



**REGULAR CITY COUNCIL MEETING
WEDNESDAY, AUGUST 12, 2020**

**Closed Session – 6:00 PM
Regular Meeting - 6:30 PM**

**City Hall – Beryl P. Robinson, Jr. Conference Room
317 Broad Street, Nevada City, CA 95959**

MISSION STATEMENT

The City of Nevada City is dedicated to preserving and enhancing its small town character and historical architecture while providing quality public services for our current and future residents, businesses and visitors.

Erin Minett, Mayor

**Douglass Fleming, Council Member
Daniela Fernández, Council Member**

**Duane Strawser, Vice Mayor
Vacant, Council Member**

The City Council welcomes you to its meetings which are scheduled at 6:30 PM on the 2nd and 4th Wednesdays of each month. Your interest is encouraged and appreciated. This meeting is recorded on DVD and is televised on local public television Channel 17. Other special accommodations may be requested to the City Clerk 72 hours in advance of the meeting. Please turn off all cell phones or similar devices. Action may be taken on any agenda item. Agenda notices are available at City Hall. Materials related to an item on this Agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the City Hall at 317 Broad Street, Nevada City, CA during normal business hours.

In order to minimize the spread of the COVID 19 virus Governor Newsom has issued Executive Orders that temporarily suspend requirements of the Brown Act. Please be advised that the Council Chambers are closed to the public and that some, or all, of the City of Nevada City, City Council Members may attend this meeting telephonically.

1. You are strongly encouraged to observe the City Council meetings live on PUBLIC TELEVISION CHANNEL 17, ONLINE AT THE CITY'S WEBSITE WWW.NEVADACITYCA.GOV or Nevada City Public Meetings-YouTube Channel or at [HTTP://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7](http://NEVCO.GRANICUS.COM/PLAYER/CAMERA/2?PUBLISH_ID=7) (If you are unable to view the meeting live on YouTube please use one of the other 3 methods).

2. If you wish to make a comment on a specific agenda item, please submit your comment via email to NEVADACITY.OLSON@GMAIL.COM. Comments will be accepted at the email provided through the live meeting. PLEASE INCLUDE YOUR NAME AND ADDRESS IN YOUR COMMENT, AS WELL AS, INCLUDING THE AGENDA ITEM LETTER AND NUMBER IN YOUR SUBJECT LINE. Please keep your written comments to 3 minutes or less. Every effort will be made to read your comment into the record, but some comments may not be read due to time constraints.

3. In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in this meeting, please contact the Deputy City Clerk at (530) 265-2496 x133. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

The City of Nevada City thanks you in advance for taking all precautions to prevent spreading the COVID 19 virus.

ANY MEMBER OF THE PUBLIC DESIRING TO ADDRESS THE COUNCIL ON ANY ITEM ON THIS AGENDA: After receiving recognition from the Mayor, give your name and address, and then your comments or questions. Please direct your remarks to the Councilmembers. In order that all interested parties have an opportunity to speak, please limit your comments to the specific item under discussion. All citizens will be afforded an opportunity to speak, consistent with their Constitutional rights. Time limits shall be at the Mayor's discretion. **IF YOU CHALLENGE** the Council's decision on any matter in court, you will be limited to raising only those issues you or someone else raised at the meeting or Public Hearing described on this agenda, or in written correspondence delivered to the City Council at, or prior to, the meeting or Public Hearing.

CLOSED SESSION: 6:00 PM

Under Government Code Section 54950 members of the public are entitled to comment on the closed session agenda before the Council goes into closed session.

1. Pursuant to Government Code Section 54956.9(d)(4) City Attorney, Crystal Hodgson, City Manager, Catrina Olson and Police Chief, Chad Ellis are requesting a closed session to discuss the potential for litigation being initiated by the City in a certain matter.

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Mayor Minett, Vice Mayor Strawser, Council Members Fleming and Fernández

PLEDGE OF ALLEGIANCE

PROCLAMATIONS:

PRESENTATIONS:

BUSINESS FROM THE FLOOR

1. PUBLIC COMMENT

Under Government Code Section 54954.3, members of the public are entitled to address the City Council concerning any item within the Nevada City Council's subject matter jurisdiction. Comments on items NOT ON THE AGENDA are welcome at this time. Normally, public comments are limited to no more than three minutes each. **Except for certain specific exceptions, the City Council is prohibited from discussing or taking action on any item not appearing on the posted agenda.**

2. COUNCIL MEMBERS REQUESTED ITEMS, COMMITTEE REPORTS AND FUTURE AGENDA ITEMS:

3. CONSENT ITEMS:

All matters listed under the Consent Calendar are to be considered routine by the City Council and will be enacted by one motion in the form listed. There will be no separate discussion of these items unless, before the City Council votes on the motion to adopt, members of the Council, City staff or the public request specific items to be removed from the Consent Calendar for separate discussion and action.

- A. Subject:** Notice of Completion for Downtown Curb Ramp Improvements Project in Nevada City
Recommendation: Pass Resolution 2020-XX, a Resolution for the City of Nevada City authorizing the Mayor to sign a Notice of Completion for Downtown Curb Ramp Improvements project in Nevada City and authorize the City Clerk to file said Notice of Completion with the Nevada County Recorder's Office.
- B. Subject:** Notice of Completion for the Pioneer Park Picnic Area Bathroom Improvements Project in Nevada City
Recommendation: Pass Resolution 2020-XX, a Resolution for the City of Nevada City authorizing the Mayor to sign a Notice of Completion for the Pioneer Park Picnic Area Bathroom Improvements project in Nevada City and authorize the City Clerk to file said Notice of Completion with the Nevada County Recorder's Office.
- C. Subject:** Award Contract Amendment for Professional Engineering Services for Nevada Street Bridge over Deer Creek
Recommendation: Pass Resolution 2020-XX, a Resolution of the City of Nevada City Awarding a Contract Amendment for a fixed price, not to exceed the amount of \$14,861.85 for Professional Engineering Services for Nevada Street Bridge over Deer Creek based on hourly labor, and other rates set forth in Consultant's cost proposal, to Dokken Engineering of Folsom, CA improvements in the form attached hereto as "Exhibit A," and incorporated herein by this reference, and the authorize City Engineer to sign.
- D. Subject:** Authorization for Procurement of Nevada City Wastewater Plant Aeration Basin Mixer
Recommendation: Pass Resolution 2020-XX, a Resolution of the City of Nevada City Council authorizing the City Manager or designee to sign purchase orders for the procurement of Nevada City Wastewater Plant Aeration Basin Mixer from Pac Machine Company in the amount of \$6,469.00 plus \$500.00 in contingencies.
- E. Subject:** Memorandum of Understanding Between Nevada Irrigation District and the City of Nevada City
Recommendation: Review and approve the Memorandum of Understanding (MOU) between Nevada Irrigation District and the City of Nevada City and authorize the Fire Chief to sign.
- F. Subject:** Second Reading and Adoption of Ordinance 2020-14, an Ordinance of the City of Nevada City Repealing and Reenacting Section 2.40.010 of the Nevada City Municipal Code Setting the Date for General Municipal Elections
Recommendation: Adopt Ordinance 2020-XX, an Ordinance of the City of Nevada City repealing and reenacting Section 2.40.010 of the Nevada City Municipal Code setting the date for General Municipal Elections.
- G. Subject:** Operations & Maintenance Agreement with the Department of Toxic Substances Control for the Providence Mine Site
Recommendation: Review and approve the Operations and Maintenance Agreement with the Department of Toxic Substances Control and authorize the Mayor to sign.

- H. Subject:** Action Minutes July 23, 2020 Regular City Council Meeting
Recommendation: Review and approve regular City Council meeting action minutes of July 23, 2020.

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

- A. Subject:** Memorandum of Understanding for Nevada County CARES Act Funding
Recommendation: Provide staff direction as to the acceptance, authorizing the City Manager to sign, or denial of the memorandum of understanding (MOU) for Nevada County CARES Act funding.
- B. Subject:** Update Regarding the Strategic Planning Retreat Set for August 24, 2020
Recommendation: Provide staff direction, to bring back to Council at the September 23, 2020 meeting, an item to discuss setting a new Strategic Planning Retreat date for October 2020.
- C. Subject:** LAFCo Nevada City Sphere of Influence (SOI) Update
Recommendation: Provide staff direction for any formal comments City Council would like to provide to LAFCo regarding the draft EIR prepared for the Nevada City Sphere Of Influence (SOI) Update to be provided in a letter from the Mayor.

5. PUBLIC HEARINGS:

- A. Subject:** Recommended Application of a City-Sponsored Annexation of Approximately 35.2 Acres (Including 16.3 Acres of Public Right-of-Way Area), at Three Distinct Areas Within the City Sphere of Influence; Recommended Pre-Zoning of the Annexation Territory and Recommended General Plan Amendment For One 1.5 Acre Parcel to Accommodate the Existing Commercial Child Care Use of the Property
Recommendation:
1. Approve Resolution 2020-XX (attachment 4) authorizing staff to file a Notice of Exemption for the pre-zoning and annexation of the 35.2 acres being considered for annexation.
 2. Authorize the first reading of Ordinance 2020-XX (attachment 5) relating to the General Plan Amendment and pre-zoning of the 35.2 acres of Nevada County territory to be annexed into the City of Nevada City.
 3. Approve Resolution 2020-XX, initiating an annexation application with LAFCo for all that territory delineated in the map known as Annexation #56 (Exhibit B of Resolution).

6. OLD BUSINESS:

7. NEW BUSINESS:

- A. Subject:** Appointment of Voting Delegate and Alternates(s) for the 2020 League of California Cities Annual Conference October 7-9, 2020
Recommendation: Pass a motion designating a voting delegate and alternate(s) for the League of California Cities Business meeting to be held on Friday, October 9, 2020.

B. Subject: City Council Appointments for Fiscal Year 2020-2021

Recommendation: Review and consider appointment of City Council Members and members of the public to City and external Boards, Committees and Commissions for Fiscal Year 2020-2021.

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER’S REPORT:

11. ADJOURNMENT

Certification of Posting of Agenda

I, Gabrielle Christakes, Administrative Services Technician/Deputy City Clerk for the City of Nevada City, declares that the foregoing agenda for the August 12th, 2020 Regular Meeting of the Nevada City City Council was posted August 7th, 2020 at the entrance of City Hall. The agenda is also posted on the City’s website www.nevadacityca.gov.

Signed August 7th, 2020, at Nevada City, California

Gabrielle Christakes, Administrative Services Technician/Deputy City Clerk

**CITY OF NEVADA CITY
City Council
Long Range Calendar**

August 12, 2020	Regular Council Meeting
August 24, 2020	Strategic Planning
August 26, 2020	Regular Council Meeting
September 7, 2020	Holiday
September 9, 2020	Regular Council Meeting
September 23, 2020	Regular Council Meeting
October 12, 2020	Holiday
October 14, 2020	Regular Council Meeting
October 28, 2020	Regular Council Meeting

NOTE: This list is for planning purposes; items may shift depending on timing and capacity of a meeting.

NOTICE: *As presiding officer, the Mayor has the authority to preserve order at all City Council meetings, to remove or cause the removal of any person from any such meeting for disorderly conduct, or for making personal, impertinent, or slanderous remarks, using profanity, or becoming boisterous, threatening or personally abusive while addressing said Council and to enforce the rules of the Council.*

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: Notice of Completion for Downtown Curb Ramp Improvements Project in Nevada City

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution for the City of Nevada City authorizing the Mayor to sign a Notice of Completion for Downtown Curb Ramp Improvements project in Nevada City and authorize the City Clerk to file said Notice of Completion with the Nevada County Recorder's Office.

CONTACT: Bryan McAlister, City Engineer

BACKGROUND / DISCUSSION:

City Engineering and Public Works staff identified areas where Curb Ramp Improvements are needed at various locations in the Downtown Historic District. This project was identified as a priority for ADA improvements and funding was procured through the Community Development Block Program (CDBG).

City staff procured bids for Downtown Curb Ramp Improvements from local contractors. Mattingly Concrete was awarded the contract by City Council on February 12, 2020.

FISCAL IMPACT: The project was funded by a Community Development Block Program (CDBG) grant administered by California Department of Housing & Community Development and the City's Measure S funds.

ATTACHMENT:

- ✓ Resolution 2020-XX, a Resolution for the City of Nevada City Authorizing the Mayor to sign a Notice of Completion for Downtown Curb Ramp Improvements
- ✓ Exhibit 'A', Notice of Completion

RESOLUTION NO. 2020-XX

**RESOLUTION FOR THE CITY OF NEVADA CITY AUTHORIZING THE
MAYOR TO SIGN A NOTICE OF COMPLETION FOR DOWNTOWN CURB
RAMP IMPROVEMENTS**

IT IS HEREBY RESOLVED by the City Council of the City of Nevada City that the Mayor is authorized to sign a "Notice of Completion", a copy of which is attached hereto and labeled "Exhibit A" which completes the construction of the Downtown Curb Ramp Improvements project in Nevada City.

IT IS FURTHER RESOLVED, that the City Clerk is authorized to file said "Notice of Completion", Exhibit A (attached) with the Nevada County Recorder's Office.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on August 12, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Erin Minett, Mayor

ATTEST:

Niel Locke, City Clerk

EXHIBIT A

RECORDING REQUESTED BY and
WHEN RECORDING MAIL TO:

**DEPUTY CITY CLERK
CITY OF NEVADA CITY
317 Broad Street
Nevada City, CA 95959**

SPACE ABOVE THIS LINE FOR DEPUTY CITY CLERK'S USE ONLY

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. That the undersigned is OWNER or agent of the OWNER of the interest of estate stated below in the property hereinafter described.
2. The FULL NAME of the OWNER is: City of Nevada City
3. The FULL ADDRESS of the OWNER is: 317 Broad St, Nevada City, CA 95959
4. The nature of the INTEREST or Estate of the undersigned is: **FEE**
5. A work of improvement on the property hereinafter described was COMPLETED: June 26, 2020
6. The work of improvement completed is described as follows: Downtown Curb Ramp Improvements project in the City of Nevada City.
7. The NAME OF THE ORIGINAL CONTRACTOR, if any, for such work of improvement is: Mattingly Concrete
8. The location of said project work is: various location in downtown Nevada City
9. The property of which said work of improvement was completed is in the City of Nevada City, County of Nevada, State of California and is described as follows: public streets in Historic Downtown District.

City of Nevada City

Owner

by: _____

Erin Minett, Mayor

"I certify under penalty of perjury that the foregoing is true and correct."

(Date and Place)

(Signature)

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: Notice of Completion for the Pioneer Park Picnic Area Bathroom Improvements Project in Nevada City

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution for the City of Nevada City authorizing the Mayor to sign a Notice of Completion for the Pioneer Park Picnic Area Bathroom Improvements project in Nevada City and authorize the City Clerk to file said Notice of Completion with the Nevada County Recorder's Office.

CONTACT: Bryan McAlister, City Engineer

BACKGROUND / DISCUSSION:

Dawn Zydonis, the Parks and Recreation Manager, City Engineering and Public Works staff identified the picnic area bathrooms as a priority for renovation at Pioneer Park. The bathroom renovation is necessary for ADA accessibility and to upgrade the facility for its use by citizens and visitors of the park. The bathroom is also available for use during facility rental of the Bandshell/Amphitheater, picnic areas and for special events.

City staff solicited bids for the Pioneer Park Picnic Area Bathroom Improvements project from local contractors. Barsotti Contracting was awarded the contract by City Council on December 10, 2019 and the project was completed in June 2020.

FISCAL IMPACT: The project was funded by fiscal year 2019-2020 Special Funds and Buildings and Grounds capital outlay for Pioneer Park Picnic Area Bathroom Improvements. (These funds are from multiple Special Fund accounts including AB1600, Quimby and Measure L). ADA accessibility improvements for this project are funded by a Community Development Block Program (CDBG) administered by California Department of Housing & Community Development.

ATTACHMENT:

- ✓ Resolution 2020-XX, a Resolution for the City of Nevada City Authorizing the Mayor to sign a Notice of Completion for Pioneer Park Picnic Area Bathroom Improvements
- ✓ Exhibit 'A', Notice of Completion

RESOLUTION NO. 2020-XX

**RESOLUTION FOR THE CITY OF NEVADA CITY AUTHORIZING THE
MAYOR TO SIGN A NOTICE OF COMPLETION FOR PIONEER PARK
PICNIC AREA BATHROOM IMPROVEMENTS**

IT IS HEREBY RESOLVED by the City Council of the City of Nevada City that the Mayor is authorized to sign a "Notice of Completion", a copy of which is attached hereto and labeled "Exhibit A" which completes the construction of the Pioneer Park Picnic Area Bathroom Improvements project in Nevada City.

IT IS FURTHER RESOLVED, that the City Clerk is authorized to file said "Notice of Completion", Exhibit A (attached) with the Nevada County Recorder's Office.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on August 12, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Erin Minett, Mayor

ATTEST:

Niel Locke, City Clerk

EXHIBIT A

RECORDING REQUESTED BY and
WHEN RECORDING MAIL TO:

**DEPUTY CITY CLERK
CITY OF NEVADA CITY
317 Broad Street
Nevada City, CA 95959**

SPACE ABOVE THIS LINE FOR DEPUTY CITY CLERK'S USE ONLY

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. That the undersigned is OWNER or agent of the OWNER of the interest of estate stated below in the property hereinafter described.
2. The FULL NAME of the OWNER is: City of Nevada City
3. The FULL ADDRESS of the OWNER is: 317 Broad St, Nevada City, CA 95959
4. The nature of the INTEREST or Estate of the undersigned is: **FEE**
5. A work of improvement on the property hereinafter described was COMPLETED: June 26, 2020
6. The work of improvement completed is described as follows: Pioneer Park Picnic Area Bathroom Improvements project in the City of Nevada City.
7. The NAME OF THE ORIGINAL CONTRACTOR, if any, for such work of improvement is: Barsotti Contracting
8. The location of said project work is: Pioneer Park in Nevada City
9. The property of which said work of improvement was completed is in the City of Nevada City, County of Nevada, State of California and is described as follows: Pioneer Park, being a public City park.

City of Nevada City

Owner

by: _____

Erin Minett, Mayor

"I certify under penalty of perjury that the foregoing is true and correct."

(Date and Place)

(Signature)

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: Award Contract Amendment for Professional Engineering Services for Nevada Street Bridge over Deer Creek

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City of Nevada City Awarding a Contract Amendment for a fixed price, not to exceed the amount of \$14,861.85 for Professional Engineering Services for Nevada Street Bridge over Deer Creek based on hourly labor, and other rates set forth in Consultant's cost proposal, to Dokken Engineering of Folsom, CA improvements in the form attached hereto as "Exhibit A," and incorporated herein by this reference, and the authorize City Engineer to sign.

CONTACT: Bryan K. McAlister, City Engineer

BACKGROUND/DISCUSSION:

The City is proposing to replace the existing bridge on Nevada Street over Deer Creek. The project is located at the south end of Nevada Street, near Broad Street in Nevada City, CA. The bridge has been programmed for replacement as a result of routine bridge inspections conducted by Caltrans which identified numerous deficiencies. Furthermore, the Federal Highway Administration (FHWA) conducted a National Bridge Inspection and identified that the bridge has unknown foundations and is considered scour critical. The proposed project site includes bridge approaches, and approximately 300 linear feet of Nevada Street, and portions of adjacent privately owned and publicly owned parcels.

The existing Bridge is an approximately 34-ft wide, 61-ft long, two-span steel girder bridge constructed in 1938. The bridge was evaluated by Caltrans as functionally obsolete in the most recent Bridge Inspection Report dated September, 2014. The existing bridge has two lanes with sidewalk on both sides. The bridge is located within Nevada City Downtown Historic District which is listed on the National Register of Historic Places. A bridge was originally constructed at this location in the 1860's and later reconstructed in 1938. The City plans to reconstruct the bridge using natural rock walls (and/or rock facing) and aesthetic railings to closely match the original 1860's bridge but with structural elements that meet current bridge standards. The proposed bridge will be an approximately 42-ft wide, 68-ft span with a 30-degree skew angle. The proposed skew will be used to improve roadway approaches. The project will require utility relocations of sewer, water, electric and telephone.

City staff procured proposals for Professional Engineering Services to prepare and provide the City with all required studies, plans and specifications for Bridge Replacement in accordance with the Highway Bridge Program and Caltrans standards

and requirements for Federal and State funded projects. Dokken Engineering was selected as the most qualified consultant capable of performing the tasks required based on the evaluation criteria set forth in the RFP.

To-date, the City and its consultants have completed a topographic survey, environmental permitting, utility relocation plans, geotechnical investigations and design. Final rights-of-way documentation is expected to be finalized by the end of April, 2020, at which time the City will submit a request for authorization or construction to Caltrans Local Assistance.

City Council formally awarded the initial contract work to Dokken Engineering for bridge design in 2016 including amendments 1 and 2. Contract Amendment 3 was approved by City Council on Sept. 14, 2019 for design changes due to environmental considerations. Contract Amendments 4 and 5, approved by City Council on March 25, 2020 included contract increases for additional right of way services requested by Caltrans/FHWA. This current proposed Contract Amendment 6, requests a contract increase to provide additional retaining wall layout, design and specifications for entry to the creek zone from the Boulder Street Property parking lot as well as revisions to the final design of street lighting and underground utilities.

FISCAL CONSIDERATIONS: The project will be funded by Federal Highway Bridge funds with an 11.4% match from Measure “S” funds.

ATTACHMENTS:

- ✓ Resolution 2020-XX, a Resolution of the City of Nevada City Awarding a Contract Amendment to Dokken Engineering for Professional Engineering Services for Nevada Street Bridge Over Deer Creek in Nevada City
- ✓ Contract Amendment No. 6 with Dokken Engineering

RESOLUTION 2020-XX

**A RESOLUTION OF THE CITY OF NEVADA CITY
AWARDING A CONTRACT AMENDMENT TO DOKKEN ENGINEERING FOR
PROFESSIONAL ENGINEERING SERVICES FOR
NEVADA STREET BRIDGE OVER DEER CREEK IN NEVADA CITY**

WHEREAS, the City is in the process of replacing the 1938 bridge programmed for replacement as a result of routine bridge inspections conducted by Caltrans which identified numerous deficiencies; and

WHEREAS, Nevada City Council awarded a contract for Bridge Design to Dokken Engineering of Folsom, CA for Phase 1 on June 8, 2016 and for Phases 2 and 3 on September 28, 2016; and

WHEREAS, additional right of way services, as further described in the Addendum 6 scope of work, have been identified as being necessary for completion of design and right of way phases of the project; and

WHEREAS, funding for Bridge Design has been procured through the Federal Highway Bridge Replacement program (88.6% Federal participation) and Nevada City Measure "S" (11.4% local matching funds); and

BE IT RESOLVED, the City Council of the City of Nevada City awards a contract amendment for a fixed price, not to exceed amount of \$14,861.85 for professional engineering services for Nevada Street Bridge over Deer Creek based on hourly labor, and other rates set forth in consultant's cost proposal, to Dokken engineering of Folsom, CA in the form attached hereto as "Exhibit A," and incorporated herein by this reference, and authorize the City Engineer to sign.

PASSED AND ADOPTED at a regularly scheduled meeting of the Nevada City City Council held on this 12th day of August, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Reinette Senum, Mayor

ATTEST:

Niel Locke, City Clerk



July 28, 2020

City of Nevada City
Attn: Bryan McAlister, City Engineer
317 Broad Street
Nevada City, CA 95959

**Subject: Amendment No. 6 to Nevada Street Bridge Replacement Professional Engineering
Contract dated 6/24/2016**

Dear Mr. McAlister,

Dokken Engineering is pleased the Nevada Street Bridge replacement is nearing authorization for construction. The purpose of this letter is to request Amendment No. 6 to the June 24, 2016 Agreement between Nevada City and Dokken Engineering. This amendment requests a contract increase to provide requested retaining wall layout, design and specifications for entry to the creek zone from the Boulder Street Property parking lot as well as revisions to the final design of street lighting, underground utilities and removal of the snow gate.

About half the cost of this amendment is design of the retaining wall at the creek access point discussed on site with Chuck Kull of NV5 on June 30, 2020.

A more detailed description of these 4 services is provided in the attached Exhibit A, "Amendment No. 6 Scope of Services" and broken down by Task 7.5, 7.6, 8.6, and 9.4. Anticipated costs are to be charged and invoiced on the tasks listed above per the detail in the attached, "Exhibit B, Amendment 6 Nevada Street Bridge over Deer Creek".

The original contract with prior amendments is summarized in the table below.

Contract History	Contract Price
Original Contract 6/24/16	\$309,280.00
Amendment 1 for appraisals	\$3,887.23
Amendment 2	\$0.00
Amendment 3 for additional design	\$55,134.98
Amendment 4 for right of way support	\$5,954.08
Amendment 5 for right of way services	\$11,490.00
This Amendment 6 for right of way services	\$14,861.85
Total Amended Contract Price	\$400,608.14

If you approve this Amendment No. 6, please sign below or provide a separate Amendment authorization. Thank you for your continued trust in Dokken Engineering as we work to get this project complete. We are looking forward the construction of this unique bridge.

Thank you,

Matthew Griggs, PE
Project Manager
Dokken Engineering

Bryan McAlister, PE
City Engineer
City of Nevada City



EXHIBIT A – AMENDMENT NO. 6 SCOPE OF SERVICES

July 28, 2020

Task 7.5 Bridge Railings (Snow Gate Removal)

The construction details will be revised to remove the snow gate railing and anchorage blocks from the plans. A fixed continuation of the Broad Street Bridge Railing will be detailed to transition to the Nevada Street Bridge rails. The estimate and special provisions will be revised to eliminate the snow gate and add more structural railing.

Task 7.6 Access Wall Design

Dokken and NV5 will prepare the design of the creek access wall from the parking lot of 115 Boulder Street to the creek. The design will include removal and reconstruction of the top 6 feet of the existing dry-stacked wall to improve accessibility for the Contractor and ensure the post-construction wall integrity is not in question. This work includes:

- Dokken to prepare a layout of the proposed wall replacement limits
- NV5 to provide dry-stack wall design detail - NV5 will take the geometric limits developed by Dokken in the wall layout and provide a wall design for the dry stacked wall to be placed in a gravity, hand placed rock slope
- Dokken to include NV5 details into the project plans and add items for bidding the work
- Dokken/NV5 to prepare special provisions to add this to the contract
- Dokken to quantify the items related to the wall and add to the estimate

Task 8.6 Revisions to Bridge Lighting

Dokken will review the lighting design to reduce the number of streetlights in the project for better consistency with other streetlight spacing in town. An appropriate, but lower, level of lighting will be provided. The electrical plans and estimate will be revised to show the reduced number of lights.

Task 9.4 Modifications to the City Utility Plans

The City waterline and sewer line plans and quantities will be revised for the following: 1) reduce size of waterline on bridge, 2) consider expansion coupling on the bridge for waterline, 3) add more valves at the "T" connections of the line, 4) revise sewer manholes, and 5) change buried sewer line pipe type to ductile iron.

End of Amendment No. 6 scope.



EXHIBIT B - COST ESTIMATED BY HOURS AND TASKS
 Nevada City
 Amendment No. 6 - Nevada Street Bridge over Deer Creek

Revised July 28, 2020

TASK	DOKKEN ENGINEERING							TOTALS		
	Matthew Griggs, PE Project Manager	Martin Maechler, PE, Bridge Design Check	Fortunato Enriquez, PE Project Engineer	Joe Ostidiek, PE Street Lighting	Associate Engineer	Assistant Engineer	Senior CADD	GRAND TOTAL - HOURS	GRAND TOTAL - DIRECT COSTS	GRAND TOTAL - TOTAL COSTS
	\$217.92	\$200.94	\$130.18	\$172.63	\$124.52	\$79.24	\$149.99			
TASK 7 - BRIDGE DESIGN	1	2	18			5	9	35	\$4,000.00	\$8,709.25
7.5 Bridge Railings (Snow Gate Removal)			6				3	9		\$1,231.08
7.6 Access Wall Design	1	2	12			5	6	26	\$4,000.00	\$7,478.17
TASK 8 - ROADWAY DESIGN				3	6			9		\$1,265.05
8.6 Revisions to Street and Bridge Lighting				3	6			9		\$1,265.05
TASK 9 - UTILITY COORDINATION	1		3		14	32		50		\$4,887.55
9.4 Modify Wet Utility Designs and Quantities	1		3		14	32		50		\$4,887.55
TOTAL HOURS	2	2	21	3	20	37	9	94		
TOTAL COST	\$435.83	\$401.87	\$2,733.86	\$517.90	\$2,490.47	\$2,931.96	\$1,349.95		\$4,000.00	\$14,861.85

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: Authorization for Procurement of Nevada City Wastewater Plant Aeration Basin Mixer

RECOMMENDATION: Pass Resolution 2020-XX, a Resolution of the City of Nevada City Council authorizing the City Manager or designee to sign purchase orders for the procurement of Nevada City Wastewater Plant Aeration Basin Mixer from Pac Machine Company in the amount of \$6,469.00 plus \$500.00 in contingencies.

CONTACT: Bryan K. McAlister, City Engineer
Michael Faudoa, Chief Plant Operator

BACKGROUND/DISCUSSION:

The Nevada City Wastewater Treatment Plant operates in compliance with the California Regional Water Quality Control Board permit which includes waste discharge effluent limitations and self-monitoring provisions. The treatment process involves biological aeration. There are submersible mixers in the Biological Aeration Basin which is a critical component for the denitrification process. One of the mixers has failed and is in need of replacement.

City staff solicited quotes for the Wastewater Plant aeration basin mixer from a vendor that specializes in this product. This is sole source because Pac Machine is the primary supplier for City pumps and items of this nature, especially a "Flygt" pump/mixer. The quote for improvements are as follows:

- Pac Machine Company
(equipment only, installation by City staff) \$6,469.00 / Each

City staff recommends the procurement from Pac Machine Company who has provided a comprehensive quote.

FISCAL CONSIDERATIONS: The project will be funded as authorized in the fiscal year 2020/2021 capital outlay appropriations for the wastewater treatment.

ATTACHMENT:

- ✓ Resolution 2020-XX, a Resolution of the City of Nevada City Council to Authorize the Procurement from Pac Machine Company for the Nevada City Wastewater Plant Aeration Basin Mixer
- ✓ Vendor Quotes for Wastewater Plant Aeration Basin Mixer

RESOLUTION NO. 2020-XX

**A RESOLUTION OF THE CITY OF NEVADA CITY COUNCIL TO
AUTHORIZE THE PROCUREMENT FROM PAC MACHINE COMPANY FOR
THE NEVADA CITY WASTEWATER PLANT
AERATION BASIN MIXER**

WHEREAS, Nevada City Wastewater Treatment Plant operates in compliance with California Regional Water Quality Control Board permit which includes waste discharge effluent limitations and self-monitoring provisions; and

WHEREAS, in accordance with the City of Nevada City prioritization of projects for permit compliance and Wastewater Treatment Plant improvements, City staff procured bids for Wastewater Aeration Basin Mixer; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nevada City to pass Resolution 2020-XX authorizing the City Manager or designee to sign purchase orders for the procurement of Nevada City Wastewater Plant Aeration Basin Mixer from Pac Machine Company in the amount of \$6,469.00 plus \$500.00 in contingencies.

PASSED AND ADOPTED at the regular meeting of the City Council of the City of Nevada City on the 12th day of August, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Erin Minett, Mayor

ATTEST:

Niel Locke, City Clerk



Pac Machine Company

SACRAMENTO, BENICIA, CA
SPARKS, NV

From: Gerard Marquez
Pac Machine Company
5326 Gateway Plaza Dr
Benicia, CA 94510
Phone: (707) 746-4940
Fax: (707) 746-1845

To: Michael Faudoa
of: City of Nevada WWTP
Email/Fax: michael.faudoa@nevadacityca.gov
Phone: 530 446 1658
Re: Flygt Mixer Quote
Date: July 29, 2020

Per your request we're pleased to quote the following Flygt Submersible Mixer:

Qty	Description	Price Each	Amount
1	FLYGT Submersible stainless steel mixer model: 4620.410 equipped with 2.3HP, 460 volts, 3phase motor. 50 ft subcab cable. No sliding bracket. FOB: Sweden Delivery: 3-4 weeks plus transit Taxes and freight not included.	\$6,469.00	\$6,469.00
		Total:	\$6,469.00

Please Call with any questions.

Regards,
Gerard Marquez

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: Memorandum of Understanding Between Nevada Irrigation District and the City of Nevada City

RECOMMENDATION: Review and approve the Memorandum of Understanding (MOU) between Nevada Irrigation District and the City of Nevada City and authorize the Fire Chief to sign.

CONTACT: Sam Goodspeed, Division Chief

BACKGROUND / DISCUSSION:

This Memorandum of Understanding (MOU) recognizes that the need for coordination and cooperation regarding operation and maintenance of public fire hydrants and water systems among public agencies is essential for the health, safety and welfare of the communities they serve. This MOU sets forth the responsibilities of the Nevada Irrigation District (NID) and Nevada City Fire Department with respect to installation, operation, maintenance, repair and replacement of public fire hydrants and in accordance with NID Rules and Regulations.

ENVIRONMENTAL CONSIDERATIONS:

Hydrant maintenance includes clearing unwanted vegetation within up to three feet from the hydrant barrel. Installation of new hydrants could possibly require grading and disruption of natural surroundings. Necessary environmental reviews would be conducted prior to approval.

FISCAL IMPACT: Nevada City Fire Department currently maintains NID hydrants located within the Nevada City, City limits. No additional costs would be incurred through this MOU.

ATTACHMENTS:

- ✓ Memorandum of Understanding between Nevada Irrigation District and the City of Nevada City

MEMORANDUM OF UNDERSTANDING

BETWEEN

NEVADA IRRIGATION DISTRICT

AND

The following Fire Agencies (Agencies): Grass Valley Fire Department, Higgins Area Fire Protection District, Nevada City Fire Department, Nevada County Consolidated Fire Protection District, Ophir Hill Fire Protection District, Peardale-Chicago Park Fire District, Penn Valley Fire Protection District, Placer County Fire, Rough & Ready Fire Protection District, and Smartsville Fire Protection District.

PURPOSE AND NEED

The signatories of this Memorandum of Understanding (MOU) recognize the need for coordination and cooperation regarding operation and maintenance of public fire hydrants and water systems among public agencies is essential for the health, safety, and welfare of the communities they serve. This MOU sets forth the responsibilities of the Nevada Irrigation District (NID) and Agencies with respect to installation, operation, maintenance, repair, and replacement of public fire hydrants and in accordance with NID Rules and Regulations, Section 8 (Exhibit A).

COMMUNICATIONS

The effectiveness of this MOU will depend on good and regular communications between NID and the Agencies. An open line of communication will be developed and maintained to ensure that the water systems and public fire hydrants are maintained in a reliable condition

PUBLIC FIRE HYDRANTS

For the purposes of this MOU, the term "Public Fire Hydrant" refers to all fire hydrants connected directly to a treated water system owned and operated by NID. Hydrants identified as private by NID are not considered public fire hydrants.

Facilities located on the customer's side of a private fire service are not covered by this MOU, except that provision herein governing "Water System Integrity" shall also apply to private fire services. Public or private raw water fire services and all facilities connected to them are not covered by this MOU.

MAINTENANCE

Maintenance of public fire hydrant includes, but is not limited to clearing natural erosion and debris around hydrants, replacing cap and chain, lubricating cap, repainting, remarking, installation and repair of safety barriers, raising hydrants, and major repair and/or replacement. Major repair includes replacement of any parts and/or any work, which requires dismantling of the hydrant that requires certification to work on a potable water system. Replacement includes a complete removal and replacement of an existing hydrant for maintenance purposes.

MAINTENANCE RESPONSIBILITIES

NID

- Will provide plastic colored replacement caps, approved lubricant, and paint as requested by Agencies
- Will perform all repair and installation of safety barriers
- Will perform all major repair and replacement, as determined by NID in its sole discretion.
- Complete computer-simulated flow tests

AGENCIES

- Will clear and grade around hydrants, as necessary, in accordance with District standards, as revised or modified from time to time
- Will perform all replacement, and lubrication of caps
- Will repaint and remark hydrants as necessary
- Will repaint and remark barriers as necessary

OPERATION

Operation of a fire hydrant includes the physical exercising, flushing, flow testing, use for fire suppression, and training.

OPERATION RESPONSIBILITIES

NID may, subject to the availability of water:

- Conduct its annual flushing program to maintain water quality (Note: Not all hydrants are operated during its annual flushing program).
- Coordinate its flushing program with the respective Agencies
- Provide to the appropriate Agency records of hydrants used for flushing, flow testing, or those hydrants exercised.

AGENCIES

Agencies will, subject to the availability of water:

- Exercise, suppress fires, and train.
- Coordinate with and report activities to NID.
- Provide to NID records of hydrants used for flushing, estimate water usage, flow testing, or those hydrants exercised.
- Provide estimate of water usage from the public fire hydrants.
- Provide to NID records of each of the foregoing activities.

WATER SYSTEM INTEGRITY

NID operates its treated water systems under permits and certifications from the Department of Health Services. Conditions of the permits include water quality and system pressure. Systems must be operated to maintain an operating pressure at all service connections of not less than 20 PSI. NID and the Agencies doing maintenance and operation of fire hydrants must stay in compliance with permit conditions. Agencies understand that operation of private fire services can have an adverse affect on NID's system, and will operate these private facilities in a manner consistent with the operation of public fire hydrants. Hydrants must be operated with reasonable care and in a manner that will not cause water hammer within the water system. Non-compliance with permit conditions will result in notification and possible billing to the appropriate agency for repairs.

TRAINING

The Agencies may train at any location within the NID system. During such training water system integrity shall be maintained. If requested, NID will coordinate training sites desirable to both NID and Agencies. NID will make available any training materials it has access to for the Agencies training needs. NID may, in its discretion, limit Agencies' use of District hydrants upon receipt of valid customer complaints.

FIRE HYDRANT STANDARDS

Plans and Specifications: NID has developed and will maintain standard plans and specifications for new public fire hydrants. NID will seek comments and concurrence from Agencies for changes in the standards.

Spacing: Spacing of new public fire hydrants in residential areas must be a minimum of 500 feet, or a maximum of 1000 feet, or as requested by Agency with jurisdiction and within District policy. In commercial areas, fire hydrants shall be per the applicable regulatory code. Site-specific conditions may warrant adjustment of these requirements.

NEW PUBLIC FIRE HYDRANTS

Application Forms: All new public fire hydrants installed by developers, individuals, or Agencies are required to have a standard NID "Application for Public Fire Hydrant" form, completed. This form requires approval from the affected Agency before finalizing the application.

New Development: Agencies are responsible for placing and enforcing conditions for fire suppression and fire safety for new development. Agencies will coordinate with NID on all such conditions having an effect on NID and its water system. NID will cooperate with Agencies to insure Agencies reasonable conditions are upheld.

New NID Waterlines: The Project Engineer in charge of the waterline project will contact the affected Agency in the preliminary design stages of the project. At that time the Agency will be given the opportunity to add new public fire hydrants if the request is reasonable in accordance with Exhibit A.

Hydrant Location: Location of new public fire hydrants will be coordinated with the appropriate Agency by a staff member of the NID Engineering Department assigned to coordinate fire services. On NID projects, the Project Engineer will contact the affected Agency during the preliminary design stage of the project. A field meeting may be needed to determine and stake the location that is mutually agreeable to both parties. Public fire hydrants normally will be installed on the same side of the road as the pipeline.

EXISTING FIRE HYDRANTS

- Will not be eliminated without written notification with the appropriate Agency.

PUBLIC FIRE HYDRANT DATABASE

- NID and Agencies desire to maintain accurate records on the operation and maintenance history of each public fire hydrant.
- NID/Agencies will coordinate through shared GIS layer database files annually.

INDEMNITY:

NID

To the extent that Agencies are not otherwise immune from liability under any provision of law, including, but not limited to Government Code Section 850.2, NID agrees to indemnify and hold Agencies, its officers, employees, and volunteers, harmless from and against all claims, demands, and causes of action for personal injury or death or property damage, arising out of performance under this MOU by NID or anyone acting under NID's direction or control or on its behalf, and caused by negligent act or omission of NID or of anyone acting under NID's direction or control or on its behalf.

AGENCIES

To the extent that NID is not otherwise immune from liability under any provision of law, including, but not limited to Government Code Section 850.2, Agencies agree to indemnify and hold **NID**, its officers, employees, and volunteers, harmless from and against all claims, demands, and causes of action for personal injury or death or property damage, arising out of performance under this MOU by Agencies or anyone acting under Agencies' direction or control or on its behalf, and caused by negligent act or omission of Agencies or of anyone acting under Agencies' direction or control or on its behalf.

TERMINATION OF MOU

This MOU shall terminate and be of no further force or affect should NID determine that Agencies, either singularly or collectively, have failed to uphold or comply with the terms and conditions, either by act or by lack of cooperation. NID may, at its sole discretion, carry out said act of termination affecting one or more Agencies without affecting the terms and Conditions of the MOU with respect to the remaining signatory Agencies. NID shall provide affected Agencies written notice of its intent to terminate this MOU. Said notice shall be delivered to the affected Agencies 30 days prior to taking such action.

This MOU shall terminate and be of no further force or effect should Agencies unanimously determine that NID has failed to uphold or comply with the terms and conditions, either by act or by lack of cooperation. Agencies shall provide NIO with a single written notice representing the intent of all Agencies collectively, to terminate the MOU. Said notice shall be delivered to NIO 30 days prior to taking such action.

