



## PLANNING COMMISSION REGULAR MEETING MINUTES

Thursday, January 18, 2024

**Call to Order** – The meeting was called to order by Chairperson Stephen Nordbye at 5:30 PM.

### Pledge of Allegiance

**Roll Call:** Commissioner's present – Chairperson Stephen Nordbye, Vice Chairperson Wade Elliott, Commissioners Sharon Lazorko, Michelle Romano and Vern Montague (arrived at 5:35 PM)  
Commissioner's absent - None  
Councilmember(s) present - Councilmember John McDermott  
Staff present - City Planner Scott Friend; City Clerk Jennifer Schmitke

**ORAL AND WRITTEN COMMUNICATIONS** - None

### CONSENT CALENDAR

Approval of Prior Minutes: December 21, 2023

Commissioner Elliott asked City Staff to clarification his comment that he made about the street standards and asked for a spell check on a commenter's name. Commissioner Montague asked for a correction on his comment about the Modoc annexation.

**ACTION:** Chairperson Nordbye moved, seconded by Vice Chairperson Elliott to approve consent calendar with the noted changes. Motion carried unanimously by a voice vote, 5-0.

### IDENTIFY CHAIRPERSON AND VICE CHAIRPERSON FOR 2024

City Planner Scott Friend thanked Chairperson Nordbye for his services and asked for nominations for Chairperson for calendar year 2024.

Upon motion made by Commissioner Elliott, Commissioner Nordbye was elected Chairperson for 2024. The motion carried unanimously by a voice vote, 5-0.

Chairperson Nordbye thanked the Commission for the nomination and opened nominations for Vice Chairperson for 2024.

Upon motion made by Commissioner Montague, Commissioner Romano was elected as Vice Chairperson for 2024. The motion carried unanimously by a roll call vote, 5-0.

Ayes: Chairperson Nordbye, Commissioners Elliott, Lazorko, Romano and Montague

Noes: None

## **PUBLIC HEARING**

### **A. General Plan Amendment (GPA) #2023-02: Supplement to the 2021-2029 6th Cycle Housing Element Update - CONTINUED FROM THE DECEMBER 21, 2023 PLANNING COMMISSION MEETING**

City Planner Scott Friend presented a concise overview during a public hearing, addressing an amendment to the 2021-2029 6th Cycle Housing Element. Mr. Friend emphasized that California law mandates every city and county to include a minimum of seven elements in their General Plan, with the Housing Element being one of the crucial components. Despite the Planning Commission and City Council's approval in late 2021 for the 6th cycle, the State deemed the submission inadequate, leading to extended discussions between Mr. Friend and the State authorities.

After months of dialogue, the State insisted on their decision, emphasizing the importance of compliance. Mr. Friend underscored the significance of the Housing Element within the General Plan, highlighting the potential consequences of non-compliance, including the City's exclusion from the approved list for grant eligibility. Although expressing disagreement with many of the State's changes, Mr. Friend emphasized his commitment to crafting a compliant General Plan to maintain the City's eligibility for grants and to maintain the City's position of having a State-law compliant General Plan. He concluded by stating his purpose of presenting the State's approved amendments for the Planning Commission's review, with the intention of forwarding them to the City Council for readoption and resubmittal, underscoring the City's reliance on grants and the City's desire to maintain a statutorily compliant General Plan.

Chairperson Nordbye opened the Public Hearing at 5:51 PM.

With no comments Chairperson Nordbye closed the Public Hearing at 5:52 PM.

Chairperson Nordbye inquired about the current level of compliance the City has achieved. Mr. Friend responded that he believes that the City does have a statutorily compliant General Plan currently however the adoption of the 6<sup>th</sup> Cycle Housing element will allow the City to concurrently be listed on the State of California's compliant Housing Element listing. Chairperson Nordbye stated he would like another month to read through the amendments so he can have a better understanding of the document.

Vice Chairperson Romano expressed appreciation and gratitude for Mr. Friend's dedicated efforts in working on the Housing Element. However, she candidly shared her desire to thoroughly review multiple aspects, expressing surprise at the extent to which the state could "strong arm" cities to comply with their demands.

Commissioner Elliott stated his concerns and sought clarification, questioning whether the staff perceived the 6th Cycle Housing Element, previously approved by both the Planning Commission and City Council in 2021, as meeting the legal requirements. Mr. Friend affirmed their understanding. Commissioner Elliott inquired about any changes in laws since the submission of the Housing Element, to which Mr. Friend confirmed that indeed there have been changes and briefed the Commission on the changes as he understood and remembered them. Commissioner Elliott raised questions regarding the wording, definitions, and sourcing within the draft document. In response, Mr. Friend clarified that the information provided directly originates from the State. Commissioner Elliott expressed his frustrations and reservations, stating that he doesn't believe the information presented is accurate. He further

indicated his disagreement with the Housing Element and voiced discomfort with recommending it to the Council. Commissioner Elliott informed the Commission that numerous other cities have pursued legal action against the state and have subsequently settled out of court. Commissioner Elliott suggested his support a similar action by the City of Orland emphasizing that such action is necessary when the state's actions do not align with the best interests of the citizens. He stressed the importance of reclaiming local control to enable the city to govern itself effectively.

