



## **Planning Commission Meeting Agenda**

**Monday, September 09, 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 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 July 8, 2024](#)**

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

**5. Public Hearings**

**A. CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL  
335 SUTTER CREST EAST, SUTTER CREEK, APN 040-200-022**

1. Conduct a public hearing and receive public input, and

2. Find that the project is Categorically Exempt under Class 32 of the CEQA Guidelines; and

3. Adopt Resolution 24-25-\* approving a Conditional Use Permit for Frank Meister and Suzanne

Stebbins to operate a Short-Term Rental, in an Accessory Structure, at 335 Sutter Crest East based on the proposed Findings and subject to the proposed Conditions of Approval.

**6. Reports- *for information only***

A. City Planner

**7. Adjournment**



## **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.

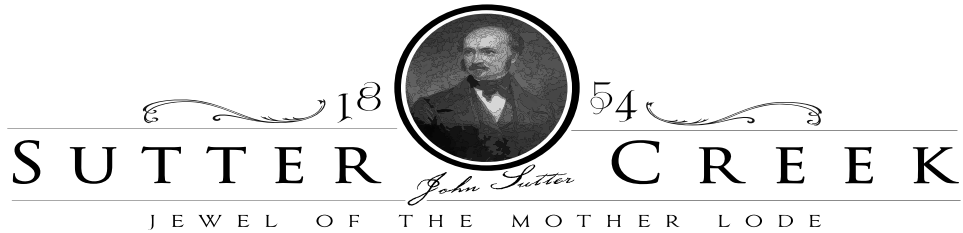
Planner Erin Ventura noted that in order to deny the Planning Commission must identify what findings are not being met.

**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.



**STAFF REPORT**

**TO: PLANNING COMMISSION**  
**MEETING DATE: SEPTEMBER 9, 2024**  
**FROM: ERIN VENTURA, PLANNER**  
**SUBJECT: CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL**  
**335 SUTTER CREST EAST, SUTTER CREEK, APN 040-200-022**

**RECOMMENDATION:**

1. Conduct a public hearing and receive public input, and
2. Find that the project is Categorical Exempt under Class 32 of the CEQA Guidelines; and
3. Adopt Resolution 24-25-\* approving a Conditional Use Permit for Frank Meister and Suzanne Stebbins to operate a Short-Term Rental, in an Accessory Structure, at 335 Sutter Crest East based on the proposed Findings and subject to the proposed Conditions of Approval.

**BACKGROUND:**

Property owners Frank Meister and Suzanne Stebbins have submitted an application for a Conditional Use Permit (Exhibit A) to use their detached garage/accessory structure as a short term rental

Site Location	335 Sutter Crest East (APN 040-200-022)
Building Plan	Studio with loft ,550 Sq. Ft.
Lot size	25,700 Sq. Ft.
Zoning	R1 (Single Family Residential)
General Plan Land Use Designation	RSF (Residential Single Family)
Main Street Historic District	No
Historic District	No
Parking Required per Municipal Code Section 18.48.030 Parking Requirements by Land Use, Transient occupancy. The requirement is one (1) space for each guest room plus one (1) space for each five (or less) guest rooms.	1 space required.

**DISCUSSION:**

During the Council meeting on November 25, 2019, the Council instructed staff to keep track of the number of approved short-term rentals and to report back when the total reached twenty. Currently, there are sixteen active short-term rentals. Although it might appear that there are more, some have discontinued their operations. Approving this item would increase the total number of short-term rentals to seventeen.

General Plan and Zoning

The home is located in a single-family Residential Zone (R-1). Short-term rental units are functionally equivalent to Bed and Breakfast Inns. Bed and Breakfast Inns are permitted in any zone upon securing a Conditional Use Permit. (Municipal Code Section 18.60.020(B).

Parking

The home has a driveway that can accommodate one extra car. The existing detached garage/accessory structure and driveway can still accommodate the homeowners' cars.

