Supplemental Packet - Planning Commission Special Meeting Agenda

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

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1. Public Forum

Discussion items only, no action to be taken. Any person may address the Commission at this time upon any subject within the jurisdiction of the Planning Commission; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent meeting. Please note – there is a five (5) minute limit per topic.

A. Meeting Overview

B. Correspondence received through July 2

SUTTER CREEK 1854

JEWEL OF THE MOTHER LODE

STAFF REPORT

TO: PLANNING COMMISSION

MEETING DATE: JULY 1, 2026

FROM: TOM DUBOIS, CITY MANAGER

SUBJECT: MEETING OVERVIEW

Commissioners,

We may have a large number of people at the Special Meeting on July 8th, so I wanted to outline how the meeting will be managed based on our protocols to let us get through the item.

This is a quasi-judicial item - Planning Commissioners are acting in a “judge like” role, interpreting and applying the City ordinances to the application before you. We will follow these steps during the meeting:

1. **Disclosure:** The Chair will ask each of you in turn if you have anything to disclose. You disclose if you talked to anyone who shared information not in the staff report and attachments. If you did, you name the person and describe the information you received. If you met with people, but did not learn anything not in the packet, then you can say you have nothing to disclose.
2. **Staff Report:** City staff will present an overview of the application
3. **Applicant**: Applicant is given up to 10 Minute to present their project
4. **Public Comment:** The Planning Commission has the legal right to get through the planning commission’s work. This can mean adjusting public comment time. The Chair will adjust the time per speaker based on the number of total speakers. She can suggest that if people agree with a previous speaker they simply indicate that, rather than use time which may prevent others from speaking. Total time for Public comment can be limited to ensure you can hear the item.
5. **Applicant Response:** Applicant is given up to 5 Minutes for a rebuttal. Public comment is over.
6. **Planning Commission Questions and Debate:** The planning commission then discusses the issue. You can ask clarifying questions and debate amongst yourselves. You can bring people up to the microphone to ask follow up questions.
7. **Motions and voting:** Commissioners make motions and vote. You should cite the findings that support your motion and seek a second.

Because of some of the comments received, the City Attorney will attend to answer questions as well.

Attached to this letter is a supplemental packet of correspondence received since the Planning Commission packet was published up until this report was written.

GENERAL SERVICES ADMINISTRATION
GLENN SPITZER, DIRECTOR
MAIL: 12200-B Airport Road, Jackson, CA 95642
LOCATION: 12200-B Airport Road, Martell, CA
PHONE: (209) 223-6759 E-MAIL: gspitzer@amadorcounty.gov

June 22, 2026

Via Email to listed email addresses
To City Council for City of Sutter Creek
Council Member Claire Gunselman: Cgunselman@cityofsuttercreek.org
Council Member Julia Sierk: jsierk@cityofsuttercreek.org
Council Member Susan Feist: sfeist@cityofsuttercreek.org
Council Member Dan Riordan: driordan@cityofsuttercreek.org
Council Member Jim Swift: jswift@cityofsuttercreek.org
City Manager Tom DuBois: tdubois@cityofsuttercreek.org
City Planner Erin Ventura: eventura@haugebrueck.com

Re: Proposed Marijuana Retail Facility (July 8 Planning Commission) Supplemental Comment

Dear Sutter Creek City Council:

This letter supplements the County's comments in its June 3, 2026 letter. Having since reviewed the staff report for the dispensary item, the County would like to address some of the legal issues raised in that report.

1. The staff report incorrectly dismisses the public health and safety issues as "social concerns."

In the section titled, "Social Concerns Are Not CEQA Impacts," the staff report mischaracterizes all the County's issues as "social concerns" that fall outside the purview of CEQA. The reason for the mischaracterization is CEQA Guidelines, section 15064(e), which states that economic or social changes generally do not qualify as significant impacts under CEQA.

It is true the dispensary will have wide-ranging social and cultural impacts on the County, and the City should consider those detrimental impacts to the general welfare as a basis for rejecting the use permit application. That said, the focus of the County's letter was *not* on social issues (such as crime and homelessness). Instead, the letter focused on impacts to public services and to public health and safety. These impacts are unquestionably CEQA issues.

Public service impacts are routinely analyzed under CEQA. In fact, public service impacts are specifically called out in Appendix G of the CEQA Guidelines, which is part of CEQA's "Initial Study" analysis. Public health and safety are also critical to CEQA. Project effects that "will cause substantial adverse effects on human beings, either directly or indirectly" are deemed a "significant effect on the environment." (Pub. Res. Code § 21083(b)(3).) The California Supreme

Court stated "the Legislature has made clear—in declarations accompanying CEQA's enactment—that public health and safety are of great importance in the statutory scheme. (E.g., [Pub. Res. Code] §§ 21000, subds. (b),(c),(d), (g), 21001, subds. (b), (d) (emphasizing the need to provide for the public's welfare, health, safety, enjoyment, and living environment).)" (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 386.)

Along with the County's June 3 letter detailing public services and public health and safety impacts, the County submitted substantial evidence into the administrative record, including over 20 studies, reports, and articles detailing the detrimental impacts on public health and safety. For example, one 2026 study by the American Journal of Preventive Medicine showed that local *commercialization* of marijuana (occurring well after legalization) led to a 346% increase of use by adolescents (aged 12-17) and a near 400% increase in related medical disorders for these teens.

Embarc touts age verification protocols that purport to prevent adolescent use of marijuana. All retail facilities have these protocols, yet the evidence shows a near four-fold increase in use and associated harm despite these protocols. This is because teens use what they call "plugs" to buy from the facilities. These plugs are often older friends or siblings, someone local on social media willing to assist for a quick buck, or even unwitting parents who mistakenly believe the drug is benefiting their child. The evidence suggests that proximity is the critical factor. The more convenient the purchase, the greater the likelihood of use.

The staff report also mischaracterizes the economics by incorrectly assuming a local dispensary will not lead to increased use, but will instead simply shift the purchasing from outside the County to inside the County in a zero-sum game. This unsupported economic theory does not hold water and defies common sense. The empirical evidence, as reflected in the studies, instead shows that the convenience of a local dispensary significantly expands the market and therefore expands the use of the drug in proximity to the dispensary, particularly among adolescents. Expanded use of marijuana, particularly among teens, will significantly exacerbate the detrimental health effects for County residents.

2. The "existing facilities" exemption is inapplicable because the changed use is not "negligible."

The "existing facilities" exemption only applies to minor alterations of existing facilities "***involving negligible or no expansion of existing or former use.***" (CEQA Guidelines, § 15301 (emphasis added).) The exemption itself states: "The key consideration is whether the project involves negligible or no expansion of use." (*Id.*)

The County does not dispute that the project involves minor alterations of existing facilities. The issue here is that the project will significantly alter and expand the ***use*** of the facility—from a bank to a marijuana dispensary. This changed use, on its face, is not "negligible."

If this exemption is challenged, a court will not give the City any deference to an interpretation of the term "negligible" that deviates from its plain meaning. (*Sunflower Alliance v. Dept. of Conservation* (2024) 105 Cal.App. 5th 771, 782.) Instead, where the issue turns "on an interpretation of the language of the Guidelines or the scope of a particular CEQA exemption, this presents 'a question of law, subject to de novo review[.]'" (*Holden v. City of San Diego* (2019) 43 Cal.App.5th 404, 410 (internal citations omitted).) A court's task is "to determine whether, as a matter of law, the project met the definition of a categorically exempt project." (*Id.*)

The court "will stay within the reasonable scope of the exemption's language … and bear in mind its commonsense purpose." (*Sunflower Alliance,* 105 Cal.App.5th at p. 782.) Also, "a categorical exemption should be interpreted narrowly to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*L.A. Dept. of Water & Power v. County of Inyo* (2021) 67 Cal.App.5th 1018, 1040.)

As the *Sunflower Alliance* court noted, the term "negligible" sets the outer limits of a permissible expansion. (*Sunflower Alliance,* 105 Cal.App.5th at p. 784.) The court noted that "[t]he plain meaning of 'negligible' is small, unimportant, or inconsequential." (*Id.*)

Thus, "it makes sense that the term negligible is intended to allow changes or expansions in use that are inconsequential[.]" (*Id.*) The City is precluded from using this exemption when the proposed change has the potential to cause appreciable harm—anything more than a "negligible" harm. (*Id.*) Use of the exemption necessarily requires a preliminary analysis of the environmental and public health and safety harms at the exemption stage. (*Id.* at p. 785-786.) As the listed examples within section 15301 imply, the exemption is generally intended for restoration, alterations, or incremental expansions of the same or similar uses. (CEQA Guidelines, § 15301.) It is not intended for new uses that introduce a range of new impacts. (*Id.*)

Here, the change in use is not "negligible." The change transforms a bank to the first-in-the-County marijuana dispensary with delivery capabilities and projected sales of more than $6,000,000 of marijuana products annually—over $500,000 per month. Staff and Embarc anticipate "flooding the zone" with marijuana. The evidence presented by the County flatly refutes the prior unsubstantiated myth that marijuana is beneficial or that it is harmless, and the evidence shows that commercialization is a direct cause of substantial harm to public health and safety. This project is not a "negligible" change under any reasonable interpretation of that term.

Moreover, staff's own traffic analysis shows the expanded traffic use is not "negligible." Staff assumed the dispensary would generate 150 daily trips per 1,000 sf, for a total of 195 daily trips (assuming 1,300 sf retail space). Even using this assumption, the dispensary would generate 30% more traffic than the bank (assuming the bank generated 150 total daily trips). A 30% increase in traffic is not a "negligible" increase.

But this 30% conclusion is unreasonably optimistic. Per the ITE Trip Generation Manual, the range for dispensaries is 70-250 daily trips. Based on the extraordinary estimated sales of over $6,000,000 per year, Embarc's proposed monopoly on the region's marijuana market, Embarc's delivery capabilities, and Embarc's ever-increasing market of "Buy Online, Pick Up In Store," the 150 trips per 1,000 sf is unreasonably low—in the bottom half of the range. Also, the assumption that the low-trafficked localized Umpqua Bank generates 150 trips per day is also unreasonably high as a baseline. That assumption makes sense for a Bank of America, Wells Fargo, or other major national bank, not an obscure, local bank like Umpqua Bank. If staff had used a more reasonable daily trip assumption for the dispensary, and a more realistic baseline for the bank, the traffic increase would be far greater than 30%.

3. The "unusual circumstances" exception bars the use of any categorical exemption.

"A categorical exemption shall not be used for an activity where there is a *reasonable possibility* that the activity will have a significant effect on the environment *due to unusual circumstances.*" (CEQA Guidelines, § 15300.2(c)(emphasis added).) Reliance on the exception requires a showing of unusual circumstances and a showing of potential significant impacts as a result of the unusual circumstances. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1104.) Alternatively, a challenger "may establish an unusual circumstance with evidence that the project *will have* a significant environmental effect." (*Id.* at p. 1105-1106 ("When it is shown 'that a project otherwise covered by a categorical exemption will have a significant environmental effect, it necessarily follows that the project presents unusual circumstances.").)

Unusual circumstances relate to some feature of the project that distinguishes the project from other features in the exempt class. (*Walters v. City of Redondo Beach* (2016) 1 Cal.App.5th 809, 819.) For example, in *Walters,* the court held that a city can negate the "unusual circumstances" exception by showing "the presence of comparable facilities in the immediate area[.]" (*Walters,* 1 Cal.App.5th at p. 821 (*citing Bloom v. McGurk* (1994) 26 Cal.App.4th 1307). The *Walters* court ultimately concluded a proposed car wash and coffee shop did not present an unusual circumstance because there were multiple similar uses "in the surrounding area." (*Walters*, 1 Cal.App.5th at p. 821.)

The unusual circumstances here are that the project involves the sale of marijuana—over $6,000,000 worth per year. There are no similar uses in the surrounding area. In fact, this project is highly unusual because it would be *the first* marijuana dispensary in the entire County. This feature of the project clearly distinguishes this project from other features in the exempt class, and it distinguishes it from all other uses in the County.

The staff report concludes that the exception does not apply because "[p]olitical or cultural novelty does not legally constitute an unusual circumstance." However, as discussed above, this feature (the retail sale of marijuana) is not merely a social issue. Instead, the circumstances of a marijuana retail facility present a host of impacts that require CEQA analysis—impacts that do not arise from any other business in the County.

Because the dispensary intends to sell over $6,000,000 worth of marijuana in the County annually, there is more than a "reasonable possibility" that the project will have a significant impact on public services and public health and safety in the County. For this reason, even if it is assumed the "existing facilities" exemption were appropriate (and it's not), the "unusual circumstances" exception prevents the City from using the exemption.

4. The development agreement poses an unconstitutional tax.

Staff acknowledges in its report that the 8% "fee" is "assessed on the business's gross receipts," and therefore acts like a sales tax. It is plainly not a development fee—*i.e.,* one that has a nexus to, and is roughly proportionate to, the development impacts.

Staff believes that the constitutional exception to the "tax" definition is met merely because the "fee" results from a voluntary, bilateral contract. Staff is wrong. This does not create an exception to the "tax" definition under Article XIII C, Section 1, subdivision (e), of the California Constitution.

Staff also contends the "fee" is legal because it is paid by the developer, not the public. Again, staff is wrong. The "fee" comes from the sales. The people who actually pay are the members of the public who purchase the marijuana, not the developer. There is no getting around the fact that this is an illegal sales tax (illegal because the public did not vote on it).

Again, the County thanks the City for providing the opportunity to comment.

Sincerely,

Glenn Spitzer

cc: County Board of Supervisors,
Chuck Iley (County Administration Officer),
Greg Gillott (County Counsel)

June 30, 2026

Via Email

Tom DuBois, City Manager
City of Sutter Creek
18 Main Street Sutter Creek,
CA 95685
tdubois@cityofsuttercreek.org

Re: Response to Amador County General Services Administration Supplemental Comment Letter, Dated June 22, 2026 — Proposed Cannabis Retail Facility at 11 Ridge Road (APN 044-020-063); July 8, 2026 Planning Commission Hearing

Dear Mr. DuBois:

This letter is submitted on behalf of Sutter Creek Responsible and Compliant Retail LLC ("Permittee") in response to the Supplemental Comment Letter submitted by Amador County General Services Administration Director Glenn Spitzer, dated June 22, 2026 (the "County Letter"). The County Letter advances four arguments against the proposed cannabis retail facility at 11 Ridge Road (the "Project"): (1) that the staff report wrongly characterized the County's public health concerns as non-CEQA social concerns; (2) that the categorical exemption under CEQA Guidelines section 15301 is inapplicable; (3) that the "unusual circumstances" exception bars reliance on any categorical exemption; and (4) that the eight percent retail fee in the Development Agreement is an unconstitutional tax. Each argument fails on the law and the facts, and we respectfully request that this letter be entered into the administrative record for the July 8, 2026 Planning Commission hearing.

One threshold point frames the entire CEQA discussion. The County's lead authority, *Sunflower Alliance v. Department of Conservation* (2024) 105 Cal.App.5th 771, is presently under review in the California Supreme Court (S287414, review granted Dec. 18, 2024; argued Apr. 6, 2026). Under California Rules of Court, rule 8.1115(e)(1), while review is pending that decision has no binding or precedential effect and may be cited for persuasive value only. The County presents it as settled, controlling law. It is not, and, as explained below, the decision as written actually supports the City.

1. The County's Public Health Concerns Do Not Identify a Significant Environmental Effect of This Project.

The County contends that the staff report improperly treated its public health and safety concerns as "social concerns" outside CEQA. The argument conflates the existence of a cognizable CEQA category with the adequacy of the evidence offered to invoke it, and it fails for two independent reasons.

First, the County's evidence is not substantial evidence of an effect of this Project. On a challenge to a categorical exemption, the party opposing the exemption bears the burden of producing evidence that an exception applies. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1105.) The County submitted more than twenty studies on the effects of cannabis commercialization at the statewide and national level. Not one is specific to this Site, this building, or the conditions of this corridor. CEQA requires substantial evidence — fact, reasonable inference from fact, or expert opinion supported by fact — not speculation extrapolated from macro-level research across diverse jurisdictions. (Pub. Resources Code, § 21080, subd. (e); CEQA Guidelines, § 15384.) Research that legalization in the aggregate may increase use rates says nothing about whether this retail use, in this existing commercial building, will cause a significant effect on the physical environment at this location. The County's invocation of Public Resources Code section 21083, subdivision (b)(3) does not cure the gap: effects on human beings must be tethered to the project under review, and the County offers no project-specific evidence.

Second, the effects the County describes are not physical environmental effects at all. CEQA is concerned with physical changes in the environment, and with effects on people that travel through a physical pathway — air, water, noise, hazards. It does not require review of the behavioral or social consequences of consuming a lawful product. The California Supreme Court has confirmed that CEQA generally does not require an agency to analyze how a project may affect the people who use it, absent a statutory exception. (*California Building Industry Assn. v. Bay Area Air Quality Management Dist*. (2015) 62 Cal.4th 369.) The County's theory — that a retailer must undergo environmental review because its lawful products may affect those who choose to buy them — would equally require an EIR for every seller of alcohol, tobacco, firearms, or pharmaceuticals. That is not the law.

