

**PLANNING COMMISSION AGENDA
MONDAY, SEPTEMBER 11, 2023**

6:00 P.M.

THE CITY OF SUTTER CREEK PLANNING COMMISSION MEETING WILL BE AVAILABLE
VIA ZOOM AND IN PERSON.

Join Zoom Meeting

<https://us02web.zoom.us/j/9568520224>

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

Public comment will not be taken from Zoom.

or

Dial by phone:

301-715-8592

Meeting ID: 956 852 0224

- 6:00 P.M. 1. CALL TO ORDER AND ESTABLISH A QUORUM FOR REGULAR MEETING**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. PUBLIC FORUM** – *Discussion items only, no action to be taken. Any person may address the Commission at this time upon any subject within the jurisdiction of the Planning Commission; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent meeting. Please note – there is a five (5) minute limit per topic.*
- 4. CONSENT AGENDA** – *Items listed on the consent agenda are considered routine and may be enacted in one motion. Any item may be removed for discussion at the request of the Commission or the Public.*
- A. Planning Commission Minutes of August 14, 2023.
Recommendation: Approval of Minutes.
- B. Sign Permit Application: 71 Main St.: Applicant: Zita Makkos Photography
Recommendation: Approval of sign application as submitted
- C. Sign Permit Application: 78 Main St.: Applicant: Rhythm and Brews
Recommendation: Approval of sign application as submitted

- D. Sign Permit Application: 54 Main St.: Applicant: Serra
Recommendation: Approval of sign application as submitted

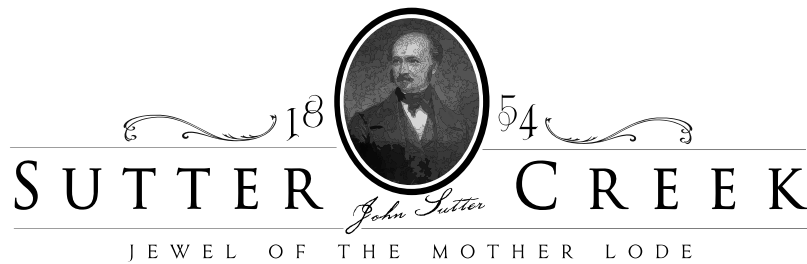
5. PUBLIC HEARINGS

A. Variance- 302 Eureka Street

1. Conduct a public hearing and receive public input; and;
2. Adopt Resolution 23-24-* approving the variance request for 301 Eureka Street.

6. ADMINISTRATIVE AGENDA- None

7. ADJOURNMENT



PLANNING COMMISSION MINUTES
MONDAY, AUGUST 14, 2023
6:00 P.M.

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

Chairman Kirkley Administered the Oath of Office to new Planning Commissioners Athena Padilla-Gordon and Lisa Ryan and called the meeting to order at 6:00 p.m.

Commissioners Present:

Baggett Padilla-Gordon, Ryan and Kirkley

Absent: Macon

Staff Present:

Karen Darrow and Erin Ventura

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman Kirkley led the Pledge of Allegiance

3. PUBLIC FORUM- None

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

A. Planning Commission Minutes of July 10, 2023.

Recommendation: Approval of Minutes.

M/S Baggett/Padilla-Gordon to approve the Minutes of July 10, 2023, as presented.

AYES: Baggett, Padilla-Gordon and Kirkley

NOES: None

ABSTAIN: Ryan

ABSENT: Macon

MOTION CARRIED

B. Sign Permit Application: 76 Main St.: Applicant: Sean Fanopoulos

Recommendation: Approval of sign application as submitted

C. Sign Permit Application: 43 Boston Alley.: Applicant: Alanis Lee

Recommendation: Approval of sign application as submitted

D. Sign Permit Application: 3 Randolph St.: Applicant: Gary Miller

Recommendation: Approval of sign application as submitted

M/S Baggett/Padilla-Gordon to approve Consent Item 4B, 4C, and 4D, as presented.

AYES: Baggett, Padilla-Gordon, Ryan and Kirkley

NOES: None

ABSTAIN: None
ABSENT: Macon
MOTION CARRIED

5. PUBLIC HEARINGS

A. Conditional Use Permit- 190 Fogarty

1. Conduct a public hearing and receive public input, and;
2. Find that the project is Categorical Exempt under 15301 (Existing Facilities) CEQA Guidelines; and
3. Adopt Resolution 23-24-* Approving a Conditional Use Permit, for the operation of a childcare facility, based on the recommended Findings and subject to the recommended Conditions of Approval.

Chairman Kirkley opened the Public Hearing at 6:13 p.m.
Russell Robinson spoke in support of approval.
Chairman Kirkley closed the Public Hearing at 6:19 p.m.

M/S Baggett/Ryan to Adopt Resolution 23-24-02 Approving a Conditional Use Permit, for the operation of a childcare facility, based on the recommended Findings and subject to the recommended Conditions of Approval, as presented.

AYES: Baggett, Padilla-Gordon, Ryan and Kirkley
NOES: None
ABSTAIN: None
ABSENT: Macon
MOTION CARRIED

B. Conditional Use Permit- 175 Sutter Hill Rd.

1. Conduct a public hearing and receive public input, and
2. Find that the project is Categorical Exempt under 15303 (New Construction or Conversion of Small Structures) CEQA Guidelines; and
3. Adopt Resolution 23-24-* Approving a Conditional Use Permit for the installation of a telecommunications facility, based on the recommended Findings and subject to the recommended Conditions of Approval.

Chairman Kirkley opened the Public Hearing at 6:26 p.m.

Gail Schifsky of Sutter Creek noted her concern regarding the mine tailings on the site, the elevation and questioned why this project does not need to go through the DRC process since it is in the historic district.

Chairman Kirkley noted his concerns as follows:

- the screening that is surrounding the site could easily go away and will leave the tower in full view, --
- the site is at the edge of the historic district,
- should be a "tree" version
- has the potential to be problematic because of the tailings.

The applicant noted that it is still in the environmental review process and noted that they plan to do the abatement as required. He requested that the Public Hearing be continued, and he will come back with a pine model.

The Commission approved the continuance of the Public Hearing so that the applicant could return with a rendering of a pine tower model.

C. Draft Initial Study/Negative Declaration (IS/MND) for the Zoning Ordinance Amendment and Updated Circulation Plan

1. Conduct a public hearing and receive input, and;
2. Review the Zoning Ordinance Amendment and Circulation Element Update, Draft Initial Study and Negative Declaration

Chairman Kirkley opened the Public Hearing at 6:58 p.m. there was no comment, and the hearing was closed.

Chairman Kirkley noted that the map included should be consistent with the zoning and asked for clarification if tonight was just another opportunity for the public to comment and that the Council would be receiving it for approval.

Erin Ventura, Planning Consultant noted that the public comment period ends on September 5th and that there are no comments to date and she anticipates this going to City Council for approval on September 18th.

She also noted that the Variance that was noticed and not included on this agenda is to allow livestock on a 20-acre parcel and will be noticed again and brought back to the next meeting.

