

# City of Sutter Creek Planning Commission

## Special Meeting July 8, 2026

Sutter Creek Responsible and Compliant Retail LLC DBA Embarc  
**11 Ridge Road, Sutter Creek**

Zoning Ordinance Amendment, Development Agreement,  
Site Plan, Sign Permit, Conditional Use Permit

### Quasi-Judicial Meeting

- Commission Disclosures
- Staff Presentation
- Public Hearing
  - Applicant Presentation (up 10 minutes)
  - Public Comment
  - Applicant Response (up to 5 minutes)
- Planning Commission questions and debate
- Motions and voting

# Consideration for Tonight

Staff recommends the Planning Commission do the following:

1. Conduct a public hearing and receive public input, and

## **Recommend to Council:**

2. Adopt a Zoning Ordinance Amendment to allow one (1) retail cannabis business within the City, subject to conditions of a development agreement and CUP;
3. Approve the Development Agreement (DA) with Sutter Creek Responsible and Compliant Retail, LLC DBA Embarc.
4. Find, that the Zoning Ordinance Amendment and Development Agreement are Categorically Exempt from CEQA under Section 15301 Class 1, Existing Facilities and Section 15061, subd. (b)(3) Common-Sense.

## **Approve** contingent on Council approval:

5. Approve a Site Plan Permit, Conditional Use Permit, and Sign Permit for Sutter Creek Responsible and Compliant Retail LLC DBA Embarc, 11 Ridge Road, for one retail and delivery cannabis business.
6. Find that the Site Plan Permit, CUP, and Sign Permit are Categorically Exempt from CEQA under Section 15301 Class 1, Existing Facilities and Section 15061, subd. (b)(3) Common-Sense Exemption.

## Project Overview

|                                      |                                                                                                                                                                                                                                                                                                         |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Proposal</b>                      | <ul style="list-style-type: none"><li>• Commercial cannabis retail sales and delivery business (Embarc)</li><li>• Adaptive reuse of the vacant 2,662 sq. ft. former Umpqua Bank building</li><li>• Minor tenant improvements</li><li>• 17 on-site parking spaces</li></ul>                              |
| <b>Applications</b>                  | <ul style="list-style-type: none"><li>• Citywide Zoning Ordinance Amendment</li><li>• Development Agreement</li><li>• Conditional Use Permit</li><li>• Site Plan Application</li><li>• Sign Permit</li></ul>                                                                                            |
| <b>Pilot Program</b>                 | <ul style="list-style-type: none"><li>• 1-year pilot program</li><li>• 5-year Development Agreement</li><li>• Location: 11 Ridge Road</li></ul>                                                                                                                                                         |
| <b>Project Timeline &amp; Review</b> | <ul style="list-style-type: none"><li>• February 17, 2026: City Council voted 3–2 to consider a development agreement for a single location.</li><li>• May 11, 2026: Complete application submitted by Embarc.</li><li>• July 8, 2026: Planning Commission reviewing the project as a package</li></ul> |

## Overview

In addition to core materials, the Planning Commission Packet includes:

1. Overview of state laws regulating cannabis
2. Background on retailer Embarc, including business and operating plans
3. Community letters
4. CEQA concerns by other agencies and responses

## Zoning Ordinance Amendment

## Zoning Amendment (Title 10 & Title 18) Findings

### **Current Code**

Prohibits retail cannabis  
Businesses within the City  
Of Sutter Creek (SCMC 10.42)

### **Proposed Amendment**

Creates an exception for up to one (1)  
retail cannabis dispensary as a  
conditionally permitted use, with DA.

### **Findings:**

- 1) Strict Control - permitted use strictly requires a CUP and Council approved DA. Protects public interest by regulated environment.
- 2) Cap Remains - If applicants fails / closes, limit remains one (1) permit total.
- 3) General Plan Harmony - Maintains internal consistency, retail is already an allowed use in Commercial C-2 Zone.

## Development Agreement (DA)

## Development Agreement Findings 17.150.040

- A. Consistency. The provisions of the development agreement are consistent with the general plan and any applicable master plan, public financing plan, specific plan, and special purpose plan for the area; and
- B. Development Title. The proposed development complies with all provisions of these guidelines.