2. The Section 15301 "Existing Facilities" Exemption Is Properly Invoked.

The County does not dispute that the physical work is minor: this is a tenant improvement of an existing commercial building, with no change to the building footprint, no new construction, and no expansion of the building envelope. Its argument rests entirely on the contention that the change from a bank to a cannabis dispensary is a non-negligible expansion of use. It is not.

The use category has not changed. The prior use was commercial retail — a bank branch serving walk-in customers during business hours. The proposed use is commercial retail — a licensed dispensary serving walk-in customers during business hours. Both are permitted commercial uses in a commercially zoned building. What has changed is the product sold. Under the County's theory, any change in retail product, from clothing to electronics, groceries to pharmaceuticals, would be a non-negligible change of use triggering full CEQA review. Section 15301 does not require that, and no court has so held.

The County's reliance on *Sunflower Alliance* does not help it, for two reasons. First, as noted, the decision is under Supreme Court review and is not binding. Second, the County mischaracterizes it. *Sunflower Alliance* did not involve new wells, new infrastructure, or expanded production capacity; it involved a single, previously plugged well converted to injection using the existing well pad and access road, with no significant new surface equipment. The Court of Appeal upheld the Class 1 exemption and rejected the very argument the County makes here, that any new use is an impermissible expansion. It held that an expansion of use is "negligible" when the risk of environmental harm from the new use is negligible. Under that standard, a commercial-to commercial conversion of comparable intensity, in an existing building, comfortably qualifies.

The County's traffic argument does not change the result. Since July 1, 2020, the controlling CEQA metric for the transportation impacts of a land use project has been vehicle miles traveled (VMT), not level of service or raw trip counts. (Sen. Bill No. 743 (2013–2014 Reg. Sess.); CEQA Guidelines, § 15064.3.) Under the Governor's Office of Planning and Research guidance, a small, locally serving retail use is presumed to have a less-than-significant VMT impact; this Project in fact reduces regional VMT by capturing cannabis-retail trips that currently travel roughly 22 to 32 miles each way to dispensaries in neighboring counties. The administrative record also includes a trip-generation analysis under the ITE Trip Generation Manual (11th ed.) showing only a negligible incremental increase over the prior banking use. The County disputes the City's transportation conclusion but offers no competing traffic study, no expert declaration, and no site specific data. Disagreement with methodology, without contrary evidence, is not substantial evidence that the exemption is unavailable. (*Bowman v. City of Berkeley* (2004) 122 Cal.App.4th 572, 581.)

Finally, the City's determination rests on the Class 1 exemption, and for the reasons above that reliance is well founded. Should the Commission wish to further insulate its determination, two additional independent grounds are available on this record: the Class 32 infill exemption (§ 15332) and the common-sense exemption (§ 15061, subd. (b)(3)) — the latter a general exemption not subject to the "unusual circumstances" exception — and the Commission may rest its determination on those grounds as well. In all events, cannabis dispensaries have been approved in existing commercial buildings under section 15301 throughout California since 2016, and we are aware of no successful challenge to such an exemption on the grounds the County advances.

3. The "Unusual Circumstances" Exception Does Not Apply.

The exception requires both (1) a circumstance unusual for projects in the exempt class, and (2) a reasonable possibility that the unusual circumstance will produce a significant environmental effect. (*Berkeley Hillside*, supra, 60 Cal.4th at pp. 1105–1106.) The County satisfies neither prong.

As to the first, the County identifies only that this would be the first dispensary in Amador County. Novelty in a single jurisdiction is not an unusual environmental circumstance; the relevant comparison is to other minor alterations of existing commercial buildings, and against that benchmark this Project is ordinary. (*Walters v. City of Redondo Beach* (2016) 1 Cal.App.5th 809, 819.) Cannabis retail is a lawful, state-regulated use expressly authorized by Proposition 64; its novelty in Amador County is a political and regulatory fact, not an environmental one. If first-in jurisdiction novelty were an unusual circumstance, the exception would swallow the rule. As to the second, the County identifies no site-specific condition, no sensitive receptor, biological resource, or traffic constraint, creating a reasonable possibility of a significant effect at 11 Ridge Road. Notably, in *Sunflower Alliance* itself the challenger waived any unusual-circumstances argument, so that decision offers the County no support on this point either. And, again, the common-sense exemption is not subject to this exception.

4. The Retail Fee Is a Negotiated Development Agreement Fee, Not an Unconstitutional Tax.

The retail fee is not a tax. It is a voluntary, bilaterally negotiated obligation in a Development Agreement entered under Government Code sections 65864 et seq. It is not imposed by ordinance or legislative act, is not levied on the general public, and is not collected from consumers at the point of sale. It is consideration the Permittee agreed to pay in exchange for vested rights and regulatory certainty —the right to operate at this location for a five-year term, free of intervening changes in local land use regulation.

For that reason the fee is not "imposed" within the meaning of Article XIII C. Proposition 26 reaches charges "imposed by a local government"; a charge voluntarily assented to in an arm'slength contract is not imposed. (*Sinclair Paint Co. v. State Bd. of Equalization* (1997) 15 Cal.4th 866; see *Santa Margarita Area Residents Together v. San Luis Obispo County Bd. of Supervisors* (2000) 84 Cal.App.4th 221 [a city may use a development agreement to negotiate contributions it could not obtain through ordinary exactions].) Independently, the fee falls within the express exception in Article XIII C, section 1, subdivision (e)(6), for "a charge imposed as a condition of property development." Development agreement fees are a paradigmatic example, and the County's own June 3 letter conceded that the fee "potentially meets exception No. 6."

The County's contention that the fee is "really" a sales tax because it is measured on gross receipts confuses the metric with the legal character of the charge. Gross receipts is an unremarkable basis for contractual payment, used in franchise, revenue-sharing, and licensing agreements statewide, none of which require voter approval. Nor does the County's fallback — that consumers ultimately bear the fee through prices — transform it into a tax; on that logic every cost a retailer passes through (rent, utilities, wages, insurance) would be a tax. No court has adopted that view. *Zolly v. City of Oakland* (2022) 13 Cal.5th 780 is not to the contrary: it concerned franchise fees on captive ratepayers under a different constitutional exception, not a negotiated development-agreement fee in a voluntary, competitive market.

Finally, the constitutional theory is not the County's to press. The County is not a party to the Development Agreement (Gov. Code, § 65865.4) and is not the entity that pays the fee; the economic incidence of any "tax" would fall on consumers who voluntarily purchase, and no such claim is ripe before any fee is collected. (We do not dispute that the County, as a commenting agency, may have standing to raise CEQA issues; the constitutional tax theory is a separate matter, and it is not one the County has standing to litigate.)

5. The County's Role in This Proceeding.

The County is entitled to comment, and the City should weigh its policy concerns seriously — concerns the Development Agreement already addresses through mandatory age verification, security and law-enforcement camera access, youth drug-education funding, and a community benefits program. But this is a land use decision within Sutter Creek's incorporated limits. California voters preserved local control over cannabis retail when they approved Proposition 64, and the County has no land use jurisdiction, and no independent CEQA authority, over a project inside the City. The County may disagree with the City's policy choice; it may not substitute its judgment for the City's on a matter committed to the City's discretion.

Conclusion

The County's Supplemental Comment Letter is a capable statement of policy opposition to cannabis retail, but it provides no cognizable legal or factual basis for the City to deny the Project, decline to execute the Development Agreement, or undertake further CEQA review. Its CEQA arguments rest on generalized studies rather than site-specific evidence; its lead authority is under Supreme Court review and, as written, supports the City; its traffic argument relies on a significance standard abandoned in 2020; and its constitutional argument misapprehends the nature of a negotiated development agreement fee. The policy disagreement underlying the County's letter was resolved by California voters in 2016.

Permittee respectfully urges the City to proceed with approval of the Project and execution of the Development Agreement at the July 8, 2026 hearing, and requests that this letter and the authorities cited herein be entered into the administrative record in their entirety. Please contact the undersigned with any questions.

Sincerely,

Eric Lightman, Esq.
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
Erin Ventura, City Planner (eventura@haugebrueck.com)
Josh Lewis, Embarc (jlewis@goembarc.com)
Greg Gillott, Amador County Counsel

From: Martin Ryan <jacksontiger69@gmail.com>
Sent: Friday, June 26, 2026 2:35 PM
To: info@cityofsuttercreek.org; Pam Caronongan <pcaronongan@cityofsuttercreek.org>; eventura@haugebrueck.com
Subject: Correspondence Submission to Planning Commission re: EMBARC

Please add the downloaded document to the official record of correspondence regarding the EMBARC dispensary application/Planning Commission Review.

Thank you,
Martin Ryan

Sutter Creek

PLEASE add my comments to the official record of the City of Sutter Creek Planning Commission's pending consideration of the proposed EMBARC Marijuana Dispensary.

I am strongly opposed to the City of Sutter Creek's consideration of amending its existing City Ordinanc creation of a marijuana dispensary within the city limits, which would be the only dispensary allowed in A My opposition is based on my research and professional training and experience which produced the following proven **FACTS** concerning the alarming impacts of marijuana on our youth here in Sutter Creek and Amador County if this project is allowed.

FACT: In the 1970's, marijuana's psychoactive THC potency levels averaged 1-3%. Today, Indoor cultivation and breeding have increased THC potency to 15-30%. Products like marijuana-based oils, waxes and vapes can now contain THC at 50%-90%. My Internet search reveals that **EMBARC sells marijuana concentrates and vapes at over 90% THC.**

FACT: While you must be 21 years of age or older to obtain a Recreational Marijuana Card in California, **18-20-year-olds may purchase an online Annual Medical Marijuana Recommendation for under $100 after a brief online consultation with a doctor which can be used immediately.**

FACT: **Medicinal marijuana recommendations in California do not set individual limits on THC potency**, only the amount of product to meet the expressed medical need.

FACT: The California Department of Cannabis Control stated in 2024 that human brain activity develops until age 25 and that **daily cannabis use, near-daily cannabis use, or higher potency use has been linked to schizophrenia, depression, and suicide.**

FACT: San Diego County reported in 2022 that 43% of all suicides among persons age 25 and under involved THC in their systems at time of death.

FACT: The California State Auditor reported accidental ingestion of THC by infants and children resulted in significant increases in Emergency Room visits. Children under 5 were the most vulnerable with ER ingestion cases increasing 1,477.7% from November 2016 to 2023. National Poison Control calls for children 0-12 years for THC edible exposure jumped 752% between 2018 and 2023.

FACT: A 2021 report noted that 33% of fatal accidents in Mendocino County and 24% in Santa Cruz County involved positive tested marijuana drivers. Nationwide, a 2025 study by the American College of Surgeons noted that 40% of deceased drivers tested positive for active THC.

FACT: A 2019 Addictions, Drug, and Alcohol Institute report stated that THC and CBD can react negatively with many common and critical prescription drugs by either magnifying or negating their intended effect.

Examples include Anti-anxiety, anti-depressant, and anti-psychotic, and pain medications.

The above proven facts clearly expose the significant threats that a marijuana dispensary in Sutter Creek presents to the youth of Sutter Creek and Amador County.

The City of Sutter Creek views this marijuana dispensary as a means to improve the City's financial situation. It is noted that the voters in Sutter Creek approved Measure P, an increase to the local sales tax of 1% which is projected by the City to annually bring $600,000 into the City budget which the Ledger-Dispatch has reported to be $7.92 million in 2025-2026. This report includes General Fund revenue of $2.2 million and solid financial reserves of around 40%. Measure P tax revenue, as projected by the City, will be a nearly 30% increase in the General Fund without the expected harm to our youth associated with this marijuana dispensary.

JUNE 26,2026

Martin Ryan

Former Amador County Sheriff 2007-2021

Sutter Creek

From: Brian Comnes <bcomnes@yahoo.com>
Sent: Tuesday, June 30, 2026 11:45 AM
To: eventura@haugebrueck.com; info@cityofsuttercreek.org; Pam Caronongan <pcaronongan@cityofsuttercreek.org>; jsierk@cityofsuttercreek.org; jswift@cityofsuttercreek.org; Dan Riordan <driordan@cityofsuttercreek.org>; Claire Gunselman <cgunselman@cityofsuttercreek.org>; sfeist@cityofsuttercreek.org
Subject: Comments to Planning Commissioners for the July 8, 2026 meeting

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

We urge you to reject the dispensary application, the proposed ordinance changes and the other recommendations put before you by City staff for July 8 meeting. Approving a cannabis dispensary in Sutter Creek would be a shame.

The dispensary application before you is for a business currently illegal in Sutter Creek, not to mention the whole of Amador County and over half the cities and towns throughout the state. You have an opportunity to keep it that way.

The City staff recommendations will certainly advance the cultural degradation of our City - The Jewel of the Mother Lode.

Assertions and decisions by City staff that a dispensary is not a threat to public health and safety are disingenuous and openly ignore a large body of evidence that has been submitted to you by myself and others in your agenda materials.

The CEQA exemption is clearly in error for reasons detailed by Amador County's letters submitted to you in response to this application. Do not approve the faulty CEQA exemption before you.

The development agreement is admitted by City staff as a way to avoid a citizen vote for a new tax required by California constitution. That 8% tax and 1% community fund requirement are both taxes paid by applicants customers. New taxes, under the California constitution require a vote of the people. You don't even have a vote from the City Council for the tax. All the Council did on 2/17 was approve (by 3-2 vote) that staff explore and report back to them on a "pilot" project. (see minutes of 2/17 Council Meeting.) They also voted that night unanimously to return the study results direct to themselves not the Planning Commission. Yet here it is before you as resolutions for approval to modify City Code/Ordinances.

The recommended approvals come from unelected staff, not the Council. The conditional use permit and site plan simply ignore health and safety impacts of selling $42million of high potency THC products in our City. In spite of numerous letters to you outlining documented evidence of THC harm and pitfalls, City staff is asking you to i[...] these critical factors required to meet the standards of public health and welfare as required by CEQA , the County General Plan and charter of the Planning Commission. Don't approve those items.

Amador Count and all its incorporated cities all currently prohibit such dispensaries, including Sutter Creek. Let's keep it that way.

Question 1 - How can you even process an application for a use permit for a business that is still illegal in the City? Until the ordinance banning dispensaries is amened, your response to applicant should have been a quick declination. In effect you are investing City effort and time into pursuing an illegal operation.

Question 2 - At City Council's June 1 meeting there was a review of the draft City Budget. City manager reported this:

"With the ongoing collection of Measure P (Transaction and Use Tax) funds into our baseline planning, as well as some generous donors and grants,and impact fees from Valley View Commons apartments, the City is well-positioned to address critical infrastructure needs while maintaining healthy reserves. "

So why do we need a dispensary?

Question 3 - Why should Sutter Creek join the minority of cities and towns that allow dispensaries?

- Of California’s 58 counties only 24 allow some form of retail cannabis, meaning roughly 59% of counties ban recreational dispensary sales.
- Of California’s 482 municipalities (cities) only 161 permit dispensaries, which means roughly 67% of California cities ban recreational dispensaries (321 of 482).

Why is that ?

Question 4 - Extra revenue is enticing, but at what cost to the safety and health youth? The applicant's 5 year business plan is clear. They expect to sell $42mm of THC products in our community. That is a lot of THC product that will "leak" out to our youth community. ACUSD made it clear that they expect drug use in our schools to go up if you approve this application. Don't do it!

Today, ACUSD reports one in four of their 11th graders are reporting usage of Marijuana. See the chart.

Amador County Unified School District

CA Healthy Kids Survey

Summary of Reported Marijuana Use

CHKS 24/25	Student Sample:	Marijuana (smoke, vape, eat, or drink) (Age of Onset)
7th	344	5% (age 10-14yrs) 95% (never have used)
9th	341	20%(age 10-16yrs) 79% (never have used)
11th	181	27% (age 10-17yrs) 74% (never have used)

Question 5 - What about property taxes? A Sutter Creek dispensary forces County to deal with the documented problems related to THC. In response to you RFC, Amador County was very clear they expect their costs to go up with NO access to that bonus

revenue. The result - we all will pay more property tax to cover that!

Question 6 -What is the likely cultural degradation to the Jewel of the Mother Lode.? Applicant openly sells "getting high." Applicant prides itself in its ability to "destigmatize" cannabis in the face of a lot of evidence that high potency THC has known negative effects. At near 90% concentrations, THC is not a "wellness" product as claimed by vendor. That impaired experience is what the applicant actively markets and sells.

Question 7 - What other establishments in Sutter Creek sell products that require a vendor funded youth safety education program? Applicant itself , in essence, is admitting that THC is really bad for kids and that is why they throw in a "youth education" program. The hypocritical part is applicant's corporate mission is to "destigmatize" the marijuana experience and help you "discover you high" once you get a little older. Teens quickly see the cynicism that juxtaposition of "its bad now, but something good to discover later." Teens quickly get cynical of being told THC is bad but see the City condoning (requiring?) more drug sales.

