



## ORLAND PLANNING COMMISSION REGULAR MEETING AGENDA

Thursday, September 19, 2024 at 5:30 PM  
Carnegie Center, 912 Third Street and via Zoom

P: (530) 865-1600 | [www.cityoforland.com](http://www.cityoforland.com)

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**Commission:** Stephen Nordbye | Wade Elliott

Sharon Lazorko | Vernon Montague | Michelle Romano

**City Clerk:** Jennifer Schmitke

**City Staff:** Scott Friend, City Planner

**Virtual Meeting Information:**

<https://us02web.zoom.us/j/82760815795>

Webinar ID:827 6081 5795 | Zoom Telephone: 1 (669) 900-9128

Public comments are welcomed and encouraged in advance of the meeting by emailing the City Clerk at [jtschmitke@cityoforland.com](mailto:jtschmitke@cityoforland.com) or by phone at (530) 865-1610 by 4:00 p.m. on the day of the meeting

1. CALL TO ORDER - 5:30 PM
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. ORAL AND WRITTEN COMMUNICATIONS

### Public Comments:

Members of the public wishing to address the Commission on any item(s) not on the agenda may do so at this time when recognized by the Chairperson. However, no formal action or discussion will be taken unless placed on a future agenda. The public is advised to limit discussion to one presentation per individual. While not required, please state your name and place of residence for the record. (Public Comments will be limited to three minutes).

5. CONSENT CALENDAR

A. Approve Planning Commission Minutes from August 15 ,2024

6. PUBLIC NOTICE

A. **Title 8 Health and Safety Ordinance Amendment – Massage Establishments.** The proposed action is the adoption of standards to regulate massage establishments and the practice of massage therapy within the City of Orlando. To ensure safe, hygienic, and lawful practice of massage therapy, the proposed ordinance would provide operational, health and safety, and advertising standards for massage establishments operating within city limits.

- 7. **ITEMS FOR DISCUSSION**
  - A. Election of Vice Chairperson
  - B. Density/Location Discussion
- 8. **STAFF REPORTS**
- 9. **COMMISSIONER REPORTS**
- 10. **FUTURE AGENDA ITEMS**
- 11. **ADJOURN**

**CERTIFICATION:** Pursuant to Government Code Section 54954.2(a), the agenda for this meeting was properly posted on September 5, 2024.

A complete agenda packet is available for public inspection during normal business hours at City Hall, 815 Fourth Street, in Orland or on the City's website at [www.cityoforland.com](http://www.cityoforland.com) where meeting minutes and video recordings are also available.

In compliance with the Americans with Disabilities Act, the City of Orland will make available to members of the public any special assistance necessary to participate in this meeting. The public should contact the City Clerk's Office 530-865-1610 to make such a request. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



## PLANNING COMMISSION REGULAR MEETING MINUTES Thursday, August 15, 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, Wade Elliott, Vern Montague  
Commissioner’s absent: None  
Councilmember(s) present: Jeffrey Tolley and Bruce Roundy  
Staff present: City Planner Scott Friend; City Clerk Jennifer Schmitke

### ORAL AND WRITTEN COMMUNICATIONS

Councilmember Tolley inquired about Commissioner Romano's resignation, and City Planner Scott Friend indicated he would address the matter.

Orland resident Alex Enriquez asked for the Commission's views on reducing the number of new single-family homes in favor of more multi-family housing. He also expressed concern about homes being built away from the town center. Mr. Friend suggested that this issue could be added to a future agenda, and Chairperson Nordbye expressed interest in discussing it in September.

Mr. Friend then responded to Councilmember Tolley's inquiry about Commissioner Romano, explaining that she had emailed her resignation but did not provide any reasons. He also noted that the City Council had approved the advertisement for the open seat. Additionally, Mr. Friend mentioned that the first agenda item, "Building Orientation," was a planned presentation by Ms. Romano and that it would be removed from the nights agenda since she was no longer present to give it.

Commissioner Elliott asked when the term for the vacant seat would end, and City Clerk Jennifer Schmitke informed the Commission that it would expire in December 2026.

Councilmember Roundy inquired about the posting period for the open seat, and Ms. Schmitke explained that the seat would typically remain open until one or two applications were received, with a closing date set for September 27th.