6. ADMINISTRATIVE AGENDA- None.

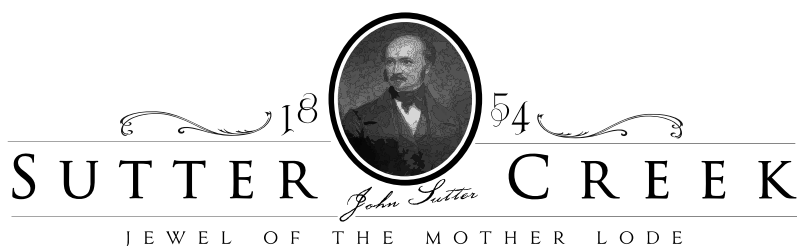
ADJOURNMENT

The meeting was adjourned at 7:07 p.m.

Michael Kirkley, Chairman

Karen Darrow, City Clerk

Date Approved:



STAFF REPORT

TO: PLANNING COMMISSION
MEETING DATE: SEPTEMBER 11, 2023
FROM: ERIN VENTURA, PLANNING CONSULTANT
SUBJECT: SIGN PERMIT APPROVAL
71 MAIN STREET- ZITA MAKKOS PHOTOGRAPHY
APN 018-154-001

RECOMMENDATION:

Approve the sign permit application for 71 Main Street (Zita Makkos Photography), for a double sided (36"x 24") = 6. sq. ft.) 12 sq. ft. sign.

BACKGROUND:

Zita Makkos Photography submitted an application for a Sign Permit (Exhibit A) for 71 Main Street, Sutter Creek. They are proposing a new sign to be mounted from a pole attached to the building.

See Table 1 for proposed sign checklist.

Table 1. Proposed Sign Checklist

Site	71 Main Street (018-154-001)
Building Plan	N/A
Lot Size	.22 acres / 9,583 sq. ft.
Zoning	DTC- Downtown Commercial
General Plan Land Use Designation	DTC- Downtown Commercial
Main Street Historic District	Yes
Historic District	No
Building Frontage in Lineal Feet	39
Sign Preparer	Merzlak Signs
Code Section	15.16 – Signs,
15.16.070 – Signs in Historical District	
A. Frontage length: 45 feet	Proposed: 12 sq. ft., Allowed: 16 sq. ft.
	Total Proposed: 12 sq. ft., Allowed: 25 sq. ft.
Property Owner Approval	Yes

DISCUSSION:

The sign as presented meets the Code requirements.

Table 2 Sign Specifications				
Sign Type	Measurements	Sq. ft.		Total sq. ft.
Wood sign, white background with blue and black text Hanging above walkway	36"x 24" =	6 sf	Double sided	12sf
			Total Square Feet	12 sf

The proposed sign will serve the Zita Makkos Photography, a business located on Main Street within the Downtown Commercial Zoning District. The business is located in an existing building. The double-sided sign will hang from a rod, which will be affixed to the existing building.

ENVIRONMENTAL:

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

BUDGET IMPACT:

None.

* * * *

EXHIBIT A
71 MAIN STREET SIGN APPLICATION

PAID
CC
8-31-23
\$100-

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

RECEIVED
FEE PAID:
AUG 31 2023

Submission Requirements
City of Sutter Creek

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

SIGN PERMIT APPLICATION
Page 1 of 9

Project Applicant: ZITA MARKOS / ZAMS PHOTOGRAPHY
Project Address: 71 MAIN ST. SUTTER CREEK
Phone: 209 283 0511 Email: ZITA@ZAMSPHOTOGRAPHY.COM
APN: _____

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

Property Owner:
Name: TOM VIOLICH Phone: (909) 570-9661
Mailing Address: 2295 BELLA VISTA DR. Email: T.VIOLICH@ATT.NET
City: SANTA BARBARA State: CA Zip: 93108

Is this person the project contact? If not, please specify who the contact person is.
Name: ZITA MARKOS
Mailing Address: P.O. BOX 356 WEST POINT CA 95255
Phone: 209-283 0511 Email: ZITA@ZAMSPHOTOGRAPHY.COM

SIGNS TO BE PREPARED BY: MERZLAK SIGNS
BUILDING FRONTAGE @ PRIMARY ENTRANCE: 39 is LINEAL FEET

EXISTING SIGNS: TO BE UTILIZED FOR THIS BUSINESS: (INCLUDE NUMBER OF SIDES AND DIMENSIONS FOR EACH SIGN)

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

☐ Sign design: _____
(Attached lettering and graphics, drawn to scale)

☐ Total signage requested: 20 Sq.Ft.

☐ Total allowable signage: 37 Sq.Ft.
(Per Sign Ordinance)

☐ Location of sign(s): Above Door

☐ Type of Materials to be used: Aluminum/Composite
(briefly describe)

☐ Method of attachment: chain from existing hooks/bracket

☐ Total number of sides: 2

☐ Colors: black/gold
(Including letters, graphics, & background)

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

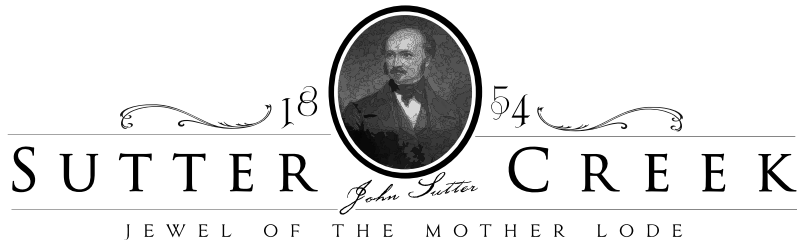
[Signature] 07.26.23
APPLICANT'S SIGNATURE DATE

[Signature] 08/25/23
PROPERTY OWNER SIGNATURE DATE

PLANNING COMMISSION ACTION:
APPROVED: ☐ DENIED: ☐ MEETING DATE: _____

0080-68





STAFF REPORT

TO: PLANNING COMMISSION
MEETING DATE: SEPTEMBER 11, 2023
FROM: ERIN VENTURA, PLANNING CONSULTANT
SUBJECT: SIGN PERMIT APPROVAL
78 MAIN STREET- RHYTHM AND BREWS
APN 018-131-012

RECOMMENDATION:

Approve the sign permit application for 58 Main Street (Rhythm and Brews), for a double sided (45"x 25") = 7.8 sq. ft.) 15.6 sq. ft. sign.

BACKGROUND:

Rhythm and Brews submitted an application for a Sign Permit (Exhibit A) for 78 Main Street, Sutter Creek. They are proposing a new hanging sign.

See Table 1 for proposed sign checklist.

Table 1. Proposed Sign Checklist

Site	78 Main Street (018-131-012)
Building Plan	N/A
Lot Size	.12 acres / 5,160 sq. ft.
Zoning	DTC- Downtown Commercial
General Plan Land Use Designation	DTC- Downtown Commercial
Main Street Historic District	Yes
Historic District	No
Building Frontage in Lineal Feet	86
Sign Preparer	Merzlak Signs
Code Section	15.16 – Signs,
15.16.070 – Signs in Historical District	
A. Frontage length: 86 feet	Proposed: 15.6 sq. ft., Allowed: 16 sq. ft.
	Total Proposed: 15.6 sq. ft., Allowed: 25 sq. ft.
Property Owner Approval	Yes

DISCUSSION:

The sign as presented meets the Code requirements.

Table 2 Sign Specifications				
Sign Type	Measurements	Sq. ft.		Total sq. ft.
Wood sign, white background with blue and black text Hanging above walkway	25"x 45" =	7.8 sf	Double sided	15.6 sf
			Total Square Feet	15.6 sf

The proposed sign will serve Rhythm and Brews, a restaurant located on Main Street within the Downtown Commercial Zoning District. The business is located in an existing building. The double-sided sign will be aluminum composite and will hang over the front entrance of the building.