Generally, Development Agreements are used to negotiate community benefits beyond what is required in general zoning regulations.

## Development Agreement

**Proposed Zoning Ordinance Amendment requires a Development Agreement and a Conditional Use Permit in order to operate a retail cannabis business.**

|                                |                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>City Financial Benefits</b> | <ul style="list-style-type: none"><li>• Payment of 8% public benefit fee to the City.</li><li>• Payment into community law enforcement fund for cameras.</li></ul> <i>Currently cannabis taxes and fees by area residents are going to other counties and cities.</i>                                                                                                    |
| <b>Community Benefits</b>      | <ul style="list-style-type: none"><li>• Payment of 1% into Community nonprofit fund controlled by local Board.</li><li>• Fund Youth Drug and Alcohol education program.</li><li>• Priority hiring of Sutter Creek residents with union jobs (15-18 jobs).</li><li>• Security access for law enforcement.</li><li>• 24/7 Hotline for good neighbor obligations.</li></ul> |
| <b>Operational Control</b>     | <ul style="list-style-type: none"><li>• Strict City oversight.</li><li>• Extensive State Regulation.</li><li>• Detailed operating, security and community agreements.</li><li>• Required meetings and reporting.</li></ul>                                                                                                                                               |
| <b>Minimize City Blight</b>    | <ul style="list-style-type: none"><li>• Location has been deserted for several years.</li><li>• Adjacent buildings have empty storefronts as well.</li></ul>                                                                                                                                                                                                             |

## One Year Pilot Program

- **One-Year Pilot and Compliance Review:** Begins with initial one-year pilot program. To continue operating, Embarc will be subjected to an extensive compliance review by the City.
- **Five-Year Initial Term:** The DA establishes an overall initial term of five years.
- **Potential Extensions:** If Embarc complies with the terms and conditions of the agreement, the City has the discretion to grant additional five-year extensions.
- **Termination Rights:** The City retains the authority to terminate the agreement at any time if Embarc fails to comply with the terms of the DA, the CUP, and associated permits.

While the DA has a five-year, renewal term, the first year is a probationary pilot period. Continued operation requires passing a strict compliance review.

## Conditional Use Permit (CUP)

## Embarc's Operational Plan Highlights

- **Hours.** 8 a.m. to 10 p.m, seven days a week.
- **Employees.** Will employ 15 - 18 employees. Delivery starting in year 3 with 1 additional employee.  
6 - 7 employees on-site on a typical day.
- Walk-in visitations without appointment during approved business hours
- **Delivery service.** In year 3, may start delivery according to state law with a single vehicle. One or two outbound deliveries daily during approved operating hours.
- **Admittance.** The proposed operating plan requires that dispensary staff verify proof of valid identification at check-in of each customer.



## Partial List of Proposed Conditions

1. Meet all conditions in the Development Agreement.
2. Comply with applicable laws and regulations.
3. Notify City of any change in state licensure status.
4. No live music or amplified speakers for advertising, entertainment.
5. Comply with ADA requirements.
6. Lighting directed away from adjoining properties.
7. Comply with 12 month period to implement the project.
8. Obtain business license.
9. Odor control, contained to the property.
10. No marketing or advertising targeted to people under age 21.
11. No more than two delivery trips per day.

## Required CUP Findings

1. The proposed uses of the property are desirable to the public convenience or welfare;  
*Currently residents are leaving the county to purchase cannabis. Allowing one retailer will provide a public convenience.*
2. The proposed uses will not impair the integrity and character of the area in which it is located;  
*Will not impair character of the C-2 zone. Location is currently somewhat blighted, empty storefronts, mix of uses including gas stations, convenience stores, and retail stores.*
3. The proposed uses would not be detrimental to public health, safety, or general welfare;  
*Permitted use strictly requires a CUP and DA. Protects public interest by regulated environment.*
4. There are adequate public utilities and services available for the proposed uses;  
*Adequate utilities in place. Existing building with extremely similar usage and parking profile.*
5. The proposed uses of the property are in harmony with the general plan.  
*Applicant will add landscaping and revitalize a vacant building. Surrounded by compatible uses.*

