

ORDINANCE NO. 385

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

WHEREAS, the City Planning Commission on July 8, 2026 approved and recommended that the City Council approve a development agreement between the City of Sutter Creek and Sutter Creek Responsible and Compliant Retail LLC, which Development Agreement is attached as Exhibit A and incorporated by reference (“Development Agreement”); and

WHEREAS, after due notice, the City Planning Commission and the City Council did conduct public hearings on this matter as required by Government Code section 65867 and Section 17.40.040 of the Sutter Creek Municipal Code; and

WHEREAS, pursuant to California Government Code Section 65864, *et seq.*, the City Planning Commission has transmitted to the City Council its findings and recommendations concerning the proposed storefront retail cannabis dispensary; and

WHEREAS, the Development Agreement is in the public interest and is consistent with the City's General Plan and Zoning Ordinance (Title 18 of the Sutter Creek Municipal Code); and

WHEREAS, the City Council has reviewed and considered the Development Agreement and the findings and recommendations of the City Planning Commission.

NOW, THEREFORE, the City Council of the City of Sutter Creek does hereby ordain as follows:

Section 1. The City Council finds, with respect to the Development Agreement, that:

- (a) It is consistent with the City's General Plan, policies and is compatible with the uses authorized in, and the regulations prescribed for, the zone in which the real property is located as a conditional use permitted by Chapter 18.60 of the Sutter Creek Municipal Code;
- (b) It will not be detrimental to the public health, safety and general welfare since it encourages the construction of a project that is desirable and beneficial to the public;
- (c) It complies with all applicable City and State regulations governing development agreements, including all requirements stated in Chapter 17.40.020 and 17.40.030 of the Sutter Creek Municipal Code, as applicable; and
- (d) It is necessary to strengthen the public planning process and to reduce the public and private costs of development uncertainty.

Section 2. REPEAL OF INCONSISTENT ORDINANCES

Any provisions of the Sutter Creek Municipal Code inconsistent with this Ordinance are hereby repealed.

Section 3. SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Sutter Creek hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or other portions might subsequently be declared invalid or unconstitutional.

Section 4. PUBLICATION.

The City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance or a summary thereof to be printed once within fifteen (15) days after its adoption in a newspaper of general circulation, published and circulated in the City of Sutter Creek.

INTRODUCED AND THE FIRST READING WAIVED at a regular meeting of the City Council of the City of Sutter Creek on August 17, 2026, by the following vote:

AYES:	Gunselman,	Feist,	Riordan
NOES:			Sierk
ABSTAIN:			None
ABSENT:			Swift

PASSED, APPROVED, AND ADOPTED, AND THE SECOND READING WAIVED, at a regular meeting of the City Council of the City of Sutter Creek on September 21, 2026, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

APPROVED:

Claire Gunselman, Mayor

ATTEST:

Alejandra Zambrano, Acting City Clerk

Date

EXHIBIT A

Development Agreement