Question 8 - Who has been reaching out to City Council on this issue? What do they think? A review of correspondence received by Council yields the following data. It's clear that those who bother to reach out reject a dispensary 8 to 1.

	Council correspondence received	
council date	against	for
2/17	0	0
3/2	4	0
3/16	60	6
4/6	7	1
4/20	3	0
5/4	0	0
5/18	2	0
6/1	3	4
6/15	1	1
Total to date	80	12

Other information to consider:

- There is more and more evidence that cannabis, particularly that containing THC, is not a healthy product (see web links and attachments that follow).
- The Amador Highway Patrol DUI data related to marijuana DUI's show increased arrests since state legalization in 2017 (from 86 in 2016, 126 in 2017, 114 in 2018, 120 in 2019, 107 in 2020).
- Dispensaries require a security guard. What does this suggest about the nature of applicant business?
- Here is what California's Dept. Cannabis control has to say

Mental Health

There are potential risks to your mental health from cannabis use.

Research suggests that mental health disorders may develop or worsen from:

- Daily cannabis use
- Near-daily cannabis use
- Higher-potency cannabis use

These types of use have been linked to Cannabis Use Disorder, and may lead to:

- Hallucinations
- Schizophrenia
- Depression
- Anxiety
- Temporary psychosis
- Thoughts of self harm
- Suicide attempts
- Suicide

Minors and Young Adults

Our brains actively develop until around the age of 25. Using cannabis regularly while younger can cause long-term problems with thinking and mental health.

Parents, be aware. Edibles and other cannabis products can be mistaken for food or candy. Like medications, you should keep cannabis products in child-resistant packaging. Store and dispose of cannabis products where they cannot be easily seen or accessed by children and pets.

California Poison Control:	(800) 222-1222
Animal Poison Control:	(888) 426-4435
Dept of Cannabis Control:	cannabis.ca.gov
Dept of Public Health:	cdph.ca.gov

Department of Cannabis Control
CALIFORNIA

If raising revenue is the primary impetus for amending the cannabis ordinance in order to permit a dispensary, can't we find healthier ways to raise revenue?

We urge you to not turn to drug profits to fund City needs. Protect Amador Teens! Please reject this application and its supporting documents.

Sincerely,

Brian and Barbara Comnes,

Sutter Creek

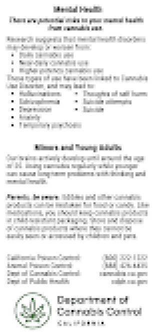
list of attachments

===== NEGATIVE HEALTH EFFECTS OF CANNABIS ======

1. SAMHSA Know the Effects, Risks and Side Effects of Marijuana https://www.samhsa.gov/substance-use/learn/marijuana/risks
2. CDC Cannabis https://www.cdc.gov/cannabis/health-effects/index.html
3. NORTHWESTERN MEDICINE How Cannabis Use Impacts Long-Term Health https://www.nm.org/healthbeat/healthy-tips/how-cannabis-use-impacts-long-term-health
4. Frontiers in Psychiatry The Behavioral Sequelae of Cannabis Use in Healthy People https://www.frontiersin.org/journals/psychiatry/articles/10.3389/fpsyt.2021.630247/full
5. CU Anschutz Medical Campus Largest Study Ever Done on Cannabis and Brain Function Finds Impact on Working Memory https://news.cuanschutz.edu/news-stories/largest-study-ever-done-on-cannabis-and-brain-function-finds-impact-on-working-memory
6. Mayo Clinic Most of the side effects of cannabis are due to the THC content. But different types of cannabis have different amounts of THC. This can make it very hard to know the right amount to take. The side effects seem to be worse the higher the dose of THC a person uses. https://www.mayoclinic.org/drugs-supplements-marijuana/art-20364974
7. Extract from DCCC flyer

Section 1, Item B.

7 attachments



flyer.png
316K

Tsamhsa the Effects, Risks and Side Effects of Marijuana (Weed, Cannabis, THC) _ SAMHSA.pdf
433K

MAYO Marijuana - Mayo Clinic.pdf
226K

Frontiers _ The Behavioral Sequelae of Cannabis Use in Healthy People_ A Systematic Review.pdf
1193K

CDC Cannabis Health Effects _ Cannabis and Public Health _ CDC.pdf
193K

NW How Cannabis Use Impacts Long-Term Health _ Northwestern Medicine.pdf
216K

ANSCHUTZ Largest Study Ever Done on Cannabis and Brain Function Finds Impact on Working Memory.pdf
3884K

Gmail

Barbara Comnes <barbara.comnes@gmail.com>

Marijuana dispensary

1 message

Barbara Comnes <barbara.comnes@gmail.com> Mon, Jun 15, 2026 at 5:13 PM
To: Dan Riordan <driordan@cityofsuttercreek.org>, Claire Gunselman <cgunselman@cityofsuttercreek.org>, "jsierk@cityofsuttercreek.org" <jsierk@cityofsuttercreek.org>, "sfeist@cityofsuttercreek.org" <sfeist@cityofsuttercreek.org>, jswift@cityofsutter.org
Cc: pcaronangan@cityofsuttercreek.org

Pam: please enter this email into the administrative record.

Council Members:

The Council, in entering into a Development Agreement with Embarc for a marijuana dispensary, will reckon its profits in dollars and losses in lives.

These profits will depend on pushing $6-10M+ (from the dispensary's business plan) of marijuana products annually into our small Amador County, community, including much of it with high potency THC. Since legalization, these high potency products have been demonstrated in numerous studies to be harmful, particularly to persons under age 25.

The City will partner with a company that has publicly declared it is their goal to transform non-users who are unfamiliar with or fearful of marijuana into users, in other words, create more drug users.

Pulling its 8% cut from the Embarc dispensary's gross income under a special agreement, the City will effectively become a drug dealer/investor. More sales will mean more money for the City. More sales will mean more drug use by the community, more getting "Stoned to the Bone", to use an Embarc expression and sales pitch. More drug use in the community will mean more of the problems that attend drug use, primarily at the expense of the County.

Consider:

- While plowing ahead to open a dispensary for that 8% cut, even though a ban is in place, the City Manager at the same time reports, ". . . the City is well-positioned to address critical infrastructure needs while maintaining healthy reserves. Comparing this year's budget to last year, we largely accomplished our goals of creating a sustainable budget." Thus, the City does not need to turn to drug dealing in order to balance its budget.
- City staff maintains this 8% cut is not a tax. Were it a tax there would have to be a vote by the electorate, as with Prop P, which staff wishes to avoid. Why? Embarc will be paying a much larger portion of their income to the City than other local businesses, but they could raise their prices given they would have no competition in the County. Or would they—the black market, which has not gone away with legalization?
- Neither you nor City staff have publicly responded to the many concerns and questions that have been raised about the dispensary during the past few months by citizens and county officials. Instead citizens were told to attend Embarc's "town halls" to get answers to their questions. Do you think Embarc can be fair and unbiased while speaking about their wares as "wellness" products? Are they capable of educating our youth about the dangers of their products while at the same time cultivating them as future customers? Are they able to explain to us what a Development Agreement for a dispensary will mean for the City?
- At the first Council meeting where the dispensary was discussed, Council Member Riordan moved that, ". . . at the end of the day, whatever information to be provided should come to the Council and ***not*** the Planning Commission." The motion carried. But this did not happen. Instead, hundreds of pages of documents regarding the logistics of running the dispensary have been prepared by staff and sent to the Planning Commission recommending that the dispensary be approved. Input from County agencies were included among the documents, but apparently ignored.

- The dispensary is set to be located a half mile walk from Independence High School and the soon-to-be constructed Danco apartments for homeless persons and the severely mentally ill. It does not ap[illegible] consideration has been given to these facts. 18 year-old students at the high school with medical marijuana cards will be able to purchase any of the dispensary products, and more of them, than persons aged 21 or older lacking such cards. It is also unlikely a coincident that the dispensary site is to be located on the busy route to the local casino and to Kirkwood Ski Resort.

- With only 17 parking slots at the dispensary site, located in a high traffic area, how will it be possible to accommodate the large numbers of customers Embarc anticipates? The property, previously a bank, has been vacant for several years.

- City staff early on maintained that if the project moved ahead, it would be a one-year pilot project which the City could cancel at any time. Instead the City is preparing to enter into a 5-year agreement with exit by the City possible only for cause.

Is it any surprise that this project feels railroaded in to many of us who have opposed to it? Having lived in both San Francisco and Portland OR and having had a close connection to Arcata CA, it greatly saddened me to watch their demise as drug culture took hold there. I do not want this to happen to this special place in which we live.

Once again I urge you to vote against the establishment of the dispensary.

Sincerely,
Barbara Comnes

Gmail

Barbara Comnes <barbara.con

Marijuana dispensary

1 message

Barbara Comnes < Tue, Mar 24, 2026 at 5:40 PM
To: Dan Riordan <driordan@cityofsuttercreek.org>, Claire Gunselman <cgunselman@cityofsuttercreek.org>, "sfeist@cityofsuttercreek.org" <sfeist@cityofsuttercreek.org>
Cc: jswift@cityofsutter.org, "jsierk@cityofsuttercreek.org" <jsierk@cityofsuttercreek.org>

To the Mayor and Members of the City Council:

After attending Embarc's meeting Sunday, I have given more thought to what a dispensary in Sutter Creek might mean. It seems to me that in return for a percentage of Embarc's revenue, the City would make a number of significant sacrifices. Consider the following:

- Wouldn't Sutter Creek sully its very long term reputation as the *Jewel of the Mother Lode* in taking money from the sale of drugs that are not only controversial in Sutter Creek, but also still illegal at the federal level and in many states?
- Given that dispensaries are presently illegal in Amador County and all of its cities, including Sutter Creek, wouldn't a dispensary serving only Sutter Creek's City coffers not only show disrespect for Amador county's citizens, but also be divisive? In Calaveras County, which permits dispensaries, the local added taxes go to the whole county. This was decided by a vote of the people in Calaveras County, not by a city council or Board of Supervisors.
- Studies have shown that legalization of recreational cannabis has resulted in increased mental illness among youth and that today's potent cannabis in its many forms, including candy-like gummies with high levels of THC, is harmful especially to young developing brains. Other studies indicate that in communities where dispensaries have been permitted, use among youth goes up. Wouldn't a local dispensary, therefore, add to the health risks already facing our youth?
- 18-year-olds who have medical certification and are still in high school can purchase significantly more marijuana products of all sorts in dispensaries, without specification by a doctor, than adults without such certification. Since they are able to legally give away products they purchase, what would keep these teens from giving them to their friends at school?
- Won't our youth see the hypocrisy of the City permitting a marijuana dispensary and making money from the sale of such drugs (illegal at the federal level) while their schools and elders tell them to "just say no" to drugs? Isn't this a good recipe for cynicism?
- In spite of harms posed, in partnering with Embarc, the City will effectively join them, to use their CEO's own words, " . . . to deliver the kinds of experiences that break down stigma and introduce cannabis to these new communities." In other words, the City would partner with Embarc to grow the number of marijuana users in our city and county. Just considering the increase in DUI arrests related to marijuana since its legalization, do you think that is a desirable goal?
- Embarc representatives have said the company would invest whatever large funds are needed to create a dispensary in Sutter Creek that meets their usual security and design standards, even though the dispensary is described as a "pilot project" for one year. What if the City should decide to pull the plug on the dispensary? This project also lacks the usual, at times fierce, competitive bidding process. Is the City prepared to take on the legal challenges these scenarios could represent?

It is my understanding that presently the City remains solvent and expects this to be the case for the next several years at least. In the meantime the City is exploring other means for increasing its revenue. The City has met such challenges in the past without reliance on these controversial drug sales. I hope you will reject what looks like a Faustian Bargain.

Regards,

Barbara Comnes

High Potency

uming higher-potency THC products does ot mean a better cannabis experience.

H -potency THC products are harder to c l and come with a higher risk of adverse e s. Using them often may cause d dency in some people.

If you are new to cannabis, be careful with higher-potency products like concentrates and vape cartridges.

If you are buying cannabis, compare labels and consider lower-potency products:

- Flower with less than 20% THC
- Edibles with close to 5mg THC per serving (or consume half of a 10mg THC serving)

If you are inhaling cannabis, wait between puffs until you feel the full effect.

Pregnancy and Breastfeeding

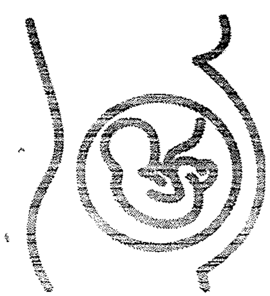
There are risks to your baby from using cannabis. Your baby consumes what you do.

Do not use any cannabis if you are:

- pregnant or may be pregnant
- breastfeeding

This includes:

- inhaling cannabis (smoking, vaping, dabbing)
- eating or drinking cannabis products
- applying cannabis-infused creams or lotions



No matter how you consume cannabis, THC and other chemicals will be passed to your baby through your placenta and breastmilk.

If you use medicinal cannabis, ask your doctor about alternative treatments during pregnancy or while breastfeeding.

Effects of Cannabis Use

Wondering what to expect when using cannabis?

Cannabis has two major chemicals that affect the brain differently:

- **THC (Tetrahydrocannabinol)** makes you feel "high". How you feel depends on how much THC you take, and the effects can vary from person to person.
- **CBD (Cannabidiol)** doesn't make you feel "high", but can have other effects.

The effects of using cannabis may include:

- Trouble with thinking, remembering, and problem-solving
- Seeing or hearing things that aren't real (with high doses and/or high potency)
- Feeling like time is moving slower or faster
- Feeling relaxed or paranoid
- Having mood swings
- Having increased or decreased anxiety
- Feeling dizzy
- Having dry mouth or bloodshot eyes
- Relieving pain and reducing nausea/vomiting
- Impaired movement and coordination
- Feeling hungry
- Faster heartbeat or lower blood pressure

Edibles: Start Low, Go Slow.
Use extra caution, as the delayed onset of edibles can have unintended effects. If you consume a cannabis edible (like brownies, gummies, or an infused beverage), it can take up to 2 hours to begin feeling the effects, and up to 4 hours to feel the full effects. This is much slower than smoking or vaping, and the "high" can feel stronger. Start with a small amount of THC (5mg or less) and wait at least 2 hours to see how you feel.

When consuming edibles, you can always take more later, but you can't take it back.

Drive high, get a DUI. Driving under the influence of cannabis is illegal and increases your risk of getting into an accident. Penalties for driving high are the same as driving drunk.

Mental Health

There are potential risks to your mental he from cannabis use.

Research suggests that mental health disorders may develop or worsen from:

- Daily cannabis use
- Near-daily cannabis use
- Higher-potency cannabis use

These types of use have been linked to Cannabis Use Disorder, and may lead to:

- Hallucinations
- Schizophrenia
- Depression
- Anxiety
- Temporary psychosis
- Thoughts of self harm
- Suicide attempts
- Suicide

Minors and Young Adults

Our brains actively develop until around the age of 25. Using cannabis regularly while younger can cause long-term problems with thinking and mental health.

Parents, be aware. Edibles and other cannabis products can be mistaken for food or candy. Like medications, you should keep cannabis products in child-resistant packaging. Store and dispose of cannabis products where they cannot be easily seen or accessed by children and pets.

California Poison Control:	(800) 222-1222
Animal Poison Control:	(888) 426-4435
Dept of Cannabis Control:	cannabis.ca.gov
Dept of Public Health:	cdph.ca.gov

Department of Cannabis Control
CALIFORNIA

Revised 12/2024

Ensure you have the most up-to-date information

From: Ron Houck <lodifog@yahoo.com>
Sent: Saturday, June 27, 2026 2:38 PM
To: eventura@haugebrueck.com
Subject: Embarq dispensary

Dear board members,

Please find attached 2 letters in opposition to the Embarq dispensary coming to town.

Please forward this correspondence to the Planning Commission member and enter it into the agenda attachments.

Thank you, Suzanne

2 attachments

dispenary 2.pdf
89K

Dispensary 6-1-2026 3.pdf
68K

Hello, my name is Suzanne Houck and I have lived in the beautiful town of Sutter Creek for 10 years

Thank you City Counsel for giving me the time to express my grave concerns regarding Embarq coming to Sutter Creek.

The following few things are from Glen Spitzer, the Director of Amador General Services Administration who gave me permission to share this information.

Behavioral/Mental Health

The three relevant County departments impacted within this category are located in the Health and Human Services Building on Ri8dge Road. I heard from Behavioral Health Director, Melissa Cranfill, From Public Health Director, Joanne Hasson, and from Social Services Director, Anne Watts. All expressed various concerns around increased access and use of marijuana by Amador County youth due to the fact that the proposed facility is in proximity to Jackson Junior High, the County's two public high schools, and North Star Academy.

This concern is consistent with those expressed to me by Wendy Alt, the Behavioral Health Director for Calaveras County. Retail facilities are legal in Calaveras County. With widespread commercial access, marijuana use is now rampant among adolescents at both the high schools and the junior high schools, where vape devices are routinely confiscated from students. This problem is not unique to Calaveras. The Street Journal (March4, 2026) recently detailed an explosions of marijuana use at top-ranked Liberty High School in San Diego following the proliferation of retail facilities in the city. High schools throughout the Stat are struggling to address the marijuana epidemic.