### CONSENT CALENDAR

Approval of Prior Minutes: June 20, 2024

**ACTION:** Commissioner Montague moved, seconded by Commissioner Elliott to approve consent

calendar as presented. Motion carried unanimously by a voice vote, 4-0.

**ITEMS FOR DISCUSSION OR ACTION**

**A. Building Orientation**

Chairperson Nordbye announced that this presentation has been removed from the meeting agenda.

**B. Massage Parlors**

Chairperson Nordbye raised concerns regarding the presence of Orland having three massage establishments, particularly given the city's proximity to I-5 and the ongoing issue of human trafficking. He expressed a desire to establish rules and regulations to ensure these businesses adhere to City standards, as they may not align with the community's values.

Mr. Friend clarified that massage establishments are permitted businesses within the C1/C2 zones and the downtown mixed-use district. He provided an overview of what "principally permitted use" means and explained that all massage businesses are required to obtain a business license and comply with public health, safety, building, and fire codes. He also noted that in California, massage professionals are not required to have a special certification, as certification is part of a voluntary program. Mr. Friend shared that there are private certification programs for massage therapists. Chairperson Nordbye expressed interest in requiring certification for all massage establishments in Orland.

The Commissioners discussed concerns about imposing new restrictions on businesses, particularly those that have been operating in the area for some time. However, they generally supported the idea of ensuring that massage businesses are properly licensed, permitted, regularly inspected, and certified.

Following the discussion, Mr. Friend noted that the Commission seemed interested in drafting an Ordinance focused on the time, place, and manner of operation for massage businesses. He stated that he would conduct further research and present the concept to the City Council, with plans to bring a draft Ordinance back to the Commission for review.

**STAFF REPORT**

Mr. Friend expressed his preference to postpone a planned review of development processes due to the current vacancy on the Commission. He requested that the Commission wait until the fifth Commissioner seat is filled to ensure that all members receive the same information.

Mr. Friend addressed the topic of Public Noticing, affirming that the City of Orland complies with all State laws and the Orland Municipal Code. He reviewed state requirements for public notices and provided examples of on-site postings. The Commissioners discussed current notice methods and explored potential improvements, such as using electronic signage along Hwy 32, adding on-site signage, and expanding posts on the City's Facebook page and website.

Commissioner Montague emphasized that it is the citizens' responsibility to stay informed about community happenings. Chairperson Nordbye expressed concerns about additional costs for applicants related to on-site signage and suggested that the City consider investing in reusable signs if that is the route they choose to go. He supported the idea of on-site plans as a way to enhance transparency, believing that visible signage could inspire greater community engagement.

The Commission collectively agreed that the City should make every effort to publish information effectively. Chairperson Nordbye also suggested implementing a sunset provision for postings.

**COMMISSIONERS REPORTS**

- Commissioner Montague: Nothing to Report.
- Commissioner Lazorko: Shared her concerns about the Variance that was approved for the Hwy 32 (Quezada) church property located at 33 E Walker Street, stating she felt she was told one thing, and the developer did something completely different. Mr. Friend noted that the property owner had the right to demolish the building and noted that the property owner had received all of the correct permits to do so. Mr. Friend shared that the Variance would stay with the site but noted that it would not be applicable to any future construction activity .
- Chairperson Nordbye: Nothing to Report.
- Commissioner Elliott: Thanked the audience for coming to the meeting and stated its nice to see new business coming to Orland.

**FUTURE AGENDA ITEMS**

- Election of Vice Chairperson
- Discussion regarding single family homes and need for more multi-family homes

**ADJOURNMENT – 6:32 PM**

Respectfully submitted,

Jennifer Schmitke, City Clerk

Stephen Nordbye, Chairperson



## CITY OF ORLAND STAFF REPORT

MEETING DATE: September 19, 2024

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**TO:** City of Orland Planning Commission

**FROM:** Scott Friend, AICP – City Planner

**SUBJECT: Revise Title 8 to include standards for Massage Establishments.**

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### SUMMARY:

On August 15, 2024, at the Planning Commission meeting, the Commission recommended staff to present an Ordinance that would regulate massage and/or bodywork establishments located within the City of Orland. Currently, massage and/or bodywork establishments are principally permitted businesses that do not have any practice specific regulations directly applicable to the practice. Although the State does not currently enforce any regulations for massage and/or bodywork establishments or massage and/or bodywork professionals, Government Code 51030 authorizes local governments to enact an ordinance that would regulate massage and/or bodywork businesses within their jurisdiction. The following is a discussion of the proposed ordinance that would provide standards for massage and/or bodywork establishments within the City of Orland.

