

RESOLUTION 25-26-*

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF SUTTER CREEK, RECOMMENDING THAT THE CITY COUNCIL
AMEND TITLE 10 AND TITLE 18 OF THE CITY OF SUTTER CREEK MUNICIPAL
CODE AND ENTER INTO A DEVELOPMENT AGREEMENT WITH SUTTER CREEK
RESPONSIBLE AND COMPLIANT RETAIL LLC DBA EMBARC TO OPERATE A
STOREFRONT RETAIL CANNABIS DISPENSARY ON THE REAL PROPERTY
LOCATED AT 11 RIDGE ROAD, SUTTER CREEK, CALIFORNIA**

WHEREAS, Sutter Creek Responsible and Compliant Retail LLC dba Embarc ("Applicant") has submitted applications requesting amendments to Title 10 and Title 18 of the City of Sutter Creek Municipal Code and approval of a Development Agreement to allow the operation of a storefront retail cannabis dispensary at the property located at 11 Ridge Road, Sutter Creek, California ("Project"); and

WHEREAS, the proposed Municipal Code amendments would modify the City's regulations governing cannabis businesses and related land use provisions; and

WHEREAS, the proposed Development Agreement establishes the terms and conditions under which the Applicant may operate a storefront retail cannabis dispensary at the Project site; and

WHEREAS, the Planning Commission conducted a duly noticed public hearing on Wednesday July 8, 2026, at which time all interested persons were given an opportunity to be heard and present evidence regarding the Project; and

WHEREAS, the Planning Commission reviewed and considered the staff report, the proposed Municipal Code amendments, the proposed Development Agreement, all public testimony, and all other information presented in connection with the Project; and

WHEREAS, the Planning Commission finds that the proposed Municipal Code amendments and Development Agreement are exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301 (Class 1 – Existing Facilities), as the Project involves the operation of a retail use within an existing commercial building with negligible or no expansion of existing use; and

WHEREAS, the Planning Commission has determined that the proposed Municipal Code amendments and Development Agreement are consistent with the goals and policies of the City's General Plan and are in the public interest.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Sutter Creek as follows:

SECTION 1. Findings

1. The foregoing recitals are true and correct and are incorporated herein by this reference.

SECTION 2. CEQA Determination

2. The Planning Commission finds that the Project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) and recommends that the City Council make the same finding and direct staff to file a Notice of Exemption.

SECTION 3. Recommendation Regarding Municipal Code Amendments

3. The Planning Commission recommends that the City Council approve and adopt the proposed amendments to Title 10 and Title 18 of the Sutter Creek Municipal Code, as presented to the Planning Commission and incorporated into the record of proceedings.

SECTION 4. Recommendation Regarding Development Agreement

4. The Planning Commission recommends that the City Council approve and authorize the execution of the Development Agreement between the City of Sutter Creek and Sutter Creek Responsible and Compliant Retail LLC dba Embarc for the operation of a storefront retail cannabis dispensary at 11 Ridge Road, Sutter Creek, California, substantially in the form presented to the Planning Commission.

SECTION 5. Transmittal

5. The Planning Commission directs staff to forward this Resolution and its recommendation to the City Council for consideration.

PASSED AND ADOPTED by the Planning Commission of the City of Sutter Creek on Wednesday the 8th day of July, 2026 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

THE CITY OF SUTTER CREEK

**Lucy Mulvey, Chair - Planning
Commission**

ATTEST:

Pam Caronongan, City Clerk