Marijuana advocates have pushed for legalization and widespread use on a twin message

1. Marijuana is harmless
2. Marijuana is good for you.

However, serious medical institutions are finally releasing comprehensive studies, and those studies disprove claims of net benefit and prove alarming detrimental impacts, especially for adolescents.

With all the new information, major institutions have reevaluated their position on marijuana.
The New York Times editorial board, for example, has long supported the legalization of marijuana, but changed its position a few months ago. The Times reported that "Big Weed" and other advocates falsely claimed "marijuana was a harmless drug that might even bring net health benefits" and that "legalization might not lead to greater use." The Times has changed course this year and acknowledged "…it is now clear that many of these predictions were wrong."

The Times noted that high potency cannabis increase the risk of psychosis five fold compared to non-users . They also found that chronic cannabis users have smaller volumes of the orbitofrontal cortex, a brain region implicated in motivation and the hippocampus, a brain area implicated in stress, learning and memory.

The problem is not merely in providing greater access to our youth, but in providing a THC product that is profoundly more powerful!

Many if not most of Embarq's products have a 90 +% THC content. This product is over 20Xs stronger the marijuana in the 90's.
A typical joint from the 60's to the 90's had the equivalent of 5-10 milligrams of THC. For perspective, virtually every v ape product t sod by Embarc has over 800 milligrams of THC.

These Embarq products change everything. People used to argue that marijuana was a gateway drug … improved marijuana has now become the hardcore drug on the other side of that gate. With the new concentration levels, the THC products sold by Embarq are stronger than many street drugs and most prescription drugs. Studies have concluded that the explosion of psychotic disorders among our youth is not simply caused by greater access and normalization of marijuana use, but also from the use of marijuana that is 20xs stronger than the marijuana used in the past.

On a personal note, a few years ago our youngest son was smoking/vaping high potency THC oil regularly. We witnessed firsthand, in our home, the psychotic and hostile behavior that was the side effect of this horrible drug.

In the time I have left my deepest concern is for the youth in our community. They are the targets for all of these pot dispensaries. Regardless of the 21 year old requirement to buy, friends, family members, people selling on the street will get them what they want and these kids are ones who will suffer the horrible side effects of this new and improved pot. Sutter Creek has money in the coffers right now…surely you folks do not want to sacrifice our youth and our great community because you want to use pot to fix pot holes, use to pot to repair the streets…there are other options to making the needed money for these things. I implore you to not throw our youth and our community under the bus for dirty money. Please vote NO on Embarq!

Hello my name is Suzanne Houck and I thank you for the opportunity to speak [illegible] about some of about my opposition to the proposed EMBARQ dispensary opening in Sutter Creek.

I believe a commercial pot shop will disrupt our historic, family-friendly aesthetic in our quaint town. Possible window displays, neon signs, and branding will clash with our rustic charm that all of us who live in Sutter Creek cherish.

I want to speak about my concern for our youth in our community.

Studies, such as those from the U.S. National Library of Medicine, show that the physical presence of stores can normalize regular marijuana use, especially among young people who are highly impressionable.

Although, the legal age to buy marijuana is 21those underage kids are going to find (plugs) friends, family, over 21 to buy it for them.

Over the past few years, marijuana use has been landing more young people in the hospital, according to a new study by the U.S. Centers for Disease Control and Prevention.

Published in 2023 CDC's Morbidity and Mortality Weekly Report, the report analyzed nearly 540,000 cases nationwide where people under 25 years old wound up in a hospital due to complications from cannabis use. From 2019 to 2022, the researchers found that cannabis-related emergency department visits increased overall among kids, teens, and young adults.

Over the study period, the researchers also noted large increases in cannabis-related ER visits among kids less than ten years old.

In June 2022, the U.S. Food and Drug Administration released an alert warning about children ages 2-10 accidentally ingesting products containing THC, the active ingredient in cannabis. According to the alert, many edible THC products mimic popular food brands, such as Cocoa Pebbles, Skittles, Starburst, cookies, candy, ice cream, sodas, and other sweet treats that are particularly appealing to children leading to cases of young children mistaking the edibles for snacks and experiencing symptoms like hallucinations, increased heart rate, and vomiting. Studies tracking emergency room data estimate thousands of pediatric poisonings presenting to U.S. hospitals annually.

While it is true that humans have used marijuana in some form for thousands of years, the marijuana of today looks nothing like the drug of the past. In the 1970s marijuana contained roughly 1–3 percent THC.[4] Since then, market demand and a shift in consumption methods — largely driven by the marijuana industry — have led to a newer, much more potent form of the drug. One study found that the average potency of the marijuana plant increased fro THC in 2008 to 17.1% THC in 2017. Meanwhile, concentrates — a new form of marijuana that are consumed in the form of edibles, tinctures, “dabs,” and vaping oils — contained an THC potency of 6.7% in 2008 and 55.7% in 2017. This study being older suggests that the percentage of potency has only risen.

There is so much more I would like say… but thank you for the 5minutes. For council members saying yes to this pot shop coming to town, I ask you to seriously consider the adverse impact it will have on our little community and vote no! This dispensary and the expected revenue it may bring in is not worth the damage our youth and our beautiful city will experience in the long run. Our board of Supervisors do not want it and I hope and pray you will all vote the same. Please vote no on Embarq buying their way into Sutter Creek and Amador County!

---------- Forwarded message ---------
From: **Brian Comnes** <bcomnes@yahoo.com>
Date: Wed, Jun 24, 2026, 8:06 PM
Subject: Copies of my earlier Emails submitted to Council on the dispensary - please forward as comments to the Planning Commission
To: eventura@haugebrueck.com <eventura@haugebrueck.com>, Pam Caronongan <pcaronongan@cityofsuttercreek.org>, info@cityofsuttercreek.org <info@cityofsuttercreek.org>

Attached are pdf file copies of the 9 emails I sent earlier to Council regarding a dispensary in Sutter Creek. I am requesting that this email and attachments be forwarded to the Planning Commission members as comments for their July 8 hearing's administrative record and added to the agenda packet/attachments.

There were others I submitted via the Contact City Council link but unfortunately there is no recoverable version of those except in the "received public correspondence" section of the agenda packets.

Thank You

============>> ***Brian Comnes Sutter Creek, CA*** <<============

9 attachments

Yahoo Mail - Feb 17 Council - remember this _.pdf
72K

Yahoo Mail - Feb 17 , video of motions and vote.pdf
321K

Yahoo Mail - More comments on the dispensry issue_.pdf
114K

Yahoo Mail - Some thoughs to consider ablut a dispensary.pdf
93K

Yahoo Mail - A few items to consider in researching a posssible Embarc Development Agreement.pdf
87K

Yahoo Mail - Take a look - Embarc is more than a passive retailer.pdf
101K

Yahoo Mail - Re_ Follow up to the City Council 2-17-26 meeting.pdf
258K

Yahoo Mail - Follow up to the City Council 2-17-26 meeting.pdf
215K

Yahoo Mail - Comments on Marijuana dispensary discussion.pdf
156K

Feb 17 Council - remember this ?

From: Brian Comnes (bcomnes@yahoo.com)

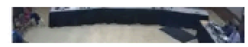
To: cgunselman@cityofsuttercreek.org

Cc: jsierk@cityofsuttercreek.org; sfeist@cityofsuttercreek.org; driordan@cityofsuttercreek.org; jswift@cityofsuttercreek.org

Bcc: jmalamed@ledger.news; lcarnell@amadorcounty.gov; gspitzer@amadorcounty.gov

Date: Wednesday, June 10, 2026 at 07:39 PM PDT

From Dubois on Feb17 At 19 minute mark, the foundation presented to you for a vote, when was he or the PC instructed to return a 5 year contract requiring "termination for cause"



Sent from Yahoo Mail for iPhone

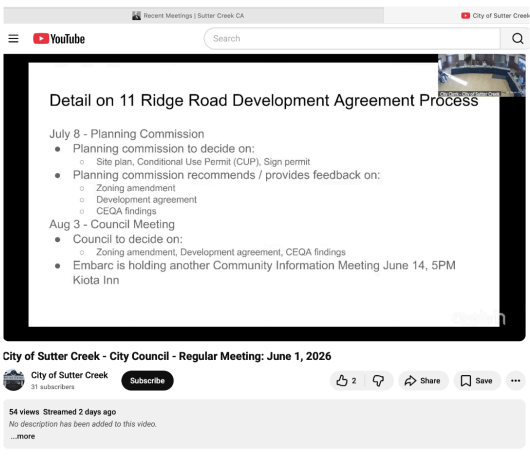
Section 1, Item B.

Feb 17 , video of motions and vote

From: Brian Comnes (bcomnes@yahoo.com)
To: driordan@cityofsuttercreek.org
Date: Friday, June 5, 2026 at 12:04 PM PDT

Here'e the video link: Scroll to the 1:52 mark for the start of the vote did.
https://www.youtube.com/live/8I_FD_5WFjQ

Yet at the 6/1 meeting , City Manager DuBois had this to report . Seems to be out of compliance with 2/17 sentiment of the Council



Sent from Yahoo Mail for iPhone

More comments on the dispensry issue.

From: Brian Comnes (bcomnes@yahoo.com)

To: cgunselman@cityofsuttercreek.org

Cc: jsierk@cityofsuttercreek.org; jswift@cityofsuttercreek.org; driordan@cityofsuttercreek.org; sfeist@cityofsuttercreek.org; pcaronongan@cityofsuttercreek.org

Bcc: tzryan55@gmail.com; christymelton10@gmail.com; alanhelen@sbcglobal.net; innkeepers@eurekastreetinn.com; mfaryan@volcano.net; jacksontiger69@gmail.com; tlinde1213@gmail.com; lindarianda@sbcglobal.net; lcarnell@amadorcounty.gov

Date: Monday, May 25, 2026 at 07:27 PM PDT

Mayor Gunselman
with cc to the City Council and Recorder:

Why is the City of Sutter Creek negotiating with Embarc about what percentage of their gross revenues they would have to pay to operate in Sutter Creek?

Local cannabis taxes are **imposed** by city or county governments through ordinances, not negotiated individually with dispensaries. Municipalities establish tax rates, structures (e.g., gross receipts, excise, or per-square-foot canopy fees), and exemptions via local legislation. For example, Los Angeles imposes a 10% gross receipts tax on recreational sales through **Proposition M**, while Los Angeles County independently sets its own rates for unincorporated areas. Individual dispensaries do not normally negotiate tax agreements. Martinez, with an EMBARC shop gets 9%. We should settle for no less if we get that far.

On a separate note it was disappointing to see City Manager DuBois's public comments this week to the Ledger Dispatch on this issue. He is quoted saying, "We have been checking references with seven other cities [presumably where Embarc has dispensaries] and they have not reported having the types of issues discussed at the Board of Supervisors" He continued "The cities also report that they have not seen increases in crime or in usage by youth..." Mr. DuBoi, whom presumably should be neutral as the City studies the issue, did not not bother mention or point to the multiple studies based on much larger sample sizes than the seven cities he interviewed. This studies have been submitted to Sutter Creek Council from local opponents showing quite the opposite conclusion. That omission suggests that public commentary is being ignored. As a reminder here is a link to a web page with 26 documented large studies showing THC's ill effects - https://iasic1.org/doctors-warn-cannabis-can-cause-serious-health-hazards/. Many of those studies were previously submitted to Council so this is a reminder to review them again. He goes on to push the pro-dispensary propaganda line that it is "much better" to have it regulated than kids and anyone else getting things on the black market. That is a specious assertion. The black market will not go away because of a dispensary here. The dispensary will simply add $5mm more THC product a year to the County. It also shows the City as condoning marijuana use in order to meet its budget demands. Keeping dispensaries illegal here is by far and a away the "much better" outcome.

btw - A simple internet query shows that when City Manager DuBois was on Palo Alto's City Council he supported the 2017 dispensary ban in Palo Alto, which is still in effect. Why does he see a dispensary as fit for our rural, mostly conservative, community, but not welcome in wealthy Palo Alto?

Please enter this email to the public record on this subject.

============>> ***Brian Comnes Sutter Creek, CA*** <<============

A few items to consider in researching a posssible Embarc Development Agreement

From: Brian Comnes (bcomnes@yahoo.com)

To: tdubois@cityofsuttercreek.org

Cc: driordan@cityofsuttercreek.org; jsierk@cityofsuttercreek.org; jswift@cityofsuttercreek.org; cgunselman@cityofsuttercreek.org; sfeist@cityofsuttercreek.org

Bcc: lindarianda@sbcglobal.net; tzryan55@gmail.com; tlinde1213@gmail.com; christymelton10@gmail.com; sharynlbrown@aol.com; hollyensley@comcast.net

Date: Tuesday, February 24, 2026 at 08:29 AM PST

Tom DuBois, City Manager
cc to Council

I am requesting that the following questions/concerns be addressed when you present your findings to the Council on the possible Embarc Development Agreement.

1. Does the proposed Development Agreement allowing just one dispensary leave Sutter Creek exposed to claims (and law suits) that we are creating a monopoly for Embarc, which is contrary to state law?

2. Once the DA pilot period lapses, wouldn't the City be required to allow additional dispensaries? Could Embarc's competitors use the dispensary monopoly prohibitions to their advantage to gain access here?

While cities have broad authority to regulate or ban cannabis businesses under local land-use and police powers, they cannot legally create or enforce a monopoly for a single dispensary. The California Supreme Court affirmed in *City of Riverside v. Inland Empire Patients Health and Wellness Center* (2013) that cities may ban medical marijuana dispensaries, but such authority does not extend to granting exclusive rights or monopolies to a single business.

Additionally, local governments cannot exempt one dispensary from competition or grant it exclusive operating rights, as this would conflict with the state’s intent to foster a competitive, regulated market.

3. Since the DA puts Sutter Creek into close contractual partnership with Embarc during the pilot phase, is Sutter Creek also exposed to personal injury or negligence liability claims due to Embarc's activities? What does that do to CIty insurance coverage and costs?

Thank you for considering this request.

Brian Comnes, Sutter Creek

============>> ***Brian Comnes Sutter Creek, CA*** <<============

Section 1, Item B.

Take a look - Embarc is more than a passive retailer

From: Brian Comnes (bcomnes@yahoo.com)

To: cgunselman@cityofsuttercreek.org; jsierk@cityofsuttercreek.org; sfeist@cityofsuttercreek.org; driordan@cityofsuttercreek.org; jswift@cityofsuttercreek.org

Bcc: lindarianda@sbcglobal.netm; tzryan55@gmail.com; christymelton10@gmail.com; tlinde1213@gmail.com; sharynlbrown@aol.com

Date: Friday, February 20, 2026 at 08:44 PM PST

Councilors :

As you consider a relationship with Embarc, please be aware that they aren't simply cannabis retailers. They actively help their customers "find their high'. They brag about their ability to convince cannabis-cautious communities where they operate to embrace cannabis, to be less "skittish."

Below is a link to an article discussing that with statements from the Embarc CEO that will give you insight into their methods. Part of your due diligence must include an understanding of how Embarc, in using slick retail marketing techniques, helps communities to embrace cannabis culture. Is a small cut of their drug-dealing-based profits worth it?

Here's a quote in the article from Embarc's CEO:
"This is a wellness product. . . .We're focused on continuing to deliver the kind of experiences that break down stigma and introduce cannabis to these new communities."

Read it here

https://mgmagazine.com/business/retail-merchandise/embarc-curating-the-cannabis-dispensary-experience/

Sincerely
Brian Comnes, Sutter Creek

Sent from Yahoo Mail for iPhone

Re: Follow up to the City Council 2-17-26 meeting

From: Brian Comnes (bcomnes@yahoo.com)

To: tdubois@cityofsuttercreek.org

Cc: cgunselman@cityofsuttercreek.org; jsierk@cityofsuttercreek.org; sfeist@cityofsuttercreek.org; driordan@cityofsuttercreek.org; jswift@cityofsuttercreek.org

Bcc: lindarianda@sbcglobal.net; tzryan55@gmail.com; christymelton10@gmail.com; tlinde1213@gmail.com; jmalamed@ledger.news; jmitchell@ledger.news

Date: Friday, February 20, 2026 at 10:34 AM PST

Thank you for your response. I do intend to take your advice about remaining involved with the dispensary issue.

Since the potential monetary benefits to Sutter Creek were the driving force behind your pursuit of the DA, it would be helpful to get an understanding early in the process about what are the bases for your assertions about them. Perhaps at this early stage, the assertions come from Embarc, and it was your intention to validate them at a later time after getting the go ahead from the Council.

I respectfully request you share the data I requested.

============>> ***Brian Comnes Sutter Creek, CA*** <<============

> **On Friday, February 20, 2026 at 10:02:15 AM PST, Tom Dubois <tdubois@cityofsuttercreek.org> wrote:**
>
> **Thanks for your inquiry. We will be delving into the details as we work through any proposal the city receives, as directed by Council. I urge you to remain involved and to participate in the continued discussion.**
>
> **To process building and development proposals, the city requires deposits. Staff bills time against those deposits.**
>
> **Best,**
>
> **Tom**
>
> **On Fri, Feb 20, 2026 at 9:53 AM Brian Comnes <bcomnes@yahoo.com> wrote:**
>
> > Dear Mr. DuBois:

I read the Agenda packet and attended the Council meeting this week. Can you please shed some light for me on the derivation of some assertions in that report.