California Environmental Quality Act (CEQA) Guidelines

This use qualifies for a Categorical Exemption under Class 32 (In-Fill Development Projects)

Staff recommends the following conditions of approval:

1. Maintain the exterior appearance of the vacation rental unit compatible with the single-family residence.
2. Maintain one (1) off-street parking space that is available for use by vacationing families.
3. Maintain a valid City of Sutter Creek Business License.
4. Pay the monthly Transient Occupancy Tax to the City of Sutter Creek.
5. Provide a completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) It is the owner's responsibility to ensure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
6. The maximum number of overnight guests for a short-term rental unit shall not exceed two persons per bedroom, except that children under the age of four shall not be counted for purposes of calculating this limitation so long as the children sleep in the same bedroom as at least one of their parents or legal guardians. Additional daytime guests are allowed between the hours of 7:00 a.m. and 10:00 p.m., with the maximum daytime guests not to exceed two persons per bedroom plus four.
7. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 10.50 of this Code concerning noise.

8. The owner or operator shall provide each occupant of the short-term rental unit with the following information prior to occupancy of the unit and shall post such information in a prominent location within the unit:
  - A. The contact information for the operator, with 24-hour availability.
  - B. The maximum number of overnight occupants and the maximum number of daytime occupants as permitted under this permit;
  - C. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property;
  - D. A copy of the Chapter 10.50 of this Code concerning noise; and
  - E. Notification that the occupant or owner may be cited or fined by the City in accordance with this Code.
9. While a short-term rental unit is rented, the owner, operator, or local contact person shall be available 24 hours per day, seven days per week for the purpose of responding within 60 minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit or their guests.
10. The owner, operator, or local contact person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental unit.
11. Prior to occupancy of a short-term rental unit, the owner or operator shall obtain the name, address, and a copy of a valid government identification of the responsible person and require such responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants of the short-term rental unit and their guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental unit.
12. The owner, operator, or local contact person shall upon notification that the responsible person and/or any occupant and/or guest of the short-term rental unit has created unreasonable noise or disturbances, engaged in disorderly conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term unit, promptly respond within 60 minutes and appropriate manner to immediately halt or prevent a recurrence of such conduct by the responsible person and/or any occupants and/or guests. Failure of the owner, and/or operator to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental unit within 60 minutes and appropriate manner shall be subject to all administrative, legal, and equitable remedies available to the City.
13. The owner, operator, or local contact person shall report to the City Manager the

name, violation, date, and time of disturbance of each person involved in *any* disorderly conduct activities, disturbances, or other violations of any applicable law, rule, or regulation pertaining to the use and occupancy of the subject short-term unit.

14. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the City's authorized waste hauler on scheduled trash collection days. The owner or operator shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapter 9.08 of the City's Municipal Code.
15. A violation of any provision of this Chapter by any occupant, owner, or operator shall constitute grounds for modification, suspension, or revocation of the short-term rental permit. In addition, the failure of the owner or operator to satisfy any of its obligations and requirements of Chapter 4.16 concerning transient occupancy taxes shall be an independent basis for modification, suspension, or revocation of any permit issued under this Chapter.
16. Whenever any owner or operator fails to comply with any provision of this Chapter, the City, after giving the operator or owner ten days written notice specifying the time and place of a hearing before the Planning Commission, and requiring him to show cause why the short-term rental permit should not be modified, suspended, or revoked, may modify, suspend, or revoke the permit held by the operator or owner.
17. The City may enforce this Chapter, including the terms and conditions of any permit granted under this Chapter, by any means provided for in Chapter 1.16 of this Code or by any other means authorized by law.
18. This is a non-transferrable permit.

**RESOLUTION 24-25-\***  
**A RESOLUTION OF THE PLANNING COMMISSION OF**  
**THE CITY OF SUTTER CREEK APPROVING**  
**A CONDITIONAL USE PERMIT FOR**  
**FRANK MEISTER AND SUZANNE STEBBINS**  
**335 SUTTER CREST EAST, SUTTER CREEK, CA 95685**  
**APN 040-200-022**

**WHEREAS**, the Planning Commission of the City of Sutter Creek did on Monday, September 9, 2024, hold a public hearing on a Conditional Use Permit for FRANK MEISTER AND SUZANNE STEBBINS for Vacation Rental Use of an accessory structure at 335 Sutter Crest East, Assessor Parcel No. 040-200-022 after properly noticing said hearing; and

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

**WHEREAS**, the Planning Commission does find the proposal is exempt from environmental review as a Class 32 Categorical Exemption under CEQA.

