



City Council Meeting Agenda

Monday, October 06, 2025 at 6:00 PM

33 Church Street, Sutter Creek, CA 95685

The Agenda can be found on the City's Website: www.cityofsuttercreek.org

The City of Sutter Creek City Council Meeting will be available in person and LIVE on YouTube at

<https://www.youtube.com/@CityofSutterCreek>.

You can also watch the meeting on Zoom (please note Zoom participation is only available for viewing.

<https://us02web.zoom.us/j/81391466458?pwd=4jXmBm1AP5bEbiID3iDwuxk4GpreRY.1>

Or Dial by phone: 301 715 8592 Webinar ID: 816 8589 0182 Passcode: 186036

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**

At this time, the public is permitted to address the City Council on items not appearing on the agenda. Comments may not exceed 5 minutes. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda. The City Council may respond to statements made or questions asked or may request Staff to report back at a future meeting on the matter. The exceptions under which the City Council may discuss and/or take action on items not appearing on the agenda are contained in Government Code §54954.2. Public comment on any item listed below shall be limited to five minutes, unless additional time is permitted by the Mayor/Council.

- 4. City Manager's Report**

This section is an opportunity to provide Council members with a brief status update on staff activities. No action is expected to be taken by the Council.

- 5. Presentations**

6. Approval of Minutes

A. [City Council Minutes of September 15, 2025](#)

[Recommendation: By motion approve minutes as presented.](#)

7. Consent Agenda

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

8. Ordinances and Public Hearing

A. [Appeal of Planning Commission’s Denial of the Application of Ten Fifteen LLC for a Conditional Use Permit to Use Real Property Located at 23 Main Street as a Short-Term Rental.](#)

B. [Appeal of Planning Commission’s Denial of the Application of Pamela Haydnmyer for a Conditional Use Permit to Use Real Property Located at 30 Bryson Drive as a Short-Term Rental.](#)

9. Administrative Agenda

A. [City Tree Ordinance](#)

[Direction from Council on Updating Ordinance Chapter 13.24](#)

B. [Short Term Rentals](#)

C. ACRA Update and Discussion

Discussion about Dissolution of ACRA, at places presentation

10. Mayor and Council Member Reports

This section is to provide Council members an opportunity to present updates on their activities and to request items be placed on future agendas.

11. City Attorney’s Report

This section provides an opportunity for the City Attorney to report on any activities or upcoming legislation of importance to the City. No action is expected to be taken by the Council.

12. Information and Correspondence

A. [Letter from Resident 1: re STR appeal](#)

B. [Letter from Resident 2: re STR appeal](#)

13. Closed Session

A. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6

Agency Negotiator: Tom DuBois, City Manager

Employee Organizations: Sutter Creek SEIU

B. Conference with Real Property Negotiators

Property: APN 044-020-109-000

Agency negotiator: City Manager and City Attorney

Negotiating parties: Sutter Creek Investment Company, LLC

Under negotiation: Terms of payment and security conditions

14. Report from Closed Session

15. Adjournment

The next regularly scheduled meeting is October 20, 2025



City Council Meeting Minutes

Monday, September 15, 2025 at 6:00 PM

33 Church Street, Sutter Creek, CA 95685

The Agenda can be found on the City's Website: www.cityofsuttercreek.org

The City of Sutter Creek City Council Meeting is available on YouTube at
<https://www.youtube.com/@CityofSutterCreek>.

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

The meeting was called to order by Mayor Gunselman at 6:00PM.

Present: Council members Claire Gunselman, Dan Riordan, Jim Swift, Susan Feist, Julia Sierk (via zoom)
Treasurer - Vicky Runquist

Staff: Aaron Wolcott - City Clerk, Tom DuBois - City Manager, Derek Cole - City Attorney, Dan Lafontaine - Public Works Director, Mason Peters - Finance Supervisor, William Watson - Project Manager

2. Pledge of Allegiance to the Flag

The pledge of allegiance was led by Mayor Gunselman

3. Public Forum

Resident Steve Christensen addressed the council regarding affordable housing. He asked the council if they were interested in building affordable housing and, if so, what their plans were. Mr. Christensen stated that apartments would be beneficial to the city by increasing property tax revenue over vacant lots, attracting workers who currently commute into the county, and boosting the local economy as residents would spend their money locally. He pointed out the long waitlist for apartments in Jackson as evidence of the need and noted that the largest growing homeless population in Amador County is people over 65 on fixed incomes. He concluded that this would be a "win-win situation" for the city at no direct cost, as contractors would handle the construction.

4. City Manager's Report

City Manager, Tom DuBois, provided a number of updates. In response to the public forum, DuBois mentioned that a housing project for low-income residents is moving forward. With regard to Public Works, the project to replace sewer pipes is nearing completion. The Henderson project is shifting its construction method to "cured in place pipe," which is awaiting approval. There is also positive discussion at ACTC about potential funding to pave Sutter Hill Road. A grant application for repairs at the Monteverde Museum is due at the end of the month.

He also reported that there is an active and ongoing investigation into an attempted arson at the city auditorium that occurred on the morning of July 16, 2025. Evidence indicates the fire was intentionally set. A \$5,000 reward is being offered for information that leads to the arrest and conviction of the person or persons responsible.

5. Presentations

None.

6. Approval of Minutes

A. City Council Minutes of September 2, 2025

Motion to approve the Minutes from September 2, 2025 by Council member Riordan, second by Council member Swift.

AYES: Council members Gunselman, Swift, Feist, Riordan

ABSTAIN: Sierk

NOES:

MOTION CARRIED 4-0

7. Consent Agenda

None

8. Ordinances and Public Hearing

A. Public Hearing and Acceptance of City of Sutter Creek Annual Impact Fee Report Fiscal Year 2024-2025

Finance Supervisor, Mason Peters, presented the annual report on impact fees, noting that revenue was collected from one new house built in the last fiscal year. Council member Swift questioned some inconsistencies in the report's language and asked if the fees could be used for improvements like air conditioning in the auditorium. City Manager, Tom DuBois, explained that an upcoming Nexus study will likely lead to consolidating fee categories and updating the report structure. T

Motion to accept the impact fee report by by Council member Swift, second by Council member Sierk.

AYES: Council members Gunselman, Swift, Feist, Riordan, Sierk

ABSTAIN:

NOES:

MOTION CARRIED 5-0

B. Wastewater Treatment Plant Design Build Contract with Schneider Electric

City Manager Tom DuBois presented a design-build agreement with Schneider Electric for a new wastewater treatment plant, calling it a major milestone and a 30-40 year investment for the city. The project will proceed in three phases: assessment, design, and construction, with HydroScience acting as the city's "owner advocate". The initial assessment phase is expected to last 240 days and cost \$550,000. Bill Senter from HydroScience and Moses Bchara from Schneider Electric were present to answer questions from the Council.

Council members asked a number of clarifying questions regarding the contract and project. Key topics of discussion included:

- **Project Risks:** The primary challenges identified were regulatory hurdles, particularly FEMA compliance due to the plant's location in a floodplain, and securing the full funding package.
- **Financial Oversight:** DuBois and HydroSciences will be primarily responsible for tracking expenses. The city is pursuing a low-interest loan through I-Bank, which could reduce the need for a traditional financial advisor.
- **Process:** The assessment phase will determine key design elements (like UV vs. chlorine treatment) and resolve regulatory issues. The design-build model is intended to be a collaborative process, with the Schneider team acting as an "extended arm of the city".
- **Council Concerns:** Council members asked about the experience of the city's representative , city staff responsibilities during the project , the specifics of the Guaranteed Maximum Price (GMP) , and future operational staffing needs.

Following extensive discussion, the Council voted to approve the resolution and enter the contract with Schneider Electric

Motion to adopt the resolution to enter into a design build agreement with Schneider Electric by Council member Swift, second by Council member Riordan.

AYES: Council members Gunselman, Swift, Feist, Riordan, Sierk

ABSTAIN:

NOES:

MOTION CARRIED 5-0

9. Administrative Agenda

10. Mayor and Council Member Reports

Councilmember Riordan: Reported that the Sutter Hill Road paving project is on the final list for funding approval at ACTC.

Councilmember Feist: Asked about the water allocation for the new casino in Plymouth and its potential impact on Amador Water Agency's (AWA) capacity for future development in the area. DuBois clarified that Plymouth is a wholesale customer of AWA and sells directly to the casino, but he would investigate further.

11. City Attorney's Report

Nothing to report.

