Proceedings of the Meeting will be tape recorded. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Office at (209) 267-5647. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements.

DUE TO THE GOVERNOR’S EXECUTIVE ORDER N-29-20, ADOPTED MARCH 17, THE CITY OF SUTTER CREEK PLANNING COMMISSION WILL BE CONDUCTING ITS MEETING VIA ZOOM.

Join Zoom Meeting
https://us02web.zoom.us/j/3278978807

or
Dial by phone:
301-715-8592
Meeting ID: 327 897 8807

The Chairman will call the meeting to order and after Planning Commission input, will invite the public to comment. Public comment will also be accepted by email at info@cityofusttercreek.org. All emails must be received prior to the start of the meeting.

PLANNING COMMISSION AGENDA
MONDAY, JUNE 8, 2020
6:00 P.M.

1. CALL TO ORDER AND ESTABLISH A QUORUM FOR REGULAR MEETING -

2. PLEDGE OF ALLEGIANCE TO THE FLAG

3. INTRODUCTION AND SWEARING IN OF NEW PLANNING COMMISSIONER

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

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

   * A. Approval of Planning Commission Minutes of March 9, 2020.
6. **PUBLIC HEARINGS**

* A. Conditional Use Permit at 150 Gopher Flat Rd. (APN 018-092-021) for Short-Term Rental Use.
   Applicant: Bobbi Coughlin
   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 19-20.** approving a Conditional Use Permit for Bobbi Coughlin to operate a Single-Family Short-Term Rental at 150 Gopher Flat Road based on the proposed Findings and subject to the proposed Conditions of Approval.

7. **PLANNING COMMISSIONER UPDATES**

**ADJOURNMENT**

* Attachments

The next scheduled meeting is MONDAY, JULY 13TH, at 6:00 P.M
1. CALL TO ORDER AND ESTABLISH A QUORUM FOR REGULAR MEETING
Chairman Kirkley called the meeting to order at 6:00 p.m.

Commissioners Present:
Kirkley, Koenig, Bagget, and Alan

Staff Present:
Amy Gedney
Karen Darrow

2. PLEDGE OF ALLEGIANCE TO THE FLAG
Chairman Kirkley led the Pledge of Allegiance.

3. INTRODUCTION AND SWEARING IN OF NEW PLANNING COMMISSIONER
The City Clerk administered the Oath of Office to Planning Commissioner Fikes. Mayor Peters introduced and expressed his confidence in newly appointed Planning Commissioner Fikes.

4. PUBLIC FORUM – None.

5. CONSENT AGENDA – Items listed on the consent agenda are considered routine and may be enacted in one motion. Any item may be removed for discussion at the request of Council or the Public.
   B. 2019 General Plan Annual Progress Report – Review the 2019 General Plan Annual Progress Report and make a recommendation to the City Council to adopt a resolution accepting the report and transmit the report to the California Office of Planning and Research and the California Office of Housing and Community Development.

M/S Koenig/Baggett to approve the Consent Agenda as presented.
AYES: Baggett, Ross and Kirkley
NOES: None
ABSTAIN: Fikes
ABSENT: None
MOTION CARRIED

6. PUBLIC HEARINGS
   A. Conditional Use Permit at 44 Badger Rd. (APN 044-020-041) for Short-Term Rental Use.
      Applicant: Gene and Yvette Mancebo
      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 19-20-** approving a Conditional Use Permit for Gene and Yvette Mancebo to operate a Single-Family Short-Term Rental at 44 Badger Road based on the proposed Findings and subject to the proposed Conditions of Approval.

Commissioner Fikes stepped down from this item due to a conflict of interest.

Chairman Kirkley opened the Public Hearing at 6:10.

Applicant Gene Mancebo voiced his desire for the Planning Commission to approve his request.
Georgia Fox, resident at 54 badger, voiced her opposition to the application.

Chairman Kirkley closed the Public Hearing at 6:18.

M/S Baggett/Koenig to Adopt Resolution 19-20-09 approving a Conditional Use Permit for Gene and Yvette Mancebo to operate a Single-Family Short-Term Rental at 44 Badger Road based on the proposed Findings and subject to the proposed Conditions of Approval, as amended.

