Regional Traffic Mitigation Fee Program (RTMF)
Oversight Committee (OC) Meeting Minutes
June 9, 2025– 11:00 a.m.
Amador County Transportation Commission (ACTC) Office
117 Valley View Way, Sutter Creek

**Attendance - Voting Members:**
John Plasse, ACTC Commissioner Representative
Sandy Staples, Mayor, City of Amador City
Dan Riordan, City of Sutter Creek (via Zoom Conferencing)
Brian Oneto, Board of Supervisors Representative
Steve McLean, City of Jackson

**Absent:**
Jack Mitchell, Council Member, City of Ione
Margaret Roberts, City Manager, City of Plymouth

**Also Present:**
John Gedney, Executive Director, ACTC
Felicia Bridges, Transportation Planner, ACTC
Troy Claveran, Member of the public
Erin Ventura, Planner, City of Sutter Creek

1. **MEETING CHAIR**:
   **Motion:** It was moved by Brian Oneto, seconded by Steve McLean, and carried to approve John Plasse chair the meeting.

   Ayes: McLean, Oneto, Plasse, Riordan, Staples
   Noes: None
   Absent: Mitchell, Roberts

2. **APPROVAL OF THE AGENDA:**
   **Motion:** It was moved by Steve McLean, seconded by Sandy Staples, and carried to approve the agenda.

   Ayes: McLean, Oneto, Plasse, Riordan, Staples
   Noes: None
   Absent: Mitchell, Roberts

3. **PUBLIC MATTERS NOT ON THE AGENDA:** None

**Consent Agenda (Items #4-7):**

4. **Approve Meeting Minutes: September 16, 2024 & February 18, 2025:** Sandy noted a name correction (Bragstad to Staples) in the September Minutes.

5. **2025 Regional Transportation Plan (RTP) 'Call for Projects':** Steve asked about the submittal process of projects. John G. responded the Technical Advisory Committee (TAC) meetings will be the avenue to discuss the details of projects as monthly workshops will be held during the upcoming meetings.

**Motion:** It was moved by Sandy Staples, seconded by Steve McLean, and carried to approve the Consent Agenda with corrections to the minutes as noted.

Ayes: McLean, Oneto, Plasse, Riordan, Staples
Noes: None
Absent: Mitchell, Roberts

**Regular Agenda (Items #8-11):**

**8. RTMF 'Nexus' & 'Proportionality' Study Report:** John G. reviewed his staff report and noted this item was brought to the most recent ACTC meeting for review. John P. asked whether this committee is responsible for establishing the fee structure. John G. responded yes.

John P. expressed concern with consolidating all single-family dwelling fees in one category rather than differentiating between mass developments of homes verses already existing residents building a home on property that is already owned. John G. reviewed how the trips per day calculation is utilized.

Dan asked if John P. was suggesting that a person that already lives in Amador County and builds a new home on an existing lot would not net additional trips per day? John P. replied it won't net the same number of additional trips per day as subdivision growth. The group discussed the options of establishing a discounted fee for local residents on a single-family dwelling and/or the addition of a fee to the schedule for Additional Dwelling Units (ADU). Brian noted there may be legal issues that would need addressing prior to implementation.

Dan suggested gaining more insight from the consultant team regarding these details and legally acceptable changes. John G. stated this item can be tabled to allow staff time to conduct research to bring back for review and ongoing discussion. John G. then stated the critical part of this study was to get confirmation of what and how much funding can be programmed to roadway projects on the RTP Tier I listing in the 'Call for Projects" in August.

John P. asked for clarification on if the committee was agreeing to keep the fee schedule the same at this time, but discuss modifying the schedule with the suggested rates in the study at a later date. John G. replied yes, this committee has a great deal of latitude regarding modifying the fee schedule.

Felicia noted the arrival of Margaret Roberts.

The board agreed to accept the study as complete with the understanding that additional research and potential changes to the fee schedule are under investigation.

**Motion:** It was moved by Dan Riordan, seconded by Brian Oneto, and carried to approve the 'Nexus' and 'Proportionality' Study as delivered with the understanding that additional research on rate changes is under review, and the rates will remain the same at this time.

Ayes: McLean, Oneto, Plasse, Riordan, Roberts, Staples
Noes: None
Absent: Mitchell

**9. FY 24/25 RTMF Fund-Project Programming:** John G. stated this item provides the committee the opportunity to make changes as needed to the program. He highlighted in past years modifications to the Memorandum of Understanding (MOU) took place. He then asked for direction regarding any updates or modifications for discussion.