ENVIRONMENTAL:

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

BUDGET IMPACT:

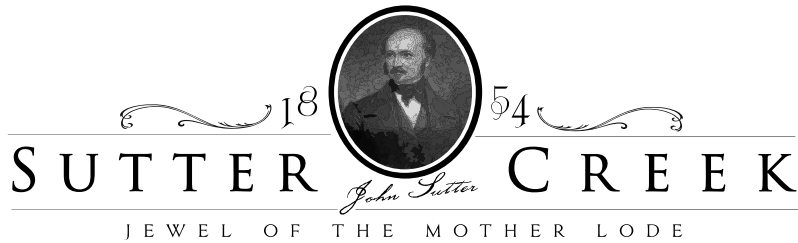
None.

* * * *

EXHIBIT A
78 MAIN STREET SIGN APPLICATION

City of Sutter Creek 18 Main Street Sutter Creek, CA 95685 209-267-5647 www.cityofsuttercreek.org		RECEIVED RECEIVED: FEE PAID: <u>AUG 28 2023</u> City of Sutter Creek
Submission Requirements		
1- Application* 2- Map* 3- Fees (Refer to current fee schedule. All Fees must be paid at City Hall) <i>*All documentation must be submitted via the application portal on the City website</i>		
SIGN PERMIT APPLICATION		
Page 1 of 9		
Project Applicant: <u>DAVID CANNON</u> <u>Rhythm and Brews LLC</u>		
Project Address: <u>78 Main Street</u>		
Phone: <u>303-887-4837</u>		Email: <u>RNBonMain@gmail.com</u>
APN: _____		Is this located in the Historic District? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <small>If yes, please see checklist for Design Review.</small>
		Is this located in the Historic Corridor? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/>
Property Owner:		Phone: <u>805-570-4601</u>
Name: <u>Tom Violich</u>		Email: <u>TJViolich@ATT.NET</u>
Mailing Address: <u>2295 Bella Vista</u>		
City: <u>Santa Barbara</u> State: <u>CA</u>		Zip: <u>93108</u>
Is this person the project contact? If not, please specify who the contact person is.		
Name: <u>DAVID CANNON</u>		
Mailing Address: <u>15408 Aberto Drive, Rancho Murietta, CA, 95688</u>		
Phone: <u>303-887-4837</u>		Email: <u>RNBonMain@gmail.com</u>
SIGNS TO BE PREPARED BY: <u>Murdak Signs</u>		
BUILDING FRONTAGE @ PRIMARY ENTRANCE: _____ in LINEAL FEET		
EXISTING SIGNS: TO BE UTILIZED FOR THIS BUSINESS: (INCLUDE NUMBER OF SIDES AND DIMENSIONS FOR EACH SIGN)		
PROPOSED SIGNS: FOR EACH PROPOSED SIGN ATTACH A SKETCH/PHOTO SHOWING THE FOLLOWING: (CHECK EACH BOX UPON COMPLETION)		
<input type="checkbox"/> Sign design: <u>See Attached</u> (Attached lettering and graphics, drawn to scale)	<input type="checkbox"/> Type of Materials to be used: <u>Aluminum Composite</u> (briefly describe)	
<input type="checkbox"/> Total signage requested: <u>8</u> Sq.Ft.	<input type="checkbox"/> Method of attachment: <u>hanging</u>	
<input type="checkbox"/> Total allowable signage: <u>16</u> Sq.Ft. (Per Sign Ordinance)	<input type="checkbox"/> Total number of sides: <u>2</u>	
<input type="checkbox"/> Location of sign(s): <u>Above front Door</u>	<input type="checkbox"/> Colors: <u>3</u> (Including letters, graphics, & background)	
I hereby certify that I am the Owner of the business applying for this Sign Permit (or the Owner's authorized representative) and agree to abide by the requirements of the Sutter Creek Sign Ordinance as codified in Chapter 15.16 of the Sutter Creek Municipal Code.		
APPLICANT'S SIGNATURE <u>See attached</u>		DATE <u>8/24/2023</u>
PROPERTY OWNER SIGNATURE		DATE
PLANNING COMMISSION ACTION:		
APPROVED: <input type="checkbox"/>	DENIED: <input type="checkbox"/>	MEETING DATE:





STAFF REPORT

TO: PLANNING COMMISSION
MEETING DATE: SEPTEMBER 11, 2023
FROM: ERIN VENTURA, PLANNING CONSULTANT
SUBJECT: SIGN PERMIT APPROVAL
 54 MAIN STREET- SERRA
 APN 018-161-006

RECOMMENDATION:

Approve the sign permit application for 54 Main Street (SERRA), for a double sided (12"x 24") = 2 sq. ft.) 4 sq. ft. sign.

BACKGROUND:

SERRA. submitted an application for a Sign Permit (Exhibit A) for 54 Main Street, Sutter Creek. They are proposing a new hanging sign.

See Table 1 for proposed sign checklist.

Table 1. Proposed Sign Checklist

Site	54 Main Street (018-161-006)
Building Plan	N/A
Lot Size	.12 acres / 5,227 sq. ft.
Zoning	DTC- Downtown Commercial
General Plan Land Use Designation	DTC- Downtown Commercial
Main Street Historic District	Yes
Historic District	No
Building Frontage in Lineal Feet	43
Sign Preparer	Erik Peterson
Code Section	15.16 – Signs,
15.16.070 – Signs in Historical District	
A. Frontage length: 43 feet	Proposed: 2 sq. ft., Allowed: 16 sq. ft.
	Total Proposed: 4 sq. ft., Allowed: 25 sq. ft.
Property Owner Approval	Yes

DISCUSSION:

The sign as presented meets the Code requirements.

Table 2 Sign Specifications				
Sign Type	Measurements	Sq. ft.		Total sq. ft.
Wood sign, white background with blue and black text Hanging above walkway	12"x 24" =	2 sf	Double sided	4 sf
			Total Square Feet	4 sf

The proposed sign will serve SERRA, a business located on Main Street within the Downtown Commercial Zoning District. The business is located in an existing building. The double-sided sign will hang from existing chains over the walkway in front of the building.