Attached: Exhibit A – NID Rules & Regulations, Chapter 8

Nevada County Consolidated Fire District:

PRESIDENT OF THE BOARD

SECRETARY

DATE

Ophir Hill Fire Protection District:

CHAIRPERSON OF THE BOARD

SECRETARY

DATE

Peardale Chicago Park Fire District:

CHAIRPERSON OF THE BOARD

SECRETARY

DATE

Penn Valley Fire Protection District:

CHAIRPERSON OF THE BOARD

SECRETARY

DATE

Placer County Fire Department:

BOARD OF SUPERVISORS CHAIRPERSON	SECRETARY	DATE
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Rough & Ready Fire Protection District:

CHAIRPERSON OF THE BOARD	SECRETARY	DATE
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Smartsville Fire Protection District:

CHAIRPERSON OF THE BOARD	SECRETARY	DATE
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8Section 8

SECTION 8

FIRE SERVICES

8.01 GENERAL

Three types of fire services are available; public fire hydrants and private fire services served by treated water systems and public fire services served by raw water systems. These fire services shall be used only for the purpose of extinguishing fires and for testing fire suppression systems.

8.02 DISTRICT LIABILITY

The District does not guarantee or represent that a specific or certain minimum water pressure or volume of water will be available through a fire service. Fire services will be subject to the variations of water pressure and flow and to the temporary shutdowns required in the operation and maintenance of the system or any interruptions of operations in the system. The District shall be held in no way responsible for and the applicant and/or local fire fighting entity must agree to hold the District free and harmless from injury or damage caused by the lack of water or pressure available to a fire service.

8.03 LOCATION

8.03.01 General

All fire services will be located at a site meeting the approval of the District. In determining if a location is suitable for the installation of a fire service, the District will take into consideration operation and maintenance requirements and other factors deemed important, at any proposed site.

eff. 6/11/03

8.03.02 Treated Water System

(a) New Service. Faulty equipment or procedures which may be utilized by entities operating fire services on high pressure water mains can lead to physical injury of personnel, property damage, and can cause water main failures.

No new public fire hydrants will be allowed on District water mains where static pressures are 150 psi or greater. Prior to allowing public fire hydrants on water mains where static pressures are between 100 and 149 psi, the District will review each request on an individual basis. Approval or disapproval of each request, which will be made at the sole discretion of the District, will be based on consideration of such factors as size, type, and condition of water main, actual pressure, location of pressure-reducing stations, lower pressure water mains and other hydrants.

New private fire services, located on water mains where static pressures are 100 psi or greater, will not be allowed unless the applicant signs an agreement acknowledging the risks involved in a high pressure service, and holding the District free and harmless from liability and damages relating to the service. In addition, if the pressure is 150 psi or greater, the applicant will not be allowed to install any private hydrants or hose outlet stations on the fire service.

Fire pumper connections installed with proper check valves will be allowed.

eff. 10/24/90

(b) Existing Services. Existing public fire hydrants located on water mains where static pressures are 100 psi or greater may be eliminated when in the sole judgment of the District an adequate substitute water source, normally a lower pressure water main is available. The local fire fighting entity, in which jurisdiction of any public fire hydrant being considered for elimination is located, will be consulted prior to final determination; and a written 30-day notice will be provided prior to the actual removal or relocation of the fire service. All removal and re-plumbing costs will be absorbed by the District when such removal is the sole decision of the District.

eff. 5/23/90; rev. 6/11/03

8.03.03 Raw Water System

Due to potential of water loss and operation problems encountered with fire services off of the raw water system, the District will only allow such services under limited situations. If other alternatives, as determined by the District, are available to the fire fighting entity, no such service will be allowed.

No fire services will be allowed off of siphons or pipelines classified as transmission, as opposed to distribution lines. Locations subject to hydraulic conditions that restrict water flow will not be available for installation of a fire service.

eff. 3/13/85

8.04 PUBLIC FIRE HYDRANTS ON TREATED WATER SYSTEMS

8.04.01 General

An application, Form 8-A, must be signed by applicant and the local fire fighting entity in which jurisdiction the hydrant is located and approved by District prior to the installation, relocation or removal of a hydrant on a District water main.

The charge for the hydrant installation, relocation or removal, as set forth in these Regulations, shall be paid by the applicant and/or local fire fighting entity at the time the application is submitted to the District.

Fire hydrants installed under these Regulations shall belong to the District. The District may bear the expense of performing hydrant maintenance resulting from normal wear and tear when such conditions are reported to the District. The District may levy a charge for fire hydrant maintenance.

8.04.02 Installations

The charge shown in Schedule 8-A will be collected for all installations and provides for installation of a 2 ½" x 2 ½" x 4 ½" nozzle dry barrel hydrant conforming to AWWA Specification C502.

8.04.03 Hydrant Removal

The charge to remove a hydrant and discontinue the service will be as shown in Schedule 8-A.

There will be no charge to remove a hydrant or stand pipe classified as less than 5 ¼-inch barrel diameter when the removal is done in conjunction with the installation, at the same location, of a new hydrant.

eff. 6/11/03

8.04.04 Installation of a Hydrant Near Existing Hydrant

If a fire hydrant is to be installed at or near a location where there is existing hydrant coverage, as a requirement precedent to installing the new hydrant, the District reserves the right of discontinuing the existing hydrant and to levy the appropriate charge as shown in Schedule 8-A.

8.04.05 Relocation of Hydrant

The charge for the relocation of a hydrant will be the total of the charge for the hydrant elimination, Schedule 8-A, plus the charge for the installation of a new hydrant. No credit will be given for salvaged material unless the hydrant conforms to AWWA Specification C502 and can be reused, with only minor reconditioning, in which case a credit will be given as shown in Schedule 8-A.

Where the relocation or installation of a fire hydrant does not require a new connection to the main, the charge will be based on the District's actual cost.

8.05

PRIVATE FIRE SERVICE ON TREATED WATER SYSTEM

8.05.01 General

An Application, Form 8-B, must be signed by applicant and the local fire fighting entity in which jurisdiction the service is located, and approved the District prior to installation of the private fire service. The Applicant will make the basic determination as to the size of the service; however, the District reserves the right to limit the size of the service allowed. A fee to compensate the District for estimating the cost of the service will be collected at the time the application is submitted to the District. See Schedule 8-B.

After installation, the private fire service, up to and through to the outside edge of the vault, shall belong to the District.

eff. 1/1/94; rev. 12/08/04

8.05.02 Installation

Private fire services may be installed using three administrative processes, 1) District installed, or 2) Applicant installed using a Conveyance Agreement or 3) Applicant installed using an Applicant Constructed Private Fire Service Letter Agreement.

District installed private fire services shall be at the Applicant's cost as shown in Schedule 8-B.

Private fire services may be installed as a facility incidental to a water line extension being installed by a Developer under the provisions of a Section 10.03 Conveyance Agreement. The Applicant may also make arrangements to construct a private fire service to be connected to an existing water main by using the Section 10.03 Conveyance Agreement process in cases where the estimated installation costs exceed \$15,000.

Fire services that are not incidental to a proposed water line extension project may be installed by the Applicant using a private contractor under the provisions of an Applicant Constructed Private Fire Service Letter Agreement, example of which is shown in Form 8-D. This method governs

plans, specifications, construction, inspection, and other requirements for the Applicant and his contractor. These letter agreements and conveyance of the completed fire service are subject to approval by the General Manager.

eff. 12/12/90; rev. 12/08/04

8.05.03 Service to More Than One Parcel

As long as all the parcels involved are properly fronted by a water main, as required under Section 10.01.02 of these Regulations, and upon the written application of all landowners, up to four contiguous parcels may be served by one private fire service.

Property owner(s) of each parcel being served by a Private fire service must have a valid application on file with the District indicating their responsibility for paying all charges and penalties, along with their responsibility for maintaining the system beyond the private fire service.

In certain instances the District, at its sole discretion, may permit or require a single parcel to have more than one private fire service connection. Examples include a shopping center/business center with varied tenant water requirements or two commercial buildings located on one parcel.

rev. 12/08/04, rev. 03/10/10

8.05.04 Charges for Water Service

No charge will be made for water used for extinguishing fires, but any water lost through leakage or for testing purposes or used in violation of these Regulations shall be paid for by the applicant at double the normal water consumption charges. If unauthorized water use or leakage continues for more than two billing periods after notification of the water use, the service may be discontinued.

A periodic charge, as shown in Schedules 8-C and 8-D, will be made to compensate the District for maintenance and the eventual replacement of the private fire service.

Pursuant to Section 6.04 of these Regulations, delinquent charges may be placed as a lien against the parcel, or all parcels benefiting from the service in the case of service to more than one parcel. User(s) of the service understand that the fire service may be discontinued for nonpayment of charges and accept all risk of such discontinuance for nonpayment.

eff. 1/22/86

8.06 PUBLIC FIRE SERVICE ON RAW WATER SYSTEMS

8.06.01 General

An application, Form 8-C, must be signed by the local fire fighting entity in whose jurisdiction the fire service is located and approved by District prior to installation of the service.

These types of fire services are subject to extreme variations in flow. Temporary, seasonal and extended shutdown periods may be required in normal operation of the system. Water delivered to the service may contain debris which could affect the quantity of water available to the fire service because of plugging or clogging.

8.06.02 District Installation

The District will install the outlet and shutoff valve immediately adjacent to the District facility at the applicant's cost.

8.06.03 Applicant Installation

The applicant will be responsible for construction of all facilities downstream from the shutoff valve, including pipeline, storage sump and hydrant.

8.06.04 Maintenance Responsibilities

District may bear the expense of performing maintenance resulting from normal wear and tear on its facilities when such conditions are reported to the District. The District may levy a charge for maintenance. Facilities downstream from the shutoff valve will be the responsibility of the applicant to maintain.

8.06.05 Discontinuing Service

The service shall be used only for extinguishing fires and no connections of any kind whatsoever, other than to hydrants and hose reels, shall be made or permitted to be made to the pipe(s) supplied by said service.

Discovery of any unauthorized service or any water leakage from the applicant's facilities will result in discontinuation of said fire service until corrective action is taken.

8.06.06 Charges for Water Service

No charge will be made for water used for extinguishing fires or for periodic flushing of the service to remove accumulated debris.

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: Second Reading and Adoption of Ordinance 2020-14, an Ordinance of the City of Nevada City Repealing and Reenacting Section 2.40.010 of the Nevada City Municipal Code Setting the Date for General Municipal Elections

RECOMMENDATION: Adopt Ordinance 2020-XX, an Ordinance of the City of Nevada City repealing and reenacting Section 2.40.010 of the Nevada City Municipal Code setting the date for General Municipal Elections.

CONTACT: Catrina Olson, City Manager
Crystal Hodgson, City Attorney

BACKGROUND / DISCUSSION:

The first reading of the Ordinance 2020-14, an Ordinance of the City of Nevada City repealing and reenacting Section 2.40.010 of the Nevada City Municipal Code setting the date for General Municipal Elections was read by title only at the July 23, 2020 City Council meeting.

Section 2.40.010 of the Nevada City Municipal Code provides that the date of the general municipal election of the city shall be the first Tuesday after the first Monday in June of each even-numbered year. This June date was set years ago to comply with California Elections Code Section 1000 which sets established elections dates, on which dates local general elections must be held. Effective on January 1, 2019, Elections Code Section 1000 was amended to omit the June election date option and instead, establishes election dates to be either (a) the first Tuesday after the first Monday in March of each year; (b) the second Tuesday of April in each even-numbered year; and (c) the first Tuesday after the first Monday in November of each year.

The City must update the Section 2.40.010 of the Nevada City Municipal Code provision establishing the City's general municipal election dates to comply with the amended state law to be held on one of the three dates in Section 1000. At the July 23, 2020 City Council meeting, the City Council chose the March election date option from the Elections Code and approved a first reading of an ordinance to change the city's general municipal election date to the first Tuesday after the first Monday in March of each even-numbered year.

The Government Code provides that Ordinances that pertain to elections are effective immediately after adoption. Staff recommends the Council's second reading and approval of the Ordinance which will be effective immediately after its adoption.

FISCAL IMPACT: There is no fiscal impact related to the proposed changes.

ATTACHMENTS:

- ✓ Ordinance 2020-14, an Ordinance of the City of Nevada City Repealing and Reenacting Section 2.40.010 of the Nevada City Municipal Code Setting the Date for General Municipal Elections

ORDINANCE NO. 2020-XX

**AN ORDINANCE OF THE CITY OF NEVADA CITY
REPEALING AND REENACTING SECTION 2.40.010 OF
THE NEVADA CITY MUNICIPAL CODE
SETTING THE DATE FOR GENERAL MUNICIPAL ELECTIONS**

WHEREAS, Section 2.40.010 of the Nevada City Municipal Code sets the dates for general municipal elections to be held on the first Tuesday after the first Monday in June of each even-numbered year;

WHEREAS, the City's June general municipal election date was based on California Elections Code Section 1000, which was amended by the state legislature effective January 1, 2020, to now require general municipal elections to be held in even-numbered years on the second Tuesday in April or on the first Tuesday after the first Monday in March of each year; and

WHEREAS, the City Council desires to amend the Nevada City Municipal Code Section 2.40.010 to change the general municipal elections to be held on the first Tuesday after the first Monday of March each even-numbered year, to comply with the revised Elections Code requirement.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Nevada City as follows:

Section 1. Section 2.40.010 of the Nevada City Municipal Code is hereby repealed and readopted as follows:

“2.40.010 Date held.

2.40.010. Date held.

The date of the general municipal election of the city shall be the first Tuesday after the first Monday in March of each even-numbered year.”

SECTION 2. Effective Date. This ordinance shall become effective immediately upon its adoption pursuant to Government Code Section 36937, subdivision (a), because it relates to elections.

SECTION 3. Severability. If any portion of this ordinance is found to be unenforceable, each such provision shall be severed, and all remaining portions of this ordinance shall be enforced to the maximum extent legally permissible.

SECTION 4. Certification. The City Clerk shall certify to the passage and adoption of this ordinance as required by law.

PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held this ____ day of _____, 2020 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Erin Minett, Mayor

ATTEST:

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: Operations & Maintenance Agreement with the Department of Toxic Substances Control for the Providence Mine Site

RECOMMENDATION: Review and approve the Operations and Maintenance Agreement with the Department of Toxic Substances Control and authorize the Mayor to sign.

CONTACT: Dawn Zydonis, Parks & Recreation Manager

BACKGROUND / DISCUSSION:

In 2010 and 2016, the City received funding for a Brownfields Clean-Up Grant administered through the Environmental Protection Agency (EPA). The grants allowed the City to work in partnership with Sierra Streams Institute (SSI) to complete clean-up of mine waste on the property that the City refers to as the Environs. This property is located at the end of Providence Mine Rd. The entire property is adjacent to the City's Waste Water Treatment Plant, but the work completed was on the end of the property adjacent to Providence Mine Rd.

To complete the project a Removal Action Workplan (RAW) for the Providence Mine Site included the mitigation of arsenic (up to 140 milligrams per kilogram (mg/kg), lead (up 6,700 mg/kg) and mercury (up to 4.1 mg/kg) impacted soils. The RAW for the adjacent Providence Quartz Mill included the mitigation of arsenic [up to 250 mg/kg), lead (up 20,000 mg/kg) and mercury (up to 100 mg/kg) impacted soils. Both RAWs require an Operations and Maintenance (O&M) Plan. This plan has been prepared for both sites at the request of the California Department of Toxic Substance Control (DTSC). The purpose of this document is to present the procedure for the long term monitoring and maintenance of the sites.

This O&M Plan has been prepared for the Providence Mine Site and the adjacent Providence Quartz Mill site.

ENVIRONMENTAL CONSIDERATIONS:

The City is not able to do any work on the property that would disrupt the soil without completing a Soil Management Plan. The City must complete annual inspections to ensure that the work completed through the Brownfields Clean-up Grant remains intact and is not disturbed.

FISCAL IMPACT: There are annual fees due to DTSC for review of annual inspections.

ATTACHMENTS:

- ✓ Operations & Maintenance Agreement for the Providence Mine Site



Jared Blumenfeld
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D., Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

July 27, 2020

Ms. Dawn Zydonis
Parks & Recreation Supervisor
317 Broad Street
Nevada City, California 95959

OPERATIONS AND MAINTENANCE AGREEMENT AND PLAN FOR THE
PROVIDENCE MINE AND PROVIDENCE QUARTZ MILL SITES, NEVADA CITY,
CALIFORNIA, ASSESSOR'S PARCEL NUMBER 005-100-087 (SITE CODE 102158)

Dear Ms. Zydonis:

The Department of Toxic Substances Control (DTSC) has enclosed a copy of the Operation and Maintenance (O&M) Agreement which includes the O&M Plan attached as Exhibit D to monitor the remedy constructed at the Providence Mine and Providence Quartz Mill Sites in Nevada City, California. If you find the enclosed document acceptable, please sign and return the original wet signature copy to my attention. Upon receiving the signed copy of the document, DTSC will sign it and return a copy of the final O&M Agreement to you for your records.

If you have any questions, please me at (916) 255-3591 or via email at Dean.Wright@dtsc.ca.gov.

Sincerely,

Dean Wright, P.G
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substance Control

Enclosure: *Operation and Maintenance (O&M) Agreement*

cc: (see next page)

Ms. Dawn Zydonis
July 27, 2020
Page 2

cc: (via email)

Mr. Kyle Leach
Sierra Streams Institute
kleach08@gmail.com

Lora Jameson, P.G.
Chief, Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Lora.Jameson@dtsc.ca.gov

Steven Becker, P.G., Branch Chief
Santa Susana Field Laboratory and Northern California Schools Branch
Site Mitigation and Restoration Program
Steven.Becker@dtsc.ca.gov

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Providence Mine Site
Including Mine Waste Area and Mine
Features Area and The Quartz Mill Site
Nevada County, California, 95959

Proponent:
Nevada City
Parks & Recreation
317 Broad Street
Nevada City, California 95959

Docket No. HWCA-FY19/20-149

OPERATION AND MAINTENANCE
AGREEMENT

Health and Safety Code
25355.5 (a)(1)(C)

The California Department of Toxic Substances Control (DTSC) and the City of Nevada City (Proponent) enter into this Operation and Maintenance Agreement (Agreement) for the site located at Providence Mine Road, Nevada City, Nevada County, California (Site) and agree as follows:

1. Jurisdiction. This Agreement is entered into by DTSC and Proponent pursuant to Health and Safety Code section 25355.5(a)(1)(C) which authorizes DTSC to enter into an enforceable agreement to oversee the investigation and/or remediation of a release or threatened release of any hazardous substance or hazardous waste at or from the Site, and to oversee the operation and maintenance of any remedy installed at the Site.

2. Installed Remedy. A DTSC-approved remedy has been installed at the Providence Mine Site for the remediation of soil and the protection of surface water in nearby Deer Creek. The remedy consisted of the excavation and off-site disposal of mine waste exceeding Hazardous Waste levels and excavation and placement of mine waste exceeding human health cleanup goals in a depressed area on the site. Excavation and re-grading of waste rock from the slope below the mine site and construction of a buttressing Gabion wall was implemented to lower the slope angle and reduce potential for erosion of mine waste into Deer Creek. Cover soil was placed over the areas where mine waste was placed on-site and other areas of exposed mine

waste. The excavation, grading and cover soil placement was followed by erosion control measures including placement of straw wattles down slope of disturbed areas and re-vegetation with native plant species included seeding and planting of container plants.

A United States Environmental Protection Agency (USEPA) approved remedy has been installed at the Providence Quartz Mill Site for the remediation of soil. The remedy was developed and implemented with USEPA assistance and review and consisted of the excavation and off-site disposal of mine waste exceeding Hazardous Waste levels for total lead and mercury and excavation, consolidation and placement of mine waste exceeding human health cleanup goals at the site. Cover soil was placed over the areas where mine waste was placed on-site and other areas of exposed mine waste. The excavation, grading and cover soil placement was followed by erosion control measures including placement of straw wattles down slope of disturbed areas and re-vegetation with native plant species included seeding and planting of container plants.

Both the Providence Mine Site and Providence Quartz Mill Site are owned by Nevada City. A site location map is attached as Exhibit A. An assessor's parcel map showing the specific areas pertinent to this Agreement highlighted in yellow is attached as Exhibit B. A site map or diagram showing the locations of the installed remedy is attached as Exhibit C.

3. Operation and Maintenance of Installed Remedy. Operation and maintenance of the installed remedy are required at the Site. Proponent shall leave the installed remedy in place, and continue its operation and maintenance, until and except to the extent that DTSC authorizes Proponent in writing to discontinue or modify part or all of the installed remedy.

4. Implementation of Operation and Maintenance Plan. Proponent shall submit an Operation and Maintenance Plan to DTSC for approval. Proponent shall fully implement the DTSC-approved Operation and Maintenance Plan dated July 27, 2020, attached as Exhibit D, including any requirements for inspections, monitoring, reporting and record keeping.

5. Modification or Discontinuation of Installed System. Proponent shall submit a written request for DTSC's authorization for any modification or discontinuation of the Installed Remedy or any part thereof at least 60 days, to the extent feasible, prior to the intended date of any proposed modification or discontinuation. Proponent may seek modification or discontinuation of the Installed Remedy or any part thereof if (a) Proponent has met the remediation objectives for the site; (b) the modification would better achieve the remediation objectives; (c) the Installed Remedy could not achieve the remediation objectives and other cleanup methods will be implemented; or (d) it has been demonstrated that the maximum achievable remediation has occurred. The written request to DTSC shall include the reasons for the request, a detailed description of any work to be done or modification to be made, and a map showing the exact location of the proposed work.

6. DTSC-Required Modification. DTSC may require modification, replacement, or additions to the Installed Remedy if the Installed Remedy or part of thereof is not achieving the remediation objectives or is not protecting human health or the environment. DTSC may require additional evaluations, designs and the construction and operation of facilities to achieve these objectives.

7. Five-Year Review. Proponent shall review and reevaluate the Installed Remedy after a period of five years from the execution of this Agreement and every five years thereafter. The review and reevaluation shall be conducted to determine if human health and the environment are being adequately protected by the Installed Remedy. The five-year review report shall describe the results of all inspections, sampling analyses, tests and other data generated or received by Proponent and evaluate the adequacy of the implemented remedy in protecting human health and the environment. The five-year review reports must be stamped by a licensed engineer or geologist in the State of California. As a result of any review work performed under this Agreement, DTSC may require Proponent to perform additional review work or modify the review work previously performed by Proponent.

8. Quality Control/Quality Assurance (QC/QA). All sampling and analysis conducted by Proponent under this Agreement shall be performed in accordance with

the QC/QA procedures submitted by Proponent and approved by DTSC pursuant to this Agreement.

9. Financial Assurance. Proponent must assure that sufficient funds are available to implement all the requirements of this Agreement and to pay DTSC's costs as specified in Paragraph 10. Pursuant to California Health and Safety Code Division 20, Chapter 6.8, Section 25355.2(c)(4), because this Proponent is determined to qualify for a waiver as a local government entity, it is not required to provide Financial Assurance for performing those necessary obligations under this Agreement. If the property is transferred to a private party, then DTSC may require that a financial assurance mechanism is implemented pursuant to California Code of Regulations, Title 22, section 66265.143.

10. Cost Recovery and Payment.

10.1 Proponent is liable for all of DTSC's costs incurred in implementing this Agreement, including costs of overseeing the work performed by Proponent, and in responding to any contamination at the Site. Cost recovery may be pursued by DTSC pursuant to applicable state or federal laws or common law. DTSC will invoice Proponent for DTSC's costs on a quarterly basis.

10.2 All payments made by Proponent pursuant to this Agreement shall be by check payable to the "Department of Toxic Substances Control" and bearing on its face the project code for the Site (Site # 102158-11) and the docket number of this Agreement. Upon request by Proponent, DTSC may accept payments made by credit cards or electronic funds transfer. Payments by check shall be sent to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st Floor
P.O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent concurrently to DTSC's Project Manager.

10.3 DTSC shall retain all cost records associated with the work performed under this Agreement as may be required by state law. DTSC will make all documents

that support DTSC's cost determination available for inspection upon request in accordance with the Public Records Act, Government Code section 6250 et seq.

11. Endangerment During Implementation.

11.1 Proponent shall notify DTSC's Project Manager immediately upon learning of any condition that may pose an immediate threat to public health or safety or the environment. Within seven days of the onset of such a condition, Proponent shall furnish a report to DTSC, signed by Proponent's Project Manager, setting forth the conditions and events that occurred and the measures taken in response thereto.

11.2 In the event DTSC determines that any activity (whether or not pursued in compliance with this Agreement) may pose an imminent or substantial endangerment to the health or safety of people on the Site or in the surrounding area or to the environment, DTSC may order Proponent to conduct additional activities or to stop further implementation of this Agreement for such period of time as may be needed to abate the endangerment. DTSC may request that Proponent implement interim measures to address any immediate threat or imminent or substantial endangerment.

12. Site Access. Proponent shall provide, and/or obtain access to the Site and take all reasonable efforts to obtain access to offsite areas to which access is necessary to implement the Agreement. Such access shall be provided to DTSC's employees, contractors, and consultants at all reasonable times. Such access shall also be provided to any other proponent or Proponent who is in compliance with this Agreement for the purpose of conducting activities pursuant to this Agreement or for activities deemed necessary by DTSC to meet the objectives of this Agreement. Nothing in this paragraph is intended or shall be construed to limit in any way the right of entry or inspection that DTSC or any other agency may otherwise have by operation of law.

13. Sampling, Data and Document Availability. When requested by DTSC, Proponent shall make available for DTSC's inspection, and shall provide copies of, all data and information concerning contamination at or from the Site, including technical records and contractual documents, sampling and monitoring information and

photographs and maps, whether or not such data and information was developed pursuant to this Agreement. For all final reports, Proponent shall submit one hard (paper) copy and one electronic copy with all applicable signatures and certification stamps as a text-readable Portable Document Formatted (pdf) file compatible with Adobe Acrobat or a formatted file compatible with Microsoft Word.

14. Record Preservation. Proponent shall retain, during the implementation of this Agreement and for a minimum of six years after its termination, all data, reports, and other documents that relate to the performance of this Agreement. If DTSC requests that some or all of these documents be preserved for a longer period of time, Proponent shall either comply with the request, deliver the documents to DTSC, or permit DTSC to copy the documents at Proponent's expense prior to destruction.

15. Notification of Field Activities. Proponent shall inform DTSC at least seven days in advance of all field activities pursuant to this Agreement and shall allow DTSC and its authorized representatives to take duplicates of any samples collected by Proponent pursuant to this Agreement.

16. Project Managers. Within 14 days of the effective date of this Agreement, DTSC and Proponent shall each designate a Project Manager and shall notify each other in writing of the Project Manager selected. The Proponent's Project Manager shall have the technical expertise in project management, regulatory compliance, and hazardous substance site cleanup sufficient to fulfill his or her responsibilities. Each Project Manager shall be responsible for overseeing the implementation of this Agreement and for designating a person to act in his/her absence. All communications between DTSC and Proponent, and all notices, documents and correspondence concerning the activities performed pursuant to this Agreement shall be directed through the Project Managers. Each party may change its Project Manager with at least seven days prior written notice.

17. Proponent's Consultant and Contractor. All engineering work performed pursuant to this Agreement shall be under the direction and supervision of a registered professional engineer licensed in California, with expertise in hazardous substance site cleanup. All geological work performed pursuant to this Agreement shall be under the

direction and supervision of a registered professional geologist licensed in California, with expertise in hazardous substance site cleanup. Proponent's contractors and consultants shall have the technical expertise sufficient to fulfill his or her responsibilities. Within 14 days of the effective date of this Agreement, Proponent shall notify DTSC's Project Manager in writing of the name, title, and qualifications of the registered professional engineer and/or professional geologist and of any contractors or consultants and their personnel to be used in carrying out the work under this Agreement in conformance with applicable state law, including but not limited to, Business and Professions Code sections 6735 and 7835.

18. DTSC Review and Approval. All work performed pursuant to this Agreement is subject to DTSC's review and approval. If DTSC determines that any report, plan, schedule or other document submitted for approval pursuant to this Agreement fails to comply with this Agreement or fails to protect public health or safety or the environment, DTSC may (a) return comments to Proponent with recommended changes and a date by which the Proponent must submit to DTSC a revised document incorporating or addressing the recommended changes; or (b) modify the document in consultation with Proponent and approve the document as modified. All DTSC approvals and decisions made regarding submittals and notifications will be communicated to Proponent in writing by DTSC's Branch Chief or his/her designee. No informal advice, guidance, suggestions or comments by DTSC regarding reports, plans, specifications, schedules or any other writings by the Proponent shall be construed to relieve Proponent of the obligation to obtain such written approvals.

19. Amendments. This Agreement, including the attached Operation and Maintenance Plan, may be amended in writing by mutual agreement of DTSC and Proponent. Such amendment shall be effective the third business day following the day the last party signing the amendment sends its notification of signing to the other party. The parties may agree to a different effective date.

20. Incorporation of Exhibits, Plans and Reports. All exhibits are incorporated into this Agreement by reference. All plans, schedules and reports that require DTSC's

approval and are submitted by Proponent pursuant to this Agreement are incorporated in this Agreement upon DTSC's approval.

21. Reservation of Rights. DTSC reserves all of its statutory and regulatory powers, authorities, rights, and remedies under applicable laws to protect public health or the environment, including the right to recover its costs incurred therefor. Proponent reserves all of its statutory and regulatory rights, defenses and remedies available to Proponent under applicable laws.

22. Non-Admission of Liability. By entering into this Agreement, Proponent does not admit to any finding of fact or conclusion of law set forth in this Agreement or any fault or liability under applicable laws.

23. Proponent Liabilities. Nothing in this Agreement shall constitute or be considered a covenant not to sue, release or satisfaction from liability by DTSC for any condition or claim arising as a result of Proponent's past, current, or future operations or ownership of the Site.

24. Government Liabilities. The State of California or DTSC shall not be liable for any injuries or damages to persons or property resulting from acts or omissions by Proponent or by related parties in carrying out activities pursuant to this Agreement, nor shall the State of California or DTSC be held as a party to any contract entered into by Proponent or its agents in carrying out the activities pursuant to this Agreement.

25. Third Party Actions. In the event that Proponent is a party to any suit or claim for damages or contribution relating to the Site to which DTSC is not a party, Proponent shall notify DTSC in writing within 10 days after service of the complaint in the third-party action. Proponent shall pay all costs incurred by DTSC relating to such third-party actions, including but not limited to responding to subpoenas.

26. California Law. This Agreement shall be governed, performed, and interpreted under the laws of the State of California.

27. Severability. If any portion of this Agreement is ultimately determined not to be enforceable, that portion will be severed from the Agreement and the severability shall not affect the enforceability of the remaining provisions of the Agreement.

28. Parties Bound. This Agreement applies to and is binding, jointly and severally, upon Proponent and its agents, receivers, trustees, successors and assignees, and upon DTSC and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Agreement. Proponent shall ensure that its contractors, subcontractors, and agents receive a copy of this Agreement and comply with this Agreement.

29. Effective Date. The effective date of this Agreement is the date of signature by DTSC's authorized representative after this Agreement is first signed by Proponent's authorized representative. Except as otherwise specified, "days" means calendar days.

30. Representative Authority. Each undersigned representative of the party to this Agreement certifies that she or he is fully authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the party to this Agreement.

31. Counterparts. This Agreement may be executed and delivered in any number of counterparts, each of which when executed and delivered shall be deemed to be an original, but such counterparts shall together constitute one and the same document.

Steven Becker, P.G., Branch Chief
Santa Susanna Field Laboratory Branch
Department of Toxic Substances Control

Date: _____

Erin Minett, Mayor
City of Nevada City

Date: _____

EXHIBIT A
Site Location Map

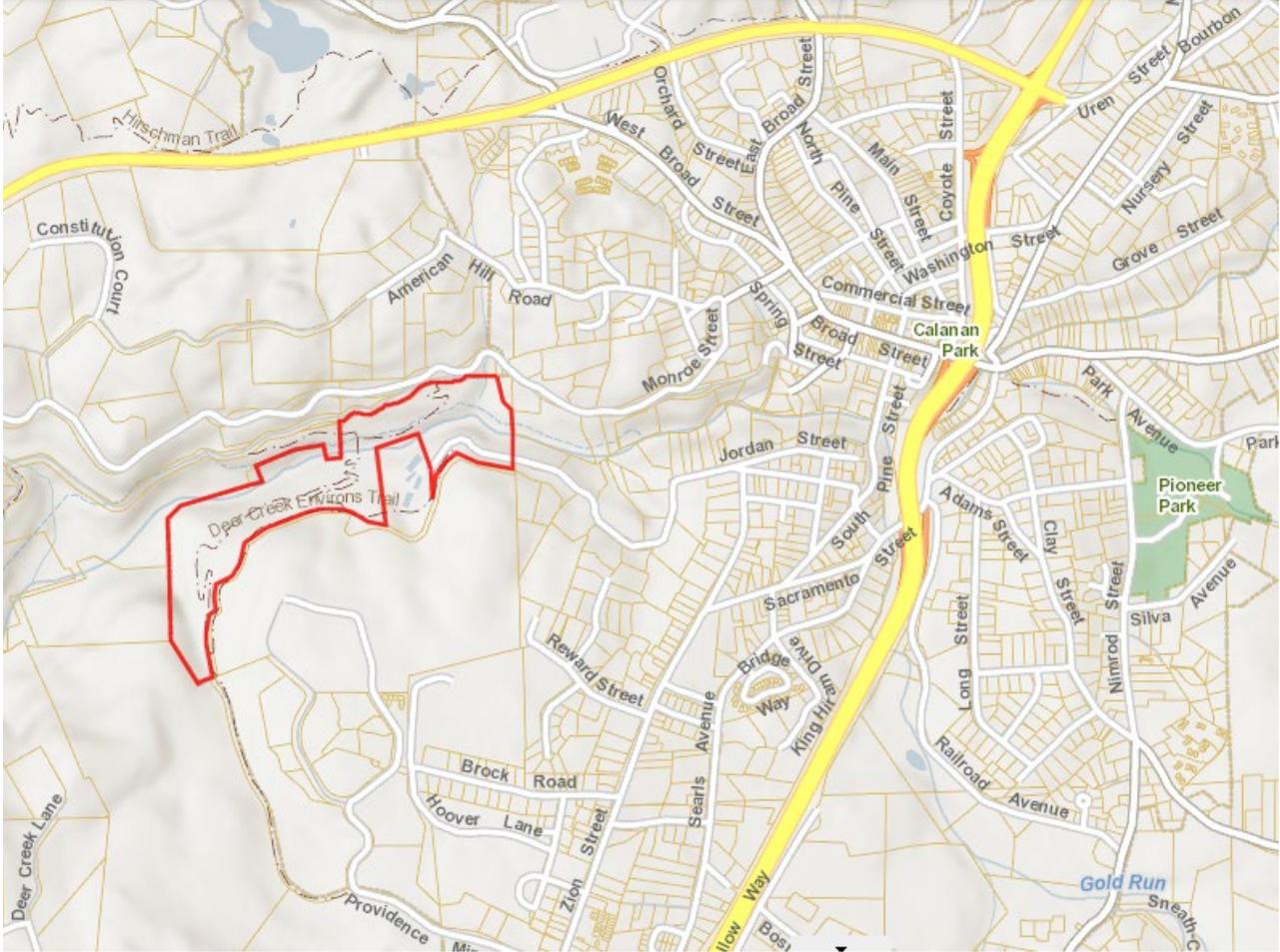


EXHIBIT B Assessors Parcel Map



EXHIBIT C (Page 1 of 2)
Remedy Location Map – Mine Site

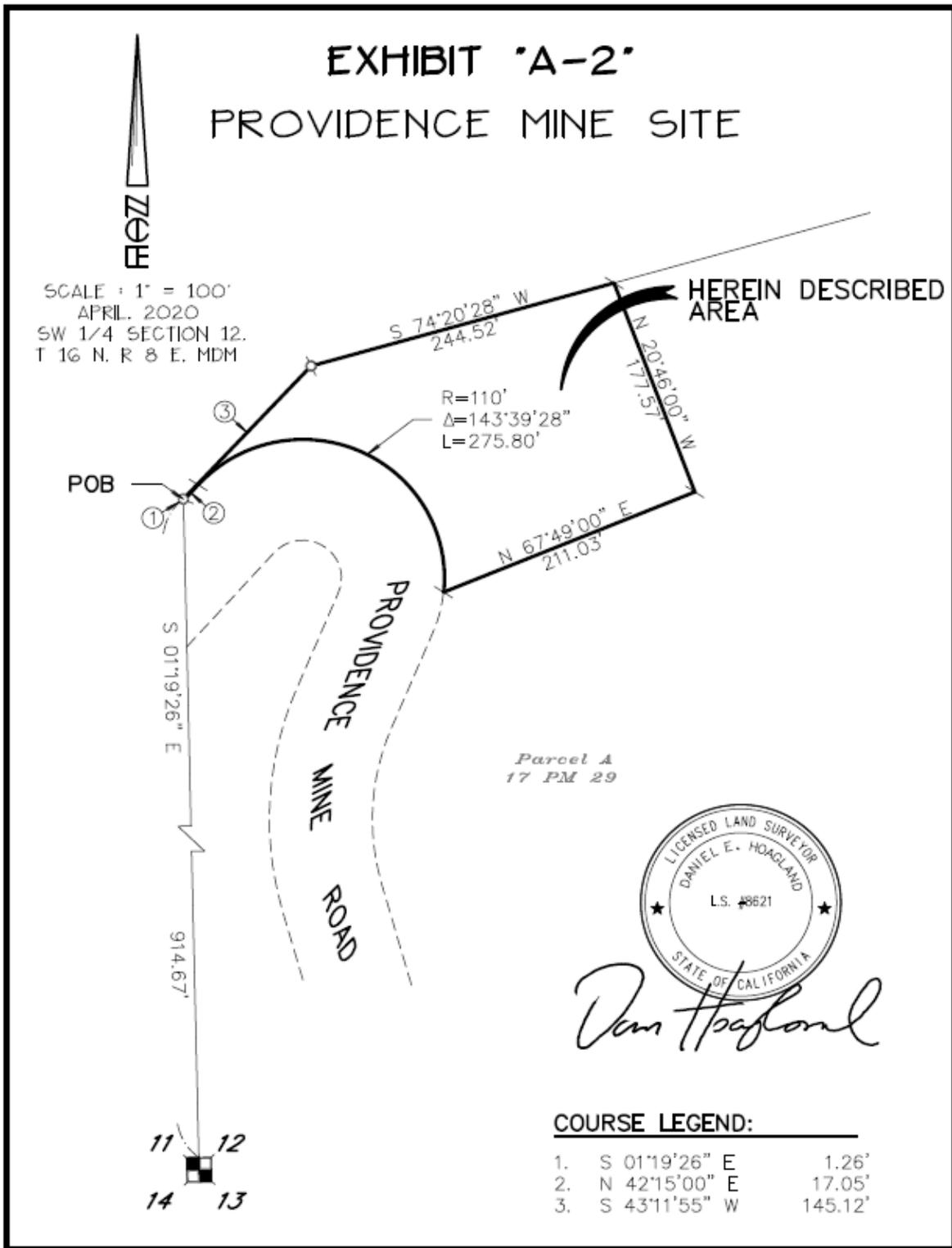


EXHIBIT C (Page 2 of 2)
 Remedy Location Map – Quartz Mill Site

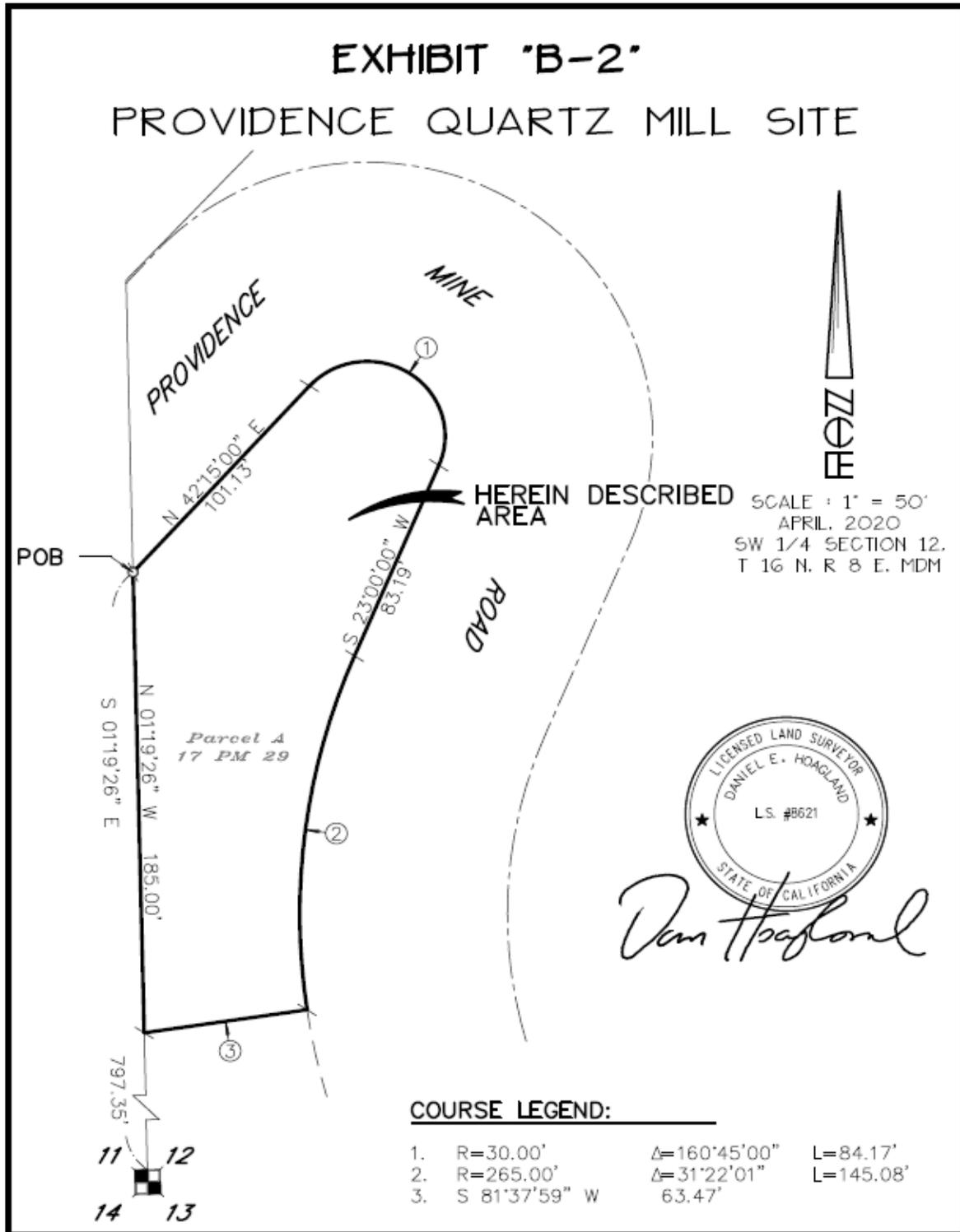


EXHIBIT D

OPERATION AND MAINTENANCE PLAN PROVIDENCE MINE SITE AND PROVIDENCE QUARTZ MILL SITES NEVADA CITY, NEVADA COUNTY July 27, 2020

1.0 INTRODUCTION

1.1 PURPOSE

The Removal Action Workplan (RAW) for the Providence Mine and Providence Quartz Mill Sites included the mitigation of lead, arsenic and mercury but impacted soils remain at concentrations of up to 2,050 milligrams per kilogram (mg/kg) for lead, 152 mg/kg for mercury, and 97 mg/kg for arsenic. These remaining concentrations require an Operations and Maintenance (O&M) Plan for both sites. This plan has been prepared for both sites at the request of the California Department of Toxic Substance Control (DTSC). The purpose of this document is to present the procedure for the long-term monitoring and maintenance of the sites.