In your report you stated :

*"Cannabis dispensaries in **similar** markets create jobs for 25 - 30 employees and generate up to $10M in revenue per year, after reaching operational maturity in a year or two".* (emphasis added)

What sources did you use to assert those numbers?
What was your basis for determining the similarity of markets to Sutter Creek.

"For Sutter Creek, this could represent hundreds of thousands of dollars annually in new general fund benefit fees, sales tax payments, and philanthropic giving."

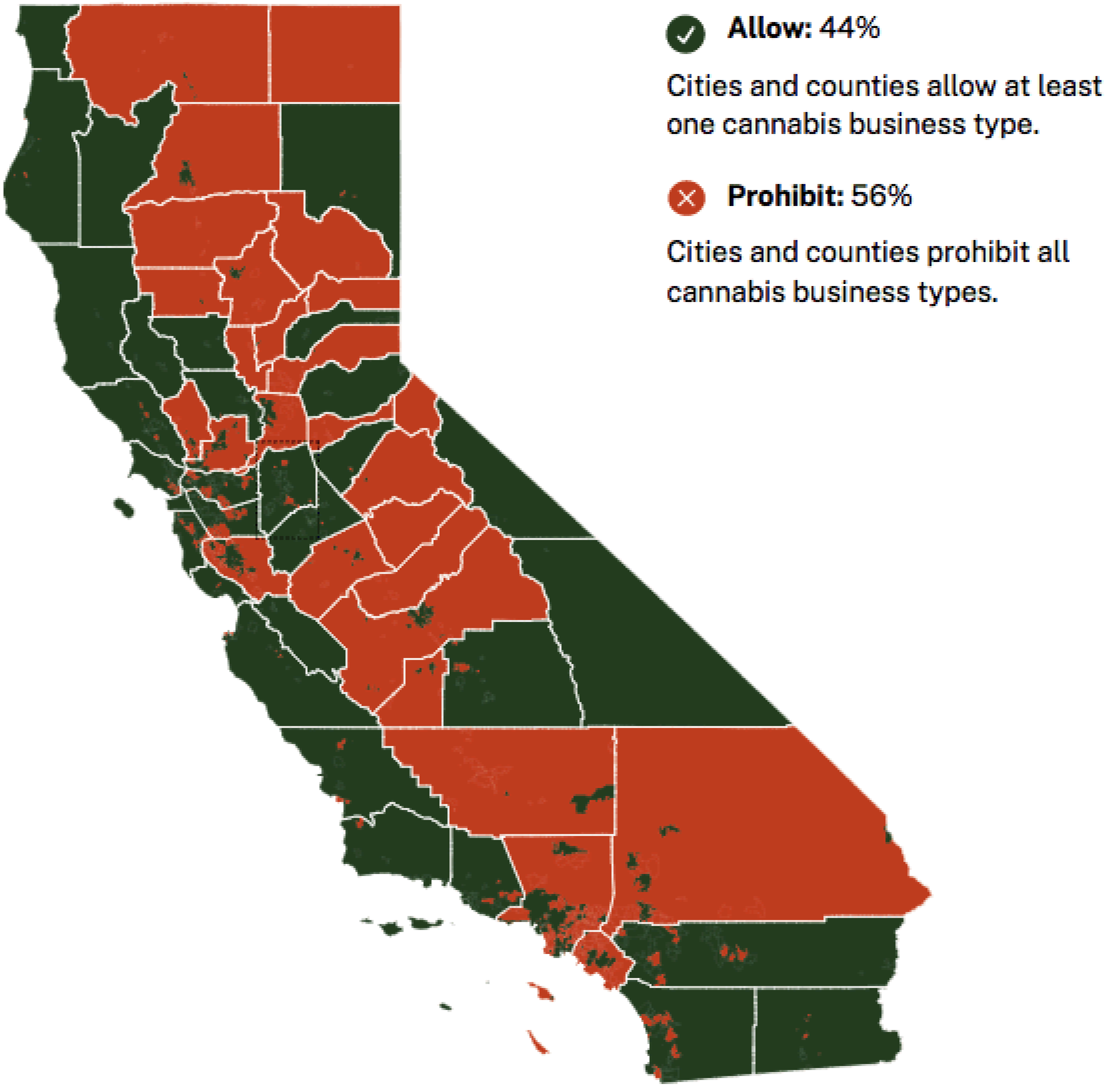
What data do you have that backs up the claim that "hundreds of thousands of dollars" could be achieved? The foundation for that number was not addressed in the Council meeting.

"*There is no cost to the City to explore this option. The applicant would be required to **fund all staff time and legal fees** associated with processing the application and **negotiating the agreement**.* (emphasis added)

Is Sutter Creek to be compensated for staff time used to develop the Developmment Agreement? Will they be charged should the Council decide not to proceed with the DA? At what rates?

"The cannabis market in California continues to evolve and mature. "

In fact the majority (53%) of California cities and counties still oppose dispensaries in their jurisdiction. The cannabis "desert" of which Embarc spoke is actully quite extensive. Here's a map from California's Cannabis Control Agency that illustrates my point.



Thank you for your attention to these questions.

Sincerely,
Brian Comnes
Sutter Creek CA

Mr. Dubois
============>> ***Brian Comnes Sutter Creek, CA*** <<============

Comments on Marijuana dispensary discussion

From: Brian Comnes (bcomnes@yahoo.com)

To: sgenselman@cityofsuttercreek.org; jsierk@cityofsuttercreek.org; sfeist@cityofsuttercreek.org; driordan@cityofsuttercreek.org; jswift@cityofsuttercreek.org

Cc: susanfeist@yahoo.com

Date: Monday, February 16, 2026 at 07:41 PM PST

also see attachment of EMBARC marketing materials, do we want this?

Council Members:

If your task at the February 17th council meeting is to decide whether or not to explore the development of a Development Agreement for an Embarc cannabis dispensary, I recommend that the council vote “no” on this, putting an immediate end to this effort. In other words, nip the issue in the bud.

Amador County and its incorporated cities all currently prohibit such dispensaries, including Sutter Creek, based on my reading of Sutter Creek’s ordinance addressing cannabis. The City Manager’s report fails to point out that the current ordinance prohibiting cannabis dispensaries would need to be amended in order for Embarc to operate here. The County and the incorporated cities in the county have spoken very clearly on this matter. Sutter Creek should not act unilaterally on this, but rather show respect here for the will of the County and its cities.

The City Manager’s report states, “Staff has received inquiries about a dispensary.” From whom besides Embarc? Which group of Sutter Creek residents have been clamoring for what many of us see as a bad idea? We know people who moved to Sutter Creek to get away from a cannabis culture that they saw being promoted to the detriment of their children and their community.

The report states, a “Development Agreement is a contract that allows the City to secure significant community benefits (revenue and public safety enhancements,”
such as additional surveillance cameras); however, the report fails to consider the negatives behind cannabis use and dispensaries. For example:

- There is more and more evidence that cannabis, particularly that containing THC, is not a healthy product (see web links that follow).

- What are the views of the Amador County Highway Patrol, the Sheriff, or our Police Dept? The Highway Patrol DUI data related to marijuana DUI's show increased arrests since state legalization in 2017 (from 86 in 2016, 126 in 2017, 114 in 2018, 120 in 2019, 107 in 2020).
- Embarc's store would require a security guard, while not even Walmart in Jackson employs a security guard. Our wineries and liquor stores do not employ security guards. What does this suggest about the nature of Embrac's business?
- What might be the impacts on our children given easier access to cannabis products? The Independent High School is located very close to Ridge Rd. Would the proposed location for Embarc be close to the school?

The City Manager's report states, "Cannabis dispensaries in *similar* markets create jobs for 25-35 employees and generate up to $10M in revenue per year." Consider:

- It can easily be argued that not one of the 13 markets in which Embarc operates are similar to Sutter Creek. They are located in large metropolitan areas with larger populations.
- Those markets all lack the small town historic character that make Sutter Creek such a charming tourist destination.
- What evidence has been provided to The City of Sutter Creek that Embarc could generate these levels of revenue and numbers of employees in Sutter Creek, where the whole county has only a little over 40,000 people?

The report ends with, "I think this a significant economic development opportunity and can be done in a way that protects Sutter Creek's quality of life;." However, take a look at Embarc's advertising and promotional material. It clearly focuses on getting high:

- The company's home page has a search button at the top of the page prompting, "Discover your high…"
- "Getaway Bag Drops", T-shirts (often worn by employees), sweatshirts, and caps promote getting high with Embarc's logo along with such phrases as Devil's Lettuce, High from California, Stoned to the Bone, Weed from Hell, Gasser's High Voltage Drags, Taste Bliss, Red Eye, It's 4:20 Somewhere, My Kind of Flower Shop, Unlock Your High, Cheap Vcay– Visit embark.com to Book Your Trip, Bong Voyage, Lake & Bake, Embarc Ski Club– California Powder, and A Neighborhood Cannabis Shop. Would shoppers in Sutter Creek carry these Getaway drop bags around town, inadvertently advertising for Embarc and getting high?
- Their stores have signs such as High from Alameda, High from California, High from Fresno, Enjoy Your Trip, etc. In Sutter Creek a sign would likely read, "High from Sutter Creek."

Compare this to our wine industry, for which our county and Sutter Creek are known. Imagine the wineries using their products to promote getting wasted, hammered, smashed, plastered, etc. That is not the image they or our residents wish to project for good reason. How do the wineries feel about a dispensary in Sutter Creek? They employ more than 35 people, by the way.

Section 1, Item B.

Final comments on this: if raising revenue is the primary impetus for amending the cannabis ordinance in order to permit a dispensary, can't we find healthier ways to raise revenue? **Do we need to turn to drugs? Please let's just nip this in the bud now.**

Regards,
Brian and Barbara Comnes, 284 California Dr., Sutter Creek

===== **NEGATIVE HEALTH EFFECTS OF CANNABIS** ======

SAMHSA

Know the Effects, Risks and Side Effects of Marijuana

https://www.samhsa.gov/substance-use/learn/marijuana/risks

CDC

Cannabis Health Effects

https://www.cdc.gov/cannabis/health-effects/index.html

NORTHWESTERN MEDICINE

How Cannabis Use Impacts Long-Term Health

https://www.nm.org/healthbeat/healthy-tips/how-cannabis-use-impacts-long-term-health

Frontiers in Psychiatry

The Behavioral Sequelae of Cannabis Use in Healthy People

https://www.frontiersin.org/journals/psychiatry/articles/10.3389/fpsyt.2021.630247/full

CU Anschutz Medical Campus

Largest Study Ever Done on Cannabis and Brain Function Finds Impact on Working Memory

https://news.cuanschutz.edu/news-stories/largest-study-ever-done-on-cannabis-and-brain-function-finds-impact-on-working-memory

Mayo Clinic

Most of the side effects of cannabis are due to the THC content. But different types of cannabis have different amounts of THC. This can make it very hard to know the right amount to take. The side effects seem to be worse the higher the dose of THC a person uses.

https://www.mayoclinic.org/drugs-supplements-marijuana/art-20364974

============>> ***Brian Comnes Sutter Creek, CA*** <<============

embarc marketing.pdf
443.8 KB

embarc marketing.pdf
443.8 KB

Danco + Cannabis Dispensary = A Bad Combination

Danco and No Place Like Home are a “low barrier” permanent supportive housing for homeless and those with serious mental health needs and low-income housing. This 46-unit facility, which could house up to 100 individuals, will be in the city of Sutter Creek on the corner of Valley View Way and Bowers Road. “Low barrier” means there will be NO criminal background checks and NO requirements for the individuals to obtain assistance or counseling for their addictions or mental health illnesses to reside in the facility. Danco is currently obtaining building permits to begin construction.

The Sutter Creek City Council is considering changing local laws to allow a cannabis dispensary in Sutter Creek. The cannabis dispensary, operated by Embarc, will be in the vicinity of Highway 88 (Ridge Road) and Highway 49. Within walking distance from the Danco facility that will house the homeless and seriously mentally ill.

Due to no required assistance or counselling, the future success of the individuals residing in the Danco low-income housing project is tenuous at best. Many will have active addictions, severe mental issues, and may be on medications which would have devastating medical and psychological effects when consumed with cannabis. Especially the cannabis with the higher levels of THC, which is sold at an Embarc cannabis dispensary.

Higher levels of THC (the component in cannabis that makes you high) have been linked to Cannabis Use Disorder and may lead to the following: Hallucinations, Schizophrenia, Depression, Anxiety, Temporary psychosis, Thoughts of self-harm, Suicide attempts, and Suicide. (Source: California Department of Cannabis Control).

The Sutter Creek Police Department will be the law enforcement agency responding to all incidents at the Danco project involving the above situations and others when required. Law enforcement protocol in many of these incidents is to request back-up from their local law enforcement partners, the Amador County Sheriff's Office, the California Highway Patrol, and the Jackson Police Department. These agencies are already stretched thin, and if the city of Sutter Creek decides to allow a cannabis dispensary in Sutter Creek, those agencies will be stretched even thinner due to backing up the Sutter Creek Police Department. Unfortunately, none of those law enforcement agencies called in for additional back-up are compensated financially by the city of Sutter Creek.

The Sutter Creek City Council is putting tax revenue from a cannabis dispensary above the safety and well-being of the citizens of Sutter Creek and Amador County. Please contact the Sutter Creek City Council at cityofsuttercreek.org, and Just Say No to a cannabis dispensary in Sutter Creek.

Teresa Ryan

Sutter Creek

PLEASE ADD THIS DOCUMENT TO THE OFFICIAL RECORD OF CORRESPONDENCE REGARDING THE EMBARC DISPENSARY APPLICATION/PLANNING COMMISSION REVIEW

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 $70.

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

Year 1: Gross Revenue: $6,228,954. 244 customer sales per day for 365 days. Equals 18 customers per hour.

Year 2: Gross Revenue: $6,914,139. 271 customer sales per day for 365 days. Equals 20 customers per hour.

Year 3: Gross Revenue: $8,918,086. 349 customer sales per day for 365 days. Equals 25 customers per hour.

Year 4: Gross Revenue: $9,720,714. 380 customer sales per day for 365 days. Equals 28 customers per hour.

Year 5: Gross Revenue: $10,595,579. 415 customer sales per day for 365 days. Equals 30 customers per hour.

Using Embarc's projected sales and the escalating number of customer ingresses and egress over five years at that location will far exceed the type of traffic experienced by the prior occupant at that location, Umpqua Bank. Just one of many reasons it is imperative that the City utilizes the CEQA process.

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

GENERAL SERVICES ADMINISTRATION
GLENN SPITZER, DIRECTOR
MAIL: 12200-B Airport Road, Jackson, CA 95642
LOCATION: 12200-B Airport Road, Martell, CA
PHONE: (209) 223-6759 E-MAIL: gspitzer@amadorcounty.gov

July 1, 2026

Via Email to listed email addresses
To Planning Commission for City of Sutter Creek
City Manager Tom DuBois: tdubois@cityofsuttercreek.org
City Planner Erin Ventura: eventura@haugebrueck.com
City Clerk Pam Caronongan: pcaronongan@cityofsuttercreek.org

Re: Proposed Marijuana Retail Facility (July 8 Planning Commission) Supplemental Comment

Dear Planning Commissioners:

The County sent two letters addressing issues regarding this project on June 3 and 22. The June 3 letter discussed a wave of new medical studies showing the ill effects of marijuana, particularly on adolescents. The June 22 letter provided a more thorough analysis of the legal issues (after having received the proposed exemption determination).

In the June 22 letter, the County addressed the "Traffic Impact Analysis" discussed in the staff report. However, I misunderstood the analysis in the staff report regarding traffic and seek here to clarify my comment. I understood the assumed baseline for the bank use to be 150 daily trips and the assumed daily trips for the dispensary to be 195, for an increase of 45 daily trips or 30%.

I followed up with the City's Planner, Erin Ventura, to get clarification on the traffic analysis, and Erin sent me the attached email, which clarified the traffic increase. Erin stated the analysis instead used the following assumptions:

- 1,300 sq. ft. of retail space for the bank and dispensary
- 100 daily trips per 1,000 sq. ft. for the bank use (130 trips for 1,300 sq. ft.)
- 250 daily trips per 1,000 sq. ft. for the dispensary use (325 trips for 1,300 sq. ft.)

Based on these assumptions, staff concluded the change in use would increase daily trips from 130 to 325, an increase of 195 daily trips. This is a 150% increase.

As discussed in the June 22 letter, the "existing facilities" exemption only applies to minor alterations of existing facilities "***involving negligible or no expansion of existing or former use.***" (CEQA Guidelines, § 15301 (emphasis added); see also *Sunflower Alliance v. Dept. of Conservation* (2024) 105 Cal.App. 5th 771, 784 ("the term negligible is intended to allow changes or expansions in use that are inconsequential[.]").)

