



## **Planning Commission Meeting Agenda**

**Tuesday, November 12, 2024 at 6:00 PM**

**33 Church Street, Sutter Creek, CA 95685**

**The Agenda can be found on the City's Website: [www.cityofsuttercreek.org](http://www.cityofsuttercreek.org)**

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<https://us02web.zoom.us/j/81685890182?pwd=jNxsS1HWYjCT1SfPqwCKWb6T1I6NZ.1>

**The City of Sutter Creek Planning Commission Meeting will be available via Zoom and in person.**

**Join Zoom meeting: <https://us02web.zoom.us/j/9568520224>**

**Please note: Zoom participation is only available for viewing the Commission meeting.**

**\*Public Comment will not be taken from Zoom\***

**Or Dial by phone: 301-715-8592 | Meeting ID: 956 852 0224**

*Unless stated otherwise on the agenda, every item on the agenda is exempt from review under the California Environmental Quality Act ("CEQA") per CEQA Guidelines Sections 15060(c), 15061(b)(3), 15273, 15378, 15301, 15323 and/or Public Resources Code Section 21065.*

- 1. Call to Order and Establish a Quorum for Regular Meeting**
- 2. Pledge of Allegiance to the Flag**
- 3. Public Forum**

*Discussion items only, no action to be taken. Any person may address the Commission at this time upon any subject within the jurisdiction of the Planning Commission; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent meeting. Please note – there is a five (5) minute limit per topic.*

- 4. Consent Agenda**

*Items listed on the consent agenda are considered routine and may be enacted in one motion. Any item may be removed for discussion at the request of the Commission or the Public.*

- A. [Planning Commission Minutes of October 15, 2024](#)**

**[Recommendation: Approval of Minutes](#)**

B. [Adopt Resolution 24-25-\\*\\* granting a 12 month extension of Resolution 23-24-05](#)

C. [16 Eureka Street- Sign Permit](#)

*[Recommendation: Approval of sign application as submitted](#)*

**5. Public Hearings**

A. [Discussion only regarding the proposed Broadmeadows Subdivision](#)

**6. Adjournment**



## Planning Commission Meeting Minutes

Tuesday, October 15, 2024 at 6:00 PM

33 Church Street, Sutter Creek, CA 95685

The Agenda can be found on the City's Website: [www.cityofsuttercreek.org](http://www.cityofsuttercreek.org)

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### 1. Call to Order and Establish a Quorum for Regular Meeting

#### PRESENT

Andrea Macon

Lucy Mulvey

Lisa Ryan

Mike Kirkley

Thomas Baggett

### 2. Pledge of Allegiance to the Flag

### 3. Public Forum

### 4. Consent Agenda

*Items listed on the consent agenda are considered routine and may be enacted in one motion. Any item may be removed for discussion at the request of the Commission or the Public.*

#### A. Planning Commission Minutes of September 9, 2024

Recommendation: Approval of Minutes

Minutes approved 5 - 0

#### B. Sign Permit- 440 Highway 49 (Mother Lode Deli)

Moved Macon, Seconded by Baggett

Approved 5 - 0

**5. Consent Agenda**

- A. Discussion and direction of the appropriate development standards for a residential use within the C-2 zoning district

Discussion ensued among commissioners and with the applicant for consideration of a variance. Issues unique to the site were discussed and how to apply the code.

**6. Public Hearings**

- A. **CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL**  
85 BROAD STREET, SUTTER CREEK, APN 018-132-014

Short term rental hitting near 20 numbers. Allowed in residential zoning need a CUP  
PUBLIC

Member of public - concern about evacuation in case of fire

Troy, House owner - Using Vacasa to manage it, requires fire extinguishers, detectors.

Cheryl - Neighbors, concerned about noise.

Troy - Vacasa also provides noise monitoring. If there are issues someone has to respond in a timely manner. Owner lives 2 hours away.

Erin - must have a 60 minute response time. Need a contact in town. Jackson does inspections for STR, something we may want to consider when we update the ordinance. .

Andrea - Right across from school, any legal issues to avoid renting to sexual predators? Owner - Vacasa has a guest screening process.

Tommy - Noise is covered by condition 12

Mike - concerned about loss of housing

Lucy - can we add a condition for maps emergencies, utilities,

Motion Commissione Baggett, seconded by Commissioner Mulvey to approve with added condition with of a site plan that lists the extinguishers, co2 monitors, and location of utility shutoff

Vote 4 - 1 with Commissioner Macon against.

- B. **CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL**  
193 BADGER STREET, SUTTER CREEK, APN 018-121-021

Renting portion of a 4 bedroom house. Owner representative will be on site, renting 3 bedrooms with room for 6 people, and has 3 parking spots.

Doug Spainhower, owner, spoke. His sister-in-law lives in a detached garage apartment. Will be there in an emergency. Duug and his wife, Victoria, are managing the property. Live nearby.

Erin - ask for same site plan details

Motion by Commissioner Macon, Seconded by Commissioner Ryan to approve with added condition of a site plan that lists the extinguishers, co2 monitors, and location of utility shutoff

Passed 4 - 0 with Commissioner Kirkley recused due to a conflict, owns property near the site.

C. VESTING TENTATIVE PARCEL MAP No. 2920

Erin - Public hearing to approve a new tentative map.

Applicant - Jim Albear with Church.

Member of Public - 3 renters on north Amelia - problem with driveway at an angle, need to back length of property, hard to get out.

Motion Baggett, seconded by Macon

Vote 5-0

D. Vesting Tentative Parcel Map #2925, 381, 383, and 385 Sutter Hill Road (APN 180-314-026)

Erin - Exception to 60 foot frontage - tradeoff of multiple drives vs one shared drive.

Zoned R3. Will need an exception from the City Council. Want recommendation from PC

Applicant - Brusactori - here to answer questions.

Kirkley - entrance makes sense

Motion Commissioner Ryan, Second by Baggett

Vote 5 - 0

E. SITE PLAN PERMIT, BUSINESS PARK DRIVE AT RIDGE RD., JACKSON RANCHERIA DEVELOPMENT CORPORATION (APNS 044-510-004/-028/-045)

Planner Ventura explained that the Mini storage was approved with decorative fencing and landscaping

No landscaping plan for the new RV storage but will move the gate forward. Staff recommends landscaping.

Public - Ray Brusatoro - Concerned about storage repair on Eureka Road - no fence, no landscaping.

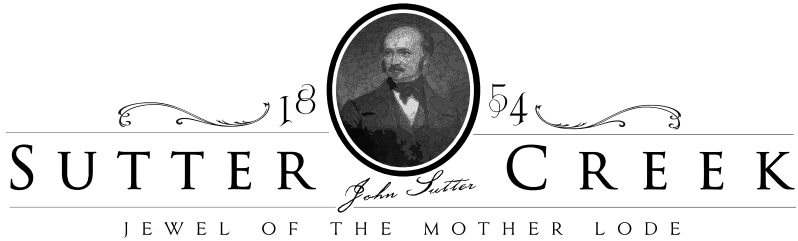
MOTION by Commissioner Mulvey, Seconded by Commissioner Baggett to APPROVE with added condition of privacy fence along front facade and SW side near Churches

Vote 5 - 0

**7. Adjournment**

**Adjourned at 7:06**

**New Commissioner Mulvey was sworn into office privately**




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**TO:** PLANNING COMMISSION

**MEETING DATE:** NOVEMEBER 12, 2024

**FROM:** ERIN VENTURA, PLANNING CONSULTANT

**SUBJECT:** ENTITLEMENT EXTENSION REQUEST- SITE PLAN PERMIT, DANCO MULTIFAMILY RESIDENTIAL DEVELOPMENT AT THE CORNER OF VALLEY VIEW WAY AND BOWERS ROAD (APN: 040-020-057)

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**RECOMMENDATION:**

1. Adopt Resolution 24-25-\*\* granting a 12-month extension of Resolution 23-24-05.

**BACKGROUND/RECOMMENDATION:**

On November 13, 2023 a Site Plan Permit was issued, by Resolution, for the DANCO project located at the corner of Valley View Way and Bowers Drive. Per the Sutter Creek Municipal Code 18.06.090 “If the use or activity authorized by any planning permit is, or has been unused, abandoned, or discontinued for a period of twelve months, said planning permit shall become null and void and of no effect.”