Completion of soil removal, consolidation and cover placement activities were described in the Removal Action Implementation and Site Closure Verification Report for the Providence Mine Site dated June 29, 2015 and the Site Closure Verification Report for the Providence Quartz Mill Site dated September 2019. Remedial activities were performed as described in the RAW for the Providence Mine Site (Sierra Streams Institute) dated January 15, 2014 and in the RAW for the Providence Quartz Mill Site (Sierra Streams Institute) dated May 2018. Cleanup activities for the Providence Mine Site were performed under a voluntary cleanup agreement (VCA) (HSA-VCA 11/12-036) with DTSC. Cleanup of the Providence Quartz Mill Site was completed with funding, technical assistance and review by United States Environmental Protection Agency (USEPA).

This O&M Plan has been prepared for the Providence Mine Site and the adjacent Providence Quartz Mill site located in Nevada City, Nevada County, California.

1.2 SITE BACKGROUND

The sites were formerly part of a hard rock gold mine and quartz mill which operated between the 1860s and 1920. Abandoned mine features identified at the Providence Mine Site included relic foundations, a collapsed mine shaft, and stockpiles of mine waste rock adjacent to Deer Creek. A Phase 2 Assessment of the Providence Mine Site was conducted under a USEPA Brownfields Community Wide Assessment of abandoned mine sites in Nevada City in 2009. An estimate of over 4,000 cubic yards of mine waste rock were identified at the site, some of which have elevated metals concentrations exceeding regulatory standards for unrestricted land use with a limited volume exceeding Hazardous Waste levels. Subsequently, Nevada City entered into a VCA with DTSC to conduct the RAW under a Brownfields Cleanup Grant obtained from the USEPA.

Abandoned mine features at the Providence Quartz Mill site included limited areas of processed mine tailings and terraced slopes with mine waste rock and loose concrete and machinery debris. A Soil Investigation Report of the Providence Mine Site was conducted under a Sierra Nevada Conservancy Assessment Grant. An estimated 400 cubic yards of mine waste rock and processed tailings were identified at the site with elevated metals concentrations exceeding regulatory standards for unrestricted land use. A limited volume of mine waste exceeded Hazardous Waste levels. Preparation of and implementation of a RAW was performed under a Brownfields Cleanup Grant Nevada City obtained from the USEPA.

Remediation at the Providence Mine Site included excavation and off-site disposal of mine waste exceeding Hazardous Waste levels and excavation and placement of mine waste exceeding human health cleanup goals in a depressed area on the site.

Excavation and re-grading of waste rock from the slope below the mine site and construction of a buttressing Gabion wall was implemented to lower the slope angle and reduce potential for erosion of mine waste into Deer Creek. Cover soil was placed over the areas where mine waste was placed on-site and other areas of exposed mine waste. The excavation, grading and cover soil placement was followed by erosion control measures including placement of straw wattles down slope of disturbed areas

and re-vegetation with native plant species included seeding and planting of container plants.

Remediation at the Providence Quartz Mill Site included excavation and off-site disposal of mine waste exceeding Hazardous Waste levels for total lead and mercury and excavation, consolidation and placement of mine waste exceeding human health cleanup goals at the site. Cover soil was placed over the areas where mine waste was placed on-site and other areas of exposed mine waste. The excavation, grading and cover soil placement was followed by erosion control measures including placement of straw waddles down slope of disturbed areas and re-vegetation with native plant species included seeding and planting of container plants.

Both remedies are anticipated to provide adequate protection from inhalation, ingestion, or dermal contact with the soils at the Sites given their typical intermittent use by hikers, etc. Deed restrictions will be applied to ensure this. Nevada City will carry complete responsibility to maintain the remedy in a manner protective of human health and the environment.

2.0 SITE LOCATION

The approximately 1.02-acre Providence Mine Site and 0.44-acre Providence Quartz Mill Site are located in the northwestern portion of a 38-acre City-owned property identified by Assessor Parcel Number (APN) 005-100-087. Both sites are located at the end of Providence Mine Road along the south side of Deer Creek in Nevada City, Nevada County, California. The Providence Mine Site is located to the north and east of Providence Mine Road and the Providence Quartz Mill Site is located to the south and west of Providence Mine Road. The site areas are more particularly described in Exhibit C of the Providence Mine Site O&M Agreement. The subject parcel including both sites is owned by City of Nevada City (OWNER).

3.0 MAINTENANCE OF REMEDIATED AREAS

The Remediated Areas consists of the area with cover soil placement, and the re-vegetated areas as depicted in Attachments 1 and 2 of the O&M Plan (Exhibit D). It also includes the clean fill area, which entombs the soils with the highest

contamination and is covered by a minimum of 8 to 12-inches of clean fill as shown in Attachments 1 and 2.

The only maintenance that is to be expected will be repairs to the trails, terraces and other open areas where there is potential for site visitors to dig below the protective soil cover. In addition, periodic re-vegetation may need to occur in the vegetated areas of the Site if the plants are removed or disturbed by site visitors to a point where they no longer present a barrier to exposure. In addition, the Gabion wall constructed as part of the Providence Mine remedy to protect Deer Creek will be inspected to ensure its continued integrity. Under no circumstances will the soil covers, vegetative barriers, or Gabion wall remain in disrepair for more than 90 days following discovery of damage. The condition of these areas and any required maintenance will be evaluated as part of an annual inspection.

4.0 FINANCIAL ASSURANCES

Pursuant to California Health and Safety Code Division 20, Chapter 6.8, Section 25355.2(c)(4), the OWNER as a local government entity is not required to provide Financial Assurance. If the property is transferred to a private party, then DTSC may require that a financial assurance mechanism, pursuant to California Code of Regulations, Title 22, section 66265.143 is implemented.

5.0 SPECIAL SAFETY REQUIREMENTS

Inspections will be comprised of direct visual observation of the surface and slopes. No special safety precautions are anticipated for inspections other than common precautions when accessing steep slopes. Maintenance is not expected to require the penetration of the Remediation System, so no special health and safety requirements are anticipated.

6.0 DISCLOSURE TO PROPERTY OWNERS

The Remediated Area is confined to space represented in Exhibit C of the O&M Agreement. Nevada City will sign a deed restriction and O&M Agreement. The deed restriction shall be recorded, providing constructive notice of the remedy and its location within the greater parcel.

7.0 DEED RESTRICTION REQUIREMENTS

Nevada City will be responsible for all O&M activities. The following administrative rules shall apply:

- a) The Owner shall give DTSC at least 60 days of advance written notice prior to the intended date of any proposed modifications remediated areas of the Site. General maintenance of the open areas and the vegetation does not constitute modifications. The written notice to DTSC shall include a detailed description of the work to be done or modifications to be made and a map showing the exact location of the proposed work and the reasons for modifications or disruption. No excavation work or soil disturbance activities shall occur directly in the remediated areas without prior approval by DTSC and the Owner. The work plan shall first be reviewed by a licensed Civil Engineer.
- b) The remediated areas shall be maintained in a manner to ensure that the public does not come into contact with the contaminated soil. Under no circumstances will the Site remedies remain in disrepair for a period longer than 90 days following discovery of damage. Further, the condition of the soil caps and vegetation and any required maintenance shall be evaluated as part of the annual inspection.
- c) By January 15 of each calendar year, a competent person (defined in this plan as a legal resident of California, 18 years of age or older, not found to be incompetent in a court of law, and able to interpret the terms of the deed restrictions) shall file an Annual Report of Inspections for each site area. A sample of the report is attached to this O&M Plan as Attachment 3. The Annual Report shall be provided to the DTSC. The Annual Report, filed under penalty of perjury by the then current owner(s), shall certify that the property is being used in a manner consistent with the terms of the deed restriction and the O&M Agreement and describe all measures that have been taken to ensure compliance with the deed restriction's terms and the terms of the O&M Agreement. If the property owner identifies any violation of the deed restriction during an annual inspection, or any other time of year, the property owner must

within 10 days of identifying the violation, determine the identity of the party in violation, send a letter advising the party of the violation of the deed restriction and a demand that the violation cease immediately. Such letter shall be sent by certified mail with return receipt and signature required. The annual report must include the dates, times and names of the competent person(s) who conducted the annual inspection. It also shall describe how observations were performed that were the basis for the statements and conclusions in the annual report (e.g., drive by, walk in, etc.). The annual report shall contain information on the integrity of the Remediation System, including soil cap, slope, and vegetation and provide recommendation for repairs, if necessary. If the competent person notes violations, the annual report must detail the steps taken to return to compliance. Copies of any correspondence related to the enforcement of the deed restriction shall be included in the annual report but must also be sent to DTSC within ten days of its original transmission.

- d) After five (5) years, and every five (5) years subsequently after that, a licensed civil engineer or a licensed geologist shall inspect the Remediation System and include findings in the five-year review report. Should remediation of the system be required, then within 30 calendar days after the end of the 5-year period, a competent person shall submit a remedial action review workplan to the DTSC for review and approval. Within 60 days of the DTSC's approval of the workplan, the Owner shall implement the workplan and shall submit a comprehensive report of the results of the remedial action review. The report shall describe the results of all sample analysis, tests and other data generated or received by the OWNER and evaluate the adequacy of the implemented remedy in protecting public health, safety and the environment. Wet signed copies of the report shall be transmitted to the list of recipients provided in section 10 of this plan.
- e) The OWNER must assure sufficient monies are available to implement this O&M plan, conduct the annual and five-year reviews, and pay any cost for the upkeep of the Remediated Areas. The OWNER is liable for all reasonable DTSC costs incurred in responding to the contamination of the site (including costs of overseeing response work performed by the OWNER). Cost recovery may be

pursued by the DTSC under CERCLA, Health and Safety Code Section 25360, or any other applicable state or federal statute or common law. The DTSC will invoice the OWNER for costs on a quarterly basis.

- f) In the event of any action or occurrence (such as a fire, earthquake, explosion, or human exposure to hazardous substances caused by the release or threatened release of a hazardous substance) during the course of the O&M Agreement, the OWNER shall immediately take all appropriate action to prevent, abate, or minimize such emergency, release or immediate threat of release and shall immediately notify the DTSC Project Manager and Nevada County Environmental Health. The OWNER shall take such action in consultation with the Project Manager and in accordance with all applicable provisions of the O&M Agreement. Within five (5) days of the onset of such an event, the OWNER shall furnish a report to the DTSC, signed by the OWNER's Project Coordinator (competent person in charge), setting forth the event which occurred and the measures taken in the response thereto. In the event that the OWNER fails to take appropriate response and the DTSC takes the action instead, the OWNER shall be liable to the DTSC for all reasonable costs of the response action.

8.0 CONDITIONS FOR TERMINATION

This O&M Plan shall remain in effect until DTSC in writing authorizes termination. Otherwise, this O&M Plan shall remain in effect in perpetuity.

9.0 DTSC REVIEW

This O&M Plan is subject to review and approval by the staff of the California Department of Toxic Substances Control.

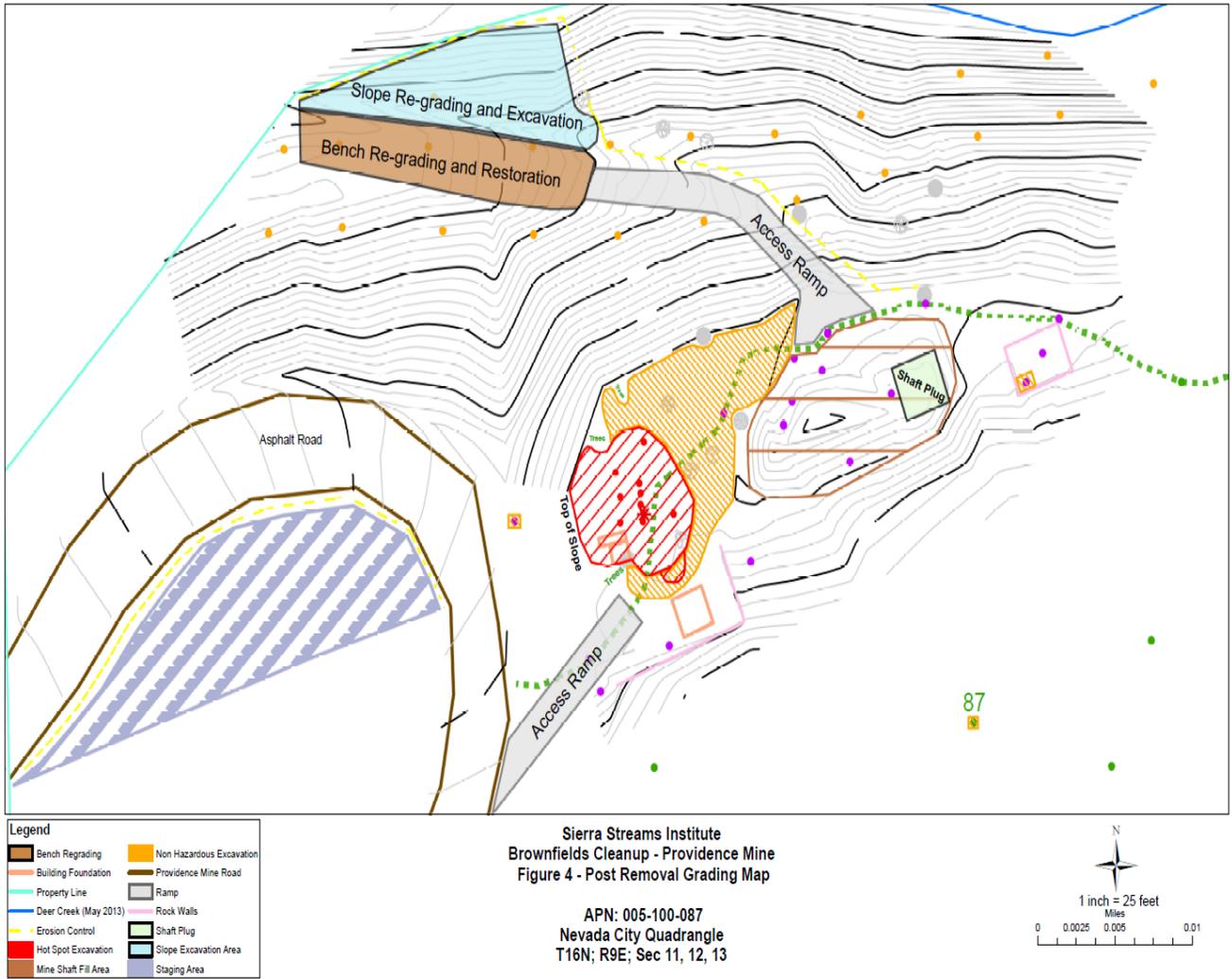
10.0 LIST OF REPORT RECIPIENTS

The following are to receive copies of all O&M reports:

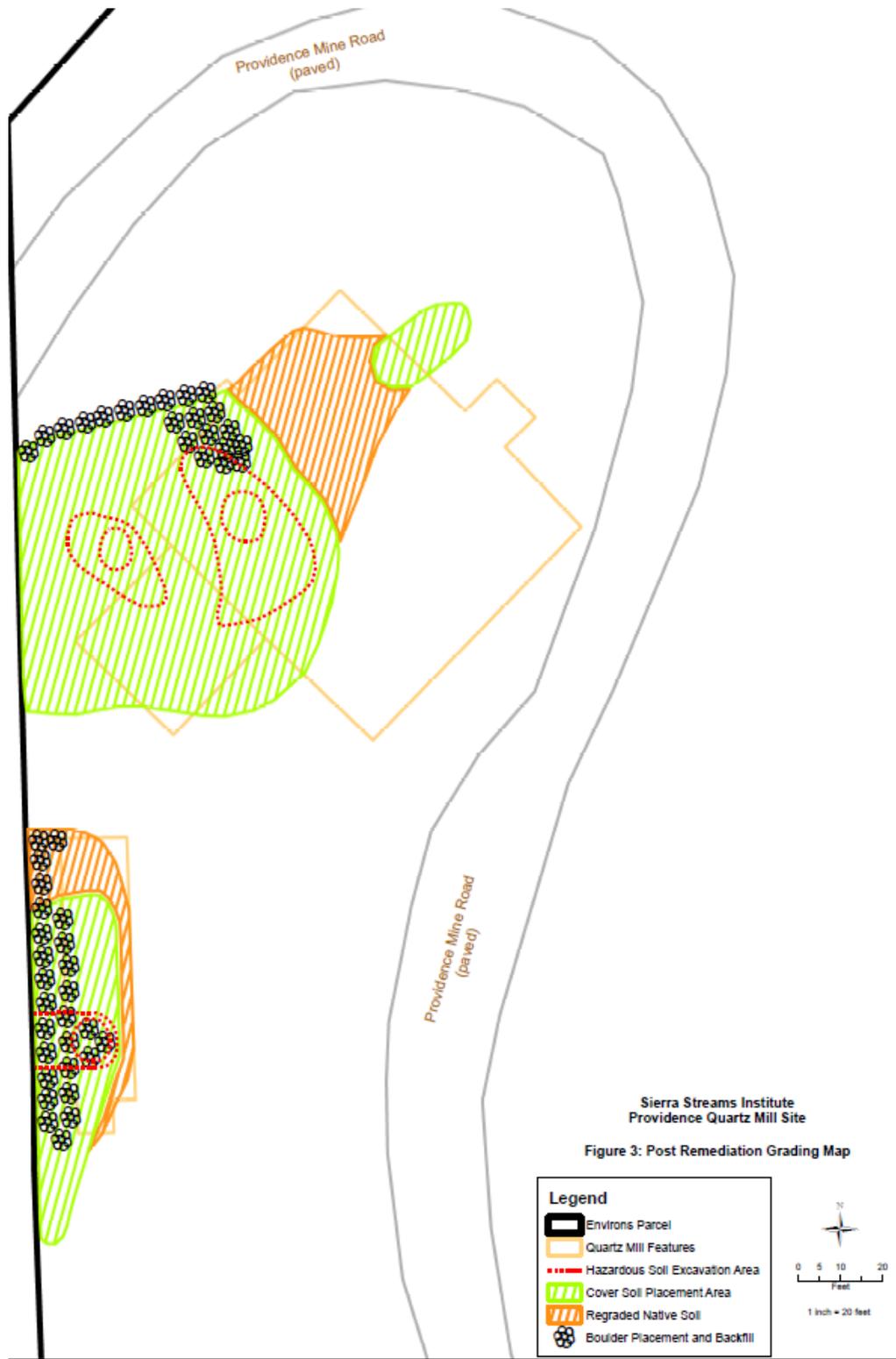
- a) Nevada City Parks and Recreation, 317 Broad Street, Nevada City, California 95959; Attention: Parks and Recreation Manager
- b) Nevada County Environmental Health Department, 950 Maidu Ave. Nevada City, California 95959; Attention: Director of Environmental Health

c) Department of Toxic Substances Control, 8800 Cal Center Dr., Sacramento,
California 95826; Attention: Chief, Site Evaluation and Remediation Unit

Attachment 1 – Remediated Area Map – Providence Mine Site



Attachment 2 – Remediated Area Map – Providence Quartz Mill Site



Attachment 3 – Annual Inspection Report

NEVADA CITY – PROVIDENCE MINE SITE/PROVIDENCE QUARTZ MILL SITE
 ANNUAL INSPECTION CHECKLIST – Page 1
 (Complete one report for each Site)

Site: _____

Name of Person Completing Inspection: _____

Address of Inspector: _____

Phone number of Inspector: _____

Date and Time of Inspection: _____

How was inspection performed? _____

Weather conditions: _____

		YES	NO
1	Has there been any construction or repairs within the remediated area in the past year?		
2	Has the integrity of the remediated area been compromised in any way in the past year?		
3	Is there a residence, including any mobile home or factory- built housing constructed or installed for use as residential human habitation on the remediated area?		
4	Is there a hospital for humans on the remediated area?		
5	Is there a public or private school for persons under 18 years of age?		
6	Is there a day care center for children on the remediated area?		
7	Are any prohibited activities being conducted at the site (drilling for water, oil, or gas, or extraction or removal of groundwater)?		
8	Is there evidence of soil disturbance, including excavation? [If soil disturbance was noted in the vicinity of the Remediation System, explain in detail on attached pages the purposes of the excavation, when it was performed, and who at the Department approved the Soil Management Plan.]		

NEVADA CITY – PROVIDENCE MINE/PROVIDENCE QUARTZ MILL SITE
ANNUAL INSPECTION CHECKLIST – PAGE 2

- 9 Have there been any violations of the Deed Restrictions? [If yes, describe in detail on an attached page the steps taken to return to compliance.]
- 10 Have the slopes or Gabion wall been modified, or impacted by weather or other causes?
- 11 Is there evidence of erosion at the remediated areas (soil cover, slopes, or Gabion wall)?

Explain all yes responses in detail and attach to this checklist. Reference the question number to the detailed explanation.

Document the locations of any cracked pavement, potholes, or areas of standing water with drawings and/or photos. Include information on steps taken to repair any deficiencies in the cover or Gabion wall.

I certify (or declare) under penalty of perjury under the Laws of the State of California that the foregoing is true and correct.

Signed: _____
Inspector Representative of Owner

Date: _____

Title: _____

Number of attached pages: _____

(This form shall be retained until twenty (20) years after removal of all restrictions from the Property)

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: Action Minutes July 23, 2020 Regular City Council Meeting

RECOMMENDATION: Review and approve regular City Council meeting action minutes of July 23, 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

The action minutes for the July 23, 2020 are attached for review.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ Regular City Council Meeting action minutes July 23, 2020

**CITY OF NEVADA CITY
ACTION MINUTES
REGULAR CITY COUNCIL MEETING OF JULY 23, 2020**

NOTE: This meeting is available to view on the City's website www.nevadacityca.gov – Go to Quick Links and Click on Agendas & Minutes and find the Archived Videos in the middle of the screen. Select the meeting date and Click on Video to watch the meeting. For website assistance, please contact Loree' McCay, Deputy City Clerk at (530) 265-2496, ext 134.

- City Council Meetings are available on DVD. To order, contact City Hall - cost is \$15.00 per DVD.
- Closed Session Meetings are not recorded.

CLOSED SESSION – None

REGULAR MEETING – 6:30 PM - Call to Order

Roll Call: Present: Mayor Minett, Vice Mayor Strawser, Council Members Fleming and Fernández
Vacant: Council Member

PLEDGE OF ALLEGIANCE

PROCLAMATIONS:

PRESENTATIONS:

BUSINESS FROM THE FLOOR:

1. PUBLIC COMMENT (Per Government Code Section 54954.3)

Please refer to the meeting video on the City's website at www.nevadacityca.gov.

2. COUNCIL MEMBERS REQUESTED ITEMS AND COMMITTEE REPORTS AND FUTURE AGENDA ITEMS:

3. CONSENT ITEMS:

A. Subject: Fire Activity Report – June 2020

Recommendation: Receive and file.

B. Subject: Notice of Completion for the Boulder Street Sidewalk and Railing project in Nevada City

Recommendation: Pass Resolution 2020-54, a Resolution for the City of Nevada City authorizing the Mayor to sign a Notice of Completion for the Boulder Street Sidewalk and Railing project in Nevada City and authorize the City Clerk to file said Notice of Completion with the Nevada County Recorder's Office.

- C. Subject:** Second Reading and Adoption of Ordinance 2020-10, an Ordinance of the City of Nevada City, California Imposing a Transactions and Use Tax to be Administered by the California Department of Tax and Fee Administration
Recommendation: Adopt Ordinance 2020-10, an Ordinance of the City of Nevada City, California Imposing a Transactions and Use Tax to be administer by the California Department of Tax and Fee Administration.
- D. Subject:** Second Reading and adoptions of Ordinance 2020-11, an Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System
Recommendation: Adopt Ordinance 2020-11, an Ordinance of the City of Nevada City Repealing and Reenacting Chapter 13.08 of the Nevada City Municipal Code Regulating the City's Sewer System.
- E. Subject:** Second Reading and Adoption of Ordinance 2020-12, and Ordinance of the City of Nevada City Amending Portions of Chapter 13.20 of the Nevada City Municipal Code Pertaining to Flood Plain Management to Comply with FEMA's Requirements
Recommendation: Adopt Ordinance 2020-12, and Ordinance of the City of Nevada City Amending Portions of Chapter13.20 of the Nevada City Municipal Code pertaining to Flood Plain Management to comply with FEMA's requirements.
- F. Subject:** Second reading and adoption of Ordinance 2020-13 an Ordinance of the City of Nevada City Amending Nevada City Municipal Code Sections 17.72.026 and 17.72.027 in Order to Update the City's Accessory Dwelling Unit Regulations
Recommendation: Adopt Ordinance 2020-13, and Ordinance of the City of Nevada City Amending the Nevada City Municipal Code Sections 17.72.026 and 17.72.027 in order to update the City's Accessory Dwelling Unit (ADU) Ordinance, pertaining to height limits of ADUs within the multifamily zoning designation.
- G. Subject:** Letter of Support for US Forest Service Lease at the Nevada City Tech Center
Recommendation: Review the letter of support for the US Forest Service lease property at 300 Providence Mine Road at the Nevada City Tech Center and authorize the City Council to sign.
- H. Subject:** Commitment of Auction Funds
Recommendation: Commit the \$2,267.56 raised with the Pioneer Park Online Auction to projects to be completed within Pioneer Park.
- I. Subject:** Action Minutes July 8, 2020 Special City Council Meeting
Recommendation: Review and approve Special City Council Meeting action minutes of July 8, 2020.
Action: Motion by Strawser, seconded by Fleming to approve items 3A, 3B, 3D – 3F and 3H – 3I as presented. Items 3C and 3G were pulled for discussion
(Approved 4-0, Vacancy 1, Roll call votes ayes; Minett, Strawser, Fleming and Fernández)
Action: After discussion motion by Strawser, seconded by Fleming to approve item 3C as presented.
(Approved 4-0, Vacancy 1, Roll call votes ayes; Minett, Strawser, Fleming and Fernández)

Action: After discussion motion by Minett, seconded by Fernández to approve items 3G as presented.

(Approved 4-0, Vacancy 1, Roll call votes ayes; Minett, Strawser, Fleming and Fernández)

4. DEPARTMENT REQUESTED ACTION ITEMS AND UPDATE REPORTS:

A. Subject: LAFCo Nevada City Sphere of Influence (SOI) Update

Recommendation: Provide staff direction for any formal comments City Council would like to provide to LAFCo regarding the draft Environmental Impact Report (EIR) prepared for the Nevada City Sphere of Influence (SOI) update to be provided in a letter from the Mayor.

Action: Staff was directed to bring this item back on the August 12, 2020 agenda for formal comments to allow time for new Council members Fleming and Fernández to more thoroughly review the EIR for the Nevada City SOI and work with SR Jones, Executive Director of Nevada County LAFCo with any questions they may have.

B. Subject: Proposition 68 – Per Capita Program and State Parks Program Update

Recommendation: Provide staff direction to complete applications for two Proposition 68 programs and provide input on priority projects.

Action: Council directed staff move forward with completing applications for two Proposition 68 programs with priority projects indicated in the report by Dawn Zydonis, Parks and Recreation Manager.

C. Subject: Resolution 2020-55, a Resolution of the City Council of the City of Nevada City Repealing Resolution No. 2020-36 Suspending the Imposition and Collection of Parking Fees at City Parking Meters During COVID-19 Local Emergency

Recommendation: Pass Resolution 2020-55, a Resolution of the City Council of the City of Nevada City repealing Resolution No. 2020-36 suspending the imposition and collection of parking fees at city parking meters during the Covid-19 local emergency.

Action: Motion by Strawser, seconded by Fernández to pass Resolution 2020-55, a Resolution of the City Council of the City of Nevada City repealing Resolution No. 2020-36 suspending the imposition and collection of parking fees at city parking meters during the Covid-19 local emergency. .

(Approved 4-0, Vacancy 1, Roll call votes ayes; Minett, Strawser, Fleming and Fernández)

D. Subject: Monthly Update on City Council Six-Month Strategic Objectives and Discuss Upcoming Strategic Planning Set for August 24, 2020

Recommendation: Review current Strategic Plan goals and objectives and provide staff direction as to whether to move forward with the Strategic Planning Retreat scheduled for August 24, 2020.

Action: No action, receive and file. Staff was directed to create a plan to move forward in holding the August 24, 2020 Strategic Planning Retreat.

E. Subject: Sugarloaf Clean-up Update

Recommendation: Receive and file the update on the collaborative effort by Nevada City, Nevada County Health and Human Services, Nevada County Sheriff's Office and other community organizations to address the homeless encampments on Sugarloaf Mountain with particular concern around fire danger.

Action: No action, receive and file.

F. Subject: Commercial and Residential Back-up Generators

Recommendation: Provide staff direction to prepare and present an Ordinance option to regulate commercial and residential generators in a manner that provides objective standards for administrative processing.

Action: Council provided staff direction to move forward with preparing an Ordinance option to regulate commercial and residential generators in a manner that provides objective standards for administrative processing.

5. PUBLIC HEARINGS:

6. OLD BUSINESS:

7. NEW BUSINESS:

A. Subject: Ordinance 2020-14, an Ordinance of the City of Nevada City Repealing and Reenacting Section 2.40.010 of the Nevada City Municipal Code Setting the Date for General Municipal Elections

Recommendation: Waive reading of Ordinance, read title only and introduce for first reading: Ordinance 2020-14, an Ordinance of the City of Nevada City repealing and reenacting Section 2.40.010 of the Nevada City Municipal Code setting the date for General Municipal Elections.

Action: This matter was moved to item B in new business. Motion by Fleming, seconded by Strawser to waive reading of Ordinance, read title only and introduce for first reading: Ordinance 2020-14, an Ordinance of the City of Nevada City repealing and reenacting Section 2.40.010 of the Nevada City Municipal Code setting the date for General Municipal Elections for the month of March.

(Approved 4-0, Vacancy 1, Roll call votes ayes; Minett, Strawser, Fleming and Fernández)

B. Subject: Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City, California Appointing a Member to Fill the Office of City Council Member Until Election can be Held to Select a Permanent City Council Member to Fill Reinette Senum's Vacant Seat Caused by her Resignation

Recommendation: Pass Resolution 2020-XX, a Resolution of the City Council of the City of Nevada City, California appointing a member to fill the office of City Council Member until election can be held to select a permanent City Council Member to fill Reinette Senum's vacant seat caused by her resignation.

Action: This matter was moved to item A in new business. The Resolution did not pass. Motion by Fleming, seconded by Strawser to keep the open Council seat vacant until the election.

(Approved 3-1, Vacancy 1, Roll call votes ayes; Strawser, Fleming and Fernández, noes; Minett)

8. CORRESPONDENCE:

9. ANNOUNCEMENTS:

10. CITY MANAGER'S REPORT: A verbal report was provided.

11. ADJOURNMENT: - 10:18 PM

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

Erin Minett, Mayor

Niel Locke, City Clerk

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: Memorandum of Understanding for Nevada County CARES Act Funding

RECOMMENDATION: Provide staff direction as to the acceptance, authorizing the City Manager to sign, or denial of the memorandum of understanding (MOU) for Nevada County CARES Act funding.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

The following text is from a Nevada County Board of Supervisors staff report from the July 28, 2020 meeting:

On March 10, 2020 the Nevada County Board of Supervisors approved Resolution 20-062 proclaiming a local emergency in Nevada County due to rapid spread of COVID-19 and its threat to Nevada County. On March 19, 2020, the Governor of California issued a statewide order requiring all Californians to remain in at their home or place of residence, except as necessary to carry out essential activities.

In response to the COVID-19 public health and economic crisis throughout the country, the federal government enacted the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") on March 27, 2020. The CARES Act included a \$2 trillion-dollar economic relief package with approximately \$150 billion dollars of Coronavirus Relief Fund (CRF) monies directed at States, local governments, and tribal entities for economic and disaster relief. On June 29, 2020, the Governor of California signed into law the Budget Act of 2020, which allocated an additional \$1.3 billion of State CRF monies, including \$10 million allocated to Nevada County to be distributed over six months, in equal installments. In addition to allocations to counties, cities were provided separate allocations, including approximate amounts of \$50,000 to the City of Nevada City, \$159,000 to the City of Grass Valley, and \$200,000 to the Town of Truckee...

...On July 14, 2020 the Nevada County Board of Supervisors passed and adopted Resolution 20-319, approving the County's CRF Expenditure plan which included allocating \$250,000-\$500,000 to municipal police departments. This funding for the municipal police departments within Nevada County, in coordination with the Nevada County Sheriff's Office, is intended to create enhanced collaborative alignment to assist in complying with state health orders and other state and federal funding requirements, consistent with the Certification requirements under the Budget Act of 2020, outlined above.

MOU language has been drafted and is under review by County Counsel and the City and Town attorneys. The final funding amount for each City and Town is under negotiation and will not exceed the total allocated amount approved by the Board of Supervisors on July 14, 2020. With the Board's approval of this Resolution, the CEO will finalize and sign the MOUs with the Cities and Town as soon as possible in order to expend the funds by the deadline of December 30, 2020.

The proposed memorandum of understanding (MOU) is attached for review. In summary, the MOU requires that the County's CARES Act funding be allocated specifically to the Police Department budget and requires that the Nevada City Police Department (NCPD) will:

“Collaborate with the county Sheriff and other public safety entities to ensure that the community in the jurisdiction complies with orders in section 3.a. including providing education and taking enforcement actions as needed

The funding allocation is tied to the approximately cost of one full-time equivalent cost of a police officer. For NCPD, that cost is approximately \$125,000 after benefits, but without overtime costs.

To date, NCPD has been successful in allocating existing resources to COVID-19 response. In addition to extensive time being spent related to administrative support and collaboration efforts, NCPD immediately applied dedicated support to COVID-19 related efforts by assigning the Code Compliance Officer, Amanda Kyser to local COVID-19 related impacts as well as provided support and education to businesses during retail shutdown and reopening. NCPD has provided this dedicated resource to COVID-19 response and, absent other unforeseen circumstances, plans to keep staff assigned to this function until the need subsides. The Police Department believes it can continue to provide these supports absent additional funding.

Generally, NCPD staff has worked in partnership with Nevada County departments to gain compliance of businesses through education, rather than enforcement. It is the City's belief that the near-term goals of social-responsibility and community health as well as forge strong long-term relationships with businesses and community members can continue to be accomplished via education rather than enforcement models.

It would be very difficult to hire a full-time, sworn officer dedicated to COVID order enforcement, because the funds must be expended by the end of the calendar year, leaving only four and a half months to fulfill the MOU's obligations. Also, there may not be enough enforcement activity to warrant a full-time officer. Further, the City's projected budget is not equipped to continue funding the officer's salary, so it would most likely be a temporary position, making it even more difficult to fill.

If funding were accepted from the County of Nevada, dollars would be allocated to the staff work already completed as well as to support the continued efforts consistent with the methods and educational approach already employed. With the transition of downtown due to the outdoor dining directive from the State, the Police Department would continue using non-sworn liaison services to that area as well as overtime-based Police presence.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Neutral. Revenue to the NCPD budget for staff expenses allocated to COVID-19 response.

ATTACHMENTS:

- ✓ Special City Council Meeting action minutes July 23, 2020

**MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF
NEVADA AND THE CITY OF NEVADA CITY PERTAINING TO
ENFORCEMENT OF THE STATE ORDER RELATED TO COVID-19
PROTECTIONS**

This Memorandum of Understanding ("MOU") is entered into on the ____ day of _____ 2020, by and between the County of Nevada County ("County") and the City of Nevada City ("City"), collectively, the "Parties".

RECITALS

WHEREAS, on March 4, 2020, the Governor of the State of California Proclaimed a State of Emergency to exist in California due to the current and potential impacts caused by COVID-19 and to combat the spread of COVID-19 broadly; and

WHEREAS, on March 10, 2020, the Nevada County Board of Supervisors approved Resolution 20-062, proclaiming a local emergency in Nevada County due to the rapid spread of COVID-19 and threat it posed to Nevada County; and

WHEREAS, on March 19, 2020, the Governor of California issued a statewide order requiring all Californians to remain at their home or place of residence, except as necessary to carry out essential activities; and

WHEREAS, on March 27, 2020, in response to the COVID-19 public health and economic crisis throughout the Country, the federal government enacted the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act") to addresses the economic impacts caused by COVID-19, which included a \$2 trillion economic relief package, with approximately \$150 billion of Coronavirus Relief Fund (CRF) monies directed at States, local governments, and Tribal entities for economic and disaster relief; and

WHEREAS, on June 29, 2020, Governor Newsom signed into law the Budget Act of 2020, which allocated an additional \$1.3 billion of State CRF monies, including \$10 million to Nevada County to be distributed over six months, in equal installments; and

WHEREAS, as a requirement of receiving CRF funding, on June 30, 2020, the County Chief Executive Officer designee completed the Certification for Receipt of Funds pursuant to paragraph (2) or (3) of subdivision (d) of Control Section 11.90 of the Budget Act of 2020, regarding the expenditure of CRF funds in accordance with the Certification and State and Federal requirements; and

WHEREAS, these Certification requirements under the Budget Act of 2020 require that the CFR funds be used to cover only those costs that (1) are necessary expenditures incurred due to the public health emergency with respect to COVID-19; (2) were not accounted for in the budget most recently approved as of March 27, 2020, for the State or local government; and (3) were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. Also required as condition of receipt of funds are adherence to federal and state health guidance and orders; use of funds as stated in Control Section 11.90 of the Budget Act of 2020; submission to the State of various reports on expenditures and return of unspent funds; and retention of records to support eligible expenses.

WHEREAS, on July 14, 2020, the Nevada County Board of Supervisors passed Resolution 20-319, thereby approving the County's CRF Expenditure Plan, which included allocating \$250,000-\$500,000 to municipal police departments; and

WHEREAS, the funding for the municipal police departments within Nevada County, in coordination with the Nevada County Sheriff's Office, is intended to create enhanced collaborative alignment to assist in complying with state health orders and other state and federal funding requirements, consistent with the Certification requirements under the Budget Act of 2020, outlined above; and

WHEREAS, the Parties desire to enter into this Memorandum of Understanding to outline their respective understandings and responsibilities regarding the allocation and expenditure of State CRF funding identified herein.

I. PURPOSE

This MOU delineates the understandings of the Parties relating to the allocation of CRF funding to City for use by the City of Nevada City Police Department in accordance with the Certification for Receipt of Funds pursuant to paragraph (2) or (3) of subdivision (d) of Control Section 11.90 of the Budget Act of 2020, and all other State and Federal requirements ("Certification for Receipt of Funds").

II. TERM

The term of this MOU shall commence as of _____, 2020 and will remain in effect until _____, unless extended by mutual written agreement of the Parties, or terminated sooner pursuant to the termination provisions below.

III. UNDERSTANDINGS OF THE PARTIES

A. County:

1. The County will pass \$100K? of CARES Act funds ("Funds") to the City on behalf of the City of Nevada City Police Department.

B. City:

1. City shall accept the Funds on behalf of the City of Nevada City Police

Department.

