

**MINUTES OF THE
GRIDLEY PLANNING COMMISSION**



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

SPECIAL MEETING
6:00 P.M., TUESDAY
SEPTEMBER 27, 2016

**MEETING CALLED TO ORDER
ROLL CALL**

**CHAIR THOMAS
RECORDING SECRETARY**

CALL TO ORDER: At 6:01 p.m. the meeting was called to order by Chairman Robert Thomas.

ROLL CALL

Planning Commissioners Present:

**Robert Thomas
Robert Wise
Shirley O'Brien
Ishrat Aziz Khan**

Absent:

Maria Espino

Staff Present:

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

1. CONSENT AGENDA

1.1 Approval of Planning Commission Minutes dated September 20, 2016 - *Continued*

Chairman Thomas announced the minutes dated September 20th, 2016 would be deferred to the next meeting for approval.

- 2. COMMUNITY PARTICIPATION FORUM** - *Members of the public may address the Commission at this time on any matter not already listed on the agenda, with comments being limited to three minutes. The Commission cannot take any action at this meeting on requests made under this section of the agenda.*

Chairman Thomas inquired from the public if there was any that wished to address the Commission on any matter not already on the agenda. There was no member of public that wished to address the Commission.

3. PUBLIC HEARINGS

- 3.1 Conditional Use Permit No. 1-16;** Martin and Marsha Trahan, Applicant/Owner; Application for a conditional use permit to allow the continued use of single family residential use and commercial use for 136 W. Liberty Street and single family residential use for 148 W. Liberty Street located in the Heavy Industrial (M-2) zoning district and the Industrial (I) General Plan land use designation. (APN: 021-270-035 & -036)

- A. Receive staff report – Planning Consultant, Donna Decker viewed the staff report for CUP 1-16 Conditional Use Permit No. 1-16. The applicants are requesting a conditional use permit in order to continue the use of their property as existing single family residence with commercial use on one parcel (136 Liberty, APN 021-270-036) and single family residential on the other (148 Liberty, APN 021-270-035). The lending institution contacted the City and asked for a burn letter which means that should the home were to burn down, could it be rebuilt. Staff after researching the matter found that the home has been in existence prior to the rezoning design and a conditional use must be granted. Ms. Decker reported the property owner Marsha Trahan was in attendance to answer any questions or concerns the Planning Commission may have relating to the request for the conditional use.
- B. Open public hearing –Chairman Thomas opened the public hearing.
- C. Hear public testimony – Marsha Trahan, applicant and property owner of 136 & 148 W Liberty introduced herself to the Commission and provided an overview of the historical use of the property and reasoning behind their current request for the conditional use permit.
- D. Close public hearing – Chairman Thomas closed the public hearing.
- E. Commission discussion – The Planning Commission inquired of Decker as to what structures are currently on the properties. Ms. Decker explained what is currently on the property, added that notices of this request have been mailed to surrounding property owners.

MOTION BY WISE, SECOND BY O’BRIEN, for the approval of **Conditional Use Permit No. 1-16**; Martin and Marsha Trahan, Applicant/Owner; Application for a conditional use permit to allow the continued use of single family residential use and commercial use for 136 W. Liberty Street and single family residential use for 148 W. Liberty Street located in the Heavy Industrial (M-2) zoning district and the Industrial (I) General Plan land use designation. (APN: 021-270-035 & -036) and determine the project is Categorical Exempt per the California Environmental Quality Act, Section 15301, Existing Facilities, Class 1.

ROLL CALL	Ayes:	Khan, O’Brien, Wise, Thomas
	Noes:	None
	Abstain:	None

MOTION PASSES 4-0

3.2 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)

- A. Receive staff report- Planning Consultant, Donna Decker provided a brief overview of the recommendations suggested by the Planning Commission in the last meeting. She announced there was an email received by Chairman Thomas prior to the meeting in which the prior request to have a definition for public nuisance was not in final draft. Ms. Decker announced it would be added prior to taking the document to City Council for action. Ms. Decker reviewed the recommended changes and additional terminology as requested in the prior Planning Commission meeting. She referred to pg. 6 of the draft and she informed them of additional language added in to the section.

Planning Commissioner Decker announced that she has been in contact with the City Attorney relating to the topic of concerns with the section relating to code enforcement powers and concerns of violation of the 4th amendment. She informed the Planning Commission that the City Attorneys legal opinion is within the body of the staff report and as staff responding to the Attorney, no changes to that language have been made. Ms. Decker concurred that she is aware that there is a difference of opinion and would be happy to forward those concerns to the City Council at the next meeting that will be held on Monday, October 3rd, at 6 p.m.

- B. Open public hearing – Chairman Thomas opened the public hearing.
- C. Hear public testimony – No public testimony was given.
- D. Close public hearing – Chairman Thomas closed the public hearing.

Commission discussion - Chairman Thomas referred to the clean copy page 2, and noted the correction to move “Dwelling Unit” title to the next line, page 3 of clean copy “Imminent Danger”, remove comma between “death and which” and insert “without warning” after “any time”. Chairman Thomas also mentions that his prior request of addressing non-op’s was not included. Chairman Thomas referred to the clean copy, entire section of 8.10.090 Enforcement Officer and announced he was not in favor of approving this document because of this section and inquired of the additional Planning Commissioners of what their inclination was towards this section.