The applicant has been working over the last year to secure funding for the project and has yet to submit for a building permit.

On October 3, 2024 the applicant submitted a request for an extension of their Site Plan permit.

Per Sutter Creek Municipal Code 18.06.100 the applicant is allowed to submit a request for an extension.

“Prior to expiration date of any planning permit, a written request may be submitted to the review authority that approved the permit requesting an extension of time for up to twelve months each time in order to complete the permit. Said request shall state the reasons for the extension and shall be accompanied by any fees pursuant to section 18.60.020.”

The Planning Commission was the original approving authority for the Site Plan permit and is also the approving authority for granting the extension. As a reminder, Planning Commission oversight of this project is limited by state law and the project was fully compliant with Sutter Creek zoning.

It has been the City’s policy to grant approved projects an extension when requested. Staff recommends that the Planning Commission grant a 12 month extension for the DANCO project.



**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF SUTTER CREEK APPROVING THE SITE PLAN  
FOR APN 044-020-057 AT THE CORNER OF VALLEY VIEW WAY AND BOWERS ROAD  
(DANCO)**

**WHEREAS**, on the Planning Commission of the City of Sutter Creek did on Monday November 13, 2023, hold a public hearing for a site plan application for DANCO multifamily residential development containing 3 separate buildings; and

**WHEREAS**, the Planning Commission did at the public hearing receive a report from the planning staff, receive input from the Applicant and members of the public in attendance, and at the close of the public hearing did deliberate; and

**WHEREAS**, the Planning Commission does find the proposal is exempt from environmental review as a Class 15332 (In-fill Development) Categorical Exemption under CEQA.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Sutter Creek hereby approves a Site Plan Permit for APN 044-020-057 based on the following Findings:

1. The proposed use of the property is essential or desirable to the public convenience or welfare.
2. The proposed use is in compliance with the Sutter Creek General Plan goals, policies, and Multi-family R-4 designation.
3. The proposed use will not impair the integrity and character of the zoning district because the use is consistent with activities within the R-4 Zone and the existing adjacent uses.
4. The proposed use would not be detrimental to public health, safety or general welfare because appropriate conditions of approval have been attached to the project.
5. The proposed use of the property implements the Sutter Creek General Plan and the purposes of the Planning Title.

**BE IT FURTHER RESOLVED** the Planning Commission hereby approves the Site Plan Permit, subject to the following Conditions of Approval:

1. The applicant shall receive approval from Sutter Creek Fire Department.
2. Any proposed signage must be approved prior to installation.
3. All on-site sewer facilities shall be owned and maintained by the property owner/manager. A manhole shall be provided in the on-site collection system at the edge of the right of way prior to leaving the proposed site. Sufficient area shall be provided around the manhole for maintenance access. Connection for the project to the City's collection system on Valley View Way shall be made with a 6" minimum diameter SDR 35 D-3034 PVC pipe. Flow calculations verifying use of a 6" pipe shall be provided. If an existing manhole is not available for connection to the City's existing collection system, a new manhole will be constructed in-line with the City's existing sewer main.
4. An encroachment permit shall be obtained from City Hall prior to any work being completed within the road right of way.
5. All sewer system design, construction, and testing shall conform with City of Sutter Creek Design Criteria, Technical Specifications, and Details for Gravity Sewers. All plan check and inspection fees shall be paid with initial submittal of plans.
6. Currently there is capacity at the City's Wastewater Treatment Plant for this project. This capacity is on a first come first serve basis based upon payment of connection fees. Therefore, capacity is not guaranteed. In addition, the existing wastewater collection system in the vicinity of the project is over capacity. In order to have sufficient capacity for the project, the final portion of the EDA line expansion must be completed by the

- applicant at its cost.
7. All required fees shall be paid prior to final approval and acceptance of sewer facilities by the City.
  8. Applicant must provide a geotechnical engineering report.
  9. Provide a Storm Water Pollution Prevention Plan (SWPPP) and obtain a WDID Number from the Regional Water Quality Control Board.
  10. A drainage study shall be provided which includes analysis of existing down gradient facilities, proposed conduits, diversion ditches and swales. The drainage study and proposed improvements must conform to City Standards (including onsite project detention) and be subject to review and approval of the City Engineer.
  11. Applicant shall address impacts to adjacent driveways and sight distance requirements for the proposed driveway on Bowers Road.
  12. Retaining wall structure and footings must be on applicant's property and not the City of Sutter Creek.
  13. Applicant shall provide verification of access easement for shared driveway with property owner at APN 044-020-056
  14. A final grading, utility and improvement plan shall be prepared by a licensed professional for review and approval by city staff.
  15. Applicant shall provide 0.2' asphalt concrete overlay from roadway centerline to concrete curb and gutter on Bowers Road and Valley View Drive along the frontage of the applicant's property.
  16. Applicant shall re-stripe Bowers Road and Valley View Drive centerline along the frontage of applicant's property.
  17. Applicant shall place thermoplastic crosswalks, four each at the intersection of Valley View Drive and Bowers Road to connect to all four ADA ramps.
  18. Applicant shall create a four way stop controlled intersection at Valley View Drive and Bowers Road (this is currently a two way stop). New stops shall be on Valley View Drive. Work to include new "STOP" pavement marking and stop bar with thermoplastic (4 total, 2 new and 2 replace), and new "STOP" signs and pole with street name signs per City Standard details (2 total).
  19. Applicant shall replace the existing ADA ramps at the following locations to current standards:
    1. At the northeast intersection of Valley View Drive and Bowers Road, adjacent to Proposed Community Building 'A'.
    2. At the western entrance to existing Pinewoods I Apartments on Bowers Road. This work also includes replacing the existing sidewalk that is cracked and separating in this location.
  20. Applicant shall pay their fair share of funding for roadway improvements to ACTC, including payment of Regional Traffic Mitigation Fees (RTMF) under the current rate.
  21. The development must comply with all the requirements of the Conditional Will Serve letter from AWA, dated September 11, 2023.
  22. Applicant will be required to obtain a "Will Serve Commitment" from AWA prior to initiation of service to the development.
  23. Applicant will work with AWA on a complete set of utility plans, in regard to water infrastructure.
  24. Applicant shall pay the \$50.00 CEQA Notice of Exemption (NOE) filing fee to the Amador County Recorder
  25. Applicant shall comply with Section 18.06.090 and 18.06.100 of the Zoning Code regarding the 12-month period to implement the Project and/or Extension of time.

