



City of Nevada City

Staff Memorandum for City Council Meeting of September 28, 2011

TO: Honorable City Council
FROM: Dave Brennan, City Manager
SUBJECT: Consideration of Request from American Rivers/Sierra Fund to Support the Submission of two grant applications to the California Resources Agency for the Next Two Phases of the Tribute Trail

Recommendation: Authorize the City Manager send letters of support for the two applications being prepared after reviewing the final application and determining the city as lead agency can be achieved.

Background: We have received the following request from Keri Rinne and Elizabeth Soderstrom at American Rivers to support the application for funding for the next two phases of developing the Tribute Trail:

“We request letters of support from the City of Nevada City for two proposals to be submitted by The Sierra Fund to the Resources Agency’s River Parkway Program (http://resources.ca.gov/grant_programs.html#) for the next two phases of the Tribute Trail.

The first proposal will be for Tribute Trail Phase II which includes the following:

- 1) design, engineering and construction of the upstream Maidu/Nissenan Pedestrian Bridge that spans the creek on the City’s Environs Property; 2) thinning of vegetation, removal of non-natives, and planting of natives;
- 3) interpretative signage; and
- 4) construction of the trail sections that connects the bridge to the trails that have been built or are under construction on both the north and south sides of the creek.

We will request approximately \$650,000 for this phase of the project which we will combine with \$350,000 from Caltrans EEMP funding already received for a total project budget of \$1 million. CEQA has been completed for this phase of the project.

The second proposal will be for Tribute Trail Phase III and will involve the appraisal and acquisition of approximately 50 acres of land currently owned by the Gallelli family. The land goes from the ridge above Deer Creek on the south side of the creek, across the creek and to Old Downieville Road on the north side of the creek. This 50 acre parcel is a critical piece of land that will link the upstream sections of the Tribute Trail (the Environs) with the downstream parts of the Tribute Trail (largely BLM land and Newtown Ditch). The intent would be for the City to take title to this property, and for it to be purchased at the price determined by the state appraisal.

In addition, the project proponents request that the City be the lead on a grant to the Land and Water Conservation Fund (<http://www.parks.ca.gov/?Page_id=21360>) that is due November 1st for the

development of the Galleli property (Tribute Trail Phase IX). This will involve the following: 1) CEQA and permitting; 2) trail construction; 3) vegetation management; 4) outreach and signage; 5) floodplain restoration and design; and 6) park development.”

Discussion: Participating in previous grant programs for land acquisition and trail building has been very beneficial to the Nevada City community. Several areas surrounding the city have opened up for recreational use and connections to other outdoor sites. Continuing to connect and expand the trail system provides greater recreational opportunities for residents and provides an attractive amenity for visitors to Nevada City.

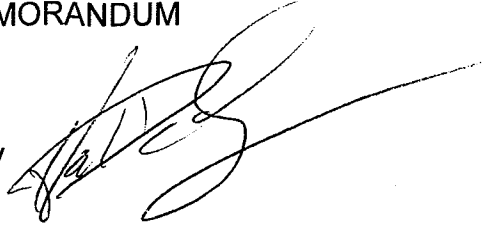
Once the applications are completed, a review of the specific role of the city in the grant administration and processing of administrative requirements (e.g. CEQA) will be evaluated and if the additional work load is achievable, then the support letters would be prepared. In the event that the final proposal raises policy issues for the City, I will bring the matter back to the City Council for further discussion.

Fiscal Impact: Since the preparation of the grant applications will be completed by American Rivers, the initial unreimbursable staff time for that phase is minimal. Future staff time spent on the projects, if funded, will be reimbursed by the grants. No adverse fiscal impact is anticipated in this effort.