12. Future Agenda Items

13. Information and Correspondence

- A. August 2025 - Treasurer Report
- B. August 2025 - City Clerk Report
- C. August 2025 - Police Report
- D. August 2025 - Engineering Report
- E. August 2025 - Public Works
- F. August 2025 - Planning Department Report
- G. August 2025 - Marketing Report

- H. August 2025 - Finance Department Report
- I. August 2025 - Expense & Revenue Report
- J. August 2025 - Check Register
- K. August 2025 - Cash Report

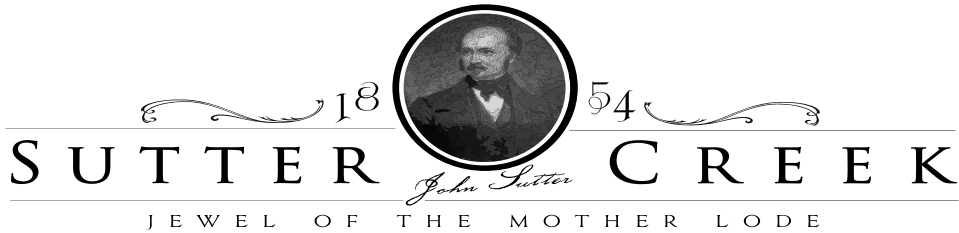
14. Closed Session

15. Report from Closed Session

16. Adjournment -

The meeting was adjourned at 8:18 PM.

The next regularly scheduled meeting is October 6, 2025 at 6PM.



STAFF REPORT

TO: CITY COUNCIL
MEETING DATE: OCTOBER 6, 2025
FROM: ERIN VENTURA, PLANNER
SUBJECT: QUASI JUDICIAL HEARING: APPEAL OF PLANNING COMMISSIONS DECISION TO DENY A CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL 23 MAIN STREET, SUTTER CREEK, APN 018-232-011

RECOMMENDATION:

1. Conduct a public hearing and receive public input, and
2. Find that the project is Categorically Exempt under Class 1 (Existing Facilities) of the CEQA Guidelines; and
3. If approved, Adopt Resolution 25-26-* approving the Conditional Use Permit for Ten Fifteen LLC to operate a Short-Term Rental at 23 Main Street based on the proposed Findings and subject to the proposed Conditions of Approval outlined in this report.

BACKGROUND:

On September 8, 2025, the Planning Commission considered a request from Ten Fifteen LLC for a Conditional Use Permit to operate a short-term rental in an existing single-family residence located at 23 Main Street. The Commission denied the application, citing an inability to make the required findings under Sutter Creek Municipal Code (SCMC) Section 18.60.040 A, B, C, and E. The planning commission cited finding A, in the motion for denial, that the proposed used of the property is not desirable or essential to public conveniences or welfare. The audio recording of the meeting can be found [here](#), with discussion of the item beginning 4:00.

At the meeting, staff had recommended approval of the CUP based on existing City’s ordinances pertaining to STRs and CUPs. The applicant has filed a timely appeal (attached) to the City Council requesting that the Council overturn the denial and approve the Conditional Use Permit [Project Information](#)

The applicant, Ten Fifteen LLC, submitted an application for a Conditional Use Permit to use a single family residence as a short term rental. The house located at 23 Main Street contains 3 bedrooms and 2 bathrooms.

Site Location	23 Main Street (APN 018-232-011)
Building Plan	3 bedroom, 2 bath house, approx. 2,174 sf

Lot size	12,632 Sq. Ft.
Zoning	R1 (Single Family Residential)
General Plan Land Use Designation	RSF (Residential Single Family)
Main Street Historic District	Yes
Historic District	Yes
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.	3 spaces required.



Street View- 23 Main Street

DISCUSSION:

General Plan Consistency and Zoning

The property’s RSF land use designation supports single-family residential uses and compatible accessory uses. A short-term rental, operating under a Conditional Use Permit, is consistent with the General Plan goals of promoting economic vitality, tourism, and the adaptive reuse of existing structures while maintaining neighborhood character.

Zoning and Conditional Use Permit Requirements

The home is located in a single-family Residential Zone (R-1). Under SCMC 18.60.020(B), Bed and Breakfast Inns (and by extension short-term rentals) are permitted in R-1 zones with approval of a CUP. The subject property meets all applicable development standards, including lot size and setbacks.

Parking

SCMC 18.48.030 requires (1) parking space per guest room one plus (1) space for each five (or less) guest rooms. Three off-street parking spaces are required; the property provides four (driveway and garage), thereby exceeding the minimum requirement.

Historic District Considerations

No exterior alterations are proposed. The existing residential structure will remain unchanged, thereby preserving the historic character of Main Street and complying with applicable historic district guidelines.

Requires Findings Under SCMC18.60.040

Staff believes the City Council can make the following findings in support of granting the appeal and approving the Conditional Use Permit:

A. The proposed use of the property as a short-term rental is desirable to the public convenience and welfare by expanding visitor lodging options, supporting local tourism, and encouraging economic activity within Sutter Creek.

B. The proposed use will not impair the integrity or character of the surrounding neighborhood or the R-1 zoning district. The property retains its residential appearance and use, and operational conditions (parking, occupancy limits, quiet hours) will maintain compatibility with adjacent properties.

C. The proposed use will not be detrimental to public health, safety, or general welfare. Adequate off-street parking, compliance with noise and nuisance regulations, and adherence to City standards will ensure the use does not create adverse impacts.

D. Adequate public utilities and services are available to support the proposed use. No new infrastructure or off-site improvements are required.

E. The proposed use of the property is in harmony with the various elements and objectives of the General Plan and the purposes of the Zoning Title by preserving a historic residence, maintaining neighborhood character, and promoting a balanced mix of housing and visitor accommodations.

California Environmental Quality Act (CEQA) Guidelines

This use qualifies for a Categorical Exemption under Class 1 (Existing Facilities)

Public Notice

Notice of the City Council hearing was provided in accordance with the SCMC.

Staff asks that the City Council disclose any conversations they may have had with the applicant or other interested parties. This includes any new information that may not be included in this report.

RECOMMENDATION

Staff recommend the City Council do the following:

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

2. Find that the project is Categorically Exempt under Class 1 (Existing Facilities) of the CEQA Guidelines; and
3. Uphold the appeal of Ten Fifteen LLC and overturn the Planning Commission's denial of the Conditional Use Permit (CUP) for a short-term rental at 23 Main Street; and
4. Adopt Resolution 25-26-* approving the Conditional Use Permit for Ten Fifteen LLC to operate a Short-Term Rental at 23 Main Street based on the proposed Findings below and subject to the proposed Conditions of Approval outlined in this report.

Conditions of Approval

1. Maintain the exterior appearance of the vacation rental unit compatible with the single-family residence.
2. Maintain three (3) off-street parking spaces that are 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 the City with proof of insurance.
6. Provide the City with a Site Plan and Floor Plan for the short-term rental.
7. 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.
8. 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.
9. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 10.50 of this Code concerning noise.
10. 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.
11. 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.
 12. 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.
 13. 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.
 14. 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.
 15. 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.
 16. 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.

17. 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.
18. 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.
19. 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.
20. This is a non-transferrable permit.

ATTACHMENTS:

1. Application for a Short Term Rental at 23 Main Street
2. Floor Plan
3. Photos
4. Applicant's appeal
5. Planning Commission Staff Report- 9/8/25
6. Resolution 25-26-* approving the Conditional Use Permit for Ten Fifteen LLC to operate a Short-Term Rental at 23 Main Street.

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

RECEIVED: 8/12/25
FEE PAID: 1000 DP

Submission Requirements

- 1- Application*
 - 2- Map*
 - 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

CONDITIONAL USE PERMIT APPLICATION

Page 1 of 1

Project Applicant: TEN FIFTEEN II LLC

Project Address: 23 Main St. Sutter Creek

Phone: (209) 770-2710

Email: sharon L@Volcano.net

APN: 018-232-011

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

Property Owner:

Name: TEN FIFTEEN II LLC

Mailing Address: PO Box 695

City: Pine Grove State: CA Zip: 95665

Phone: 209-770-2710

Email: sharon L@Volcano.net

Is this person the project contact? If not, please specify who the contact person is.