## Site Plan Permit

## Site Plan Permit

| Description                         | Proposed                          | Meets Requirements?                |
|-------------------------------------|-----------------------------------|------------------------------------|
| Site                                | 11 Ridge Road                     | -                                  |
| Building Plan                       | 2,662 sf                          | Yes- existing                      |
| Lot Size                            | .25 acres/10,890 sf               | Yes                                |
| Zoning                              | C-2                               | Yes                                |
| Parking                             | 17 parking spaces                 | Per SC Code 9 spaces are required. |
| Trees and Landscaping per 13.24.120 | Planters in front of the building | Yes                                |



EXISTING VIEW



1,368" (114')  
PROPOSED VIEW

## Site Plan Area

- C-2 Commercial - Adjacent compatible uses.
  - North: C-2 commercial (office, storage rental, residential)
  - South: R1A County (Vacant)
  - East: C-2 Multi Tenant Commercial (financial advisor, real estate, Amador Stars, Amador Plumbing)
  - West: C-2 Multi Tenant Commercial (smoke shop, Pump Co, gas station)
- Scope of Work - Minor interior and exterior tenant improvements.
- Outside of Historic Districts



## Site Plan Findings

In order for the Planning Commission to grant approval of the Site Plan permit, they must make the following findings:

1. The proposed site development is essential or desirable to the public convenience or welfare;  
*Revitalizes vacant building and area. Eliminates long drives to other counties and cities by current residents.*
2. The proposed site development will not impair the integrity and character of the area in which it is located, or the zoning district;  
*Existing commercial retail space, meets or exceeds site requirements.*
3. The proposed site development will insure that adequate public utilities and services are provided so that the project would not be detrimental to public health, safety, or general welfare;  
*Existing commercial retail space with utilities and services.*

## Sign Permit

## Sign Permit

- Maximum of 116 sf total allowed
- Current legal, non-conforming signs exceed code by 38.5 sq ft (original monument sign + wall sign installed for former bank)
- Propose replacing only the faces on existing signs
- **Recommendation**  
Allow face replacement of the existing signs rather than forcing removal and replacement.



CEQA

## CEQA Findings

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1 Existing Facility

**Class 1 (Existing Facilities):** Under CEQA Guidelines § 15301, this exemption applies to the operation, permitting, or minor alteration of existing private structures involving negligible or no expansion of use.

The project involves a 2,662 square-foot building with 1,300 sq ft of retail floor space. There will be tenant improvements in an existing commercial building (formerly a bank) with no expansion to the building footprint.

## CEQA Exemption and the Vehicle Miles Travelled (VMT)

|                                                                                                                                                                                      |                                                                                                                                                                                                                                                              |                                                                                                                                                       |                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Determination:</b><br>Exempt under Section 15301 Class 1 (Existing Facilities).<br><br>Allows operation within a space previously approved for a bank with no physical expansion. | <b>Traffic Question:</b><br>LOS shows dispensary trip rates of 70 - 250 trips per 1,000sf.<br>Banks are 100 trips per 1,000sf.<br><br>1,300 sf of retail adds 195 new daily trips, less than significant.<br><br><b>LOS is no longer a CEQA requirement.</b> | <b>VMT:</b><br>Result is "less than significant" impact under VMT metrics.<br><br>Existing VMT is reduced compared to driving to nearby dispensaries. | <b>Rationale:</b><br>Adding local-serving retail (under 50K sf) reduces regional travel miles.<br><br>Sutter Creek residents travel 22-32 miles to one of the 10 surrounding dispensaries.<br><br>A local store shortens these trips. |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## CEQA Update

- Applicant has provided input based on California Supreme Court ruling issued June 25, 2026 that the City should also reference CEQA Section 15061(b)(3) (Common Sense Exemption).
- The City will reference both Sections 15301 and 15061(b)(3) when it goes to the City Council.

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061, subd. (b)(3) Common-Sense Exemption

Under CEQA Guidelines § 15061(b)(3), it can be seen with certainty that there is no possibility the adaptive reuse of an existing commercial building into a carefully regulated retail storefront will have a significant effect on the physical environment.