Using the City's own assumptions, the traffic increase is substantial. By any standard, a traffic increase on the site of 150% is not a "negligible" expansion of the former use. This means the City of Sutter Creek is precluded from using the "existing facilities" exemption. (CEQA Guidelines, § 15301; see also *Sunflower Alliance,* 105 Cal.App. 5^{th} at p. 784.)

In fact, the actual expansion in use is likely far greater than staff assumes. A more accurate way to estimate daily trips is by using the estimated sales figures. According to Embarc's pro-forma forecast, the dispensary will generate gross sales of $6,228,954 in its first year. The pro-forma shows a steady increase of sales such that, by year five, the dispensary will generate $10,595,579 annual gross sales.

Attached hereto is a Priceonomics analysis of marijuana purchasing behaviors. According to the economics analysis: "Most people spend between $25 and $50 per trip to a marijuana store, with a $33 median spend per trip. 34.7% of customers spend less than $10 on average, usually picking up a single item like a half gram pre-roll or a carbonated beverage. Only 8.2% spend more than $100/trip." (Priceonomics Analysis, p. 4.)

With an assumed $33 per trip, and an assumed $6,228,954 gross sales in the first year, this works out to 188,756 total annual trips, or an average of ***517 trips per day***. With an assumed $10,595,579 annual gross sales, this works out to 321,078 total annual trips, or an average of ***880 trips per day***.

Using this more realistic methodology, the change in use from 100 trips a day becomes extraordinary. In the first year, the use of the site increases by 417%. By year five, the use increases by 780%. The data shows this project will have a significant traffic impact on the County generally, whether from a trips-generated or vehicle-miles-traveled assessment. Moreover, the project will have an acute impact to the near-500-foot portion of Ridge Road centered at the intersection of Sutter Hill Road. The turn lanes leading onto Highway 49 cannot accommodate this level of use.

Again, the County thanks the City for providing the opportunity to comment.

Sincerely,

Glenn Spitzer

Attachments: Erin Ventura Email dated June 22, 2026
Priceonomics Analysis

cc: Sutter Creek City Council
County Board of Supervisors,
Chuck Iley (County Administration Officer),
Greg Gillott (County Counsel)

Outlook

RE: Marijuana Dispensary

From eventura@haugebrueck.com <eventura@haugebrueck.com>
Date Mon 6/22/2026 11:45 AM
To Glenn Spitzer <gspitzer@amadorcounty.gov>

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Glen- Here is an explanation of our analysis. Please let me know if you have any other questions.

The daily trip generation rate published in the ITE Trip Generation Manual for Marijuana Dispensary (LU#882) is 252. This number was referenced in traffic reports prepared for similar sized dispensaries in other communities that were reviewed for the Sutter Creek staff report. Some of the traffic reports that were reviewed included a lower rate (as low as 70 trips per 1,000 square feet) because of adjustments for "pass-by trip" reductions. However, 250 daily vehicle trips per 1,000 square feet of floor area was used in the analysis in order to be conservative.

The daily trip generation rate used for the existing bank land use was established by taking the reported ITE PM peak hour rate for a bank (12.13 per 1,000 square feet of floor area) and multiplying it times 10, as the PM peak hour rate is typically around 7 to 12 percent of the daily rate. ITE does not currently provide a daily trip generation rate for walk-in bank (LU#911). 100 vehicle trips per 1,000 square feet of floor area was used in the analysis to be conservative.

Thank you,
Erin Ventura
Planning Consultant
City of Sutter Creek

Hauge Brueck Associates, LLC
(916) 283-5800 ext 103
eventura@haugebrueck.com

From: Glenn Spitzer <gspitzer@amadorcounty.gov>
Sent: Monday, June 22, 2026 9:45 AM
To: eventura <eventura@haugebrueck.com>
Subject: Re: Marijuana Dispensary

Hi Erin,
I tried to pull up the recent ITE Trip Generation Manual, but I don't have access to it. Can you please forward the sections the City relied upon? Thanks, ~Glenn

Glenn Spitzer

General Services Administration Director
County of Amador
12200-B Airport Road
Jackson, CA 95642
209-223-6759
gspitzer@amadorcounty.gov

From: Glenn Spitzer <gspitzer@amadorcounty.gov>
Sent: Monday, June 22, 2026 8:53 AM
To: eventura <eventura@haugebrueck.com>
Subject: Re: Marijuana Dispensary

Got it—thanks Erin!

Glenn Spitzer
General Services Administration Director
County of Amador
12200-B Airport Road
Jackson, CA 95642
209-223-6759
gspitzer@amadorcounty.gov

From: eventura@haugebrueck.com <eventura@haugebrueck.com>
Sent: Monday, June 22, 2026 8:14 AM
To: Glenn Spitzer <gspitzer@amadorcounty.gov>
Subject: RE: Marijuana Dispensary

Good Morning Glen- Sorry I missed your email last week.

The appeal fee is $375.

We used the data from the Institute of Traffic Engineers to come to the conclusions in the staff report.

Please let me know if you have any additional questions.

Thank you,
Erin Ventura
Planning Consultant
City of Sutter Creek

Hauge Brueck Associates, LLC
(916) 283-5800 ext 103
eventura@haugebrueck.com

From: Glenn Spitzer <gspitzer@amadorcounty.gov>
Sent: Saturday, June 20, 2026 1:51 PM
To: eventura <eventura@haugebrueck.com>
Subject: Re: Marijuana Dispensary

Hi Erin, I'm just following up on my request below re appeal costs. Also, can you please provide me a copy of the reports supporting the traffic impact analysis? This relates to the trip generation comparison between banks and dispensaries in the staff report.
Thank you, ~Glenn

Glenn Spitzer
General Services Administration Director
County of Amador
12200-B Airport Road
Jackson, CA 95642
209-223-6759
gspitzer@amadorcounty.gov

From: Glenn Spitzer <gspitzer@amadorcounty.gov>
Sent: Tuesday, June 16, 2026 11:43 AM
To: eventura <eventura@haugebrueck.com>
Subject: Re: Marijuana Dispensary

Hi Erin,
Can you please let me know the cost to appeal the planning commission's determination to the city council? I see under code section 18.06.030 that such appeal costs are set by resolution, but I couldn't find the resolution on the city's site.

Thank you! ~Glenn

Glenn Spitzer
General Services Administration Director
County of Amador
12200-B Airport Road
Jackson, CA 95642
209-223-6759
gspitzer@amadorcounty.gov

From: Glenn Spitzer <gspitzer@amadorcounty.gov>
Sent: Monday, June 15, 2026 3:49 PM

To: eventura <eventura@haugebrueck.com>
Subject: Re: Marijuana Dispensary

Got it—thank you

Glenn Spitzer
General Services Administration Director
County of Amador
12200-B Airport Road
Jackson, CA 95642
209-223-6759
gspitzer@amadorcounty.gov

From: Erin Ventura <eventura@haugebrueck.com>
Sent: Monday, June 15, 2026 3:45 PM
To: Glenn Spitzer <gspitzer@amadorcounty.gov>
Subject: Re: Marijuana Dispensary

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Here is the staff report and attachments

https://meetings.municode.com/adaHtmlDocument/index?cc=SUTTRCRKCA&me=4969866919e246e398687b56aae8187c&ip=True

Get Outlook for iOS

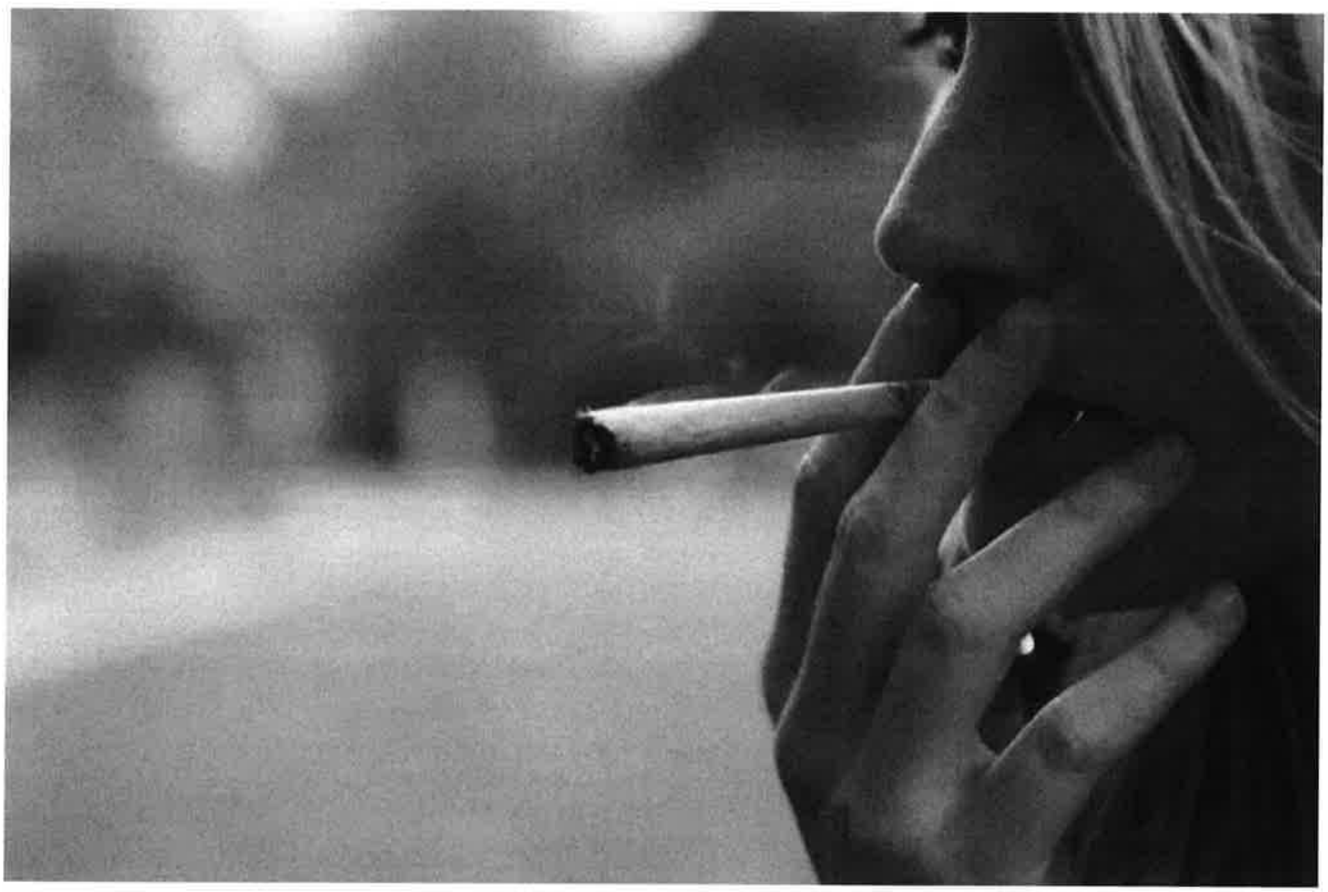
From: Glenn Spitzer <gspitzer@amadorcounty.gov>
Sent: Monday, 15 June 2026 15:38:25
To: eventura <eventura@haugebrueck.com>
Subject: Marijuana Dispensary

Hi Erin,
Can you please let me know the upcoming public hearings related to the dispensary?
Thank you, ~Glenn

Glenn Spitzer
General Services Administration Director
County of Amador
12200-B Airport Road
Jackson, CA 95642
209-223-6759
gspitzer@amadorcounty.gov

(https://priceonomics.com/who-buys-legal-weed/)Who Buys Legal Weed?

Team Recurrency (https://priceonomics.wpengine.com)



This post is adapted from Headset Inc. Cannabis Intelligence (http://headset.io/blog/what-does-the-average-cannabis-consumer-look-like), a Priceonomics Data Studio customer. Does your company have interesting data? Become a Priceonomics customer (https://priceonomics.com/the-priceonomics-data-studio/).

Photo credit: Ashton (https://www.flickr.com/photos/8364994@N02/4834872285)

***

Marijuana pop culture has traditionally centered around the young male (http://time.com/3825221/women-in-weed-culture/) smoker and his high times. But the legalization movement has made marijuana more accessible than ever been before, and cannabis's application as a painkiller is particularly appealing to senior citizens.

So what does the typical, recreational marijuana user look like today? And how do the preferences and spending habits of groups like young men and senior citizens differ?

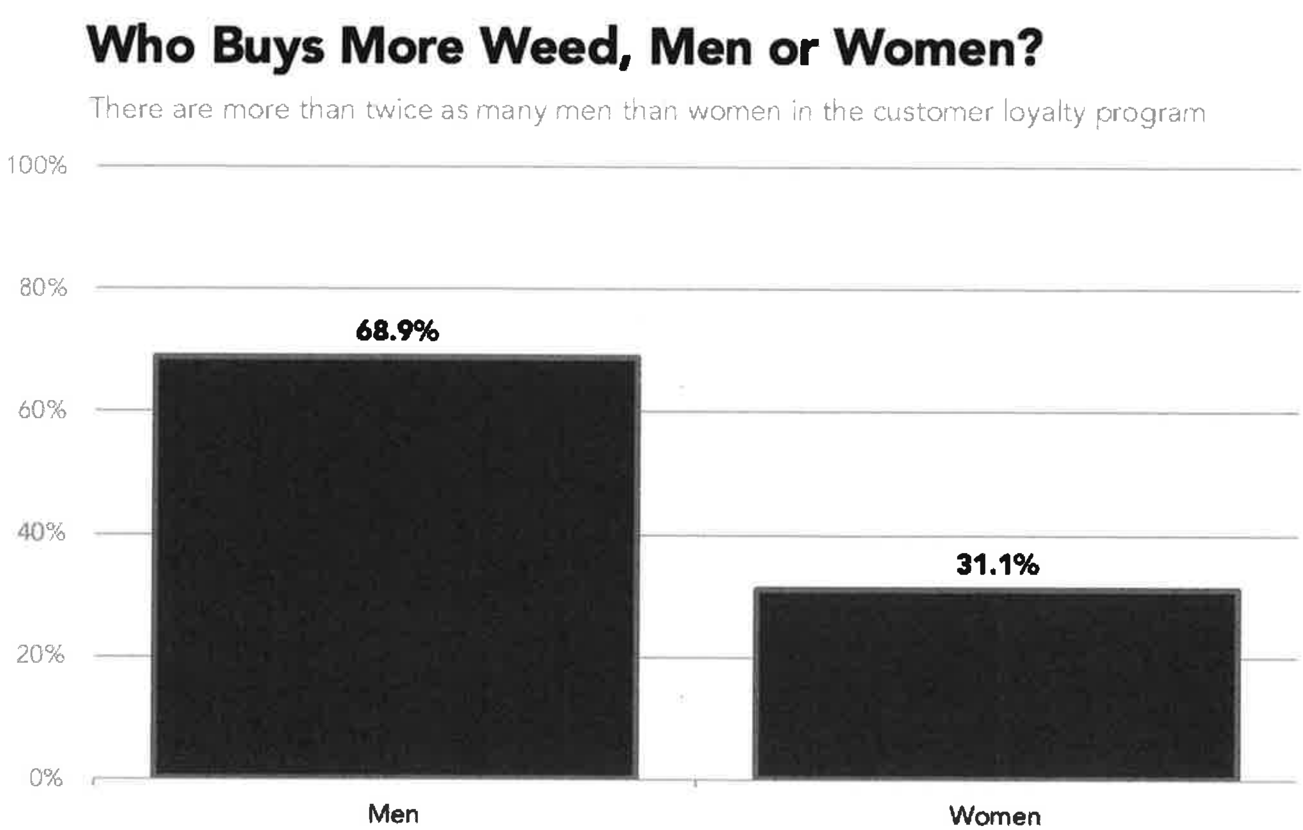
We explored these questions by drawing on the data of Headset, a Priceonomics customer with a large dataset of cannabis retailer transaction data. Since many of these cannabis dispensaries have customer loyalty programs, the data includes information about customers' age and gender. We decided to use to this data to learn more about who buys weed and what they smoke or consume.

The data suggests that smokers in the customer loyalty program are overwhelmingly male, accounting for about 70% of all members. And, while customers range from ages 21 to 95, over 50% of loyalty members are under 40.

We also found that while Flower (your typical marijuana bud) accounts for about half of the purchases made by each demographic, each group has its own quirks. Compared to the opposite sex, men prefer concentrates and women prefer pre-rolls and edibles. Older consumers prefer edibles to pre-rolled joints.

