

AGENDA  
YREKA PLANNING COMMISSION  
Yreka City Council Chamber – 701 Fourth Street, Yreka, Ca.  
**October 17, 2018 at 6:30 P.M.**

Call to Order

Pledge of allegiance

Conflict of Interest Declaration – Planning Commissioners

**PUBLIC COMMENTS:** This is the time for public comments. Commissioners may ask questions but may take no action during the public comment section of the meeting, except to direct staff to prepare a report or place an item on a future agenda. If you are here to make comments on a specific agenda item, please speak at that time. If not, this is the time. Please limit your remarks to 5 minutes.

**SPEAKERS:** Please state your name and mailing address so that City Staff can respond to you in regard to your comments, or provide you with information, if appropriate. You are not required to state your name and address if you do not desire to do so.

1. Consent Calendar - Discussion/Possible Action – All matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Planning Commission wishes to remove an item for discussion or a member of the audience wishes to comment on an item. The City Manager recommends approval of the following consent calendar item:

a. Approval of Minutes of the regular meeting held July 18, 2018.

2. Discussion/Possible Action – Consideration of proposed categorical exemption and Conditional Use Permit to establish and operate the business of a Martial Arts Studio.  
Project Location – 304 S. Broadway Street, Yreka, California,  
C-2 (Commercial Downtown) Zone, GC (General Commercial) General Plan Designation.  
Assessor’s Parcel Number 054-183-020.

Project applicant is Mitch & Diane Kleier  
Project Number: Conditional Use Permit # 2018-42

- a. Staff Report
- b. Public Hearing
- c. Decision
  - Categorical Exemption
  - Adopt Planning Commission Resolution No. 2018-8, Approval of Conditional Use Permit # 2018-42 at 304 S. Broadway Street (054-183-020).

### 3. City Manager's Report

#### Commissioner's Statements and Comments

#### Adjournment

Decisions of the Planning Commission may be appealed to the City Council by filing a written notice of appeal within 10 calendar days of the decision. Appeal must be submitted to the City Clerk's office together with the appeal fee of \$150.00 plus publication fee if required.

If you challenge any action taken pursuant to the California Environmental Quality Act, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Department at, or prior to, the public hearing. (Public Resources Code Section 21177)

All documents produced by the City which are related to an open session agenda item and distributed to the Planning Commission are made available for public inspection in the City Clerk's office during normal business hours.

In compliance with the requirements of the Brown Act, notice of this meeting has been posted in a public accessible place, 72 hours in advance of the meeting.

*In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify the City Clerk 48 hours prior to the meeting at (530) 841-2324 or by notifying the Clerk at [casson@ci.yreka.ca.us](mailto:casson@ci.yreka.ca.us).*

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** If you object to a decision by the City Council/Planning Commission to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.

MINUTES OF THE REGULAR MEETING OF THE  
YREKA PLANNING COMMISSION HELD  
ON THE 18th DAY OF JULY 2018

On the 18th day of July 2018 at 6:30 p.m., the Planning Commission of the City of Yreka met in the City Council Chamber in said City in regular session. The meeting was called to order by Chair McCoy and present were:

Commissioners: Catherine Gilbert, Diane Knitter, Paul McCoy, Craig Mommer, Barry Ohlund, and Richard Rolzinski. Absent: Matt Osborn

Conflict of Interest Declaration – N/A

PUBLIC COMMENTS – N/A

Consent Calendar: Chair McCoy announced that all matters listed under the consent calendar are considered routine and will be enacted by one motion unless any member of the Planning Commission wishes to remove an item for discussion or a member of the audience wishes to comment on an item:

- a. Approval of Minutes of the regular meeting held on June 20, 2018.

Following Commission discussion, Commissioner Ohlund moved to approve the minutes of the regular meeting held June 20, 2018 as submitted.

Commissioner Knitter seconded the motion, and upon roll call, the following voted YEA: Gilbert, Knitter, McCoy, Mommer, Ohlund, and Rolzinski.

Chair McCoy thereupon declared the motion carried.

Discussion/Possible Action – Consideration of proposed Categorical Exemption and Tentative Parcel Map. Project Location – 1102 Quarry Court, Yreka, California, (RA) Residential Agriculture Zone, (RA) Residential Agriculture General Plan Designation. Assessor's Parcel Number 053-672-280.