Dan stated last year was the first year going through the 'Call for Projects' process, and noted he is comfortable with moving through this next 'Call for Projects' process before reviewing any potential changes to the evaluation criteria for choosing projects on the Tier I list. John G. agreed and provided a brief review of older projects on the list that may come back up for discussion in the future.

John P. stated the projects on the RTP Tier I listing that previously received relinquishment funding from Caltrans to complete them (projects with asterisks), should not be included on the list for potential funding. John G. reviewed options for those projects and how the evaluation criteria can be updated to reflect that issue specifically. The group continued discussion regarding those projects and potential options.

John P. suggested those projects be removed from the RTP Tier I list. Sandy stated those funds were not required to be spent immediately and in today's dollars they do not go as far for maintenance and repair. The group debated when and how those funds should have been spent on those projects with the relinquishment funding received.

Tom Dubois, Sutter Creek City Manager expressed his understanding to the concerns regarding those roadway projects, but noted that roadway is a key evacuation route and should be maintained and considered in the scoring criteria.

The committee agreed to move through this cycle and continue this discussion at future ACTC meetings.

**Motion:** It was moved by Steve McLean, seconded by Brian Oneto, and carried to approve continuing the discussion regarding the RTP Tier I projects with asterisks at the ACTC meetings.

Ayes: McLean, Oneto, Plasse, Riordan, Roberts, Staples
Noes: None
Absent: Mitchell

**10. Sutter Creek Ranch (Gold Rush Ranch) Referral Package:** John G. reviewed his staff report and attachments. He noted representatives of the city and the developer are present.

John P. provided a brief history for the group on the construction of the Bowers Dr. intersection and the topic of repayment of the ACTC contribution to that project.

Tom stated the city is currently processing an application for the Sutter Creek Ranch development that included 150 homes. He continues that the Conditions of Approval were provided to local agencies on April 28th with a 30-day comment period, which is now beyond that. He further stated the city is interested in receiving an answer from this committee so they can move forward to the Planning Commission. Specifically, the kind of payment expected, and whether all up front or proportionality on a per-unit basis.

John P. asked if the per-unit basis noted refers to the overall project or this specific section. Tom replied this project is the only thing in front of us, the developer is proposing to pay so much per type of construction, for houses it would be $1,000 per house to repay the mitigation for the Bowers Dr. intersection. The intent would be to pay per unit up to whatever amount agreed is owed. Brian reiterated the question was not answered, if they would continue to pay that over future phases or just the first. Tom stated there is only one phase submitted currently, and they have verbally noted they would submit future phases but they could speak to that specifically.

Beau Blixseth, representative for the property developers, stated the intent would be to amortize the $1,000 per density unit over the entirety of the project, or 1,334 density units of the allowable amount in the project. So, the first phase would be 1,000 and future phases would be the same.

John P. stated that that repayment proposal only equates to $150,000 against the $1m + loan of RTMF funds and asked Tom why Sutter Creek is hesitating to impose that condition. Tom stated because it was something to lead to a project, and noted the project would go to the planning commission and council to determine if it's following the current zoning under the Sutter Creek Specific Plan. However, we need to get through this discussion first.

Tom then highlighted that the Development Agreement is no longer good, the city expired it in 2019, and the staff report for this item referred to Attachment J that the development agreement referred to. He explained that there was a very specific agreement, with a very specific developer, which is now gone. Additionally, in 2010 Sutter Creek adopted the Gold Rush Specific Plan as part of its General Plan documents and an Environmental Impact Report (EIR) was completed for that with zoning in place. Tom continued, what we have is an application under that zoning that is in place with a new developer and a new application-the Sutter Creek Ranch. We (the city) intend to ask the developer to update some baseline conditions as they may have changed over time. Also, city staff did find all the details of Bowers Dr. intersection project and it seems it started prior to the Gold Rush development project existed. As far as he could find on RTMF themselves, as reflected in the Referral Package, they total approximately $1 million, and this project was prioritized due to new grant funding that came up at that time, jumping over other projects in line. Tom then explained analysis was used to get to the $1,000/unit proposed for repayment, as for the discussion related to this project and the Amador County Unified School District project, that project has a new EIR and is a new project, while this project is about zoning requirements. Further, there was no loan agreement in which the city's general fund would be held accountable for the impact fees, rather those fees would come from the developers. He stated this developer is offering to pay $1,000/ unit on this project, which pays the mitigation on the Bowers Dr. intersection, just spread out over time.

Dan commented, from the developer's perspective, it makes the project infeasible to have to pay the total repayment amount up front. He further stated the developer noted while unsure if they owe it, they would repay it as they move along with the traditional RTMF fees to be owed. He stated there has to be a way to compromise, noting at this point, they are not entirely sure the project will even be approved by the planning commission or city council yet.