2. City agrees that the use of the Funds will be in strict compliance with the Certification for Receipt of Funds requirements, including reimbursement for costs incurred that:

- a. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19)
- b. Were not accounted for in the budget most recently approved as of March 27, 2020 for the City of Nevada City.
- c. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

3. The City further agrees to do all of the following as a condition of receipt of Funds:

- a. Adhere to: US Treasury Department Coronavirus Relief Fund guidance; the state's directives as defined in gubernatorial Executive Order N-33-20, any subsequent Executive Orders or statutes; all California Department of Public Health orders, directives, and guidance in response to COVID-19 emergency; and related local Public Health orders.
- b. Collaborate with the county Sheriff and other public safety entities to ensure that the community in the jurisdiction complies with orders in section 3.a. including providing education and taking enforcement actions as needed.
- c. Use the funds in accordance with all applicable provisions of subdivision (d) of Control Section 11.90 of the Budget Act of 2020.
- d. Report on expenditures by December 1, 2020. Reporting shall include a summary of all expenditures to date as well as projected expenditures through December 30, 2020. Any funds that are unspent by December 30, 2020 must be returned to the County.
- e. Retain records to support reported COVID-19 eligible expenditures and participate in audits as outlined by the federal government and State.

C. County and City

1. The Parties will work cooperatively in the carrying out of their respective roles and responsibilities in furtherance of this MOU. In the event of a conflict over the interpretation or implementation of the understandings set forth herein, the Parties agreed to meet in good faith to resolve the conflict.

2. The Parties understand and agree that the County's obligations herein

are limited to the pass-through of Funds to City. City shall be responsible for monitoring and complying with all state and federal laws, regulations, and limitations on the use of Funds, and agrees to take any/all necessary remedial action to ensure Funds are used accordingly.

IV. INDEMNIFICATION

City shall indemnify, defend and hold harmless the County and its officers, officials, employees, agents and volunteers from any and all liabilities, claims, demands, damages, losses and expenses (including, without limitation, defense costs and attorney fees of litigation) which result from the negligent act, willful misconduct, or error or omission of the City, related to this MOU, except such loss or damage which was caused by the sole negligence or willful misconduct of County or its officers, officials, employees, agents and volunteers. These indemnification provisions shall survive the termination of this MOU.

V. NOTICES

All notices to be provided under this MOU shall be in writing and service by first-class mail and shall be deemed received by the Parties below on the fifth (5th) day following the date of mailing, or the earlier date of personal service, as the case may be.

VI. TERMINATION

Either party may terminate this MOU with or without cause by providing a minimum of thirty (30) days' notice to the other pursuant to the Notice provisions in Section V above. Termination of this MOU shall not relieve City of its obligations to comply with the Certification for Receipt of Funds requirements outlined above with regard to Funds spent pursuant to this MOU, and City agrees to return to County any unused Funds at time of termination.

VII. AUTHORIZED SIGNATURE

The Parties to this MOU represent that the undersigned individuals executing this MOU are fully authorized to execute and deliver this MOU on behalf of their respective Party.

VIII. ENTIRE UNDERSTANDING

This MOU represents the entire understanding of the Parties, and no representations have been made or relied upon except as set forth herein.

County of Nevada

City of Nevada City

Alison Lehman, CEO

Catrina Olson, City Manager

Date:_____

Date:_____

DRAFT

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: Update Regarding the Strategic Planning Retreat Set for August 24, 2020

RECOMMENDATION: Provide staff direction, to bring back to Council at the September 23, 2020 meeting, an item to discuss setting a new Strategic Planning Retreat date for October 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND/DISCUSSION:

On February 10, 2020, the City Council, Planning Commission and executive staff held a planning retreat in the City Hall Council Chambers, facilitated by Marilyn M. Snider. The focus retreat included the review of the three-year goals for the organization and identification of the six-month strategic objectives.

The four goals not in priority order:

- Improve Citywide infrastructure with emphasis on increased parking;
- Improve Citywide technology;
- Improve and manage fiscal stability and sustainability;
- Improve safety and security of the City residents and visitors; and
- Enhance long-term planning documents (*this was a prior goal and was removed*).

The attendees then reviewed the above-mentioned goals and developed 19 specific six-month strategic objectives (as outlined in the attached grid), specific performance measures and a follow-up process to ensure progress is monitored.

A date was set on February 10, 2020 to have a 6 month Strategic Planning Retreat on August 24, 2020. At the July 23, 2020 Council provided staff direction to go forward with maintaining an August 24, 2020 Strategic Planning Retreat. After further review, with facilitator Marilyn Snyder, as to how the format of the retreat would look, if we were not to meet in person, it was concluded by the facilitator that she could not be prepared by August 24, 2020 to run a Strategic Planning Retreat via Zoom. It was further deduced that if not able to hold the retreat in person that it may not be as effective.

Staff with agreement from Marilyn Snyder that it would be most advantageous to postpone the August 24, 2020 Strategic Planning Retreat until October 2020 with the hopes that we may be able to meet in the Nevada City Council Chambers. Staff recommends bringing this item back for discussion at the second City Council meeting in September to discuss possible dates for an October retreat.

ENVIRONMENTAL CONSIDERATIONS: None.

FINANCIAL CONSIDERATIONS: None.

ATTACHMENT: None.

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: LAFCo Nevada City Sphere of Influence (SOI) Update

RECOMMENDATION: Provide staff direction for any formal comments City Council would like to provide to LAFCo regarding the draft EIR prepared for the Nevada City Sphere Of Influence (SOI) Update to be provided in a letter from the Mayor.

CONTACT: Amy Wolfson, City Planner

BACKGROUND / DISCUSSION:

At the June 27, 2018 meeting Council was advised of an updated scope of work by LAFCo's consultant, Kimley Horn to prepare an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) necessary for the Nevada City Sphere of Influence (SOI) Update.

At the July 23, 2020 meeting, staff reported to Council on LAFCo's release of a Notice of Availability (NOA) for the draft EIR on June 19, 2020 commencing a 45-day public review period that ends on August 3, 2020. However LAFCo Executive Officer SR Jones, informed Council that LAFCo would consider the draft EIR at their next meeting on August 20 th and comments could come in up until that date. The attached NOA includes a summary of the determined environmental impacts associated with the Sphere of Influence update. The draft EIR in its entirety can be reviewed at the LAFCo website at the following link: <https://www.mynevadacounty.com/3036/Nevada-City-Sphere-Update>

With the understanding that comments would be accepted up until the August 20, 2020 LAFCo meeting, Council continued this item to the current meeting to allow them more time to review the draft EIR and meet with City and LAFCo staff.

PLANNING COMMISSION RECOMMENDATION:

At their meeting on July 16, 2020 the Planning Commission recommended that City Council reiterate the City's preference to retain the existing Sphere of Influence. The existing SOI is represented in the draft EIR as the "City Recommended Alternative." It should be noted that LAFCo has sole authority in determining the SOI limit and they previously identified the map represented in the dEIR as the "LAFCo/City Consensus Alternative" as the "Preferred Alternative" for the purpose of evaluation under the California Environmental Quality Act (CEQA). The planning commission did not make any recommendation regarding the adequacy of the dEIR analysis.

ENVIRONMENTAL CONSIDERATIONS: Nevada LAFCo is the lead agency for the Nevada City SOI update Environmental Impact Report (EIR). Nevada City is a commenting agency and may provide comments on the report to be presented to LAFCo.

FISCAL IMPACT: Cost of preparation of the EIR was estimated to be \$77,935. The City contributes funds to the Nevada LAFCo operating budget, along with other County jurisdictions and special districts.

ATTACHMENTS:

- ✓ Notice of Availability (NOA): Nevada City Sphere Update draft EIR
- ✓ Nevada St. / Willow Valley Rd. Neighborhood Association position packet



LAFCo · 950 Maidu Avenue · Nevada City · CA · 95959 · 530-265-7180

NOTICE OF AVAILABILITY

Date: June 19, 2020
To: Responsible Agencies, Organizations, and Interested Parties
From: Nevada County Local Agency Formation Commission
Contact: Nevada County Local Agency Formation Commission
SR Jones, LAFCo Executive Officer
950 Maidu Avenue,
Nevada City, CA 95959

Subject: Sphere of Influence Plan for the City of Nevada City Environmental Impact Report

NOTICE IS HEREBY GIVEN THAT the Nevada County Local Agency Formation Commission (LAFCo), as Lead Agency under the California Environmental Quality Act (CEQA), has prepared a Draft Environmental Impact Report (EIR) for the proposed update to the Sphere of Influence Plan for the City of Nevada City (proposed project). A 45-day public review period will commence **June 19, 2020** and end **August 3, 2020**.

Project Title: Sphere of Influence Plan Update for the City of Nevada City Environmental Impact Report.

Project Location: The project proposed would update the Sphere of Influence (SOI) of the City of Nevada City. The proposed project would occur within the City's current SOI covering an area of approximately 2,702 acres. The SOI area is largely characterized by rural and low density residential development, undeveloped parcels, limited commercial development, and generally steep and hilly forested terrain. Access to and within the SOI project area is provided via State Route (SR-20\49), Highway (Hwy-20), major collector roadways including Banner Lava Cap Road, Gracie Road, Red Dog Road, Willow Valley Road, Lewis Road, Old Downieville Hwy and Champion Mine Road. The area also contains many local and private roads that provide direct access through the area.

Project Description: The proposed project consists of an update the existing Nevada City SOI area. The proposed project would reduce the size of the existing SOI area to omit lands that are unlikely to require municipal services and to promote orderly development and logical future extensions of City infrastructure. The proposed project includes four priority annexation areas (Annexation Area #1, Annexation Area #2, Annexation area #3, and Annexation Area #4) as well as six areas with significant development potential (Providence Mine East, Hurst Ranch, HEW Building, Manzanita Diggins, Highway 49 Planned Development Area, and Gracie/Gold Flats) that have reasonable access to water and wastewater service. Due to the presence or proximity to services, these properties are considered more likely to be annexed to the City.

The five areas that would be removed from the SOI would be designated by LAFCo as “Areas of Interest” to the City. The proposed project does not include any development or propose any plans for development. The proposed project would only result in the adjustment of the City’s SOI.

Significant Environmental Impacts: The Draft EIR has determined that the proposed project would result in any significant and unavoidable associated with Wildfire and Greenhouse Gas. Other impacts that were initially found to be potentially significant would be mitigated to less than significant.

Public Hearing: The Nevada County Local Agency Formation Commission will hold a public hearing to gather public input on the Draft EIR and provide the public with an opportunity to comment in addition to the standard 45 day review period (discussed below). The hearing will be on **Thursday, August 20, 2020 at 9:30 A.M., or as soon thereafter as possible**, and presented from the Nevada County LAFCo, 950 Maidu Avenue, Nevada City, CA 95959. Because of the ongoing COVID-19 restrictions and to enable public participation this meeting is planned to be held using Zoom, which is available at (<https://zoom.us/>).

Public Review Period: In accordance with CEQA, should you or your organization have any comments on the Draft EIR, it is requested to provide a written response to this notice within the public review period, which begins on **Friday, June 19, 2020** and ends on **Monday August 3, 2020**. The Draft EIR and related documents can be reviewed at the Nevada City City Hall at 317 West Broad Street and the Nevada County LAFCo offices at 950 Maidu Avenue in the Nevada City. The Draft EIR also is available for review on the Nevada County LAFCo website at <https://www.mynevadacounty.com/907/Local-Agency-Formation-Commission-LAFCo>.

If you wish to comment, please include: “Nevada City SOI Update Draft EIR Comments” in the subject line and send comments via U.S. mail or e-mail to:

Nevada County Local Agency Formassion Commission
Attn: SR Jones – Executive Officer
950 Maidu Avenue, Nevada City, CA 95959
(530) 265-7180
lafco@co.nevada.ca.us

PLEASE NOTE:

To ensure delivery via e-mail, please do not send attachments larger than 1 MB. Nevada County LAFCo does not accept responsibility for any attachments rejected by our e-mail system due to file size.

Hours of public access at the Nevada County LAFCo office are 9:00 a.m. to 5:00 p.m. Monday – Friday. During the COVID-19 crisis, we ask that you contact the office to make an appointment.

Hand delivered comments will only be accepted at the Nevada County LAFCo offices during the listed hours.

8/5/2020

Dear City Council Members,

Since much time has gone by since the last public meeting with LAFCO as well as the fact that there are 3 new members of the council we thought it important to provide a historical context to the discussion of the City's the Sphere of Influence and LAFCO's proposed changes to it.

In February of 2017 LAFCO convened a public meeting at the BOS's chambers to hear input from the City as well as the public regarding (LAFCO's) intention to decrease the City's Sphere of Influence. The first meeting took place on 2/23/2017 and had to be reconvened until 3/16/17 to allow all in attendance a chance to speak. Nevada City residents along with residents from the Sphere filled the BOS chambers to overflowing on both occasions to express their objections to LAFCO's intention. Many followed up their remarks with letters to the City which are enclosed in this file. They clearly state the concerns/objections raised at the meetings and are worth your time to read.

Enclosed in this informational package you will find:

80 letters written to the City by residents opposing the LAFCO proposal and in favor of our existing SOI boundary.

Partial list of attendees to 3/16/2017 LAFCo meeting who opposed decreasing size of SOI

The Union's articles covering the meeting of 2/23/2017 and 3/16/2017

Editorials by the Union Board

Columnist Paul Matson 2/14/2017

To summarize, here is our current position:

1. We still remain in support of keeping the original Nevada City Sphere of Influence.
2. As a compromise, we would be in support of placing the LAFCO Policy subcommittee recommended "Area of Concern" policy overlay on the areas still recommended by the LAFCO staff for deletion from the Sphere of Influence. The policy would ensure that Nevada City still has land use control over these "Areas of Special Concern".
3. Annexation Area 3 should include the HEW and additional nearby properties.

Cordially,

Karla Arens,
for
Nevada St./Willow Valley Rd. Neighborhood Association

Standing their ground, Nevada City residents make their case to leave sphere of influence intact

Local News [FOLLOW LOCAL-NEWS](#) | February 23, 2017



Elias Funez [FOLLOW](#)
efunez@theunion.com



Margaret Blacksmith, who currently lives within the Nevada City sphere of influence, stands among the standing room-only crowd as they await LAFCo commissioners to return from a recess during Thursday morning's meeting. The meeting, labeled as a workshop, was continued to March 16 after an insufficient amount of time was allotted for the public comment period.

Elias Funez/efunez@theunion.com |

As noon approached Thursday and a line of those wishing to speak continued to grow, the Local Agency Formation Commission ultimately chose to continue its discussion regarding the Nevada City sphere of influence.

The meeting is slated to continue at 9:30 a.m. on March 16.

LAFCo staff presented its recommendations to the commission, then Nevada City stated its case. Once those presentations were done, only about 15 minutes remained for public comment.

"We understand the controversial nature of this item," Commission Chair Hank Weston told the crowd after a recess. "I just want you to know, I can count a lot of people, and if we divide five minutes into how much time we will have left, y'all aren't going to be able to talk."

Weston's warning that the chambers must be cleared soon to make way for an 11:45 a.m. county planning commission meeting left the crowd audibly discontent.

Still, Nevada City and some members of the public sent a clear message to the LAFCo — leave Nevada City's sphere of influence alone.

HOW WE GOT HERE

Thursday's meeting was the culmination of months of speculation regarding LAFCo Executive Officer SR Jones' recommendation to remove 1,425 acres from the 2,907 acres in the current Nevada City sphere that was most recently approved by LAFCo during their last update in 2008.

LAFCo is a state-mandated agency of county, city, special district, and public representatives that define growth boundaries intended to promote responsible growth.

A sphere of influence is a boundary that surrounds a city's limits and depicts where a city plans to eventually expand.

"Spheres of influence are LAFCo's most important planning tool," Jones said.

Jones recommends placing some of the land from the sphere into an "area of interest" designation, as well as near-term and long-term, land-use designations.

"What's the practical difference?" asked LAFCo's Josh Susman, a public representative. "Does the city lose control of some action of their designated area of interest versus being formally in the sphere? I think that's at the heart of the issue here."

Jones passed the question off to County Counsel Scott Browne.

"It does reduce a degree of control of the city in those areas of concern," Browne said.

Nevada City Mayor Evans Phelps sits on the LAFCo commission as a city representative.

"It isn't just development," Phelps said. "It's how it's done. The bottom line is we incorporated in 1856 for God's sakes, we made our town a little teeny square. When Truckee incorporated in 1993 they gave us some 35 square miles. We have 2 square miles because we did this 150 years ago. I'm hoping that we don't get bogged down in the little details and look at the historical picture."

NOT ANNEXING FAST ENOUGH?

Nevada City addressed LAFCo's concerns of the city not annexing areas within the sphere since the last update in 2008. The city previously said that was due in part to the Great Recession.

"I take exception to the fact that annexation can only be associated with development," Nevada City Engineer Bryan McAlister said. "There's absolutely other considerations in regards to preservation and conservation. Our trails extend beyond city limits and it's important to everyone to not just be talking about development."

"That's reasonable from one point of view," Weston said following the city presentation. "I think it's just largely a semantics situation and I sympathize with not wanting to lose control, but if you want to move your sphere annex the (land)."

"Typically the annexations occur and are driven by individual property owners," Nevada City Manager Mark Prestwich replied. "We're happy if the LAFCo commission is interested in modifying their policies which would allow us to annex properties without a development plan. We have a couple of properties we'd like to move forward with now."

Nevada City Planner Wolfson made arguments that the city already provides most services to the area currently within the sphere, which McAlister and City Engineer Bill Falconi reiterated.

The members of the public allowed to speak before the decision was made to continue the meeting all spoke in favor of retaining the current Nevada City sphere of influence.

"The idea back then was, we don't need trails," Charlie Price spoke of planning policies from the 1980's. "Well, I've seen that evolve and the potential for annexation in connecting trails to the Tahoe National Forest is real. It seems ludicrous that we're considering shrinking the sphere of this town."

When the meeting was adjourned members of the public mingled about the LAFCo chambers and circulated a petition regarding retention of the current sphere.

"The public has a huge influence," Browne could be heard saying to some members of the public. "I can tell you if you weren't here, this thing would have gone right through."

Paul Matson: Something's happening here, and it's not good

Opinion [FOLLOW OPINION](#) | February 14, 2017

Paul Matson
Columnist



A fall colors scene from Broad Street in downtown Nevada City.
Submitted photo by David McKay |

Coming soon will be a recommendation to the Nevada County LAFCo to slash the size of Nevada City's Sphere of Influence. LAFCo will be making the decision at the Rood Center, 9:30 a.m. Thursday, Feb. 23.

I wholeheartedly oppose this recommendation.

WHAT IS LAFCO?

Local Agency Formation Commissions (LAFCo's) were created in 1963 out of concerns for the urban sprawl occurring in California following World War II. Every California county has one. Our commission is made up of two county supervisors, two city council members (which rotate between Grass Valley, Truckee and Nevada City), two special district representatives, and one public member. Each category has one alternate.

As a 23-year city council member and longtime LAFCo Commissioner, this proposal is outrageous, not mandated by law, and should be abandoned in its entirety.

What LAFCo is charged with is the creation of Spheres of Influence for cities. They can approve or deny district boundary changes, city annexations and the creation of cities such as the Town of Truckee's incorporation.

As a city's representative, I served on LAFCo for 15 years including a term as chair during Truckee's incorporation hearings.

WHAT IS A SPHERE OF INFLUENCE?

It is the area into which a city might reasonably expand its boundaries through annexation, to provide essential city services such as water, sewer, fire, police and recreation.

Nevada City's current Sphere of Influence is shown on the map included here. The areas in the city's current sphere that lie outside of the city limits are approximately 2,900 acres. SR Jones, LAFCo's executive officer is recommending that the acreage be cut by 1,348 acres.

Both Nevada City and Grass Valley's Spheres were created in 1983 and have served us well. They are based on the areas each could serve with city services, that were in the Deer Creek and Wolf Creek drainages respectively. In this manner, sewage could flow by gravity to each city's sewer treatment plants. That delineating drainage line between the two cities is roughly the ridge line above Ridge Road and Banner Lava Cap Road on Banner Mountain.

There are compelling reasons why cities are allowed to participate directly in development projects proposed within their Spheres of Influence.

In almost all cases the traffic from new projects within our Sphere will be added to the existing traffic levels on our roadways such as Boulder, Nevada, Clay, Coyote, East and West Broad, Zion, Uren, Gold Flat, North Bloomfield, American Hill, Willow Valley, Cement Hill, Ridge, and Old Downieville, to name a few.

Additionally, Nevada City parks provide the needed recreation, which also includes miles of trails and acres of city-owned open space; to be enjoyed by city residents, and people within and outside of our Sphere.

The ability to process wastewater helps everyone by providing employment opportunities in Nevada City's two office parks, two business districts, our court system, county government center, as well as the Forest Service, Robinson Enterprises and Telestream headquarters. It allows us to be home to the schools serving our Sphere.

WHAT HAS NEVADA CITY DONE WITHIN ITS SPHERE?

It has acted responsibly and grown at a rate appropriate to the town and its neighbors. Larger annexations starting in the 1980s include (in acres): the Old Airport (110), Presbyterian Church (7), Nevada Street/Northridge (28), Grass Valley (Group)/Deer Creek Environs (159), Nevada City Elks (25), Searls Avenue (43), Nevada Woods (10), Providence Park/Fire Station (10), Gold Flat Industrial Park, Nevada County Narrow Gauge Railroad Museum (82), Hirschman's Pond (50), and in progress, Sugarloaf Mountain at 65 acres.

In total, Nevada City has more than doubled in size from its original one square mile of 640 acres to 1,350 acres today. Jobs have been created, homes and schools have been built and the Deer Creek drainage has been protected. Please note, Little Deer Creek, our city water supply as well as its water treatment plant, are being recommended for deletion from the Sphere.

Nevada City's Sewer Treatment Plant operating at 50 percent of capacity has plenty of capacity to handle all properties within its Sphere of Influence.

By acting responsibly, we have not only protected Nevada City, but also our neighbors within and outside of our Sphere.

WHAT'S NEXT?

On Feb. 23, at 9:30 a.m. at the Rood Center, Nevada County LAFCo will convene a workshop to discuss and decide this issue. Please attend.

Each of our three cities is unique and that's one thing that makes our county so great. As a 23-year city council member and longtime LAFCo Commissioner, this proposal is outrageous, not mandated by law, and should be abandoned in its entirety. It will affect the lives of thousands of people.

Your support would be greatly appreciated. Thank you.

Paul Matson, who lives in Nevada City, is a member of The Union Editorial Board. His opinion is his own and does not reflect the viewpoint of The Union or its editorial board. Write to him at EditBoard@TheUnion.com.

Our View: LAFCo take note: the people have spoken

News

Regardless of your opinion about LAFCo's proposal to reduce Nevada City's sphere of influence, you've got to admit — showing up in force at government meetings gets results.

The Thursday meeting of the Local Agency Formation Commission was packed. People are upset, obviously, over this issue.

That in itself is surprising, since a sphere of influence is about as close to inside baseball as you can get.

Think about it: The proposal to cut the sphere isn't like Dorsey Marketplace or a cell tower in downtown Nevada City. This issue has no immediate, tangible results. We're talking about lines on a map and who has jurisdictional power.

'This suggestion is just odd on its face, and it gives the casual observer the appearance that something strange is going on. And that's an observation no one needs about their government.'

The threat of what could come that got people in that Thursday meeting. Fear and control are major motivating factors. There is a handful of opinions circulating on this issue. Look at Supervisor Hank Weston, who said he sympathized with Nevada City's viewpoint but noted it should annex land if it didn't want to lose control.

Nevada City, however, pointed out that LAFCo must change its own policies and allow annexations when no development plan is in place.

This back-and-forth aside, there's a bigger issue here. Why did LAFCo Executive Officer SR Jones recommend to halve Nevada City's sphere? A sphere of influence update is timely. Sharpening the knives isn't.

This suggestion is just odd on its face, and it gives the casual observer the appearance that something strange is going on. And that's an observation no one needs about their government.

It's the eyebrow-raising recommendation about the sphere that got people in that meeting, and that's exactly what should have happened. Sure, we entrust our elected and appointed officials to do our business on our behalf, because honestly we don't have the time or desire to do it ourselves.

Most of the time those officials get it right, or earnestly try to. When they get it wrong, or begin trudging down that path, expect people to find a good seat in the inside baseball stadium.

Let's step back for a moment and consider the larger picture: Isn't this how we want our government to work? There's a governmental entity that does its business in public. Its agendas, available for public review, give everyone a chance to see what's planned for future meetings. If there's something that doesn't pass the smell test, you show up.

In this case the neighborhood showed up. Public comment affects government officials. It won't necessarily change minds, but it sure has. In this case, 80 percent of interacting with your government is showing up.

That crowd didn't get the answer it wanted, but it did get it another bite at the apple. LAFCo is scheduled to reconvene on March 16 for more discussion on the issue.

There's no easy solution to this situation. We're not advocating one. What we are saying is that LAFCo should listen to people who attend its meetings, carefully consider their words and make a decision that reflects the best interest of the community.

LAFCo has the power to reduce Nevada City's sphere of influence. Residents of this county have power of their own.

The government shouldn't be surprised when they use it.

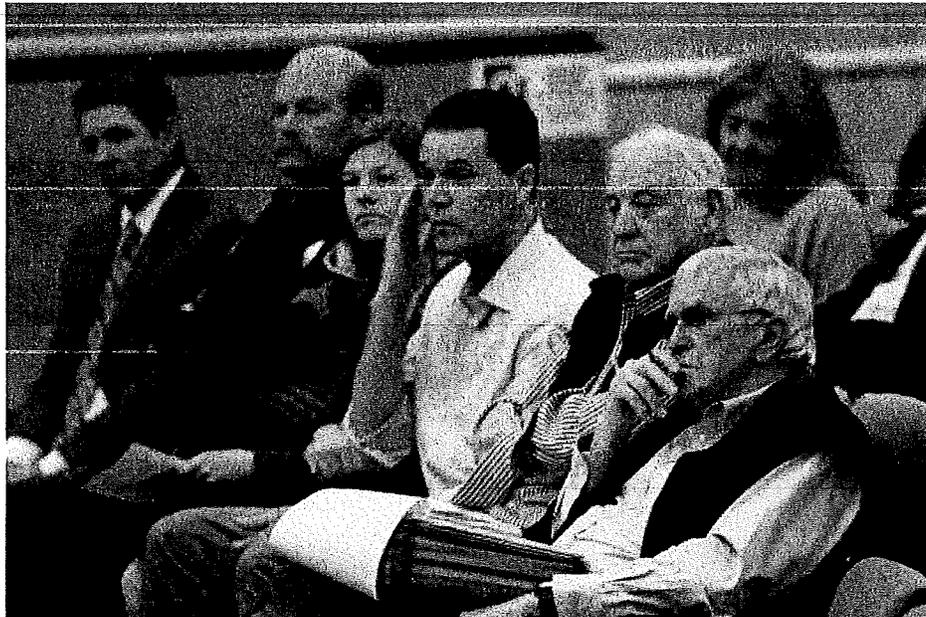
The weekly Our View column represents the consensus opinion of The Union Editorial Board as well as informed community members. Contact the board at

LAFCo to review reduction of Nevada City sphere of influence again in six months

Local News [FOLLOW LOCAL-NEWS](#) | March 16, 2017



Elias Funez [FOLLOW](#)
efunez@theunion.com



Nevada City staff members pay close attention to the comments of both the public and LAFCo staff and commissioners during Thursday's LAFCo meeting regarding the Nevada City sphere of influence.

Elias Funez/efunez@theunion.com

PREVIOUS COVERAGE

LAFCo suggests removing 1,425 acres from Nevada City Sphere of Influence

Nevada City to LAFCo: Hands off our Sphere of Influence

Nevada City prepares response to LAFCo's sphere of influence reduction proposal

Nevada City, LAFCo face off in sphere of influence case

...nding their ground, Nevada City residents
...ke their case to leave sphere of influence
intact

A nearly four-hour meeting between Nevada County LAFCo commissioners, Nevada City officials and members of the public showed some signs of compromise among all involved parties before commissioners deferred any decision regarding Nevada City's sphere of influence for six months.

LAFCo agreed to give Nevada City that time to formulate a tentative annexation plan for land within the city's current sphere of influence, before voting on a reduction of the sphere of influence by nearly 50 percent. In addition, during the next six months, LAFCo's policy committee will meet to discuss changes in local LAFCo law that could make annexations easier for Nevada City, a problem made clear by members of the commission as well as Nevada City staff members.

"This is an issue of LAFCo policy, given to us as tablets from above," Commissioner Richard Anderson said. "We need to change that policy, and at some point I would like to see the city put together an annexation plan. Is it time to change our policies given the change of face on the LAFCo board?"

LAFCo, or Local Agency Formation Commission, was created by the state in 1963 as a tool for counties to curb urban sprawl. The local commission is comprised of seven members: two county, two city, two special district, and one at-large member, who will have the final say on the boundaries of cities and districts.

Nevada City Manager Mark Prestwich welcomed revisiting local LAFCo policy yet said there have not been any changes to the state's LAFCo policy since the commission last reviewed and approved the city's sphere plan in 2008.

"What has changed is your local policies," Prestwich said. "I would be happy to put together an annexation plan. We know how to get it done."

Nearly two hours of public commentary was heard by the commission, none of which favored LAFCo staff's recommendation to reduce Nevada City's sphere of influence.

Joe Day, who currently lives within the city's sphere of influence, spoke of his desire to stay within the sphere of influence and offered insight on Nevada City's difficulty in annexing sphere of influence property.

"I've been following the paper and hearing that the city is being blamed for not actively trying to annex properties," Day said. "I was involved in an annexation. The city wanted to annex our property. The residents were for that annexation because we would only have one commission to work with. We worked on this annexation and everything was drawn up and everything was a go. And then we got to LAFCo and we didn't know what was going on. It was a really good project."

Day said to this day his property remains in an annexation limbo due to LAFCo and said all commissions within Nevada County should all be working together to determine planning and growth procedures.

To contact Multimedia Reporter Elias Funez, email efunez@theunion.com, or call 530-477-4230.

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Readers around Grass Valley and Nevada County make The Union's work possible. Your financial contribution supports our efforts to deliver quality, locally relevant journalism.

Now more than ever, your support is critical to help us keep our community informed about the evolving coronavirus pandemic and the impact it is having locally. Every contribution, however large or small, will make a difference.

Your donation will help us continue to cover COVID-19 and our other vital local news.

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Our View: Community stepped up to LAFCo proposal, as it should

Opinion

The Union Editorial Board

This was a perfect week to hold a crowded meeting of the Local Agency Formation Commission.

Community members waited almost a month to again appear before LAFCo about a proposal to slash Nevada City's sphere of influence. They didn't disappoint, filling the Eric Rood Administrative Center and delivering comments — a vast majority opposed to the proposal — for about two hours.

And it just happened to occur during Sunshine Week, the time when we celebrate public access to government information.

Access to our government will be a deciding factor in whether LAFCo reduces Nevada City's sphere of influence by half. One attorney nailed it at a February meeting when he said "the public has a huge influence. I can tell you if you weren't here, this thing would have gone right through."

Come on us if we had access to LAFCo's agenda, failed to express our concerns and allowed this proposal to pass without the community giving its input.

But that didn't happen, and if Thursday's LAFCo meeting is any indication, it never will.

LAFCo on Thursday opted to again kick its decision down the road, this time for a meeting six months from now. There's a few caveats this time, though.

LAFCo wants Nevada City officials to present an annexation plan at that meeting. Additionally, a LAFCo committee will examine its own annexation policies that city officials say stymie them.

What could be better? Understandably, opponents wanted the proposal quashed, but barring that perfect scenario for them, a time out to gather more information is a positive.

At February's meeting, Nevada City officials addressed concerns that the city hadn't annexed spots in its area of influence since LAFCo's 2008 sphere update. City Manager Mark Prestwich pointed to a LAFCo policy preventing annexation without a development plan.

Both of these issues should get addressed in the upcoming annexation plan from Nevada City and policy discussion on LAFCo's side. Hard feelings aside, both groups deserve the time and breathing space to hash out the details with their respective discussions. A cooling down period is good for everyone. Let's have the process play out. In the meantime, we'll mark our calendars for the anticipated September LAFCo meeting.

We know taking time off work to attend a government meeting is tedious. Doing it three times is asking a lot. But it's issues like these that demand our attention.

To borrow a phrase, conducting the business of government is like making sausage. It's not pretty to watch, but it must be done. At least in our nation, the factory where we do that work is filled with sunlight.

We can see what our government does. We have access to its agendas and its meetings. We can take our three minutes at the microphone and speak our minds.

All these things — the open meetings, the agendas, the microphones — are sitting in a well lighted room for us. We just must take the initiative and grab them.

And sometimes, not all times and not necessarily this time, government creates an idea that isn't good and shouldn't be implemented. It's at those times when we must stand our ground, have our say and make our government leaders listen to us — the people who put them there.

Sure, the government can push something through if it really wants.

But here in Nevada County, we tend to push back.

The weekly Our View column represents the consensus opinion of The Union Editorial Board, a group of editors and writers from The Union, as well as informed community members. Contact the board at

**LAFCo Meeting Attendees Opposing Decrease
of
Sphere of Influence
March, 2017**

Yes, we are against the Proposed LACCO Nevada City Sphere of Influence Reduction

Please sign in so we can contact you again on this issue.

Name	Address
✓ PAUL MATHIAS	N. C.
DAVID PARKER	NEVADA CITY 569 MAIN
Gretchen Bond	11334 Via Vista Nevada City
Jesse Locks	14079 Mtn View Dr Nevada City
TED + HOLLY ATHENS	14974 EMERTZ LA NC
Patricia Spooner	110 Court St. Nevada City, CA
Garret Walther	110 Court St. Nev. City
Kathleen Coates	449 Broad St 95959
MATT MEYER	449 BROAD ST 95959
JANE DEGIORGIS	10577 BOULDER ST 95959
✓ MICHAEL GOOD	549 E. BROAD NC
NANCY STEVENS	13113 QUAKER Hill Cross Rd NC, CA 95959

**Yes, we are against the Proposed LACCO Nevada City Sphere
of Influence Reduction**

Please sign in so we can contact you again on this issue.

Name	Address
THOMAS NIGHT	P.O. BOX 902 NC 105 WILLOW WALK RD 95959
Penny Matson	362 E. Broad St Nevada City CA 95959
✓ Ellen Hagan	10880 Cedarsong Rd Nevada City, CA 95959
✓ Sawan Osholtzer	310 Nevada St NC
✓ Pamela Meek	526 Nevada St NC
✓ Karla Adams	11911 Wild Cherry Ln. N.C.
Pinky Falkin	P.O. Box 1342, D.C.
Vail Robbe	10759 Harmony Ridge CA.
Marjorie Dickenson	367 Redbud way Nevada City, CA
LESLIE MARRIA	226 NEVADA ST. NEVADA CITY, CA

F

**Yes, we are against the Proposed LACCO Nevada City Sphere
of Influence Reduction**

Please sign in so we can contact you again on this issue.

Name	Address
✓ <u>MATTHEW HARE</u>	10700 WILLOW VALLEY RD, NEVADA CITY
Catherine Bilheimer	15232 Honeycomb Ranch Nevada City
Meredith Mohr	17001 George Way G.V. CA 95949
Karen Buettcher-Chizek	361 Gracie Rd NC
✓ <u>James Morris</u>	10732 Willow Valley Rd Nevada City
✓ <u>JOHN CROW</u>	401 NEVADA ST.
✓ Duane Strawser	503 SACRAMENTO ST, Nevada City CA 95959
Moir McSweeney	15352 Stonehill Dr. Nevada City 95959
Rebecca Vandegrift	16249 Thornberry Way Grass Valley, CA. 95949
Eric Tomb	315 Clay St Nevada City

Yes, we are against the Proposed LACCO Nevada City Sphere of Influence Reduction

Please sign in so we can contact you again on this issue.

Name	Address
Jerry Bloom Don, Brown	302 Park Ave Nevada City
Nora Sauer	636 E BROAD ST NC 95959
Becky Smith	13017 Pine Tree Place NC 95959
Jim Montrose	416 Sacramento St. NC
JOHN GIVENS	_____
Vicky Jaehnis	821 Uren St. N.C.
Diana BAMZON	200 King Hiram Lane NEVADA CITY, CA 95959
Kolin SHYNE	12433 Summit RIDGE NC, CA
Bill NEWTON	300 Winell St Nevada City, Ca.

Yes, we are against the Proposed LACCO Nevada City Sphere of Influence Reduction

Please sign in so we can contact you again on this issue.

Name	Address
Richard	
Thom	
✓ Richard Thomas	Nevada City 10066 Robinson King Rd.
Linda Pearson	Nev. City 19416 Scotts Flat R
✓ Doug Holmen	744 Annex Av. Grass Valley
✓ Bob Goark	14676 HIGHLAND DR G V 95945
✓ Chuck Staet 2	12518 Springs Rd, NC 95959
Mike Byrne	16898 HWY 49 N.C. 95959
Dave TORRES	10103 ATTSBURG RD NEVADA CITY, CA 95959
Matt Margulies	12483 Spanish Ln NC, CA 95959
Linda Newman	1220 Echo DR. NEVADA CITY CA 95959
CHERYL GORDON	12220 ECHO DR NEVADA CITY CA 95959

Yes, we are against the Proposed LACCO Nevada City Sphere of Influence Reduction

Please sign in so we can contact you again on this issue.

Name	Address
Mary Wernette	107 Mill St Nevada City CA 95959
Ryan Love	219 Gracie Rd Nevada City CA 95959
BRIAN MCFARREN	10876 MORNING-STAR LN NEVADA CITY CA 95959
Vicky Reeder	10876 Morning Star LN Nevada City CA 95959
✓ Diane Livingston	414 Glenwood Pines Pt. Nevada City Grass Valley
SAUL RAYO +	158 Hoffman St. NEVADA City
Elena Rayo	158 Hoffman St NC
Charly Price	PO 1445 NC CA 95959
STEVE & HILLARY HAAS	
LAURIE & CHARLIE DAYTON	301 GETHSEMANE ST. N.C. 95959
Mike Fitzwater	16862 Pasquale RD N.C. 95959

Yes, we are against the Proposed LACCO Nevada City Sphere of Influence Reduction

Please sign in so we can contact you again on this issue.

Name	Address
Ronda TRUJILLO	14674 Peaceful Meadow Ln. Grass Valley, CA 95949
RHONDA ROBERSON	11578 Cement hill Rd N.C. 95955
JEFF KANE	
Mary Cuneo	803 Wren St NC
Shannon Schroter	Nevada City
James SPONER	1620L INDIAN FLAT RD NEVADA CITY
Lynne Doves	
MANIKO DADIBAN	16486 COOPER RD NC 95959
Estrella ACOSTA	10243 Gold Flat Road, Nevada City 95959
Bonnie Madden	PO B 1573 NC CA 95959

Yes, we are against the Proposed LACCO Nevada City Sphere of Influence Reduction

Please sign in so we can contact you again on this issue.

Name	Address
✓ ROGER SAVAGE	NEVADA ST NEVADA CITY CA
SARLEE ALLEN	NEV. 16032 INDIAN FLATS CITY
Joe Lester	15318 St. Hwy 20 N.C.
Kate (Kilroy)	15318 State Hwy 20 N.C. Ca
Monique Galloper	511 N. Reno St Nevada Nevada City
Chris Towne	PO Box 1706 N.C., CA 15782 Ridge Estates Dr.
Diane Gould	P.O. Box 842 Nevada City Ca
FRED GOULD	" " "
* John Maize	14225 Vista Ave C.V.
Hal DeGraw	207 Drummond St Nevada City CA
✓ PATRICK DYER Laurie (Paul)	301 BROAD ST. N.C.

Letters from Organizations

FEDERATION OF NEIGHBORHOOD ASSOCIATIONS

February 17, 2017

Ms. SR Jones
Local Agency Formation Commission of Nevada County (LAFCo)
950 Maidu Avenue
Nevada City, CA 95959

Dear Ms. Jones;

This letter is being sent to inform you of the position that the Federation of Neighborhood Associations (FoNA) voted on at its last meeting held on February 7, 2017. The member Associations voted unanimously to request that the Nevada City Sphere of Influence not be reduced from its present size. FoNA will present its position at the LAFCo Commission hearing on February 23rd.

FoNA respects the hard work you have been involved with at the LAFCo and will continue to work with you and the LAFCo Commission to enhance the beauty and livability of Nevada County and its various jurisdictions.

Sincerely yours,

Bob Goar, Co-Chair

Doug Holmen, Co-Chair

Greater Champion Neighborhood Association

February 21, 2017

LAFCo Commissioners
SR Jones, Executive Officer
Local Agency Formation Commission of Nevada County (LAFCo)
950 Maidu Avenue
Nevada City, CA 95959

Subject: LAFCo's Nevada City Sphere of Influence Proposal

The Greater Champion Neighborhood Association (GCNA) opposes LAFCo's proposal to reduce Nevada City's Sphere of Influence (SOI) from 2907 to 1,482 acres. We believe that Nevada City has done an excellent job of managing its current SOI, which is currently served by such City services as police, fire, and recreation. GCNA includes the west end of Nevada City and extends west for 3 miles. It is bordered on the north by Hwy 49 and on the south by Deer Creek. It includes over 400 homes and parcels, some within the SOI.

We see no compelling reason for changing Nevada City's SOI. While we understand and accept LAFCo's requirement to review and update SOI plans every five years, that requirement is not, in itself, cause for change. Currently, Nevada County and Nevada City work together, as partners, to plan, develop, and zone the current SOI. This has worked well and has resulted in logical and orderly development over the years.

We are concerned that changing the land in question from Nevada City's current SOI to the designation of Area of Interest (AOI) would put the City on unequal footing with the County. Our understanding is that the City would be limited to commenting on development proposals. Further, the County could make zoning changes and approve development in the AOI in conflict with City interests.

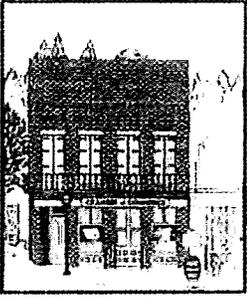
We believe that upsetting the balance of power between the City and County may result in development decisions which could potentially have a negative impact on Nevada City and its quality of life. This outcome would conflict with the goal of LAFCo to encourage orderly growth and to discourage urban sprawl.