The project involves a 2,662 square-foot building with 1,300 sq ft of retail floor space. There will be tenant improvements in an existing commercial building (formerly a bank) with no expansion to the building footprint.

## Recommendation

Staff recommends the Planning Commission do the following:

1. Conduct a public hearing and receive public input, and

### **Recommend:**

2. Adopt a Zoning Ordinance Amendment to allow one (1) retail cannabis business within the City, subject to conditions of a development agreement and CUP;
3. Approve the Development Agreement with Sutter Creek Responsible and Compliant Retail, LLC DBA Embarc.
4. Find, that the Zoning Ordinance Amendment and Development Agreement are Categorically Exempt from CEQA under Section 15301 Class 1, Existing Facilities and Section 15061, subd. (b)(3) Common-Sense Exemption.

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6. Find that the Site Plan Permit, CUP, and Sign Permit are Categorically Exempt from CEQA under Section 15301 Class 1, Existing Facilities and Section 15061, subd. (b)(3) Common-Sense Exemption.



Tom Dubois <tdubois@cityofsuttercreek.org>

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## Re: July 8th 2026 Planning Commission Meeting

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eventura@haugebrueck.com <eventura@haugebrueck.com>

Tue, Jul 7, 2026 at 9:40 AM

To: Thomas Baggett <thomasjbaggett@gmail.com>, Tom Dubois <tdubois@cityofsuttercreek.org>

Cc: Planning Commission <planning-commission@cityofsuttercreek.org>, Derek Cole <dcole@colehuber.com>

Planning Commissioners- I wanted to point out a couple of errors in the staff report, incorrect municipal codes sections were cited.

Below are the correct codes sections:

[Chapter 18.06 Procedures,](#)  
[Development Agreements 17.40.](#)

Please let me know if you have any questions and I apologize for the errors.

Thank you,

Erin Ventura

Planning Consultant

City of Sutter Creek

Hauge Brueck Associates, LLC

(916) 283-5800 ext 103

[eventura@haugebrueck.com](mailto:eventura@haugebrueck.com)

[Quoted text hidden]



July 7, 2026

*Via Email*

Chair and Members of the Planning Commission  
City of Sutter Creek  
c/o Erin Ventura, City Planner (eventura@haugebrueck.com)  
c/o Tom DuBois, City Manager (tdubois@cityofsuttercreek.org)

**Re: Correction to the Administrative Record — California Supreme Court Decision in *Sunflower Alliance v. Department of Conservation* (June 25, 2026); Proposed Cannabis Retail Facility at 11 Ridge Road (APN 044-020-063); July 8, 2026 Planning Commission Hearing**

Dear Chair and Members of the Commission:

We write on behalf of Sutter Creek Responsible and Compliant Retail LLC (“Permittee”) to correct and update the administrative record on a single point of law. Our June 30, 2026 and July 3, 2026 letters described *Sunflower Alliance v. Department of Conservation* as pending before the California Supreme Court and characterized the decision as measuring “negligible” expansion of use by the risk of environmental harm. The Supreme Court issued its opinion on June 25, 2026. In the interest of an accurate record, we bring the decision and its correct holding to the Commission’s attention.

The Supreme Court reversed the Court of Appeal and held that the phrase “negligible or no expansion of existing or former use” in the Class 1 exemption refers to an expansion or change in the nature or degree of a facility’s use, not to the risk of environmental harm caused by the change. (*Sunflower Alliance v. Dept. of Conservation* (2026) \_\_ Cal.5th \_\_ [S287414].) The Court remanded for the Court of Appeal to reconsider the exemption under that framework.

To the extent our June 30 and July 3 letters stated that *Sunflower Alliance* measures “negligible” by the risk of environmental harm, or that the decision supports the City on that basis, those statements reflected the Court of Appeal’s reasoning, which the Supreme Court has now rejected, and they should be disregarded. We think it important that the record be accurate on this point, and we correct it here.

The decision does not undermine the exemption; in relevant respects it assists it. Three points bear on the Commission’s determination:

First, the Supreme Court confirmed that the Class 1 exemption can apply to a new use at an existing facility; the exemption is not limited to continuation of an identical use. Any suggestion that a change from a bank to a retail dispensary is categorically disqualifying is therefore incorrect.