Vice Chairperson Romano echoed Commissioner Elliott's sentiments and expressed concern that the City she felt as if the City was being blackmailed into an approval action. She sought clarification on the potential repercussions related to not adopting the Element as presented, questioning what kind of resistance, penalty, or consequence the City might face. Commissioners collectively acknowledged that the City could potentially incur fines and risk exclusion from certain grants if it elected to not adopted the Element.

Chairperson Nordbye emphasized that while the Commission could vote against recommending the Housing Element, the final decision rests with the City Council. He expressed a preference for the Commission to voice their collective opinion on the proposed amendments to the Housing Element to the Council.

Councilmember McDermott conveyed his gratitude for the Commission's thorough review of the Housing Element, acknowledging their diligent efforts. Councilman McDermott inquired whether voting against the Housing Element at the Council level would impact the City's ability to proceed with the upgrade of the Road M ½ rehabilitation project. Mr. Friend informed the Commission that he wasn't certain about the potential impact on the upgrade of Road M ½ if the Housing Element were not approved and adopted. Councilmember McDermott inquired about the specific grants that would be affected. Mr. Friend explained that many of the grants that could potentially be impacted were not be directly related to the production of housing but rather to state or federal infrastructure projects. Councilmember McDermott concurred with Vice Chairperson Romano, expressing his belief that the City is being placed in a difficult position.

Commissioner Elliott recommended involving the City attorney to obtain clarification on sources, wording, and definitions that the Commission perceives as inaccurate.

**ACTION:** Commissioner Elliott moved, seconded by Chairperson Nordbye that the matter be continued to the February 15<sup>th</sup> Planning Commission meeting and directed City Staff to seek review of the concerns of the Commissioners by the City Attorney specifically checking for factual misrepresentation and compare language that is being suggested compared to what the law actually requires. Motion carried by a roll call vote, 5-0.

**B. Rezoning (Z2023-01), Tentative Subdivision Map (TSM 2022-01/2023-02) and Mitigated Negative Declaration Addendum (MND) Penbrook Subdivision project. - CONTINUED FROM THE NOVEMBER 16, 2023 PLANNING COMMISSION MEETING**

Mr. Friend provided an update to the Commission on the status of the application and expressed his disappointment with the proceedings, noting that the City had not received any further communication, applications, or information from the applicant following the Commission meeting in November. He noted that he had a brief conversation with a representative of the property owner and had, hinted at the possibility of withdrawing the project. Reminding the Commission that the item had been carried over from the November 16<sup>th</sup> meeting to facilitate engagement with City staff and potentially provide additional information, Mr. Friend confirmed the absence of any such submissions.

Despite staff opposition to the current map presented, Mr. Friend expressed a willingness to continue working with the applicant on a project on the site. He indicated that staff would prefer to either continue the item or deny the map as filed.

Chairperson Nordbye opened the Public Hearing at 6:34 PM.

Councilmember McDermott inquired whether the applicant was dissatisfied with the map presented by City Staff. Mr. Friend clarified that he had not received any feedback from the applicant regarding the map produced by staff.

Chairperson Nordbye closed the Public Hearing at 6:36 PM.

**ACTION:** Chairperson Nordbye moved, seconded by Commissioner Lazorko for City Staff to reach out to the applicant and continue the matter until the March Planning Commission meeting. Motion carried by a voice vote, 5-0.

## **ITEMS FOR DISCUSSION OR ACTION**

### **A. Planning Department Annual Presentation**

Mr. Friend provided a summary of the Planning Department's Annual Presentation, which he had previously delivered to the City Council.

### **B. Hazard Mitigation Plan Update (MJHMP)**

Mr. Friend shared that the City of Orland is a co-lead agency/participant for this project. He reminded the Commission that the purpose of the Glenn County MJHMP Update is to provide the County and the Cities of Orland and Willows with a blueprint for hazard mitigation planning to better protect its citizens and property of the County and the Cities of Orland and Willows from the effects of future natural hazard events. Mr. Friend asked Commissioners to go to the Counties website and fill out a survey to help inform the results of the plan.

## **STAFF REPORT**

Mr. Friend spoke about the packets that City Staff passed out for Commissioners to keep including Planning Commissioner handbooks, General Plan packets and Housing Elements.

## **COMMISSIONERS REPORTS**

- Vice Chairperson Elliott stated he is a representative for the common everyday citizen of Orland, and he was appointed by the Council to represent their constituents. Commissioner Elliott expressed appreciation for the communication between the Council and their Commissions. He conveyed interest in exploring the possibility of the Commission receiving a stipend again.
- Commissioner Montague indicated nothing to report.
- Commissioner Lazorko inquired about the 5<sup>th</sup> Street apartments, Mr. Friend shared that Mr. Quezada has a few issues that need to be addressed and modified before the project can be considered complete. Commissioner Lazorko expressed gratitude towards Scott for his dedicated efforts on the Housing Element, acknowledging the hard work. Additionally, Commissioner Lazorko appreciated Commissioner Elliott's leadership on the Housing Element item.

- Commissioner Romano attended the Maverik grand opening. Shared Appreciation for Commission and City Staff.
- Chairperson Nordbye attend the City Council meeting and thanked City Staff and Council for all their hard work on the Quiet Creek project.

**FUTURE AGENDA ITEMS** - None

**ADJOURNMENT** – 6:30 PM

Respectfully submitted,

Jennifer Schmitke, City Clerk

Stephen Nordbye, Chairperson