### DISCUSSION:

Massage establishments within the City are currently identified as principally permitted businesses within the *C-1: Neighborhood Commercial*, *C-2: Community Commercial*, and *DT-MU Downtown Mixed-Use* zoning districts. Massage establishments, like any authorized business in the City, must apply for a business license in order to operate. No additional certifications or standards are currently set in place for massage and/or bodywork establishments or massage and/or bodywork professionals to practice in the City.

**Attachment A** presents draft text for the purpose of establishing basic operational standards for the conduct of massage and/or bodywork businesses in the City. The draft Ordinance addresses basic operational considerations to include time, place and manner regulations (hours of operation, zoning district standards, etc.) as well as establishing basic health, hygiene, safety and advertising practices.

Massage and/or bodywork, as defined in the proposed Ordinance, refers to the manipulation of soft body tissues. The draft Ordinance targets massage and/or bodywork establishments regardless of where or how it is undertaken and regardless of whether the service is provided as a primary or accessory service.

Following a similar framework adopted in regional cities to include Redding and Anderson, the draft operational standards of the Ordinance include the setting of requirements for practice certification along with the establishment of hours of operation which align with the City of Orland's noise control ordinance (OMC 8.20).

The California Massage Therapy Council (CAMTC) certification process, outlined in the Massage Therapy Act (BPC section 4604), sets requirements for an applicant to successfully complete 500 hours of curricula in massage and related subjects from an accredited school. Once a competency assessment has been completed, the CAMTC may grant the applicant a certificate. The proposed Ordinance sets the requirement that all massage and/or bodywork establishments in Orland shall *only* employ massage and/or bodywork professionals who have obtained a CAMTC certificate.

Along with the requirements to identify certified massage and/or bodywork professionals, the proposed ordinance sets forth health and safety requirements to promote safety, hygiene and sanitation. Similarly, advertising practices are regulated in the proposed ordinance to restrict signs and advertising placed in windows and doors. The proposed ordinance restricts signs and advertisements to no more than thirty-three (33) percent of the square footage of the windows and or doors of a massage and/or bodywork establishment which mirrors the current advertisement standard for alcohol and tobacco retailers (OMC 8.22.040) in the City.

Consistent with the purpose of promoting safe, hygienic and sanitary business practices, the proposed Ordinance contains several exemptions. The proposed ordinance does not regulate the provisions of the massage ordinance by, or under the guidance of, barbers, cosmetologists, or to person licensed to practice any healing art as licensing and State regulations are currently in place for these professions within the Business and Professions Code. It does not regulate CAMTC certification at recognized schools of massage therapy as students enrolled at the school are in the process of obtaining their CATMC certificate to practice massage and/or bodywork. Allowances are made for massage and/or bodywork professionals who are currently practicing massage therapy at an existing massage and/or bodywork establishment to be exempt from the required CAMTC certification as a means to not hinder current business in Orland but to maintain cleanliness and safe practice standards for all massage and/or bodywork establishments in Orland.

Lastly, the proposed Ordinance aims to exempt massage and/or bodywork professionals from the CAMTC certification process when the massage and/or bodywork occurs at an athletic club, hospital, or nursing home. It is the intent of the Ordinance to provide for the orderly regulation of establishments providing massage therapy and/or bodywork services, but not to restrict therapy for patients or athletes suffering injury.

**ENVIRONMENTAL DETERMINATION:** None / Not Applicable

**FISCAL IMPACTS:** None / Not Applicable

**RECOMMENDATIONS:**

Staff requests that the Planning Commission consider the proposed Ordinance and recommend changes, if necessary. If no changes are considered necessary or if the proposed changes are minor in nature and can be addressed during the consideration of the matter, staff recommends that the Planning

Commission recommend for approval to the City Council, adoption of the draft Massage Ordinance (**Attachment A**) as presented.

Staff recommends that the Planning Commission utilize the following process for consideration of this matter:

1. Accept a presentation of the project by staff;
2. Open the public hearing and take public testimony;
3. Close the public hearing and initiate consideration of the project by the Planning Commission;  
and
4. Motion and vote by the Planning Commission.

