

# MINUTES GRIDLEY PLANNING COMMISSION



REGULAR MEETING  
6:00 P.M., TUESDAY  
AUGUST 19, 2014

GRIDLEY CITY HALL  
685 KENTUCKY STREET  
GRIDLEY, CA. 95948

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MEETING CALLED TO ORDER:  
ROLL CALL

CHAIR O'BRIEN  
RECORDING SECRETARY

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**CALL TO ORDER:** At 6:10 p.m. the meeting was called to order by Chairman Stafford.

## ROLL CALL

**Planning Commissioners Present:** Shirley O'Brien  
Robert Thomas  
Herman Sunderman

**Absent:** None Absent

**Staff Present:** Donna Decker, City Planner/Consultant

The meeting was opened by Commissioner Thomas, Chair Pro Tempore, recommending the Planning Commission elect a chair and vice chair as the first order of business.

**MOTION BY SUNDERMAN, SECOND BY O'Brien, for Commissioner O'Brien to the position of Chair and Commissioner Thomas to Vice Chair.**

## ROLL CALL

Ayes: Thomas, O'Brien, Stafford      Noes: None      **Motion Passes: 3-0**

- 1. CONSENT AGENDA - Approval of Planning Commission Minutes date March 18, 2014, April 15, 2014 and June 17, 2014.**

**MOTION BY THOMAS, SECOND BY Sunderman, to approve the Planning Commission minutes.**

## ROLL CALL

Ayes: O' Brien, Thomas, Sunderman      Noes: None      **Motion Passes: 3-0**

## 2. PUBLIC HEARINGS

### 2.1 Variance No. 01-14, Grace Mahannah & Kathy Grider, Applicants/Owners; Application for a variance from Title 17 zoning code development standards to allow the existing off-street parking area to remain and to allow parking in the side yard setback area located at 1605 Sycamore Street on a 0.15 acre parcel. Zoning for the property is Residential Low Density (R-1) and Residential Low Density (RLD) General Plan land use designation. (APN: 010-012-003)

Chair O'Brien introduced the item to the Planning Commission.

**A. Receive staff report-** Ms. Decker noted the item has been before the Planning Commission at the prior two meetings. She noted that an application had been submitted to the Building Official, who found it to be incomplete and provided a letter to the applicant a list of items that needed to be addressed to complete the application in order to move forward.

Ms. Decker provided a summary of the information and actions from the prior Planning Commission meetings. She noted that staff had revised its recommendation of the denial of the variance by eliminating the six month time frame to relocate the roses in the planter located adjacent to the existing drive area. She described the staff recommendation is to deny the variance request and require that all codes be adhered to.

Ms. Decker presented the concerns that had been discussed; that the pavement would not be aesthetically pleasing, that the tree roots would be impacted and its vitality suffer, that the roses planted may be impacted by a move due to their age. She recommended referencing the photography within the staff report that provided examples of paving types and she referred the commissioners to the arborist's report. She noted that the depth of paving is approximately 4-6 inches.

She informed the Planning Commission related to the process should they wish to approve the variance that findings needed to be made of which, staff was unable to make. Staff provided the findings to the Planning Commission to consider such action. She also defined the findings and confirmed that the number of vehicles owned by a resident together with financial constraints do not constitute a viable findings and cannot be used to support the approval of a variance.

**B. Open public hearing** – Chair O'Brien opened the hearing for public comments.

**C. Hear public testimony** – Grace Mahannah introduced herself to the Commission. She expressed her belief to the Commission that she continued to believe that paving the driveway would be a negative impact to the neighborhood, that the tree may suffer and that she is requesting that the site remain as is which is functional and appropriate.

She noted that she has researched the ordinance and believes that nothing is prohibiting the approval of the variance and noted that in the last ten years there have been variances granted in the past and believes that she does have special circumstances that support her variance.