**PASSED AND ADOPTED** by the Planning Commission of the City of Sutter Creek on Monday the 13<sup>th</sup> day of November 2023 by the following vote:

Section 4, Item B.

- AYES: Macon, Ryan and Kirkley**
- NOES:**
- ABSTAIN:**
- ABSENT: Baggett and Padilla-Gordon**

THE CITY OF SUTTER CREEK

*Michael Kirkley*

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Michael Kirkley, Chairman

ATTEST:

*Karen Darrow*

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Karen Darrow, City Clerk

**A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF SUTTER CREEK GRANT A 12-MONTH EXTENSION OF  
RESOLUTION 23-24-05 APPROVING THE SITE PLAN  
FOR APN 040-020-057 AT THE CORNER OF VALLEY VIEW WAY AND BOWERS ROAD  
(DANCO)**

**WHEREAS**, on November 13, 2023, the Planning Commission of the City of Sutter Creek did hold a public hearing for a site plan application for DANCO multifamily residential development containing 3 separate buildings; and

**WHEREAS**, the Planning Commission did at the public hearing receive a report from the planning staff, receive input from the Applicant and members of the public in attendance, and at the close of the public hearing did deliberate; and

**WHEREAS**, the Planning Commission approved Resolution 23-24-05 granting a Site Plan permit for the project; .

**WHEREAS**, places a 12 month time limit on approvals;

**WHEREAS**, the Sutter Creek Municipal Code section 18.06.100 allows applicants to request an 12 month extension for approvals;

**WHEREAS**, the Planning Commission was the approving authority and therefore is the approving authority for the extension;

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Sutter Creek hereby approves a 12 month extension of Resolution 23-24-05.

**PASSED AND ADOPTED** by the Planning Commission of the City of Sutter Creek on Monday the 12th day of November, 2024 by the following vote:

- AYES:**
- NOES:**
- ABSTAIN:**
- ABSENT:**

**THE CITY OF SUTTER CREEK**

\_\_\_\_\_  
**Michael Kirkley, Chairman**

**ATTEST:**

\_\_\_\_\_  
**Mason Peters, Deputy City Clerk**

# DANCO

THE DANCO GROUP OF COMPANIES

Danco Communities

Phone:(707) 822-9000  
Fax: (707)8229596  
www.danco-group.com

5251 Ericson Way  
Arcata, CA 95521

October 3, 2024

City of Sutter Creek

RE: Danco Development Entitlement Extension Request

To whom it may concern:

Danco Communities is requesting an extension to Resolution 23-24-05 for our site plan application approval. Our approval is set to expire in November 2024, and we would like to request an additional year with the new expiration being November 2025.

We applied in the July 9% LIHTC round but were unsuccessful due to our tiebreaker being too low. In preparation for the next round of 9% applications, which will be submitted in February 2025, we are working to obtain additional soft funds to increase our tie breaker to make us more competitive.

If you have any further questions, please feel free to reach out to Jayden Johnson, Project Manager via e-mail (jjohnson@danco-group.com) or by phone 707-822-9000.

Sincerely,



Chris Dart  
President  
Danco Communities

**STAFF REPORT**

**TO: PLANNING COMMISSION**  
**MEETING DATE: NOVEMBER 12, 2024**  
**FROM: ERIN VENTUA, PLANNING CONSULTANT**  
**SUBJECT: SIGN PERMIT APPROVAL**  
**16 Eureka Street- Dunham Associates CPAs, Inc.**  
**APN 018-180-027**

**RECOMMENDATION:**

Approve the sign permit application for 16 Eureka Street- Dunham Associates CPAs, Inc., for a double sided sign.

**BACKGROUND:**

The applicant submitted an application for a Sign Permit (Exhibit A) for 16 Eureka Street, Sutter Creek. They are proposing one sign, which is double sided and located on the front of the building.

See Table 1 for proposed sign checklist.

**Table 1. Proposed Sign Checklist**

Site	16 Eureka Street (018-180-027)
Building Plan	N/A
Lot Size	2,261 sq. ft.
Zoning	DTC- Downtown Commercial
General Plan Land Use Designation	DTC- Downtown Commercial
Main Street Historic District	Yes
Historic District	No
Building Frontage in Lineal Feet	30
Sign Preparer	Merzlak Signs
Code Section	15.16 – Signs,
15.16.070 – Signs in Historical District	
A. Frontage length: 80 feet	Proposed: 5.25 sq. ft., Allowed: 6 sq. ft.
Property Owner Approval	Yes

**DISCUSSION:**

The signs as presented meets the Code requirements.

Section 4, Item C.

<b>Sign Type</b>	<b>Measurements</b>	<b>Sq. ft.</b>		<b>Total sq. ft.</b>
Blue and white	18"x21" =	2.625 sf	Double sided	5.25 sf
			Total Square Feet	5.25 sf

The proposed sign will serve the Dunham Associates, Inc. which is located within the Downtown Commercial Zoning District.

**ENVIRONMENTAL:**

The project is Class 11 CEQA exempt based on section 15311(a) On-premise signs. No further environmental review is required.

**BUDGET IMPACT:**

None.

\* \* \* \*

**EXHIBIT A  
16 EUREKA STREET SIGN APPLICATION**

Section 4, Item C.

RECEIVED  
OCT 23 2024

City of Sutter Creek  
18 Main Street  
Sutter Creek, CA 95685  
209-267-5647  
www.cityofsuttercreek.org

RECEIVED: City of Sutter Creek  
FEE PAID: \$100

**Submission Requirements**

- 1- Application\*
  - 2- Sketch or Image of Sign(s)\*
  - 3- Fees (Refer to current fee schedule. All Fees must be paid at City Hall)
- \*All documentaion must be submitted via the application portal on the City website

**SIGN PERMIT APPLICATION**

Page 1 of 9

**Project Applicant:** Dunham Associates CPAs, Inc.  
**Project Address:** 16 Eureka St. Sutter Creek, CA 95685  
**Phone:** (408) 260-9600 **Email:** Rick@DunhamCPAs.com  
**APN:** 018-180-027-00U

Is this located in the Historic District? Yes  No   
If yes, please see checklist for Design Review.  
 Is this located in the Historic Corridor? Yes  No   
 Commercial  Industrial

**Property Owner:**  
**Name:** Sue and Rodney Hobbs **Phone:** 209-418-5748  
**Mailing Address:** 837 Vogen Toll Rd. Jackson **Email:** SUEM.HOBBS@GMAIL.COM  
**City:** Jackson **State:** CA **Zip:** 95642

Is this person the project contact? If not, please specify who the contact person is.  
**Name:** Rick D. Dunham  
**Mailing Address:** 1884 The Alameda San Jose, CA 95126  
**Phone:** (408) 260-3040 **Email:** Rick@DunhamCPAs.com

**SIGNS TO BE PREPARED BY:** Merzlak Signs  
**BUILDING FRONTAGE @ PRIMARY ENTRANCE:** 30' in LINEAL FEET

**EXISTING SIGNS:** TO BE UTILIZED FOR THIS BUSINESS: (INCLUDE NUMBER OF SIDES AND DIMENSIONS FOR EACH SIGN)  
1 sign 2 sides

**PROPOSED SIGNS:** FOR EACH PROPOSED SIGN ATTACH A SKETCH/PHOTO SHOWING THE FOLLOWING:  
(CHECK EACH BOX UPON COMPLETION)

