

# CITY OF SUTTER CREEK PLANNING COMMISSION

MEETING OF MONDAY, JANUARY 8, 2007  
ACTION MINUTES

The meeting was called to order at 7:00 p.m. by Chairman Cunha.

## PRESENT AT ROLL CALL

Chairman Frank Cunha  
Vice Chairman Robert Olson  
Commissioner Michael Kirkley  
Commissioner Robin Peters  
Commissioner Cort Strandberg

City Manager, Rob Duke  
Community Development Director, Jeff Kelley  
Planning Consultant, Paula Daneluk  
Secretary, Mary Beth Van Voorhis

Chairman Cunha led the Pledge of Allegiance to the Flag of the United States of America

## MINUTES

1. Action Minutes of the Commission meeting of December 11, 2006  
**Motion to approve, as submitted, by Commissioner Peters, seconded by Commissioner Kirkley.**  
**Motion carried 5-0.**

## PUBLIC MATTERS NOT ON THE AGENDA

2. None.

## PLANNING COMMISSION MATTERS

3. **Introduction of new City Planning Consultant**  
City Manager Rob Duke introduced the City's new Planning Consultant, Paula Daneluk of Project Management and Development (PMD) Consulting. Ms. Daneluk was welcomed by the Commissioners and expressed her enthusiasm to assist Sutter Creek in becoming the community it wants to become.
4. **Sign Permit – Creative Wine Concepts, Inc.** Request by Scott Harvey & Paulette Williams for one single sided wall mounted sign and one double sided post mounted sign at 21 Eureka Street (APN 18-162-009).  
**Motion to approve, as submitted, by Commissioner Peters, seconded by Commissioner Kirkley.**  
**Motion carried 5-0.**
5. **Sign Permit – Caffè Via d'Oro.** Request by Dennis Griffin for a double sided marquee sign at 36 Main Street (APN 18-161-011).  
**Motion to approve, as submitted, by Commissioner Strandberg, seconded by Vice Chairman Olson.**  
**Motion carried 5-0.**
6. **Sign Permit – Bellotti's Italian Restaurant.** Request by Dennis Griffin for two double sided marquee signs (one to advertise Bellotti's and one to advertise The Annex) at 53 Main Street (APN 18-155-001).  
**Motion to approve, as submitted, by Commissioner Strandberg, seconded by Vice Chairman Olson.**  
**Motion carried 5-0.**
7. **Sign Permit – American Exchange Hotel.** Request by Dennis Griffin for a double sided marquee sign to advertise the American Exchange Hotel at 53 Main Street (APN 18-155-001).  
**Motion to approve, as submitted, by Vice Chairman Olson, seconded by Commissioner Strandberg.**  
**Motion carried 5-0.**
8. **Planning Commission Bylaws.** Discussion and action to formalize changes to the existing Planning Commission Bylaws.  
**Motion by Vice Chairman Olson, seconded by Commissioner Peters, to approve the Planning Commission Bylaws with the amendments approved on December 11, 2006 and to incorporate the following recommendations of the City Attorney (indicated in BOLD text below). Motion carried 5-0.**

### Meetings

1. Meeting Date, Time and Place

**Add: The Commission shall meet at a time and place established from time to time by the Planning Commission.**

**Delete: The Commission shall meet on the Second Monday of each month unless: 1) that Monday is a City holiday, in which case the meeting shall be held on the following day; or 2) any other day established in advance by the Commission, and in keeping with all notification requirements.**

### Meeting Procedures

3. Responsibilities for Chairing Meetings

**Delete: • Entertain a motion to adjourn.**

4. Public Hearing Procedure

- The applicant is afforded an opportunity to address the Commission; **Add: Speakers shall be limited to ten (10) minutes unless time is extended by the Chair;**

5. Guidelines for Testimony

**Delete: Speak for a reasonable length of time;**

**Add: Speakers shall be limited to five (5) minutes unless time extended by the Chair.**

Agenda Procedures

9. **Delete: Emergency Agenda Items**

**Add: Non-Action Agenda Items**

11. Agenda Packets

Complete agenda packets shall be available to Commissioners and the public not later than 4:00 P.M. on the **Monday** preceding the meeting.

20. Real Property Rule

Commissioners residing within 500-feet of the project boundary of a proposal being considered by the Commission shall automatically step down **and leave the room**. At distances greater than 500-feet a Commissioner **may consult with the Fair Political Practices Commission** to determine if a conflict exists, **and if so, leave the room**. **The Commissioner may remain and speak on an item which involves his or her personal economic interest to the extent allowed by Fair Political Practices Commission regulations.**

28. Budget Report

The **Planning staff** shall present the Planning Commission budget to the Commission following adoption by the City Council. Said report shall be given in a timely manner.

Adopted by the Sutter Creek City Planning Commission on September 13, 1999 and subsequently amended on May 10, 2004, January 10, 2005 and **January 8, 2007**.

