



## **Special City Council Meeting Minutes**

**Monday, August 26, 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 City Council Meeting was available via Zoom and in person.**

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

PRESENT

Mayor Claire Gunselman

Vice Mayor Julia Sierk

Council member Susan Feist

Council member Dan Riordan

Treasurer Vicky Runquist

ABSENT

Council member Jim Swift

Due to a conflict-of-interest Council member Swift abstained from the meeting.

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

Mayor Gunselman led the pledge.

### **3. Public Forum- None.**

### **4. Ordinances and Public Hearing**

A. Appeal filed by Bruce Baracco, Project Planner, on behalf of the David Mabry and Frank Trujillo (owners) to overturn the Planning Commission's denial of the Project and do the following:

1. Conduct a public hearing to receive public input;

2. Adopt Resolution 2024-2025-\* Certify the Initial Study/Mitigation Negative Declaration (SCH# 2023100658) for the Broadmeadows Estates Subdivision (Project) and approve Vesting Tentative Subdivision Map No. 182

3. Adopt Resolution 2024-2025-\* General Plan Amendment from Residential Low Density (RL) to Residential Single Family (RSF);

4. Adopt Resolution 2024-2025-\* pre-zone the parcels outside the City limits to R-1;

City Planner Erin Ventura provided an explanation for the item, highlighting that the Planning Commission had initially reviewed it during their meeting on July 8, 2024. She noted that the Commission was unable to make the necessary findings to approve it. City Planner Ventura then went over the project's history as detailed in the staff report.

City Attorney Derek Cole outlined the procedures and options available for the Council's consideration tonight. The choices presented were to approve the project, deny the project, continue the discussion, or refer the item back to the Planning Commission for additional review.

Planner Ventura clarified that the R-1 designation applies only if annexed into the city, and successful annexation is required for the project's final approval.

Council Member Riordan inquired whether there are specific guidelines for annexation, whether the city is obligated, or if it is based on need or the Council's discretion.

City Attorney Cole stated there is no obligation to annex or approve the project.

Council Member Riordan expressed concerns about piecemealing and CEQA's guidance on the matter, questioning if there was absolute assurance that CEQA would not raise a piecemeal accusation by separating the projects.

City Attorney Cole acknowledged the Council's valid concerns about piecemealing and pointed out that condition 13 prohibits finalizing the map if an application for Panner Creek is submitted. He mentioned that staff has serious doubts about Panner Creek's viability and therefore did not want to be overly rigid, allowing for flexibility in presenting options to the Council.

Mayor Gunselman remarked that the project is distinctive because the conditions for the first two stages were not completely met. It seems that the fulfillment of conditions is deferred to the final stage, which may not occur, hence CEQA's policy advises against such an approach. This method appears to benefit the developer by avoiding an EIR, potentially exposing the city to risk.

City Attorney Cole stated that staff regards Broadmeadows as a small, independent project consisting of ten homes and anticipates a comprehensive Environmental Impact Report if the Panner Creek project proceeds. He cautioned that the City cannot over exact and over condition a project.

Council member Riordan emphasized the necessity of including bicycle lanes or paved shoulders in the construction of new arterial and collector roads, except when separate bicycle paths are available. He further stated that subdivisions must establish or finance a bicycle system for children, as needed, to guarantee safe routes to schools and parks within the town.

Mayor Gunselman also noted that it does not meet the parking condition.

Council Member Sierk highlighted some inconsistencies related to a citywide community facilities district, which is referenced throughout the document, as well as the general traffic impact fee. She acknowledged the necessity for Sutter Creek's growth, provided it is managed responsibly. She pointed out that the Meadowcrest project was not completed, giving the impression that we are merely establishing another secluded community. Her primary concern, she emphasized, is safety.

Council member Feist raised questions about the omission of the requirement for pedestrian and bicycle access to town and when the city ceased to hold developers accountable for this.