AYES: Baggett, Koenig, Ross and Kirkley
NOES: None
ABSTAIN: Fikes
ABSENT: None
MOTION CARRIED

Chairman Kirkley requested that staff add Planning Commissioner Updates as a regular item on the agenda in the future.

The meeting was adjourned at 6:31 p.m
STAFF REPORT

TO: PLANNING COMMISSION
MEETING DATE: MARCH 9, 2020
FROM: AMY GEDNEY, CITY MANAGER
SUBJECT: CONDITIONAL USE PERMIT FOR A SHORT-TERM RENTAL
150 GOPHER FLAT, SUTTER CREEK, APN 018-092-021

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 19-20-** approving a Conditional Use Permit for Bobbi Coughlin Mancebo to operate a Single-Family Short-Term Rental at 150Gopher Flat based on the proposed Findings and subject to the proposed Conditions of Approval.

BACKGROUND:
Property owner Bobbi Coughlin has submitted an application for a Conditional Use Permit (Exhibit A) to use her home as a short-term rental unit.

<table>
<thead>
<tr>
<th>Site Location</th>
<th>150 Gopher Flat (APN 018-092-021)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Plan</td>
<td>5 BR, 2.5 Ba, 3268Sq. Ft., No garage</td>
</tr>
<tr>
<td>Lot size</td>
<td>.43 acres/ 18,730 Sq. Ft.</td>
</tr>
<tr>
<td>Zoning</td>
<td>R1 (Single Family Residential)</td>
</tr>
<tr>
<td>General Plan Land Use Designation</td>
<td>RSF (Residential Single Family)</td>
</tr>
<tr>
<td>Main Street Historic District</td>
<td>No</td>
</tr>
<tr>
<td>Historic District</td>
<td>Yes</td>
</tr>
<tr>
<td>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.</td>
<td>5 spaces required.</td>
</tr>
</tbody>
</table>
DISCUSSION:
General Plan and Zoning
The home is located in a single-family Residential Zone (R1). 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 an off-street outdoor parking area with 5 spaces for short-term rental use.

California Environmental Quality Act (CEQA) Guidelines
This use qualifies for a Categorical Exemption under Class 32 (In-Fill Development Projects)

Staff recommends the following conditions of approval:

1. Maintain the exterior appearance of the vacation rental unit compatible with the single-family residence.
2. Maintain five (5) 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 a completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) It is the owner's responsibility to ensure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.
6. The maximum number of overnight guests for a short-term rental unit shall not exceed two persons per bedroom, except that children under the age of four shall not be counted for purposes of calculating this limitation so long as the children sleep in the same bedroom as at least one of their parents or legal guardians. Additional daytime guests are allowed between the hours of 7:00 a.m. and 10:00 p.m., with the maximum daytime guests not to exceed two persons per bedroom plus four.
7. Occupants of the short-term rental unit shall comply with all standards and regulations stated in Chapter 10.50 of this Code concerning noise.
8. The owner or operator shall provide each occupant of the short-term rental unit with the following information prior to occupancy of the unit and shall post such information in a prominent location within the unit:
   A. The contact information for the operator, with 24-hour availability;
   B. The maximum number of overnight occupants and the maximum number
of daytime occupants as permitted under this permit;

C. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property;

D. A copy of the Chapter 10.50 of this Code concerning noise; and

E. Notification that the occupant or owner may be cited or fined by the City in accordance with this Code.

9. While a short-term rental unit is rented, the owner, operator, or local contact person shall be available 24 hours per day, seven days per week for the purpose of responding within 60 minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit or their guests.

10. The owner, operator, or local contact person shall use reasonably prudent business practices to ensure that the occupants and/or guests of the short-term rental unit do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the short-term rental unit.

11. Prior to occupancy of a short-term rental unit, the owner or operator shall obtain the name, address, and a copy of a valid government identification of the responsible person and require such responsible person to execute a formal acknowledgement that he or she is legally responsible for compliance by all occupants of the short-term rental unit and their guests with all applicable laws, rules, and regulations pertaining to the use and occupancy of the short-term rental unit.