ENVIRONMENTAL:

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



BUDGET IMPACT:

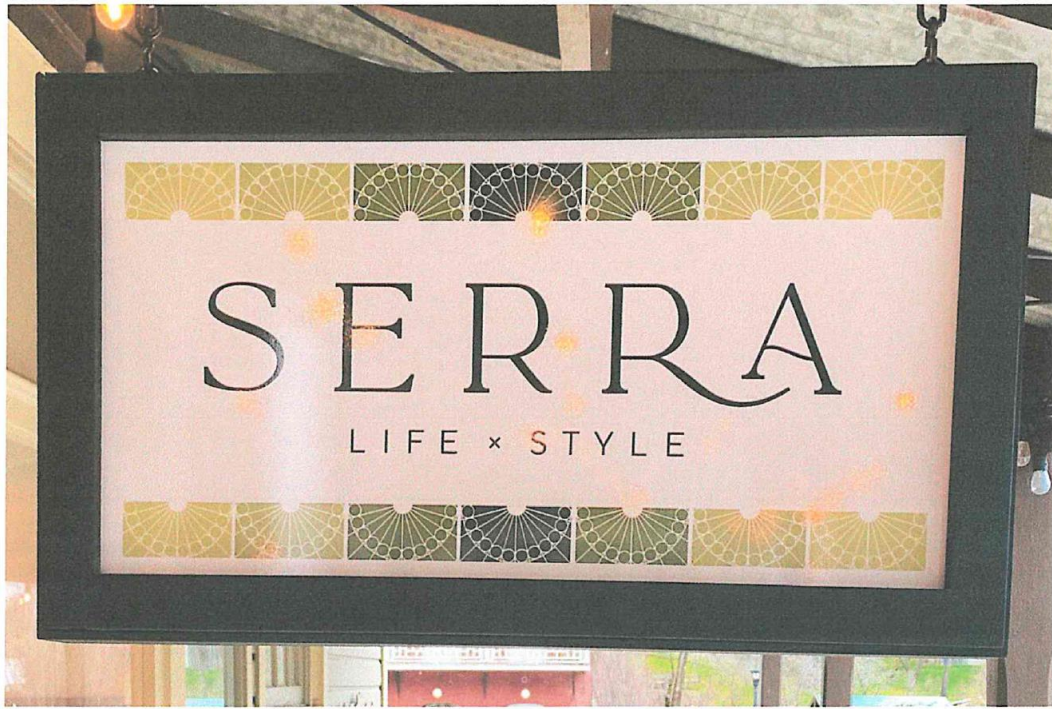
None.

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EXHIBIT A
54 MAIN STREET SIGN APPLICATION

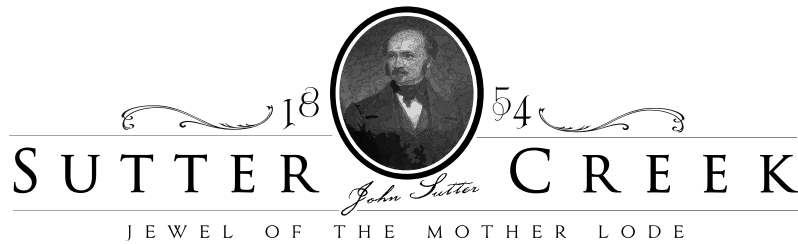
RECEIVED

City of Sutter Creek 18 Main Street Sutter Creek, CA 95685 209-267-5647 www.cityofsuttercreek.org		RECEIVED: 8A City of Sutter Creek FEE PAID: \$1.00 OK 2019 1/10
Submission Requirements		
1- Application* 2- Sketch or Image of Sign(s)* 3- Fees (Refer to current fee schedule. All Fees must be paid at City Hall) *All documentation must be submitted via the application portal on the City website		
SIGN PERMIT APPLICATION		
Page 1 of 9		
Project Applicant: <u>Amy Clingan - SERRA</u>		
Project Address: <u>54 Main Street</u>		
Phone: <u>949.293.8600</u>	Email: <u>amy@theserrallifestyle.com</u>	
APN: _____	<div style="border: 1px solid black; padding: 2px;">Is this located in the Historic District? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <small>If yes, please see checklist for Design Review.</small> Is this located in the Historic Corridor? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/></div>	
Property Owner:		
Name: <u>Doty Doran</u>	Phone: <u>209.267.5568</u>	
Mailing Address: <u>P.O. Box 276</u>	Email: <u>koiinthevalley@gmail.com</u>	
City: <u>Sutter Creek</u> State: <u>CA</u>	Zip: <u>95685</u>	
Is this person the project contact? If not, please specify who the contact person is.		
Name: <u>Amy Clingan</u>		
Mailing Address: <u>13090 Trent Way, Jackson 95642</u>		
Phone: <u>949.293.8600</u>	Email: <u>amy@theserrallifestyle.com</u>	
SIGNS TO BE PREPARED BY: <u>Erik Peterson</u>		
BUILDING FRONTAGE @ PRIMARY ENTRANCE: <u>16</u> in LINEAL FEET		
EXISTING SIGNS: TO BE UTILIZED FOR THIS BUSINESS: (INCLUDE NUMBER OF SIDES AND DIMENSIONS FOR EACH SIGN)		
PROPOSED SIGNS: FOR EACH PROPOSED SIGN ATTACH A SKETCH/PHOTO SHOWING THE FOLLOWING: (CHECK EACH BOX UPON COMPLETION)		
<input checked="" type="checkbox"/> Sign design: _____ (Attached lettering and graphics, drawn to scale)	<input checked="" type="checkbox"/> Type of Materials to be used: <u>plastic laminate, wood frame</u> (briefly describe)	
<input checked="" type="checkbox"/> Total signage requested: <u>4</u> Sq.Ft.	<input checked="" type="checkbox"/> Method of attachment: <u>hang by chain</u>	
<input checked="" type="checkbox"/> Total allowable signage: <u>30</u> Sq.Ft. (Per Sign Ordinance)	<input checked="" type="checkbox"/> Total number of sides: <u>4 sides, 2 faces</u>	
<input checked="" type="checkbox"/> Location of sign(s): <u>hanging on eave in front of store</u>	<input checked="" type="checkbox"/> Colors: <u>black, beige, light & dark green</u> (Including letters, graphics, & background)	
I hereby certify that I am the Owner of the business applying for this Sign Permit (or the Owner's authorized representative) and agree to abide by the requirements of the Sutter Creek Sign Ordinance as codified in Chapter 15.16 of the Sutter Creek Municipal Code.		
 APPLICANT'S SIGNATURE		<u>8.13.23</u> DATE
 PROPERTY OWNER SIGNATURE		<u>8.13.23</u> DATE
PLANNING COMMISSION ACTION:		
APPROVED: <input type="checkbox"/>	DENIED: <input type="checkbox"/>	MEETING DATE:



↑
12"
↓

← 24" →



MEETING DATE: SEPTEMBER 11, 2023

TO: CITY OF SUTTER CREEK PLANNING COMMISSION

FROM: ERIN VENTURA, PLANNING CONSULTANT

**SUBJECT: VARIANCE – 301 EUREKA STREET
(APN 040-030-065)**

RECOMMENDATION:

- 1) Conduct a public hearing and receive public input; and
- 2) Adopt Resolution 23-24-* approving the variance request for 301 Eureka Street.

BACKGROUND:

Location: 301 Eureka Road; APN 040-030-065

Zoning: R-L, Residential Low Density

General Plan: RL Residential Low Density

Request: Request for a variance to allow the keeping of livestock on the property.

BACKGROUND:

The Project site is located within the City of Sutter Creek with a zoning designation of R-L, Residential Low Density. The property has a General Plan designation of Residential Low Density. The parcel, 301 Eureka Street, is approximately 20 acres. The property currently has an existing single-family home and accessory buildings.

Table 1. General Analysis.