As our neighborhood is closely connected to Nevada City, we believe the City should continue to have a strong voice in matters affecting its SOI. Rejecting the proposal would allow Nevada City to maintain its co-equal say in new development projects that could significantly impact the City and our neighborhood.

Sincerely,

Sue Williams, Chairperson

susanh.williams@gmail.com
530-265-2686



Nevada City Chamber of Commerce

*NEVADA CITY
"National Register
of Historic Places"*

Designated September 23, 1985

February 21, 2017

Nevada County Local Agency Formation Commission
950 Maidu
Nevada City, CA 95959

Dear Friends,

The Nevada City Chamber of Commerce strongly opposes the LAFCo Officer's proposal to slash Nevada City's Sphere of Influence from 3,000 to 1,400 acres. If that happened it would be a long-lasting blow to our town. The county, not the city would be in charge of development in the deleted areas that surround our city limits. Our input on the development projects within those 1,600 acres would be eliminated. At the same time Nevada City would absorb the traffic from new developments, provide their recreation, jobs and a home base for their schools, without any say in those future development projects. Nevada City would be out of the picture.

LAFCo's have the power to approve Spheres of Influence and city annexations. Our current sphere allows us to help shape the future of Nevada City into the community we love, want, deserve and need. It gives the city control over its own destiny.

Our City's growth has occurred gradually and carefully. We believe this has been good for both our business and residential communities. One third of the city limits is graced by city-owned open space and trails bringing us visitors from far and near. These lands provide a rural flavor that people need and love. Our Gold Rush history and architecture have been meticulously preserved providing the perfect backdrop for local and visitor shopping, and our excellent Special Events. The City Crew, Police and Fire Departments do a great job of supporting those events as well as our business and every-day activities, in a responsible manner. Our two Industrial Parks, two Office and Professional Complexes, Robinson Enterprises, Superior Propane and the Northridge Restaurant are a few excellent examples of Nevada City's responsible approach to economic well-being through our annexation policies. We are also home to the Nevada County Government Center, the Court System, the Forest Service Headquarters and our local schools. Both the city and our business community have benefited from each other.

Today we need your help. We want our Sphere of Influence left alone. Nevada City deserves the right to self-determination. Thank You.

Sincerely,

NEVADA CITY CHAMBER OF COMMERCE

Mike Byrne, President.

132 Main Street Nevada City, CA 95959 • PH: (530) 265-2692 • FAX: (530) 265-3892
www.nevadacitychamber.com e-mail info@nevadacitychamber.com

General Plan Defense Fund

February 23, 2017

Thank you for the opportunity to comment.

Today, the Nevada County Local Agency Formation Commission (LAFCO) will make a decision on an issue critical to Nevada City's future. The General Plan Defense Fund asks that you leave Nevada City's Sphere of Influence intact.

Our organization, along with many other groups and hundreds of community members, as well as a Board appointed Resolution Committee, was involved in helping create the Nevada County General Plan when it was adopted. As a result, it was adopted with solid community support. The Community Region/ Rural Region concept is the overriding land use goal of the County General Plan and combined with the Sphere of Influence policies, created the cornerstone for the county's land use form, community identity, public facility provision, and anti-sprawl policies. In particular, policies 1.8.3 and 1.8.4 were worded to keep land use planning in the spheres of all 3 cities under the authority of the cities, a sound land use policy.

As the city has grown, it has provided for a walkable community with trails and substantial open space, protected its view shed, and carried out a land use vision that avoids sprawl while growing work force housing and jobs in close proximity. The City has a reputation for its stewardship of Little Deer Creek and Deer Creek. This is the kind of planning that provides a model to other communities.

The map proposed by the LAFCO director will delete half of Nevada City's Sphere of Influence which has been in place since 1986. Today it is 3,000 acres, and it is proposed to reduce it to 1400 acres. This would place the county, not the city, in first position for any development review and zoning in the area to be deleted.

Nevada City has done an admirable job of protecting Nevada City as it has grown carefully with annexations over the years. We need to be allowed to continue our stewardship of this area. There is no compelling reason for an outside agency to force a complete reversal of long standing responsible land use policy on the part of Nevada City.

Sincerely,

Donald L Rivenes, member
General Plan Defense Fund

Letters from Residents

Greg Archbald
630 E Broad Street
Nevada City, CA 95959
tel 530-265-5474

RECEIVED
FEB 16 2017
CITY OF NEVADA CITY

February 16, 2017

City of Nevada City
Attention: Mark Prestwich, City Manager
317 Broad Street
Nevada City, CA 95959

Re: Nevada City Sphere of Influence

Dear Mark,

Unable to attend the LAFCo workshop next Thursday at Rood Center, I am writing to support the City in its battle to stop the drastic reductions proposed for the City's sphere of influence.

My wife Connie and I moved to Nevada City nearly 12 years ago and have loved everything about living in this amazing town. We have followed and have been engaged in a number of civic issues but we never gave a moment's thought to the town's "sphere of influence." This is a wonky issue that lives in the shadows of civic awareness. Now that it is under attack, however, we see how important it is.

The rallying of Nevada City civic leaders past and present around this issue is proof enough of its importance. I have no expertise on the workings of LAFCo and have not done any in-depth reading on the issue. From the articles I've read in the newspaper and online, however, I have a clear sense that Nevada City as we know it is being seriously threatened by the LAFCo proposal.

The overall sense I get is that this is a power struggle with the county trying to pressure Nevada City into growing faster. I am alarmed at the prospect of the City losing its ability to participate in nearby development decisions that would directly impact its city streets and other services. I agree with Paul Matson when he points out that Nevada City has grown responsibly over the years. The present sphere of influence boundaries are needed for that to continue. I feel it would be completely wrong for the City of Nevada City to keep building up the amenities -- from sewer infrastructure to public open space and trails to becoming Sunset magazines "#1 Best Value Town" -- only to be slapped down by a loss of ability to control its future. The LAFCo proposal should be withdrawn and the City's sphere of influence should remain as it is.

Please pass this along in any way you would like to show support for the City, and please do have it made part of the record at the LAFCo workshop.

Sincerely,



Greg Archbald

Janet Swanton
11333 Willow Valley Road
Nevada City, California 95959

RE: Nevada City Sphere of Influence

Mark Prestwich
City Manager
317 Broad Street
Nevada City, California 95959

I will not be able to attend the Thursday LAFCo meeting being held at the Rood Center but I strongly urge LAFCo to abandon their recommendations to slash the size of the Nevada City's Sphere of Influence.

The current Nevada City Sphere of Influence was rightly adopted 1983 and updated in 2008 based on protecting our watershed, view shed, roadways and has provided all the services required.

Highlighted in the Elias Funez's UNION article, dated February 18, 2017, is a written as well as clear map outlining the seven Spheres of Influence Areas in Nevada City. I live in Area 2 on Willow Valley Road and I feel this area should also be considered as part of our watershed, since Deer Creek runs the entire length of Area 2.

Although Area 2 is now on septic systems and by connecting to a city sewer system the area could have potential for higher density housing, I doubt that either myself or neighbors who live on Willow Valley Road past the HEW site on large acreage (7 acres or more) would consider or want to have higher density housing on our one and only main thoroughfare, Willow Valley Road.

I also noticed that the HW site is defined by the dark shading as " Near Term, Nevada City" and not part of the Area 2. I would dread the development of that property beyond the current R – 1 single-family residential zoning for a maximum of 33 houses to a multi family, apartment density zone of over 200 units.

Please keep the HEW property and the Willow Valley Area 2 east of it, as well as all seven areas within the Nevada City's Sphere of Influence.



Janet Swanton

February 21, 2017

Dear Mark

Just a quick note that I'd like
you to convey to the council.

Who in their right mind would
cede control of our wonderful city
to the county? If this took place
future residents of Nevada City would
never forgive you. It's as simple
as that.

Sincerely,

Scott Swanton

11333 Willow Valley Rd.

Nevada City, CA 95959

530-265-9955

Mark Prestwich

From: Sherree Hill <hillsherree@gmail.com>
Sent: Tuesday, February 21, 2017 6:41 PM
To: Mark Prestwich
Subject: Sphere of Influence of Nevada City

Re: Protection of Nevada City Sphere of Influence

Dear City Manager of Nevada City

We will be out of town for the meeting regarding the above issue. Please consider our message in writing instead.

We are 40 year residents of Nevada County and we are opposed to any changes that will affect Nevada City's Sphere of Influence.

It is very important that Nevada City keep control of the development that happens in this area which includes our Watershed and Open Space. We are concerned if the current Sphere of Influence changes that we will see uncontrolled development and it would have a negative impact on Nevada City.

This change would also have a negative affect on the Local Economy because tourists come here for the quaintness and to experience outdoor recreation like hiking and biking to name a few.

Over the last 40 years in Nevada County we have already seen negative impacts of the County taking over certain areas for development.

Please keep Nevada City the way it is. We all love it here and want it to stay the way it is.

Thank you for listening.....



Steve & Sherree Hill
17315 Lightfoot Way
Nevada City, CA 95959
530.265.8342

Mark Prestwich

From: Patricia Nelson <patriciamnelson@gmail.com>
Sent: Tuesday, February 21, 2017 11:20 AM
To: Mark Prestwich
Subject: Sphere of influence

Hi Mark,

I live in the "sphere" on Banner Mt. and could not be happier with the services I receive from the city and the way they manage their responsibilities. I strongly urge you to not try to fix something that isn't broken.

Thanks, Patricia Nelson

Mark Prestwich

From: Susan Mahaffy <fresh_air57@icloud.com>
Sent: Tuesday, February 21, 2017 6:20 PM
To: Mark Prestwich
Subject: SOI

Hello Mark,

I own 2 properties within the Nevada City SOI and I DO NOT want the SOI reduced AT ALL for many reasons.

I wish I were able to attend the meetings but my work schedule doesn't allow me to.

Sincerely,
Susan Mahaffy
13245 Gracie Road
13259 Gracie Road
Nevada City, CA
95959

Thank you
Sent from my iPad

Mark Prestwich

From: affinc <affinc@pacbell.net>
nt: Tuesday, February 21, 2017 2:39 PM
ro: Mark Prestwich
Subject: LAFCO proposed changes to SOI

Spheres of Influence (SOI's) give cities a "buffer" zone to allow green space, control development density, and provide rational development expansion. Reducing the SOI of Nevada City removes its flexibility to grow sustainably and maintain the character of its history. It will be susceptible to the type of corporate and franchise growth that has blighted Grass Valley.

I would like a detailed explanation from the LAFCO commission on their reasoning and justification for the revised SOI.

Thanks,
Jackie Mason

Mark Prestwich

From: Dave Mann <davemann95959@gmail.com>
Sent: Tuesday, February 21, 2017 12:51 PM
To: Mark Prestwich
Subject: SOI/LAFCO letter

Hi Mark,

Unfortunately I am unable to attend the workshop this week but want to voice my strong opposition to the County's LAFCO proposal to reduce Nevada City's SOI planning boundary. I am in full agreement that the City needs this buffer zone to remain intact to be able maintain control of future development as well as to preserve (with intention) the aesthetics of our boundary properties . Nevada City's unique qualities need to be preserved- It is what makes this place special and I feel strongly that giving control to the County would be a step in the wrong direction.

Thank you, Dave Mann

Mark Prestwich

From: Brent & Julie Fraser <fraserjb1@gmail.com>
Sent: Monday, February 20, 2017 7:26 AM
To: Mark Prestwich
Subject: LAFCO

Hello Mr. Prestwich.

I am a resident of Nevada City. I know about the LAFCO proposal and am concerned that it will reduce Nevada City's ability to control future development in the immediate area surrounding Nevada City. Nevada City is the arterial, commercial, and utility hub for the current Sphere of Influence. It seems appropriate that Nevada City should retain control over the current Sphere of Influence.

Please let me know how myself and other residents of Nevada City should communicate our concerns to the decision makers in the upcoming process.

Thank you.

--

Brent Fraser
fraserjb1@gmail.com
530.913.3521

Mark Prestwich

From: Stuey <stueyweills@gmail.com>
Sent: Monday, February 20, 2017 11:52 AM
To: Mark Prestwich
Subject: Sphere

Mark
I have met you.
I own Gray Goose here in town.
My family has been here since the
1850's.
This town is in my DNA. I feel very
passionate about the Sphere we
would not have this incredible/wonderful town if our forefathers were not paying attention by having the foresight to
maintain this 'Sphere'..

Please continue this 'tradition'...

Thanks for your ear
Stuey

Sent from my iPhone

Mark Prestwich

From: Bill Drake <billdrake2@gmail.com>
Sent: Monday, February 20, 2017 10:40 PM
To: Mark Prestwich
Subject: re: "Sphere of Influence"

2/20/17

Dear Mark,

My wife, Joan Ramsey, and I live at 123 Grove Street in Nevada City. We very much prefer that Nevada City's "sphere of influence" remain as it is. We do not want to see it reduced.

Thank you for asking for feedback.

Warmly,

Bill Drake (and Joan Ramsey)

--

Visit my website www.healracism.com

"Bill Drake offers an important perspective from someone who grew up in a world poisoned by racism but learned to see others in a more tolerant light."

~Benjamin Todd Jealous, former President and CEO of the NAACP

Edward Folick
Box 455
Nevada City, CA 95959

2/12/17

CITY OF NEVADA CITY
ATTN: MARK PRESTWICH

DEAR MARK:

AS A 45 YEAR RESIDENT OF NEVADA CITY
I AM VEHEMENTLY OPPOSED TO ANY CHANGE
IN THE CITY'S SPHERE OF INFLUENCE AND
INTEREST. THE PROPOSAL BY "LAFCO" TO
TAKE AWAY OUR POWER TO CONSIDER WHAT IS
FOR THE BEST AS IT PERTAINS TO OUR COMMUNITY
IS UNACCEPTABLE. I WOULD ALSO LIKE TO
SUGGEST THAT THIS SO CALLED "FORMATION
COMMISSION" BE DISBANDED AS THEY ARE NOTHING
MORE THAN PRIVATEERS BENT ON DEVELOPING
THE AREAS IN QUESTION FOR THEIR OWN PROFIT.
LET NEVADA CITY BE THE JUDGE OF HOW
BEST TO GOVERN ITSELF AND ITS BORDERS.

Edward Folick
Edward Folick
110 1/2 BOULDER ST.
265-2784

Jerry Bloom
Cynthia Pierce
302 Park Ave
Nevada City, CA 95959
luddite_2@sbcglobal.net

City of Nevada City
Attn: Mark Prestwich
317 Broad Street
Nevada City, CA 95959

February 21, 2017

We are writing this letter to affirm our support that the City of Nevada City not be required to reduce the area of its sphere of influence (SOI). The city staff has documented the reasons for the continuation of the current SOI in a February 2017 paper stating its position and reasoning¹. We wholeheartedly support the reasoning and positions laid out in the paper.

The City of Nevada City created the sphere of Influence boundaries in the early 1980s and the boundaries have served the city well since that time. While it may be the responsibility of LAFCO to periodically review and update recommendations regarding the need and desirability of increasing or decreasing the SOI, the city itself should have the opportunity to accept or reject changes recommended. Over time, one would expect that a city would desire to increase its SOI as the impacts of surrounding growth put added stressors on the community. That LAFCO would be demanding a reduction in the size of the SOI seems highly inappropriate.

Questions to consider:

1. Has the city of Nevada City requested a reduction?
2. Has the County of Nevada requested that Nevada City reduce the size of the SOI?
3. Has a resident of the city requested a reduction?
4. Has a property owner within the SOI requested to be removed from the SOI?
5. What entity, either public or private, benefits from the reduction of the SOI?

If the answer to the first four questions is a "no" then there seems little reason for LAFCO to be considering a reduction in size of the SOI. If the answer to any of these questions is yes, then further consideration of a change in the SOI may be called for.

The answer to the fifth question will require a hard look as to the motivation of the entity requesting the reduction.

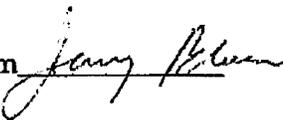
¹ City of Nevada City Sphere of Influence Recommendation, February 2017

We would like to put forward an analogy. In the building trades building codes are periodically updated. Buildings built prior to the new code are not required to comply with the new code unless there is substantial alteration to the building. In this case, the Nevada City SOI predates any changes to how an SOI is to be determined. Has there been any substantial change in the configuration of Nevada City's boundaries that might call for a revision of the SOI? We believe that the answer to this question is "no" and that Nevada City should be allowed to continue to pursue its pace of growth and SOI at the current level.

While we support the City's position in this matter, we would like to voice our support for an increase in the SOI of Nevada City. Several parcels both within and adjacent to the current SOI, and within the area subject to deletion from the SOI, are public properties, most likely under the authority of the Bureau of Land Management (BLM). The acreages of these parcels total in excess of 300 acres, a significant area should they fall into the hands of development interests. The new National administration is likely to significantly change how public lands are administered. The BLM has always been under pressure to sell off its interests to private interests and the current administration is likely to accelerate this direction. It is in Nevada City's interest to continue to exercise its influence over the development direction and pace of these properties should they fall into private hands.

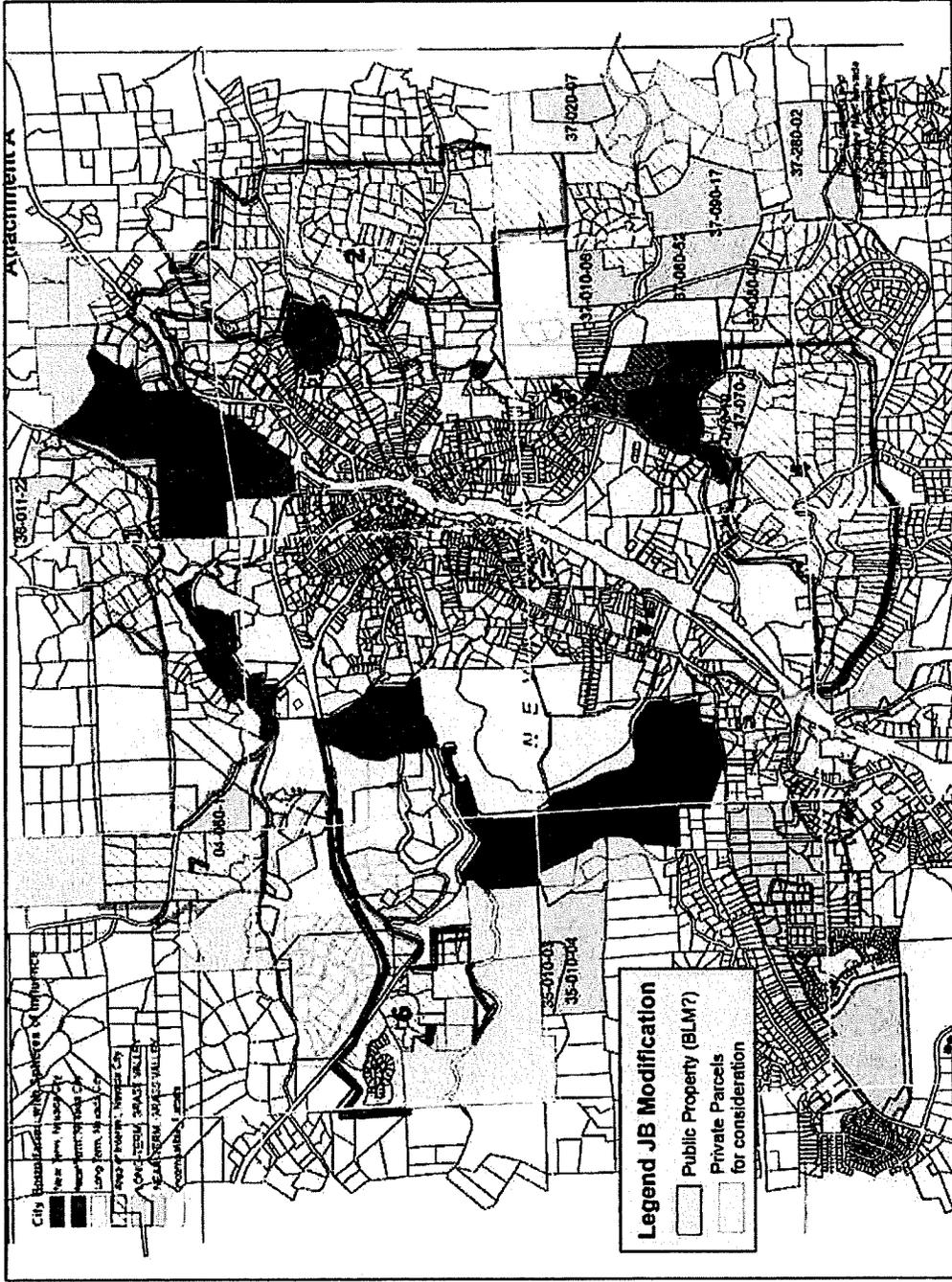
The APN numbers of these parcels include: 04-060-15, 35-010-03 & 04, 36-011-22, 37-070-10 & 11, **37-010-06**, **37-020-07**, **37-080-06** & **52**, **37-090-17** and **37-280-02**. Most of these parcels (**bold italic**) are on the south-eastern edge of the SOI. This area also contains large adjacent parcels in private hands that combined and developed could have a major impact on residents and public services of Nevada City. Nevada City must continue to exercise some degree of control over this area.

Below is a map modified from the cities SOI map that highlights both the public parcels and the private parcels which should be considered for inclusion in Nevada City's Sphere of Influence².

Jerry Bloom 

Cynthia Pierce 

² The map does not display all of the smaller private parcels that might be included should annexation of these areas occur. This was not considered necessary for the discussion of the SOI.



Nevada City Sphere of Influence Expansion

Modified from Nevada City proposal dated February 2017
 Modification by Jerry Bloom

0 250 500 1,000 Meters

Scale: 1:30,000

JB_2/18/2017

Mark Prestwich

From: Cathy Wilcox-Barnes <2cwb@sbcglobal.net>
Sent: Monday, February 20, 2017 5:53 PM
To: LAFCO
Subject: Proposed Change to Nevada City's Sphere of Influence

Honorable Commissioners,

As an eight-year Councilmember and former Mayor of Nevada City I am opposed to the proposal to reduce or change the Sphere of Influence for our town. I was Mayor and served on the General Plan committee when we discussed our Sphere and set the one that is currently in place. This was not done lightly but with a great deal of discussion of impacts from development in the unincorporated areas surrounding Nevada City and how best we could best serve future development and annexations. We set the Sphere to incorporate lands that drain into our drainage basin and roads that feed into our streets; all of which have a major impact on Nevada City. We also took recreational use into account and the impacts development in our Sphere has on our parks, swimming pool and now, more recently, our trail system.

The proposed changes make no sense. One example is the former Hurst property. It cannot be developed without major impacts to Clay/Gracie/Gold Flat/Nimrod and other streets feeding onto freeway access. These are all streets within the city limits and as such, Nevada City is responsible for their maintenance. The drainage would impact Little Deer Creek, Pioneer Park, Deer Creek, the Plaza and, ultimately our Wastewater Treatment Plant. Additionally our Fire and Police would also be impacted.

There is no reason to make the changes that have been suggested. Nevada City has done a responsible job in allowing annexation and development in line with what our fragile infrastructure can withstand. I urge you to vote "no" on these proposed changes and leave the Sphere as it is.

Sincerely,

Cathy Wilcox-Barnes
222 Nihell St.
Nevada City, CA 95959
(530) 265-2155

Mark Prestwich

From: bronsonhaus@comcast.net
nt: Monday, February 20, 2017 3:04 PM
to: Mark Prestwich
Subject: sphere of influence

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Mr Prestwich,

Thank you and your staff for giving us individual notices regarding possible changes in the sphere of influence. It appears to me that the initial inspiration was as you said to give us a sense of place an idyllic setting that shows off our community and the surrounding areas. I see now that potential revenue spending or essence of \$green\$ has changed prospectives for the future. We would prefer to remain in the sphere of influence and I would use extreme caution regarding changes for the future. We are unable to attend the workshop on the 23rd and would appreciate an update if possible.

Thank You, Jake/Janice Bronson

11360 Northview dr.
Nevada city ca 95959
area 4

February 19, 2017

Dear LAFCO Board Members,

My husband and I have lived a half mile outside the Nevada City limits since 1993. We have always considered ourselves to be part of Nevada City. We strongly feel the City of Nevada City needs to maintain as much developmental control over areas within the Deer Creek watershed surrounding Nevada City as possible.

The City and the areas within its Sphere of Influence have a unique character and environmental concerns. The best way to protect these qualities is by management by those directly affected: Nevada City residents.

Thank you for your consideration.

James and Miriam Morris

Mark Prestwich

From: Stephen Dodge Admin <swd12.ad@att.net>
Sent: Sunday, February 19, 2017 4:31 PM
To: lafco@co.nevada.ca.gov
Cc: Mark Prestwich; laurieoberholtzer3@hotmail.com
Subject: Proposed change to Nevada City Sphere of Influence

Commissioners,

As a former Nevada City Planning Commissioner I have been witness to the city's growth within the present Sphere of Influence. In my opinion the growth has been managed very well. I would call it controlled, managed growth.

I am opposed to any changes to the Sphere of Influence. The present configuration has resulted in keeping Nevada City a desirable place to live and visit with the absence of urban sprawl.

Please keep the Sphere of Influence as is, I see no reason to reduce it, it has worked for us.

Thank you.

Stephen Dodge
20 Heilmann Court
Nevada City, CA 95959
530-265-4654

Mark Prestwich

From: Larry Casey <lpcsy@cs.com>
Sent: Sunday, February 19, 2017 10:36 AM
To: Mark Prestwich
Subject: LAFCO Proposal

Hello Mark Prestwich,

I am strongly in favor of local control of our community and surrounding area. I feel confident that Nevada City Planners have a clear idea of controlled growth, historic preservation and protection of our natural beauty and open spaces.

I am not sure what LAFCO's agenda is but whatever, it's another step away from local concerns and I fear it involves further development with decreased local input.

If it's not broken, then don't try and fix it. Please do all in your control to stop LAFCO proposal to reduce Nevada City's sphere of influence.

Sincerely,

Larry Casey
Carrie Babcock

337 Long ST
Nevada City

Mark Prestwich

From: Suzanne Oswald <archology@hotmail.com>
Sent: Saturday, February 18, 2017 6:26 PM
To: Mark Prestwich
Subject: LAFCO and Nevada City SOI

February 18, 2017

Dear Mr. Prestwich:

Thank you for your letter apprising us of the proposal by the Nevada County Local Agency Formation Commission staff to significantly reduce Nevada City's sphere of influence.

My husband and I have lived on Willow Valley Road for over 25 years and my parents lived at this address beginning in 1965. We have a long history with LAFCO. We are both against any changes that would reduce the sphere of influence. We would be in favor of extending the SOI if the city would be able to accommodate added areas.

We will be unable to attend the February 23, 2017 meeting, but want to let you know our feelings on the proposal.

Sincerely,

Suzanne L Oswald and Alan M Mowry

11039 Willow Valley Rd.
PO Box 2386
Nevada City, CA 95959

Mark Prestwich

From: Abigail Givens <abigailgivens@yahoo.com>
Sent: Saturday, February 18, 2017 2:53 PM
To: Mark Prestwich
Subject: LAFCO Sphere of Influence recommendations for Nevada City, Nevada County 2017

My family and I are residents and owners of an historic home, built in 1855, at the border of the Nevada City Sphere of Influence on Banner Mountain Trail. Just west of us on Banner Mt. Trail is the Nevada City water storage tank. East of us, farther out Banner Mt. Trail is the source of the water for Nevada City, Little Deer Creek "head waters". Little Deer Creek, runs through our property on its eastern border. We maintain a very protective attitude toward this "jewel", both for all the downstream users, human, animal and floral, and ourselves of course. Many of our neighbors are also very protective of this area, as we understand its significance to the City of Nevada City, as well as to the extensive downstream area of Nevada County, including Grass Valley, Alta Sierra, Lake of the Pines, Lake Wildwood, etc. Our specific concern is in fact that this area is so critical that any decrease in its borders would be devastating to the whole county. We would strongly suggest, rather than shrinking the sphere of City influence, that additional safeguards be planned for this area, specifically increasing the City's Sphere of Influence in this sector. The County of Nevada administration has plenty of their own issues to deal with and very often is just not capable of protecting this area. A recent example was the need for our private financial intervention into the poorly planned widening of Banner Mt. Trail. Another was the need for citizen intervention into the illegal trucking of toxic waste down Banner Mt. Trail from a proposed development site contiguous to the Little Deer Creek, "head waters", rather than trucking it along the approved route, Red Dog Road. That same development would have also included a very large, community septic system, threatening NID waters as well as Little Deer Creek. Decreasing the sphere of influence would put a large number of acres of surrounding land into the very risky and untenable position of trying to develop property which would try to use large community septic systems all of which would be draining toward Nevada City, where mandatory sewer systems would have been needed if under the city's influence. I would again strongly propose that the City Sphere of Influence be increased to include that threatened area, rather than decrease it.

Please excuse this premature draft, I am a novice e-mailer, I will continue and revise it and send it again later.

Abigail Givens
11650 Banner Mt. Trail
Nevada City, CA 95959

LAFCO Sphere of Influence Proposal-February, 2017

I have grave concerns regarding the proposal to reduce The Nevada City Sphere Of Influence by LAFCO. I actually support increasing the Nevada City SOI. My biggest concern is the lack of control over future development projects and the potential risk of high-density development projects being approved by the county. This risk presented by lack of Nevada City zoning control could impact the very character of Nevada City and its historical charm and ambiance. More critical is the potential property value damage to existing residential neighborhoods and local businesses if these proposed areas were to move to a higher density development.

Nevada City has been an excellent steward of the local environment including Deer Creek environs, Hirschman's pond, And Sugar Loaf Mountain. I served on the Nevada City Parks and Recreation Committee headed by Dawn Zydonis for about six years when these areas were preserved for habitat and gentle human recreation. I believe an excellent balance between development needs and preservation of our beautiful natural wonders has been achieved. Nevada City needs to continue to be vigilant and to control areas contiguous to our city boundaries.

I see no benefits to neighbors living in the areas proposed for removal of the Nevada SOI designation. I only see downsides. In addition, those of us living within Nevada City limits foresee the suburbanization of our adjoining neighborhoods. If this change occurs the impact is visible in towns such as Folsom, Roseville, or through out Orange County. The old, charming, historical towns are completely emasculated by suburban sprawl. This is not what we want for our beloved town of Nevada City. Preserve our beautiful heritage and historical charm. Defeat this proposal.

Norm & Jan Westmore

Mark Prestwich

From: Ellen Del Valle <ellendv@ncws.com>
Sent: Saturday, February 18, 2017 12:45 PM
To: Mark Prestwich
Subject: LAFCO Meeting February 23

Dear Mr. Prestwich,

Thank you for your informative letter of February 13 regarding the Nevada County LAFCo proposal to reduce Nevada City's sphere of influence. This move seems calculated not so much to ensure appropriate services to any future county residents, as suggested in yesterday's Union article, but rather to permit real estate developers to exploit Nevada City's desirability and cachet without having to address impacts to the town.

As you know, many of our residential streets were allowed to become commuter corridors for earlier developments outside the city limits. The volume of county traffic speeding through Nevada City to access Highway 49 every day is already intolerable from a noise and safety standpoint. Various attempts have been made to mitigate this impact by enforcing the 25 mph speed limit, but there is simply far too much traffic coming from outside the city which has no other means of reaching the highway. In addition to the ever-increasing car traffic we've experienced over the nearly 20 years my family has lived on Boulder Street, I've been appalled by the endless stream of loaded logging trucks and oversized construction vehicles allowed to travel on this narrow, hilly residential street. The county should not be finagling ways to allow more and more housing development. Instead it should be tasked to address our already dangerously inadequate roadway infrastructure and create new highway accesses outside of Nevada City.

Of greatest concern to me is the fact that Nevada City's streets are totally inadequate to handle a mass exodus in the event of forest fire. Last week's tremendous traffic gridlock in town and surrounding areas due to the highway 80 closures gave a glimpse of how potentially disastrous a forest fire evacuation would be in this area. Too much residential building has already been permitted in Nevada County with woefully inadequate traffic mitigations. I urge you to require Nevada County to solve this very dangerous infrastructure problem before considering any changes to our sphere of influence that would open the door to further development.

Yours sincerely,

Ellen del Valle
270 Boulder Street
Nevada City, CA 95959

Mark Prestwich

From: Jason White <jasonwhite@sierrametal.com>
Content: Saturday, February 18, 2017 11:19 AM
To: Mark Prestwich
Subject: City of Nevada City's SOI, LAFCO

I am the property owner of the following parcels near or in the city's present SOI: 35-420-42, 35-420-21, 37-070-07. I received notification from your office regarding the proposed changes to the city's SOI. The reduction in the city's SOI is welcomed by me, but I do not think it goes far enough. I do not believe the city should have any influence beyond its present boundaries. Many of the properties bordering the city, including mine, are larger parcels that are agricultural in nature. Laws and regulations appropriate for the city of Nevada City are totally inappropriate for such parcels.

Thank you for your time,

Jason White

Mark Prestwich

From: George Cutter <georgecutter@gmail.com>
Sent: Saturday, February 18, 2017 7:45 AM
To: LAFCO
Cc: Mark Prestwich
Subject: Sphere of Influence

I'm in support of keeping the Nevada City's sphere of influence on the HEW property and the Willow Valley area. Thank you

George Cutter
530-559-3603
georgecutter@gmail.com

Mark Prestwich

From: Catharine Bramkamp <bramkamp@yahoo.com>
nt: Friday, February 17, 2017 7:33 AM
o: Mark Prestwich
Subject: LAFCO Sphere of Influence

Hello Mark,

Thank you altering us to the LAFCO Discussion.

I cannot attend the meeting and so would like to give my opinion that we should not change the sphere of influence. Please put me in the column marked: :Maintain the current boundaries.

Thank you for your good work for Nevada City, I was raised here and own a home here and I appreciate your efforts to keep the town intact and viable.

Catharine Bramkamp
10607 Boulder St.
Nevada City.

Catharine Bramkamp
Chief Storytelling Officer | Podcaster | Author YourBookStartsHere.com

Mark Prestwich

From: Julie Bramkamp <jbramkamp@sbcglobal.net>
Sent: Friday, February 17, 2017 6:49 PM
To: Mark Prestwich
Subject: Letter

Dear Mr. Prestwich: I changed my address from PO Box 13 to 300 Boulder Street months ago. Somehow this is not general knowledge around City Hall. Please change your address list as forwarded mail like your letter about LAFCO just arrived today.

My husband was involved in formulating the General Plan. It is as valid today as it was then. I think the traffic flooding our town last Friday night would be warning enough that our streets cannot handle any more huge subdivisions with their multiple vehicles.

I oppose any reduction in Nevada City's sphere of influence.

Sincerely, Julie Bramkamp. 300 boulder Street. Nevada City, CA 95959

Sent from my iPad

Mark Prestwich

From: Debbie & Jim Luckinbill <djluckinbill@nccn.net>
nt: Friday, February 17, 2017 8:55 AM
ro: Mark Prestwich
Subject: 227 Sacramento Street

Dear Mr. Prestwich,

Both of us are opposed to removing/changing the boundary outside the City's limit and allowing LAFCO to take over control. We are lucky to have a City Council responsive to the plan of keeping our historic town environment small and surrounded by green belts. We are fully capable of controlling our sphere of interest without the supervision/governance of LAFCO.

Jim and Debbie Luckinbill
227 Sacramento Street

Mark Prestwich

From: Andrew Hutchins <ahutchins50@gmail.com>
Sent: Thursday, February 16, 2017 8:03 PM
To: Mark Prestwich
Subject: SOI - opposed

Dear Mark,

I own a home at 10607 Boulder Street, within the current SOI and ten doors from the current city limits at 300 Boulder Street. I am contacting you regarding LAFCO's proposed new SOI. Please add my name to the list of local residents opposed to the proposed new SOI boundaries.

Best regards,

Andrew

Mark Prestwich

From: Brian S. Jordan <bjordan440@gmail.com>
nt: Thursday, February 16, 2017 6:37 PM
To: Mark Prestwich
Subject: Re: NC Sphere of Influence Map (SOI)

Ok Thanks

And txs for the quick response.....you must be working late.

On Thu, Feb 16, 2017 at 6:34 PM, Mark Prestwich <Mark.Prestwich@nevadacityca.gov> wrote:

Hi Brian,

Yes, we will have one ready tomorrow. I received similar feedback from another person and will email you the map when it is available. We mailed letters to properties within the Sphere of Influence.

-Mark

Mark T. Prestwich

City Manager

City of Nevada City

From: Brian S. Jordan [mailto:bjordan440@gmail.com]
Sent: Thursday, February 16, 2017 6:33 PM
To: Mark Prestwich <Mark.Prestwich@nevadacityca.gov>
Subject: NC Sphere of Influence Map (SOI)

Hi Mark,

Do they have a better map that might help us identify our location? Maybe something with some streets on it?

Thanks

Mark Prestwich

From: Diane <virva@sbcglobal.net>
Sent: Thursday, February 16, 2017 1:35 PM
To: Mark Prestwich
Subject: RE: LAFCO's proposal

Dear Mr. Prestwich,

I am in receipt of the Feb 13th mailing to all residents informing us of the proposal by Nevada County LAFCO to reduce the City's sphere of influence.

I have been a resident of Nevada City since 2000 and have enjoyed living here and raising my children here. For many years I was employed by a local company who had to do attend meetings for the Planning Commission amongst other local meetings involving local issues. I believe in our small town it is very important to have the SOI to help manage the integrity of our beautiful area.

I am NOT in favor of removing properties from the City's SOI by the county. I will attempt to attend the workshop but I do want to pass on and speak up about my thoughts on this subject.

Thank you.

Diana Virva
virva@sbcglobal.net

Mark Prestwich

From: jeff peline.com <jeff@pelline.com>
nt: Wednesday, February 15, 2017 9:54 AM
o: Mark Prestwich
Cc: shannon@pelline.com; paulmatson@sbcglobal.net; reinettesenum@gmail.com
Subject: LAFCO proposal

Hi Mark,

As 11-year residents and homeowners of Nevada City we strongly oppose the reduction of Nevada City's sphere of influence boundary.

It is short-sighted public policy and will jeopardize the well-being and quality of life of our city. Ironically, the proposal will also harm the rest of the County, because Nevada City is a "beacon" that attracts would-be residents, businesses and visitors to the entire area, thanks to its unique and historic charm.

Nevada City is probably the most recognized asset in our western county. It brings the County national attention, the latest example being a Sunset magazine cover that featured Nevada City.

We also draw your attention to this editorial in the current issue of our magazine, titled "A Sense of Place." It reinforces what we are saying. The link is here: [http://digital.sierraculture.com/publication/?m=38224&l=1#{\"issue_id\":377033,\"page\":2}](http://digital.sierraculture.com/publication/?m=38224&l=1#{\)

Thanks,

Jeff and Shannon Peline

205 Clay Street

Nevada City, CA 95959

Mark Prestwich

From: scott swanton <scottjameswanton@gmail.com>
Sent: Thursday, January 26, 2017 11:12 AM
To: Mark Prestwich
Subject: Sphere of Influence

Dear Mark

I just want to chime in with most of the speakers at last night's council meeting: We would be crazy to cede control of our city's "sphere of influence" areas to the county - because we'd never get it back. Come on, why on earth would we put our city's future in someone else's hands? We must fight this at every step of the way.

Stand tall, Mark.

Sincerely, Scott Swanton

Mark Prestwich

From: Karen Schimke <karenschimke22@gmail.com>
nt: Wednesday, January 25, 2017 5:31 PM
o: Mark Prestwich
Subject: Lafco and keeping the HEW property under Nevada City's sphere of influence.

Nevada city council- please ask LAFCO to keep the HEW property and willow valley area in Nevada City's sphere of influence. I

live at 10642 willow valley (2 driveways down from that HEW building) and support staying under the protective Nevada City's sphere of influence. This will ensure that my concerns related to traffic impacts and low density zoning will be addressed.

Thank you for your consideration. Karen Schimke

Mark Prestwich

From: greg schimke <gregschimke@live.com>
Sent: Wednesday, January 25, 2017 5:10 PM
To: Mark Prestwich
Cc: karenschimke22@gmail.com
Subject: Lafco

As a resident of Willow Valley Road, I oppose the elimination of the western portion of Willow Valley Road and particularly the old HEW property from the cities sphere of influence. A lot of hard. work has gone into dealing with the developer and the city that mitigated most concerns from residents. It would be foolish to have to start over with the County in the future

Mark Prestwich

From: Augustine DelValle <delvalle@ncws.com>
Sent: Wednesday, January 25, 2017 12:43 PM
To: Mark Prestwich
Subject: LAFCO Leave Sphere of Influence AS IS

Dear Mr. Prestwich,

I live at 270 Boulder in Nevada City and I'm unable to attend the City Council meeting tonight. Regarding the LAFCO presentation scheduled for tonight I would like to urge the council to leave the City's sphere of influence AS IS. I believe this is important for the future of our town. Thank you very much for your time and cooperation in submitting this email opinion to the council for their consideration.