12. The owner, operator, or local contact person shall upon notification that the responsible person and/or any occupant and/or guest of the short-term rental unit has created unreasonable noise or disturbances, engaged indisciplinary conduct, or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the subject short-term unit, promptly respond within 60 minutes and appropriate manner to immediately halt or prevent a recurrence of such conduct by the responsible person and/or any occupants and/or guests. Failure of the owner, and/or operator to respond to calls or complaints regarding the condition, operation, or conduct of occupants and/or guests of the short-term rental unit within 60 minutes and appropriate manner shall be subject to all administrative, legal, and equitable remedies available to the City.

13. The owner, operator, or local contact person shall report to the City Manager the name, violation, date, and time of disturbance of each person involved in any disorderly conduct activities, disturbances, or other violations of any applicable law, rule, or regulation pertaining to the use and occupancy of the subject short-term unit.

14. Trash and refuse shall not be left stored within public view, except in proper containers for the purpose of collection by the City's authorized waste hauler on scheduled trash collection days. The owner or operator shall use reasonably prudent
business practices to ensure compliance with all the provisions of Chapter 9.08 of the City’s Municipal Code.

15. A violation of any provision of this Chapter by any occupant, owner, or operator shall constitute grounds for modification, suspension, or revocation of the short-term rental permit. In addition, the failure of the owner or operator to satisfy any of its obligations and requirements of Chapter 4.16 concerning transient occupancy taxes shall be an independent basis for modification, suspension, or revocation of any permit issued under this Chapter.

16. Whenever any owner or operator fails to comply with any provision of this Chapter, the City, after giving the operator or owner ten days written notice specifying the time and place of a hearing before the Planning Commission, and requiring him to show cause why the short term rental permit should not be modified, suspended, or revoked, may modify, suspend, or revoke the permit held by the operator or owner.

17. The City may enforce this Chapter, including the terms and conditions of any permit granted under this Chapter, by any means provided for in Chapter 1.16 of this Code or by any other means authorized by law.

18. This is a non-transferrable permit.
City of Sutter Creek
18 Main Street
Sutter Creek, CA 95685
209-267-5647
www.cityofsuttercreek.org

Submission Requirements
1- Application*
2- Map*
3- Fees (Refer to current fee schedule. All Fees must be paid at City Hall)
*All documentation must be submitted via the application portal on the City website

CONDITIONAL USE PERMIT APPLICATION
Page 1 of 1

**Project Applicant:** BOBBI S. COUGHLIN

**Project Address:** 150 Gopher Flat Road

**Phone:** 209-49-2060 **Email:** JLAUGHTON@ATT.NET

**APN:** 018-092-021

Is this located in the Historic District? **Yes** [x] **No** [ ]

If yes, please see checklist for Design Review.

**Property Owner:** BOBBI S. COUGHLIN

**Name:**

**Mailing Address:** PO Box 1323

City: SUTTER CREEK State: CALIF Zip: 95685

**Phone:** 209-49-2060 **Email:** JLAUGHTON@ATT.NET

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

**Name:** SAME

**Mailing Address:**

**Phone:**

**Email:**

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

**Vacation/Short Term Rental of existing house**

**Description of Property:** 2 1/2 BATH HOME

**Proposed Use of Property:** SHORT TERM RENTAL

**Describe how land is being used currently on adjacent parcels**

North: [ ] HOUSE/LAND RASTURE LAND

East: HOUSES

South: HOUSES

West: HOUSES

**Additional Information:**
Good Morning;

This is our application for a Conditional Use Permit for a short-term rental in Sutter Creek. Our address is 150 Gopher Flat Road. We have filled out the application and included all that was asked for, we believe.

We have a home in Jackson that we could move into in a short amount of time, and we have been preparing our house in Sutter Creek for some time as a short term rental. The reason we bring this point up now is we feel there may be a need soon for “essential workers” to have housing under the Governor’s Executive Order issued recently. This house has 5 bedrooms, 2 and a half baths, and would be suitable for any of those “essential workers”, be they Police, Nurses, Doctors, or any other workers that fit the Governor’s criteria.