Second, under the correct standard the question is whether the change in the nature or degree of the use is negligible. It is. The former bank and the proposed dispensary are both walk-in commercial uses open to the public during ordinary business hours, occupying the same tenant space in the same existing building, with no change to the building footprint, no new construction, and no expansion of the building envelope. The character of the use — a small commercial storefront — is unchanged, and its degree, a modest retail tenant in an existing commercial building on a commercial corridor, is a negligible change within the meaning of the exemption as now construed.

Third, and most significantly, the Supreme Court made clear that the risk of environmental harm is analyzed separately from the Class 1 “use” question, through other parts of CEQA’s framework. That confirms the path the Commission should follow here. The record’s evidence that the Project will have no significant physical or transportation impact, including that transportation significance is measured by vehicle miles traveled under CEQA Guidelines section 15064.3, under which this locally serving use is less than significant and likely VMT-reducing, does its work under the common-sense exemption (§15061, subd. (b)(3)), which does not contain the “negligible expansion of use” element and is not subject to the “unusual circumstances” exception. For that reason, we reiterate our request that the Commission rest its exemption determination on both independent grounds identified in the record: the Class 1 (§15301) and the common-sense exemption (§15061, subd. (b)(3)); so that the determination is secure regardless of how the “negligible expansion of use” question is resolved for Class 1.

We appreciate the Commission’s attention to the accuracy of the record and remain available to provide any additional information. We respectfully renew our request that the Project be approved and the Development Agreement executed at the July 8, 2026 hearing, and that this letter be entered into the administrative record in its entirety.

Sincerely,

Eric Lightman  
General Counsel  
Sutter Creek Responsible and Compliant Retail LLC  
c/o Embarc | 1125 I Street, Sacramento, CA 95814  
eric@goembarc.com | 215.582.7666

cc: City Council Members Gunselman, Sierk, Feist, Riordan, and Swift  
Tom DuBois, City Manager (tdubois@cityofsuttercreek.org)  
Erin Ventura, City Planner (eventura@haugebrueck.com)  
Derek Cole, City Attorney (dcole@colehuber.com)  
Josh Lewis, Embarc (jlewis@goembarc.com)  
Seena Samimi, Meyers Nave (ssamimi@meyersnave.com)  
Greg Gillott, Amador County Counsel (ggillott@amadorcounty.gov)



Tom Dubois &lt;tdubois@cityofsuttercreek.org&gt;

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**Submission letter for Planning Commission meeting on 7-8-26**

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alan bierce &lt;alanhelen@sbcglobal.net&gt;

Sat, Jul 4, 2026 at 5:38 PM

To: "eventura@haugebrueck.com" &lt;eventura@haugebrueck.com&gt;, "info@cityofsuttercreek.org" &lt;info@cityofsuttercreek.org&gt;, "tdubois@cityofsuttercreek.org" &lt;tdubois@cityofsuttercreek.org&gt;, "dcole@colehuber.com" &lt;dcole@colehuber.com&gt;

Cc: "jsierk@cityofsuttercreek.org" &lt;jsierk@cityofsuttercreek.org&gt;, "jswift@cityofsuttercreek.org"

&lt;jswift@cityofsuttercreek.org&gt;, Dan Riordan &lt;dan.riordan1953@gmail.com&gt;, "sfeist@cityofsuttercreek.org"

&lt;sfeist@cityofsuttercreek.org&gt;, Claire Gunselman &lt;cgunselman@cityofsuttercreek.org&gt;

**Note to the City Recorder/City Manager – Please make this correspondence part of the administrative record for the July 8, 2026 Planning Commission dispensary hearing.**

**At the Sutter Creek City Council meeting on February 17<sup>th</sup>, the council voted to “have staff continue discussions with Embarc (a proposed marijuana retailer)) to discuss an agreement and potential pilot program for a retail cannabis dispensary in the city”.**

**I would suggest that the proposed discussion go hand in hand with continued research with regard to the negative impacts of marijuana, and I question that the council has significantly researched those impacts.**