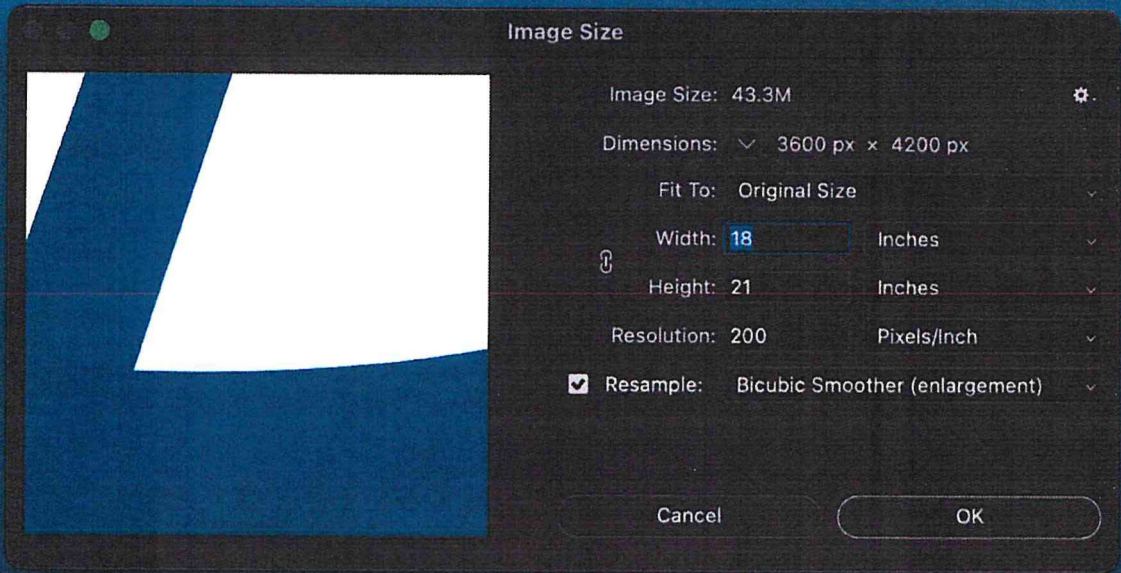
<input checked="" type="checkbox"/> Sign design: <u>attached.</u> <small>(Attached lettering and graphics, drawn to scale)</small>	<input checked="" type="checkbox"/> Type of Materials to be used: <u>aluminum composite overlay</u> <small>(briefly describe)</small>
<input checked="" type="checkbox"/> Total signage requested: <u>2.625</u> Sq.Ft.	<input checked="" type="checkbox"/> Method of attachment: <u>bolt.</u>
<input checked="" type="checkbox"/> Total allowable signage: <u>6.00</u> Sq.Ft. <small>(Per Sign Ordinance)</small>	<input checked="" type="checkbox"/> Total number of sides: <u>2</u>
<input checked="" type="checkbox"/> Location of sign(s): <u>see address</u>	<input checked="" type="checkbox"/> Colors: <u>Blue / White / Black.</u> <small>(Including letters, graphics, &amp; background)</small>

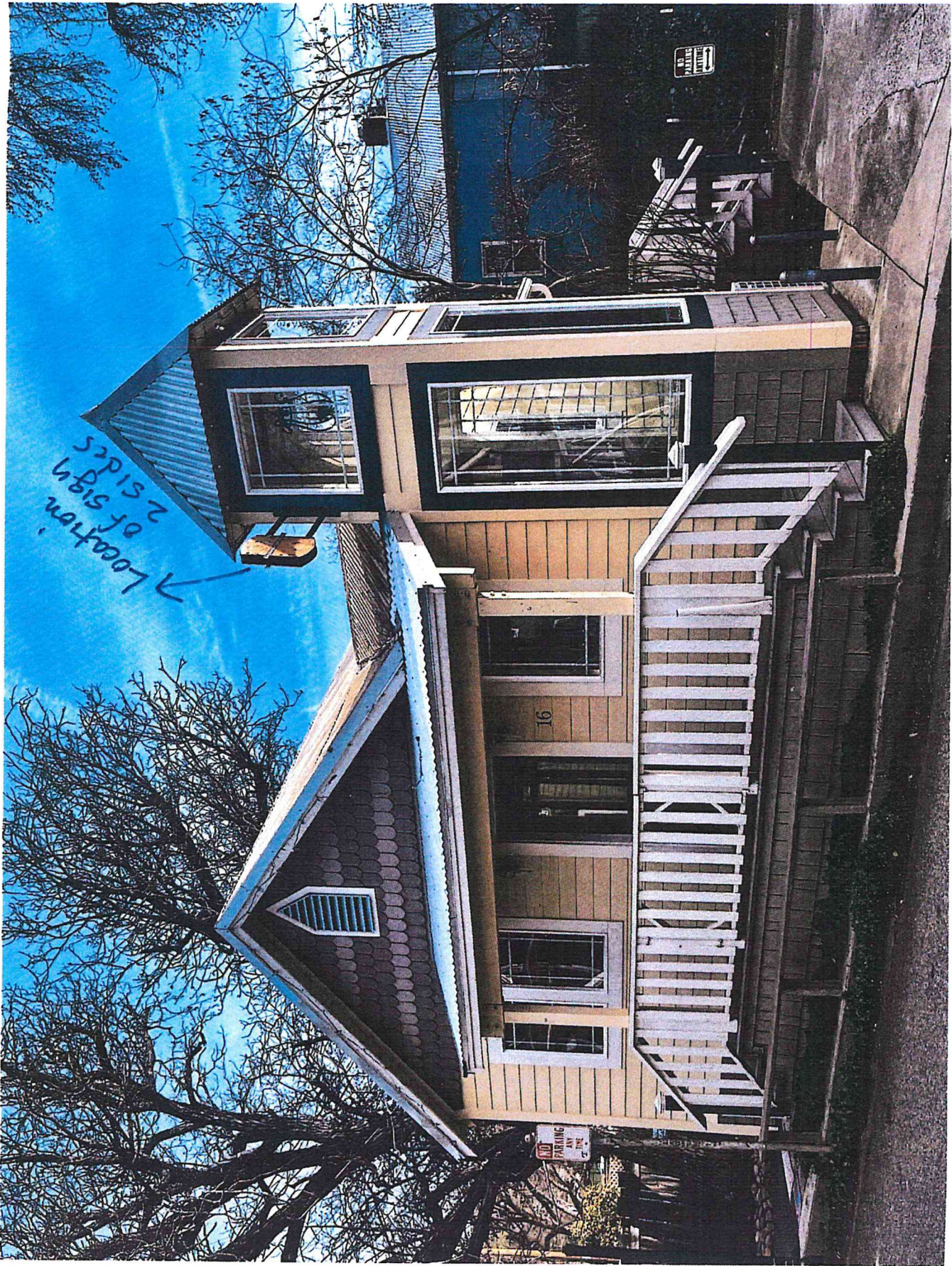
I hereby certify that I am the Owner of the business applying for this Sign Permit (or the Owner's authorized representative) and agree to abide by the requirements of the Sutter Creek Sign Ordinance as codified in Chapter 15.16 of the Sutter Creek Municipal Code.