***

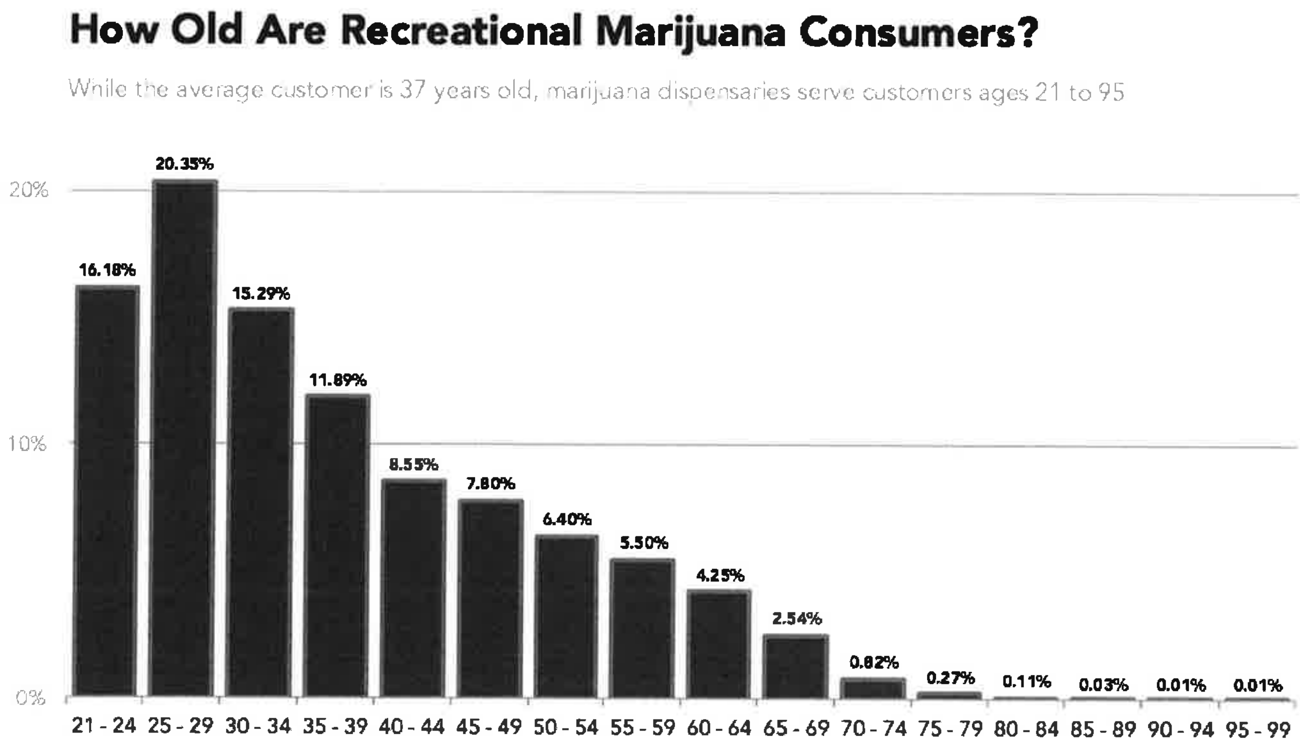
We began our analysis by examining the the customer split by gender. Are men or women more likely to visit cannabis dispensaries often?



Data source: Headset (http://headset.io/blog/what-does-the-average-cannabis-consumer-look-like)

Accounting for 68.9% of customers, the ratio of men to women is well over 2:1. This disparity is not surprising given cannabis culture's emphasis on the male pothead (http://www.rollingstone.com/movies/lists/the-greatest-stoner-movies-of-all-time-20130606/harold-kumar-go-to-white-castle-2004-19691231).

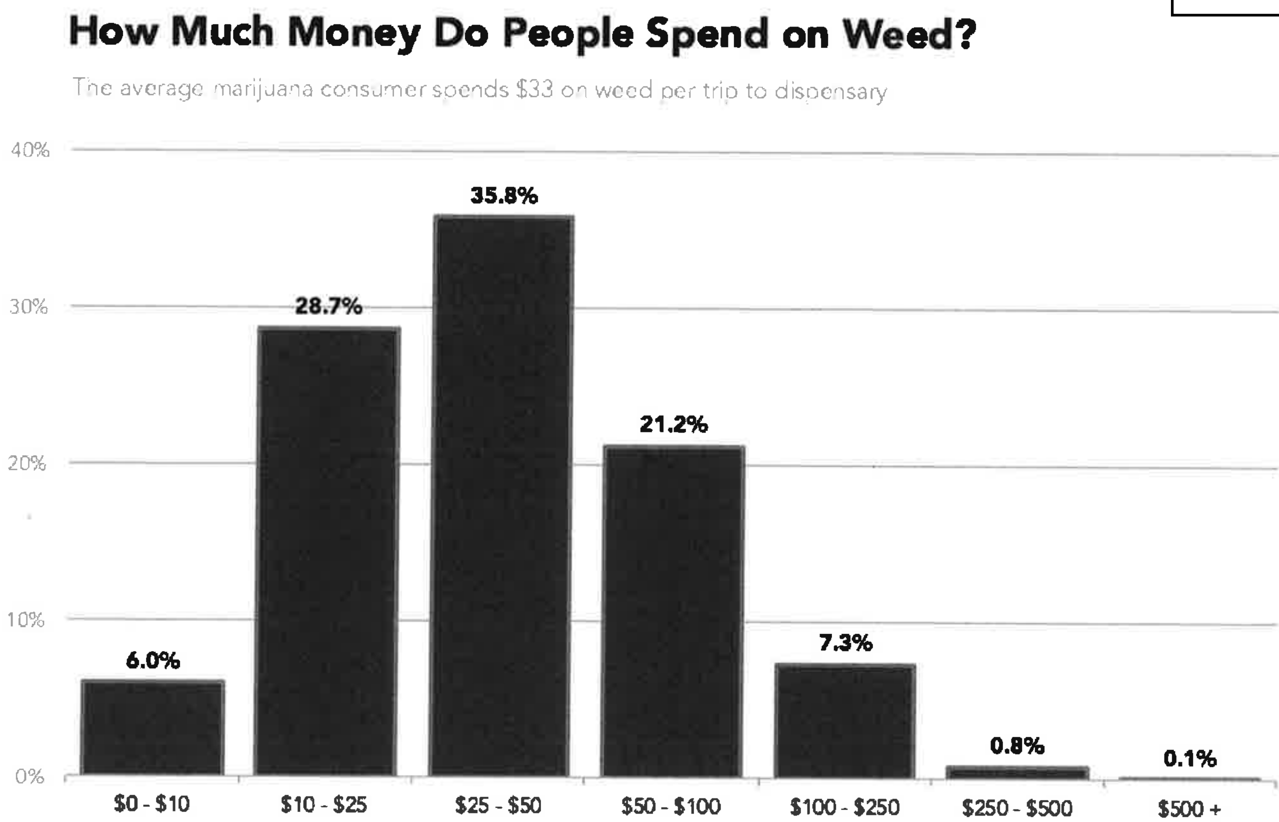
Next we examined the distribution of customer age.



Data source: Headset (http://headset.io/blog/what-does-the-average-cannabis-consumer-look-like)

25- to 29-year-olds account for the largest percentage of customer loyalty members (20%), followed by 21- to 24-year-olds (16%). Yet the average customer age is 37.6-years-old, which is a higher than one might expect given stereotypes (https://www.washingtonpost.com/lifestyle/style/great-stoner-characters-in-american-film/2013/06/14/95699616-d4e1-11e2-a73e-826d299ff459_gallery.html) about marijuana users. The average age for female customers is slightly older at 38.2, while the average age for males is 37.4. People ages 65 to 95 make up less than 5% of customers.

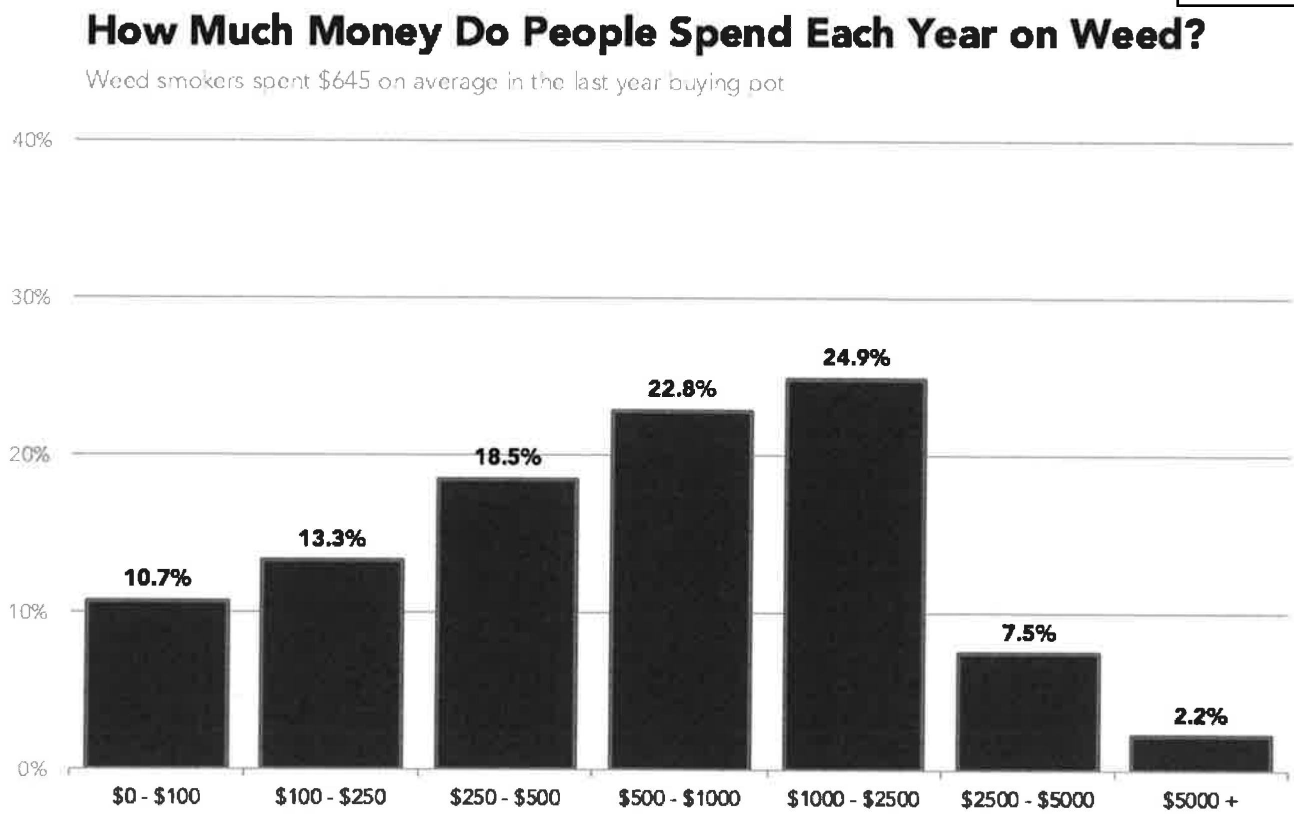
We also wanted to look at customer spending habits. Below is the distribution of average dollars spent per trip to the store.



Data source: Headset (http://headset.io/blog/what-does-the-average-cannabis-consumer-look-like)

Most people spend between $25 and $50 per trip to a marijuana store, with a $33 median spend per trip. 34.7% of customers spend less than $10 on average, usually picking up a single item like a half gram pre-roll or a carbonated beverage. Only 8.2% spend more than $100/trip.

We also analyzed the distribution of annual spend by customer loyalty members on marijuana. The chart below shows the total amount spent in dispensaries over the last year by customers who have been loyalty members for over one year.



Data source: Headset (http://headset.io/blog/what-does-the-average-cannabis-consumer-look-like)

The median customer spends $645 on pot each year, and over 57% of customers spent more than $500. Very few customers—less than 10%—spent over $2,500.

So do different demographics have different shopping habits? To investigate, we first analyzed the marijuana purchasing behavior of loyalty members by gender.

Do Different Customer Segments Have Different Shopping Habits?

Shopping Behavior of Male vs. Female Customers

Customer Segment	Average Age	Median Days Between Purchases	Median Items Per Purchase	Median Spend Per Trip	Median Spend Over Last Year
Male	37.4	19.5	1.6	$33	$647
Female	38.2	21.5	2.0	$35	$634

Note - Median Spend Over Last Year only includes data for customers who have been loyalty members for over one year

Data source: Headset (http://headset.io/blog/what-does-the-average-cannabis-consumer-look-like)

For the most part, men and women have similar shopping and spending habits. Men shop slightly more often, visiting the store about every 19.5 days compared to 21.5 day for women. Although men buy fewer items per trip, they spend almost as much ($33) as women ($35).

Next we looked at these habits segmented by age.

Do Different Customer Segments Have Different Shopping Habits?

Shopping Behavior of Customers in Different Age Segments

Customer Segment	Percent Male	Median Days Between Purchases	Median Items Per Purchase	Average Spend Per Trip	Average Spend Over Last Year
20s	62.1%	16.0	1.6	$27	$627
30s	66.2%	18.2	1.7	$33	$677
40s	65.3%	20.0	1.9	$39	$823
50s	61.6%	20.1	1.8	$41	$753
60s	63.9%	26.0	1.8	$43	$552
70s	61.6%	22.6	1.6	$50	$165
80s +	53.7%	41.7	1.3	$64	N/A

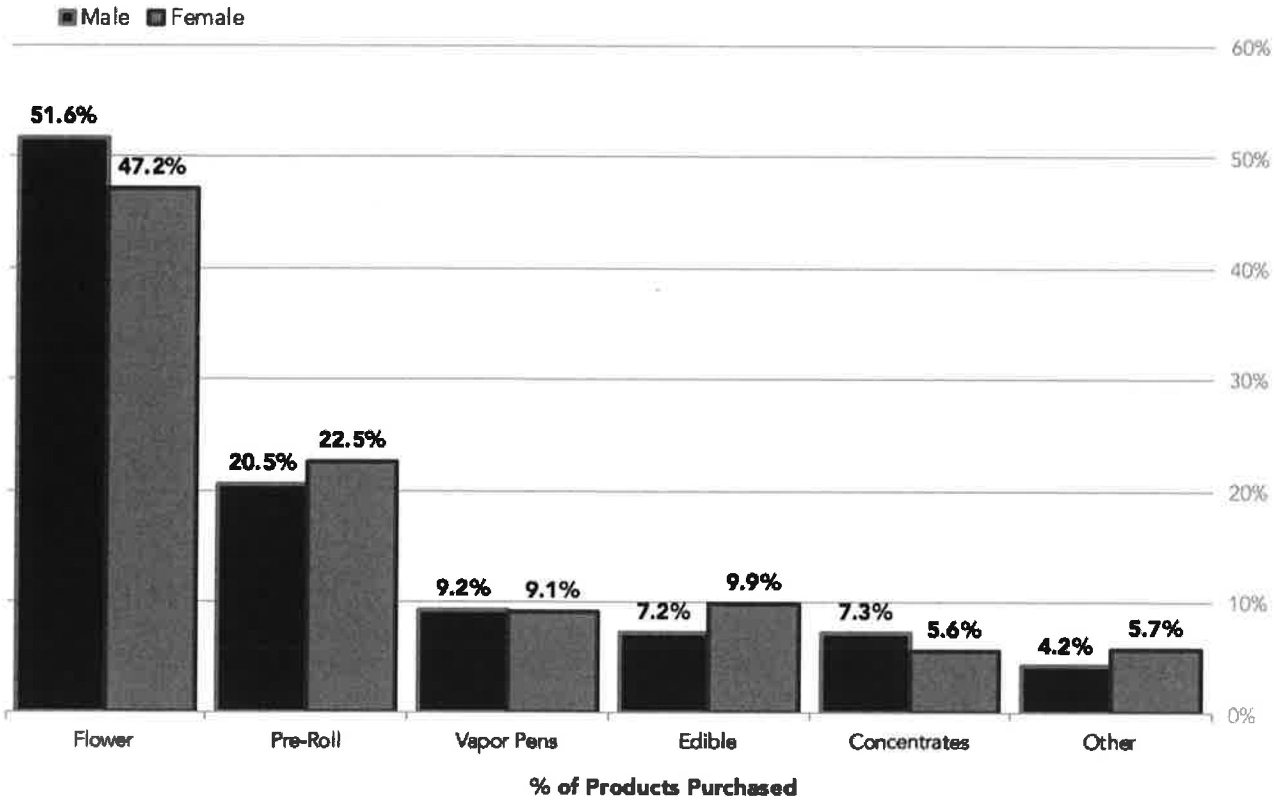
Note - Median Spend Over Last Year only includes data for customers who have been loyalty members for over one year

Data source: Headset (http://headset.io/blog/what-does-the-average-cannabis-consumer-look-like)

Older loyalty members generally visit dispensaries less frequently, but they spend more when they do visit. Customers in their 80s spend the most per trip, with a median spend per trip of $64. Customers in their 40s, however, spent the most last year: a median of $823.

In a previous blog post, we looked at the most popular (http://headset.io/blog/what-are-the-most-popular-cannabis-products) types of cannabis products. We were curious to see if the popularity of particular products differed by demographic. The chart below displays the product preferences of men and women.