If the Planning Commission determines that it intends to recommend for approval the Municipal Code Amendment, staff presents the following motions for consideration:

*I move that the Planning Commission recommend to the City Council for their approval Planning Commission Resolution #2022-XX recommending for approval to the City Council, the Municipal Code Amendment addressing massage and/or bodywork establishments as presented herein.*

#### **REFERENCES:**

California Legislative Information. 2024. Business and Professions Code, Division 2, Chapter 10.5 Massage Therapy Act.

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=4600&lawCode=BPC](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=4600&lawCode=BPC).

California Legislative Information. 2024. Government Code, Division 1, Part 1, Chapter 6 Massage.

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=51030.&nodeTreePath=6.1.1.10&lawCode=GOV](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=51030.&nodeTreePath=6.1.1.10&lawCode=GOV) .

#### **ATTACHMENTS:**

Attachment A. Massage Ordinance.

Attachment B. Planning Commission Resolution 2024-02 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORLAND RECOMMENDING APPROVAL OF AN ORDINANCE TO THE CITY COUNCIL OF THE CITY OF ORLAND OF AN AMENDMENT TO TITLE 8, HEALTH AND SAFETY OF THE ORLAND MUNICIPAL CODE ADDRESSING THE REGULATION OF MASSAGE AND BODYWORK USES.



## ATTACHMENT A

## CITY OF ORLAND MUNICIPAL CODE AMENDMENTS

*Proposed Amendments to Title 8 Health and Safety***8.44 MESSAGE ORDINANCE****8.44.01 – DEFINITIONS**

“CAMTC” refers to the California Massage Therapy Council pursuant to Section 4600 et. seq. of the California Business and Professions Code.

“Massage” or “Massage therapy” means the manipulation of soft body tissues. Massage therapy does not include any service or procedure for which a license to practice medicine, chiropractic, physical therapy, acupuncture, or podiatry is required by law.

“Massage and/or Bodywork establishment” means any individual, business, firm, association, partnership, sole proprietor, corporation, or combination thereof engages in, conducts, carries on or permits to be engaged in massage therapy. Massage establishments shall include businesses where massage therapy is provided as an accessory service such as gyms, day spas and professional offices.

“Massage professional” shall mean any person who administers massage and/or bodywork services to another person who is employed or retained by a massage and/or bodywork establishment.

“Owner” means any living person or persons, firm, joint venture, association, co-partnership, limited partnership, general partnership, corporation, or any combination thereof, who has any interest, legal or equitable, in any massage and/or bodywork establishment.

**8.44.02 – OPERATING REQUIREMENTS**

No massage and/or bodywork establishment shall engage in, conduct, or permit any massage and/or bodywork at or on behalf of the massage and/or bodywork establishment unless all of the following requirements are met:

- A. Except when permitted in writing, massages and/or bodywork shall be given only between the hours of seven a.m. and ten p.m. A massage and/or bodywork commenced prior to ten p.m. must terminate at ten p.m., and in the case of a massage and/or bodywork establishment, all clients shall exit the premises at that time.
- B. Massage and/or bodywork establishments shall not employ or retain any person under eighteen years of age to perform any massage service.
- C. Massages and/or bodywork shall not be provided by any person not certified by the CAMTC unless the individual has a valid, approved background investigation on file with the Orland police department.
- D. A massage and/or bodywork professional shall operate only under the name provided to the Orland police department for the background check and as shown on their CAMTC certificate. A massage and/or bodywork establishment shall operate only under the name specified on its business license.

**8.44.03 – HEALTH AND SAFETY REQUIREMENTS**

- A. Massage and/or bodywork establishments shall be equipped with an adequate supply of clean sanitary towels, coverings, and linens. Towels and linens shall not be used on more than one client, unless they have first been laundered and disinfected. Disposable towels and coverings shall not be used on more than one client.
- B. All instruments used in massage and/or bodywork shall be maintained in a clean and sanitary condition. Instruments utilized in providing massage and/or bodywork shall not be used on more than one client unless they have been sterilized or sanitized.
- C. Equipment shall be cleaned and wiped between each client.

#### **8.44.04 – ADVERTISING PRACTICES**

- A. No more than thirty-three (33) percent of the square footage of the windows and clear doors of a massage and/or bodywork establishment shall bear advertising or signs of any sort.
- B. All light-emitting signs on the massage establishment premises shall be illuminated only during the hours of operation. All light-emitting signs shall be turned off no later than ten p.m.