The Planning Commission reviewed Resolution No. 2018-7, Approval of Tentative Parcel Map Permit # 2017-30 for Michael & Arlene Finnegan located at 1102 Quarry Court.

Assistant City Manager Liz Casson presented commissioners with staff report and the following background. The City has received an application for a Tentative Parcel Map (TPM) to divide an existing 4.65-acre parcel into a total of four parcels. The project site is located at the northeast corner of Montague Road (SR 3) and Quarry Court in the northeastern portion of the City. There is an existing single family home on the southernmost lot. The proposed new lots are vacant undeveloped land with approved septic disposal area identified on the TPM.

The proposed TPM is subject to City subdivision regulations. Title 15 – Subdivisions of the City of Yreka Municipal Code (YMC) addresses the requirements to subdivide land and the creation of new parcels in the City. The division of a single parcel into a total of four parcels is considered a parcel map as defined by YMC Section 15.08.230.

Staff recommends that the Planning Commission determine that the proposed Tentative Parcel Map to be categorically exempt pursuant to CEQA Guidelines Section 15061 (b) (3) as it can be seen with certainty that there is no possibility that the proposed Tentative Parcel Map would have a significant effect on the environment, and therefore the proposed TPM is not subject to CEQA. A Notice of Exemption was prepared for this project.

Staff also recommends that the Planning Commission adopt Resolution PC 2018-07 approving Tentative Parcel Map # 2017-30 subject to the Findings and Conditions presented in the staff report and direct staff to record TPM # 2017-30 after Conditions of Approval are complied with.

Public Hearing – This being the time and date set for the public hearing. Chair McCoy opened the hearing to the audience.

Steve Neill, Yreka, asked if manufactured homes are allowed in the Residential Agriculture Zone along with height limits for this zone.

Arlene Finnegan, applicant and Dan Wallace of Cascade Land Survey were presented to answer commissioners questions.

There being no future statements or comments received, Chair McCoy closed the public hearing and discussion was opened to the Commission.

Following Commission discussion, Commissioner Ohlund moved that the Planning Commission determine the project to be Categorical Exempt pursuant to CEQA Section 15061 (b) (3) and adopt Planning Commission Resolution PC 2018-07 for approving of TPM # 2017-30 as presented herein.

The following findings of fact have been determined by the Planning Commission.

1. The proposed map complies with the requirements of Title 15, Subdivisions, of the Yreka Municipal Code, the Subdivisions Map Act, and zoning laws of the City, and all applicable state laws.
2. The tentative parcel map is consistent with the applicable general and specific plans of the City of Yreka.
3. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
4. The site is physically suitable for the proposed density of development;
5. The site is physically suitable for the type of development;
6. The design of the subdivision or the proposed improvements would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
7. The design of the subdivision or the type of improvements would not cause public health problems;

8. The design of the subdivision or type of improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

The following conditions shall be met prior to the recordation of the final subdivision map except as otherwise specified in the conditions:

1. A 20 foot wide 30 foot long "no build" wetland protection area extending east from the Quarry Court roadway culvert on Parcel 1 of TPM No. 2017-30 shall be recorded on the Parcel Map. Construction within this area may occur with appropriate mitigation of the Impact approved by the City of Yreka.
2. Parcels to conform to the minimum lot sizes and improvements required in an R-A zone as set forth in Section 16.24 of the Yreka Municipal Code.
3. Extension of water mains, sewer mains, and storm drains along the frontage of each parcel created as determined by the Director of Public Works.
4. The following statement shall be placed on the Parcel Map. "Site grading and fills have occurred on the site without professional inspections or soils tests for the site cuts and fills. Site fills encountered in the lot areas to be used for buildings or structures may will require soil compaction in accordance with Section 48G4 1803 of the California Building Code, 2007 Edition, prior to such lot area uses."(Modified 3/08)
5. Division of the property shall not make any off-site drainage issues worse.
6. Full compliance with the Subdivision Map Act and Title 15, Subdivisions, of the Yreka Municipal Code, and all other applicable city, state, and federal codes.
7. Filing of final subdivision map within twenty-four months from date of Planning Commission approval, with a copy to the Planning Department.

Commissioner Rolzinski seconded the motions, and upon roll call, the following voted YEA: Gilbert, Knitter, McCoy, Mommer, Ohlund, and Rolzinski.

Chair McCoy thereupon declared the motion carried.

