



## **Planning Commission Meeting Minutes**

**Monday, July 08, 2024 at 6:00 PM**

**33 Church Street, Sutter Creek, CA 95685**

**The Agenda can be found on the City's Website: [www.cityofsuttercreek.org](http://www.cityofsuttercreek.org)**

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**The City of Sutter Creek Planning Commission Meeting was available via Zoom and in person.**

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

PRESENT

Chairman Mike Kirkley

Vice-Chairman Thomas Baggett

Commissioner Athena Padilla-Gordon

Commissioner Lisa Ryan

ABSENT

Commissioner Andrea Macon

### **2. Pledge of Allegiance to the Flag**

Chairman Kirkley led the pledge of allegiance.

### **3. Public Forum**

None

### **4. Consent Agenda**

A. Planning Commission Minutes of June 10, 2024

Recommendation: Approval of Minutes

**Motion made by Vice-Chairman Baggett, Seconded by Commissioner Ryan to approve the June 10, 2024, minutes, as amended.**

**Voting Yea: Chairman Kirkley, Vice-Chairman Baggett, Commissioner Padilla-Gordon, Commissioner Ryan**

## 5. Public Hearings

### A. Broadmeadow Estates Subdivision

*Continued from June 10, 2024*

1. Conduct a public hearing to receive public input;
2. Adopt Resolution 23-24-\* recommending the City Council Certify the Initial Study/Mitigation Negative Declaration (SCH# 2023100658) for the Broadmeadows Estates Subdivision (Project) and approving Vesting Tentative Subdivision Map No. 182
3. Adopt Resolution 23-24-\* recommending to the City Council a General Plan Amendment from Residential Low Density (RL) to Residential Single Family (RSF);
4. Adopt Resolution 23-24-\* recommending to the City Council pre-zone the parcels outside the City limits to R-1;

Planner Erin Ventura presented the item outlining the multistep process and noted that Staff believes that the proposed subdivision, Broadmeadows Estates Map No. 182 (with conditions) meets all the findings of the Subdivision Ordinance and recommends approval.

Bruce Baracco, Project Planner explained that Units 1,2,3 are considered one project and Unit 4 is a separate project that was applied for after Units 1,2,&3 with no connection. He provided some background as to how the subdivision units evolved. He also noted that this is the only active subdivision currently being considered by the city.

Chairman Kirkley noted that the original 2002 Neg Dec for Units 1,2 &3 was not included in the agenda packet for review.

Stan Gamble, the original project developer, clarified that he owns Units 1,2, & 3 and that he did perform on the conditions that we required for Units 1 & 2. He explained that Unit 4 (Broadmeadows) is under separate ownership. Unit 3 (Panner Creek) has parkland that can be dedicated to the city and a bridge over the creek.

*Chairman Kirkley opened the Public Hearing at 6:24 p.m.*

Mark Koenig, Sutter Creek resident voiced concerns surrounding traffic, water supply and sewer capacity and what impact it will have on current residents.

Frank Cunha, Sutter Creek resident and former Planning Commissioner referenced letter from 2004 in the agenda packet on page 282. He noted that his project has always been Golden Hills Phase 4.

He also questioned why if these two projects are not co-joined how come they are using the same documents. He suggested that there is no need to annex extra five acres for the Broadmeadows project. Mr. Cunha stated that it is clearly an attempt to circumvent the CEQA by piecemeal and that the developer should be held responsible for all legal expenses that come from any lawsuits that result from this project. He also commented that he did not pay the Park and Rec fees that were required. He commented that the developer has proved that he does not care about the city or that neighborhood.

Robert Burge, resident of Sutter Creek noted that he has been involved since the beginning as a property owner and expressed frustration that everything he had originally agreed to never happened.

Bruce Baracco responded that in 2019 Sutter Creek adopted an updated General Plan that included a Circulation Element that reinforced the basis for the Golden Hills project. The applicant has tried very hard to adhere to the new requirements.

There is a condition of approval to do sewer upgrades, they are confident in water availability, oak trees planted on lots in Unit 2 and all lots with houses had oak trees. Traffic study included in the Environmental documents reports that Broadmeadows alone does not create an impact on Gopher Flat Rd. The five acres that was mentioned is not a part of this project.

Stan Gamble noted that he is asking for favors, have paid all fees and have completed all conditions for Units 1&2.

Frank Cunha noted that oak trees were not planted on all lots and suggested that the city require a bond for everything that the developer does.

Bruce Baracco clarified that the Conditions of Approval require the subdivider to plant one blue oak on the lots.

*Chairman Kirley closed the Public Hearing at 6:52 p.m.*

Commissioner Ryan asked if staff could confirm that all conditions have been met for Units 1&2. and asked if it is a CEQA violation for approving one project and not the other.

Planner Erin Ventura explained that most of the fees and infrastructure are generally tied to Unit 3- Panner Creek.

Chairman Kirkley noted that it is disappointing that the city wasn't more responsible managing this project. He would like to see Unit 3 come before Unit 4 Broadmeadows to get all the infrastructure that is tied to it first. He said that it is a problem dealing with developers that don't have the means to see the projects through and requiring a bond would alleviate some of that concern.

Chairman Kirkley requested that staff to do a staff report on the impact of SB9 because every residential lot in Sutter Creek can have a duplex on it.

Erin explained that Sutter Creek is exempt because of the extreme fire designation.

Commissioner Baggett commented that it is tough seeing this shell game.

Chairman Kirkley noted that he is never certain that staff ever goes back to ensure conditions of approval get met and that makes them useless. He also questioned why annex more area into Sutter Creek until other areas are developed.

Chairman Kirkley suggested that it is in the city's best interest to deny this project and have the applicant come back with Unit 4 after Unit 3 is done.

Planner Erin Ventura noted that in order to deny the Planning Commission must identify what findings are not being met.

**Motion made by Chairman Kirkley, Seconded by Vice-Chairman Baggett to deny the Broadmeadows Estates Subdivision Vesting Tentative Subdivision Map application based on Sutter Creek Municipal Code Section 17.12.100A: "The proposed subdivision is not consistent with the general plan, any applicable specific, special or community plan, or the city subdivision ordinance"**

**Voting Yea: Chairman Kirkley, Vice-Chairman Baggett, Commissioner Padilla-Gordon, Commissioner Ryan**

## **6. Adjournment**

The meeting was adjourned at 7:20 p.m.

*Michael Kirkley*

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Mike Kirkley, Chairman

*Karen Darrow*

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Karen Darrow, City Clerk

Date Approved: **September 9, 2024**