Gus del Valle
Phone: 530-478-1574

Mark Prestwich

From: Judy Crowe <jude27@sbcglobal.net>
Sent: Wednesday, January 25, 2017 12:33 PM
To: info@broadstreetinn.com; davidsparkyparker569@gmail.com; evansphelps@gmail.com; duanestrawser@gmail.com; reinettesenum@gmail.com; Mark Prestwich
Subject: agenda for tonight's meeting—possible change in Willow Valley area in Nevada City's Sphere of Influence

As a longtime Nevada City resident (40+ years), specifically in the Deer Creek to Willow Valley Road neighborhoods, I'm respectfully requesting that you ask LAFCO to keep the HEW property and the Willow Valley environs within Nevada City's Sphere of Influence.

Thank you for your attention to this v. important matter.

Judy Crowe
218 Nihell Street

Mark Prestwich

From: Nevada City Chamber <admin@nevadacitychamber.com>
Sent: Thursday, March 02, 2017 1:34 PM
To: Mark Prestwich
Subject: Lafco

To whom it may concern:

Our family has been in the same location for three generations. We want the sphere of influence left alone. We feel that the City is taking care of our City just fine!

Jim and Cindy Moon
342 American Hill Rd
Nevada City

Mark Prestwich

From: Elena Rayo <elenarayo@earthlink.net>
Sent: Wednesday, March 01, 2017 9:28 AM
To: Mark Prestwich
Subject: SOI letter

Dear Mr. Prestwich et alia,

We are writing to strongly protest the recommendation by LafCo to reduce Nevada City's sphere of influence. We were present at the workshop last week and listened to arguments on both sides. What we heard was absolutely NO compelling reason to reduce the sphere, and every reason to keep it or even expand the SOI.

It seems clear that a reduction would highly compromise the integrity and charm of Nevada City. The last thing that would be good for us is to Brunswick-ize or Auburnize our beautiful historical town. We feel that tourism, infrastructure, and the viability would suffer greatly to turn this area over to the county, which has not made the best decisions in the past as regards our best interests.

Please consider to not reduce the sphere. And feel free to forward or use this letter as you see fit.

Sincerely,

Saul and Elena Rayo

combined 50 years of residence in Nevada City

Mark Prestwich

From: Dr. Roger Hicks <dr.hicks@yubadocs.com>
nt: Tuesday, February 28, 2017 8:01 AM
To: Mark Prestwich
Subject: LAFCO SOI

Dear Mr. Prestwich,

I am a Nevada City homeowner on Park Avenue Extension, where I have lived for more than 25 years. My home is just outside of current city limits, and inside the Nevada City sphere of influence.

I oppose the proposal by LAFCO staff to reduce the City's sphere of influence. I believe that if enacted, this proposal will negatively impact the city as well as me personally. I believe the City of Nevada City, not Nevada County, should have primary control over what happens in our neighborhood. The city better understands the neighborhood, the city's infrastructure, and the impacts of development within the SOI.

Please register my opposition to the proposal, and do not hesitate to contact me if I can be of further assistance.

Thank you,

Roger Hicks, MD
Secretary, Urgent Care Association of America
Medical Director, Yubadocs Urgent Care
2090 Nevada City Highway
Mass Valley, CA 95945
Phone: 530.274.5020 Fax: 530.274.7679
www.yubadocs.com



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Mark Prestwich

From: Linda Rachmel <l.rachmel@gmail.com>
Sent: Tuesday, February 28, 2017 9:22 AM
To: Mark Prestwich
Subject: lafco proposal

Dear Mr Prestwich,

I am a nevada county resident and have lived here since 1979. my first home was in the city limits. For 30 plus years, I have lived in my current home which is a block out of the city limits.

I am opposed to the lafco proposal to reduce the city's sphere of influence. I think this would negatively impact the city as well as me and my property and its value.

Thanks,

Linda Rachmel
10443 Park Ave Ext
Nevada City, CA 95959

Mark Prestwich

From: maris sanford <sonfamily@live.com>
Sent: Monday, February 27, 2017 5:58 AM
To: Mark Prestwich
Subject: Nevada City Sphere of Influence

Dear Mark,

I apologize for not attending the Feb. 23rd workshop regarding shrinking the size of Nevada City's boundaries. It is important that residents of Nevada City join together to prevent encroachment by the County.

I am not in favor of reducing Nevada City's sphere of influence. The current plan gives Nevada City the control to determine the intangible but real essence of the town. There are very distinct reasons why people come to Nevada City. The tangible reasons are plentiful, but there are great art and food places elsewhere. It is for our small and separate real country township. It is for the exquisiteness of actually driving through forested trees before coming upon our town. Let parking complaints come and go and all the the other "think of things we could do" go by the wayside. There is value in what currently exists. Real value. Strong Value. Evident Value.

I applaud those who do not want to see expansion. Sometimes change is not for the better. I miss when we used to have horse carriages roam the city on the weekends, as part of its quiet gentleness and peace of the town. What is attractive about a Nevada City that is unable to distinguish between its rural township and the "sprawl"? I like Grass Valley but it is also a teacher to us of what we can expect to have around us if we do not hold firm to our General Plan. Yes, we are known to have difficult loops to jump through regarding building and other restrictions. Good. Those stringent and firm guidelines is what helps keep Nevada City so appealing.

I hope the residents of Nevada City all agree with protecting our community from the LAFCO. I am sure they are nice people but their agenda is not our agenda. If we give away our boundaries and think they will not encroach, then we are too easily fooled. They are already encroaching on us with their proposal!

So, this may only be my two cents worth, but hopefully it is added to a large fund of opinions to preserve our township, as is.

Respectfully,

Maris Sanford
103 Perseverance Mine Ct.
Nevada City, Ca. 95959

Mark Prestwich

From: George Landsburg <george.landsburg@gmail.com>
Sent: Friday, February 24, 2017 6:24 PM
To: Mark Prestwich
Subject: SOI

Mark,

You and the NC engineers acquitted themselves very well this past Thursday -- a logical, sound, and impressive defense. Thanks for your exemplary efforts. LAFCO [a redundant bureaucracy desperately trying to justify its existence?] had no rationale for its blatant assault on Nevada City which must be resoundingly rebuffed.

Perhaps the city should counter with a proposal sensibly expanding its Sphere of Influence.

If you need volunteer help of any sort I would be glad to participate.

Regards,

George Landsburg
511 Dean Alley
NC
530 906-1690

Mark Prestwich

From: George Landsburg <george.landsburg@gmail.com>
Sent: Friday, February 24, 2017 6:24 PM
To: Mark Prestwich
Subject: SOI

Mark,

You and the NC engineers acquitted themselves very well this past Thursday -- a logical, sound, and impressive defense. Thanks for your exemplary efforts. LAFCO [a redundant bureaucracy desperately trying to justify its existence?] had no rationale for its blatant assault on Nevada City which must be resoundingly rebuffed.

Perhaps the city should counter with a proposal sensibly expanding its Sphere of Influence.

If you need volunteer help of any sort I would be glad to participate.

Regards,

George Landsburg
511 Dean Alley
NC
530 906-1690

Mark Prestwich

From: Cycling 7000 <cycling7000@yahoo.com>
Sent: Friday, February 24, 2017 4:48 PM
To: Mark Prestwich
Cc: Brent Leever; Steven Castleberry
Subject: Nevada City SOI

Mark Prestwich
City Manager
Nevada City, CA

I am the owner of the property at 10514 Boulder Street, which is just outside the city limits, north side of the street before the Red Dog Y. I have owned that property since 1982 and my family has owned property in and about Nevada city since 1853. Our family's large cemetery plot is in Pine Grove Cemetery and goes back five generations.

Based on the information and map of the LAFCO proposal for SOI boundary reduction, it would appear that my property would stay in the SOI (long term), but the actual roadway of Boulder Street would be removed from Nevada City's SOI.

I strongly object to the removal of ANY portion of Boulder Street itself from Nevada City's SOI. What happens on that street significantly affects the residents of Nevada City. The City needs a direct say about that road itself. I believe the SOI should extend to the eastern side of the Pine Grove Cemetery (Park Street Extension), which would be the lower portion of Red Dog Road.

I also feel that the properties on both sides of Boulder Street, or properties accessed by roads off of Boulder Street (Pine View Heights, Boulder Street Extension, Park Street Extension) should also remain in Nevada City's SOI.

Please relay this letter to LAFCO. They are NOT acting in the interest of affected property owners with this proposed SOI reduction.

Thank you, and respectfully,

Noel Charonnat

--- The Secret of Life is Enjoying the Passage of Time ---

Mark Prestwich

From: Rick Street <rickstreet@gmail.com>
Sent: Thursday, February 23, 2017 9:50 AM
To: Mark Prestwich
Subject: The LAFCO Dance

TO: Mark Prestwich, Nevada City Manager

From: Rick and Mary Street

Greetings,

Regretfully, Mary and I are unable to attend this morning's public meeting / workshop at the Rood Center.

However, after reading several explanatory articles, received through the internet as well as your letter mail, we continue to have the same question relating to this change of status by LAFCO: WHY?

What or who's motives are driving this proposal by LAFCO to change the existing status quo?

Bias aside, we cannot judge the merits of such changes without knowing the reasons for initiating them. To our knowledge, LAFCO has not published any comments?

Thank you for listening,

Rick and Mary Street

[We have lived for almost thirty years in the Nevada City area: twenty-eight years off Cement Hill Rd., and one year within Nevada City.]

Mark Prestwich

From: Trina Hunner <trinahunner@yahoo.com>
Sent: Thursday, February 23, 2017 9:07 AM
To: Mark Prestwich
Cc: Richard Anderson
Subject: Opposed to LAFCO proposal

Dear Mr. Mark Prestwich,

I am opposed to the reduction of the Sphere of Influence proposed by LAFCO. The character and charm of Nevada City is what lead me to move and purchase a home in this town over a decade ago. I enjoy bringing out of town family and friends to our beautiful community several times per year. They enjoy the historic character of NC coupled with the availability and opportunity for outdoor recreation. I have several concerns that I would like to be addressed during the meeting on 9/23/17.

1) Would the reduction of the NC SOI lead to increased traffic and road safety issues? I am a bicycle commuter and rely on safe roadways to get to and from work. Increased traffic would be a threat to my ability to commute safely.

2) Will the proposed decrease in the SOI lead to degraded water resources in our community? Our community needs to be managing our resources responsibly and respectfully especially in a changing climate. We need to be proactive about using our resources effectively and plan development accordingly. This is not the time for relaxed restriction on our resources. I am concerned that if properties are annexed outside of the SOI of NC this could occur.

3) Has LAFCO considered alternative ways to encourage development within NC SOI by focusing on redevelopment of existing buildings that are not being used? I don't know if this is in their scope but if development is a priority could they consider how to make redevelopment of existing infrastructure more feasible for developers?

In sum Nevada City is a wonderful community and I hope the character and charm can be maintained by allowing the City to manage itself as it has done for several decades to the benefit of its residents and visitors.

Thank you,
Trina Hunner
21789 Scotts Flat Road, NC

Mark Prestwich

From: gregg schiffner <gandlfilm@sbcglobal.net>
nt: Thursday, February 23, 2017 8:48 AM
To: Mark Prestwich
Subject: LAFCO power grab

mark.prestwich@nevadacityca.gov

Dear Mr. Prestwich,
Thanks very much for your letter explaining the concept of the "Sphere of Influence" (SOI). After studying the issue, we realize how important SOI is to the well being of our community, almost as important as zoning ordinances in protecting our quality of life and the health of our fragile watershed.

Our little village thrives in a small basin where all roads and streams funnel into and through the City of Nevada City. The care and watchful eye of our elected city officials has been key to development decisions that evaluate and minimize potential impacts. We strongly urge the LAFCO to maintain the existing SOI, and allow for its expansion in the future.

We totally support your efforts, on behalf of the City Council, to educate your constituents; and we totally support the efforts of our city officials, elected and staff, to fight against this LAFCO power grab, and protect all the residents of the Nevada City basin.

Thanks for your good work!

Sincerely,
Gregg and Lin Schiffner
640 Zion Street
Nevada City, CA

From: John Hiscox johnhiscox@yahoo.com
Subject: Comments Regarding Proposed SOI
Changes for Nevada City

Date: Feb 21, 2017, 4:59:51 PM

To: mark.prestwich@nevadacity.ca.gov, John Hiscox johnhiscox@yahoo.com, Catherine Allen cathlaughing@gmail.com

RECEIVED
FEB 24 2017
CITY OF NEVADA CITY

Mr. Mark Prestwich
City Manager
Nevada City' CA.

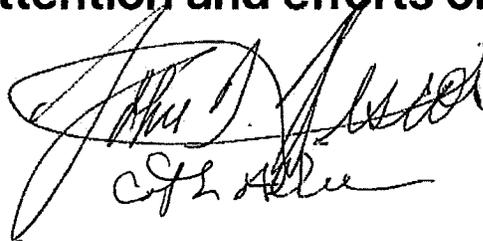
Mr. Prestwich:

Thank you for the opportunity to comment on your February 13, 2017 correspondence regarding proposed changes to the Nevada City SOI. My wife and I are residents of the downtown Nevada City area. We receive city water and sewer service, and our home is located on American Hill Road, a relatively busy street for this area. Having been born and raised in Nevada City (69 years past), I have been privy to observing many changes to our city and the surrounding areas. Many of the changes have been benign, others have been poorly planned and developed. There is no shortage of examples of poorly planned projects in Brunswick Basin, Pine Creek Center, and other Grass Valley neighborhoods. These past mistakes effect all of us on a daily basis: increased traffic, increased noise, parking difficulties, lack of neighborhood oriented services (grocers, gas stations

etc.). In general, I believe that Nevada City has done a much better job of planning and maintaining the community values we seek in Nevada City than have our city and county neighbors. I do not want Nevada County or the City of Grass Valley deciding the future of my hometown. Please consider both of us opposed to any changes in existing SOI guidelines for Nevada City.

Thank you for your attention and efforts on this matter.

John I. Hiscox
Catherine L. Allen
221 Drummond Street
Nevada City, CA. 95959



2/21/17

2/21/17

Phone (530) 265-2012
Email: johnhiscox@yahoo.com.

DOC: February 21, 2017

Sent from my iPad. John Hiscox.

Dear LAFCo commissioners and staff:

We understand why LAFCo is reviewing the Sphere of Influence boundary for Nevada City, and it's probably a good idea.

I went up in a glider (50 miles per hour), from Harmony Ridge to the Bear River, several times, a couple of years ago. The houses were equidistant from each other across the horizon, unmitigated sprawl. It did not look to me like anyone was doing any regional planning

But, as an architect that does housing and planning all over the country (and the world) and has been awarded the Human Habitat award by the United Nations in 2000, amongst many others. And as a citizen of Nevada City that cares a great deal for our town, I would like to make some suggestions.

1. That the Sphere of Influence (SOI) stay with Nevada City
2. Nevada City aggressively plan to annex adjacent properties either by:
 - a. Waiting for applications, which I don't recommend
 - b. Or better yet, by starting an amenable negotiation with key landowners nearby. "This will serve both of us", should be the first comment to the owner.
3. That Nevada City acquire additional planning staff, someone like Darin Dinsmore, a very strong planner, who I think all of you know and propose new zoning, smart growth, where housing is near jobs, walking distance to downtown, and able to, hopefully, provide a bus stop in the future. Even engage in some form-based zoning, which was so prevalent in Denmark the two years I worked there. Where municipalities hired very capable planners to make a three-dimensional suggestion of what would work for their town and region. This would serve the General Plan and buyers/builders would be encouraged to build to the form based zoning that the city/region prefers— less churn and less sprawl.

It is clear, that you are signaling that now is the time for Nevada City to engage in deliberate and positive town-making and it is clear to me and others that they are best suited to get this job done.

There are key sites that need to be annexed into Nevada City right away and developed in a way that serves the city and the region.

1. HEW Building: Housing near jobs, neighborhood center, on Nevada City sewer
The owner bought the 12 acres from the county for the low price of \$95,000. This is perfect housing, near jobs, walking distance to downtown and to a neighborhood store, which is very in keeping with historical Nevada City.
2. 20 acres owned by the county west of the Juvenile Hall. This was bought as a corporate yard. At 95% auto-oriented, this is the opposite of what should be located here when it could better be used for housing near jobs and near town, making it 30-40% pedestrian oriented.

3. And many other sites.

Thank you for paying attention to our town and region, and encouraging us to get even more proactive. And with your help, we, the citizens of Nevada City, are the most capable of moving smart town planning along. To make less auto-oriented neighborhoods would be our mutual goal.

I've spoken to hundreds of Nevada City citizens about this, all of them agree, and want to encourage more pedestrian-friendly child-friendly, elder-friendly and neighborly neighborhoods. This requires less sprawl.

I will be on a plane Thursday, the 23rd to Durham, North Carolina, where our firm is designing a new multi-family housing development like the one across the street from the Rood Center, so I won't be able to be there for the entire hearing and I thank you very much for the time. I apologize for that and value the opportunity to provide my input, I'll be there briefly tomorrow.

Charles Durrett
Architect, Planner and Citizen of Nevada City

Mark Prestwich

From: stuartmbaker@gmail.com
Sent: Thursday, February 23, 2017 8:22 AM
To: Deborah Gilcrest; Kate Duroux; SR Jones
Cc: Mark Prestwich; nevadawillowvalleyneighbors@hotmail.com
Subject: We oppose changes to the SOI

Honorable Commissioners,

We live at 14649 Harter Place. We are unable to make the LAFCO meeting today because of our work schedules. Our property butts up directly to the HEW site.

We are very concerned with the proposal to delete Nevada City's sphere of influence related to land use, which is been in place since 1983. We have a great deal of faith and trust in Nevada City's land use decisions, especially related the the HEW. We believe that moving these types of decisions to the county level would be detrimental to our quality-of-life and the peaceful environment we live in. We ask that you do not change what is successfully in place right now.

Please let me know if you have any further questions.

Sincerely,

Stuart Baker

Sent from my iPad

Mark Prestwich

From: Lindsay Yogi <lindsayyogi45@gmail.com>
Sent: Thursday, February 23, 2017 7:26 AM
To: Mark Prestwich
Subject: LACK

Please leave it as it is! NO on changing LAFCOI!

Sincerely,

Lindsay and Tomo Yogi
12525 Tesla Pl, Nevada City, CA 95959

Mark Prestwich

From: Theresa Thickens <t.thickens@gmail.com>
Sent: Thursday, February 23, 2017 7:25 AM
To: Mark Prestwich; mark.prestwich@nevadacity.ca.gov
Cc: Theresa Thickens, PsyD
Subject: Oppose LAFCO Proposal

Dear Mark Prestwich and Members of the City Council,

I am unable to attend today's meeting as planned, yet I wish to express my strong opposition to the LAFCO proposal via this correspondence. My husband and I own the beautiful property located at 128 Nevada Street. He, as a Fire Chief in Placer County, has worked closely with LAFCO on numerous emergency service matters, and I, as a professional involved in promoting critical county mental health services, understand the many negative implications (operational and monetary) associated with this proposal. If a motion is carried to accept this proposal as written, we must certainly rethink our plans to remain in Nevada City. Please include my strong opposition in the public comments during the *LAFCO SOI Workshop* today.

Thank you for your role in preserving the unique community of Nevada City - The Gem of Northern California.

Respectfully,

Theresa Thickens, Psy.D.

Chair, Placer County Mental Health, Alcohol, & Drug Board
Email: MHADB@placer.ca.gov

Clinical Psychologist #27640
Marriage & Family Therapist #51885
Email: t.thickens@gmail.com

Voicemail: (530) 567-5266

If you have a life threatening emergency call 911 for help. Thank you...

This is *Privileged and Confidential Electronic Mail* within the scope of the Electronic Communication Privacy Act, 18 USCA 2510, and may contain non-public, confidential and/or legally privileged information intended for the sole use of the designated recipient(s). If you received this email in error, any interception, use, copying, distribution or disclosure is prohibited. Please notify the sender of the error by reply e-mail and then delete this entire message, attachments, and prior emails contained in this message.

Mark Prestwich

From: Kathleen Hare <khare95959@gmail.com>
Sent: Thursday, February 23, 2017 4:42 AM
To: Mark Prestwich
Subject: Expanding the County Sphere of Influence

I live at 10700 Willow Valley Rd in Nevada County and am concerned that the Board of Supervisors LAFCO staff is seriously considering expanding its Sphere of Influence to include the area around the old HEW building, thus reducing the area of the Nevada City Sphere of Influence. We who live in this area do not think it is in the best interest of our neighborhood. We have worked to maintain the quality of this neighborhood area and want to keep it within the Nevada City SOL.

Thank you.

Kathleen Hare, RN, LCSW
10700 Willow Valley Rd,
Nevada City, CA 95959
530-559-5584

Mark Prestwich

From: Suzanne Hall <3zanadana3@gmail.com>
Sent: Wednesday, February 22, 2017 11:50 PM
To: Mark Prestwich
Subject: sphere of influence

Dear. Mr. Prestwich

I'm unable to attend the LAFCO SOI workshop but would like to offer my opinion as a 24-year Nevada City resident. I see no benefit to reducing the SOI except to developers. In short, I'm decidedly against reducing the SOI and seeing our local environment negatively by such an action.

Warmest regards,

Suzanne M. Hall
453 Sacramento St, Nevada City, CA 95959

Mark Prestwich

From: Jacquie Weills <yogaflowerlady2@gmail.com>
Sent: Wednesday, February 22, 2017 10:52 PM
To: Mark Prestwich
Subject: SOF

Dear LAFCo Commissioners,

I live in Nevada City's Sphere of Influence and I believe they have done a responsible job in growing carefully. From my perspective, they have been good neighbors and deserve to have the Sphere of Influence remain as it is today.

Thank you,
Jacquie Weills
10108 Robinson King Road
NC, 95959

Mark Prestwich

From: Nikos Hunner <nikos360@yahoo.com>
Sent: Wednesday, February 22, 2017 7:16 PM
To: Richard Anderson; Mark Prestwich
Cc: Trina Hunner
Subject: I am opposed to LAFCO proposal

Dear Mark and Richard,

I am opposed to the reduction as proposed by LAFCO. Many of the reduced area has the potential to be served by the Nevada City Wastewater Treatment plant. Please analyze the potential impacts of failing septic systems. I have spoken with many people this winter who live on poorly drained clay soils and are experiencing backed up septic systems. Several of these residents are in the areas that would be reduced. I am concerned regarding the impacts to water quality from these failing systems.

I moved to Nevada City 10 years ago because of the landscape that has resulted from the 1983 sphere of influence. I enjoy the open space and feel of the area. I would consider moving to a more remote area if Nevada City changed for the worse. I am an avid bicyclist and roads are already very busy. A reduced sphere of influence would not improve this.

I have spent time in comparable cities such as Jackson and Carmel. I would not choose to live in those areas because they feel way too crowded and it seems there was no consideration given to planning and development. I fear this would happen with a reduced sphere of influence.

Climate change is clearly resulting in more severe drought and floods. What will be the impacts from more impervious surfaces? What will be the impacts from more demands on our water?

I would appreciate more analysis regarding what potential developments could occur and what has happened outside the sphere of influence in comparable cities. Who benefits from a reduced sphere of influence. I thought Foresthill was a nice, little town, until a Dollar Store popped up next to the high school. As a citizen, I felt like I had no voice to the 3 new proposed dollar stores in Grass Valley. Is this a valid concern with a reduced sphere of influence? If so, how do Dollar stores impact the local economy?

Thank you for your time, I hope you realize the true benefit of the 1983 sphere of influence and maintain it,

Nikos Hunner
21789 Scotts Flat rd

Mark Prestwich

From: Charles Staetz <castaetz@gmail.com>
Sent: Wednesday, February 22, 2017 4:58 PM
To: Mark Prestwich
Subject: Change in Nevada City Sphere of Influence

Hi Mark,

I certainly plan to attend the meeting tomorrow at which a reduction in the Sphere of Influence will be discussed. I am the president of the Friends of Banner Mountain (FBM). The original organization was known as the Banner Mountain Homeowners Association (BMHA). It was founded in 1984 and was recently reorganized as a non-profit 501(c)(3) organization to become the FBM.

FBM is a community organization that works to preserve and improve life on Banner Mountain. There are approximately 400 active member and 200 - 300 folks who receive the FBM Newsletters.

We are definitely interested in the welfare of Banner Mountain and the surrounding area. The proposed reduction of the Sphere of Influence of Nevada City has the interest of many of our members.

At the present time we see no compelling reason to the change the current status of the Sphere of Influence.

Charles Staetz
President, Friends of Banner Mountain
530-798-6510

Mark Prestwich

From: John M. Daly <johndaly24@gmail.com>
Sent: Thursday, February 23, 2017 5:53 PM
To: Mark Prestwich
Subject: LAFCO

Dear Mark,

I was not able to attend the meeting this morning due to other appointments. I hope there will be more. This is too important a subject.

I have worked for Coldwell Banker Grass Roots Realty for 35 years, since 1981, as a Realtor. Obviously, I have see a lot of change. One of the things I am most proud of is that we have consciously maintained the Integrity and Historical value of Nevada City. I think we need to continue this fight.

The LAFCO proposition will take all control of the area around us out of our hands. We will see developments like the proposed one at the new Dorsey Drive Overpass. I think it is paramount that we do not let the Sphere of Influence of Nevada City be diminished by even one sq foot.

Thank you for your time and please keep me informed.

Sincerely,

John Daly

John Daly - CRS

2007 CRS Agent of the Year for Northern CA
Coldwell Banker Grass Roots Realty
855 Sutton Way, Grass Valley, CA 95945
530-273-8097 DIRECT
530-277-9151 CELL
CA DRE# 00807373

Mark Prestwich

From: Kim Koons <kimk114@gmail.com>
Sent: Thursday, February 23, 2017 8:37 PM
To: Mark Prestwich
Subject: LAFCO sphere of influence recommendations

Dear Nevada City Council and City Manager,

My name is Kimberly A Koons and I live at 501 Brock Road in Nevada City, California.

After reading about LAFCO's proposed changes to Nevada City's Sphere of Influence, I am absolutely opposed to changing the existing SOI boundaries. The existing SOI boundary represent careful planning years ago about the kind of growth we want and where we want it to be located with respect to water quality, drainage and runoff, fire protection, roads, wild life corridors, walking trails as well as scenic beauty all around us. This plan will become even more important as people continue to relocate to Nevada City to retire, raise a family or for employment relocation. The population will grow in Nevada County, so well thought out planned growth is essential.

Please do everything in your power to reject the new proposed Nevada City SOI boundaries. The quality of life here in Nevada City is wonderful and critical to our future including our property values.

Sincerely,
Kimberly A Koons

Mark Prestwich

From: Diane Robertson <dianerob43@gmail.com>
Sent: Thursday, February 23, 2017 2:48 PM
To: Mark Prestwich
Subject: Sphere of Influence

Dear Mr. Prestwich and members of the city council,

Though I do not live within the city limits, I am very much concerned about the sphere of influence for Nevada City.

It is my zip code, my phone number, my public library, the roads I travel and the businesses I patronize. It is where my children went to school and where I taught for twenty years.

What surrounds Nevada City is every bit as important as what is within it, both for visitors and for local citizens. While I don't always agree with decisions made by our city council, I believe that its members take to heart their responsibilities and value the quality of life in our community. I don't necessarily trust decisions made by a distant, faceless, likely indifferent group of people.

We need to keep the current SOI boundaries.

Sincerely,

Diane S. Robertson
10817 Cement Hill Road
Nevada City, CA 95959

(530) 265-2995

Mark Prestwich

From: Kim Koons <kimk114@gmail.com>
nt: Thursday, February 23, 2017 8:37 PM
To: Mark Prestwich
Subject: LAFCO sphere of influence recommendations

Dear Nevada City Council and City Manager,

My name is Kimberly A Koons and I live at 501 Brock Road in Nevada City, California.

After reading about LAFCO's proposed changes to Nevada City's Sphere of Influence, I am absolutely opposed to changing the existing SOI boundaries. The existing SOI boundary represent careful planning years ago about the kind of growth we want and where we want it to be located with respect to water quality, drainage and runoff, fire protection, roads, wild life corridors, walking trails as well as scenic beauty all around us. This plan will become even more important as people continue to relocate to Nevada City to retire, raise a family or for employment relocation. The population will grow in Nevada County, so well thought out planned growth is essential.

Please do everything in your power to reject the new proposed Nevada City SOI boundaries. The quality of life here in Nevada City is wonderful and critical to our future including our property values.

Sincerely,
Kimberly A Koons

Mark Prestwich

From: Judith Lancaster <judithlancaster777@gmail.com>
Sent: Thursday, February 23, 2017 2:27 PM
To: Mark Prestwich
Subject: LAFCO

Mark:

Thank you for your letter concerning the LAFCO meeting today - it was a bit short notice for me to attend, so I am emailing.

I am disconcerted that, apparently, the County feels free to propose what seem to be considerable changes to our city's SOI. I see this as meddling in our affairs, and my major concern is that development such as "big box stores" which would change the character of this community would take place - and I strongly oppose such changes.

I am sure we will receive updates about today's meeting, and deadlines for any decisions.

Regards:
Judith Lancaster
Jordan St homeowner

Mark Prestwich

From: julie langston <julie_langston@hotmail.com>
Date: Thursday, February 23, 2017 1:59 PM
To: Mark Prestwich
Subject: View Shed, Water Shed

Follow Up Flag: Follow up
Flag Status: Flagged

Hello, Mark.

It was good to meet you just now and be able to thank you for the great presentation you and your people at the city gave to LAFCo and Nevada City residents. I learned so much about our area this morning.

Talk of the Robinson "finger" was especially interesting for me since I live nearby (in Area 5 on one of your projected maps that Amy referred to in her talk). In fact, my property (Parcel 31-210-21) runs right down the city line it shares with the NCSoS property at 112 NC Hwy. Can I petition to have my property at 10293 Ridge Road annexed into Nevada City?

As for the noisy CNG mobile unit, Robinson Enterprises, Inc. doesn't own, operate or even use it. It belongs to Waste Management, and it operates mostly at night, as it always has.

and Amy talked about the importance and value of Nevada City's View Shed today in your presentations. We have a lovely view from our house, and it is a great pleasure to us. It has always seemed a shame, however, that the first thing one sees on the way into Nevada City is the Robinson mess. It shrinks and swells, but rows of RVs sometimes line the fence, and it is a boneyard of hundreds of heavy equipment vehicles that fire up at 3:30 a. m. some days, according to my neighbors in the houses along NC Hwy (107-143 NC Hwy). Just a thought about View Shed...

Thank you for your hard work.

Julie Langston
530-559-0761

From: Mark Prestwich <Mark.Prestwich@nevadacityca.gov>
Sent: Monday, November 9, 2015 9:30 AM
To: julie langston
Subject: RE: Robinson Enterprises

Hi Julie,

The City's Engineer reviewed the plans, visited the Robinson facility and walked nearby your home in the evening. The plans were approved approximately 5 years ago and it does not appear the City has received any noise complaints until yours. The sound appears to be detectable but within acceptable decibel levels. The complaint about sound was transmitted to Robinson so it's possible they have made some modifications.

Mark Prestwich

From: Eric Little <eclittle@earthlink.net>
Sent: Thursday, February 23, 2017 1:17 PM
To: Mark Prestwich
Subject: Keep Nevada City SOI

Mark,

I am a Nevada City homeowner at 322 Nile Street.

I disagree with any proposal that would reduce Nevada City's sphere of influence. I regret being unable to attend the workshop today. However, I support all action taken to resist any change in the current status.

Best,

Eric Little.

Thank you for your comments, Mr. Barcus and Ms. Biaggi. I have forwarded them to the LAFCo Commission members.

SR Jones

From: Tom Barcus [mailto:chantom10@sbcglobal.net]
Sent: Wednesday, February 15, 2017 9:24 AM
To: LAFCO <LAFCO@co.nevada.ca.us>
Cc: Mark Prestwich <Mark.Prestwich@nevadacityca.gov>;
nevadawillowvalleyneighbors@hotmail.com
Subject: Land Use Protections for Willow Valley Road

We have been informed by our Nevada Street/Willow Valley Neighbors Steering Committee that LAFCO might reduce Nevada City's Sphere of Influence near the HEW property. This is of huge importance to my wife and I because we live only half a block from the HEW property. The last thing we want to see is a big development on the HEW property as it would ruin the whole reason we bought a house near Nevada City. We like the country feel of the neighborhood and a large development on the property would greatly increase traffic and all it's associated problems. So we implore you, do not reduce Nevada City's Sphere of Influence to this area and ruin our neighborhood.

Sincerely,

Tom Barcus and Chantelle Biaggi
10322 Willow Valley Road
(530) 306-4528

Mark Prestwich

From: Elia, Shari <shari.elia@sap.com>
Sent: Friday, February 24, 2017 11:21 AM
To: Mark Prestwich
Subject: NC SOI comments

Hello, Mark, I received your mail inviting us to comment on the proposed LAFCO changes. I'm sorry we missed yesterday's workshop, as we were out of town. I do appreciate, though, the chance to offer up my views. My husband and I are strongly opposed to any proposed changes to reduce the SOI. We are recent newcomers to Nevada City, and purchased a home on Airport Road in October. While we currently have our own well and septic, one of the big selling points in our eyes is the ability to connect to City water and sewer in the future in the event our well or septic fails. We also highly value the proximity to city Fire and other services.

But more than that, we appreciate the sense of historic, wooded community in a beautiful, serene and pastoral setting. We will strongly oppose anything that threatens the current quality of life or may degrade property values through zoning changes or unrestrained growth.

Nevada City is a wonderful and unique small town – let's keep it that way!

Are there other ways I can help fight this proposed change?

Thank you
Shari and Pietro Elia
408.569.5153

Mark Prestwich

From: sue haddon <haddonsue@gmail.com>
Sent: Wednesday, February 22, 2017 10:18 AM
To: Mark Prestwich
Subject: LAFCO proposal

Mark, I own my home on Boulder Street and have lived here for 35 years. I think that Nevada City is a unique place and I would not want LAFCO to change boundaries and zoning. In order to keep the beauty and small community, I feel that we have to be careful about development. It can ruin what we have. I can't make the meeting on Thursday because I work, but please let me know if there is anything else I can do to stop this from happening. Sincerely, Sue Haddon

Mark Prestwich

From: Claudelle Moe <cmoe51087@gmail.com>
Sent: Wednesday, February 22, 2017 10:00 AM
To: Mark Prestwich
Subject: Sphere of Influence - Nevada City

Dear Mark,

We own 5 properties in Nevada City and would like to see the current sphere of influence remain the same.

We can not see any advantage to the proposed reductions.

Sincerely,

Anita C. Moe
Stephen Moe

Parcels:

05-510-06-000

05-510-07-000

05-530-06-000

05-530-10-000

05-530-11-000

Mark Prestwich

From: Brant Wenegrat <brant.wenegrat@yahoo.com>
nt: Wednesday, February 22, 2017 3:03 PM
To: Mark Prestwich
Subject: Changes to SOI

Dear Mr. Prestwich,

I am a resident of Nevada City. I am writing to urge you and other city officials to resist the LAFCO proposal reducing the City's SOI, even if doing so requires recourse to litigation. I think it a certainty that reducing the current SOI will lead sooner or later to significant development damaging to our environment and destructive of our unique ambience. I think the City should fight to maintain control of its destiny.

Yours truly,

Brant Wenegrat

646 East Broad Street

Nevada City, CA

Sent from my iPad

RECEIVED

FEB 23 2017

City of Nevada City
Attn: Mark Prestwich, City Manager
317 Broad Street
Nevada City, CA 95959

CITY OF NEVADA CITY

February 19, 2017

Dear Mr. Prestwich,

Our family concurs with your efforts to expand, or at the very least maintain, Nevada City's sphere of influence. We believe our quality of life and property values will best be sustained by the cautious and careful planning driven by our city's government. Please vigorously push to expand the SOI and resist all incursions into our space by the county, Grass Valley, and LAFCO.

Nevada City's "essence" should be expanded thoughtfully into adjacent acreage. Nevada City is not and will never be "sprawling" but can grow into an expanded SOI with complementary, measured development with substantial preservation of open space.

We also own property in the county, where we see sloppy, seemingly code-less and uncontrolled environmentally destructive "development" occurring all around us. In my opinion, LAFCO, the County, and GV are in fact proponents and facilitators of the very urban sprawl they decry. Our city must buffer against such travesties as Grass Valley's 'Pineless Creek' and multiple 'Mobile Home Communities' anywhere near our hopefully expanded SOI.

We recognize the costs of expanding the city's service zones may come at a time when our existing infrastructure also needs attention, and that such costs may not always be in balance with city revenues. We for one would support additional taxes as a worthy investment in our future, should that prove necessary.

Regards,



George Landsburg
511 Dean Alley, N.C.
george.landsburg@gmail.com

RECEIVED

MAR 01 2017

CITY OF NEVADA CITY

March 1, 2017

NEVADA CITY OFFICIALS

Evans Phelps
Bryan McAlister
Amy Wolfson
Hal DeGraw
Bill Falconi

Duane Strawser
David Parker
Reinette Senium
Valerie Moberg
Mark Prestwich

I was extremely impressed with how well prepared the staff of Nevada City was last Thursday at the LAFCo public hearing, and how compelling their arguments were. Mark Prestwich (city manager), Amy Wolfson (head of planning), Bryan McAlister (city engineer), and Bill Falconi ("assistant city engineer") together knocked it out of the park.

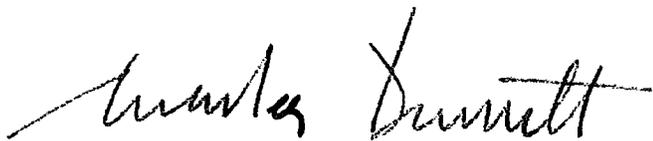
Thanks for preserving Nevada City's influence over it's sphere.

They may not want to give the city a chance to present anything at the next hearing, but I would petition and insist that there is new information. I'd say that plans are underway to annex new sites and how and when, otherwise you may lose momentum.

The energy was perfect for a 5-0 at that time, (last Thursday), but because they continued it I think that you have to address at least one of their major concerns.

Please see the attached email from Ben Aguilar, LAFCo alternate and Grass Valley City councilman. I've received numerous emails from him.

Sincerely,



Charles Durrett
Principal Architect

2-25-19

BRIDGEPORT BARN & BRIDGE
South Yuba River State Park; Nevada County, CA
Longest single span wood arch bridge, built 1862
artist mlm meakin

[Handwritten notes, mostly illegible]

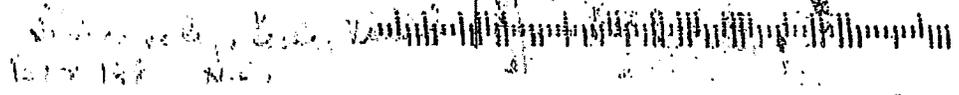
RECEIVED

MAR 08 2017



CITY OF NEVADA CITY

CITY of NEVADA CITY
ATTN. MARK PRESTWICH
317 BROAD ST.
NEVADA CITY, CA
95959



CITY OF NEVADA CITY
RE: LAFLO'S 501 PROPOSAL

3.1.17

DEAR CITY,

I AM VERY FAMILIAR WITH BOTH THE CITY AND THE COUNTY IN TERMS OF AUTHORITY OVER THE EXISTING BOUNDARIES OF THE SPHERE OF INFLUENCE AND THE RAMIFICATIONS IN FUTURE PLANNING.

○ NEVADA COUNTY LAFLO'S PROPOSAL IS A TERRIBLE IDEA - PERIOD! YOUR CITY WOULD BE SADDLED WITH THE WHIMS OF THE COUNTY, ITS GREED FOR TAX REVENUE, CARELESS PLANNING AND LEAVING YOU TO TAKE CARE OF THE MESS. RESIST THEIR EFFORTS AT ALL COSTS, THERE'S NO GOING BACK!

WILLIAM & COLLEEN KEENE 307 SPRING ST., N.

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

AUGUST 12, 2020

TITLE: Recommended Application of a City-Sponsored Annexation of Approximately 35.2 Acres (Including 16.3 Acres of Public Right-of-Way Area), at Three Distinct Areas Within the City Sphere of Influence; Recommended Pre-Zoning of the Annexation Territory and Recommended General Plan Amendment For One 1.5 Acre Parcel to Accommodate the Existing Commercial Child Care Use of the Property

RECOMMENDED ACTION:

1. Approve Resolution 2020-XX (attachment 4) authorizing staff to file a Notice of Exemption for the pre-zoning and annexation of the 35.2 acres being considered for annexation.
2. Authorize the first reading of Ordinance 2020-XX (attachment 5) relating to the General Plan Amendment and pre-zoning of the 35.2 acres of Nevada County territory to be annexed into the City of Nevada City.
3. Approve Resolution 2020-XX, initiating an annexation application with LAFCo for all that territory delineated in the map known as Annexation #56 (Exhibit B of Resolution).