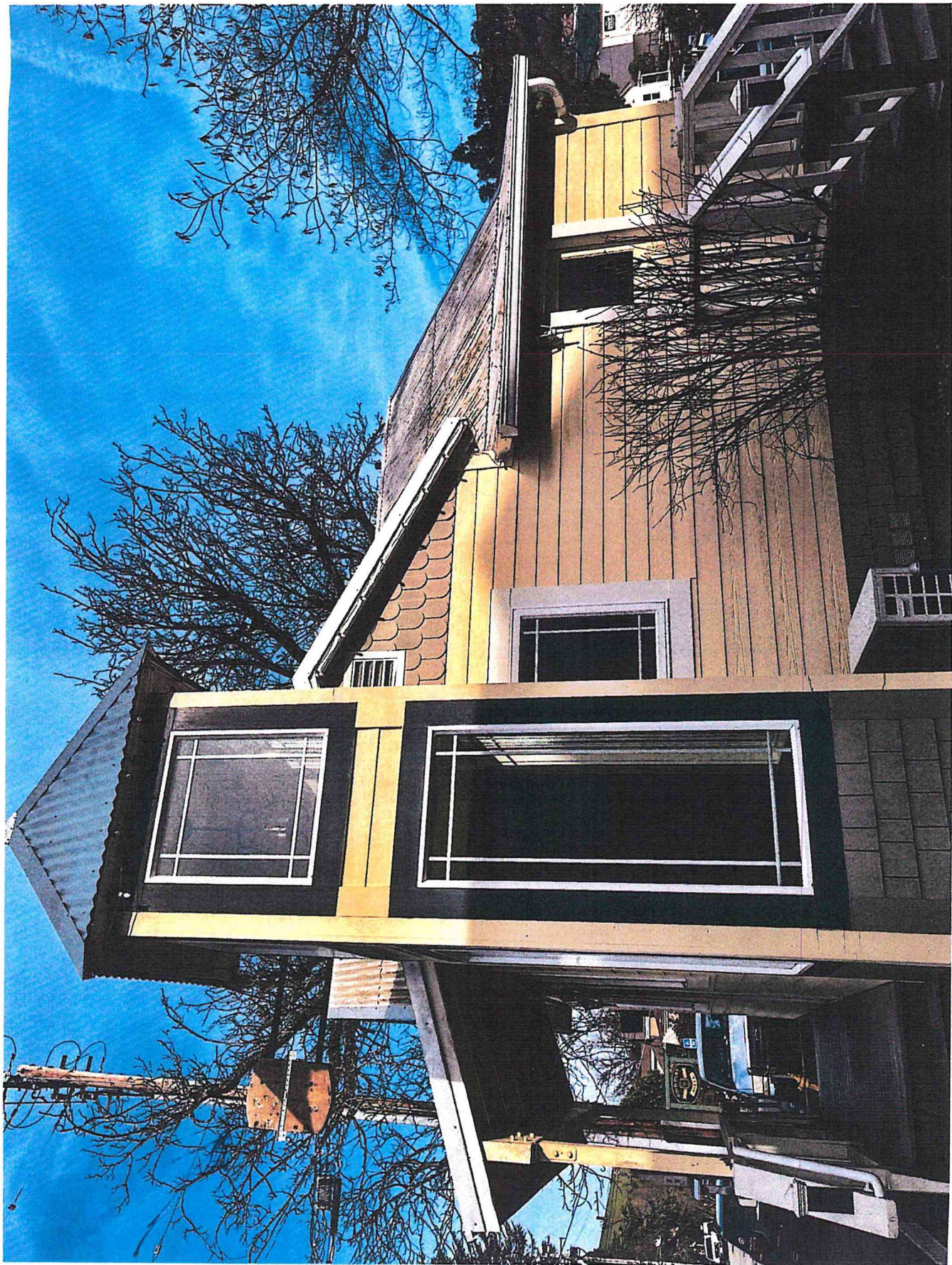
[Signature] 7-19-2024  
 APPLICANT'S SIGNATURE DATE  
[Signature] 7-27-2024  
 PROPERTY OWNER SIGNATURE DATE

**PLANNING COMMISSION ACTION:**  
 APPROVED:  DENIED:  MEETING DATE:

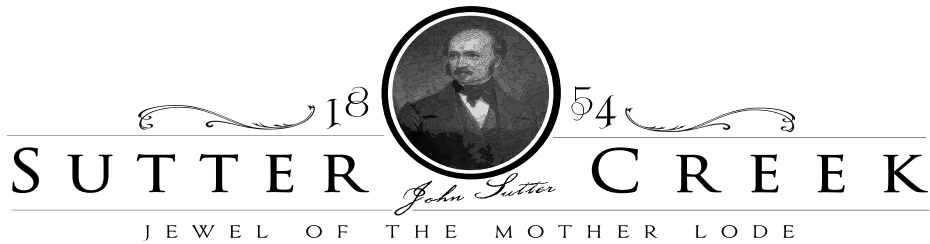
*Created by Pam Merelak.*







SIGN LOCATION



B

**TO:** Planning Commission

**MEETING DATE:** November 12, 2024

**FROM:** Erin Ventura, Contract Planner

**SUBJECT:** Discussion- Broadmeadows Estates 10 Lot Subdivision- Northeast corner of Golden Hills Drive and Broadmeadows Drive, (APN 040-030-060 and 040-232-001[Portions])

**RECOMMENDATION:**

No action is required at this time. Staff is asking for direction only.

**BACKGROUND:**

On June 10, 2024, and July 8, 2024, an application for an Initial Study/Negative Declaration, Vesting Tentative Subdivision Map #182/General Plan Land Use Amendment/Pre-zone was brought to the Planning Commission during a Public Hearing. At the June 10, 2024 Planning Commission meeting the application was continued. At the July 8, 2024 Planning Commission meeting the application was denied by the Commission.

The applicant appealed the Planning Commission's decision to the City Council. On August 26, 2024 the City Council reviewed the application and denied the applicant's appeal.

Minutes from the June 10, 2024 and July 8, 2024 Planning Commission, and August 26, 2024 City Council meeting have been attached to this report.

**DISCUSSION:**

During the discussion at the City Council meeting, the Council directed the applicant to work with the Planning Commission on a number of issues, with one of the primary issues for the Council being a walking path from the project site to downtown.

The applicant listened to the public, the Commission and the Council and has requested the opportunity to address issues raised.

Over the last couple of months the applicant has been working on different alternatives for a walking path from the project site to downtown. The applicant has come up with 5 possible alternatives (Walking Path Narrative) with 3 being feasible.

Alternative 3 on the "Walking Path Narrative" is listed as Alternative 1 on the map.

Alternative 4 on the "Walking Path Narrative" is listed as Alternative 2 on the map.

Alternative 5 on the "Walking Path Narrative" is listed as Alternative 3 on the map.

Staff's concern with "Extension of Golden Hills" (Alternative 1 on the map) is that it involves another "project" that has been put on hold. Over the years staff has processed Panner Creek and

Broadmeadows as two separate projects, in terms of environmental review per the applicant and has told the applicant they cannot move forward with Panner Creek until Broadmeadows is complete. If Alternative 1 through Panner Creek is the desired alternative staff will recommend that both projects be processed together, with additional environmental review. Alternative 1 is land that is already owned by the developer but will require an extensive easement to connect to Eureka Road or a bridge to connect to Church Street.

Section 5, Item A.

Staff at this time does not have an opinion on Alternative 2.

Alternative 3 is the shortest distance and utilizes the pump station's existing driveway. This alternative does require an easement over a private property that has not been obtained.

The applicant is looking for discussion and direction regarding the walking path alternatives proposed.

There were additional issues brought up by both the Planning Commission and the City Council which have not yet been addressed by the applicant, and may also be discussed during this meeting.