City Planner Ventura clarified that the significant conditions, such as the dedication of parkland or a park, along with access to the town and a bridge, were mandatory requirements for phase three of the project. Consequently, the project was discontinued before reaching that stage. Currently, the same property owners and developers are involved, but without any existing entitlements or approvals, as they have all expired.

Mayor Gunselman and Council Member Sierk highlighted a number of inconsistencies with the General Plan.

*Mayor Gunselman opened the Public Hearing at 6:57 p.m.*

Bruce Baracco, the project planner for the Broadmeadows Estates project, noted that at their meeting on July 8th, the Planning Commission decided to consider only the tentative subdivision map and made a finding that the map could not be approved and stated that they are respectfully requesting that the City Council grant the appeal from property owners David Mabry and Frank Trujillo.

Mike Kirkey, Sutter Creek Planning Commissioner noted his concerns about that infill and inconsistencies in growth citing that any new development should be economically feasible and not a drain on resources. He noted that the connectivity to the city is a problem because the infrastructure was not built. He also asked why the city would consider annexing more land into the city when there are still so many undeveloped properties.

Kathy Cunha from Sutter Creek expressed concern that the intention seems to be to bypass CEQA requirements. She recommended that the developer be mandated to cover all expenses stemming from the annexation and to carry out a traffic analysis for Panner Creek. Additionally, she raised issues that the developer has neither paid the necessary fees nor fulfilled the prior conditions of approval.

Mark Koenig from Sutter Creek expressed his concerns about water and sewer capacity and the subsequent effects on existing residents.

Jenny Roward from Sutter Creek has expressed her concerns regarding pedestrian safety, the preservation of oak trees, and the establishment of safe walking routes for children along Gopher Flat.

Frank Cunha, a resident of Sutter Creek and former Planning Commissioner, remarked that the staff report seemed biased, presenting only arguments in support. He emphasized that the annexation process is challenging and not a guaranteed property right. He pointed out that, in essence, the property owner

and developer are seeking to enhance the value of their property. He warned that due to SB 9, the implications could extend beyond just ten new homes, asserting that any project should benefit the city rather than be detrimental to it.

Robert Burge of Sutter Creek commented that the developers of Meadowcrest are the ones that dropped the ball and that he would not have agreed to the use of his property if he knew how it was going to turn out.

Megan Rutherford requested that the annexation be done the correct way if that is what the Council decides.

Bruce Baracco, the project planner, noted that recurring concerns are arising and recommended organizing a workshop to address the details prior to proceeding.

**Motion made by Council member Riordan, Seconded by Council member Feist to close the Public Hearing at 7:35 p.m. Voting Yea: Mayor Gunselman, Vice Mayor Sierk, Council member Feist, Council member Riordan.**

*Mayor Gunselman called for a short recess.*

*The meeting reconvened at 7:45 p.m.*

Council member Riordan asked if SB 9 allows for division of lots so that lots could potentially have two homes. City Attorney Cole confirmed. Council member Riordan noted that he is not anti-growth but in favor of smart growth.

Council member Sierk noted that she supports responsible growth, she thinks the safety concerns need to be addressed and she would like to see a willingness from the developer to address the concerns of the neighborhood. She suggested that Lot #5 with the oak trees on it be preserved for an open space park.

Council member Feist noted that she is ok with the zone change and development but not to veer from the General Plan and wants to see a walkable/bikeable community. She reiterated Council member Sierk's suggestion about Lot #5.

Mayor Gunselman noted that she is not anti-growth and not having pedestrian access is an ongoing concern and that she can't responsibly agree to add homes to that neighborhood without mitigating that first.

**Motion made by Council member Feist, Seconded by Council member Riordan to deny the appeal as presented. Voting Yea: Mayor Gunselman, Vice Mayor Sierk, Council member Feist, Council member Riordan.**

## **5. Adjournment**

**The next regularly scheduled meeting is Monday, September 16, 2024.**

The meeting was adjourned at 8:07 p.m.