Site Location	301 Eureka Road (APN 040-030-065)
Building Plan	No buildings proposed at this time.
Lot Size	20 acres
General Plan Land Use Designation	R-L, Residential Low Density (no change)
Zoning	RL Residential Low Density (no change)
Main Street Historic District	No
Historic District	No

Table 2. Adjacent Land Uses

Area	Existing Land Use	Zoning
Site	Residential	Residential Low Density
North	Residential	Residential Low Density
South	Vacant	Outside of the City Limits
East	Vacant	Residential Low Density
West	Residential	R-1 Single Family Residential

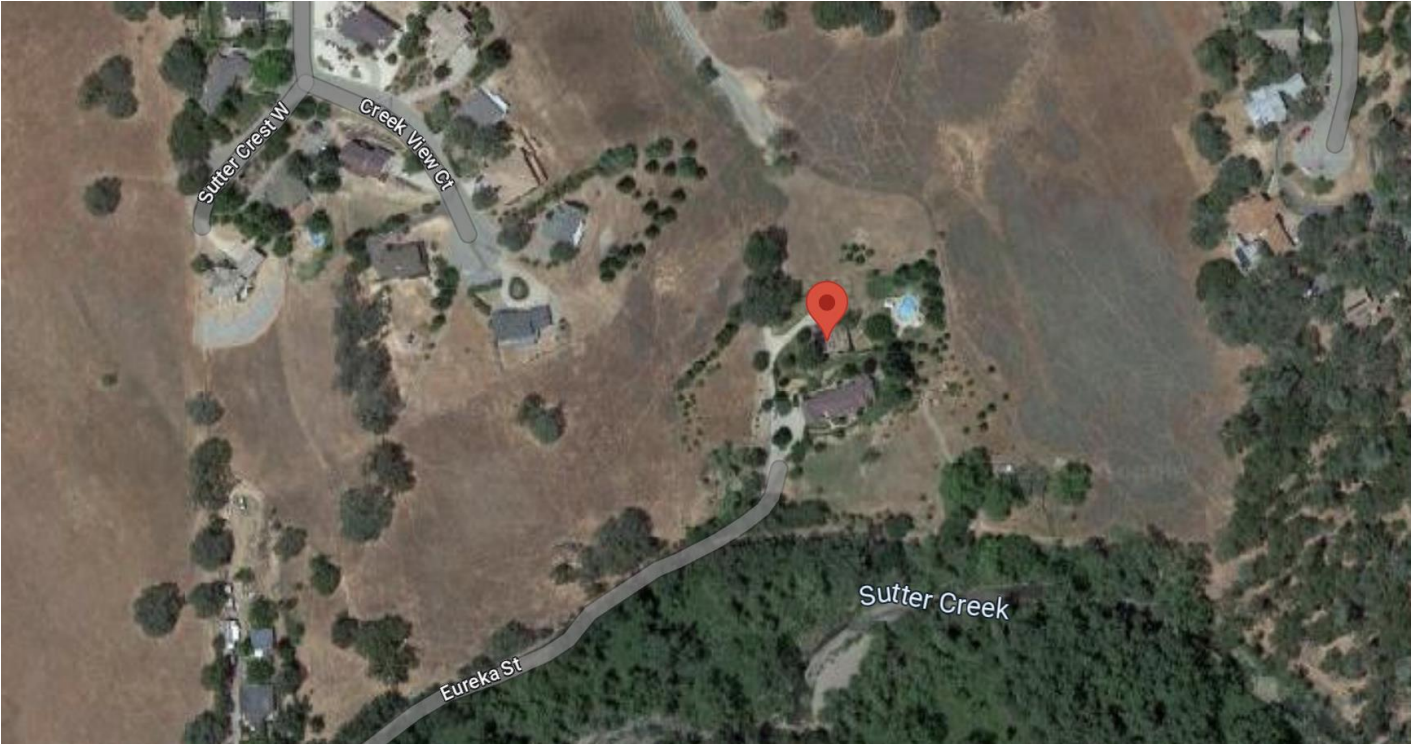


Figure 1: Parcel Location Map

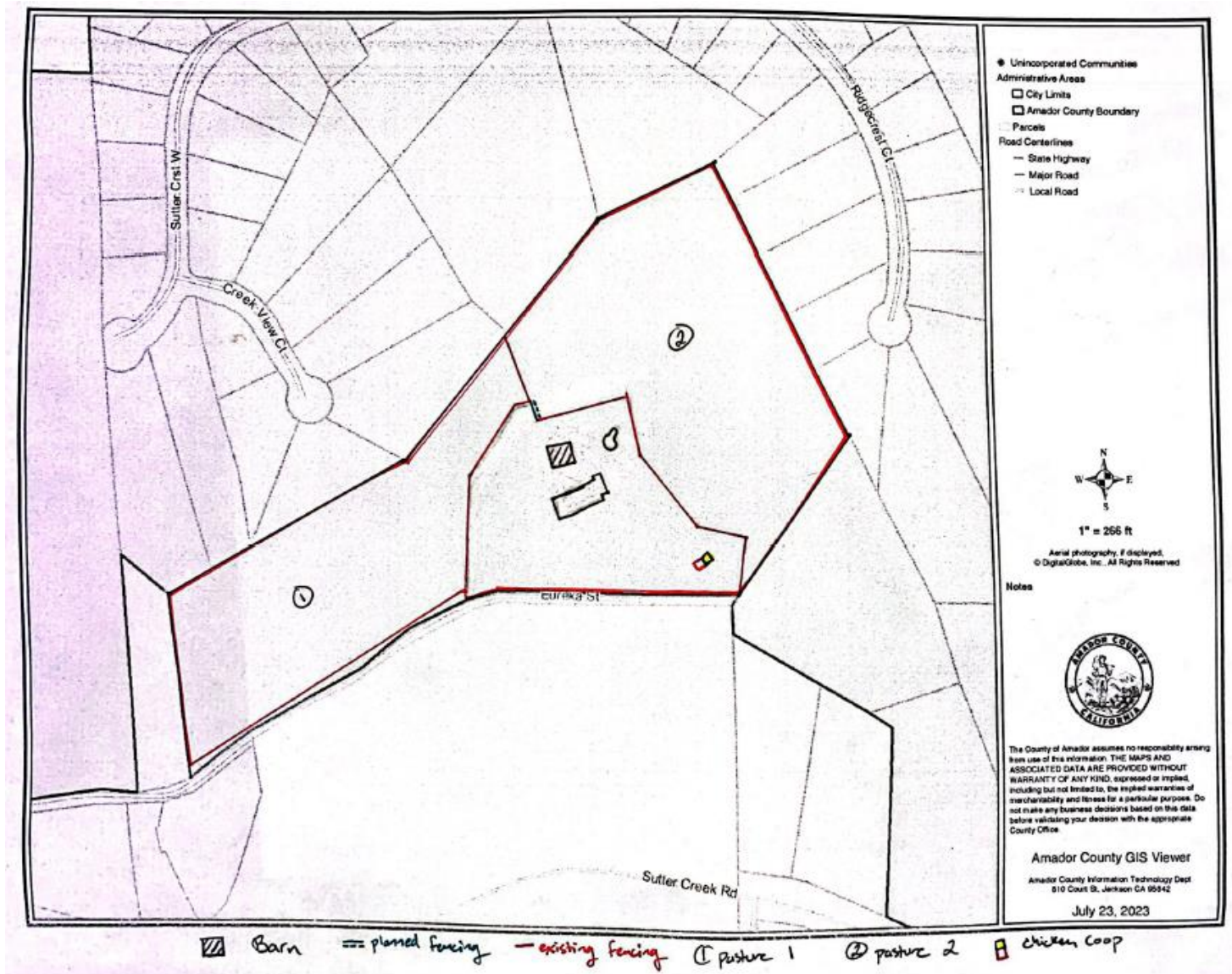


Figure 2: Site Plan

The closest home to the proposed pastures is a home located off of Ridgecrest Ct. The home is set back 25ft. from the perimeter fence of pasture 2. (see Figure 3: Vicinity Map). The applicant is proposing to compost manure on-site and/or till it into the ground.