Name: Desiree Lundgren

Mailing Address: 13940 Cedar Dr. Pine Grove Ca 95665

Phone: 209-304-2051

Email: Desiree.lundgren@gmail.com

Description of work to be performed: (please provide a detailed description using the back if necessary)

Decription of Property: 3 Bed 2 Bath Residential Property

Proposed Use of Property: Short-Term Vacation Rental

Describe how land is being used currently on adjacent parcels

North: Residential

East: "

South: "

West: "

Additional Information: _____

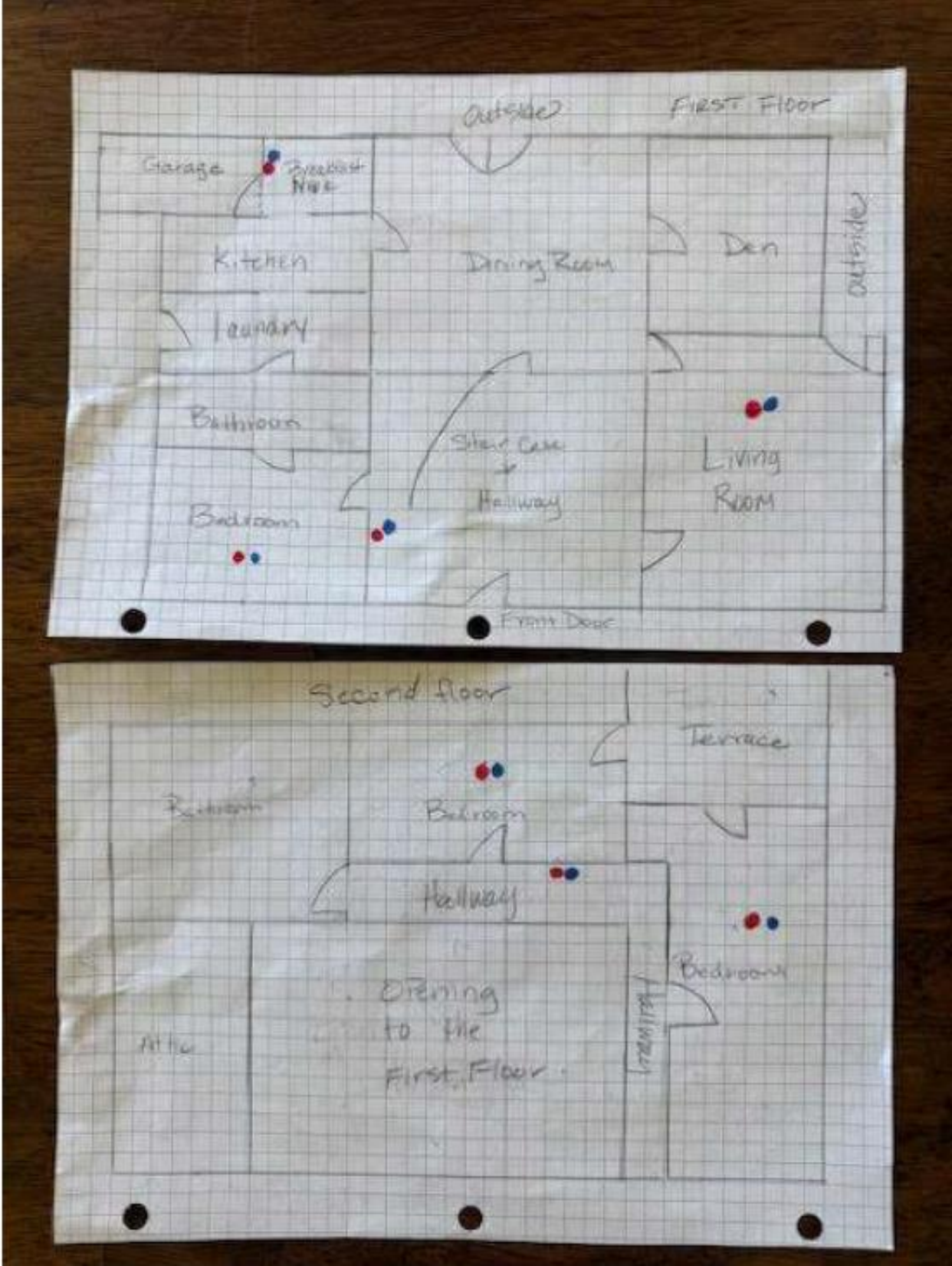






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To: City of Sutter Creek – City Council / City Clerk
From: Desiree Lundgren
Re: Appeal of Planning Commission Decision – Short-Term Rental Permit
Date: 9/9/2025

Dear Members of the City Council,

I respectfully submit this appeal regarding the Planning Commission’s recent decision to deny my short-term rental permit application for my property at **23 Main Street, Sutter Creek, CA.**

The Commission cited concerns that short-term rentals could:

- Create a “non-family” feel in the neighborhood,
- Lead to noise disturbances, and
- Disrupt the historic character of the community.

I appreciate the Commission’s role in protecting community values. However, I believe the decision was based on **assumptions rather than evidence**, and I respectfully request reconsideration for the following reasons:

1. Limited Opposition from Neighbors

During the review process, only **two direct neighbors** —one adjacent to the left of the property and one above, also a resident emailed but did not attend, who lives 3 doors down from 23 Main,—voiced concerns. This is not broad community opposition, but rather a small minority of voices. Furthermore, because the property has not yet operated as a short-term rental, these concerns are **speculative**. There is no record of noise, disruption, or negative impacts caused by my use of the home.

2. Alignment with Sutter Creek’s Tourism-Based Economy

Sutter Creek is known as a **tourist town**. Short-term rentals provide accommodations that keep visitors within city limits, directly benefiting our downtown shops, restaurants, and wineries. Denying a well-managed short-term rental contradicts the city’s long-standing commitment to welcoming tourism and supporting local business owners.

3. Stewardship of a Historic Property

The home at 23 Main Street is a **1938 historic brick house**, which I have invested in significantly to restore and maintain. Previous long-term tenants caused neglect and deterioration, requiring costly repairs that I am now undertaking. Short-term rental operation ensures the property will be **cared for, cleaned, and respected** on a regular basis, protecting its historic value and appearance.

4. Proactive Management and Noise Prevention

Unlike long-term rentals, short-term rentals can be **closely monitored and managed**. I intend to enforce strict policies, including:

- No parties or large gatherings,
- Occupancy limits,
- Quiet hours in line with city standards,
- Immediate response to any complaints.

This level of control reduces the likelihood of disturbances and ensures the neighborhood remains peaceful.

5. Balancing Housing Needs with Property Rights

While long-term housing needs are real, not all properties are equally suited to that purpose. Forcing this property into a use that has historically led to neglect undermines both the home's preservation and my rights as a property owner. Short-term rental use represents a sustainable balance: protecting the property while contributing to the broader community's economy.

Conclusion

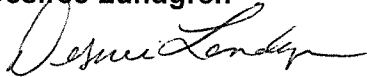
I respectfully ask the City Council to overturn the Commission's denial and approve my permit. With only **three individual objections** and no operational record of problems, it is clear that the decision was not representative of the larger community. A responsibly managed short-term rental at 23 Main Street will:

- Protect and showcase a historic property,
- Support the tourism economy that sustains Sutter Creek, and
- Preserve neighborhood harmony through proactive rules and management.

Thank you for your time and thoughtful consideration.

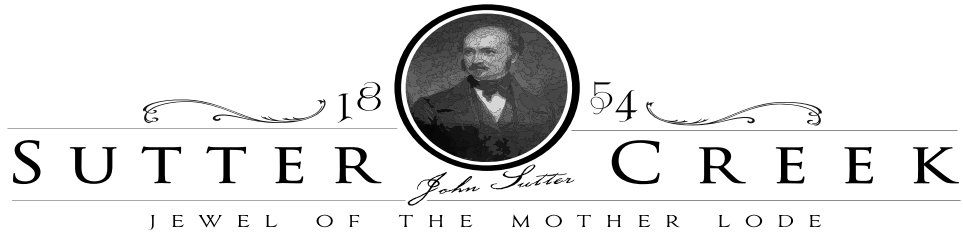
Respectfully submitted,

Desiree Lundgren



(209)304-2051

desireelundee@gmail.com



STAFF REPORT

TO: PLANNING COMMISSION
MEETING DATE: SEPTEMBER 8, 2025
FROM: ERIN VENTURA, PLANNER
SUBJECT: CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL
23 MAIN STREET, SUTTER CREEK, APN 018-232-011

RECOMMENDATION:

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 Ten Fifteen LLC to operate a Short-Term Rental at 23 Main Street based on the proposed Findings and subject to the proposed Conditions of Approval.

BACKGROUND:

Applicant Ten Fifteen LLC submitted an application for a Conditional Use Permit (Exhibit A) to use a single family residence as a short term rental. The house located at 23 Main Street contains 3 bedrooms and 2 bathrooms.

Site Location	23 Main Street (APN 018-232-011)
Building Plan	3 bedroom, 2 bath house, approx. 2,174 sf
Lot size	12,632 Sq. Ft.
Zoning	R1 (Single Family Residential)
General Plan Land Use Designation	RSF (Residential Single Family)
Main Street Historic District	Yes
Historic District	Yes
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.	3 spaces required.