**IASIC, the International Academy on the Science and Impact of Cannabis, has stated “it is our conclusion, based on review of the scientific evidence, that public health effects of commercial cannabis on American health are harmful. These growing negative impacts further strain health care and additional treatment resources to an extent that far surpasses taxation revenues”. The study specifically noted consequences that include; psychosis, suicide, brain development, opioid use, traffic fatalities, Emergency Room visits and neonatal exposure.**

**A study by the National Institute of Health assessed the impacts of the legalization of the recreational use of marijuana in the state of Colorado, when it was legalized in 2012. It spoke of dramatic increases in DUI's, noting that traffic deaths where people tested positive for marijuana**

**increased by 138%; the study reveals a significant increase in property crimes, particularly larceny and burglary; and, it spoke to significant and continuing public health issues.**

**In a report by ADAI, Addictions, Drug & Alcohol Institute, the study spoke of marijuana and its potentially negative impacts that can occur when TCH and CBD are combined with many prescribed medications. It is a very comprehensive study and needs to be required reading for the city council.**

**A cannabis dispensary will make money for the city of Sutter Creek, but that amount will pale in comparison to the money that is realized by Embarc. They are not in business to assist local communities. They are in business to make significant profits, regardless of the negative impacts that their business may have for the community.**

**In my opinion, this is a bad decision for the community, most specifically for minors and young adults. The positive side of the ledger provides some increased revenues. The negative side of the ledger includes the increased demands on police services, health issues (specifically for minors and younger adults) and a compromise to the values of the community.**

**By the way, what ever happened to the proposed pilot program? That does not appear to be part of the package that is proposed for consideration by the Planning Commission.**

**Al Bierce**

**Born and raised in Amador County and current resident of Sutter Creek**



Tom Dubois &lt;tdubois@cityofsuttercreek.org&gt;

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**Submission letter for the Planning Commission on 7-8-26**1 message

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**alan bierce** <alanhelen@sbcglobal.net>

Mon, Jul 6, 2026 at 2:43 PM

To: "eventura@haugebrueck.com" <eventura@haugebrueck.com>, "info@cityofsuttercreek.org" <info@cityofsuttercreek.org>, "tdubois@cityofsuttercreek.org" <tdubois@cityofsuttercreek.org>, Derek Cole <dcole@colehuber.com>, Claire Gunselman <cgunselman@cityofsuttercreek.org>, Dan Riordan <dan.riordan1953@gmail.com>, "jsierk@cityofsuttercreek.org" <jsierk@cityofsuttercreek.org>, "jsierk@cityofsuttercreek.org" <jsierk@cityofsuttercreek.org>, "jsierk@cityofsuttercreek.org" <jsierk@cityofsuttercreek.org>, Pam Caronongan <pcaronongan@cityofsuttercreek.org>, "sfeist@cityofsuttercreek.org" <sfeist@cityofsuttercreek.org>

Note to the City Recorder/City Manager - Please make this correspondence part of the administrative record for the July 8, 2026 Planning Commission dispensary hearing.

**PLANNING COMMISSION****JULY 8, 2026**

**Hi. Al Bierce, city of Sutter Creek.**

**Two days ago I decided to do an exercise. I put the phrase “negative health effects of THC for minors and young adults” into Google. I got a lot of information.**

**The American College of Cardiology has completed studies that indicate that the use of TCH, and not just for young people, heavily increases the risk of heart attacks and strokes.**

**The Center for Disease Control has completed studies that show that THC affects brain function and brain development, and warns that such usage can contribute to anxiety, depression and schizophrenia, especially in users under the age of 25. An article on “the Adverse Effects of Marijuana on the Developing Brain”, is complex but particularly informative.**

**The National Institute of Drug Abuse has studies that show that 3 in 10 cannabis users form a Cannabis Use Disorder...i.e., addiction. In 2021, nearly 5 million young adults aged 18 to 25 and 1.3 million adolescents aged 12-17 had a diagnosable marijuana use disorder.**

**The American Lung Association indicates that when marijuana is smoked, it releases the same toxins and carcinogens as tobacco. Enough said.**

**SAMHSA, in its studies, has shown that uses of THC during pregnancy are linked to fetal growth restriction, premature births and impact children's cognitive development.**

