Ms. Decker concurred to correction to numbering of section (O) the bullet points need to be numbers not letters and section (c-renumbered (3)) needs to be removed per recommendation of the Planning Commission.

After discussion between Planning Commission and Planning Consultant Decker relating to the proper use and intent of the use of shipping containers, additional research with clarification as to lot sizing (to be provided at the next meeting), the Planning Commission followed with a motion.

MOTION BY WISE, SECOND BY O'BRIEN, to continue **Zoning Text Amendment 3-16**: A zoning text amendment to modify Chapter 17.40, "Accessory Buildings", of the Gridley Municipal Code related to the health, safety, and welfare, and quality of life in the City of Gridley (Citywide) to the next meeting for further review.

By unanimous vote, the motion passes 5-0.

3.3 Zoning Text Amendment 4-16: A zoning text amendment to modify Title 17, "Zoning", of the Gridley Municipal (Citywide)

- A. Receive staff report – Planning Consultant, Donna Decker reported that due to the length of the text amendment she would recommend continuing the item and allowing Planning Commission to review and email comments to her so she could implement those recommended changes.
- B. Open public hearing – Chairman Thomas opened the public hearing.
- C. Hear public testimony – No testimony.
- D. Close public hearing – Chairman Thomas closed the public hearing.
- E. Commission discussion – Planning Chairman Thomas, referenced corrections on pg. 82, Section (G), line 1, remove commas after "the" and line 3, remove comma after "or" and on pg. 83, Section (3), line 2, insert "then" before "current".

MOTION BY ESPINO, SECOND BY O'BRIEN, to continue **Zoning Text Amendment 4-16**: A zoning text amendment to modify Title 17, "Zoning", of the Gridley Municipal (Citywide), to the next meeting for further review.

By unanimous vote, the motion passes 5-0.

4. INFORMATIONAL

4.1 Consider additional special meeting dates of September 27th, October 11th, and October 25th and cancelling October 18th Planning Commission Meeting, unless otherwise needed for the work.

5. COMMUNITY PARTICIPATION FORUM – Chairman Thomas announced there is no audience for the record.

6. REGULAR AGENDA – None

7. REPORTS & COMMUNICATIONS – None

8. ADJOURNMENT – at 8:26, Chairman Thomas adjourned to the special meeting of the Planning Commission to be held on Tuesday, September 27th, 2016 at 6:00 p.m.

Approval: _____
Donna Decker, City Planner/Consultant, DES LLC