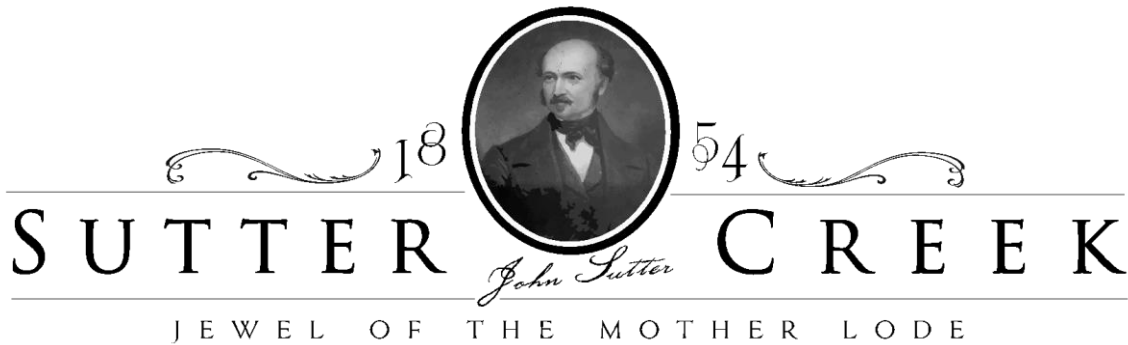




STAFF REPORT

TO: THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

MEETING DATE: SEPTEMBER 21, 2026

FROM: DEREK COLE, CITY ATTORNEY

SUBJECT: ENACTMENT AND WAIVER OF SECOND READINGS OF ORDINANCES (1) AMENDING TITLE 18 OF THE SUTTER CREEK MUNICIPAL CODE CONCERNING STOREFRONT CANNABIS DISPENSARIES, (2) AMENDING TITLE 10 OF THE SUTTER CREEK MUNICIPAL CODE CONCERNING THE SAME; AND (3) APPROVING A DEVELOPMENT AGREEMENT WITH SUTTER CREEK RESPONSIBLE AND COMPLIANT RETAIL LLC TO OPERATE A STOREFRONT RETAIL CANNABIS DISPENSARY AT 11 RIDGE ROAD

Background and Analysis

At its August 17, 2026 regular meeting, the City Council introduced three ordinances. These include:

1. An Ordinance of the City Council of the City of Sutter Creek Amending Sections 18.60.020, 18.60.030, And 18.60.040 of the Sutter Creek Municipal Code Authorizing a Single Retail Storefront Cannabis Dispensary as a Conditional Use in Any Zoning District Subject to The Execution of a Development Agreement;
2. An Ordinance of the City Council of Sutter Creek Amending Sections 10.42.050 and 10.42.060 of the Sutter Creek Municipal Code to Authorize a Commercial Cannabis Land Use When Approved By Conditional Use Permit; and
3. An Ordinance of the City Council of Sutter Creek Approving a Development Agreement with Sutter Creek Responsible and Compliant Retail LLC to Operate a Storefront Retail Cannabis Dispensary on The Real Property Located at 11 Ridge Road, Sutter Creek, California.

The introduction of these ordinances occurred along with the City Council's denial of an appeal regarding the Planning Commission's approval of a conditional use permit, site plan permit, and sign permit for a retail storefront cannabis dispensary for Sutter Creek Responsible and Compliant Retail LLC, dba Embarc.

At the August 17, 2026 meeting, before the close of the public hearing, the City Council received a comprehensive staff report detailing the considerations for all of the various actions taken that night and received extensive oral and written testimony from the applicant, appellant, and members of the public. City Staff and the City Attorney also provided a lengthy presentation and answered several councilmember questions. Given the extensiveness of its consideration to date, the Council is well familiar with the decision points and issues at this juncture.

The final actions to be taken concerning the Embarc project are the enactments of the three ordinances. Consistent with the City's practices, the second readings of these ordinances are being placed on the Consent Calendar. Any or all of the ordinances may, however, be pulled from consent and discussed in the same manner as regular business items. Should that occur, the ordinary Brown Act comment procedure would apply. (The public hearing has been completed, so public hearing procedures would not be followed.)

Recommendation

Waive the second readings and adopt Ordinance Nos. 383, 384, and 385 by recorded vote.

ATTACHMENTS:

1. Ordinance No. 383 Amending Title 18 of the Sutter Creek Municipal Code
2. Ordinance No. 384 Amending Title 10 of the Sutter Creek Municipal Code
3. Ordinance No. 385 Approving Development Agreement