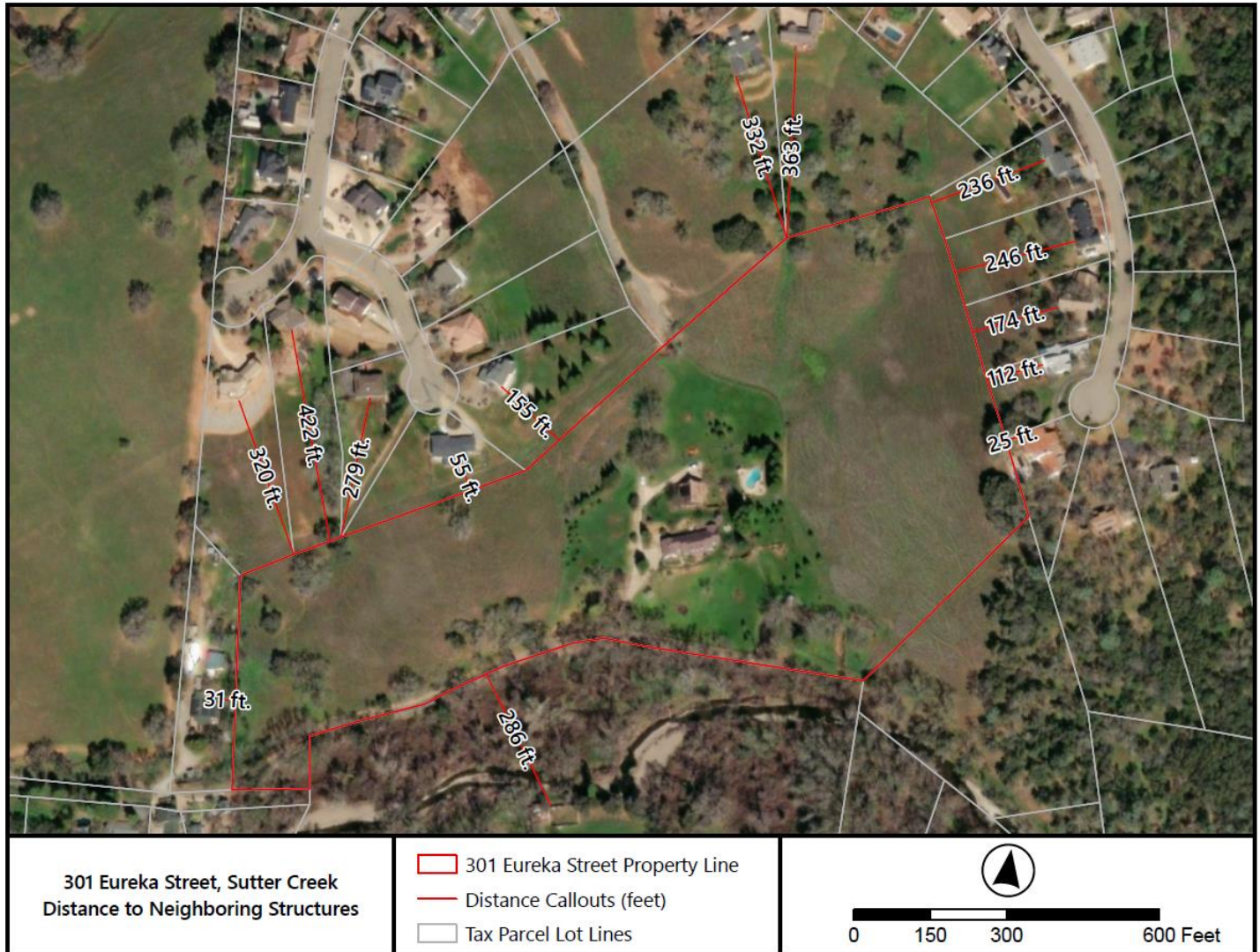


Figure 3: Vicinity Map

DISCUSSION:

The property owner is requesting a variance to allow the keeping of livestock on their 20-acre parcel. The parcel is located at the end of Eureka Street. The parcel is zoned Residential Low Density (R-L), which has a minimum lot size of 20,000 square feet. The residential low density zoning district is designated for detached one-family dwellings on lots characterized by a suburban setting. The keeping of livestock is not allowed in the R-L zoning district.

The applicant is proposing to keep animals in either pasture 1 or pasture 2 on the property (see Figure 2: Site Plans). The applicant is asking for one horse, or one cow, or two llamas, or two sheep, or two goats for each two acres of lot area. They are also asking for a total of 5 pigs. The keeping of pigs or swine is not allowed in any zone in the city. The applicant's stated purpose for keeping the animals is for personal and educational reasons. The applicant is also asking to keep approximately 30 chickens within an existing on-site chicken coop. Feed will be stored in secure containers on the existing barn on the property.

The applicant's request is the same as the number of livestock that would be allowed in the Residential Estate (RE) zone. The minimum lot size for the RE zone is 40,000 square feet. Parcels zoned RE are allowed to keep livestock. Per the Sutter Creek Municipal Code, RE-zoned lots are permitted one horse, or one cow, or two

ratites (ostrich or emu), or two llamas, or two sheep, or two goats for each two acres of lot area. The largest existing parcel in the RE zone is five acres, so this application is requesting four times as many animals as is currently allowed on any other property in the city.

Under the proposal by the applicants, this residential parcel could contain two horses, two cows, four llamas, four sheep, four goats, five pigs and thirty chickens. Were the city to grant the applicant's request, it would essentially be permitting a small farm within the city limits. City staff believes it is more appropriate to look to surrounding uses for guidance about appropriateness of this variance request, rather than to the size of the lot itself. The lot is zoned residential low-density and is surrounded on two sides by either additional residential low-density zoning or residential single family. Under both designations, the property uses are residential, not agricultural. Surrounding homeowners have the right to peaceful enjoyment of their property without the noise, smells and other potential disruptions that would arise from fairly intensive agricultural uses on adjacent property that is not zoned for those uses.

On the other hand, the applicant has a lot size that is unusual for the R-L designation. Although R-L zones are characterized by a suburban setting, this particular property has more of a country feel. Staff believes that it would be possible to accommodate some livestock uses on the property without negatively impacting surrounding neighbors, while allowing applicants an expanded use for their property. It is difficult craft a variance that takes into consideration both lot size and neighboring uses, when this particular situation does not fit neatly into any of the existing zoning districts for comparison. The potential for twenty-one animals plus thirty chickens seems too much. Not allowing any livestock at all seems inappropriate as well. Therefore, staff recommends that that the Planning Commission approve a variance for this parcel that is more similar to the standard five-acre lot in the Residential Estate zone. Staff recommends a variance allowing the parcel to contain up to two horses and two cows, plus either two llamas, or two sheep, or two goats, for a total of six animals. Staff also recommends that the variance allow for twelve female chickens to be kept in the existing coop and pen area. No roosters would be allowed.