The foregoing Resolutions # 2018-7 was adopted by the Planning Commission on the 18<sup>th</sup> day of July by the following vote: Ayes: 6, Nays: 0

Assistant City Manager Liz Casson gave a brief overview of the Yreka Motors expansion project located at 1545 S. Main Street.

There being no further business before the Commission, the meeting was adjourned.

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Paul McCoy, Chair  
Approved by motion of the Planning  
Commission on October 17, 2018



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**CITY OF YREKA**  
**PLANNING COMMISSION AGENDA MEMORANDUM**

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To: Yreka Planning Commission  
Prepared by: Steve Baker, City Manager  
Agenda Title: Discussion/Possible Action – Consideration of proposed categorical exemption and Conditional Use Permit for the establishment and operation of a Martial Arts Studio.  
Meeting date: October 17, 2018

Discussion:

The City has received the attached application from Mitch and Diane Kleier for a Conditional Use Permit for the establishment and operation of a Martial Arts Studio, to be located in an existing facility located at 304 S. Broadway, Yreka Ca.

Upon review of the application, staff finds that the proposed use is in conformance with the applicable policies of the City of Yreka General Plan and is consistent with the applicable zoning provisions. With the conditions of approval, attached as Attachment “C”, the proposed use meets with the intent and requirements of the C-2 (Downtown Commercial) zoning district, and staff is recommending approval.

Background:

The subject property is zoned C-2 Downtown Commercial. YMC Section 16.34.050 provides that various retail establishments and personal service establishments are a permitted by right in the C-2 Downtown zoning district. However, the use such as a Health Club or Fitness Studio requires a Conditional Use Permit, pursuant to YMC Section 16.34.070.

Parking:

The business will be located in an existing facility and can be served by existing municipal parking facilities.

Analysis:

The purpose of the Downtown Commercial (C-2) zoning district is ‘intended to provide for a specialized commercial zone for the downtown commercial district’ and provides for a variety of commercial uses (YMC Chapter 16.34). A Conditional Use Permit is required for the establishment and operation of a Martial Arts Studio. YMC Section 16.44.040, states that a conditional use permit can be granted by the Planning Commission if the use is found to not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood; if the use is found not to be materially detrimental to property or improvements in the neighborhood; and, if the use is found not to be materially detrimental to the general welfare of the city.

The proposal will not generate significant noise or lighting. The proposal will not increase traffic beyond the capacity of existing infrastructure in the area, which is sufficient to accommodate commercial uses.

Environmental Determination:

Staff believes that the proposed project meets the requirements for an exemption from further review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing

Facilities. Class 1 exemptions consist of the operation, maintenance, permitting, or licensing of existing public or private structures or facilities involving negligible or no expansion of the use beyond what existed at the time of the lead agency's determination.

The Planning Commission must consider the proposed CEQA exemption together with any comments received during the public review process. Further, the exemption can only be approved if the Commission finds, based on the whole record before it, that there is not substantial evidence that the project will have a significant effect on the environment. A public hearing notice was published in the Siskiyou Daily News and mailed to the property owners within a 300-foot radius of the proposed project to give notice of the proposed project and invite public comment.

Staff Recommendation:

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

1. Accept a presentation of the project by staff and applicant.
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.

Recommended Motion:

If the Planning Commission determines that it intends to approve the proposed project as requested in the application for CUP #2018-42, staff presents the following motions for consideration

1. Categorical exemption:


*I move that the Planning Commission determine that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Existing Facilities of the CEQA Guideline.*

2. Conditional Use Permit #2018-42:

*I move that the Planning Commission adopt Planning Commission Resolution #PC 2018-8 making the findings and subject to the Conditions of Approval presented as Attachment C, and approve Conditional Use Permit #2018-42, to allow the establishment and operation of a Martial Arts Studio.*

Attachments: Attachment A - Conditional Use Permit Application  
Attachment B – Site Plan  
Attachment C – Findings and Conditions of Approval for CUP #2018-42  
Attachment D – Planning Commission Resolution # PC 2018-8

Approved by: \_\_\_\_\_

  
Steven Baker, City Manager

**KLEIER'S MARTIAL ARTS CENTER  
304 S. BROADWAY, YREKA, CA 96097**

TO: Planning Commission

September 29, 2018

We first opened our doors here in Yreka in 1991 and have been teaching children martial arts since then. My wife and I teach together, in the evenings, Monday through Thursday, and on Saturday mornings. Our classes start at 5:30pm during the week, so parking has not been a problem as most businesses surrounding us have closed and gone home. We have no employees.