#### **8.44.05 – EXEMPTIONS**

This chapter shall not apply to the following:

- A. Barber or cosmetologists operating barbering or cosmetology businesses pursuant to the applicable license or certificate issued by the state;
- B. Athletic clubs, if the massage therapy services are provided at the athletic facility or events only;
- C. Hospitals, nursing homes, and other state-licensed health care facilities;
- D. Recognized schools of massage therapy shall be exempt from the CAMTC certification requirement stated in 8.44.02 of this chapter; or
- E. Massage professionals practicing at existing massage establishments as of the date of the adoption of this Ordinance shall be exempt from the CAMTC certification requirement stated in 8.44.02 of this chapter.

#### **8.44.06 – INSPECTION**

- A. For the sole purpose of inspecting and verifying compliance with this chapter and otherwise facilitating the functions of this chapter, the city manager, or his/her designee, and/or the Orland police chief, or his/her designee, is authorized to enter massage and/or bodywork establishments to conduct administrative inspections thereof, and of the things specified in this section, relevant to those functions.
- B. Prior to inspection, city personnel shall inform those present at the massage and/or bodywork establishment that inspection is made pursuant to this chapter.

#### **8.44.07 – ENFORCEMENT, PENALTIES AND NUISANCE PER SE**

- A. For the purpose of enforcing the requirements of this chapter, the owner shall be responsible for the conduct of all massage and/or bodywork establishment professionals, employees, agents, independent contractors, or other representatives, while such persons are on the premises of the massage and/or bodywork establishment or providing out-call massage services on behalf of the massage and/or bodywork establishment.
- B. A violation of any provision of this chapter constitutes a public nuisance.

C. Shall unlawful activity occur or evidence be presented at a massage and/or bodywork establishment, Orland Police Department are permitted to intervene and investigate.

**PLANNING COMMISSION RESOLUTION NO. 2024-03**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF ORLAND  
RECOMMENDING APPROVAL OF AN ORDINANCE TO THE CITY COUNCIL OF  
THE CITY OF ORLAND OF AN AMENDMENT TO TITLE 8, HEALTH AND SAFETY  
OF THE ORLAND MUNICIPAL CODE ADDRESSING THE REGULATION OF  
MESSAGE AND BODYWORK USES.**

**WHEREAS**, the Planning Commission of the City of Orland has proposed an amendment to Title 8, *Health and Safety*, of the City of Orland Municipal Code to incorporate provisions as new Chapter 8.44, *Massage*, to regulate massage and/or bodywork establishments in the city of Orland; and

**WHEREAS**, the Government Code 51030 authorizes local governments to enact an ordinance that would regulate massage and/or bodywork businesses within their jurisdiction; and

**WHEREAS**, the Orland Municipal Code does not contain any regulations or provisions addressing establishments involved in the provision of massage or bodywork services; and

**WHEREAS**, the creation of an Ordinance addressing massage and/or bodywork establishments into the City of Orland Municipal Code would establish operational, health and safety, and advertising standards for massage and/or bodywork establishments in the city of Orland; and

**WHEREAS**, following the advertisement of the matter in the newspaper of general circulation as required by the Orland Municipal Code and State Government Code, the Planning Commission held a duly noticed public hearing on the proposed amendments to Title 8, *Health and Safety*, in order to provide the community and interested parties the opportunity to comment on the proposed amendments; and

**WHEREAS**, the Planning Commission of the City of Orland, California held a duly noticed Public Hearing to consider the matter at its regular meeting of September 19<sup>th</sup>, 2024, as provided by law; and

**NOW THEREFORE BE IT RESOLVED**, that the Planning Commission of the City of Orland does hereby recommend to the City Council of the City of Orland, approval of Ordinance 2024-03 regarding the placement of new regulations into the Orland Municipal Code addressing massage and/or bodywork services.

**Attachment B**

The foregoing resolution was passed and adopted at a regular adjourned meeting of the Orland Planning Commission held on **September 19<sup>th</sup>, 2024** by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT OR NOT VOTING:

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Stephen Nordbye  
City of Orland Planning Commission Chairman

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Jennifer Schmitke  
City Clerk