SUTTER CREEK

JEWEL OF THE MOTHER LODE

REFERRAL FORM

TO: **ACTC**

DATE: **April 28, 2025**

FROM: **Erin Ventura, Contract Planner**

PROJECT: **Sutter Creek Ranch (Gold Rush Ranch) 150 Lot Subdivision**

The City of Sutter Creek (City) has received an application for a 150 Small Lot Subdivision in the project area formerly known as Gold Rush Ranch. The project site is located within the Gold Rush Ranch Specific Plan (GRR-SP) area. The application includes a Tentative Subdivision Map for 150 residential lots ranging in size from 4,939 sf to 17,189 sf. The development also includes a .59 acre Neighborhood Park and 17.52 acre Community Park. The applicants are proposing to connect Valley View Way down to State Highway 104.

Please find the application materials here.

At this time the City has not yet deemed the application complete. We ask that you please carefully review the Specific Plan in regards to the Conditions of Approval (Attachment J starting on page 275 in the linked document) and Mitigation Measure associated with ACTC and roadway improvements. Below are the items the City believes still needs resolution.

Attachment J

1.33 Provide documentary evidence of coordination with the Amador County Transportation Commission (ACTC) and the Amador Regional Transit System (ARTS) regarding bus stop locations prior to recordation of each subdivision and/or development map within the GRR- Project, to ensure that adequate circulation options for efficient bus routing are provided. Bus stops shall be installed at locations deemed appropriate by ACTC and ARTS and shall include, but are not limited to, the Project's commercial core, the Project's mixed-use site adjacent to State Route 104, Allen Ranch Road, Gold Rush Ranch Parkway, Roads A and D, and Loop Roads Band C.

1.36 The GRR-Project Developer(s) shall acquire necessary rights-of-way, fully fund, design, and construct and/or upgrade, at the sole cost and expense of the GRR-Project Developer(s), the following GRR-Project access roadways and intersections:

a. The GRR-Project Developer(s) shall construct intersection improvements and signalization (if signal warrants are met) at SR 104/Ampine-Fibreform Road/Allen Ranch Road intersection prior to issuance of a building permit within the GRR-Project in accordance with City and Caltrans standards and requirements. If signals are not warranted, then conduits, setbacks, signal accessories, and other accommodations may be required to facilitate signal installation when signals are warranted. The GRR-Project may receive fee credits or reimbursement from regional, sub-regional, or local traffic mitigation fees for over-sizing or adding excess capacity to the intersection beyond that which would be required to accommodate GRR-Project buildout plus pre-existing traffic.

b. The GRR-Project developer(s) shall construct the Allen Ranch Road Valley View Way connection with existing Valley View Way prior to permitting the eighty-first (81st) single- family dwelling within the GRR-Project. The intent of this provision is to accommodate the construction of up to thirty (30) model homes and fifty (50) single-family dwelling units prior to construction of the Allen Ranch Road Valley View Way extension improvements. Design of this roadway section shall include sidewalks or pedestrian pathways, drainage facilities, and landscaping in compliance with City standards and requirements. Access to remaining parcel south of the extension shall not be precluded.

c. The GRR-Project Developer(s) shall construct the SR 104/Locomotive Lane/Road D intersection improvements and signalization (if signal warrants are met) to Caltrans standards and requirements within thirty-six (36) months of the date of GRR-SP approval or the earliest of:

1. The issuance of the 301st residential unit (excluding 30 model homes);
2. Implementation of Phase 2;
3. Development of the GRR-Project interval-ownership vacation units in Lot 17 (Village Q);
4. Development of the hotel; or
5. Commercial development in excess of 10,000 square feet in Lot 18 (Parcel R).

   If signals are not warranted then conduits, setbacks, signal accessories, and other accommodations may be required to facilitate signal installation when signals are warranted. The GRR-Project may receive fee credits or reimbursement from regional, sub-regional, or local traffic mitigation fees for over-sizing or adding excess capacity to the intersection beyond that which would be required to accommodate GRR-Project buildout plus pre-existing traffic.

d. Prior to issuance of a building permit for the Golf Course Maintenance Area in Lot 19 (Parcel P), the GRR-Project Developer(s) shall construct the SR 88/Golf Maintenance Access intersection.

e. Prior to issuance of building permits for development within Lots 22 and 26 (Parcels V and Z) unless other access routes to these lots is provided, the GRR-Project Developer(s) shall construct SR 104/Mixed Use Access intersection.

1.37 The GRR-Project Developer(s) shall acquire necessary rights-of-way, fully fund, design, and construct and/or upgrade, at the sole cost and expense of the GRR-Project Developer(s), the following regional roadways and intersections:

a. The GRR-Project Developer(s) shall construct the Bowers Drive/Prospect Drive realignment to City and Caltrans standards and requirements prior to issuance of a building permit within the GRR-Project.

e. The GRR-Project Developer(s) shall construct improvements at the Valley View Way/Bowers Drive intersection and along the frontage of the Sutter Hill Transit Center and City park site in accordance with City standards and requirements prior to the issuance of a building permit for the 501st residential unit.