**PUBLIC HEARING – 7:30 PM or as soon thereafter as the matter may be heard**

9. **Sutter Hill East Reorganization – General Plan Amendment, Pre-Zone and Annexation**

The City and three participating property owners are proposing to annex 56.3 acres to the City of Sutter Creek and the Sutter Creek Fire Protection District, with concurrent detachment from the Amador County Fire Protection District. This proposal also includes a Mitigated Negative Declaration. The subject property is located east of Sutter Hill Road adjacent to the existing City Limits. (APN 40-030-063; 44/020/025, 027, 028, 030, 031, 032, 036, 037; and 44-010-099 and 100).

City Manager Rob Duke introduced this item. He discussed the failing septic systems in the proposed annexation area and current property owners that carry R1 zoning do not wish to attach planned development (pd) pre-zoning to their annexed properties. Mr. Duke indicated that a development agreement may be needed to prevent large combined development in this area.

Aaron Brusatori, PO Box 139, Amador City (Parcel Owner 44-020-032 & 037) stated that within the C2-pd pre-zoning on his parcels residential units would not be permitted on the ground floor, however, residential units would be permitted on a second level. He indicated his willingness to meet with City staff to discuss the development agreement concept and the establishment of objective criteria. He expressed his opposition to the pd attachment to the C2 pre-zoning and would like the pd overlay at this time.

Paula Daneluk, Planning Consultant, indicated that a solution to pre-zoning could be included in a development plan.

**PUBLIC HEARING OPENED AT 8:17 PM**

Hal Herron, 877 N. 8<sup>th</sup> West, Riverton, WY, representing Sutter Gold Mine, Diamond Drill Program, disagrees with comments in the Geocon report which indicate mineral resources have been depleted.

Mr. Duke stated that the Central Eureka Mine site area is to be donated to the City as a park site and that no mining will be conducted at ground level, however, mining could occur from below. He also stated that the EPA would provide assistance with property clean up.

Mr. Herron applauded the park concept and land preservation/restoration effort at this location. He would like to work with the City to obtain escape routes for mine shaft continuation and fresh air supply from this site.

Ray Brusatori, PO Box 755, Sutter Creek (44-020-032 & 037) questioned drainage issues and where culverts would be installed. He also questioned sewer line service location. He also stated that there are

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many issues about a pd attachment that bother him and several issues that just won't work for him. Overall, he wants to know up front what the rules are.

Andy Aguilera, 109 Shill Road, (44-020-027) currently has four sewer hook-ups per acre that he would pay for and indicated he has nothing to gain with this annexation. He agrees with R3 zoning, but does not want a pd attachment to the R3 zoning.

Butch Martin, PO Box 824, Sutter Creek (44-020-028) speaks regarding the parcel owned by his mother. He indicated his desire to annex into the City, but stated that he is definitely against a pd attachment. He feels a pd attachment would lower property values.

Ed Swift, 50 Church St., Sutter Creek, stated that he feels that mineral resource owners have not been properly noticed and that as a taxpayer in this area he would like to be considered. He disagrees with the Geocon report that indicated "no impact" and that "gold has been depleted and no further mining is expected". He would like this wording to be removed from the document. He would like to see mineral rights for this area protected. He feels that the Mitigated Negative Declaration should correctly state "impact" or "no impact" and proposes that a "potential significant impact" should be identified.

PUBLIC HEARING CLOSED AT 8:46 PM

The Planning Commission reviewed the Mitigated Negative Declaration and requested the following changes:

Page 6. III Air Quality. Item e) – Change to Less Than Significant Impact

Page 16. IX. Land Use Planning. Item b) – Change to Less Than Significant Impact  
Potential Environmental Effects: Delete current paragraph. Planning Consultant to draft additional language.  
This change will require document recirculation and public review.

Page 17. X. Mineral Resources. Item b) – Change to Less Than Significant Impact  
Environmental Baseline: Add "from tailings". Paragraph to read:  
Remnant tailing from previous mining operations exist on some of the properties within the annexation area. However, the mineral resource from tailings (gold) has been depleted and no further mining is contemplated.

Page 20. XII. Population and Housing.  
Environmental Baseline: Change 4,500 to 3,000, change cottage(s) to unit(s), and change 60 to 90. Planning Consultant to clarify wording in the paragraph and make reference to areas with an R3 zoning.

Page 22. Schools  
Environmental Baseline: Change cottage(s) to unit(s). Planning Consultant to reword paragraph.

Ms. Daneluk will make changes to the Mitigated Negative Declaration as indicated above and include comments from a letter from the Sutter Creek Fire Protection District dated January 8, 2007. City staff will schedule a meeting with affected property owners to discuss issues associated with a planned development agreement. As this item was not posted as an action item on the agenda, it will be brought forward for action at a future meeting for City Council recommendation.

#### PLANNING COMMISSION REPORTS

10. Chairman Cunha discussed the need to schedule a workshop for the Commissioners, staff, and Planning Consultant Paula Daneluk.

Chairman Cunha mentioned the League of California Cities Planners Institute Annual Conference which will be held in San Diego, March 21-23, 2007. Chairman Cunha and Vice-Chairman Olson expressed interest in attending this years' event.

**ADJOURNMENT** – The meeting adjourned at 10:01 p.m. The next meeting of the Planning Commission will be held on February 12, 2007

Attest:

  
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Mary Beth Van Voorhis, Secretary

  
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Frank Cunha, Chairman