RESOLUTION 24-25-*
A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SUTTER CREEK APPROVING A CONDITIONAL USE PERMIT FOR DOUGLAS AND VICTORIA SPAINHOWER 193 BADGER STREET, SUTTER CREEK, CA 95685 APN 018-121-021

WHEREAS, the Planning Commission of the City of Sutter Creek did on Monday, October 14, 2024, held a public hearing on a Conditional Use Permit for DOUGLAS AND VICTORIA SPAINHOWER for Vacation Rental Use of single family residence at 193 Badger Street, Assessor Parcel No. 018-121-021 after properly noticing said hearing; and

WHEREAS, DOUGLAS AND VICTORIA SPAINHOWER propose to use 3 bedrooms and 3 bathrooms of their existing 4 bedroom and 4 bathroom home for Vacation Rental Use; 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 Douglas and Victoria Spainhower 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.

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 and detached accessory structure.

2. Maintain three (3) off-street parking spaces 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 in disorderly 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.

PASSED AND ADOPTED by the Planning Commission of the City of Sutter Creek on this Monday the 14h day of October, 2024 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

_____
Michael Kirkley, Chairman

_____
Karen Darrow, City Clerk