The required improvements in this condition satisfy the GRR-Project's obligation for fair share funding or the Martell Area sub-regional traffic impact fee (commonly referred to as CMX). The GRR-Project is responsible for payment of the RTMF and local traffic mitigation fees pursuant to these Conditions of Approval.

The GRR-Project shall not receive a fee credit or reimbursement for developing or constructing the regional roadway improvements identified in this condition of approval.

Should ACTC or other entity expend funds for part of the development or construction (design, CEQA processing, Caltrans permitting, right-of-way, construction, etc.) of any part of the Regional improvement projects identified in this condition of approval, the GRR-Project Developer(s) shall reimburse the ACTC program (RTMF or CMX) for costs expended. Said reimbursements shall be paid and the required roadway improvement shall be in place prior to any further development entitlements beyond that which is allowed prior to the deadlines or schedule provided in items a through e above. The GRR-Project Developer(s) shall be required to escalate the costs of reimbursement based on the Construction Cost Index of the Engineering News Record for each year after any of the required regional improvements were constructed by ACTC or another entity.

3.29 A bus turnout serving the GRR-Project in the vicinity of State Route 104 shall be sited and constructed in compliance with Caltrans and Amador Regional Transit System standards and guidelines prior to the approval and recordation of the first small lot subdivision map.

Attached to this document are the following:

1. Proposed draft Conditions of Approval for the Prospect/Bowers Drive Reimbursement
2. A letter from City Manager DuBois in support of the applicant's repayment plan.
3. Prorate Share with ENR Inflation

Please submit any comments, requirements, or concerns by 5:00 p.m. on May 28, 2025, to eventura@haugebrueck.com. If you would find it helpful to review and discuss this in person, please feel free to reach out and we can set up a meeting.

Gold Rush Ranch
Draft Condition of Approval
Prospect/Bowers Drive Reimbursement

As mitigation for the reimbursement of the Regional Traffic Mitigation Fund ("RTMF") expenditures for the Prospect/Bowers Drive Intersection Realignment, and in satisfaction of Specific Plan, Appendix J, Condition 1.37 (which implements Specific Plan EIR Mitigation Measure 6-7), the project developer shall pay at the time of first building permit issuance an *unadjusted* per-lot fee of **$731.21** for each of the 150 lots covered by the revised first project phase. The total *unadjusted* payment due upon issuance of the first building permit) shall be **$109,681.50.**

This condition assumes the following:

1. The total reimbursable RTMF expenditures on the Prospect/Bowers Drive Project was $1,099,655, as reflected in the attached spreadsheet.

2. The total residential units contemplated in the approved Gold Rush Ranch Development was 1,334. (The originally approved development also contemplated development of other types of housing and 85,000 square feet of commercial development, which would also contribute to the traffic impacts the Specific Plan EIR considered.)

3. The share of the overall costs of the *unadjusted* reimbursable RTMF is $975,337, as reflected in the attached. This amount divided by the total number of single family units yields the per-unit amount of $731.21.

The above per-lot fee indicated is, as noted, unadjusted. The actual per-lot fee to be paid will be adjusted to reflect Condition 1.37's requirement that the RTMF reimbursement account for inflation calculated under the Construction Cost Index of the Engineering News Record ("CCI-ENR") from the date of the completion of the Prospect/Bowers Drive project (estimated to have been completed in 2013) until the date the developer pulls the first building permit. On that date, the project developer shall pay the *adjusted* per-lot fee, accounting for the CCI-ENR adjustment, for all 150 units to be developed.

(Note: the adjusted total fee for the current phase of the project as of April 2025 is **$164,929.11**, as reflected in the attached spreadsheet.)

Any future phase(s) of the project shall be subject to this same condition. This will ensure that all future residential and other units developed beyond the first phase will contribute to the fair-share cost to the RTMF for the Prospect-Bowers Drive realignment.

Tom DuBois
City Manager
City of Sutter Creek
18 Main Street
Sutter Creek, CA 95685

April 25, 2025

John Gedney
Executive Director, ACTC
117 Valley View Way
Sutter Creek, CA 95685

Dear John:

This cover letter is to explain why the city is proposing the attached condition of approval for the 150 Home Sutter Creek Ranch development of $731.21 per home, before adjusting for the engineering inflation since 2013 (as of today's date, with the ENR cost increase the total would be $1,099.53 per unit. The actual ENR cost index will be applied at the time of the first building permit).

We have reviewed a series of documents found internally within the city, documents from ACTC and email history between the City and ACTC. There is a confused and tortuous history here.

It looks like ACTC started the project and RTMF fees were used for planning. At one point the City of Sutter Creek asked to stop the project. Then the project was transferred to Sutter Creek, who managed the construction. The City got an additional grant of $885,000, and $1,090,015.83 of RTMF funds were provided to fund the total project cost of $1,975,015.83. This total matches detailed records of the total cost.

