



Planning Commission - Special Meeting Minutes

Wednesday, July 08, 2026 at 6:00 PM

33 Church Street, Sutter Creek, CA 95685

The Agenda can be found on the City's Website: www.cityofsuttercreek.org

1. Call to Order, Roll Call, and Establish a Quorum for Regular Meeting

The meeting was called to order at 6:00 p.m.

PRESENT: Chair Lucy Mulvey, Vice Chair Thomas Baggett, Commissioner Meredith Hansen, and
Commissioner Michael Kirkley

ABSENT: Commissioner Robert Trudgen

STAFF: City Manager DuBois, Contract City Planner Erin Ventura and Interim City Clerk Alejandra Zambrano

2. Pledge of Allegiance to the Flag

Chair Mulvy led the Pledge of Allegiance.

3. Public Forum

No public comment on items not on the agenda.

4. Consent Agenda

A. Planning Commission Minutes of May 11, 2026

Recommendation: Approval of Minutes

Motion made by Commissioner Kirkley, seconded by Commissioner Hansen to adopt planning commission minutes of May 11, 2026.

AYES: Mulvey, Baggett, Hansen, Kirkley

NOES: None

ABSENT: Trudgen

ABSTAIN: None

MOTION PASSED 4-0-1

5. Public Hearings

Chair Mulvey opened the public hearing and requested Commissioner disclosures. Contract City Planner Ventura presented the staff report. Representatives of Sutter Creek Responsible and Compliant Retail LLC DBA Embarc provided an overview of the proposed retail cannabis project.

Chair Mulvey opened the public hearing for public comment.

The following individuals provided public comment: Lisa Barad, Robert Allen, Brian Comnes, Craig Lambert, Glen Spitzer, Martin Ryan, Peter Gale, Tom Cohness, Patricia Sedga, Ron Houck, Pete Jensen, Josh Little, Susan Ross, Chris Garcia, Al Biers, Suzane Houk, X Vierges, and Stacey Tyler.

The applicant's representative responded to questions and concerns raised during public comment regarding youth access, community impacts, and the operation of the proposed regulated cannabis business.

Chair Mulvey closed the public hearing.

During Commission deliberations, Commissioner Kirkley discussed the availability of cannabis and the benefits of a regulated cannabis market. Vice Chair Baggett discussed responsible cannabis use and personal responsibility. Commissioner Hansen shared her perspective as a Registered Nurse and discussed comparative public health concerns related to cannabis and other substances while acknowledging concerns regarding the proposed location. Chair Mulvey discussed cannabis regulation, community impacts, and opportunities for community involvement. The applicant's representative responded by discussing the establishment of a community advisory board composed of local volunteers and provided examples of similar programs in other jurisdictions.

City Attorney Derek Cole explained the rationale for drafting the proposed Zoning Ordinance Amendment to permit one retail cannabis business at a time based on local market conditions and to allow the City an opportunity to evaluate the use before considering future amendments. Mr. Cole further explained the required findings supporting the project's categorical exemption under the California Environmental Quality Act (CEQA).

Motion: Commissioner Kirkley moved, and Vice Chair Baggett seconded, to recommend that the City Council:

1. Find that the proposed Zoning Ordinance Amendment and Development Agreement are categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) and Section 15061 (b)(3) (Common-Sense Exemption) ;
2. Adopt a Zoning Ordinance Amendment allowing exactly one (1) retail cannabis business within the City of Sutter Creek, subject to the conditions of the Development Agreement and Conditional Use Permit; and

3. Approve the Development Agreement with Sutter Creek Responsible and Compliant Retail LLC DBA Embarc.

Prior to the vote, Chair Mulvey requested that staff review and provide recommended revisions to the Development Agreement for City Council consideration regarding the drug education program language, Section 6.1.1 relating to retail fee payments, and Section 7.1.1 relating to the timing of certified reports and payments. The motion maker and second accepted the amendment directing staff to address these items and present any recommended revisions to the City Council.

AYES: Mulvey, Baggett, Hansen, Kirkley

NOES: None

ABSENT: Trudgen

ABSTAIN: None

MOTION PASSED 4-0-1

Chair Mulvey discussed Condition No. 27 of the Conditional Use Permit regarding delivery limitations and recommended revising the condition to provide that the number of delivery trips shall be in accordance with State law.

Motion: Vice Chair Baggett moved, and Chair Mulvey seconded, to:

1. Find that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15301 (Class 1 – Existing Facilities and Section 15061 (b)(3) (Common-Sense Exemption) ; and
2. Approve, with conditions, the Site Plan Permit, Conditional Use Permit, and Sign Permit for Sutter Creek Responsible and Compliant Retail LLC DBA Embarc at 11 Ridge Road for one retail cannabis business with delivery services, contingent upon City Council approval of the Zoning Ordinance Amendment and Development Agreement.

The motion included a modification to Condition No. 27 to provide that the number of delivery trips shall be in accordance with State law.

AYES: Mulvey, Baggett, Hansen, Kirkley

NOES: None

ABSENT: Trudgen

ABSTAIN: None

MOTION PASSED 4-0-1

6. Adjournment

Chair Mulvey adjourned the meeting at 8:28 p.m.