We hope that you will consider our application in regard to the issues we have pointed out.

Sincerely,

Jim and Bobbi Laughton

[Signature]
RESOLUTION 19-20-*
A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SUTTER CREEK APPROVING
A CONDITIONAL USE PERMIT FOR
BOBBI COUGHLIN
150 GOPHER FLAT, SUTTER CREEK, CA 95685
APN 018-092-021

WHEREAS, the Planning Commission of the City of Sutter Creek did on Monday, June 8, 2020, hold a public hearing on a Conditional Use Permit for Gene & Yvette Mancebo for Vacation Rental Use of 150 Gopher Flat, Assessor Parcel No. 018-092-021 after properly noticing said hearing; and

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

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

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Sutter Creek hereby approves a Conditional Use Permit for Bobbi Coughlin 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 Zone.

4. The proposed use would not be detrimental to public health, safety or general welfare because appropriate conditions of approval have been attached to the project.

5. The proposed use of the property, implements the Sutter Creek General Plan and the purposes of the Planning Title, because the General Plan and Zoning Ordinance recognize the importance of providing visitor lodging to promote and encourage commercial activity in the community.

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

1. Maintain the exterior appearance of the vacation rental unit compatible with the single-family residence.
2. Maintain five (5) off-street parking spaces (one inside the garage and two on the driveway) 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 a completed checklist for fire safety (fire extinguishers, smoke alarms, carbon monoxide detectors, etc.) It is the owner's responsibility to ensure that the short-term rental is and remains in substantial compliance with all applicable codes regarding fire, building and safety, health and safety, and other relevant laws.

6. The maximum number of overnight guests for a short-term rental unit shall not exceed two persons per bedroom, except that children under the age of four shall not be counted for purposes of calculating this limitation so long as the children sleep in the same bedroom as at least one of their parents or legal guardians. Additional daytime guests are allowed between the hours of 7:00 a.m. and 10:00 p.m., with the maximum daytime guests not to exceed two persons per bedroom plus four.

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8. The owner or operator shall provide each occupant of the short-term rental unit with the following information prior to occupancy of the unit and shall post such information in a prominent location within the unit:
   
   A. The contact information for the operator, with 24-hour availability;
   
   B. The maximum number of overnight occupants and the maximum number of daytime occupants as permitted under this permit;
   
   C. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property;
   
   D. A copy of the Chapter 10.50 of this Code concerning noise; and
   
   E. Notification that the occupant or owner may be cited or fined by the City in accordance with this Code.

9. While a short-term rental unit is rented, the owner, operator, or local contact person shall be available 24 hours per day, seven days per week for the purpose of responding within 60 minutes to complaints regarding the condition, operation, or conduct of occupants of the short-term rental unit or their guests.

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13. The owner, operator, or local contact person shall report to the City Manager the name, violation, date, and time of disturbance of each person involved in any disorderly conduct activities, disturbances, or other violations of any applicable law, rule, or regulation pertaining to the use and occupancy of the subject short-term unit.

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15. A violation of any provision of this Chapter by any occupant, owner, or operator shall constitute grounds for modification, suspension, or revocation of the short-term rental permit. In addition, the failure of the owner or operator to satisfy any of its obligations and requirements of Chapter 4.16 concerning transient occupancy taxes shall be an independent basis for modification, suspension, or revocation of any permit issued under this Chapter.

16. Whenever any owner or operator fails to comply with any provision of this Chapter, the City, after giving the operator or owner ten days written notice specifying the time and place of a hearing before the Planning Commission, and requiring him to show cause why the short term rental permit should not be modified, suspended, or revoked, may modify, suspend, or revoke the permit held by the operator or owner.

17. The City may enforce this Chapter, including the terms and conditions of any permit granted under this Chapter, by any means provided for in Chapter 1.16 of this Code or
by any other means authorized by law.

18. This is a non-transferrable permit.

**PASSED AND ADOPTED** by the Planning Commission of the City of Sutter Creek on this Monday the 8th day of June, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

________________________________
Michael Kirkley, Chairman

__________________________________________
Karen Darrow, City Clerk