



## PLANNING COMMISSION REGULAR MEETING MINUTES

Thursday, September 19, 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, Commissioners Sharon Lazorko and Vern Montague  
Commissioner present via zoom: Wade Elliott  
Councilmember(s) present: Jeffrey Tolley and John McDermott  
Staff present: City Planner Scott Friend; City Clerk Jennifer Schmitke

### ORAL AND WRITTEN COMMUNICATIONS

Orland resident Jan Walker shared her past experiences collaborating with the City, expressing concerns about current parking requirements and emphasizing the need for equitable treatment for all businesses.

Orland resident Terrie Barr voiced her frustration that her business is being unfairly disadvantaged for not being in the "golden zone." She highlighted her efforts with the ABC inspector on the Hive's new dining room project and raised concerns that City staff may have delayed the issuance of the ABC license due to the requirement for a Conditional Use Permit (CUP). Ms. Barr also referenced her ongoing correspondence with Mr. Friend, from whom she is awaiting a response regarding the license. She stressed the need for equitable parking regulations, noting that businesses just 100 feet away are treated differently. Ms. Barr requested a formal recommendation to bring the matter of parking ordinances before the City Council, emphasizing the importance of making changes. Mr. Nordbye asked her to submit a letter with the details so he can review it and work on ensuring the issue is included on the Planning Commission agenda for the October 17th meeting.

Commissioner Wade Elliott apologized for his absence but expressed gratitude to the Commission for allowing him to participate via Zoom.

Orland resident Cathy Bates voiced her support for the Hive.

Orland resident Melanie Kendrick spoke about her long-standing involvement with the Hive and expressed her support for the business.

Orland resident Christine Stifter inquired about who is responsible for setting the agenda. Chairperson Nordbye explained that both he and City Planner Scott Friend oversee that process.

Ms. Walker mentioned that many community members were afraid to attend the Planning Commission meeting due to fears of retribution, and claimed the general sentiment in the town is that the actions taken against the Hive appear vindictive. In response, Mr. Montague stated there is no basis for that perception and offered to discuss the matter further at any time.

Orland resident Joanie Woods emphasized that Orland is “our town” and that all voices deserve to be heard. She praised the contributions of the Olivarez family to the community and expressed her hope that the City is listening.

Hive owner and Orland resident Tammie Olivarez discussed her request to be included in the downtown zoning district and voiced frustration over the restrictions placed on her business. She expressed disappointment regarding unmet promises concerning her business and the tent used during the holiday season. Ms. Olivarez urged the Planning Commission to consider extending the downtown business zone to include the Hive and to offer some relief from parking requirements.

Orland resident Gee Singh expressed that the Hive is a valuable asset to the community and urged the City to provide support and accommodations to help the business thrive.

Orland resident Trish Saint-Evens reflected on the City's efforts to attract Crystal Geyser in the past, questioning why they would now jeopardize the Hive's business after all it has contributed to the community. She asked the City to consider amending the code to better support the Hive.

Orland resident MARRISA HOKE emphasized that the Hive is an asset to the community and remarked that the City's decision to have them remove their tent appears retaliatory. She questioned the rationale behind the City's push for a new tax measure that adversely affects local businesses, and she also expressed concerns about the high cost of her water bill. Ms. HOKE asserted that if the City seeks to increase revenue, it must prioritize support for local businesses.

Ms. Stifter expressed her concerns about the 5th Street apartment complex, citing inadequate parking as a key issue that led her to protest the project. Chairperson Nordbye responded by stating that he would be able to discuss the item if it were formally placed on the agenda. Ms. Stifter expressed her desire for a direct answer.

## **CONSENT CALENDAR**

Approval of Prior Minutes: August 15, 2024

**ACTION:** Commissioner Montague moved, seconded by Commissioner Lazorko to approve consent calendar as presented. Motion carried unanimously by a voice vote, 3-0.

## **PUBLIC HEARING**

Chairperson Nordbye explained that this item was introduced by the Commissioners for discussion purposes, and they requested the City Planner to prepare a draft ordinance for review. He emphasized that this initiative was not prompted by any complaints or suspicious activities related to existing businesses in Orland; rather, it serves as a precautionary measure to prevent potential issues in the future.