ACTC had several projects on the RTMF priority list that were subject to finding sufficient funding. When this Bowers-Prospect Road realignment was advanced, the understanding appears to be that future RTMF fees would go to those other projects. In the intervening years, it appears RTMF fees were applied and put back into the fund – at one point a document says on $60,000 were left that were owed. However, over time, ACTC annual reports reflected changes in accounting for these funds. Gold Rush came and then went bankrupt. At one point, only the RTMF fees were designated to be reimbursed by "the Gold Rush Developer" in the annual report. Then the annual reports changed to say that $1.5M would be paid into the RTMF fund (which would include some of Sutter Creek's separate grant funds). We cannot find an accounting for where the $1.5M number comes from. The city has a series of emails sent from

John Gedney to then City Manager Amy Gedney in May of 2017 identifying $849, 665 as RTMF fees for the project and $250,000 RTMF fees as a loan. A spreadsheet was also sent that allocated the costs per unit type across the entire development. We have updated that same spreadsheet from ACTC to show how we calculated the amount for the condition of approval.

There is a question of what dollar amount should be paid by a developer – the $250,000 loan or the total of the $1,099,665 of RTMF funds used. For our condition of approval, we applied the larger $1,099,665 amount, using the ACTC methodology.

I reiterate points from my prior letter – this is phase of the specific plan, 150 homes. The City believes a fee per unit is a reasonable condition of approval,

Finally, I want to emphasize that the City cannot locate any legal agreement or contract that the City of Sutter Creek itself owes the funds. Based on the documents, we do not believe the City's general fund is obligated in any way. We do have other loans that are documented agreements and approved by City Council with ACTC that specify loan and repayment terms. There is not one in this case. The City can not take on an obligation that was never approved by the City Council.

Sincerely,

T DuBois

Tom DuBois
City Manager
City of Sutter Creek

CC: ACTC Board of Directors
Attachments

Prospect Dr / Bowers Dr Reimbursement - Fee Schedule

(Based on approved land use totals for Gold Rush Ranch Specific Plan)

(Original from John Gedney, dated May 11, 2017)

	Units	RTMF Fee per Unit	RTMF Revenue		**Prospect Dr/Bowers Dr Reimbursement Fee per Unit**	Special Zone Revenue
Single Family DUs	1,334	$3,878	$5,173,252		**$1,007.12**	$1,343,497
Vacation Homes	300	$1,226	$367,824		**$318.41**	$95,524
Hotel	60	$869	$52,140		**$225.68**	$13,541
Golf Course	18	$6,384	$114,912		**$1,657.93**	$29,843
Mixed Commercial	57,000 sq.ft.	$2,174	$123,918		**$564.59**	$32,182
			$5,832,046			$1,514,586
Prospect Dr / Bowers Dr RTMF Contribution			$1,514,586	=	25.97%	

Prospect Dr / Bowers Dr Reimbursement - Fee Schedule

(Based on approved land use totals for Gold Rush Ranch Specific Plan)

	Units	RTMF Fee per Unit	RTMF Revenue		**Prospect Dr/Bowers Dr Reimbursement Fee per Unit**	Special Zone Revenue
Single Family DUs	1,334	$3,878	$5,173,252		**$731.21**	$975,437
Vacation Homes	300	$1,226	$367,824		**$231.18**	$69,355
Hotel	60	$869	$52,140		**$163.85**	$9,831
Golf Course	18	$6,384	$114,912		**$1,203.73**	$21,667
Mixed Commercial	57,000 sq.ft.	$2,174	$123,918		**$409.92**	$23,365
PHASE 1A(subset of row	150	$3,878	$581,700		$731.21	$109,682
Total New RTMF			$5,832,046			$1,099,655
Prospect Dr / Bowers Dr RTMF Contribution			$1,099,655	=	18.86%	

		ENR Index
Construction Cost Inflat	Jan-12	9,176
	Apr-25	13,798
% Increase		50.4%

Phase 1A portion	**Inflated to 2025 Costs**	
$109,681.80	$164,929.11	Special Zone Revenue
	$1,099.53	Per unit

Prospect Dr / Bowers Dr Reimbursement - Fee Schedule

(Based on approved land use totals for Gold Rush Ranch Specific Plan)

	Units	RTMF Fee per Unit	RTMF Revenue		**Prospect Dr/Bowers Dr Reimbursement Fe per Unit**	Special Zone Revenue
Single Family DUs	1,334	$3,878	$5,173,252		**$166.24**	$221,760
Vacation Homes	300	$1,226	$367,824		**$52.56**	$15,767
Hotel	60	$869	$52,140		**$37.25**	$2,235
Golf Course	18	$6,384	$114,912		**$273.66**	$4,926
Mixed Commercial	57,000 sq.ft.	$2,174	$123,918		**$93.19**	$5,312
PHASE 1A (subset of Row 11)	150	$3,878	$581,700		$166.24	$24,936
Total New RTMF			$5,832,046			$250,000
Prospect Dr / Bowers Dr RTMF Contribution			$250,000	=	4.29%	

		ENR Index
Construction Cost Inflation	**Jan-12**	9,176
	Apr-25	13,798
	% Increase	50.4%

Phase 1A portion	**Inflated to 2025 Costs**	
$24,935.50	$37,495.65	Total
	$249.97	Per Unit