Street View- 23 Main Street

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 21 active short-term rentals and two applications on the agenda this evening. In Fall of 2024, we returned to the City Council to discuss short term rentals and if they felt there needed to be any changes. At this time no additional changes to the ordinance are recommended and we will provide an update as the City receives more applications.

Staff will be returning to City Council this Fall with an additional update.

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 and garage that can accommodate up to 4 vehicles.

California Environmental Quality Act (CEQA) Guidelines

This use qualifies for a Categorical Exemption under Class 1 (Existing Facilities)

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 three (3) off-street parking spaces that are 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 the City with proof of insurance.
6. Provide the City with a Site Plan and Floor Plan for the short-term rental.
7. 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.
8. 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.
9. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 10.50 of this Code concerning noise.
10. 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.
11. 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.
12. 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.
 13. 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.
 14. 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.
 15. 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.
 16. 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.
 17. 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.
 18. 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.

19. 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.
20. This is a non-transferrable permit.

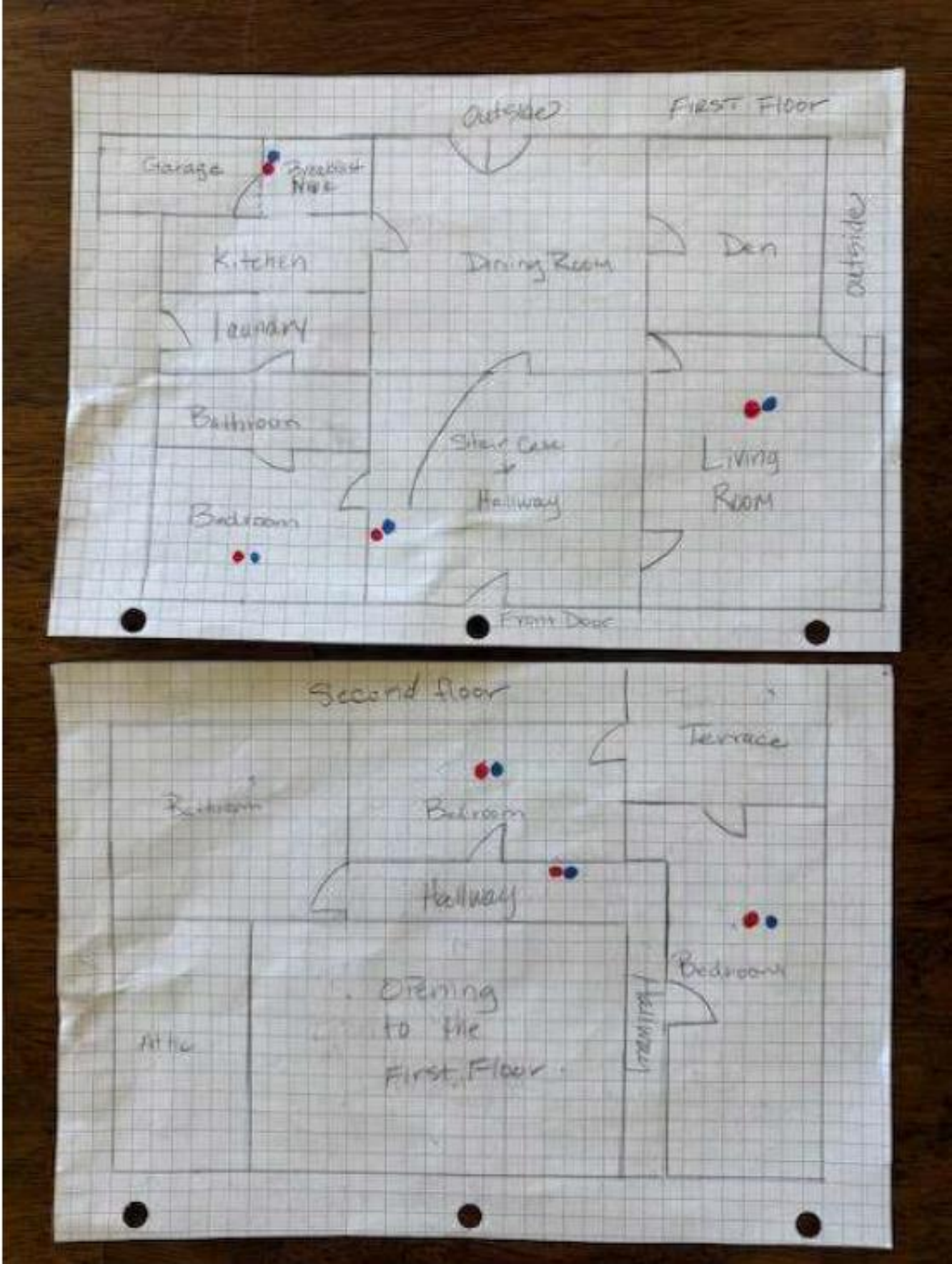






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RESOLUTION 25-26-
A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SUTTER CREEK APPROVING
A CONDITIONAL USE PERMIT FOR
TEN FIFTEEN LLC
23 MAIN STREET, SUTTER CREEK, CA 95685
APN 018-232-011

WHEREAS, the City Council of the City of Sutter Creek did on Monday, October 6, 2025, held a public hearing on a Conditional Use Permit for TEN FIFTEEN LLC for Short Term Rental Use of single family residence located within the single family residence at 23 Main Street, Assessor Parcel No. 018-232-011 after properly noticing said hearing; and

WHEREAS, on September 8, 2025 the Planning Commission held a public hearing where they received a report from the planning staff, received 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 voted to deny the application; and

WHEREAS, on September 9, 2025 the applicant, Ten Fifteen LLC, submitted an appeal to the City; and

WHEREAS, the City Council 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 City Council does find the proposal is exempt from environmental review as a Class 1 Categorical Exemption under CEQA.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Sutter Creek hereby approves a Conditional Use Permit for Ten Fifteen LLC 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 City Council 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.
2. Maintain three (3) off-street parking spaces that are 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 the City with proof of insurance.
6. Provide the City with a Site Plan and Floor Plan for the short-term rental.
7. 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.
8. 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.
9. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 10.50 of this Code concerning noise.
10. 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.

11. 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.
12. 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.
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15. 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.
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17. 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.

- 18. 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.
- 19. 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.
- 20. This is a non-transferrable permit.

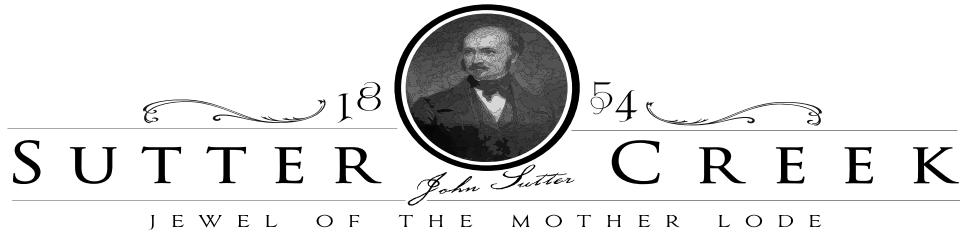
PASSED AND ADOPTED by the City Council of the City of Sutter Creek on this Monday the 6th day of October, 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Claire Gunselman, Mayor

Aaron Wolcott, City Clerk



STAFF REPORT

TO: PLANNING COMMISSION

MEETING DATE: OCTOBER 6, 2025

FROM: ERIN VENTURA, PLANNER

SUBJECT: QUASI JUDICIAL HEARING: APPEAL OF PLANNING COMMISSIONS DECISION TO DENY A CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL, THE BIRD HOUSE, 30 BRYSON DRIVE, SUTTER CREEK, APN 018-332-025

RECOMMENDATION:

1. Conduct a public hearing and receive public input, and
2. Find that the project is Categorical Exempt under Class 1 of the CEQA Guidelines; and
3. If approved, Adopt Resolution 25-26-* approving the Conditional Use Permit for Pam Haydnmyer to operate a Short-Term Rental at 30 Bryson Drive, The Bird House, based on the proposed Findings and subject to the proposed Conditions of Approval outlined in this report.

BACKGROUND:

On September 8, 2025, the Planning Commission considered a request from Pam Haydnmyer for a Conditional Use Permit to operate a short-term rental in an existing single-family residence located at 30 Bryson Drive. The Commission denied the application, citing an inability to make the required findings under Sutter Creek Municipal Code (SCMC) Section 18.60.040 A, B, C, and E. The planning commission cited finding A, in the motion for denial, that the proposed use of the property is not desirable or essential to public conveniences or welfare. The audio recording of the meeting can be found [here](#), with discussion of the item beginning 1:03:23.