CITY OF NEVADA CITY

MEMORANDUM

TO: Honorable City Council
FROM: Hal DeGraw, City Attorney
DATE: September 28, 2011



SUBJECT: Annexations of Sugar Loaf and HEW Properties and Adjacent Parcels

Request: Consider annexation of Sugar Loaf Mountain and HEW properties and nearby intervening and adjacent properties; authorize staff to proceed with annexation for Sugar Loaf area properties and adopt Resolution of Intent to Annex HEW property.

Background: Pursuant to State law, the Nevada County Local Agency Formation Commission (LAFCo) approves spheres of influence for cities located therein to ensure that changes in city boundaries occur in a logical manner in order to provide efficient services and preserve open space land resources. On October 8, 2008, LAFCo approved an updated sphere for Nevada City by adopting Resolution No. 08-15. To assist in determining when annexation was expected to be appropriate, the sphere approved for Nevada City was further broken down to show:

- Current Sphere,
- 2013 Sphere,
- 2018 Sphere, and
- 2023 Sphere.

On the northeast edge of Nevada City there are two areas within the Current Sphere for annexation for which no annexation application has been filed. As reflected on the attached map, they are:

- The Sugar Loaf Mountain property and approximately 6 nearby parcels to the southeast along the northerly boundary of Nevada City; and
- The HEW properties on Willow Valley Road (including one parcel owned by the County, not in the current sphere) and approximately 20 nearby parcels between the HEW properties and the City boundary.

Actual annexation is initiated by an application to. The City's General Plan states:

"The City intention is ultimately to include its entire sphere of influence within its boundary. Each proposal for annexation, however, will be judged individually on

its physical, fiscal, and aesthetic compatibility with the goals and policies of the City of Nevada City.”

Discussion: Staff is requesting that the Council consider the timing of annexation applications for these two areas. In initial conversations with LAFCo’s Executive Director, the City has been encouraged to make separate applications for the two areas because circumstances and considerations differ for the two areas. Following this suggestion, staff is recommending that:

On the Sugar Loaf Mountain property and the nearby parcels: Staff recommends Council approval and authorization for proceeding now with a City initiated application for annexation. There are no unknown future development plans and the City either owns or services most of the properties already. No problems or complications are foreseen. There are costs involved with proceeding with annexation, but the City is the primary landowner in this area anyway. Annexation would leave the City in control of approval of its plans for Sugar Loaf and of processing any plans for development in the area.

On the HEW properties on Willow Valley Road (including one parcel owned by the County, not in the current sphere, and on City sewer) and the nearby parcels (some of which are on City sewer already): Staff, after consultation with the Executive Director of LAFCo, recommends delaying the annexation application at this time but adoption of a Resolution of Intent making it clear that the City desires to annex these properties in the future in advance of or concurrent with consideration and processing of any project thereon, protecting the City’s interests in what happens on that property, without currently incurring annexation costs which might otherwise be borne by the landowners and potential developers in the area. The HEW property is currently vacant, but the County is contemplating sale thereof to a private developer and the property has been the subject of various rezoning and development proposals. Although the County has withdrawn its proposal to rezone the property and the prospective purchasers (and the County) indicate that there is no definitive development plan at this time, it is reasonable to believe that a development plan may be developed and presented in the future. The City could be well served to indicate in advance its desire to annex so as to be in a stronger position to preserve and protect the interests of the City in processing such plans. Specifically, such a resolution would anticipate and be responsive to the following provisions in the Nevada County General Plan:

”Policy 1.37 The County shall continue to work closely with the municipalities within the County concerning planning and development of land within the municipalities’ spheres of influence.

"Policy 1.38 Within the City/Town spheres, the Nevada County General Plan Land Use maps will generally reflect the City's/Town's General Plan land use mapping. In some instances, the County may provide for a less intensive land use due to infrastructure capability, environmental constraints or effect on land use and development patterns outside the city's sphere. However, the County's Plan will not preclude implementation of the City's/Town's Plan by providing for a significantly more intensive land use than the City's/Town's Plan.