Derek Cole, City of Sutter Creek Legal Counsel, stated he started in June 2010 and was around for the cancellation of the original Gold Rush development and highlighted what we have now is a new project using the Specific Plan approved in 2010. He then referenced Attachment J and the reimbursement to ACTC, and explained the current project is approximately a 10$^{th}$ the size of the previous project. He continued he has to look at the nexus requirements and his interpretation is that we are likely to get more tightening from the supreme courts regarding RTMF fees and the nexus requirements for local governments. He stated we can only require the units being currently considered at this time but draft conditions would require all of it to come in if further development were to come in over time.

Brian stated his concern is this appears to be a piecemealing issue. He then referenced section 2.15 A & B of Attachment J in the Conditions of Approval. Specific discussion continued related to various intersections of the project and state highway improvements. Erin stated when reviewing Attachment J, the phasing of the project was much different. She continued for this project, staff went through the list and only included conditions which were applicable now for this project. Erin noted the phasing has changed but the project description remains

the same, and as such, able to use the old EIR. She further added the goal now is to work with the agencies impacted to ensure adequate mitigation is in place and implemented at the appropriate times.

John G. asked if the property is conditionally owned by the developer. Erin replied they own portions and then there are portions that have option agreements in place for conditionally owned portions.

John G. asked if the developer believes they owe these funds. Beau expressed interest in the repayment of fees in order to move the project along. John G. asked if the developers pro-fora documents have been disclosed to the city yet. Beau responded not at this time. John G. asked if Beau was aware of the new Vehicle Miles Traveled (VMT) regulation now in place, and asked if they would be willing to disclose the Pro forma documents and work in a collaborative way. Beau stated he does not see a problem with that, but would have to discuss it with the developer's team and get back to ACTC staff.

Erin asked that after this meeting, if the board could provide an official response to the proposed conditions. John G. stated he has laid out the board's position on this and the new regulatory environment. In response to the ACUSD comment, it's not about zoning; rather its more about public expectation, and that VMT has broken the nexus in that we are collecting fees that will go to projects that do not relate to the impacts any longer. When a development gets approved the public expectation is the previous mitigation measures under Level of Service (LOS) will be implemented. This is the same situation, and noted we could then offer to work in good faith, but need to understand the regulatory requirements and be approved prior to moving forward. Dan asked how to complete that. John G. replied by updating the Traffic Impact Study (TIS) to show VMT is the law of the land now. Erin confirmed city staff does agree there needs to be updates but thinks the current EIR stands as it is.

Dan asked if John G. is suggesting to incorporate verbiage of VMT in the TIS that releases liability of ACTC, then that would then open up opportunity for an agreement. John G. clarified any modifications to the TIS trigger modifications to the EIR. If the city wants to perform it clean then a new EIR of the new project should be completed. Beau stating the old EIR was going to be used for the entire project previously and would still remain applicable now.

Discussion continued regarding the legal requirements and liabilities of this project under the new VMT regulations. Further debate surrounding the repayment amount ensued.

John G. suggested no formal approval at this time but ask the updating of documents be completed and provide that back to us once the city's approved it. We could then offer our good faith in negotiating at that point.

John P. expressed concern noting if after VMT studies are brought forward, then a developer can say they don't need to do anything and walk away. John G. asked what would public perception be without following the process? He continued, there should be an understanding with the approval, with no mitigation, there would be deterioration of traffic conditions. This has been done in the past, where communities are asked to reduce their impact on LOS. Where they'd be willing to adopt LOS D conditions in their General Plan, or even LOS E conditions. This happens, and that's all we're asking the city to do here, is make the public aware of the new reality. That this development will be approved with less mitigation than was recommended previously, and the corollary now is traffic congestion. That's all we're doing, we're not looking for any reaction, just looking for disclosure.

Beau asked what the city updating the Traffic Impact Study has to do with the repayment of what is be proposing today. John G. asked why are we negotiating at all? Beau stated we're trying to move the project forward. He noted we realize that there's been efforts made in the past by others, and, even though it wasn't done by us, we are incurring the expenses of which we just figured out months ago. Beau further explained they have a spirit

that says "*we want to move the project forward and we think that bringing jobs to Amador County is a really good thing*". Beau stated the growth that is proposed to the 150 lots is a value-added extension and the attempt is to follow the Specific Plan to a T due to its requirement of our application to get complete. He added the city requested to have this meeting to resolve this issue, and this is us trying to resolve it.