City Planner Scott Friend shared that at the last Planning Commission meeting on August 15, 2024, the Commission recommended that staff develop an ordinance to regulate massage and bodywork establishments in Orland. Currently, these businesses operate without specific regulations, and while

the State does not enforce rules for them, Government Code 51030 permits local governments to establish their own regulations. The proposed ordinance aims to create clear standards for massage and bodywork establishments, which are categorized as principally permitted businesses in the C-1 (Neighborhood Commercial), C-2 (Community Commercial), and DT-MU (Downtown Mixed-Use) zoning districts. Although these businesses must obtain a business license, there are no specific regulations or certifications governing massage and bodywork professionals in the City.

Mr. Friend shared the proposed ordinance, which aims to establish basic operational standards for massage and bodywork businesses. Overall, the ordinance aims to create a structured regulatory framework for massage therapy and bodywork services in Orland while maintaining standards for cleanliness and safety.

Key elements of the draft ordinance include:

- Operational Standards: It sets regulations for hours of operation, zoning district standards, health, hygiene, safety, and advertising practices. Massage and bodywork services are defined as the manipulation of soft body tissues, and the ordinance applies to all such establishments, regardless of the service's primary or accessory nature.
- Certification Requirements: The ordinance mandates that all massage and bodywork professionals in Orland must possess a California Massage Therapy Council (CAMTC) certificate, which requires completion of 500 hours of training from an accredited institution.
- Health and Safety Protocols: The draft ordinance includes health and safety measures to ensure hygienic practices and sanitation within establishments. It also regulates advertising, limiting signage on windows and doors to no more than 33% of the surface area, in line with existing standards for alcohol and tobacco retailers.
- Exemptions: The proposed ordinance exempts licensed barbers, cosmetologists, and practitioners of healing arts who are already regulated under the Business and Professions Code. Additionally, students in accredited massage therapy programs are exempt from CAMTC certification until they complete their training. Existing professionals practicing at established businesses will also be exempt from CAMTC certification to avoid disrupting current operations.
- Further Exemptions: The ordinance allows exemptions for massage and bodywork provided in athletic clubs, hospitals, or nursing homes to ensure that patients and athletes receiving treatment are not hindered.

Mr. Friend noted that he had received three phone calls regarding the ordinance, all of which expressed support for it.

Chairperson Nordbye inquired whether section 8.44.05c included chiropractic facilities or if they should be specifically mentioned. Mr. Friend responded that it is ultimately up to the Commission's discretion, as chiropractors are already licensed and regulated. However, he acknowledged that if the Commission deemed it desirable, staff would include it. Commissioner Montague expressed his preference to add chiropractic facilities for greater clarity in the future.

Chairperson Nordbye opened the Public Hearing at 6:15 PM

Ms. Terrie Barr raised a question regarding the proposed hours of operation, initially stated as 10 AM to 10PM, to which Chairperson Nordbye clarified that the correct hours should be 7 AM to 10 PM. Ms. Barr expressed concern that the ordinance only applies to new businesses and not to existing ones, advocating for equal standards across all businesses. Chairperson Nordbye explained that older businesses would be "grandfathered" under the draft regulations.

Ms. Christine Stifter inquired about who is responsible for inspecting the Massage businesses. Chairperson Nordbye indicated that the code enforcement and health departments handle inspections, while Mr. Friend added that the police department is also involved if criminal activity is happening. Ms. Stifter then asked if citizens could report traveling businesses, to which City staff confirmed that they could.

Councilmember Tolley shared that at the last Planning Commission meeting human trafficking was brought up and he asked how this ordinance would prevent that. Chairperson Nordbye shared that this is an attempt to keep that element out of town.

Ms. Joanie Woods asked about limitations on locations of massage businesses. Mr. Friend shared that massage establishments are currently allowed in C-1 (neighborhood commercial), C-2 (community commercial), DT-MU(downtown mixed use) and these can be found in the zoning ordinance.

Chairperson Nordbye closed the public hearing at 6:19 PM.

**ACTION:** Commissioner Montague moved, seconded by Commissioner Lazorko that the Planning Commission adopt Planning Commission Resolution 2024-03 recommending for approval of an amendment to the Orland Municipal Code Chapter 8: Health and Safety to the City Council with the addition of text to include chiropractors and chiropractic offices as entities subject to the action. Motion carried unanimously by a voice vote, 3-0.

## **ITEMS FOR DISCUSSION OR ACTION**

### **A. ELECTION OF VICE CHAIRPERSON**

Chairperson Nordbye stated the need nominate and conduct elections for the roles of Planning Commission Vice-Chairperson for the remainder of the 2024 year.