At this time the Planning Commission is not making a determination as to whether or not they will approve the project, they are only discussing issues and potential responses by the applicant to help guide their resubmission.



## **Planning Commission Meeting Minutes**

**Monday, June 10, 2024 at 6:00 PM**

**33 Church Street, Sutter Creek, CA 95685**

**The Agenda can be found on the City’s Website: [www.cityofsuttercreek.org](http://www.cityofsuttercreek.org)**

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### **1. Call to Order and Establish a Quorum for Regular Meeting**

PRESENT

Chairman Mike Kirkley

Vice-Chairman Thomas Baggett

Commissioner Andrea Macon

Commissioner Athena Padilla-Gordon

Commissioner Lisa Ryan

### **2. Pledge of Allegiance to the Flag**

Chairman Kirkley led the pledge.

### **3. Public Forum**

*Discussion items only, no action to be taken. Any person may address the Commission at this time upon any subject within the jurisdiction of the Planning Commission; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent meeting. Please note – there is a five (5) minute limit per topic.*

None.

#### 4. Consent Agenda

**Motion made to Approve the Consent Agenda, as presented by Vice-Chairman Baggett, Seconded by Commissioner Macon.**

**Voting Yea: Vice-Chairman Baggett, Commissioner Macon, Commissioner Ryan**

**Voting Abstaining: Chairman Kirkley, Commissioner Padilla-Gordon**

- A. Planning Commission Minutes of March 11, 2024  
Recommendation: Approval of Minutes
- B. Sign Permit Application: 11 Randolph St. Applicant: Foothill Conservancy  
Recommendation: Approval of sign application as submitted
- C. Sign Permit Application: 60 Ridge Rd.: Applicant: Amador County Association of Realtors  
Recommendation: Approval of sign application as submitted

#### 5. Public Hearings

- A. Broad Meadow Estates Subdivision
  - 1. Conduct a public hearing to receive public input;
  - 2. Adopt Resolution 23-24-\* recommending the City Council Certify the Initial Study/Mitigation Negative Declaration (SCH# 2023100658) for the Broadmeadows Estates Subdivision (Project) and approving Vesting Tentative Subdivision Map No. 182
  - 3. Adopt Resolution 23-24-\* recommending to the City Council a General Plan Amendment from Residential Low Density (RL) to Residential Single Family (RSF);
  - 4. Adopt Resolution 23-24-\* recommending to the City Council pre-zone the parcels outside the City limits to R-1;

Contract Planner Erin Ventura presented.

Chairman Kirkley asked why this is called Unit 4 if it was not part of the original project and if an EIR had been done, noting that he would like to review the environmental documents.

*Chairman Kirkley opened the Public Hearing at 6:17 p.m.*

Community members Mark Koenig, Kathy Cinha, Frank Temmermen, Daniel Stoddard and Megan Rutherford expressed their concerns with the project and the developer and suggested that a full EIR be completed.

*Chairman Kirkley closed the Public Hearing at 6:36 p.m.*

Commissioner Macon asked why staff is recommending separating into two different considerations versus having an EIR and asked to see the original agreement before making a decision.

Chairman Kirkley noted that it is a CEQA violation to piece meal a project and questioned why the annexation did not occur.

The Planning Commission asked staff to find out the following:

- Should an EIR be required
- Is the old one still valid
- Is the infrastructure in place? i.e. wastewater capacity and water availability

The applicant Bruce Baracco suggested continuing the Public Hearing to have time to provide answers to the questions that have come up.

Bruce Smith of Sutter Creek asked, if annexed, would the builder be able to build anything they want.

Planner Erin Ventura explained that they would be restricted to what is allowable within the R1 zone.

Bruce Baracco clarified that in 2008 Broadmeadows Unit 4 was a separate project and was determined Categorically Exempt from environmental review as an infill development project. Since then, CEQA rules have changed and now is no longer exempt and that is why a Mitigated Neg/Dec was prepared and noted that Broadmeadows was never part of the Golden Hills project.

Nancy Martinelli of Sutter Creek noted her concern about the mess the developer left last time and asked how the city will ensure that it will be done right this time.

Chairman Kirkley noted that the city can enforce the conditions of approval.

Commissioner Macon asked if mitigation requirements could be required and enforced before the project begins.

Planner Erin Ventura noted that it would depend on the conditions.

**The Planning Commission directed staff to review and determine if this should be processed as a stand-alone project, noting that it seems odd to be called Unit 4 if not part of Units 1,2,&3 and to provide the Mitigated Neg/Dec for Units 1,2,&3.**

**The Public Hearing will be continued to the next Planning Commission meeting scheduled for July 8th.**

**6. Adjournment**

The meeting was adjourned at 7:13 p.m.

*Michael Kirkley*

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Mike Kirkley, Chairman

*Karen Darrow*

\_\_\_\_\_  
Karen Darrow, City Clerk

Date Approved: July 8, 2024



## **Planning Commission Meeting Minutes**

**Monday, July 08, 2024 at 6:00 PM**

**33 Church Street, Sutter Creek, CA 95685**

**The Agenda can be found on the City's Website: [www.cityofsuttercreek.org](http://www.cityofsuttercreek.org)**

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**The City of Sutter Creek Planning Commission Meeting was available via Zoom and in person.**

### **1. Call to Order and Establish a Quorum for Regular Meeting**

PRESENT

Chairman Mike Kirkley

Vice-Chairman Thomas Baggett

Commissioner Athena Padilla-Gordon

Commissioner Lisa Ryan

ABSENT

Commissioner Andrea Macon

### **2. Pledge of Allegiance to the Flag**

Chairman Kirkley led the pledge of allegiance.

### **3. Public Forum**

None

### **4. Consent Agenda**

A. Planning Commission Minutes of June 10, 2024

Recommendation: Approval of Minutes

**Motion made by Vice-Chairman Baggett, Seconded by Commissioner Ryan to approve the June 10, 2024, minutes, as amended.**

**Voting Yea: Chairman Kirkley, Vice-Chairman Baggett, Commissioner Padilla-Gordon, Commissioner Ryan**

## 5. Public Hearings

### A. Broadmeadow Estates Subdivision

*Continued from June 10, 2024*

1. Conduct a public hearing to receive public input;
2. Adopt Resolution 23-24-\* recommending the City Council Certify the Initial Study/Mitigation Negative Declaration (SCH# 2023100658) for the Broadmeadows Estates Subdivision (Project) and approving Vesting Tentative Subdivision Map No. 182
3. Adopt Resolution 23-24-\* recommending to the City Council a General Plan Amendment from Residential Low Density (RL) to Residential Single Family (RSF);
4. Adopt Resolution 23-24-\* recommending to the City Council pre-zone the parcels outside the City limits to R-1;

Planner Erin Ventura presented the item outlining the multistep process and noted that Staff believes that the proposed subdivision, Broadmeadows Estates Map No. 182 (with conditions) meets all the findings of the Subdivision Ordinance and recommends approval.

Bruce Baracco, Project Planner explained that Units 1,2,3 are considered one project and Unit 4 is a separate project that was applied for after Units 1,2,&3 with no connection. He provided some background as to how the subdivision units evolved. He also noted that this is the only active subdivision currently being considered by the city.

Chairman Kirkley noted that the original 2002 Neg Dec for Units 1,2 &3 was not included in the agenda packet for review.