John G. stated if you want to follow the Specific Plan to a T, then pay the $1.5 million repayment amount for the Bowers Dr. intersection, and the regular RTMF fees. Then we're on board with you. Beau responded that the developer is only changing the phasing, as discussed in this meeting, because the phasing itself doesn't work the way it was previously written. The Specific Plan was originally written during a time when there was a booming real estate market, which is not the case today. So, 150 lots for the first phase seems appropriate. He expressed that trying to say to put $1.5 million up for anything would be a deal killer. They would hope to do this project in phasing as the lots come online or as the project is built out. John G. stated if $1.5 million is a deal killer, how about $1.1 million up front, or would that kill it too? What about $5, how much will kill it? What are your stats. Beau explained they proposed for every density unit that is in the plan, which is 1,334, that the developer would pay $1,000 per density unit upon getting that building permit. With 150 lot would be the first phase. Then there would then be the second phase subsequently, to come after that. Those would then be paid. He highlighted they just envision getting over this "old" business, if you will, and focusing on the "new" business, which is building on those projects.

Beau clarified that they don't owe ACTC this amount of money, and again noted it was a bit of a surprise when they saw the letter three months ago. But instead of saying, no we don't owe this, came up with a solution that works for them, which pays over time as the phasing is completed for this project. Additionally, they thought this would be incumbent upon, not only them going into the future, but also on subsequent property owners if that were to take place. With ACTC being reimbursed either way.

John G. stated if the attempt it to follow the Specific Plan to a T, that would also mean following the EIR to a T, and the subsequent development agreement. He then asked about the $2.8 million that ACTC should receive for a 'fair share' for the improvements of the CMX that are also in the specific plan? Beau reiterated as talked about earlier, they came prepared to talk about the repayment of the Bowers DR. intersection, and are not very familiar with that. John noted the information is in this agenda packet for reference.

John G. then stated why are we, to get to Brian's point about piecemealing under California Environmental Quality Act (CEQA), why are we piecemealing conditions here? why are we negotiating piecemealing conditions at this point? What's changed to make that happen? Tom replied the city proposed Conditions of Approval, and are looking for review from the RTMF OC, and from ACTC staff. Again, with regard to phasing, we've talked to some of the leading CEQA experts in the state, and phasing can change within a specific plan. It's not piecemealing. They are not getting rid of any of the mitigations, rather, it just relates to the phase. The original phase was enormous, including the hotel and several hundred homes all at once.

John stated we're not trying to make this difficult, and requested they update the TIS. He explained the process and offered assistance to the city. He reiterated that's what is being asked, update and approve it. Once that is completed, then we can understand why we're negotiating.

Tom stated the issue is this $1.5 million and if the city had advanced the Conditions of Approval without it, then ACTC would say why is the city not forwarding the $1.5 million. So that's why it has been brought forward. John stated it's also another $2.8 million in 'fair share' to help make improvements here around the Martell area. Tom stated he wasn't aware of it and doesn't think Eric was either. John G. commented It's in the development agreement. Tom replied it was with a company that doesn't exist. And so, again, it's not in this specific plan. John stated the offer is to update the traffic study. We can work with your staff to help provide whatever information

you think is needed to come up with a VMT number. He continued there's no thresholds of significance to worry about or SIP budgets to maintain. He commented come up with a number and publish it, It's unmitigable, but that's it. And once you do that, then we're ready to negotiate. Then that is when you can determine how you repay the $1.5 or $1.1 and determine if it is it per unit or lump sum. John added we understand that the $2.8 is gone, and that we're not going to set up a sub-regional fee program, we just want that documented so everybody understands that.

Erin asked, to clarify for the developer, does that $1,099 sound doable, and are you able to say at this point yes or no to that? She noted she just wants Beau to be able to hear that because then he can go back to the ownership group and they can decide how they want to move forward. John replied I'm telling you yes, but I'm telling you these people (the board) don't say yes formally yet. Tom also asked for clarification regarding the process going forward, as this group does not meet very often, and Erin asked if the board would be open to holding a special meeting to discuss this again when more information is available. John G. replied yes, this committee could convene as needed. John then expressed gratitude for Beau's time and noted he understands the limitations on financial disclosures, but anything he would be willing to discuss with staff would be very appreciated. Erin then asked if John G. wanted to work directly with the city and not with the applicant still or if he was open to working and communicating directly with them now? John stated he preferred to work jurisdiction to jurisdiction, and not exclusively with the developer.

John P. asked once more for public comment of which there was none.

**11. Adjournment:** The meeting was adjourned at 1:40 p.m.