CONTACT: Amy Wolfson, City Planner
Bryan McAlister, City Engineer

BACKGROUND / DISCUSSION:

On August 28, 2019, the City Council approved a Resolution of Intent (Resolution 2019-53) to proceed with the process of pre-zoning the above properties to accompany an annexation request that the City will ultimately file with the Nevada County Local Area Formation Commission (LAFCo). One additional property is being added to the current annexation proposal at that property owner's request. The following table provides the reasons the following properties are desirable for annexation within city limits:

- **Area A (3.73 acre area along Gold Flat Road)**
 - 10709 Gold Flat Road (037-050-035), property owner on record: DUNN J LINDA TRSTE
 - 10681 Gold Flat Road (037-060-006), property owner on record: WALKER CLYDE E ETAL
 - 10643 Gold Flat Road (037-060-075), property owner on record: BEARDSLEY WILLIAM G ETAL
 - 10613 Gold Flat Road (037-060-009), property owner on record: BARBER AMY J TRSTE ETAL

- 10597 Gold Flat Road (037-060-010), property owner on record: ANGELINI FRED & ANNE C TRSTES
- 10549 Gold Flat Road (037-060-011), property owner on record: 2018 ANGELINI IRREVOCABLE TRUST
- **Area B (27.64 acres at Gold Flat Road and State Highway 49)**
 - 10310 Granholm Lane (037-230-037), property owner on record: STATE OF CALIFORNIA
 - 10266 Granholm Lane (035-230-036) property owner on record: STATE OF CALIFORNIA
 - 10057 Gold Flat Road (035-230-035), property owner on record: STATE OF CALIFORNIA, DIVISION OF HIGHWAYS-MAINTENANCE
 - 10114 Granholm Lane (035-230-033), property owner on record: APPLGATE E MARK TRSTE
- **Area C (3.83 acres along Bourbon Hill Road)**
 - 11667 Bourbon Hill Road (036-301-036), property owner on record: THOMPSON WENDY J TRSTE ETAL
 - 11629 Bourbon Hill Road (036-301-067), property owner on record: CHRISTINE & KENNETH KRUGLER LIVING TRUST
 - 11615 Bourbon Hill Road (036-301-068), property owner on record: DUNBAR BRION L & ALICE T TRSTES
 - 11577 Bourbon Hill Road (036-301-038), property owner on record: DUNBAR BRION L & ALICE T TRSTES
 - 11595 Bourbon Hill Road (036-301-039), property owner on record: EBERHART ALLAN R TRSTE & SWEETSER ALISON R TRSTE
 - 11567 and 11569 Bourbon Hill Road (036-301-040), property owner on record: TOBEY VICKIE TRSTE
 - 11693 Bourbon Hill Road (036-301-035), property owner on record: DENNIS JULIE A

Prior to annexation, the City is required to pre-zone the territory to be annexed in a manner that is consistent with the City's General Plan. At their July 16, 2020 meeting the Planning Commission made a recommendation to the City Council to approve the annexation and the proposed pre-zoning as provided in your staff report (attachment 5).

PRE-ZONING PROPOSAL: The present General Plan Land Use designations were adopted by City Council in March 1986 as part of the General Plan update, which included adoption of an Environmental Impact Report (EIR). The General Plan Update included those properties outside City limits but within the potential annexation area, known as the Sphere of Influence (SOI). The City's General Plan Designations are intended to provide a general framework for the land use type the City prefers in a given area. With existing

land uses and General Plan designations in mind, staff is recommending pre-zoning, and a General Plan amendment for one parcel for the subject properties as provided below (see attachment 3 for City zoning descriptions):

<i>Property</i>	City GP Designation *	Current Use	Pre-zoning Recommendation*	GP Amendment Recommendation (where applicable)*	Acres
Area A	10709 Gold Flat Road	E	Single-family dwelling	RR-AN	0.63
	10681 Gold Flat Road:	E	Single-family dwelling	RR-AN	0.75
	10643 Gold Flat Road	E	Single-family dwelling	RR-AN	0.67
	10613 Gold Flat Road	E	Vacant	RR-AN	0.16
	10597 Gold Flat	E	Single-family dwelling	RR-AN	0.43
	10549 Gold Flat Road	E	Single-family dwelling	RR-AN	0.89
Area B	10310 Granholm Lane	SF	Vacant (State-owned)	P-PD-AN	0.71
	10266 Granholm Lane	P	Vacant (State-owned)	P-PD-AN	1.10
	10057 Gold Flat Road	P	Caltrans Maintenance Yard	P-SC-AN	8.03
	10114 Granholm Lane	SF	Commercial Child Care Facility	LI-SC-AN	Light Industrial (LI) 1.5
Area C	11667 Bourbon Hill Rd	E	Single-family dwelling	RR-AN	0.5
	11629 Bourbon Hill Rd	E	Single-family dwelling	RR-AN	0.45
	11615 Bourbon Hill Rd	E	Single-family dwelling	RR-AN	0.83
	11577 Bourbon Hill Rd	E	Single-family dwelling	RR-AN	0.43

11595 Bourbon Hill Rd	E	Single-family dwelling	RR-AN		0.77
11567/11569 Bourbon Hill Rd	E	Single-family dwelling	RR-AN		0.65
11693 Bourbon Hill Rd	E	Single-family dwelling	RR-AN		0.43

* GP Land Use Designations: Service Commercial (SC), Single Family (SF), Estate (EST), Public (P), Employment Center (EC)

** Base Districts: Light Industrial (LI), Rural Residential (RR), Public (P); Combining Districts: Panned Development (PD), Scenic Corridor (SC)

Any city zoning designation must be compatible with the policies outlined for its respective General Plan Land Use Designation. However, some of the subject properties are already at a size that is smaller than the General Plan Designation and corresponding pre-zoning designations. A non-conforming size will not have any effect on legal uses, though it may have the effect of creating a structure that is non-conforming in terms of setbacks due to the existing development and small size of the parcels, but it is likely that these non-conforming issues exist under the current County designations.

GENERAL PLAN AMENDMENT: One parcel in Area B is developed with a child care facility, a use that is currently incompatible with the City’s Single-Family (SF) General Plan designation. There are three base designations that allow such a use with a Conditional Use Permit LI, OP, and LB. Based on the surrounding uses, the planning commission recommended the LI designation to be the most compatible for the area. It should be noted that State law limits the City’s consideration of requested general plan amendments to four times each year. Staff knows of only one other amendment on the horizon (Safety Element update), but adoption of that amendment is more likely to occur in the 2021 calendar year.

LAND USE CONSIDERATIONS:

Application of base zones: In making its pre-zone recommendations, staff has considered the City’s guiding General Plan Land Use Designation for which an EIR was prepared in 1986. That EIR certified the existing land use classifications as being appropriate for meeting the objectives of the City in terms of growth and land use patterns and for which the City has reaffirmed through subsequent General Plan updates. Note that public notices indicated that most of the properties being recommended for RR zoning had been initially contemplated for Single-Family Residential (R1). However, it became apparent that this would mean several of the annexed properties would have further development potential, a circumstance that would have made the annexation project ineligible for exemption pursuant to the California Environmental Quality Act. The

current pre-zoning recommendation considers the existing land use of a particular site, also included in the above table, as well as the development potential. All of the recommended City pre-zones are consistent with existing City General Plan designations.

Application of Combining Districts: The SC Combining District has been applied to any parcel that is located within 300-feet of a designated scenic highway. The Planned Development District has been applied to the two State-owned properties at the Gold Flat Road/ Granholm Lane intersection whereby a ravine creates a heavy tree canopy and steep slopes. The PD district is generally applied to those properties that had significant resource value or topographic interest and where clustering and open space preservation will be encouraged in any development proposal. The AN (Annexation) combining district has been recommended for all of the proposed annexed territory and identifies those lands which are affected by ordinances requiring payment of development fees or other mitigation measures, so that such fees or conditions may be required at the time of site plan, conditional use permit, or land division approval. (See Combining District descriptions in Attachment 3)

CAPACITY TO SERVE CONSIDERATIONS:

Wastewater (Sewer) Treatment Facility: Nevada City owns and operates a tertiary wastewater treatment facility designed with capacity to accommodate properties in the current SOI. The Plant has a capacity of 0.69 million gallons per day (mgd). Current average dry weather flow ranges from 0.38 to 0.47 mgd, indicating the facility has the capacity to serve the entire SOI. The facility's design capacity and City's subsequent significant capital investments over time were made because the facility anticipated serving all parcels within the current SOI boundary (the City has invested approximately \$6 million in improvements since 2006/07 alone). A significant determination in developing the current SOI was the fact that sewage from the SOI parcels would flow by gravity to the City's wastewater facility. Sewer mains currently are at the City limits against the SOI.

Fire Service: For more than a decade, the City of Nevada City, City of Grass Valley and the Nevada County Consolidated Fire District (NCCFD), have operated under a Joint Operational Area (JOA) master agreement to provide reciprocal fire protection and emergency medical response services. Nevada City's Fire Station 54 serves as one of seven JOA fire stations. The station was constructed, maintained and is staffed by six City of Nevada City funded professional firefighters and three interns, allowing the City to provide three firefighters per shift. The station performs approximately 1,000 calls for service annually, approximately 50% of which are provided on behalf of Grass Valley and NCCFD territory. While Nevada City represents approximately 8% of the JOA population, Station 54 represents 14% of the available JOA Fire Stations and contributes more dollars per capita than each of the other two agencies toward fire protection services.

The City's commitment to quality fire protection and emergency response services is underscored by the community's recent 82% support for a 3/8 cent special sales tax to fund three firefighter positions (incidentally, this measure also provided sustainable funding to augment sworn City Police Department staffing by 10%). Pursuant to the JOA response standards, the closest available fire apparatus/resource will respond to calls for services. Response protocols often require multiple engine response depending on the type of service call and it is common to see two or three of the agencies responding to service calls of this nature. As a testament to the effectiveness of the reciprocal Master Services agreement, the Insurance Service Office (ISO) recently improved the Public Protection Classification ranking of the City's fire suppression ranking from 5 to 3, which has the potential to lower insurance premiums for Nevada City residents. SOI properties annexed into the City are no longer required to pay the \$117.33 State Fire Fee.

Police Services: The City's Police Department includes a sworn staff of 10 officers, which will increase to 11 after April 2017 when Measure C takes effect. This will change the City's ratio of full-time officers per 1,000 residents from 3.1 to 3.4 which is approximately 30% higher than the 2.2 average ratio reported by the U.S. Bureau of Justice Statistics (BJS) for cities with a service population of 2,500 to 9,999. A corps of seven Reserve Officers and three civilian staff that assist with records management, evidence management and community service activities supplements the Police Department's sworn staff. In 2014, the City re-established its canine program (previously retired in 1999) to assist with suspect detection/apprehension and narcotics detection. This "force multiplier" adds to the City's ability to provide high quality law enforcement services to the City and the proposed annexed SOI properties.

In order to plan for containing the cost of municipal services, particularly Police and Fire, the City has established a pension reserve fund to address anticipated increases in pension costs due to California Public Employees Retirement System (CalPERS) investment losses and reductions in the CalPERS discount rate. Furthermore, the City has the most cost-effective (e.g. lowest) public safety pension formula available for "Classic Members" within Nevada County in order to assist the City in containing costs. It's also notable that one-half of the City's firefighters are already subject to the more cost-effective Public Employee Pension Reform Act (PEPRA) as well as 30% of the City's Police Officers. A 2016 compensation survey confirmed that City positions are at or below market, which helps contain City expenses. Additionally, with the support of Measure L, a five-year 3/8 General Tax adopted in 2012, the City has been able to utilize approximately \$432,000 annually for one-time City needs and to grow its reserve accounts to optimal levels. The City's financial position continues to improve and the addition of a 70-unit campground and short-term home rental ordinance in 2016 promises to substantially augment City revenues in forthcoming years providing the means for the City to ensure the sustainability of quality municipal services.

GENERAL PLAN CONSISTENCY

All of the proposed pre-zoning recommendations are consistent with the City of Nevada City's General Plan land use designations established by Resolution of the City Council in March 1986, and which has been reaffirmed by subsequent General Plan updates.

ENVIRONMENTAL CONSIDERATION

Staff and the Planning Commission recommend that the City Council approve a Resolution Approving a Notice of Exemption finding that the adoption of the Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Title 14, Chapter 3, California Code of Regulations (CEQA Guidelines) Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. The pre-zoning will provide land use designations that are either compatible with existing developed uses or compatible with the Nevada City General Plan Land Use Designations and the planned use of the properties to be annexed for which an EIR was prepared and certified in 1986.

PLANNING COMMISSION RECOMMENDATION:

At their regular meeting held on July 16, 2020, the Planning Commission voted to recommend the general plan amendment and pre-zoning and annexation of the subject territory as presented by staff with a modification to the General Plan land use designation amendment, which has been incorporated into draft Ordinance 2020-XX, attached.

FISCAL IMPACT: The costs involved are estimated at \$1,900 (State Board of Equalization), \$4,500 (map & legal), \$2,500 (LAFCo deposit against costs, part of which may be refunded), total \$8,900, plus city staff time.

ATTACHMENTS:

- ✓ Recommended Pre-zoning Map
- ✓ Sphere of Influence Boundary Map, adopted 2008
- ✓ City General Plan and Zoning Descriptions
- ✓ Draft Resolution 2020-XX to File a Notice of Exemption (w/ attached NOE)
- ✓ Draft Ordinance 2020-XX for pre-zone (w/ attached boundary map, legal description, and pre-zoning map)
- ✓ Draft Resolution 2020-XX, to LAFCo annexation

AUGUST 12, 2020

Re: Annexation 56

Staff Report Attachment list with hyperlinks

ATTACHMENTS:

- 1 Recommended Pre-zoning Map
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Attachment 1: Pre-zoning Map, PC Annexation Staff Report 7/16/20

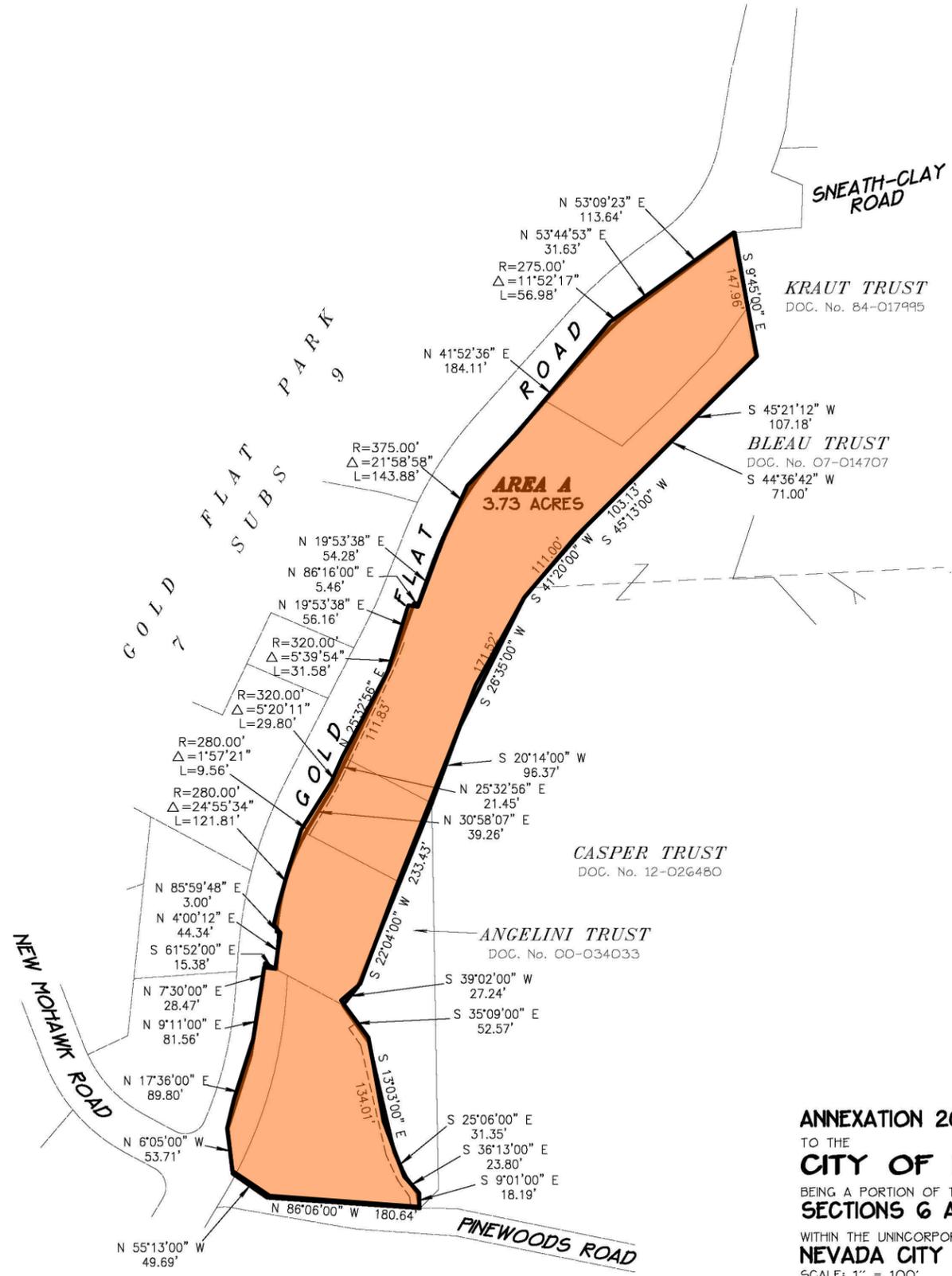
Legend

Base Zoning Districts:

-  Public (P)
-  Light Industrial (LI)
-  Rural Residential (RR)
-  General Plan Amendment Recommendation to from Single Family (SF) to Employment Center (EC)

Base Zoning Districts:

-  SC: Scenic Corridor
-  PD: Planned Development
- AN: Annexation (applicable to all annexed properties)



ANNEXATION 20-0000
 TO THE
CITY OF NEVADA CITY
 BEING A PORTION OF THE
SECTIONS 6 AND 7. T. 16 N., R. 9 E., M.D.M.
 WITHIN THE UNINCORPORATED TERRITORY OF
NEVADA CITY, CALIFORNIA
 SCALE: 1" = 100' MAY, 2020
NEVADA CITY ENGINEERING, INC.
 505 COYOTE STREET * P.O. BOX 1437 * NEVADA CITY * CALIFORNIA

Attachment 1: Pre-zoning Map, PC Annexation Staff Report 7/16/20

Legend

Base Zoning Districts:

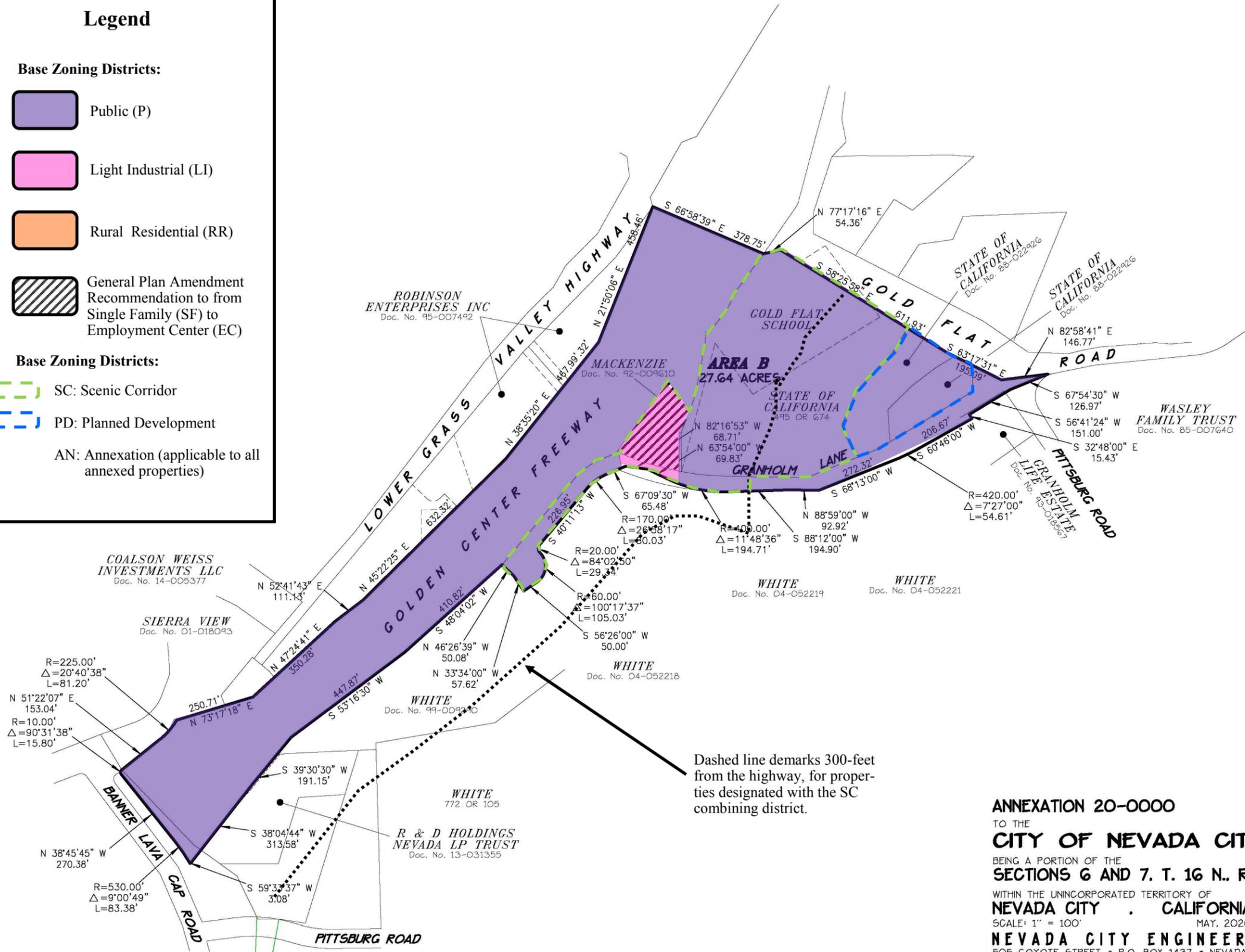
-  Public (P)
-  Light Industrial (LI)
-  Rural Residential (RR)
-  General Plan Amendment Recommendation to from Single Family (SF) to Employment Center (EC)

Base Zoning Districts:

-  SC: Scenic Corridor
-  PD: Planned Development
- AN: Annexation (applicable to all annexed properties)



SCALE: 1" = 200'



Dashed line demarks 300-foot from the highway, for properties designated with the SC combining district.

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SHEET 3 OF 4

Attachment 1: Pre-zoning Map, PC Annexation Staff Report 7/16/20

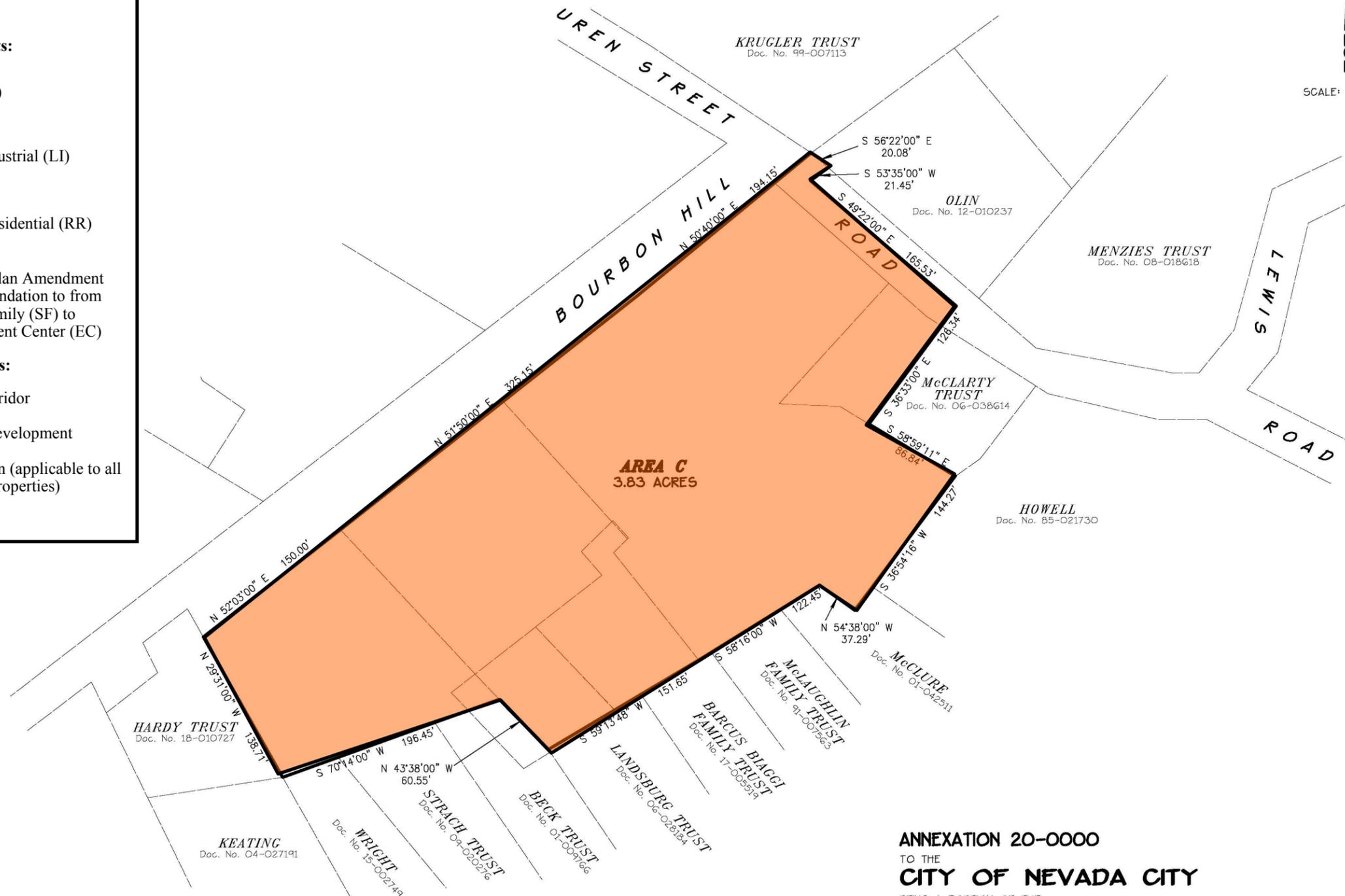
Legend

Base Zoning Districts:

-  Public (P)
-  Light Industrial (LI)
-  Rural Residential (RR)
-  General Plan Amendment Recommendation to from Single Family (SF) to Employment Center (EC)

Base Zoning Districts:

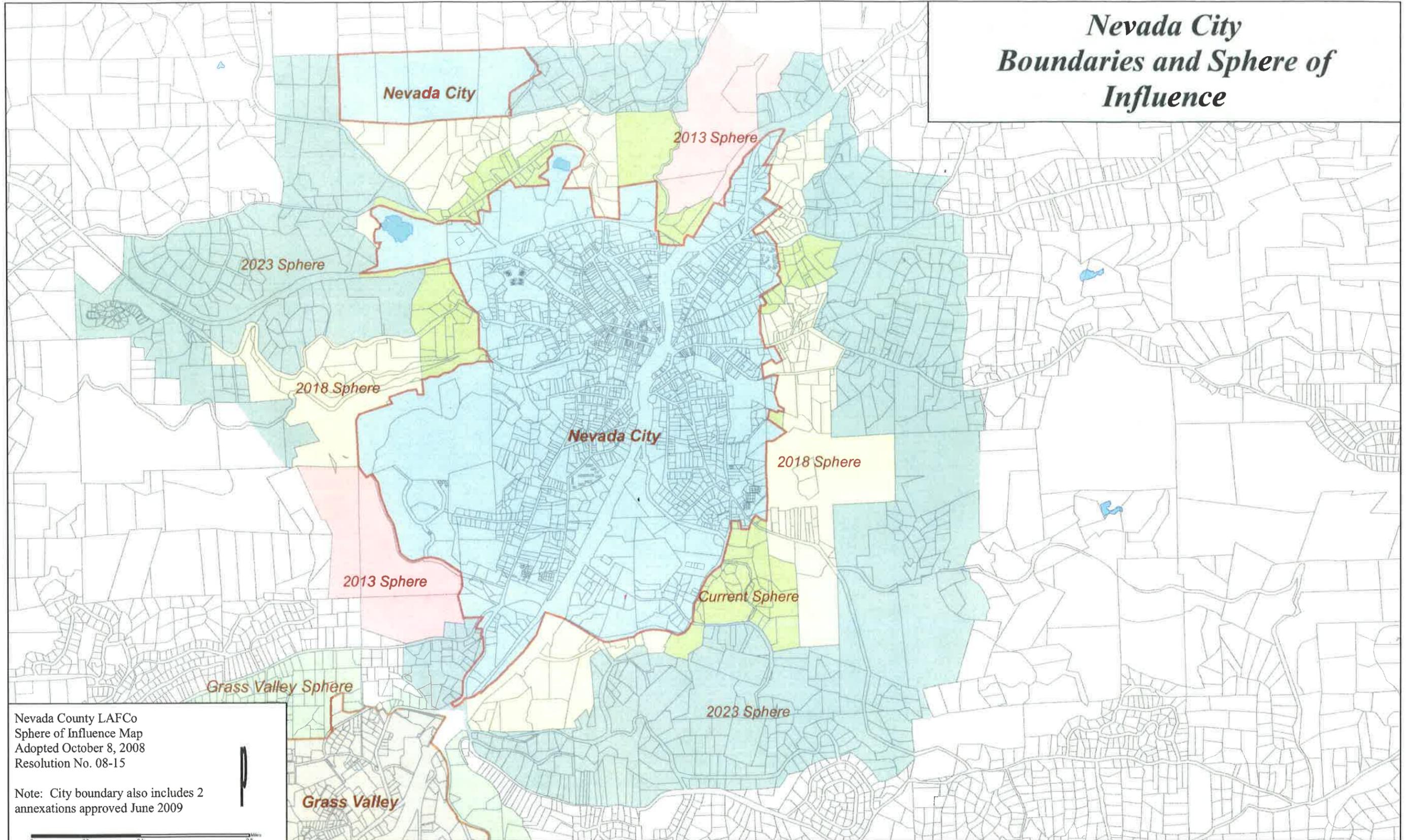
-  SC: Scenic Corridor
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- AN: Annexation (applicable to all annexed properties)



SCALE: 1" = 60'

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Nevada City Boundaries and Sphere of Influence



Nevada County LAFCo
Sphere of Influence Map
Adopted October 8, 2008
Resolution No. 08-15

Note: City boundary also includes 2
annexations approved June 2009

Grass Valley

Nevada City General Plan and Zoning Descriptions

General Plan Designation Descriptions:

The above City General Plan Designations are defined as follows in the Land Use Section of the General Plan:

- Open Space Preserve (OS): Land of high scenic, recreational, and/or resource value in an essentially unimproved state.
- Public (P): Sites or facilities intended to remain in long-term public use.
- Public/Recreation (P/R): Areas for public use, providing recreational facilities by public entities
- Agricultural/Forestry (AF): Farmland, timberland, and other areas suitable for only very rural uses. (5 –acre minimum lot size)
- Rural (R): Areas outside of projected public service boundaries that should remain very low density agricultural and/or residential use (maximum 1 dwelling unit/1-5 acres)
- Estate (E): Areas outside of projected public service boundaries that should remain very low density agricultural and/or residential use. (Maximum 1 dwelling unit/1-3 acres).
- Single-Family Residential (SF): Historic or other sensitive single-family neighborhoods inappropriate for increased densities.
- Mixed Residential (MF): Areas suitable for increased housing density by such means as smaller lot sizes, planned unit development, townhouse, or garden apartment site plans (Maximum 8 dwelling units/acre)
- Urban High density Multiple Family Residential (UHD). The UHD land use designation is intended to accommodate town house style units, apartments and condominiums without distinction as to owner or renter occupancy. The primary purpose of the UHD land use designation is to fulfill the Housing Element needs to provide adequate sites to accommodate the City's regional requirements for Very Low and Low income households as defined in Section 50079.5 and 50105 respectively of the California Health and Safety Code. As such, lands that are designated shall be done as part of the implementation of the Housing Element. Notwithstanding, additional lands may be designated through the general plan amendment process if the City finds that such lands would meet the needs of the future Housing Elements. The R3, High Density Multiple Family Residential zoning district implements this general plan and land use designations.
- General Commercial (CG): Businesses and services oriented to community-wide or tourist needs, with the inclusion of mixed residential uses, and while complementing the nature and scale of Nevada City's central business district. (Analogous to General Business zoning classification)
- Service Commercial (SC): Shops and services catering to the day-to-day needs of nearby residents. Mixed residential uses are also encouraged. (Analogous to Local Business zoning classification)

- Service Lodging (SL): Existing hotels, motels, and lodging facilities located outside of service commercial or general commercial designations in areas suited for future lodging facilities. Based on future zoning ordinance implementation, this designation is also ideal for mixed-use residential uses to provide both short and long-term employee housing while advancing the residential-office transition.
- Office and Professional (OP): Professional offices, general business offices, and research and development facilities not oriented toward general retail sales located in areas of transition between residential and more intensive land uses and/or where traffic access and circulation is good, but not sufficient for retail commercial. The Office and Professional land use designation is also ideal for mixed use residential uses to provide both short and long-term employee housing while advancing the residential-office transition.
- Employment Center (EC): Light commercial or light industrial development concentrations which address the city's need for jobs and revenue but which do not harm the essential visual character of "historic town surrounded by open forest," and which remain sensitive to established neighborhoods. This designation is intended to include existing light industrial development and future development opportunities. Future zoning and development under this designation should fall within the following different categories, based on zoning and/or site plan review considering the nature of the neighborhood and surroundings [further EC requirements are outlined in the General Plan, but are omitted from this exhibit due to it not being germane to this particular staff report}
- Mixed Use Residential (MF): Mixed use residential land uses, including livework units are encouraged in the General Commercial, Service Commercial and Office and Professional land use designations. Mixed use development is an important ingredient that reflects Nevada City's downtown character, livability, sense of community and place while promoting a high quality of life. It is also one of the cornerstones of the General Plan that is intended to promote walkability, energy conservation, keeping eyes on the street, and a variety of smart growth principles. Mixed use residential development within commercial and professional offices is encouraged to be included within a second or third story as a means to maximize use of infrastructure, encourage a high degree of pedestrian activity, promote a safe town environment through maintaining human activity throughout the day and evening. Mixed uses will encourage infill, reinforce a compact form and help maintain the clear edge between the forested surrounding and the historic urban
- Planned Development (PD): Large ownerships or other special opportunities for clustering or mixed-use development "Planned development" classification allows more creative solutions to provision of open space and amenities than do the standard setback, coverage, and height requirements. However, it also requires more attention to design review.

Evaluation standards should be similar to those for "employment center" classification:

- Street pattern and lot subdivision should be appropriate for the intended use and should be sensitive to adjacent uses.
- Access should be well integrated with the surrounding traffic context.

- A generously landscaped buffer zone should screen the view from surrounding roads, and existing tree cover should be retained insofar as possible.
- Private open space should link into and reinforce the citywide open space trail system.
- At least 25% should be vegetated open space, preferably by preserving existing trees.

Clustering of development should enable the provision of generous landscaping, open space, and conservation areas.

This PD designation may be combined with other land use designations (such as SF-PD for single-family-planned development) where clustering of development providing generous open space, and other planned development features are clearly desirable.

When using the planned development designation in combination with another land use designation, the density standards of the other designation apply.

Zoning District Descriptions:

The Zoning Ordinance (Title 17 of the Municipal Code) establishes the purpose of each of the above zoning designations as follows:

- **AF Agricultural Forestry Zone:** The purpose of the AF zone is to preserve in agricultural and forestry use in the urban fringe, land suited to eventual development in other uses, pending proper timing for the economical provision of utilities, major streets and other facilities, so that compact, orderly development will occur. Change of zoning from AF to any other zone shall only be made in general accord with the Nevada City General Plan. This zone is consistent with all residential general plan designations.
- **Rural Residential:** The purpose of the RR zone is to stabilize and protect the residential characteristics of district and to promote and encourage a suitable environment for family. The rural residential zone is intended to be used only for single-family and services appurtenant thereto. This zoning district is consistent with residential General Plan designations, except agriculture/forestry and rural.
- **R1 Single-Family Residential Zone:** The purpose of the R1 zone is to stabilize and protect the residential characteristics of district and to promote and encourage a suitable environment for family. The R1 zone is intended to be used only for single-family homes and service appurtenant thereto. This zoning district is consistent with the single-family and mixed residential General Plan designations.
- **R2 Multiple Family Residential Zone:** The purpose of the R2 multiple-family residential zone is to stabilize and protect the residential characteristics of a district where a compatible mingling of single-family dwellings and multi-family dwellings is likely to occur, and to promote and encourage a suitable environment for family life. The R2 zone is intended for residence and the community services appurtenant thereto. This zoning district is consistent with the mixed residential general plan designations
- **R3 High Density Multiple Family Residential Zone:** The purpose of the R3 high density multiple-family residential zone is to implement the general plan urban high density land use designation. The primary purposes are to provide lands where greater density to accommodate affordable housing sites as required by the housing element. Suitable lands shall contain public sewer service, a public water supply, dry utilities, and have frontage on an improved city street with adequate capacity. To the extent possible, selected sites should be within walking distance of schools,

shopping, parks and located on or in close proximity to a public transit route. Having access to such city services and facilities will minimize development costs and daily living expenses.

The provisions of the chapter supersede other sections of the Zoning Code. To the extent that this chapter is silent regarding other requirements of the Zoning Code, those applicable provisions shall apply. The city planner shall clarify any provisions herein or otherwise interpret and apply the applicable provisions of the Zoning Code as long as said interpretation or clarification is consistent with the requirements and/or standards of this chapter

- **OP Office and Professional Zone:** The OP zoning district is established to accommodate the need for the development of office space and mixed use residential uses. The inclusion of mixed use residential land uses in commercial areas is encouraged to increase the area's population and pedestrian activity while reducing air pollution, energy consumption and transportation costs. Normally this zoning will serve as a transition between commercial areas and residential areas and it is intended that the development permitted by this zoning shall be designed and landscaped so as to be in harmony with adjacent residential uses. This zoning district is consistent with the Office and Professional, General Commercial, and Service Commercial land use designations of the General Plan.
- **LB Local Business Zone:** The purpose of the LB zone is to provide a neighborhood shopping zone where retail business or service establishments supply commodities or perform services to the daily needs of the residential neighborhoods or to meet the unique commercial demands placed upon Nevada City. This district is intended to allow most uses which are primarily involved in conducting retail sales and can accommodate mixed use residential uses. The inclusion of mixed use residential land uses in commercial areas is encouraged to increase the area's population and pedestrian activity while reducing air pollution, energy consumption and transportation costs. This district is consistent with the Service Commercial General Plan designation
- **GB General Business Zone:** The purpose of the GB zone is to provide a location for the sale of commodities, performance of services, repair facilities, tourist oriented sales, and other types of general enterprise. The GB zone can also accommodate mixed use residential uses. The inclusion of mixed use residential land uses in commercial areas is encouraged to increase the area's population and pedestrian activity while reducing air pollution, energy consumption and transportation costs
- **EC Employment Center:** The purpose of the EC zone is to encourage the development of light assembly, manufacturing, and research and development uses, which are compatible with surrounding neighborhoods and environment. Permitted uses shall be primarily employment oriented, with incidental retail sales permitted with approved uses. This zone shall be consistent with the Employment Center designation of the General Plan
- **LI Light Industrial Zone:** The purpose of the LI zone is to encourage sound industrial development of the non-nuisance type by providing and protecting an area for such development, which area in turn shall be compatible with adjoining nonindustrial uses. This zoning district is consistent with the Employment Center General Plan designation
- **SL Service Lodging Zone:** The purpose of the SL zoning district is to provide for and encourage the continuation, enhancement, and development of hotels, motels, and bed and breakfast facilities, together with incidental uses to these facilities. This zoning district is consistent with the Service Lodging, Service Commercial, General Commercial, and Employment Center designations of the General Plan
- **OS Open Space Zone:** The purpose of the OS zoning district is to provide for and encourage the creation and permanent maintenance of open space, both natural and landscaped, for the purposes of maintaining and enhancing aesthetics, recreational opportunities, resource management, public health

and safety, and mitigation of development. This zoning district is consistent with all General Plan designations.

- **P Public Zone:** The purpose of the P zoning district is to provide zoning for areas occupied by federal, state, county and city government uses, along with recreation areas and parks, cemeteries. This district is also intended to accommodate quasi-public and public utility uses, along with uses incidental to public services. This zoning district is consistent with all General Plan land use designations.
- **PR Public/Recreation Zone:** Public/recreation zoning provides for public use with development limited to providing recreational facilities by public entities for the use of the general public. Up to twenty-five percent of such property including parking areas of such property may be utilized for compatible public uses such as a school, fire station, library, community center or other similar public service uses

Combining Districts: The purpose of the combining district regulations is to provide additional development standards for selected special cases, as defined in each of the combining district regulations. The combining district designation is combined with the base zoning district to achieve the desired level of development standards and land use application processing. It is intended that more than one combining district may be attached to the base zoning district. As an example, OP-HD-SC, would indicate the base zoning district of Office and Professional, with the Historical District and Scenic Corridor Combining District regulations.

- **HD** The city council finds and declares that the area described in this section is one of great historical interest and aesthetic value. Within said district are many places and buildings which are important historical exhibits and unique architectural specimens. Said places and buildings are symbolic of the city's historical past as a mining town during the days of the California gold rush and thereafter
- **PD** Planned Development Combining District: The purpose of the PD planned development combining district is to provide for greater flexibility in the design of integrated development in context with the general character of the city which would not be otherwise possible through strict interpretation or application of district regulations. It is the intent of this section to encourage the design of well planned facilities which offer a variety of housing or other land uses through creative and imaginative planning, which may be reviewed under the conditional use permit process. The standards and regulations of this combining district may be utilized in reviewing the proposed development of any property having the "-PD" combining district attached to the base zoning district. When shown on the Zone District Map, the regulations herein are encouraged to be utilized during the development of vacant lands.
- **MH** The purpose of this article is to regulate the use of land for mobile home parks and to establish standards for the development of such parks in order to protect the health and safety of the community. The provisions of this section shall apply to zoning districts designated with the MH combining district
- **SC** Scenic Corridor Combining District: The SC scenic corridor combining district classification is intended to be applied to land areas which are adjacent to roads and highways which are indicated on the General Plan with the symbol for scenic corridors, and as may be designated by the city council from time to time. These roadways are generally entryways to Nevada City which were recognized in the General Plan as being particularly important to protect the existing essential character of Nevada City, namely that of a small, compact historical town surrounded by green, wooded hills, by hiding development from view from the highways and preserving the existing tree cover to the greatest extent possible, and assuring visually pleasing corridors through design control.
- **SP** Site Performance Combining District: The SP Site Performance Combining District, when attached to the base zoning district, is intended to provide for a greater level of mitigation of land use impacts

than is otherwise possible under the broad development standards of the base zone. This combining district is also intended to allow for conditional approval of rezonings and prezonings.