**D. Close public hearing** – With public comments completed, Chair O'Brien closed the public hearing.

E. **Commission discussion** – There was no additional discussion by the commissioners.

**MOTION BY THOMAS, SECOND BY Sunderman to deny Variance 01-14 consistent with staff recommendation and to require compliance with all codes within six months of the action of the Planning Commission.**

**ROLL CALL**

Ayes: Thomas, Sunderman, O'Brien

Noes: None

**Motion Passes: 3-0**

**2.2 Zoning Text Amendment No. 1-14; an ordinance (811-2014) to amend Title 17, Chapter 17.66, "Special Situations", of the Gridley Municipal Code related to the cultivation of marijuana. (Citywide)**

Chair O'Brien introduced the item to the Planning Commission.

**A. Receive staff report** - Donna Decker provided a brief staff report related to the history of the legislation passed by the State of California to allow the cultivation and sales of medicinal marijuana. She described the existing conditions within the City of Gridley whereby houses have been used to become "grow houses" specifically for the cultivation of marijuana; these locations do not conform to the current ordinance, statutes, or the intent of the law. She noted that many communities in California have reconsidered ordinances passed in an effort to conform to California legislation noting that these activities remain in conflict with Federal law.

Ms. Decker noted that the item had been presented to the Planning Commission in December, 2013, and to City Council in 2014 for direction. The City Council directed staff to research and determine the feasibility of structuring an amendment to the code to disallow the cultivation and sale of medical marijuana.

Staff reviewed actions of the City of Live Oak where the cultivation and sale of medical marijuana is prohibited. The Supreme Court upheld the decision and denied an appeal of the action the City of Live Oak took when amending their ordinance. The amendment to the Gridley Municipal Code is structured similarly in that no cultivation is allowed and no sales via dispensaries are allowed. Should the courts overturn the referenced decision, the amendment provides a set of requirements that must be adhered to if the activity is allowed in the future. Staff recommends the code amendment be forwarded to the City Council for adoption.

**B. Open public hearing** – Chair O'Brien opened the hearing for public comments.

**C. Hear public testimony** – None.

**D. Close public hearing** - With no public comments, Chair O'Brien closed the public hearing.

**E. Commission discussion** – There was no discussion.

**MOTION BY THOMAS, SECOND BY Sunderman to recommend the City Council consider and approve the amendment to the Gridley Municipal Code.**

**ROLL CALL**

Ayes: Thomas, Sunderman, O'Brien

Noes: None

**Motion Passes: 3-0**

**2.3 Housing Element Update for the Fifth (5th) Cycle Planning Period 2014-2022. Review of the adopted Housing Element 2030 and the update process. (Citywide)**

Chair O'Brien introduced the item to the Planning Commission.

**A. Receive staff report** - Donna Decker, opened up the meeting for discussion Housing Element Update. Ms. Decker pointed out various changes that are being implemented with the update. She informed the Commission as to the status of the review by the state and what revisions are made.

**B. Open public hearing** – Chair Stafford opened the hearing for public comments.

**C. Hear public testimony** – None; the public hearing remained open for continued discussion at the next meeting.

**D. Close public hearing** – The public hearing remained open.

**E. Commission discussion** – The Commission discussed the process of the Housing Element Update and continued the item to the next meeting.

**Direction to Staff** – Ms. Decker was directed to proceed with the redlined version of the Housing Element Update to the next step in the approval process.

**MOTION BY THOMAS, SECOND BY Sunderman to continue Item 2.3 to the next Planning Commission meeting.**

**ROLL CALL**

Ayes: Thomas, Sunderman, O'Brien

Noes: None

**Motion Passes: 3-0**

**3. REGULAR AGENDA - None**

**4. REPORTS & COMMUNICATIONS - None**

**5. COMMUNITY PARTICIPATION FORUM - None**

**6. ADJOURNMENT** – At 7:10 p.m. the Planning Commission adjourned to the next special meeting to be held at the end of September, to be determined.

**Approval:** \_\_\_\_\_  
**Donna Decker, Planning Consultant, DES LLC**