At the meeting, staff had recommended approval of the CUP based on existing City's ordinances pertaining to STRs and CUPs. The applicant has filed a timely appeal (attached) to the City Council requesting that the Council overturn the denial and approve the Conditional Use Permit

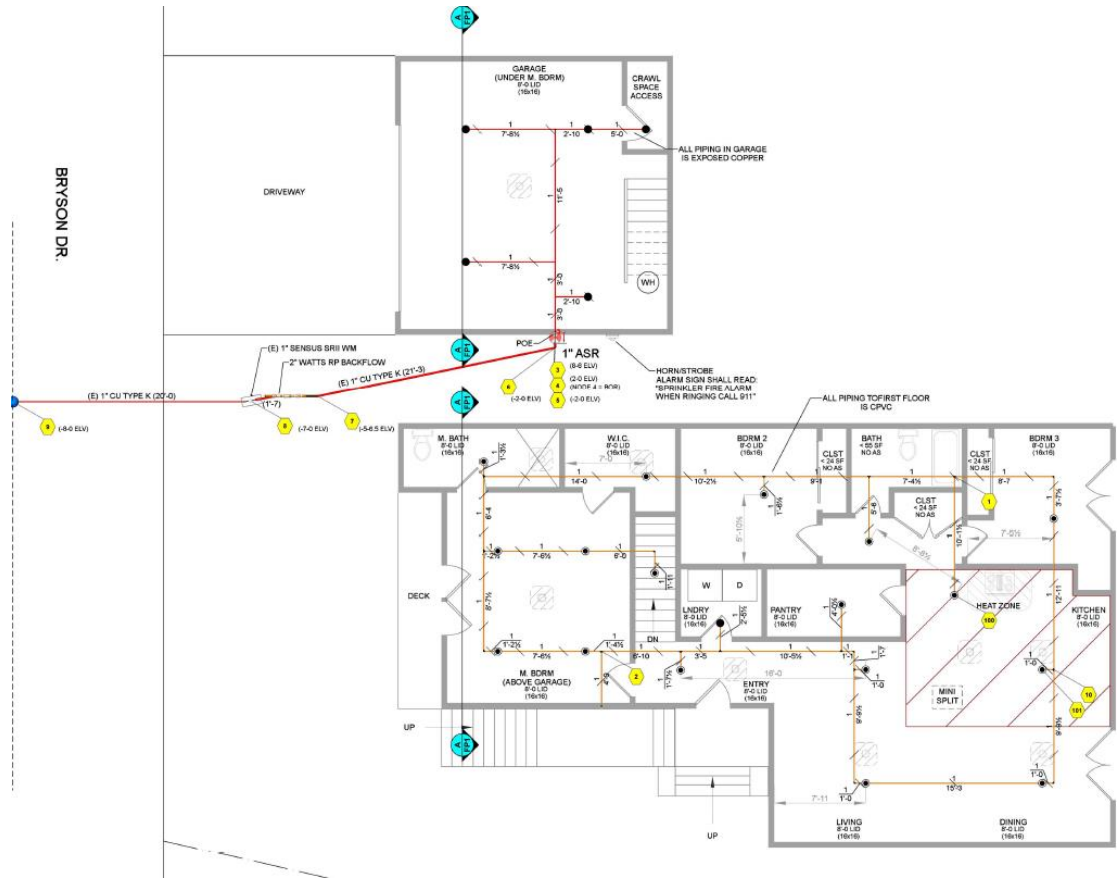
[Project Information](#)

Applicant Pam Haydnmyer submitted an application for a Conditional Use Permit to use a single family residence as a short term rental. The house located at 30 Bryson Drive, contains 3 bedrooms and 2 bathrooms.

Site Location	30 Bryson Drive (APN 018-332-025)
Building Plan	3 bedroom, 2 bath house, approx. 2,243 sf
Lot size	8,276 Sq. Ft.
Zoning	R3 (Multifamily Dwelling)
General Plan Land Use Designation	RMF (Residential Multi 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.	3 spaces required.



Street View- 30 Bryson Drive



Floor Plan- 30 Bryson Drive

DISCUSSION:

General Plan Consistency and Zoning

The property’s RMF land use designation supports single-family residential uses and compatible accessory uses. A short-term rental, operating under a Conditional Use Permit, is consistent with the General Plan goals of promoting economic vitality, tourism, and the adaptive reuse of existing structures while maintaining neighborhood character.

Zoning and Conditional Use Permit Requirements

The home is located in a multifamily Residential Zone (R-3). Under SCMC 18.60.020(B), Bed and Breakfast Inns (and by extension short-term rentals) are permitted in R-3 zones with approval of a CUP. The subject property meets all applicable development standards, including lot size and setbacks.

Parking

SCMC 18.48.030 requires (1) parking space per guest room one plus (1) space for each five (or less) guest rooms. Three off-street parking spaces are required; the property provides four (driveway and garage), thereby exceeding the minimum requirement.

Requires Findings Under SCMC18.60.040

Staff believes the City Council can make the following findings in support of granting the appeal and approving the Conditional Use Permit:

A. The proposed use of the property as a short-term rental is desirable to the public convenience and welfare by expanding visitor lodging options, supporting local tourism, and encouraging economic activity within Sutter Creek.

B. The proposed use will not impair the integrity or character of the surrounding neighborhood or the R-3 zoning district. The property retains its residential appearance and use, and operational conditions (parking, occupancy limits, quiet hours) will maintain compatibility with adjacent properties.

C. The proposed use will not be detrimental to public health, safety, or general welfare. Adequate off-street parking, compliance with noise and nuisance regulations, and adherence to City standards will ensure the use does not create adverse impacts.

D. Adequate public utilities and services are available to support the proposed use. No new infrastructure or off-site improvements are required.

E. The proposed use of the property is in harmony with the various elements and objectives of the General Plan and the purposes of the Zoning Title by maintaining neighborhood character, and promoting a balanced mix of housing and visitor accommodations.

California Environmental Quality Act (CEQA) Guidelines

This use qualifies for a Categorical Exemption under Class 1 (Existing Facilities)

Public Notice

Notice of the City Council hearing was provided in accordance with the SMC.

Staff asks that the City Council disclose any conversations they may have had with the applicant or other interested parties. This includes any new information that may not be included in this report.

RECOMMENDATION

Staff recommend the City Council do the following:

1. Conduct a public hearing and receive public input, and
2. Find that the project is Categorical Exempt under Class 1 (Existing Facilities) of the CEQA Guidelines; and
3. Uphold the appeal of Pam Haydnmyer and overturn the Planning Commission’s denial of the Conditional Use Permit (CUP) for a short-term rental at 30 Bryson Drive; and
4. Adopt Resolution 25-26-* approving the Conditional Use Permit for Pam Haydnmyer to operate a Short-Term Rental at 30 Bryson Drive based on the proposed Findings below and subject to the proposed Conditions of Approval outlined in this report.

Conditions of Approval

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

2. Maintain three (3) off-street parking spaces that are 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 the City with proof of insurance.
6. Provide the City with a Site Plan and Floor Plan for the short-term rental.
7. 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.
8. 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.
9. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 10.50 of this Code concerning noise.
10. 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.
11. 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.

12. 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.
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18. 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.

19. 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.
20. This is a non-transferrable permit.

ATTACHMENTS:

1. Application for a Short Term Rental at 30 Bryson
2. Applicant's appeal
3. Planning Commission Staff Report- 9/8/25
4. Resolution 25-26-* approving the Conditional Use Permit for Pam Haydnmyer to operate a Short-Term Rental at 30 Bryson Drive.

Sept 17, 2025

To Sutter Creek City Council,

I, Pam Haydenmyer am
contesting the Council's Decision
to decline my application
for use of my property at
30 Bayson Dr as a
short term rental property

Thank you,

Pamela J Haydenmyer

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

Section 8, Item B.
RECEIVED: 5-11-12
FEE PAID: \$1000
CK# 2082

Submission Requirements

- 1- Application*
 - 2- Map*
 - 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

CONDITIONAL USE PERMIT APPLICATION

Page 1 of 1

Project Applicant: Pam Haydnmyer
Project Address: 30 Bryson Dr.
Phone: (209)304-4535 **Email:** pamdiggins@yahoo.com
APN: 018-332-025 **Is this located in the Historic District?** Yes No
If yes, please see checklist for Design Review.

