

ORDINANCE NO. 25-26-XX

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUTTER CREEK EXTENDING A MORATORIUM ON THE PERMITTING OF TEMPORARY RESIDENTIAL USES WITHIN CITY LIMITS

WHEREAS, the City Council has become aware of temporary residential uses, and their potential for adverse impacts, within City limits; and

WHEREAS, the Sutter Creek Zoning Code currently allows parties to apply for, and receive approval of, conditional use permits that allow, among other things, for the short-term rental of residences throughout City limits; and

WHEREAS, the City Council has become aware, through concerns recently raised by several members of the public, that the continued permitting of temporary residential uses, which currently number at about 20, without the formulation of adequate regulations, may be contrary to the historic character of the City's residential areas and may lead to compatibility issues that affect the use and enjoyment of residential property; and

WHEREAS, pursuant to the City of Sutter Creek's police power, the City Council of the City of Sutter Creek has the authority to enact and enforce ordinances and regulations for the public peace, morals, and welfare of the City and its residents; and

WHEREAS, California Government Code Section 65858 provides that, without following the procedures otherwise required prior to the adoption of a zoning ordinance and for the purpose of protecting the public safety, health and welfare, the City Council may adopt, as an urgency measure, an interim ordinance prohibiting any uses that may be in conflict with "a contemplated general plan, specific plan, or zoning proposal that the City Council, planning commission or the planning department is considering or studying or intends to study within a reasonable time"; and

WHEREAS, consistent with the above authority, and in response to conditions and evidence of which it has become aware through workshops and meetings, the City Council, at its March 16, 2026 meeting, adopted a 45-day moratorium on the permitting of temporary residential uses within city limits to allow for evaluation of their impact on the residential quality of neighborhoods and for adequate time to adopt a permanent ordinance establishing temporary residential use regulations; and

WHEREAS, California Government Code Section 65858 further provides that the City Council, after providing notice pursuant to Government Code Section 65090, may extend the moratorium for 10 months and 15 days and subsequently extend the moratorium for one year; and that any extension shall also require a four-fifths (4/5) vote for adoption; and

WHEREAS, for the reasons more fully described within, the City Council determines, by at least a four-fifths (4/5) vote, that extending this urgency ordinance for 10 months and 15 days is a matter of City-wide importance, is a reasonable and necessary measure designed for the immediate preservation and protection of the public health, safety, or welfare of the community; and is in accordance with the public purposes and provisions of applicable State and local laws and requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SUTTER CREEK DOES

ORDAIN AS FOLLOWS:

SECTION 1. EXTENDED MORATORIUM FINDINGS.

A. Without the extension of a temporary moratorium on temporary residential uses, the City may be required to process certain conditional use permit applications even though its existing conditions require an update, based on study and analysis, that results in recommendations of new standards and best practices for such uses.

B. There is a current and immediate threat to the public health, safety, and welfare of the City and its residents, thereby necessitating the immediate extension of this urgency moratorium, in that the approval of any additional temporary residential uses would be required to be processed under the City's existing conditions, without taking into consideration the potential negative impacts of such uses on the residential quality of neighborhoods.

C. The extension of this urgency moratorium is necessary to protect the City and its residents from the overgrowth of temporary residential uses, which can be contentious in certain neighborhoods and also infringe on the rights of neighbors.

D. Extension of this urgency moratorium will allow the City sufficient time to conclude the preparation of a comprehensive ordinance for the regulation of temporary residential uses moving forward. While the extended moratorium is in effect, the City seeks to consider a permanent ordinance that will balance the needs and rights of property owners and neighbors, ensure the health and safety of guests and residents, support tourism in a balanced way, and be economically beneficial to the City.

SECTION 2. EXTENSION OF MORATORIUM.

For so long as this extended ordinance is in effect, the City shall not receive, accept, process, or approve any application for any conditional use permit or other City-issued authorization concerning any temporary residential uses. For purpose of this ordinance, "temporary residential use" means any use of existing, residentially-developed property of any kind that would authorize the temporary occupation of any residential structure for less than 30 days.

SECTION 3. NOTICE.

Pursuant to California Government Code Section 65090, notice of the extended ordinance was published in a newspaper of general circulation within the City at least 10 days prior to the hearing.

SECTION 4. CEQA FINDING.

The City Council determines that the provisions of this extended ordinance are exempt from the California Environmental Quality Act ("CEQA") because the instant ordinance involves continuing administrative activities and thus is not a project, as CEQA defines, pursuant to Section 15378(b)(2) of the CEQA Guidelines. To the extent the adoption of this ordinance constitutes a project, the City Council finds pursuant to CEQA Guideline Section 15061(b)(3) that the project is exempt from

environmental review because it can be seen with certainty that the extension of this urgency ordinance would not have any significant impact on the environment.

SECTION 5. REPORT.

The City Manager, or designee, is authorized and directed to prepare the report required by paragraph (d) of California Government Code Section 65858 describing the measures taken to alleviate the condition which led to the extension of this ordinance for presentation to the City Council no later than ten days prior to the expiration of this ordinance. The report may be presented as part of a Staff Report for any such extension.

SECTION 6. EFFECTIVE DATE; FOUR-FIFTHS VOTE REQUIRED.

This extended ordinance shall become effective immediately upon adoption if adopted by at least a four-fifths (4/5) vote of the total members of the City Council and shall be in effect for 10 months and 15 days, unless extended for a second time by the City Council, as provided in California Government Code Section 65858.

SECTION 7. PUBLICATION.

The City Clerk shall certify to the passage of this extended ordinance and shall cause this ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in a newspaper of general circulation, published and circulated in the City of Sutter Creek.

PASSED, APPROVED, AND ADOPTED this 20th day of April 2026 by the following vote:

- AYES:
- NOES:
- ABSTENTIONS:
- ABSENT:

APPROVED:

Claire Gunselman, Mayor

ATTEST:

Pam Caronongan, MMC, City Clerk

Date