"Policy 1.39 For all discretionary projects within a City's/Town's sphere, the County shall first request that the City/Town determine whether or not it desires to annex the project. If the city/Town does desire annexation, the applicant will be directed to the City/Town. If the City/Town does not desire annexation, the application will be referred to the City/Town for review and comment."

Summary Staff Recommendations:

Sugar Loaf properties: Approval and authorization for proceeding now with a City initiated application for annexation.

HEW properties: Approval and adoption of Resolution 1011-XX Resolution of Intent of the City of Nevada City to Annex the HEW Property on Willow Valley Road into the City in Advance of or Concurrent with Consideration and Processing of Any Project Thereon.

Fiscal Impact:

Sugar Loaf properties: The costs involved are estimated at \$1,200 (State Board of Equalization), \$3,500 (map & legal), \$1,000 (environmental), \$2,500 (LAFCo deposit against costs, part of which may be refunded), total \$8,200, plus City staff time.

HEW properties: None in adopting proposed resolution. The costs involved in annexation are estimated at \$1,200 (State Board of Equalization), \$5,000 (map & legal), \$2,500 (environmental), \$2,000 (Fish & Game fees); \$2,500 (LAFCo deposit against costs), total \$13,200, plus City staff time.

cc: David Brennan, City Manager
Cindy Siegfried, City Planner
William Falconi, City Engineer