Property Owner:
Name: Pam Haydnmyer
Mailing Address: 30 Bryson Drive
City: Sutter Creek **State:** CA **Zip:** 95685
Phone: (209)304-4535 **Email:** pamdiggins@yahoo.com
Is this person the project contact? yes If not, please specify who the contact person is.
Name: _____
Mailing Address: Same as above
Phone: _____ **Email:** _____

Description of work to be performed: (please provide a detailed description using the back if necessary)

None - Vacation Rental

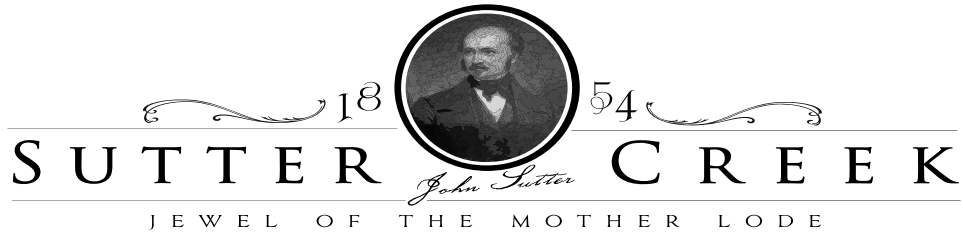
Description of Property: SFD

Proposed Use of Property: Short Term Rental

Describe how land is being used currently on adjacent parcels

North: _____
East: _____
South: _____
West: _____

Additional Information: _____



STAFF REPORT

TO: PLANNING COMMISSION
MEETING DATE: SEPTEMBER 8, 2025
FROM: ERIN VENTURA, PLANNER
SUBJECT: CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL,
 THE BIRD HOUSE, 30 BRYSON DRIVE, SUTTER CREEK, APN
 018-332-025

RECOMMENDATION:

1. Conduct a public hearing and receive public input, and
2. Find that the project is Categorically Exempt under Class 1 of the CEQA Guidelines; and
3. Adopt Resolution 24-25-* approving a Conditional Use Permit for Pam Haydnmyer to operate a Short-Term Rental at 30 Bryson Drive, The Bird House, based on the proposed Findings and subject to the proposed Conditions of Approval.

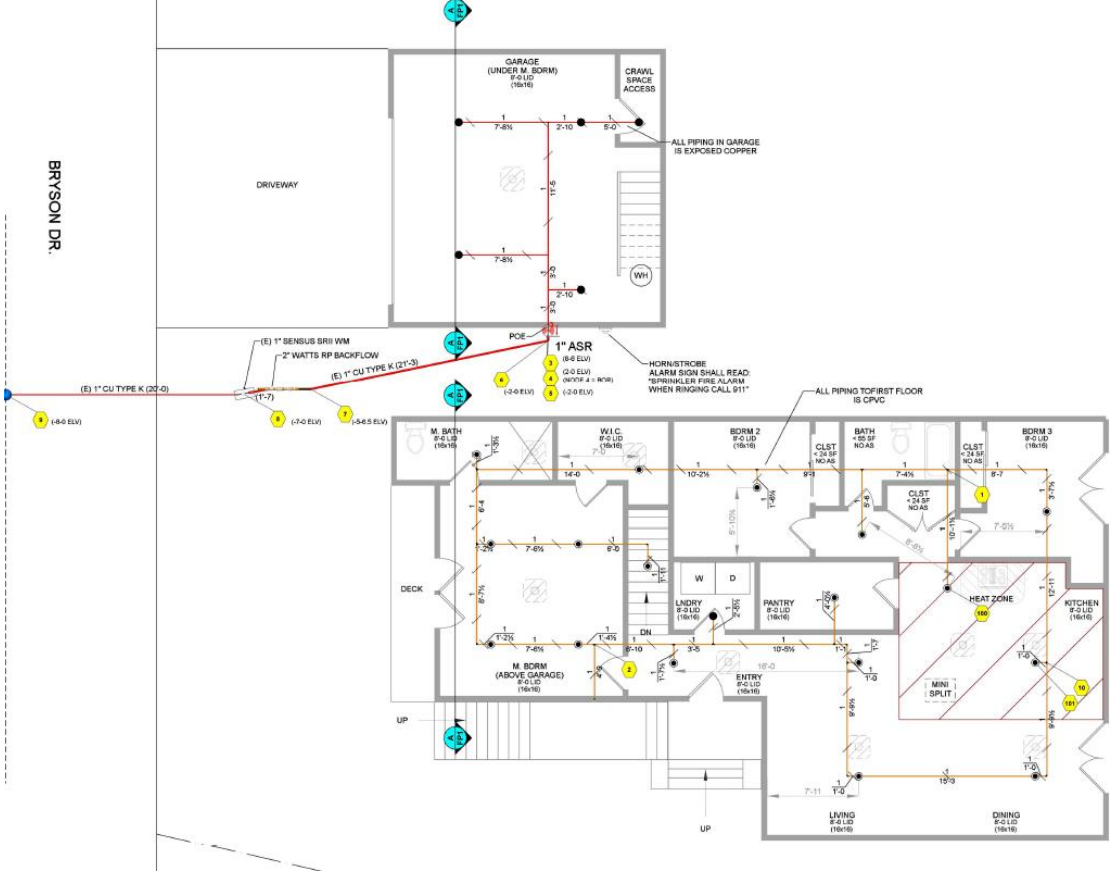
BACKGROUND:

Applicant Pam Haydnmyer submitted an application for a Conditional Use Permit (Exhibit A) to use a single family residence as a short term rental. The house located at 30 Bryson Drive, contains 3 bedrooms and 2 bathrooms.

Site Location	30 Bryson Drive (APN 018-332-025)
Building Plan	3 bedroom, 2 bath house, approx. 2,243 sf
Lot size	8,276 Sq. Ft.
Zoning	R3 (Multifamily Dwelling)
General Plan Land Use Designation	RMF (Residential Multi 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.	3 spaces required.



Street View- 30 Bryson Drive



Floor Plan- 30 Bryson Drive

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 21 active short-term rentals and two applications on the agenda this evening. In Fall of 2024, we returned to the City Council to discuss short term rentals and if they felt there needed to be any changes. At this time no additional changes to the ordinance are recommended and we will provide an update as the City receives more applications.

Staff will be returning to City Council this Fall with an additional update.

General Plan and Zoning

The home is located in a Multifamily Dwelling Zone (R-3). 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 and garage that can accommodate up to 3 vehicles.

California Environmental Quality Act (CEQA) Guidelines

This use qualifies for a Categorical Exemption under Class 1 (Existing Facilities)

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 three (3) off-street parking spaces that are 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 the City with proof of insurance.
6. Provide the City with a Site Plan and Floor Plan for the short-term rental.
7. 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.
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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.

15. 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.
16. 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.
17. 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.
18. 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.
19. 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.
20. This is a non-transferrable permit.

**RESOLUTION 25-26-
A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF SUTTER CREEK APPROVING
A CONDITIONAL USE PERMIT FOR
PAM HAYDNMYER (THE BIRD HOUSE)
30 BRYSON DRIVE, SUTTER CREEK, CA 95685
018-332-025**

WHEREAS, the City Council of the City of Sutter Creek did on Monday, October 6, 2025, held a public hearing on a Conditional Use Permit for Pam Haydnmyer for Short Term Rental Use of single family residence located within the single family residence at 30 Bryson Drive, Assessor Parcel No 018-332-025 after properly noticing said hearing; and

WHEREAS, on September 8, 2025 the Planning Commission held a public hearing where they received a report from the planning staff, received 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 voted to deny the application; and

WHEREAS, on September 17, 2025 the applicant, Pam Haydnmyer, submitted an appeal to the City; and

WHEREAS, the City Council 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 City Council does find the proposal is exempt from environmental review as a Class 1 Categorical Exemption under CEQA.

NOW, THEREFORE BE IT RESOLVED that the City Council of the City of Sutter Creek hereby approves a Conditional Use Permit for Pam Haydnmyer 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 Multi-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-3 Zone – Multi-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 City Council 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.
2. Maintain three (3) off-street parking spaces that are 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 the City with proof of insurance.
6. Provide the City with a Site Plan and Floor Plan for the short-term rental.
7. 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.
8. 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.
9. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 10.50 of this Code concerning noise.
10. 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.

11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.

- 18. 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.
- 19. 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.
- 20. This is a non-transferrable permit.