**A study by the National Institute of Health assessed the impacts of the legalization of recreational marijuana. That study revealed that traffic deaths where people tested positive for marijuana had increased 138%. Another National Institute of Health study shows that more than 3000 cases of accidental cannabis consumption are reported to national control centers every year (90 % of those in kids under 5), a 1300% increase.**

**In 2016, California voted to legalize the use of recreational marijuana, while also allowing individual counties and cities to have outright bans. All incorporated cities in Amador County, as well as the Board of Supervisors imposed these bans for the entire county.**

**So, here we are in 2026, discussing a development agreement to allow a retail cannabis store in Sutter Creek. What has changed? Have all these studies changed?**

**A single thing has changed. A retailer has come to town and is offering to throw money at the city, to cloud the issue that marijuana is not something that is unacceptable to our community.**

**So, it is decision time. Do we as a city “chase the money”, or do we do what is right for the health, safety and welfare of our city, particularly the youth and younger adults in our community and “JUST SAY NO”!**

**PLEASE MAKE THIS CORRESPONDENCE PART OF THE ADMINISTRATIVE  
RECORD FOR THE July 8, 2026 PLANNING COMMISSION DISPENSARY  
HEARING:**

**CEQA Review Requirement**

The Sutter Creek City Council has arbitrarily determined that the Embarc Cannabis Dispensary to be located on 11 Ridge Road, in Sutter Creek (near the Ridge Road and Highway 49 intersection) is exempt from the California Environmental Quality Act (CEQA). The Sutter Creek City Council decided this by narrowly focusing on only the building itself and not on the extenuating impacts clearly listed in John Gedney, Executive Director of the Amador County Transportation Commission's (ACTC) letter to Erin Ventura, Planning Consultant, City of Sutter Creek which states:

"To comply with CEQA requirements, ACTC staff recommends that the City requires the applicant, Embarc, to prepare and submit the formal impact analyses listed below:

1. A professional traffic impact analysis
2. A parking demand and circulation study
3. A delivery operations and management plan
4. Regional and Cumulative transportation impact analysis
5. Emergency access and public safety circulation analysis
6. CEQA documentation (preferably in coordination with the DCC) that adequately evaluates transportation and operational impacts."

The Embarc cannabis dispensary will be open from 8:00 a.m. to 10:00 p.m., 14 hours per day, every day. Statistics show the average single purchase at a cannabis dispensary is approximately \$60.

Using Embarc's projected sales for years one through five, the following breakdown shows how many customers per day, for 365 days, and per hour, the cannabis dispensary will experience at that location on Ridge Road:

Year 1: Gross Revenue: \$6,228,954. Equals 284 customer sales per day for 365 days. Equals 20 customers per hour.

Year 2: Gross Revenue: \$6,914,139. Equals 315 customer sales per day for 365 days. Equals 22 customers per hour.

Year 3: Gross Revenue: \$8,918,086. Equals 407 customer sales per day for 365 days. Equals 29 customers per hour.

Year 4: Gross Revenue: \$9,720,714. Equals 443 customer sales per day for 365 days. Equals 31 customers per hour.

Year 5: Gross Revenue: \$10,595,579. Equals 484 customer sales per day for 365 days. Equals 35 customers per hour.

Using Embarc's projected sales and the escalating number of customer ingresses and egress over five years at that location will exponentially exceed the type of traffic experienced by the prior occupant at that location, Umpqua Bank. It is imperative that the City utilizes the CEQA process and conducts an Environmental Impact Report (EIR) to determine if the Ridge Road location can safely handle the aforementioned ingress and egress of traffic/customers over a five year period.

Without the CEQA process, the City and the Planning Commission cannot make the findings that the project:

- \*Will not adversely affect Public Transportation Infrastructure

- \*Is compatible with the surrounding Circulation System

- \*Will avoid significant environment impacts

The CEQA process is necessary for the City and Planning Commission to guarantee their required due diligence and provide transparency in processing Embarc's application. To do otherwise would not be in the best interest of the community they serve.

Respectfully Submitted,

Teresa Ryan

Sutter Creek