

July 14, 2026

City of Sutter Creek
18 Main Street
Sutter Creek, CA 95685
With email to:
eventura@haugebrueck.com
tdubois@cityofsuttercreek.org

**Re: Appeal to City Council regarding Planning Commission's decisions
relating to Embarc dispensary project on 11 Ridge Road**

Per the procedures set forth in the City's municipal code, Chapter 18.06 (Procedures), and per the direction of Planning Consultant, Erin Ventura, I, Teresa Ryan, a resident of Sutter Creek, am filing this appeal on behalf of myself, on behalf of my husband, Martin Ryan, and on behalf of the Association called the Sutter Creek Residents Against Marijuana-Dispensaries (Association), of which I am president (Appellants). My contact information is tzryan55@gmail.com.

I am informed by Erin Ventura that the filing fee is \$375, which I am submitting with this appeal. I am also informed by Erin Ventura that I should file this appeal at the front office because the City does not presently have a City Clerk, and that I should email a copy of this appeal to both Ms. Ventura and Tom DuBois.

On July 8, 2026, the Sutter Creek Planning Commission approved CEQA exemptions ("existing facilities" and "common sense") and approved a conditional use permit for a marijuana dispensary at 11 Ridge Road (Dispensary Project). The Planning Commission also recommended approval of a zoning ordinance to allow retail marijuana business within the City, and also recommended approval of a "development agreement" with Sutter Creek Responsible and Compliant Retail, LLC DBA Embarc.

Appellants hereby appeal all the decisions made by the Planning Commission related to the Dispensary Project, including the approvals of the CEQA exemption and use permit, and the recommendations to approve the zoning amendment and "development agreement."

The bases of the appeal are all the bases raised by myself and others that have been submitted in writing or orally to the City of Sutter Creek. This includes oral comments at the Planning Commission meeting and other public meetings related to the Dispensary Project, and it includes the arguments set forth in the letters submitted by Amador County. Those bases include, but are not limited to, the following:

1. The proposed use is detrimental to public health, safety, and general welfare. Accordingly, the City cannot make the necessary use permit findings.

2. The Dispensary Project is not exempt from CEQA. There are no applicable categorical exemptions, and the “common sense” exemption is likewise inapplicable.
3. The “unusual circumstances” exception to the categorical exemption applies and prevents the use of any categorical exemption.
4. The “development agreement” is in fact a sales tax agreement (commonly referred to as a revenue sharing agreement or a gross receipts business tax), and it is prohibited by the California Constitution without a vote of approval by the citizens.
5. The City is providing preferential treatment in contracting and in the procurement of an exclusive license in violation of the 14th Amendment of the U.S. Constitution (equal protection clause) and State law. The City’s failure to act fairly and reasonably in its contracting practices (by failing to allow others to competitively bid) shows favoritism and allows for potential corruption and creates the appearance of corruption. This is also true in the contractual payment to a “Community Advisory Board” established by the permittee to provide educational and other services.

Please contact me if you have any questions.

Respectfully submitted,

Teresa Ryan