Planning Commissioner Wise explained that there is no mention in the document of his rights and furthermore it is open ended and he does not want his rights to be violated. Planning Commissioner Shirley O’Brien reported that should the code enforcement officer come to her back garage, she would be in a position to ask them to show her a warrant. Planning Commissioner Ishrat Khan expressed her opinion that this language allows the City Administrator to address serious complaints in a proper time frame and due to government budget cuts or low staffing levels, having a structure in place for the abatement of properties is critical to move forward with resolving public complaints when there is a violation.

Chairman Thomas disagreed and informed that it was not a good idea to chip away at civil liberties for conveniences. Chairman Thomas announced he had suggested in an email to staff “the right of entry without prior specific homeowner permission should be limited to those areas of the premises visible to the public and accessible from a public right-of-way”, this language would be sufficient for the code enforcement to account for city business. There was lengthily discussion between Planning Commissioners as to concerns with the powers given to Code Enforcement to enter private property without a warrant and violation of the 4th amendment. Vice Chairman Wise strongly disagreed with giving this type authority to code enforcement.

Ms. Decker reported that this text was strictly for the maintenance of property and recalled the requirements for maintaining the property. The code enforcement officer only addresses issues that are concerns or reports from the public. The code enforcement officer is responding to complaints and only knocks on the door and reports the complaint to the property owner. The code enforcement officer will not enter private property unless the property owner or the responsible party gives him the authority to do so. If there is a complaint where there is concern that there is criminal activity, it would be turned over to the police department. Vice Chairman Wise expressed that the problem was with the title of Code Enforcement Officer and it needs to be better defined. Chairman Thomas concurred and stated he recommended disapproval because of this section. Ms. Decker reported that initially she inquired of the City Attorney if there could be language modifications and the City Attorney did not recommend any modifications. Ms. Decker added that the Planning Commission objections pertaining to this section will be submitted to the City Council.

There was brief discussion relating to forwarding the recommendations to City Council and if there would be a special study session to discuss this matter. Ms. Decker announced this issue would be forwarded to the City Council and they would decide if they would approve amendment as is or modify it further based on the recommendations of the Planning Commission, or schedule a study session. There was deliberation between staff and Planning Commission as to the motion, after clarification a motion was made.

MOTION BY O’BRIEN, SECOND BY KHAN, for approval 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) with the **rejection of section 8.10.090 Code Enforcement** and determine that the project is categorically exempt per the California Environmental Quality Act, Section 15301, Existing Facilities, Class 1.

ROLL CALL	Ayes:	Khan, O’Brien, Wise, Thomas
	Noes:	None
	Abstain:	None

MOTION PASSES 4-0

3.3 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 reviewed the staff report and provided an overview of the additional revisions; clarification of the text, modifications to 17.40.060 location in yard setbacks defining the zoning districts, revised enumeration within the code as well as the removal of the requirement for the applicant to demonstrate the need for a metal container for use in the storage of construction equipment. She provided a provided highlight of the zoning and yard lot sizes as summarized in the staff report.
- B. Open public hearing - Chairman Thomas opened the public hearing.
- C. Hear public testimony - No public testimony was given.
- D. Close public hearing – Chairman Thomas closed the public hearing.
- E. Commission discussion – There was discussion relating the clarification between the restrictions between other structures and shipping metal containers as noted in 17.40.070 and 17.40.090. Specific to the metal containers there are additional restrictions. Planning Chairman Thomas suggested the verbiage insert “except metal shipping containers” after “within six feet of any other building” or “except as set forth in 17.40.090 (c)”. Ms. Decker concurred and stated the changes would be made and submitted in to Council. There was brief discussion and clarification relating to yard setbacks being five and accessory setback requirements of six feet. Chairman Thomas inquired if there would be any required clarification in the document that would address flag lots. Planning Consultant Decker concurred and reported this concern would be forwarded to City Council. Chairman Thomas reported he did not want to restrict R-1 lots. Ms. Decker reported clarified that R-1 lots could reply for a variance and the request would go to Planning Commission for consideration, however the recommendation could also be forwarded to Council to include R-1 lots.

MOTION BY WISE, SECOND BY KHAN, for approval **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) and determine the project is Categorically Exempt per the California Environmental Quality Act, Section 15061 (b)(3), Review for Exemption, General Rule.

By unanimous vote, the motion passes 4-0.

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

- A. Receive staff report
- B. Open public hearing
- C. Hear public testimony
- D. Close public hearing
- E. Commission discussion

MOTION BY THOMAS, 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)

By unanimous vote, the motion passes 4-0.

4. INFORMATIONAL

4.1 Special Planning Commission dates October 11, 2016 and October 25, 2016

Chairman Thomas announced upcoming Special Planning Commission meeting dates of October 11th and the 25th. Planning Commissioner Shirley O'Brien announced she would not be available for the October 11th, 2016 meeting.

5. REGULAR AGENDA – None

6. REPORTS & COMMUNICATIONS – None

7. ADJOURNMENT – at 7:11 p.m., Chairman Thomas adjourned the meeting to the special meeting of the Planning Commission to be held on Tuesday, October 11, 2016 at 6:00 p.m.

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