We have between 60 and 90 students on a regular basis. Most of our students come from the Yreka area. We have over 2,700 alumni most who have gone on to universities and settled in all parts of the United States. We have trained local law enforcement personnel and many of our students have chosen that field as a vocation.

Jack Hopkins, a Modoc Sherriff, who was killed while on duty last year, was a long time student of ours, having spent 8 years studying with us. He earned his Black Belt while still in High School. At his memorial, his best friend stood up and said that Jack believed strongly in Honor, Respect and Discipline and had tried to emulate that in his daily life. That was the motto he first learned as a 7 year old student at our studio.

We measure our success by the accomplishments of our students. My wife and I both have day jobs but have been teaching in Yreka for the last 27 years because we enjoy it so much. Our students have won regional, state and national championships in competition. We were named Martial Arts School of the Year in 2001 by the Golden State Karate Association.

Our presence at 304 S. Broadway will cause no parking problems because of our hours. The surrounding businesses have been very accepting of us. We have joined the Chamber, used Laser Printing for all our needs and rent from Charles Harrison, CPA, all of which are businesses that surround us.

We anticipate no physical changes to our building. We take pride in our work and the children we serve. We have always maintained a scholarship program for students who cannot afford tuition at our school. We have *never* turned a student away for lack of ability to pay.

Respectfully,

A handwritten signature in black ink, appearing to read "Mitch & Diane Kleier". The signature is stylized and cursive, with the first names being more prominent.

Mitch & Diane Kleier



306306 S Broadway St



Attachment B - Site Plan

304 S. Broadway  
Yreka, CA

CHARLES T. HA  
Certified Public  
INCOME

© 2018 Google

© 2018 Google

Goog

Imagery Date: 4/2018 41°43'48.17" N 122°38'12.26" W elev 2621 ft

CONDITIONAL USE PERMIT NO. 2018 - 42  
FINDINGS AND CONDITIONS OF APPROVAL  
APPLICANT: MITCH & DIANE KLEIER  
LOCATION: 304 S BROADWAY STREET – AP# 054-183-020

The following findings of fact have been determined by the Planning Department for the establishment and operation of the business of a Martial Arts Studio located at 304 S. Broadway Street. APN: 054-183-020:

Findings of Approval:

1. The proposal will not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use.

*The proposal to establish and operate a Martial Arts Studio would not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood. Subject to the issuance of a Conditional Use Permit by the Planning Commission and subject to the Conditions of Approval, use of the site would remain consistent with the intent of the General Plan designation and zone district. As such, the project will not be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood.*

2. The proposal will not be materially detrimental to property or improvements in the neighborhood.

*The proposal will not be materially detrimental to property or improvements in the neighborhood. Conditions of Approval will provide for commercial use compatibility between the proposed commercial use and the existing commercial neighborhood and adjacent streets.*

3. The proposal will not be materially detrimental to the general welfare of the city.

*The use is compatible with the policies and objectives of the zoning ordinance for a C2, Commercial Downtown zone which allows a Martial Arts Studio (Health Club) upon approval and validation of a conditional use permit as set*

*forth in Section 16.34.070 (R) of the Yreka Municipal Code. This commercial business keeps with the character of the surrounding area, and is found to be consistent with the General Plan. The proposal will not generate significant noise or lighting. The proposal will not increase traffic beyond the capacity of existing infrastructure in an area which is sufficient to accommodate commercial uses.*

4. The Planning Commission has determined that the project is exempt from environmental review pursuant to the provisions of the California Environmental Quality Act (CEQA) Section 15301 Existing Facilities of the CEQA Guidelines.