Stan Gamble, the original project developer, clarified that he owns Units 1,2, & 3 and that he did perform on the conditions that we required for Units 1 & 2. He explained that Unit 4 (Broadmeadows) is under separate ownership. Unit 3 (Panner Creek) has parkland that can be dedicated to the city and a bridge over the creek.

*Chairman Kirkley opened the Public Hearing at 6:24 p.m.*

Mark Koenig, Sutter Creek resident voiced concerns surrounding traffic, water supply and sewer capacity and what impact it will have on current residents.

Frank Cunha, Sutter Creek resident and former Planning Commissioner referenced letter from 2004 in the agenda packet on page 282. He noted that his project has always been Golden Hills Phase 4.

He also questioned why if these two projects are not co-joined how come they are using the same documents. He suggested that there is no need to annex extra five acres for the Broadmeadows project. Mr. Cunha stated that it is clearly an attempt to circumvent the CEQA by piecemeal and that the developer should be held responsible for all legal expenses that come from any lawsuits that result from this project. He also commented that he did not pay the Park and Rec fees that were required. He commented that the developer has proved that he does not care about the city or that neighborhood.

Robert Burge, resident of Sutter Creek noted that he has been involved since the beginning as a property owner and expressed frustration that everything he had originally agreed to never happened.

Bruce Baracco responded that in 2019 Sutter Creek adopted an updated General Plan that included a Circulation Element that reinforced the basis for the Golden Hills project. The applicant has tried very hard to adhere to the new requirements.

There is a condition of approval to do sewer upgrades, they are confident in water availability, oak trees planted on lots in Unit 2 and all lots with houses had oak trees. Traffic study included in the Environmental documents reports that Broadmeadows alone does not create an impact on Gopher Flat Rd. The five acres that was mentioned is not a part of this project.

Stan Gamble noted that he is asking for favors, have paid all fees and have completed all conditions for Units 1&2.

Frank Cunha noted that oak trees were not planted on all lots and suggested that the city require a bond for everything that the developer does.

Bruce Baracco clarified that the Conditions of Approval require the subdivider to plant one blue oak on the lots.

*Chairman Kirley closed the Public Hearing at 6:52 p.m.*

Commissioner Ryan asked if staff could confirm that all conditions have been met for Units 1&2. and asked if it is a CEQA violation for approving one project and not the other.

Planner Erin Ventura explained that most of the fees and infrastructure are generally tied to Unit 3- Panner Creek.

Chairman Kirkley noted that it is disappointing that the city wasn't more responsible managing this project. He would like to see Unit 3 come before Unit 4 Broadmeadows to get all the infrastructure that is tied to it first. He said that it is a problem dealing with developers that don't have the means to see the projects through and requiring a bond would alleviate some of that concern.

Chairman Kirkley requested that staff to do a staff report on the impact of SB9 because every residential lot in Sutter Creek can have a duplex on it.

Erin explained that Sutter Creek is exempt because of the extreme fire designation.

Commissioner Baggett commented that it is tough seeing this shell game.

Chairman Kirkley noted that he is never certain that staff ever goes back to ensure conditions of approval get met and that makes them useless. He also questioned why annex more area into Sutter Creek until other areas are developed.

Chairman Kirkley suggested that it is in the city's best interest to deny this project and have the applicant come back with Unit 4 after Unit 3 is done.

Planner Erin Ventura noted that in order to deny the Planning Commission must identify what findings are not being met.

**Motion made by Chairman Kirkley, Seconded by Vice-Chairman Baggett to deny the Broadmeadows Estates Subdivision Vesting Tentative Subdivision Map application based on Sutter Creek Municipal Code Section 17.12.100A: "The proposed subdivision is not consistent with the general plan, any applicable specific, special or community plan, or the city subdivision ordinance"**

**Voting Yea: Chairman Kirkley, Vice-Chairman Baggett, Commissioner Padilla-Gordon, Commissioner Ryan**

**6. Adjournment**

The meeting was adjourned at 7:20 p.m.

*Michael Kirkley*

Mike Kirkley, Chairman

*Karen Darrow*

Karen Darrow, City Clerk

Date Approved: **September 9, 2024**



## Special City Council Meeting Minutes

Monday, August 26, 2024 at 6:00 PM

33 Church Street, Sutter Creek, CA 95685

The Agenda can be found on the City's Website: [www.cityofsuttercreek.org](http://www.cityofsuttercreek.org)

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The City of Sutter Creek City Council Meeting was available via Zoom and in person.

### 1. Call to Order and Establish a Quorum for Regular Meeting

PRESENT

Mayor Claire Gunselman

Vice Mayor Julia Sierk

Council member Susan Feist

Council member Dan Riordan

Treasurer Vicky Runquist

ABSENT

Council member Jim Swift

Due to a conflict-of-interest Council member Swift abstained from the meeting.

### 2. Pledge of Allegiance to the Flag

Mayor Gunselman led the pledge.

### 3. Public Forum- None.

### 4. Ordinances and Public Hearing

A. Appeal filed by Bruce Baracco, Project Planner, on behalf of the David Mabry and Frank Trujillo (owners) to overturn the Planning Commission's denial of the Project and do the following:

1. Conduct a public hearing to receive public input;

2. Adopt Resolution 2024-2025-\* Certify the Initial Study/Mitigation Negative Declaration (SCH# 2023100658) for the Broadmeadows Estates Subdivision (Project) and approve Vesting Tentative Subdivision Map No. 182

3. Adopt Resolution 2024-2025-\* General Plan Amendment from Residential Low Density (RL) to Residential Single Family (RSF);

4. Adopt Resolution 2024-2025-\* pre-zone the parcels outside the City limits to R-1;

City Planner Erin Ventura provided an explanation for the item, highlighting that the Planning Commission had initially reviewed it during their meeting on July 8, 2024. She noted that the Commission was unable to make the necessary findings to approve it. City Planner Ventura then went over the project's history as detailed in the staff report.

City Attorney Derek Cole outlined the procedures and options available for the Council's consideration tonight. The choices presented were to approve the project, deny the project, continue the discussion, or refer the item back to the Planning Commission for additional review.

Planner Ventura clarified that the R-1 designation applies only if annexed into the city, and successful annexation is required for the project's final approval.

Council Member Riordan inquired whether there are specific guidelines for annexation, whether the city is obligated, or if it is based on need or the Council's discretion.

City Attorney Cole stated there is no obligation to annex or approve the project.

Council Member Riordan expressed concerns about piecemealing and CEQA's guidance on the matter, questioning if there was absolute assurance that CEQA would not raise a piecemeal accusation by separating the projects.

City Attorney Cole acknowledged the Council's valid concerns about piecemealing and pointed out that condition 13 prohibits finalizing the map if an application for Panner Creek is submitted. He mentioned that staff has serious doubts about Panner Creek's viability and therefore did not want to be overly rigid, allowing for flexibility in presenting options to the Council.

Mayor Gunselman remarked that the project is distinctive because the conditions for the first two stages were not completely met. It seems that the fulfillment of conditions is deferred to the final stage, which may not occur, hence CEQA's policy advises against such an approach. This method appears to benefit the developer by avoiding an EIR, potentially exposing the city to risk.

City Attorney Cole stated that staff regards Broadmeadows as a small, independent project consisting of ten homes and anticipates a comprehensive Environmental Impact Report if the Panner Creek project proceeds. He cautioned that the City cannot over exact and over condition a project.

