

Lakeside Development and East Nicolas JUHSD
Summary of Negotiations

- June 8, 2009 - The District and a group of developers entered into a School Mitigation Agreement (“SMA”) to mitigate the impacts of the Specific Plan on the District. The developers that are signatories to the Master Mitigation Agreement are as follows: South Sutter LLC, South Sutter Investors LLC, Riego Holdings LLC, and Family Real Property Limited Partnership (collectively, the “Measure M Group”).
- June 30, 2009 - The County of Sutter (“County”) approved the Environmental Impact Report and the initial entitlements for a development known as the Sutter Pointe Specific Plan. The County’s own agreement with the Measure M Group requires supplemental mitigation agreements between the developers and school districts before final maps are approved.
- September – December 2019 – South Sutter LLC (“South Sutter”) approaches the District regarding the Lakeside development, the first in the Sutter Pointe Specific Plan. Both parties acknowledge their obligation under the SMA to execute a supplemental agreement to address impacts of the development on the District.
- August 19, 2020 – As required by the SMA, the parties execute a reimbursement agreement, where South Sutter will reimburse all of the District’s costs in preparing and negotiating a supplemental mitigation agreement.
- February 2021 - South Sutter prepares and submits an anticipated timeline of tasks it believes the parties need to complete in order to execute a supplemental agreement.
- September 2020 – June 2022 – Numerous meetings take place between the District and South Sutter regarding impacts created by the Lakeside development. South Sutter changes consultants multiple times during this time.
- October 2021 – January 2022 - District prepares and approves a Facilities Master Plan, taking into consideration comments from South Sutter and consistent with the initial timeline. This plan shows the facilities needed to accommodate students generated by the Lakeside development.
- April 2022 – South Sutter makes its last reimbursement payment to the District, despite an outstanding balance.
- June 28, 2022 – South Sutter cancels its planned meeting with the District to continue discussions about impacts and instead requests the District provide a draft supplemental agreement.
- August 9, 2022 – The District provides the requested draft agreement to South Sutter.
- August 2022 – February 2023 - The District follows up with South Sutter multiple times regarding both the outstanding reimbursement payments and the draft agreement and does not receive any response.
- October 11, 2022 – South Sutter provides a letter claiming the District breached the reimbursement agreement and SMA and refuses to negotiate further on a supplemental mitigation agreement.
- March 23, 2023 – District files a complaint for breach of contract against South Sutter for failing and refusing to make reimbursement payments.
- August 7, 2023 – County Board of Supervisors approves large lot final map for Phase 1 of development even though there is no supplemental mitigation agreement between the District and South Sutter.