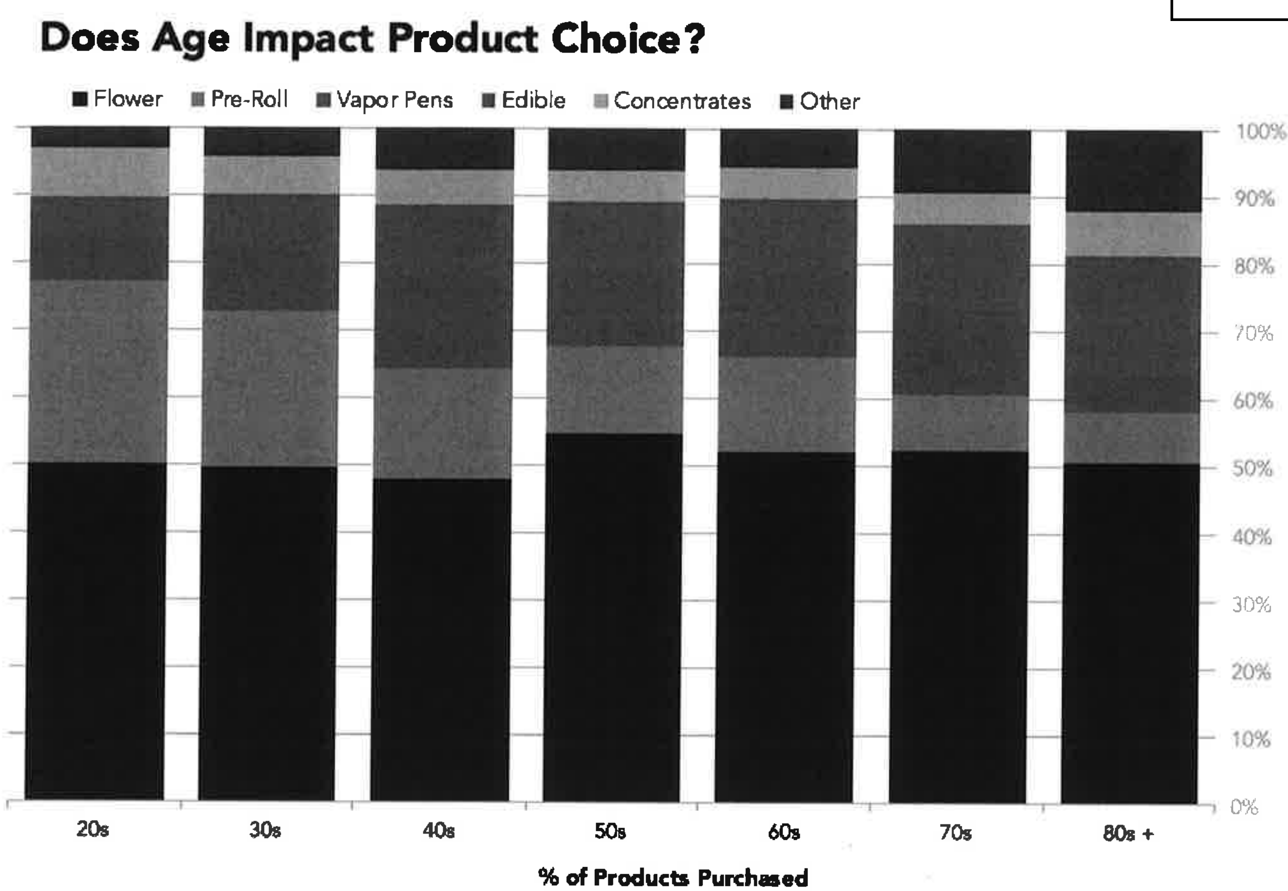
Do Men and Women Buy Similar Products?



Data source: Headset (http://headset.io/blog/what-does-the-average-cannabis-consumer-look-like)

Flower, which is "traditional" marijuana bud, is the most popular product for both genders. But it is even more popular among men: flower accounts for 4.4% more of their purchases. Women tend to buy more Pre-Roll and Edibles, while men buy more Concentrates. Women also tend to experiment more with non-traditional products (Other) such as Beverages, Tincture & Sublingual and Topicals.

We also explored product preferences by age.



> *Data source: Headset (http://headset.io/blog/what-does-the-average-cannabis-consumer-look-like)*

Each segment buys mostly Flower, with those in their 50s buying Flower at the highest rate. Older customers buy less Pre-Rolls than their younger counterparts. Pre-Rolls make up 27% of purchases among customers in their 20s, and this ratio drops down with each age band to only 8% of purchases for those 80 years or older. Conversely, the proportion of both Edibles and Other purchased increase with age—from 6% to 18% and 3% to 12%, respectively.

***

In contrast to the stereotypical depictions of marijuana users in popular culture and the mainstream media, our customer loyalty data shows that there is a wide range of pot smokers. Each customer segment brings their own habits and product preferences with them into the marijuana store.

As the industry develops, talking generically about "marijuana" and "pot sales" may become like referring to "alcohol sales" rather than talking about beer, wine, and cocktails.

***Note:** If you're a company that wants to work with Priceonomics to turn your data into great stories, learn more about the **Priceonomics Data Studio (https://priceonomics.com/the-priceonomics-data-studio/)**.*

Published July 27, 2016 by Team Recurrency (https://priceonomics.wpengine.com)

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July 3, 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: Supplemental Response to Amador County Comment Letter, Dated July 1, 2026 (Traffic) — 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:

This letter is submitted on behalf of Sutter Creek Responsible and Compliant Retail LLC ("Permittee") and supplements our June 30, 2026 response. It addresses the County's letter of July 1, 2026 (the "Traffic Letter"), the County's third comment letter, which was received after our prior response. The Traffic Letter abandons the recognized methodology used in the staff report and instead reverse-engineers a daily trip count by dividing Permittee's multi-year business-plan revenue by a per-transaction spending figure taken from a 2016 consumer blog post. That approach is analytically indefensible, legally irrelevant to the Section 15301 determination, and factually wrong in a way that alone defeats it: the County counts multi-year delivery revenue as in-store customer trips. We respectfully request that this letter be entered into the administrative record in full.

At the threshold, the Traffic Letter's argument, even if fully credited, is directed at a single element of a single exemption — the "negligible or no expansion of … use" language in Section 15301. It does not reach the two other independent grounds available on this record: the Class 32 infill exemption (§ 15332) and the common-sense exemption (§ 15061, subd. (b)(3)), neither of which contains that element. We also note, for context, that the County's three comment letters contain no site-specific environmental evidence — no traffic study, intersection analysis, biological survey, noise study, or air-quality analysis for 11 Ridge Road — and that the record reflects the County inquiring about Planning Commission schedules and the cost to appeal a Commission decision to the City Council before its legal comments were filed. The Commission is entitled to weigh that context in evaluating the weight of the County's submissions.

1. The Controlling CEQA Metric Is VMT, Not Trip Counts, Percentages, or Congestion.

The Traffic Letter frames the issue as a percentage increase in daily trips and culminates in the assertion that the roughly 500-foot segment of Ridge Road and the Highway 49 turn lanes "cannot accommodate this level of use." That is a congestion, or level-of-service, argument — and since July 1, 2020, congestion is not a CEQA impact. CEQA Guidelines section 15064.3, subdivision (b)(2), provides in terms that "a project's effect on automobile delay shall not constitute a significant environmental impact." Transportation significance is now measured by vehicle miles traveled (VMT). (Sen. Bill No. 743 (2013–2014 Reg. Sess.); Guidelines, § 15064.3.)

Under Governor's Office of Planning and Research guidance, a small, locally serving retail use is presumed to have a less-than-significant VMT impact. This Project fits that presumption and, if anything, is VMT-reducing: because there is no licensed dispensary in Amador County, residents who purchase cannabis now drive roughly 22 to 32 miles each way to dispensaries in neighboring counties, and a local option shortens and captures those trips. A percentage increase in trips at the site, measured against a nearly dormant former bank branch, is fully consistent with a net reduction in regional VMT. The County offers no VMT analysis at all. To the extent our June 30 letter described the trip increment as "negligible," we clarify the point here: the operative significance metric is VMT, under which the Project's impact is less than significant and likely beneficial; the raw percentage change in site trips is not the measure of significance under current law.

2. The County's Reverse-Engineered Methodology Has No Evidentiary Value.

Setting aside that trips are the wrong metric, the County's method of estimating them is not a recognized CEQA traffic-analysis technique. The City's planner applied the Institute of Transportation Engineers (ITE) Trip Generation Manual — the established California standard — using the published rate for the relevant land use. The County instead divides Permittee's projected gross annual revenue by a "$33 median" per-trip spend drawn from an undated Priceonomics blog post adapted from a national consumer-loyalty dataset. That article was not prepared as a traffic study; it accounts for no trip purpose, multi-stop trips, pass-by trips, or shared trips, and has no bearing on operating conditions at a rural dispensary in Sutter Creek. It is advocacy dressed as arithmetic.

The framework is also backward. The City used the recognized ITE methodology; the burden is on the party opposing a categorical exemption to produce substantial evidence that an exception applies. (CEQA Guidelines, § 15300.2; Berkeley Hillside Preservation v. City of Berkeley (2015) 60 Cal.4th 1086, 1105.) Substantial evidence is fact or expert opinion supported by fact — not speculation or a competing figure fabricated from a consumer blog post. (Pub. Resources Code, § 21080, subd. (e); Guidelines, § 15384; Bowman v. City of Berkeley (2004) 122 Cal.App.4th 572, 581.) Compounding the problem, the pro forma the County mines is an aspirational, multi-year business-planning document — not prepared by a transportation engineer, not designed to estimate trips, and evaluated against optimistic revenue targets rather than the project as it will initially operate. The Section 15301 exemption is assessed at approval against the project as proposed: a storefront retail operation in an existing building.

3. The County's Calculation Is Factually Wrong: It Counts Delivery Revenue as In-Store Trips.

Even on its own terms, the County's year-five figure is not a methodology dispute — it is a factual error that independently destroys the analysis. The County divided Permittee's projected year-five revenue ($10,595,579) by $33 to reach 880 "daily trips," without asking what drives the growth from year-one revenue ($6,228,954). The answer is in-home delivery — a separate distribution channel that generates no customer trips to the retail site.

Permittee's business plan contemplates adding licensed in-home delivery in later operational years, after the required state and local approvals are obtained; the dispensary will open as a storefront retail operation only. Under state regulation, a single delivery vehicle carries a capped inventory and completes many orders on one route — generating one vehicle trip (the driver), not dozens or hundreds of customer trips to 11 Ridge Road. The revenue growth from year one to year five reflects the addition of that off-site channel, not more walk-in customers at the store. The County counted every dollar of delivery revenue as an in-store visit. Corrected for that error — applying the County's own approach to in-store, year-one revenue only — the result is consistent with or below the staff ITE analysis. The 880-trips-per-day figure is arithmetically wrong and should be disregarded.

4. Trip-Count Comparison Is Not the Legal Standard Under Section 15301.

The Traffic Letter rests on a false legal premise: that "negligible expansion of use" is decided by comparing vehicle-trip rates between the prior and proposed uses. No California court has adopted a trip-count test for Section 15301. As used in the exemption, "use" refers to the character and intensity of the land use — the nature of the activity and its relationship to the physical structure — not "vehicle trips per day." The prior use was commercial retail (walk-in service in a commercial building); the proposed use is commercial retail (walk-in service in the same building). The land-use category is identical, the structure is unchanged, and no construction is proposed.

This reading is confirmed by the very authority the County cites. Sunflower Alliance holds that a change in use is "negligible" when the risk of environmental harm from the new use is negligible — a consequence-based test, not a trip-count test — and on that basis upheld the Class 1 exemption. (That decision is also under California Supreme Court review, S287414, and is not binding pending review; Cal. Rules of Court, rule 8.1115(e)(1).) Under the County's contrary theory, the exemption would vanish for nearly any change of tenancy that draws more visitors than its predecessor — a storefront replacing a storage unit, a café replacing a bank — a result flatly inconsistent with the text and purpose of Section 15301 and decades of statewide practice.

5. In Any Event, the Increment Is Not Significant, and the Baseline Is Conservative.

Even accepting the staff ITE analysis at face value — roughly 325 daily trips for the dispensary against 130 for the bank, an increase on the order of 195 daily trips — that increment does not approach any recognized threshold of traffic significance, and percentage framing obscures the modest absolute number. By way of illustration, common retail uses generate far higher volumes: a fast-food outlet or convenience market generates many hundreds of daily trips, and a small grocery several thousand. The County offers no intersection analysis, level-of-service calculation, or VMT study showing that this increment causes a significant effect; its assertion that the intersection "cannot accommodate this level of use" is a bare conclusion, and bare conclusions are not substantial evidence. (Guidelines, § 15384; Bowman, supra, 122 Cal.App.4th at p. 581.)

The staff figures are also conservative, as the City's planner explains in the email the County itself attached: the dispensary rate (published ITE daily rate of 252, applied at 250 per 1,000 sf) was selected "to be conservative," and reviewed studies used rates "as low as 70 per 1,000" after pass-by adjustments; the bank baseline (100 per 1,000 sf) was likewise grossed up from a PM-peak figure because ITE publishes no daily walk-in-bank rate. The former Umpqua branch was a low-volume rural bank, so even the 130-trip baseline is generous. Properly pass-by-adjusted, the net new traffic is modest in absolute terms regardless of the percentage it represents over an artificially low base.

6. The Commission May Rest Its Determination on All Three Exemptions.

Because the Traffic Letter's "negligible expansion of use" argument is unique to Section 15301, the grounds for exemption are strongest when the determination is made on all three independent bases identified in the record — Class 1 (§ 15301), Class 32 infill (§ 15332), and the common-sense exemption (§ 15061, subd. (b)(3)). The Class 32 exemption does not contain the "negligible expansion of use" trigger; its traffic criterion is assessed under the VMT standard, which the Project satisfies for the reasons above. The common-sense exemption is a general exemption not subject to the "unusual circumstances" exception. These grounds are available on this record, and resting the determination on all three insulates it regardless of how the trip-count debate is resolved.

7. Suggested Points for Consideration by the City's Transportation Consultant.

The trip-generation questions the County raises are engineering questions best answered for the record by the City's transportation consultant rather than by counsel. We defer to the consultant on the technical specifics and respectfully offer the below points that may be used in a brief memorandum or otherwise introduced into the record that would complete the record and directly and definitively answer the Traffic Letter:

1. *VMT is the controlling metric.* Confirm that transportation significance is evaluated under VMT (Guidelines, § 15064.3) and that automobile delay / level of service is not a CEQA impact (§ 15064.3, subd. (b)(2)); explain that the Project screens as less-than-significant under the OPR presumption for small, locally serving retail, and quantify the net regional VMT effect of capturing trips that currently leave the County (approximately 22–32 miles each way).

2. *The staff estimate is conservative.* Confirm the inputs described in Ms. Ventura's June 22 email — the ITE dispensary rate of 252 (applied at 250) per 1,000 sf and the 100 per 1,000 sf bank baseline grossed up from the PM-peak rate — and confirm that both were selected to be conservative.

3. *Apply a pass-by reduction.* Provide the applicable ITE pass-by reduction for a highway-oriented retail use and state the resulting net-new daily trips after that adjustment (reviewed studies used rates as low as 70 per 1,000 sf on this basis), so the record reflects the adjusted increment rather than the gross figure.

4. *Even unadjusted, the volume is modest.* Explain that roughly 325 daily trips is a small absolute volume that does not approach a threshold of significance and, under section 15064.3(b)(2), cannot constitute a significant impact through congestion or turn-lane capacity; provide comparative ITE volumes for common retail uses for context.

5. *The sales-to-trips method is invalid.* Explain, in engineering terms, why dividing projected revenue by a median in-store spend does not yield vehicle trip-ends — accounting for the delivery and online/pick-up share of sales, the one-way trip-end definition, pass-by capture, and the error of dividing a median into a total — and why the resulting 517/880 figures raised in the Traffic Letter are not a valid trip-generation estimate.

6. *Turn lanes are a non-CEQA operational matter.* Confirm that the Highway 49 turn-lane concern is a congestion/operational question outside CEQA's significance analysis, and separately advise whether any operational improvement is warranted as a non-CEQA matter.

Conclusion

The Traffic Letter fails at every level. Its methodology — reverse-engineering trips from a business-plan projection using a consumer blog post — is not a recognized CEQA technique; its year-five figure is factually wrong because it treats delivery revenue as in-store trips; its legal premise, that Section 15301 turns on a trip-count comparison, has no basis in California law and is refuted by the County's own authority; and, in any event, congestion is not a CEQA impact and the modest net increment is not significant under any recognized standard. The County has submitted three escalating comment letters without a single piece of site-specific environmental evidence. The exemption is properly invoked, and the Commission may rest its determination on all three independent grounds.

We respectfully urge the Commission to approve the Project and execute the Development Agreement on July 8, 2026, and request that this letter be entered into the administrative record in its entirety.

Sincerely,

Eric Lightman, Esq.
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)
Derek Cole, City Attorney (dcole@colehuber.com)
Erin Ventura, City Planner (eventura@haugebrueck.com)
Seena Samimi (ssamimi@meyersnave.com)
Josh Lewis, Embarc (jlewis@goembarc.com)
Greg Gillott, Amador County Counsel (ggillott@amadorcounty.gov)