Council member Riordan emphasized the necessity of including bicycle lanes or paved shoulders in the construction of new arterial and collector roads, except when separate bicycle paths are available. He further stated that subdivisions must establish or finance a bicycle system for children, as needed, to guarantee safe routes to schools and parks within the town.

Mayor Gunselman also noted that it does not meet the parking condition.

Council Member Sierk highlighted some inconsistencies related to a citywide community facilities district, which is referenced throughout the document, as well as the general traffic impact fee. She acknowledged the necessity for Sutter Creek's growth, provided it is managed responsibly. She pointed out that the Meadowcrest project was not completed, giving the impression that we are merely establishing another secluded community. Her primary concern, she emphasized, is safety.

Council member Feist raised questions about the omission of the requirement for pedestrian and bicycle access to town and when the city ceased to hold developers accountable for this.

City Planner Ventura clarified that the significant conditions, such as the dedication of parkland or a park, along with access to the town and a bridge, were mandatory requirements for phase three of the project. Consequently, the project was discontinued before reaching that stage. Currently, the same property owners and developers are involved, but without any existing entitlements or approvals, as they have all expired.

Mayor Gunselman and Council Member Sierk highlighted a number of inconsistencies with the General Plan.

*Mayor Gunselman opened the Public Hearing at 6:57 p.m.*

Bruce Baracco, the project planner for the Broadmeadows Estates project, noted that at their meeting on July 8th, the Planning Commission decided to consider only the tentative subdivision map and made a finding that the map could not be approved and stated that they are respectfully requesting that the City Council grant the appeal from property owners David Mabry and Frank Trujillo.

Mike Kirkey, Sutter Creek Planning Commissioner noted his concerns about that infill and inconsistencies in growth citing that any new development should be economically feasible and not a drain on resources. He noted that the connectivity to the city is a problem because the infrastructure was not built. He also asked why the city would consider annexing more land into the city when there are still so many undeveloped properties.

Kathy Cunha from Sutter Creek expressed concern that the intention seems to be to bypass CEQA requirements. She recommended that the developer be mandated to cover all expenses stemming from the annexation and to carry out a traffic analysis for Panner Creek. Additionally, she raised issues that the developer has neither paid the necessary fees nor fulfilled the prior conditions of approval.

Mark Koenig from Sutter Creek expressed his concerns about water and sewer capacity and the subsequent effects on existing residents.

Jenny Roward from Sutter Creek has expressed her concerns regarding pedestrian safety, the preservation of oak trees, and the establishment of safe walking routes for children along Gopher Flat.

Frank Cunha, a resident of Sutter Creek and former Planning Commissioner, remarked that the staff report seemed biased, presenting only arguments in support. He emphasized that the annexation process is challenging and not a guaranteed property right. He pointed out that, in essence, the property owner

and developer are seeking to enhance the value of their property. He warned that due to SB 9, the implications could extend beyond just ten new homes, asserting that any project should benefit the city rather than be detrimental to it.

Robert Burge of Sutter Creek commented that the developers of Meadowcrest are the ones that dropped the ball and that he would not have agreed to the use of his property if he knew how it was going to turn out.

Megan Rutherford requested that the annexation be done the correct way if that is what the Council decides.

Bruce Baracco, the project planner, noted that recurring concerns are arising and recommended organizing a workshop to address the details prior to proceeding.

**Motion made by Council member Riordan, Seconded by Council member Feist to close the Public Hearing at 7:35 p.m. Voting Yea: Mayor Gunselman, Vice Mayor Sierk, Council member Feist, Council member Riordan.**

*Mayor Gunselman called for a short recess.*

*The meeting reconvened at 7:45 p.m.*

Council member Riordan asked if SB 9 allows for division of lots so that lots could potentially have two homes. City Attorney Cole confirmed. Council member Riordan noted that he is not anti-growth but in favor of smart growth.

Council member Sierk noted that she supports responsible growth, she thinks the safety concerns need to be addressed and she would like to see a willingness from the developer to address the concerns of the neighborhood. She suggested that Lot #5 with the oak trees on it be preserved for an open space park.

Council member Feist noted that she is ok with the zone change and development but not to veer from the General Plan and wants to see a walkable/bikeable community. She reiterated Council member Sierk’s suggestion about Lot #5.

Mayor Gunselman noted that she is not anti-growth and not having pedestrian access is an ongoing concern and that she can't responsibly agree to add homes to that neighborhood without mitigating that first.

**Motion made by Council member Feist, Seconded by Council member Riordan to deny the appeal as presented. Voting Yea: Mayor Gunselman, Vice Mayor Sierk, Council member Feist, Council member Riordan.**

**5. Adjournment**

The meeting was adjourned at 8:07 p.m.

Date Approved: September 16, 2024

## Walking Path Alternatives – East Sutter Creek

The City Council has directed the Planning Commission and the Broadmeadows Developer to explore various ways to provide a walking/bicycle path from the eastern subdivisions (Sutter Crest, Sutter Crest Manor, Golden Hills Units 1 and 2, and Broadmeadows) to the Downtown Area.

Five possible routes have been identified and explored:

### 1. Reconstruction of Gopher Flat Road

This alternative would require reconstructing Gopher Flat Road between Cole Street on the west to the west end of Sutter Crest Manor; a distance of approximately 2,900 feet (0.55 miles).

This would be the most expensive option, possibly requiring additional right-of-way; as well as storm drainage and shoulder improvements, including sidewalks. The residents of Broadmeadows would contribute approximately \$65,600 from traffic impact fees at the time of building permit issuance.

It is recommended that the City Council direct the City Engineer to prepare preliminary drawings and cost estimates for this alternative. Engineering costs would be paid for from the existing Gopher Flat Road Traffic Impact Fund.

### 2. Powder House Estates Property

This option would establish a walking/bicycle path from the west end of Sutter Creek West street to Randolph Street on property owned by the Jackson Rancheria.

The City Manager met with Tribal representatives, who indicated that they are not interested in allowing a pathway across their property.

There are three options for the development of a walking/bicycle path from locations in the Sutter Crest and Golden Hills Subdivisions. These options are shown on the attached map and aerial photo, and are as follows:

3. Extension of Golden Hills Drive

This route would extend south from the end of Golden Hills Drive through the Trafalgar property; then west through the Sipes property to the east end of Eureka Street.

This route would require property owner permission, as well as some grading work on Trafalgar; and pathway development on the Sipes property which is flat and parallels the creek. This path however, is located near the eastern boundary of the City and would not serve residents of Sutter Crest very well.

4. Ridgecrest Court

Extending from the southern terminus of Ridgecrest Court, the pathway would cross property owned by Scott and Jana Harvey, and traverse the hill on Trafalgar property to the east end of the Sipes Property.

Development of the route has been established by Ridgecrest Court property owners; but would require property owner permission, as well as additional grading and path development.

5. Sutter Crest Pump Station Easement

This final option would utilize the existing easement on a graveled access to the Sutter Crest Subdivision Wastewater Pump Station. The entrance is located on the south side of Sutter Crest West street between 254 and 264 Sutter Crest West.

From the pumping station, the path would traverse to the southwest along the back property of 301 Eureka Street to link up with Eureka Street. Again, property owner permission would be required, but this option appears to be the most feasible route and is centrally located to serve the neighborhood.

\* \* \* \*



Map data ©2024 200 ft

- Alt. 1 Panner Creek Property
- Alt. 2 Harvey and Panner Creek Property
- Alt. 3 Pump Station Easement + Drainage Easement