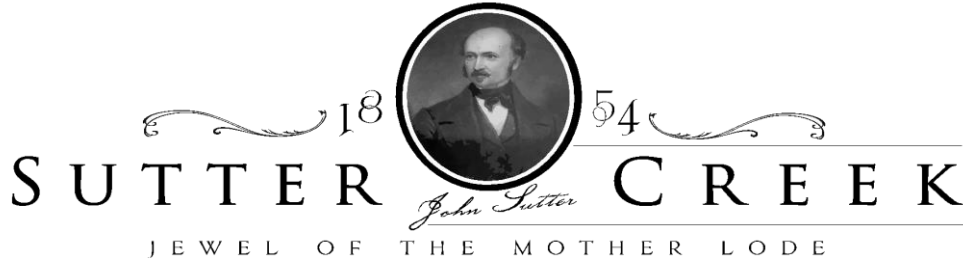
PASSED AND ADOPTED by the City Council of the City of Sutter Creek on this Monday the 6th day of October, 2025 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Claire Gunselman, Mayor

Aaron Wolcott, City Clerk



STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

MEETING DATE: OCTOBER 6, 2025

FROM: ERIN VENTURA, CONTRACT PLANNER

SUBJECT: TREE REMOVAL

RECOMMENDATION:

Staff recommends that the City Council receive this report and provide direction to staff regarding potential updates or amendments to the City’s Tree Removal Ordinance (Sutter Creek Municipal Code [SCMC] Chapter 13.24)

BACKGROUND:

Sutter Creek Municipal Code (SCMC) Chapter 13.24 establishes the City’s regulations pertaining to tree removal within City limits. The purpose of this Chapter is to provide a method for beautifying the city, to enhance air quality, and to do so in a water-efficient manner.

Sutter Creek Municipal Code (SCMC) Chapter 13.24 establishes basic regulations related to tree protection and removal.

However, Chapter 13.24 is limited in scope. It does not clearly define which trees are protected, when a permit is required, other than on undeveloped lots, or what standards should apply to removal requests. As a result, the ordinance provides minimal guidance to property owners and staff when tree removal questions arise. Because of lack of clarity in the ordinance, staff believes tree removals are occurring within City approval.

It states the following on undeveloped parcels:

13.24.100 - Tree removal prohibited.

Removal from an undeveloped parcel of any tree having a minimum trunk diameter of six inches measured forty-eight inches above the adjacent ground level is prohibited unless a tree removal permit is first obtained from the city.

Enforcement is subject to 13.24.170. If the Council wishes to protect larger trees, they should also consider updating the penalties code section. Below is the current violations and penalties code section:

13.24.170 - Violations and penalties.

Any person violating any provision of this chapter shall be for each violation, guilty of a misdemeanor punishable by a fine of up to five hundred dollars and six months in county jail. Provided, however, that any such violation may be charged as an infraction in the prosecutorial discretion of the city or district attorney with a fine not to exceed two hundred fifty dollars. This chapter may also be enforced using any and all other remedies available in law or equity.

Additionally, and without limitation, the city manager or his designee may order a halt to any development or activity subject to this chapter until the violation is corrected or appropriate remedial actions implemented. The city manager or his designee may also convene an administrative hearing, after reasonable written notice to the alleged violator, to determine if a violation has occurred. If it is determined that a violation has occurred an administrative penalty shall be imposed which requires replacement on site of any tree cut or damaged with a tree of equal size and maturity as well as guarantees of future care and maintenance of the replaced tree(s) or payment of an equivalent cash amount to the city for offsite tree planting replacement and care.

DISCUSSION:

The following are suggestions as to how the City can improve the tree removal process:

- Create a process for removals on developed lots.
- Clearly define categories of trees such as “heritage trees” and “protected trees” and specify which removals require permits.
- Provide an expedited process for hazardous or diseased trees.
- Establish replacement planting requirements or in-lieu fees to maintain canopy cover.
- Require a tree removal permit with clear penalties for removing trees without a permit is common in many cities.

Cities often define “heritage trees” as particularly exemplary trees and maintain a list of those specific trees in the City.

“Protected trees” could be defined by the diameter of trees over a certain size, such as 12 or 18 inches as measured six feet above the ground. The ordinance could be even more specific by using different diameters for different tree species.

Here is an example of Native Protected Tree Species from another jurisdiction:

- Big Leaf Maple (*Acer macrophyllum*) 11.5" or more DBH (Diameter at Breast Height, 4.5 feet above ground)
- California Incense Cedar (*Calocedrus decurrens*) 11.5" or more DBH
- Coast Live Oak (*Quercus agrifolia*) 11.5" or more DBH
- Blue Oak (*Quercus douglasii*) 11.5" or more DBH

- California Black Oak (*Quercus kelloggii*) 11.5" or more DBH
- Valley Oak (*Quercus lobata*) 11.5" or more DBH
- Coast Redwood (*Sequoia sempervirens*) 18" or more DBH

Protected Mature Trees

- Any mature tree measuring 15" or more DBH
- Invasive species trees and high water use trees are excluded. See our list of excluded trees included on this page.

Designated Trees

- Any tree designated for protection during review and approval of a development project.

Staff requests the council discuss the following and provide direction, through a motion, to staff;

- 1) Does a majority of Council want to protect trees on developed lots?
- 2) If so, are there certain tree species or sizes that Council feels should be protected?
- 3) Are there known trees which the Council believes should be Heritage trees? Should residents be able to propose trees to be considered as heritage trees?
- 4) Should penalties be updated to be commensurate with the value of development? Here is an example from another City that is far greater than Sutter Creek's current \$500 fine. Given the cost of developing a new building, this other sample ordinance sets a \$10,000 fine.

EXAMPLE: Remedies for violation.

In addition to all other remedies set forth in this code or otherwise provided by law, the following remedies shall be available to the city for violation of this chapter:

(a) Stop Work - Temporary Moratorium.

(1) If a violation occurs in the absence of proposed development pursuant to Section 8.10.050(a)(1), or while an application for a building permit or discretionary development approval for the lot upon which the tree is located is pending, the director of planning and development services in consultation with the urban forester shall issue a temporary moratorium on development of the subject property, not to exceed five years from the date the violation occurred. The purpose of the moratorium is to provide the city an opportunity to study and determine appropriate mitigation measures for the tree removal, and to ensure measures are incorporated into any future development approvals for the property. Mitigation measures as determined by the urban forester shall be imposed as a condition of any subsequent permits for development on the subject property.

(2) If a violation occurs during development pursuant to Section 8.10.050(b), (c), (d), or (e), the city shall issue a stop work order suspending and prohibiting further activity on the property pursuant to the grading, demolition, and/or building permit(s) (including construction, inspection, and issuance of certificates of occupancy) until a mitigation plan has been filed with and approved by the director of planning and development services in consultation with the urban forester, agreed to in writing by the property owner(s), and

either implemented or guaranteed by the posting of adequate security. The mitigation plan shall include measures for protection or repair of any remaining trees on the property, and shall provide for replacement of each tree removed on the property or at locations approved by the urban forester. The replacement ratio shall be in accordance with the standards set forth in the *Tree and Landscape Technical Manual*, and shall be at least twice the prescribed ratio required where tree removal is permitted pursuant to the provisions of this chapter.

(b) Civil penalties.

(1) As part of a civil action brought by the city, a court may assess against any person who commits, allows, or maintains a violation of any provision of this chapter a civil penalty in the following amount:

(i) Ten thousand dollars per tree, or twice the reproduction cost of each tree, whichever amount is higher, for the complete removal of a tree, as defined in Section 8.10.020(n)(1).

(ii) Ten thousand dollars per tree, or the reproduction cost of each tree, whichever amount is higher, for any of the actions set forth in Section 8.10.020(n)(2).

(iii) Ten thousand dollars per tree, or twice the repair cost of each tree, whichever amount is higher, for damage to a tree protected or regulated by this chapter which can be rehabilitated.

(2) Penalties shall be payable to the city.

(3) Reproduction or repair cost for the purposes of this chapter shall be determined utilizing the most recent edition of the *Guide for Plant Appraisal*, published by the Council of Tree and Landscape Appraisers.

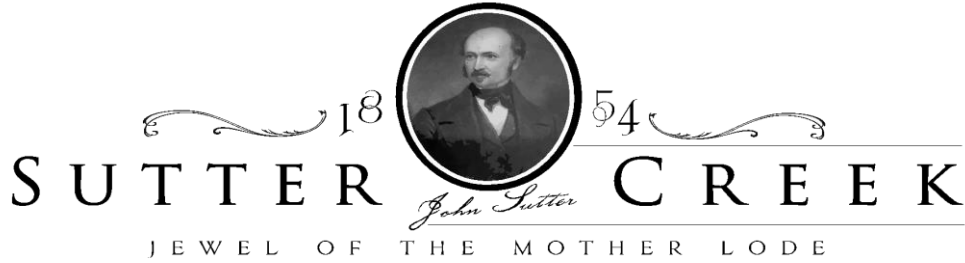
(c) Administrative penalties. Persons listed in Section 8.10.100(b) may issue citations for violations of this chapter that level fines under the city's administrative penalty authority.

(d) Injunctive relief. A civil action may be commenced to abate, enjoin, or otherwise compel the cessation of such violation.

(e) Costs. In any civil action brought pursuant to this chapter in which the city prevails, the court shall award to the city all costs of investigation and preparation for trial, the costs of trial, reasonable expenses including overhead and administrative costs incurred in prosecuting the action, and reasonable attorney fees.