The following conditions shall be complied with at all times while the use permitted by this permit occupies the premises:

1. Permittee granted a permit to establish and operate a Martial Arts Studio at the location set forth in the application, subject to full compliance with applicable city and state codes. The premises shall not be occupied or opened to the public until all conditions hereinafter set forth have been complied with by the permittee.
2. The business will be located in an existing facility in the C2 (Commercial Downtown) zone and can be served by existing municipal parking facilities.
3. Use shall be conducted in accordance with the application as submitted for the property located at 304 S. Broadway Street, as approved by the Planning Commission on October 17, 2018.
4. Permittee shall comply at all times with the zoning district regulations for a C2, *Commercial Downtown* zone, as set forth in section 16.34 of the Yreka Municipal Code.
5. There shall be no storage or display of merchandise outside the building.
6. Permittee shall obtain a building permit and shall pay the necessary fees prior to making any building, electrical, mechanical, or plumbing installations and/or improvements to the structure.
7. No signs shall be placed on the premises without first obtaining a sign permit. Signs shall be installed in accordance with Title 13, Signs of Yreka Municipal Code.

8. Permittee shall maintain an annual City business license to carry on the business of a Martial Arts Studio.
  
9. The use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety, or welfare.

Date: October 17, 2018

**Required Signatures:**

The applicant/owner hereby acknowledges receipt of the above conditions of approval, understands the terms, and agrees to comply with all conditions.

\_\_\_\_\_  
Printed Name (Property

\_\_\_\_\_  
Signature (Property Owner)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Printed Name (Applicant)\_

\_\_\_\_\_  
Signature (Applicant)

\_\_\_\_\_  
(Date)

PLANNING COMMISSION RESOLUTION PC 2018-8  
APPROVAL OF CONDITIONAL USE PERMIT #2018-42  
AT 304 S. BROADWAY (APN 054-183-020)  
APPLICANTS: MITCH AND DIANE KLEIER

**WHEREAS**, Mitch and Diane Kleier, (applicants) have requested a Conditional Use Permit to establish and operate a Martial Arts Studio to be located at 304 S. Broadway, Yreka CA, Assessor's Parcel Number 054-183-020; and

**WHEREAS**, the Planning Commission held a duly noticed public hearing to accept public comments and to review and consider the applications on October 17, 2018; and

**WHEREAS**, the Planning Commission has determined that, subject to approval of the Conditional Use Permit and the project Conditions of Approval, the request is consistent with the Yreka General Plan and the standards of Yreka Municipal Code; and

**WHEREAS**, the Planning Commission finds that the proposed project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Existing Facilities. Class 1 exemptions consist of the operation, maintenance, permitting, or licensing of existing public or private structures or facilities involving negligible or no expansion of the use beyond what existed at the time of the lead agency's determination; and

**WHEREAS**, the Planning Commission has made the following findings with respect to the requested Conditional Use Permit:

1. The proposal will not be materially detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed use.
2. The proposal will not be materially detrimental to property or improvements in the neighborhood.
3. The proposal will not be materially detrimental to the general welfare of the city.
4. The use is compatible with the policies and objectives of the C2 zoning and City of Yreka General Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Yreka does hereby approve Conditional Use Permit #2018-42, subject to the following conditions:

**General Conditions of Approval**

1. Permittee granted a permit to establish and operate a Martial Arts Studio at the location set forth in the application, subject to full compliance with applicable city and state codes. The



premises shall not be occupied or opened to the public until all conditions hereinafter set forth have been complied with by the permittee.

2. The business will be located in an existing facility in the C2 (Commercial Downtown) zone and can be served by existing municipal parking facilities.
3. Use shall be conducted in accordance with the application as submitted for the property located at 304 S. Broadway Street, as approved by the Planning Commission on October 17, 2018.
4. Permittee shall comply at all times with the zoning district regulations for a C2, *Commercial Downtown* zone, as set forth in section 16.34 of the Yreka Municipal Code.
5. There shall be no storage or display of merchandise outside the building.
6. Permittee shall obtain a building permit and shall pay the necessary fees prior to making any building, electrical, mechanical, or plumbing installations and/or improvements to the structure.
7. No signs shall be placed on the premises without first obtaining a sign permit. Signs shall be installed in accordance with Title 13, Signs of Yreka Municipal Code.
8. Permittee shall maintain an annual City business license to carry on the business of a Martial Arts Studio.
9. The use permit granted in accordance with the terms of this title may be revoked if any of the conditions or terms of such permit are violated or if any law or ordinance is violated in connection therewith, or if the Planning Commission Finds, with the concurrence of the City Council, that the continuance of the use permit will endanger the public health, safety, or welfare.

The foregoing Resolution was adopted by the Planning Commission on the 17th day of October 2018, by the following vote:

AYES:

NOES:

ABSENT:

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Paul McCoy, Chair

ATTEST:

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Liz Casson, City Clerk