**NOW, THEREFORE BE IT RESOLVED** that the Planning Commission of the City of Sutter Creek hereby approves a Conditional Use Permit for Frank Meister and Suzanne Stebbins based on the following Findings:

1. The proposed use of the property is essential or desirable to the public convenience or welfare because it will provide an important tourist-related service to the community.
2. The proposed use is in compliance with the Sutter Creek General Plan goals, policies, and Residential Single-Family Land Use 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-1 Zone – One Family Dwelling.
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, because the General Plan and Zoning Ordinance recognize the importance of providing visitor lodging to promote and encourage commercial activity in the community.

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

1. Maintain the exterior appearance of the vacation rental unit compatible with the single-family residence and detached accessory structure.

2. Maintain one (1) off-street parking space available for use by vacationing families.
3. Maintain a valid City of Sutter Creek Business License.
4. Pay the monthly Transient Occupancy Tax to the City of Sutter Creek.
5. Provide a completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) It is the owner's responsibility to ensure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
6. The maximum number of overnight guests for a short-term rental unit shall not exceed two persons per bedroom, except that children under the age of four shall not be counted for purposes of calculating this limitation so long as the children sleep in the same bedroom as at least one of their parents or legal guardians. Additional daytime guests are allowed between the hours of 7:00 a.m. and 10:00 p.m., with the maximum daytime guests not to exceed two persons per bedroom plus four.
7. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 10.50 of this Code concerning noise.
8. The owner or operator shall provide each occupant of the short-term rental unit with the following information prior to occupancy of the unit and shall post such information in a prominent location within the unit:
  - A. The contact information for the operator, with 24-hour availability;
  - B. The maximum number of overnight occupants and the maximum number of daytime occupants as permitted under this permit;
  - C. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property;
  - D. A copy of the Chapter 10.50 of this Code concerning noise; and
  - E. Notification that the occupant or owner may be cited or fined by the City in accordance with this Code.
9. While a short-term rental unit is rented, the owner, operator, or local contact person shall be available 24 hours per day, seven days per week for the purpose of responding within 60 minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit or their guests.
10. The owner, operator, or local contact person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental unit.

11. Prior to occupancy of a short-term rental unit, the owner or operator shall obtain the name, address, and a copy of a valid government identification of the responsible person and require such responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants of the short-term rental unit and their guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental unit.
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13. The owner, operator, or local contact person shall report to the City Manager the name, violation, date, and time of disturbance of each person involved in *any* disorderly conduct activities, disturbances, or other violations of any applicable law, rule, or regulation pertaining to the use and occupancy of the subject short-term unit.
14. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the City's authorized waste hauler on scheduled trash collection days. The owner or operator shall use reasonably prudent business practices to ensure compliance with all the provisions of Chapter 9.08 of the City's Municipal Code.
15. A violation of any provision of this Chapter by any occupant, owner, or operator shall constitute grounds for modification, suspension, or revocation of the short-term rental permit. In addition, the failure of the owner or operator to satisfy any of its obligations and requirements of Chapter 4.16 concerning transient occupancy taxes shall be an independent basis for modification, suspension, or revocation of any permit issued under this Chapter.
16. Whenever any owner or operator fails to comply with any provision of this Chapter, the City, after giving the operator or owner ten days written notice specifying the time and place of a hearing before the Planning Commission, and requiring him to show cause why the short-term rental permit should not be modified, suspended, or revoked, may modify, suspend, or revoke the permit held by the operator or owner.
17. The City may enforce this Chapter, including the terms and conditions of any permit granted under this Chapter, by any means provided for in Chapter 1.16 of this Code or by any other means authorized by law.

18. This is a non-transferrable permit.

**PASSED AND ADOPTED** by the Planning Commission of the City of Sutter Creek on this Monday the 9<sup>th</sup> day of September, 2024 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

ATTEST:

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

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