In order for the Planning Commission to approve a variance, section 18.52.030 of the zoning code requires the following findings to be made.

18.52.030 - Necessary findings.

Before a variance may be granted, all of the following shall be shown:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

There is an exceptional circumstance applicable to the intended use of the property that does not apply generally to the class of use in the same zone or vicinity. The parcel is significantly larger than other parcels within the same zoning district.

- B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;

Allowing some livestock on an appropriately sized lot will not affect the public welfare.

- C. That the property owner would suffer a unique hardship under the general zoning regulations due to the property being different from other properties to which the regulations apply;

The property owner would suffer a unique hardship in that they would not be able to take greater advantage of the larger size of their lot.

- D. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity; and

Other similarly-sized properties in the vicinity are permitted to keep livestock within the City.

- E. That the granting of such variance will not adversely affect the comprehensive general plan.

Approval of this variance will have no bearing on the General Plan.

CONDITIONALS OF APPROVAL

Staff recommends approval as presented, with the following Findings and Conditions of Approval:

1. If the property is subdivided in the future, livestock will no longer be permitted to be kept on the parcel.
2. A total of two horses and two cows, and either two llamas, or two sheep, or two goats, plus twelve chickens are permitted on the property. No roosters are allowed.
3. All livestock food must be secured in containers.
4. Animals shall be contained in coops, pens, corrals, stables, pastures or by other means of confinement.
5. All animal enclosures, including but not limited to pens, coops, cages corrals, stables, pastures and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.
6. The applicant shall be responsible for payment of all applicable City fees.
7. The applicant shall be responsible for payment of any outstanding invoices.
8. The applicant shall obtain any building permits from the City of Sutter Creek Building Department that are required for on-site improvements.
9. Fence height cannot exceed 6ft in the rear and side yards.

CEQA:

The project qualifies for a California Environmental Quality Act Categorical Exemption under Section 15301–Existing Facilities

BUDGET IMPACT:

None.

* * * *

RESOLUTION NO. 23-24-**
A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SUTTER CREEK APPROVING A REQUEST
FOR A VARIANCE AT 301 EUREKA STREET

WHEREAS, the Planning Commission of the City of Sutter Creek did on Monday, August 14, 2023 hold a public hearing on a Variance to allowed the keeping of livestock at 301 Eureka Street (APN 040-030-065); and

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

WHEREAS, the Planning Commission does find the Request for Variance Permit is not inconsistent with the General Plan and Zoning Code; and

WHEREAS, the Planning Commission does find the proposal is exempt from environmental review as a Class 1 Categorical Exemption under CEQA section 15301.

WHEREAS, the Planning Commission hereby responds with the following to grant the variance:

- A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved, or to the intended use of the property, that do not apply generally to the property or class of use in the same zone or vicinity;

There is an exceptional circumstance applicable to the intended use of the property that does not apply generally to the class of use in the same zone or vicinity. The parcel is forty times larger than other parcels within the same zoning district at 20 acres in size. The parcel is more similar in size to the Residential Estate zoning.

- B. That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such zone or vicinity in which the property is located;

Allowing livestock on an appropriately sized lot does not affect the public welfare.

- C. That the property owner would suffer a unique hardship under the general zoning regulations due to the property being different from other properties to which the regulations apply;

The property owner would suffer a unique hardship due to the being much larger than what is required by the zoning code and not being able to use their land as others, with similar sized properties, are able to.

- D. That such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by other property in the same zone and vicinity; and

Other properties of this size, zoned RE, are permitted to keep livestock within the City.

- E. That the granting of such variance will not adversely affect the comprehensive general plan.

Approval of this variance will have no bearing on the General Plan.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission of the City of Sutter Creek hereby approves a VARIANCE for 301 Eureka Street Assessor Parcel No. 040-030-065, subject to the following Condition of Approval:

1. If the property is subdivided in the future, livestock will no longer be permitted to be kept on the parcel.
2. A total of two horses and two cows, and either two llamas, or two sheep, or two goats, plus twelve chickens are permitted on the property. No roosters are allowed.
3. All livestock food must be secured in containers.
4. Animals shall be contained in coops, pens, corrals, stables, pastures or by other means of confinement.
5. All animal enclosures, including but not limited to pens, coops, cages corrals, stables, pastures and feed areas shall be maintained free from litter, garbage and the accumulation of manure, so as to discourage the proliferation of flies, other disease vectors and offensive odors. Sites shall be maintained in a neat and sanitary manner.
6. The applicant shall be responsible for payment of all applicable City fees.
7. The applicant shall be responsible for payment of any outstanding invoices.
8. The applicant shall obtain any building permits from the City of Sutter Creek Building Department that are required for on-site improvements.
9. Fence height cannot exceed 6ft in the rear and side yards.

The foregoing resolution was duly passed and adopted at a regular meeting of the Planning Commission of the City of Sutter Creek on the 11th day of September 2023 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Michael Kirkley, Chair

Karen Darrow, City Clerk

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

RECEIVED: _____

FEE PAID: _____

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

VARIANCE APPLICATION

Page 1 of 4

Project Applicant: Dylan and Fallon Ely

Project Address: 301 Eureka St Sutter Creek CA 95685

APN: 040-030-065-000

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

Deed References (book and page): 2023-0003505

General description of location: Approximately 3,000 ft up Eureka St on left.

Zoning District: City of Sutter Creek

General Plan Land Use Designation: R-L: Residential Low Density

Property Owner:

Name: Dylan and Fallon Ely
Mailing Address: 301 Eureka St.
City: Sutter Creek State: CA

Phone: 916 996 3124

Email: dylanfrely@gmail.com
falloneverson@gmail.com

Zip: 95685

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

Name: _____
Mailing Address: _____

Email: _____

- A. I am requesting a variance in order to allow me to construct the facility shown on the attached site plan. This facility does not comply with requirement of the referenced zoning district for the following reasons:

Explain: Requesting to keep livestock on pasture for personal consumption/educational purposes.

- B. *What are the special circumstances applicable to the subject property, including size, shape, topography, and location of surroundings that would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications?

Explain: No privileges deprived of that are enjoyed by properties of identical zoning. Though special circumstances such as size (20 acres) and location (outskirts of city limits) set the property apart from other R-L properties; 301 Eureka St is deprived of privileges enjoyed by Residential Estates properties.

- C. *Would a variance granted per this request constitute a grant of special privileges to the subject property inconsistent with the limitations upon other properties in the vicinity and zone?

Explain: Inconsistent with properties in same zone, but not vicinity. There are properties on Greenstone Terrace that have the privileges we seek, to raise livestock, due to the properties zoning.

- D. *Would the granting of a variance be detrimental to the public health, safety, convenience and welfare or injurious to property and improvements in the same vicinity and zone?

Explain: Livestock on pasture is beneficial. Livestock reduce fire risk by eating and trampling vegetation. Livestock also improve soil health and increase biodiversity.

- E. *Would the granting of such variance conflict with the general plan of the City?

Explain: A variance granting livestock privileges is in the spirit of Sutter Creek's rural character.