*Ne
Boundari
I*

Nevada City

2013 Sphere

Nevada City

2018 Sphere

Current Sphere

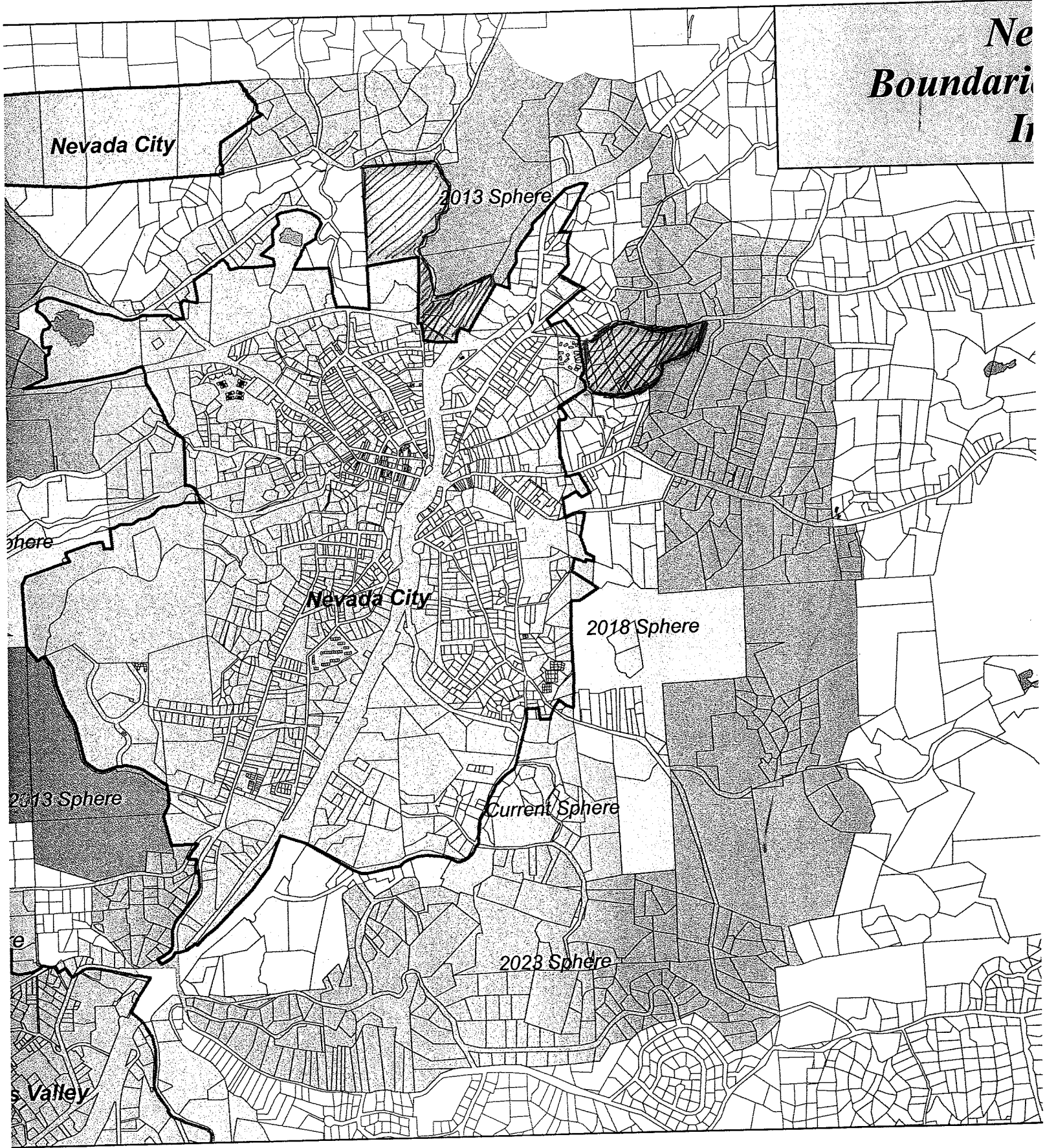
2023 Sphere

phere

2013 Sphere

e

s Valley



RESOLUTION NO. 2011-XX

**RESOLUTION OF INTENT OF THE CITY OF NEVADA CITY
TO ANNEX THE HEW PROPERTY ON WILLOW VALLEY ROAD
INTO THE CITY IN ADVANCE OF OR CONCURRENT WITH
CONSIDERATION AND PROCESSING OF ANY PROJECT THEREON**

WHEREAS, that property consisting of approximately 14 acres at 10433 Willow Valley Rd., Nevada City, owned by the County and commonly known as the HEW property, is currently vacant after any public use thereof was discontinued in the late 1990s, but the County has indicated a desire to sell such property to a private developer and the property has been the subject of various proposals for rezoning and development; and

WHEREAS, said HEW property has for some time been connected to and served by City sewer and is all within the Nevada City Sphere of Influence, with all of the improved portions thereof being in the current annexation sphere, as approved by Nevada County LAFCo to promote logical and orderly development in Resolution No. 08-15 adopted October 8, 2008; and

WHEREAS, the Nevada City General Plan states it to be the City's intention to ultimately include its entire sphere of influence within its boundaries and that each proposal for annexation will be judged individually on its physical, fiscal, and aesthetic compatibility with the goals and policies of the City of Nevada City; and;

WHEREAS, the Nevada County General Plan provides that for all discretionary projects within a City's sphere, the County shall first request that the City determine whether or not it desires to annex the project and, if it does desire annexation, the applicant will be directed to the City; and

WHEREAS, consistent with said General Plans, to ensure that future development at the site does not preclude or interfere with the City's General Plan, the City of Nevada City wants to clearly indicate that it desires to annex the HEW property

NOW THEREFORE BE IT RESOLVED, by the City Council as the governing body of the City of Nevada City that it is the intent and desire of Nevada City to annex the HEW property on Willow Valley Road and intervening properties into the City as soon as it is appropriate to file an application with LAFCo do so, in advance of or concurrent with consideration and processing of any project thereon.

The City Manager is authorized to take all steps necessary to communicate this desire to LAFCo, the County of Nevada, and any subsequent purchaser, owner, or potential developer of the HEW property to preserve and protect the interests of the City and to initiate annexation procedures when appropriate.

PASSED AND ADOPTED by the City Council of the City of Nevada City held on 28th of September, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

David McKay, Mayor

ATTEST:

Niel Locke, City Clerk