(f) The remedies and penalties provided in this section are cumulative and not exclusive.

Staff is also requesting direction on the process, for example having the Planning Commission review a draft, and timing for an ordinance update, if they desire to go that direction.



STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

MEETING DATE: OCTOBER 6, 2025

FROM: ERIN VENTURA, CONTRACT PLANNER

SUBJECT: SHORT-TERM RENTALS

RECOMMENDATION:

This item is for discussion and direction only.

BACKGROUND:

In November 2019, the City began updating its Short-Term Rental (STR) Ordinance. At that time, the Ordinance was not adopted, and the City Council directed staff to return once 20 STR permits had been issued.

Staff returned to the City Council in November 2024 and reported 19 approved STR permits. In addition to STR permits, the City also had six hotel/inn establishments.

As of today, the City has:

- **8 hotel/inn establishments:** Hotel Sutter; Inn at 161; Hanford House Inn; Sutter Creek Inn; Old Hotel Antiques; Brinnwood Bed & Breakfast; Kiota Inn; Eureka Street Inn.
- **20 active short-term rentals:** 290 Gopher Flat; 70 Broad; 90 Boston Alley; 44 Badger Street; 85 Broad Street; 70 Gopher Flat Rd.; 31 Badger; 70 Greenstone Terrace; 255 Patricia Ln; 193 Badger; 60 Randolph; 86 Barney Lane; 64 Eureka Street; 171 China Gulch Rd; 335 Sutter Crest E; 80 Greenstone Terrace; 40 Mountain View Dr.; 39 Elm Street; 44 Opal Street; 70 Hayden Alley.

Pending Applications:

- 23 Main Street – Denied by PC, appealed to City Council
- 30 Bryson Drive – Denied by PC, appealed to City Council
- 110 Gopher Flat Road – On hold per the owner’s request

These numbers are based on active, registered establishments currently remitting Transient Occupancy Tax (TOT).

To date, STRs have generated minimal complaints. The City has not experienced problems with

“party houses” or absentee owners. Although interest in registering homes as STRs has increased, the total number has remained relatively stable at approximately 20 units over the last year.

If the Council were to introduce limits, we would also need a fair process to allocate permits. Most cities do that by having permits expire each year or several years, and a lottery process for renewal.

While Council directed staff to continue with the current process with some minor updates, the Planning Commission is requesting additional direction from the Council, based on their impression that the 20 units was a firm limit.

DISCUSSION:

Option 1 – Maintain Current Approach

Continue issuing CUPs with our extensive conditions for STRs. Staff would monitor the total number of STRs and return to the City Council for review once a predetermined threshold is reached. Staff will also continue to monitor for any issues, complaints or problems with existing STRs.

Option 2 – Conduct Comprehensive Research on Other Jurisdictions

Direct staff to prepare a more detailed analysis of how comparable jurisdictions regulate STRs, including permitting structures, caps, and renewal requirements.

- **Jackson:** Staff-issued permit with inspection required. Does not go to the Planning Commission.
- **Plymouth:** Short-Term Rental Use Permit renewed every three years; capped at 5% of total residential units. For Sutter Creek with 1428 housing units, that would be 71 STRs
- **Ione:** No ordinance.
- **Amador City:** Annual Short-Term Rental Permit; notice to property owners within 300 feet.
- **Amador County:** No ordinance; ADUs prohibited as STRs.
- Staff can look at best practices by Cities outside of Amador County as well

Option 3 – Adopt a Standalone STR Ordinance Based on Current Conditions of Approval

Convert existing CUP conditions into a citywide ordinance to provide clarity, consistency, and enforceability. Current Conditions of Approval:

1. Maintain the exterior appearance of the vacation rental unit compatible with the single-family residence.
2. Maintain XXX off-street parking spaces that are 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 the City with proof of insurance.
6. Provide the City with a Site Plan and Floor Plan for the short-term rental.
7. 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.
8. 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.
9. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 10.50 of this Code concerning noise.
10. 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.
11. 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.
12. 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.

13. 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.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

20. This is a non-transferrable permit.

The City could also have different rules for “owner occupied” short term rentals and whole building STRs. Almost all of the CUP STRs are whole building STRs, so there may not be much benefit in spending a lot of time on the owner occupied case. However, if Council were to impose limits on rentals, those limits may not need to apply in the owner occupied case.

Staff requests City Council have a discussion and make a motion on what direction they want staff to pursue.

To: Sutter Creek City Council

Sutter Creek Planning Commission

Re: Short Term/Vacation Rentals

As you know there are many ordinances throughout the State concerning the administration of short-term rental ordinances. Some are simple and some are very complex. Many of the ordinances focus on the impacts of irresponsible renters creating a nuisance, which apparently has not been a problem in Sutter Creek. However, nuisance issues are insignificant compared to the impact of turning our local, very limited housing stock into short term rentals. Short-term rentals undermine the entire concept of a neighborhood. Each unit converted into a vacation rental deletes one more opportunity for a new family to become part of a neighborhood.

The issue of converting a residence into what amounts to a motel, is not a matter of personal or property rights, but rather a zoning/land use issue. Given that, it seems that any ordinance created to address this issue should be focused on zoning/land use.

Please consider:

1. Limiting the short-term rental of existing houses to properties currently zoned commercial, in effect making short-term rentals a permitted use for commercial properties.
2. Guest rentals of portions of an existing residence while the property-owner is present could be permitted in any zone, pending Planning Commission review and conditions.
3. Retain all the various other conditions such as payment of TOT, etc.
4. Provide all currently active vacation rental properties a two-year notice that their conditional use permit is being terminated. Two years should be adequate time for the owner to make alternative plans for their property.

This simple plan would be very easy to administer and would provide much needed protection to the community spirit generated by thriving neighborhoods.

Thank you taking time to consider this important issue,

Tim Murphy



CC: Tom DuBois

Derek Cole

Dear Council Members,

I'm glad the city is discussing the tree ordinance and possibly making changes to it in order to keep trees that we already have, when practical, and hopefully to add shade trees to the City. I've been in contact with Susan Feist about finding spaces to plant a couple of shade trees as we start an effort to increase shade in Sutter Creek. The Amador County Master Gardeners has published lists of recommended trees for each city in the county. Susan, have you looked at those? Cities that have lots of trees planted along their streets and in parking areas, e.g. Murphys, are more comfortable places to hang out in the heat of late spring through early autumn. There was a design plan put together years ago for Sutter Creek's south parking lot which included shade trees not only in the parking lot but, I believe, along south Main into downtown. (Sharyn Brown can tell you more. She was on that committee.) That plan was obviously not implemented and the parking lot is a big heat lamp during hot days. So thank you for taking this up.

Thank you for sending out the Sutter Creek utility bill on the first of the month now.

I'm also glad that the City is looking more deeply into how to manage STR's and if we should or shouldn't make changes to the process we have now. There is a lot to consider, so thank you for taking this on.

I see that City Staff has again recommended approval of the 23 Main CUP. But I want to make sure you see three concerns that I have about Desiree Lundgren's letter to the council.

The applicant says that only two direct neighbors voiced concerns and spoke at the PC meeting, and she mentioned my email; we live three doors down. (In fact three neighbors appeared at the PC meeting. And one of her direct neighbors is not a full-time resident.) She says that the City should approve the CUP because there was 'not broad community opposition', but the broader community knows nothing about STR applications since the city is only required to send notices to people within 300 feet of CUP applications.

I would also dispute the claim that the property was not maintained by long-term renters and therefore it will be better for the community that the owners will now be able to maintain the property better. The yard (as well as the interior) at 32 Main was impeccably tended by the last tenants who lived there for ten years. From the time they moved out last March until last month, the yard was not well-maintained at all. So the idea that being a long-term rental led to its neglect, and that tenants caused deterioration and neglect, is not an effective argument. And of course the upkeep and long-term maintenance of a rental house is ultimately the responsibility of the owner, which in fact is happening now as they are remodeling the kitchen and the two 1932-era bathrooms. (You can see in the photos that they were pink and blue!)

I am still concerned about the effect of STRs on long-term rental prices and availability. While we do rely on tourism in Sutter Creek and Amador County, as Ms. Lundgren states in her application, the people who own the businesses that attract tourists, and those who work in

those businesses need to be able to afford to live here. So do their teachers, and the young families who want to stay here where they have grown up.

I believe the City is trying to get a bead on how many short term rentals we actually have, and I know it's not easy to identify houses that haven't gotten City approval for STR status. I appreciate that, and if there is anything that residents can do to help, let us know.

Thank you very much for all the hard work you do for our community.

Elizabeth Tone

29 Main St