***NOTE: The law requires that the conditions set forth in Sections b,c,d, & e must be established before a variance CAN be granted. Answers to these Sections must be complete and full.**

ENVIRONMENTAL INFORMATION

1. Describe Project: Seeking a variance granting the privilege to raise livestock for personal consumption/educational purposes.
2. Existing use of property(ies): Residential low Density
3. Will grading occur on slopes of 10% or more? No
4. Will any springs or wet areas be affected as a result of this project? No
5. Estimated length of proposed roads and driveways: N/A
6. Estimated type and amount (acreage or number) of vegetation to be disturbed for grading, roads, driveways, building sites, or other alteration. (Examples: Approx. 1 acre of Manzanita and other Brush to be cleared for building pads; over 100 small shrubs and oak trees to be cleared, etc.):
N/A
7. Project description: Use space below and/or attach additional sheets giving project description in sufficient detail to allow adequate evaluation of potential effects.
 - a. Proposed facilities: None
 - b. Building Sizes: N/A
 - c. Access: N/A
 - d. Parking: N/A
 - e. Water Source: Agricultural Well
 - f. Estimated Water Consumption: ~400 gal /annually
 - g. Method of Sewage Disposal: Compost / decomposition
 - h. Nature of Business: Raising livestock
 - i. Estimated Daily Volume of Traffic: N/A
 - j. Estimated Number of Employees: N/A
 - k. Estimated Energy Consumption: N/A
 - l. Percentage of lot to be covered by buildings/paving: N/A / N/A
 - m. Construction schedule: N/A
 - n. Any historical/archaeological features on property: No
 - o. Other (please explain):
8. Describe special circumstances of the project or project site which may result in problems or adverse environmental effects. (Example: steep slopes, drainages, noisy equipment, hazardous access, lack of services.): None

9. Indicate mitigation measures which may lessen problems or adverse environmental effects (including energy conservation) to be incorporated into project to eliminate or reduce adverse effects):

No adverse effects.

10. Describe most logical alternatives to project and how these alternatives would change the problems or effects discussed in items 13 and 14 above (include the alternative of "no project"):

No alternatives.

Applicant certification, signature(s), and agreement to pay application processing costs.

I hereby certify that the statements furnished herein and on any attached pages present the data required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

I hereby certify that I own or am the authorized representative of the owner of the land hereby requesting Variance approval and that I am aware of and do agree to pay the hourly rates as established by Resolution of the City of Sutter Creek for the time spent by the City staff as necessary to process, review and provide consultation to the City concerning this application. I am also aware that said hourly charges are in addition to set fees required for preliminary review and administration and may also include charges to monitor compliance with conditions of approval if my request is approved.

Dylan Ely
Printed Name

Fallon Ely

6-25-23
Date

[Signature]
Signature

[Signature]

City of Sutter Creek

18 Main Street
Sutter Creek, CA 95685
209-267-5647
www.citysuttercreek.org

SUBMISSION REQUIREMENTS

- 1-Entitlement Application*
- 2-Map*
- 3-Fees (refer to current fee schedule)
- *All documentation must be submitted via the application portal on the City

ENTITLEMENT APPLICATION

Project Location (address or vicinity): 301 Eureka St Sutter Creek CA 95685

Assessor's Parcel Number(s) (APN): 040030065000

Applicant Information

Applicant Name: Dylan and Fallon Ely

Address: 301 Eureka St

Phone: 916 847 1634

City: Sutter Creek

Email: fallonevenson@gmail.com

State: CA Zip Code: 95685

dylanfrey@gmail.com

Entitlements Requested:

- | | |
|--|---|
| <input type="checkbox"/> Adjustment (ADJ) _____ | <input type="checkbox"/> Oak Tree Permit (OTP) _____ |
| <input type="checkbox"/> Administrative Permit (AP) _____ | <input type="checkbox"/> Sign Review (SR) _____ |
| <input type="checkbox"/> Architectural Design Review (ADR) _____ | <input type="checkbox"/> Temporary Use Permit (TUP) _____ |
| <input type="checkbox"/> Conditional Use Permit (CUP) _____ | <input type="checkbox"/> Tentative Tract Map (No. _____) |
| <input type="checkbox"/> Development Review (DR) _____ | <input type="checkbox"/> Tentative Parcel Map (No. _____) |
| <input type="checkbox"/> Hillside Development Review (HDR) _____ | <input checked="" type="checkbox"/> Variance (VAR) _____ |
| <input type="checkbox"/> Landscape Plan Review (LPR) _____ | <input type="checkbox"/> Zone Change (ZC) _____ |
| <input type="checkbox"/> Minor Use Permit (MUP) _____ | <input type="checkbox"/> Other _____ |

Primary Point of Contact/Consultant: Dylan Ely
Address: 301 Eureka St Phone: 916 446 3124
City: Sutter Creek Email: dylanfrely@gmail.com
State: CA Zip Code: 95685

Property Owner: Dylan and Fallon Ely
Address: 301 Eureka St Phone: 916 446 3124 or 916 847 1434
City: Sutter Creek Email: dylanfrely@gmail.com
State: CA Zip Code: 95685 fallonevenson@gmail.com

Engineer: N/A
Address: _____ Phone: _____
City: _____ Email: _____
State: _____ Zip Code: _____

Architect: N/A
Address: _____
City: _____
State: _____ Zip Code: _____

Phone: _____ Email: _____

JUSTIFICATION STATEMENT / PROJECT DESCRIPTION

Project Name: Request variance

State what the project is and why the application(s) should be approved based on the required findings (if any).

Attach additional pages and exhibits if necessary.

We would like to request a variance. If a variance is granted, we could make better use of our land. Our parcel is 20 acres; with a variance granting the keeping of livestock we could keep livestock for our own consumption and for educational purposes. Furthermore we would be able to consume animal products from animals treated humanely. We have a little one in the way; it would be beneficial for him to raise animals for 4H or FFA. Livestock would help reduce fire risk by trampling and consuming vegetation around our home.

Signature of Applicant

PROPERTY OWNER(S) STATEMENT

STATE OF CALIFORNIA
COUNTY OF AMADOR CITY
OF SUTTER CREEK



I/We, Dylan Ely and Fallon Ely, declare that I/we am/are the owner(s) of the property described herein and hereby give authorization for the filing of this application. Further, I/we do, by my/our signature(s) on this agreement, absolve the City of Sutter Creek of all liabilities regarding any deed restrictions that may be applicable to the property described herein. (Signature of all property owners is required. The owner in escrow is not acceptable.)

I/We declare that all encumbrances on the subject property are shown on the submitted site plan (or are attached on a separate sheet) and that the purpose of all encumbrances (and ownership of all easements) is stated. In the case of a tentative map, I/we further declare that the property involved in this application is free from all encumbrances that would conflict with the project application, particularly dedications of the right to further subdivide to the County of Amador or City of Sutter Creek.

I/We understand that, in the event that the City incurs greater expense in processing the application(s) than is covered by the standard processing fee(s), that I/we will be responsible for payment of such fees and that permits will not be issued and/or occupancy will not be granted until all fees have been paid in full.

I/We hereby grant the City admittance to the subject property as necessary for processing of the project application.

I/We declare under penalty of perjury that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief.

Signed 
Signed 
Signed _____

ACKNOWLEDGEMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of _____)

On _____ Date _____, before me, _____ Notary Public _____ personally appeared

_____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the forgoing paragraph is true and correct.

WITNESS MY HAND AND OFFICIAL SEAL

Signature of Notary Public

(Seal)

President

Vice President

Secretary

Treasurer

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

Other