Upon motion made by Commissioner Montague, Commissioner Lazorko thanked the Commission for the nomination and was elected Vice Chairperson for the remainder of the 2024 year. The motion carried unanimously by a voice vote, 3-0.

### **B. DENSITY/LOCATION DISCUSSION**

Chairperson Nordbye explained that this discussion was prompted by a member of the public and emphasized that it revolves around general concepts rather than specific locations, plans, or projects. He clarified that this is purely a conceptual discussion and does not pertain to any future developments. Mr. Friend reminded the Commissioners to maintain a general perspective when addressing this item to avoid compromising future project discussions. Chairperson Nordbye then invited Orland resident Alex Enriquez to share his thoughts on density in Orland.

Mr. Enriquez shared his concerns with the Commission about density and Orland's growth, noting that it seemed to him that single-family home developments were expanding rapidly,

while at the same time there was little focus on commercial zoning, leading to increased population, traffic, and congestion. Mr. Enriquez also advocated for incentivizing commercial development to balance the growth and emphasized the need for a more walkable community. Drawing from his own experience walking around town, he highlighted the long distances to key destinations like grocery stores and the downtown area. He suggested the City encourage alternative modes of transportation, such as protected bike lanes, to alleviate these issues. He also raised concerns about the disparity between Orland's low median income and the rapidly rising cost of housing.

The Commissioners thanked Mr. Enriquez for his input and touched upon the topic of development incentives, as well as the viability of his suggestions for promoting commercial zoning and fostering walkable communities in Orland, considering the city's rural character. Chairperson Nordbye noted that developer incentives is a topic could be addressed by the Economic Development Commission and the City Council. Vice Chairperson Lazorko expressed her support for the idea of walkable neighborhoods. Chairperson Nordbye also emphasized that the Planning Commission is open to assisting any business owner interested in pursuing rezoning efforts.

Mr. Friend added that the City reviews Maintenance Assessment Districts during project proposals to ensure proper maintenance. He also mentioned that Governor Newsom had very recently signed 28 bills aimed at increasing housing opportunities, particularly for low and very low-income residents.

Orland resident J.C. Tolle spoke referencing older city plans to develop homes and grocery stores on Highway 32. Mr. Tolle specifically noted a parcel of land located east of the core of City and south Highway 32. Mr. Friend confirmed that the location remains available and is still zoned for commercial use. Mr. Tolle expressed concerns that new businesses may be hesitant to come to Orland due to the prevalence of Section 8 housing. He emphasized his preference for more step-up housing options rather than focusing solely on low-income housing.

Ms. Saint-Evens inquired about the City's obligations under the Regional Housing Needs Allocation (RHNA), to which Mr. Friend explained that while the City must make progress toward meeting its RHNA targets, there are currently no penalties to cities if those targets are not fully achieved. Ms. Saint-Evens also brought up the recent CHIP development and expressed her desire to see more middle-class housing options in Orland.

Commissioner Elliott thanked Mr. Enriquez for initiating the discussion with the Commission and addressed the issue of state control over the Housing Element. Chairperson Elliott noted that future opportunities with developers could potentially encourage master planning that incorporates walkable communities. However, he emphasized that such plans would depend on the developers' interest in pursuing this type of development.

## **COMMISSIONERS REPORTS**

- **Commissioner Montague**: The Commission thanked the community for attending and reassured everyone that there is no retaliation by the Planning Commission regarding the Hive. Commissioner Montague reminded the audience that the Planning Commission serves primarily

in an advisory capacity, with a focus on planning matters, and emphasized the importance of staying within the Commission's designated responsibilities. Commissioner Montague welcomed comments from the audience but reminded everyone that any issue they wish to discuss must be placed on the agenda. He emphasized his availability for questions and concerns, offering his phone number, and noted that there is currently an opening on the Planning Commission for those interested in serving.

- **Commissioner Lazorko**: Explained that items presented to the Planning Commission extend beyond the City's administrative processes, including Conditional Use Permits (CUPs), Lot Line Adjustments (LLAs), and Variances. In these cases, the Planning Commission reviews, discusses, and makes recommendations to the Council.
- **Chairperson Nordbye**: Thanked the audience for coming and appreciated all feedback.

#### **FUTURE AGENDA ITEMS**

- (potential discussion item) OMC Parking Requirements (Terrie Barr – regarding OHB Hive)

**ADJOURNMENT – 6:53 PM**

Respectfully submitted,

Jennifer Schmitke, City Clerk

Stephen Nordbye, Chairperson