- DA The Development Agreement combining district is intended to be attached to base zoning districts which are further restricted or governed by a development agreement between the land owner and the city. This combining district is an administrative district for purposes of indicating on the Zone District Map that such an agreement exists. The city staff is authorized to place this combining district on the Zone District Map, after such an agreement has been executed by the city
- The X Excluding Subdivision combining district is intended to prohibit further division of the lands where the combining district is shown on the Zone District Map. The purpose of the district is to provide a method of mitigating the impacts of current projects by allowing the city to permanently freeze parcel sizes. As an example, a planned development project might cluster development or lots on one portion of a large parcel while leaving the remaining area of the parcel as open space. By applying the "-X" combining district to the open space parcel, future additional divisions of the property can be avoided
- AN Annexation Combining District: The AN Annexation combining district is intended to be attached to the base zoning districts of parcels annexed after April 24, 1985. The district is administrative in nature and the city staff is authorized to attach the combining district to any such annexed lands. The purpose of the combining district is to identify lands which are affected by ordinances requiring payment of development fees or other mitigation measures, so that such fees or conditions may be required at the time of site plan, conditional use permit, or land division approval. Such fees shall be payable prior to the issuance of a building permit or prior to the recording of the final or parcel map, whichever occurs first
- In any zoning district, the minimum lot size provided therein may be increased to an alternative minimum lot size requirement by utilizing the minimum lot area combining district defined herein. All other provisions of the base zoning district, including, but not limited to, land uses, frontages, setbacks, and building heights shall remain in effect. The purpose of this combining district is to provide for greater flexibility in establishing lot development density where necessary. This designation is for the purpose of controlling future subdivision and shall not prohibit lots in existence at the time of this article amendment from reasonable improvement of their property consistent with the site development standards of the base zoning district. When used in conjunction with the PD combining district, the minimum area designation shall establish the density allowed in developing the property so designated.

RESOLUTION NO. 2020-XX

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
NEVADA CITY, STATE OF CALIFORNIA, TO FILE
A NOTICE OF EXEMPTION
(Annexation #56 and Pre-zoning)**

WHEREAS, the City Planner and City Attorney have reviewed the Ordinance for pre-zoning of that area described as "Annexation #56," along with the Resolution initiating an application with LAFCo for an Annexation of that area described as "Annexation #56," ("Project") and determined that it is exempt from review under the California Environmental Quality Act pursuant to Title 14, Chapter 3, California Code of Regulations, Section 15061 (b)(3) – Activity is not subject to CEQA because there is no possibility the project will have a significant effect on the environment; and

WHEREAS, a Notice of Exemption has been prepared for the Project.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Nevada City as follows:

Section 1. Based on the review and determination of the Planning Department, the City Council of the City of Nevada City finds that the Project is exempt from review under the California Environmental Quality Act.

Section 2. A Notice of Exemption is recommended for approval for the Project.

Section 3. Upon approval of the Project by the City Council, the City Clerk may file the Notice of Exemption with the County Clerk of Nevada County and, if the Project requires a discretionary approval from any state agency, with the State Office of Planning and Research, pursuant to the provisions of Section 21152(b) of the Public Resources Code and the State EIR Guidelines adopted pursuant thereto.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Nevada City at a public meeting held on the _____ of _____, 2020

AYES:

NOES:

ABSENT:

ABSTAIN:

Erin Minnett, Mayor

ATTEST:

Niel Locke, City Clerk

NOTICE OF EXEMPTION

TO: **Office of Planning and Research**
1400 Tenth Street
Sacramento, CA 95814

Nevada County Clerk/Recorder's Office
Environmental Filings
Eric W. Rood Administrative Center
950 Maidu Avenue, Nevada City CA 95959

FROM: **City of Nevada City**
317 Broad Street
Nevada City, CA 95959

Project Title: Nevada City Annexation #56

Project Address: 317 Broad Street, Nevada City, California 95959

Project Location:

- **Area A (3.73 acre area along Gold Flat Road)**
 - 10709 Gold Flat Road (037-050-035), property owner on record: DUNN J LINDA TRSTE
 - 10681 Gold Flat Road (037-060-006), property owner on record: WALKER CLYDE E ETAL
 - 10643 Gold Flat Road (037-060-075), property owner on record: BEARDSLEY WILLIAM G ETAL
 - 10613 Gold Flat Road (037-060-009), property owner on record: BARBER AMY J TRSTE ETAL
 - 10597 Gold Flat Road (037-060-010), property owner on record: ANGELINI FRED & ANNE C TRSTES
 - 10549 Gold Flat Road (037-060-011), property owner on record: 2018 ANGELINI IRREVOCABLE TRUST
- **Area B (27.64 acres at Gold Flat Road and State Highway 49)**
 - 10310 Granholm Lane (037-230-037), property owner on record: STATE OF CALIFORNIA
 - 10266 Granholm Lane (035-230-036) property owner on record: STATE OF CALIFORNIA
 - 10057 Gold Flat Road (035-230-035), property owner on record: STATE OF CALIFORNIA, DIVISION OF HIGHWAYS-MAINTENANCE
 - 10114 Granholm Lane (035-230-033), property owner on record: APPLGATE E MARK TRSTE
- **Area C (3.83 acres along Bourbon Hill Road)**
 - 11667 Bourbon Hill Road (036-301-036), property owner on record: THOMPSON WENDY J TRSTE ETAL

- 11629 Bourbon Hill Road (036-301-067), property owner on record: CHRISTINE & KENNETH KRUGLER LIVING TRUST
- 11615 Bourbon Hill Road (036-301-068), property owner on record: DUNBAR BRION L & ALICE T TRSTES
- 11577 Bourbon Hill Road (036-301-038), property owner on record: DUNBAR BRION L & ALICE T TRSTES
- 11595 Bourbon Hill Road (036-301-039), property owner on record: EBERHART ALLAN R TRSTE & SWEETSER ALISON R TRSTE
- 11567 and 11569 Bourbon Hill Road (036-301-040), property owner on record: TOBEY VICKIE TRSTE
- 11693 Bourbon Hill Road (036-301-035), property owner on record: DENNIS JULIE A

Project Location – County: Nevada

Project Description: The City of Nevada City is filing the appropriate application to annex the above properties, which are currently outside of the City limits but within the Sphere of Influence boundary. All 35.2 acres are located within either the current horizon or the 2013 horizon boundaries. The annexation territory includes approximately 16 acres of public right-of-way area.

Name of Public Agency Approving Project: City of Nevada City

Name of Person or Agency Carrying Out Project: City of Nevada City

Exempt Status: (Check One)

- _____ Ministerial (Section 21080(b)(1); 15268);
- _____ Declared Emergency (Section 21080(b)(3); 15269(a));
- _____ Emergency Project (Section 21080(b)(4); 15269(b)(c));
- X "Common Sense" Exception (Section 15061(b)(3))
- _____ Categorical Exemption. Type and section number:
- _____ Statutory Exemptions. State code number:

Reasons why project is exempt: The project includes a Resolution to initiate an annexation with LAFCo for property within the City's Sphere of Influence (SOI) and an Ordinance for pre-zoning of all that territory proposed to be annexed. All of the proposed annexation territory can be served by sewer or currently being served by sewer and the City's waste water treatment facility has the capacity to serve the entire territory at the land use intensities specified by the pre-zoning as verified by the City Engineer. Further, the City currently participates in a Joint Operational Area (JOA) master agreement with the City of Grass Valley and with Nevada County Consolidated Fire District to provide reciprocal fire protection and emergency medical response services to the area identified within that annexation territory. Finally, The City's Police Department increased to 11 sworn staff when Measure C took effect in April 2017, resulting in a 3.4 ratio of officers per 1,000 residents (higher than the 2.2 national average for small cities). Therefore, the project is exempt from CEQA as there is no possibility that the project will have a significant impact on the environment (Title 14, Chapter 3, Section 15061(b)(3)).

Lead Agency Contact Person: Amy Wolfson, City Planner **Number:** 530-265-2496 X130

Signature & Title: _____ **Date:** _____

Signed by Lead Agency **Signed by Applicant** **Date received for filing:** _____

ORDINANCE 2020-XX

AN ORDINANCE APPROVING THE ANNEXATION, PREZONING, AND GENERAL PLAN AMENDMENT OF 35.2 ACRES WITHIN THE UNINCORPORATED AREA OF NEVADA COUNTY IN THREE DISTINCT AREAS ALONG BOURBON HILL ROAD AND GOLD FLAT ROAD

The City Council of the City of Nevada City does hereby ordain as follows:

SECTION I:

Upon certification of the annexation by the Nevada County Local Agency Formation Commission, the official City Map of Nevada City shall be amended to reflect the annexation of the following properties and including approximately 16 acres of existing, right-of-way area within the unincorporated area of Nevada County to the City limits of Nevada City and more particularly described as shown on the attached Exhibit A:

- **Area A (3.73 acre area along Gold Flat Road)**
 - 10709 Gold Flat Road (037-050-035), property owner on record: DUNN J LINDA TRSTE
 - 10681 Gold Flat Road (037-060-006), property owner on record: WALKER CLYDE E ETAL
 - 10643 Gold Flat Road (037-060-075), property owner on record: BEARDSLEY WILLIAM G ETAL
 - 10613 Gold Flat Road (037-060-009), property owner on record: BARBER AMY J TRSTE ETAL
 - 10597 Gold Flat Road (037-060-010), property owner on record: ANGELINI FRED & ANNE C TRSTES
 - 10549 Gold Flat Road (037-060-011), property owner on record: 2018 ANGELINI IRREVOCABLE TRUST
- **Area B (27.64 acres at Gold Flat Road and State Highway 49)**
 - 10310 Granholm Lane (037-230-037), property owner on record: STATE OF CALIFORNIA
 - 10266 Granholm Lane (035-230-036) property owner on record: STATE OF CALIFORNIA
 - 10057 Gold Flat Road (035-230-035), property owner on record: STATE OF CALIFORNIA, DIVISION OF HIGHWAYS-MAINTENANCE
 - 10114 Granholm Lane (035-230-033), property owner on record: APLEGATE E MARK TRSTE
- **Area C (3.83 acres along Bourbon Hill Road)**
 - 11667 Bourbon Hill Road (036-301-036), property owner on record: THOMPSON WENDY J TRSTE ETAL
 - 11629 Bourbon Hill Road (036-301-067), property owner on record: CHRISTINE & KENNETH KRUGLER LIVING TRUST

- 11615 Bourbon Hill Road (036-301-068), property owner on record: DUNBAR BRION L & ALICE T TRSTES
- 11577 Bourbon Hill Road (036-301-038), property owner on record: DUNBAR BRION L & ALICE T TRSTES
- 11595 Bourbon Hill Road (036-301-039), property owner on record: EBERHART ALLAN R TRSTE & SWEETSER ALISON R TRSTE
- 11567 and 11569 Bourbon Hill Road (036-301-040), property owner on record: TOBEY VICKIE TRSTE
- 11693 Bourbon Hill Road (036-301-035), property owner on record: DENNIS JULIE A

SECTION II:

Attached hereto as Exhibit B is a document entitled “Properties Proposed for Prezoning, And Annexation to the City of Nevada City”, which is made a part hereof by reference. This exhibit lists each parcel to be annexed to the City of Nevada City and sets forth the prezoning. The City Council hereby approves the prezoning for each parcel and one General Plan Amendment for as set forth in Exhibit B. The prezoning and General Plan Amendment shall not become effective unless and until the annexation of the property which is subject to the prezone is certified by the Nevada County Local Agency Formation Commission.

SECTION III:

In approving this prezoning, the City Council finds as follows:

1. The prezoning and General Plan Amendment is consistent with the goals, objectives and policies of the Nevada City General Plan.
2. The proposed prezoning and General Plan Amendment will not adversely affect the public health, safety and welfare or result in an illogical land use.
3. The Planning Commission conducted a duly noticed public hearing and, after review of all verbal and written testimony, recommended to the City Council the approval of the prezoning and General Plan Amendment.
4. That the proposed project could not have a significant effect on the environment, and that any anticipated effects of future ministerial projects would be mitigated by existing City development standards, which would govern such projects.
5. That any anticipated effects of future discretionary projects would be mitigated as necessary by future environmental documents prepared to analyze such a proposal along with existing City development standards, which would govern such projects.
6. City staff shall attach the AN Annexation classification to all parcels annexed in order to facilitate administrative processing pursuant to the zoning ordinance.

SECTION IV:

This ordinance shall take effect thirty (30) days from the date of its adoption and a copy of this ordinance shall be posted in at least three (3) public places in the City of Nevada City within fifteen (15) days after its passage.

PASSED AND ADOPTED at a regular scheduled meeting of the City Council in the City of Nevada City on _____, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Erin Minnett, Mayor

ATTEST:

Niel Locke, City Clerk

Attachment 1: Pre-zoning Map, PC Annexation Staff Report 7/16/20

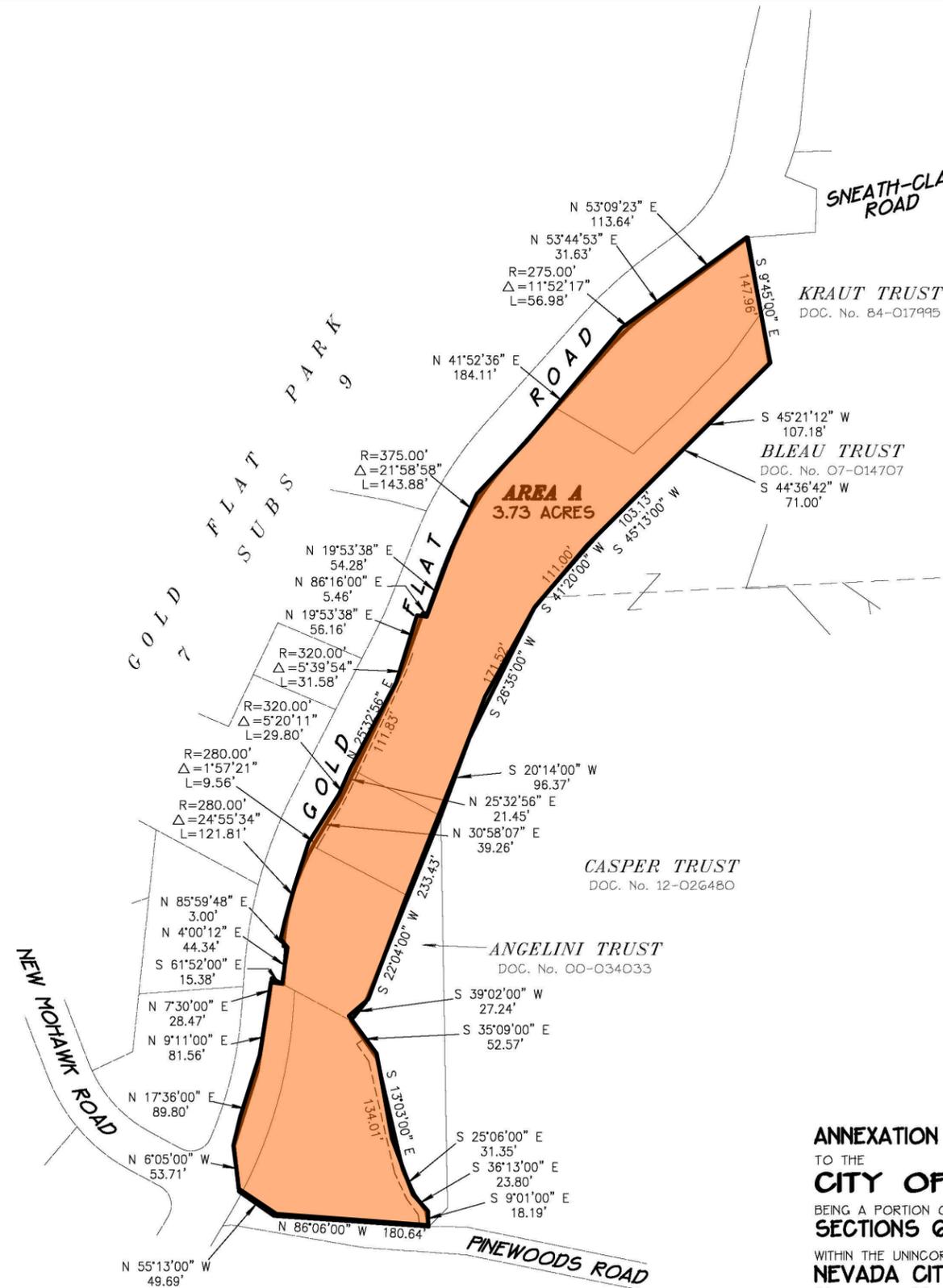
Legend

Base Zoning Districts:

-  Public (P)
-  Light Industrial (LI)
-  Rural Residential (RR)
-  General Plan Amendment Recommendation to from Single Family (SF) to Employment Center (EC)

Base Zoning Districts:

-  SC: Scenic Corridor
-  PD: Planned Development
- AN: Annexation (applicable to all annexed properties)



ANNEXATION 20-0000
 TO THE
CITY OF NEVADA CITY
 BEING A PORTION OF THE
SECTIONS 6 AND 7. T. 16 N., R. 9 E., M.D.M.
 WITHIN THE UNINCORPORATED TERRITORY OF
NEVADA CITY, CALIFORNIA
 SCALE: 1" = 100' MAY, 2020
NEVADA CITY ENGINEERING, INC.
 505 COYOTE STREET * P.O. BOX 1437 * NEVADA CITY * CALIFORNIA

Attachment 1: Pre-zoning Map, PC Annexation Staff Report 7/16/20

Legend

Base Zoning Districts:

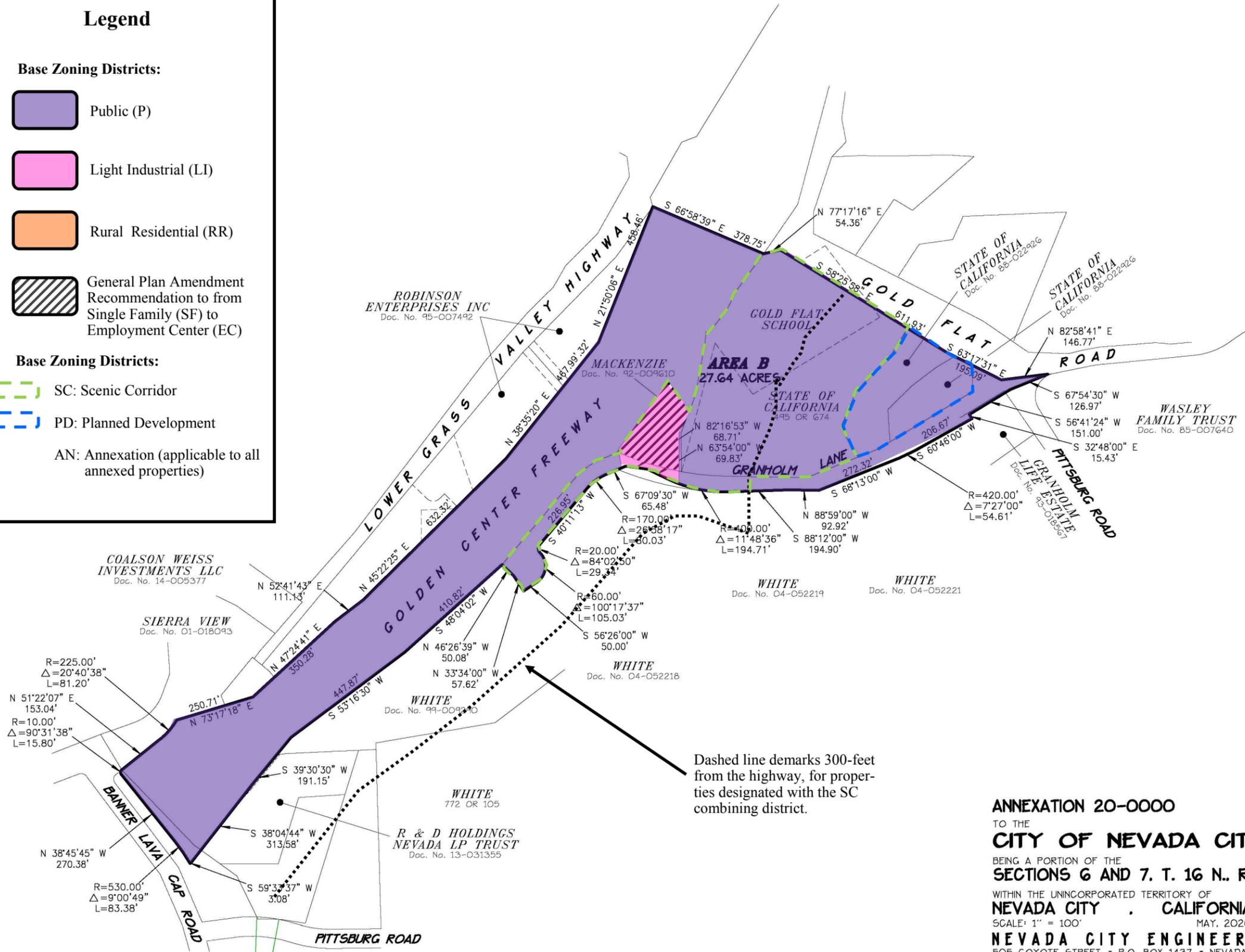
-  Public (P)
-  Light Industrial (LI)
-  Rural Residential (RR)
-  General Plan Amendment Recommendation to from Single Family (SF) to Employment Center (EC)

Base Zoning Districts:

-  SC: Scenic Corridor
-  PD: Planned Development
- AN: Annexation (applicable to all annexed properties)



SCALE: 1" = 200'



Dashed line demarks 300-foot from the highway, for properties designated with the SC combining district.

ANNEXATION 20-0000

TO THE CITY OF NEVADA CITY

BEING A PORTION OF THE SECTIONS 6 AND 7, T. 16 N., R. 9 E., M.D.M.

WITHIN THE UNINCORPORATED TERRITORY OF NEVADA CITY, CALIFORNIA

SCALE: 1" = 100' MAY, 2020
 NEVADA CITY ENGINEERING, INC.
 505 COYOTE STREET * P.O. BOX 1437 * NEVADA CITY * CALIFORNIA

SHEET 3 OF 4

Attachment 1: Pre-zoning Map, PC Annexation Staff Report 7/16/20

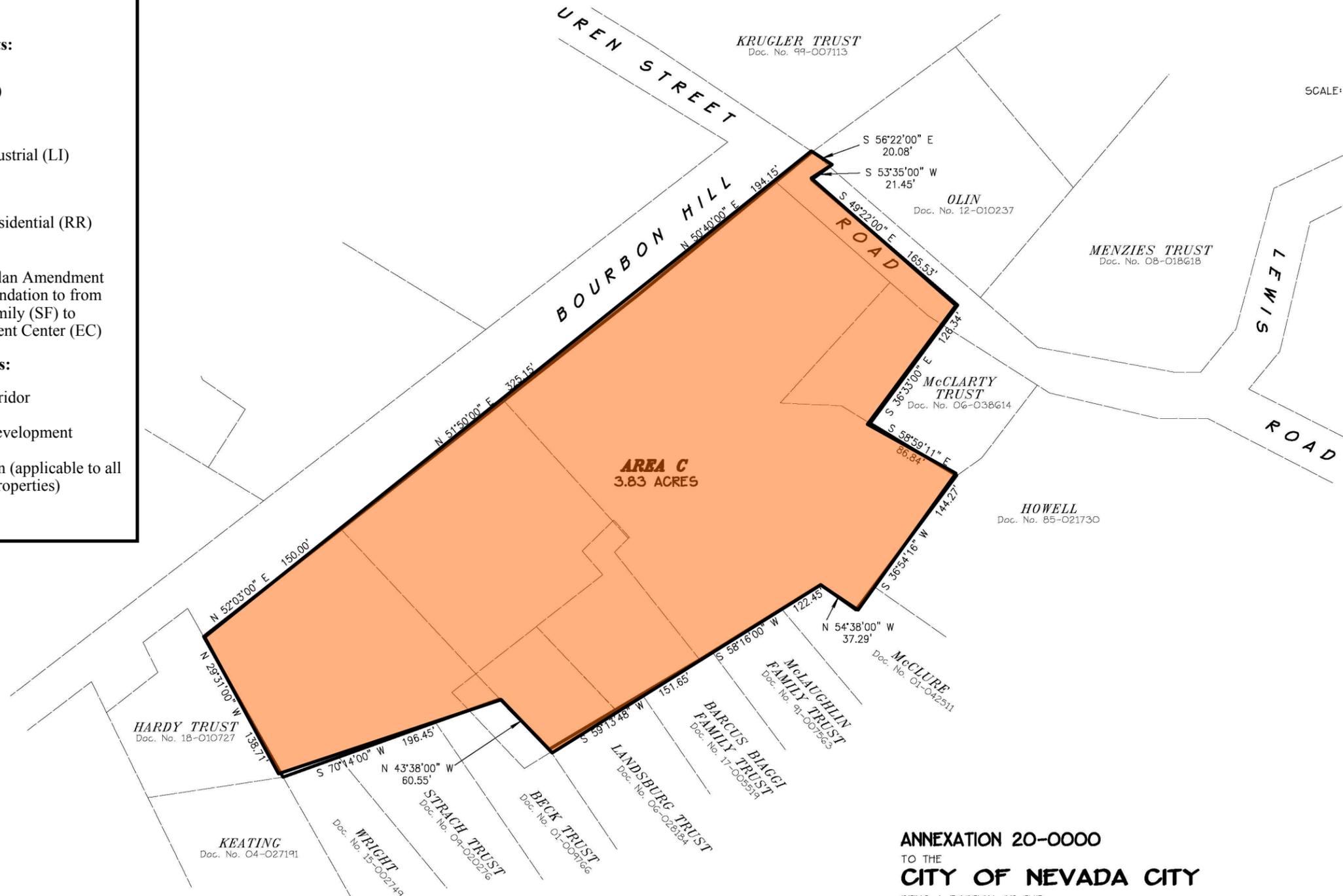
Legend

Base Zoning Districts:

-  Public (P)
-  Light Industrial (LI)
-  Rural Residential (RR)
-  General Plan Amendment Recommendation to from Single Family (SF) to Employment Center (EC)

Base Zoning Districts:

-  SC: Scenic Corridor
-  PD: Planned Development
- AN: Annexation (applicable to all annexed properties)



ANNEXATION 20-0000
 TO THE
CITY OF NEVADA CITY
 BEING A PORTION OF THE
SECTIONS 6 AND 7, T. 16 N., R. 9 E., M.D.M.
 WITHIN THE UNINCORPORATED TERRITORY OF
NEVADA CITY, CALIFORNIA
 SCALE: 1" = 60' MAY, 2020
NEVADA CITY ENGINEERING, INC.
 505 COYOTE STREET * P.O. BOX 1437 * NEVADA CITY * CALIFORNIA

SHEET 4 OF 4

ORDINANCE 2020-XX (Prezoning)

Exhibit B

	<i>Property</i>	<i>APN</i>	City GP Designation*	Current Use	Pre-zoning Recommendation**	GP Amendment Recommendation (where applicable)*	Acreage
<i>Area A</i>	10709 Gold Flat Road	037-050-035	E	Single-family dwelling	RR-AN		0.63
	10681 Gold Flat Road:	037-060-006	E	Single-family dwelling	RR-AN		0.75
	10643 Gold Flat Road	037-060-075	E	Single-family dwelling	RR-AN		0.67
	10613 Gold Flat Road	037-060-009	E	Vacant	RR-AN		0.16
	10597 Gold Flat	037-060-010	E	Single-family dwelling	RR-AN		0.43
	10549 Gold Flat Road	037-060-011	E	Single-family dwelling	RR-AN		0.89
<i>Area B</i>	10310 Granholm Lane	037-230-037	SF	Vacant (State-owned)	P-PD-AN		0.71
	10266 Granholm Lane	035-230-036	P	Vacant (State-owned)	P-PD-AN		1.10
	10057 Gold Flat Road	035-230-035	P	Caltrans Maintenance Yard	P-SC-AN		8.03
	10114 Granholm Lane	035-230-033	SF	Commercial Child Care Facility	LI-SC-AN	Light Industrial (LI)	1.5
<i>Area C</i>	11667 Bourbon Hill Rd	036-301-036	E	Single-family dwelling	RR-AN		0.5
	11629 Bourbon Hill Rd	036-301-067	E	Single-family dwelling	RR-AN		0.45
	11615 Bourbon Hill Rd	036-301-068	E	Single-family dwelling	RR-AN		0.83
	11577 Bourbon Hill Rd	036-301-038	E	Single-family dwelling	RR-AN		0.43
	11595 Bourbon Hill Rd	036-301-039	E	Single-family dwelling	RR-AN		0.77
	11567/ 11569 Bourbon Hill Rd	036-301-040	E	Single-family dwelling	RR-AN		0.65
	11693 Bourbon Hill Rd	036-301-035	E	Single-family dwelling	RR-AN		0.43

RESOLUTION 2020-XX

RESOLUTION OF APPLICATION BY THE CITY OF NEVADA CITY REQUESTING THE LOCAL AGENCY FORMATION COMMISSION OF NEVADA COUNTY TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF 35.2 ACRES LOCATED IN THREE DISTINCT AREAS OF THE CITY SPHERE OF INFLUENCE ALONG BOURBON HILL ROAD AND GOLD FLAT ROAD, CITY ANNEXATION NO. 56

RESOLVED, by the City Council of the City of Nevada City, that

WHEREAS, the City of Nevada City wishes to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code § 56000 et seq, for the annexation of territory east of the City, 35.2 acres along Bourbon Hill Road and Gold Flat Road, known as City Annexation No. 56; and

WHEREAS, the territory proposed to be annexed is delineated by description of the boundaries set forth in Exhibit A attached hereto, with a map showing the territory to be annexed attached hereto as Exhibit B, both incorporated herein by reference; and

WHEREAS, this proposal is consistent with the City's sphere of influence, as updated by the Local Agency Formation Commission in October of 2008; and

WHEREAS, this proposal is anticipated to be consistent with the proposed update to the City sphere of influence, currently under review by the Local Agency Formation Commission; and

WHEREAS, it is desired that the proposed annexation be subject to the following terms and conditions:

- The subject territory has been pre-zoned by the City Council with the following base districts: Public (P), Rural Residential (RR), Light Industrial (LI); and
- One parcel of the subject territory will require a General Plan Amendment from Single Family Residential (SF) to Employment Center (EC)
- The subject territory shall be detached from the Nevada County Consolidated Fire District upon annexation to the City; and
- The territory shall be subject to the levying or fixing and collection of any previously authorized taxes, benefit assessments, fees and charges of the City.

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;

WHEREAS, the 3.76-acre delineated as “Area A” consists of six residential properties within an area of the Nevada City SOI that borders the existing City limits and represents a logical City boundary, located at

- 10709 Gold Flat Road (037-050-035),
- 10681 Gold Flat Road (037-060-006)
- 10643 Gold Flat Road (037-060-075)
- 10613 Gold Flat Road (037-060-009)
- 10597 Gold Flat Road (037-060-010)
- 10549 Gold Flat Road (037-060-011); and

WHEREAS, the 27.64 acres delineated as “Area B” consists of four parcels within an area of the Nevada City SOI that borders the existing City limits and represents a logical City boundary, three of which are owned by the State of California, and the one of which is currently being used as a commercial child care facility, located at:

- 10310 Granholm Lane (037-230-037)
- 10266 Granholm Lane (035-230-036)
- 10057 Gold Flat Road (035-230-035)
- 10114 Granholm Lane (035-230-033); and

WHEREAS, the 3.83 delineated as “Area C” consists of seven parcels within an area of the Nevada City SOI that borders the existing City limits, and represents a logical boundary, contiguous with adjacent properties proposed for annexation;

- 11667 Bourbon Hill Road (036-301-036)
- 11629 Bourbon Hill Road (036-301-067)
- 11615 Bourbon Hill Road (036-301-068)
- 11577 Bourbon Hill Road (036-301-038)
- 11595 Bourbon Hill Road (036-301-039)
- 11567 and 11569 Bourbon Hill Road (036-301-040)
- 11693 Bourbon Hill Road (036-301-035)

WHEREAS, the City Council adopts the findings recommended by the Planning Commission that the annexation qualifies for exemption to the pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. All that territory to be annexed is located in the anticipated City expansion area as identified in the Sphere of Influence Map adopted by LAFCo in October 2008. The pre-zoning will provide land use designations that are either compatible with existing developed uses or compatible with the established Nevada City General Plan Land Use Designations.

WHEREAS, the City Council hereby adopts the plan for providing services to the affected territory required by Government Code § 56653 and attached hereto as Exhibit C and made a part hereof by reference; and

WHEREAS, the City Council certifies that pursuant to §99 (b) of the Tax and Revenue Code: the Council agrees that property taxes for the territory to be annexed to the City shall be allocated between the City and Nevada County pursuant to the existing master tax agreement adopted by the Board of Supervisors as Resolution 81-235.

WHEREAS, the City Council certifies that, pursuant to Government Code §56663(d) that it consents to the Local Agency Formation Commission's waiver of the final protest hearing if no written opposition from property owners or registered voters within the affected territory is received prior to the conclusion of the LAFCo meeting.

NOW THEREFORE, this Resolution of Application is hereby adopted and approved by the City of Nevada City, and the Local Agency Formation Commission of Nevada County is hereby requested to initiate proceedings for the annexation of the territory described by the Local Government Reorganization Act.

This resolution shall not be effective until the final adoption of Ordinance 2020-XX establishing the zoning of the property.

PASSED AND ADOPTED, by the City Council of the City of Nevada City, this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Erin Minnett, Mayor

ATTEST:

Niel Locke, City Clerk

EXHIBIT A
Legal Description
Annexation to the
City of Nevada City

A PORTION of the West half of Section 18, Township 16 North, Range 9 East, M.D.M., Nevada County, California; **BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

BEGINNING AT A POINT from which the point shown as "20+49.67 BEGIN" on Record of Survey, Book 10, Page 280, N.C.O.R. lies S 44-19-14 W, 35.55'; **THENCE FROM SAID POINT OF BEGINNING** the following three (3) courses along the East line of "Area 1":

- 1) N 4°00'12" W, 44.34'
- 2) N 85°59'48" W, 3.00'
- 3) A curve to the right, having a Radius of 280', length of 121.81 and delta angle of 24°55'34" to the South corner of "Area 3" per aforementioned Survey;

THENCE the following four (4) courses along the East line of "Area 3":

- 1) A curve to the right, having a Radius of 280', length of 9.56 and delta angle of 01°57'21"
- 2) N 30°58'07" E, 39.26'
- 3) A curve to the left, having a Radius of 320', length of 29.80 and delta angle of 05°20'11"
- 4) N 25°32'56" E, 21.45'

THENCE the following three (3) courses along the East line of "Area 4":

- 5) N 25°32'56" E, 111.83'
- 6) A curve to the left having a radius of 320', length of 31.58 and delta angle of 05°39'54"
- 7) N 19°53'38" E, 8.65'

THENCE the following one (1) course along the East line of "Area 5":

- 8) N 19°53'38" E, 47.52'

THENCE the following four (4) courses along the East line of "Area 6" and an overlapping portion of "Area 7":

- 9) N 86°16'00" E, 5.46'
- 10) N 19°53'38" E, 54.28'
- 11) A curve to the right, having a Radius of 375', length of 143.88' and delta angle of 21°58'58"
- 12) N 41°52'36" E, 86.58' to a Lead & Tack with Tag LS 4363

THENCE the following four (4) courses along the East line of "Area 7":

- 13) N 41°52'36" E, 97.8 +/- to a B.C Station 29+42.21 as shown on said map
- 14) A curve to the right, having a Radius of 275', length of 56.98 and delta angle of 11°52'17"
- 15) N 53°44'53" E, 31.63'
- 16) N 53°09'23" E, 113.64' to the West line of Lot 73, the Sneath & Clay Quartz Claim

THENCE leaving said Survey map

- 17) S 09°45'00" E, 147.96' along said claim line to the center of the old Narrow Gauge Right-of-Way;
- 18) S 45°21'12" W, 107.18' along said Right-of-Way to the most northerly corner of the Hinrichs to Pendola Parcel per Book 09 Surveys Page 219;

THENCE the following three (3) courses shown on said Survey:

- 19) S 44°36'42" W, 71.00'
- 20) S 45°13'00" W, 103.13'
- 21) S 41°20'00" W, 111.00'

THENCE the following two (2) courses along Casper Parcel:

- 22) S 26°35'00" W, 171.52'
- 23) S 20°14'00" W, 96.37'

THENCE the following seven (7) courses along the Wood parcel per Book 11 Surveys Page 355:

- 24) S 22°04'00" W, 233.43'
- 25) S 39°02'00" W, 27.24'
- 26) S 35°09'00" E, 52.57'
- 27) S 13°03'00" E, 134.01'
- 28) S 25°06'00" E, 31.35'
- 29) S 36°13'00" E, 23.80'
- 30) S 09°01'00" E, 18.19'

THENCE the following two (2) courses along the northerly boundary of Pinewoods Road:

- 31) N 86°06'00" W, 180.64'
- 32) N 55°13'00" W, 49.69'

THENCE the following five (5) courses along the easterly boundary of Gold Flat Road:

- 33) N 06°05'00" W, 53.71'
- 34) N 17°36'00" E, 89.80'
- 35) N 09°11'00" E, 81.56'
- 36) N 07°30'00" E, 28.47'
- 37) S 61°52'00" E, 15.38' to the point of beginning

THIS LEGAL DESCRIPTION was prepared by me based on an examination of recorded deeds and more recent recorded annexation maps and surveys in the annexation area in August 2020.



08/06/2020

Dan Hoagland, PLS 4370
Professional Land Surveyor
Nevada City Engineering, Inc.
505 Coyote Street, Suite B
Nevada City, CA 95959



EXHIBIT A
Legal Description
Annexation to the
City of Nevada City

A PORTION of the Southeast quarter of Section 13, Township 16 North, Range 8 East, M.D.M., Nevada County, California; **BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

BEGINNING AT A POINT that is at the easterly end of course No. 52 on Record of Survey, Book 11, Page 339, N.C.O.R.; **THENCE FROM SAID POINT OF BEGINNING** the following five (5) courses along said Survey map:

- 1) S 66-58-39 E, 378.75'
- 2) N 77-17-16 E, 54.36'
- 3) S 58-25-58 E, 611.93'
- 4) S 63-17-31 E, 195.09'
- 5) N 82-58-41 E, 146.77'

THENCE leaving said Survey map

- 6) S 67-54-30 W, 126.97' to the Northeast corner of the Granholm Life Estate Parcel and the southerly boundary of Granholm Lane

THENCE the following two (2) courses along said Granholm Life Estate Parcel:

- 7) S 56-41-24 W, 151.00'
- 8) S 32-48-00 E, 15.43'

THENCE the following fifteen (15) courses along the southerly boundary of Granholm Lane as shown on Record of Survey, Book 13, Page 49, N.C.O.R.:

- 9) S 60-46-00 W, 206.67'
- 10) A curve to the right having a Radius of 420', length of 54.61 and delta angle of 07°27'00"
- 11) S 68-13-00 W, 272.32'
- 12) N 88-59-00 W, 92.92'
- 13) S 88-12-00 W, 194.90'
- 14) A curve to the right having a Radius of 400', length of 194.78 and delta angle of 11°48'36"
- 15) N 63-54-00 W, 69.83'
- 16) N 82-16-53 W, 68.71'
- 17) S 67-09-30 W, 65.48'
- 18) A curve to the left having a Radius of 170', length of 80.03 and delta angle of 26°58'17"
- 19) S 40-11-13 W, 226.95'
- 20) A curve to the left having a Radius of 20', length of 29.34 and delta angle of 84°02'50"
- 21) A non-tangent curve to the right having a Radius of 60', length of 105.03 and delta angle of 100°17'37" from which the center of said curve bears S 46-08-23 W
- 22) S 56-26-00 W, 50.00'
- 23) N 33-34-00 W, 57.62'

THENCE the following course along the easterly boundary of the White parcel described in Document No. 99-009290, N.C.O.R.:

- 24) N 46-26-39 W, 50.08'

THENCE the following five (5) courses along the southerly boundary of the Golden Center Freeway to the intersection of Banner Lava Cap Road:

- 25) S 48-04-02 W, 410.82'
- 26) S 53-16-30 W, 447.87'
- 27) S 39-30-30 W, 191.15'
- 28) S 38-04-44 W, 313.58'
- 29) S 59-33-37 W, 3.08'

THENCE the following three (3) courses along the easterly boundary of Banner Lava Cap Road

- 30) A non-tangent curve to the left having a Radius of 530', length of 83.38 and delta angle $09^{\circ}00'49''$ from which the center of said curve bears S 60-15-03 W
- 31) N 38-45-45 W, 270.38'
- 32) A curve to the right having a Radius of 10', length of 15.80 and delta angle of $90^{\circ}31'38''$

THENCE the following eight (8) courses along the northerly boundary of the Golden Center Freeway as shown on Record of Survey Book 11, Page 323, N.C.O.R.:

- 33) N 51-22-03 E, 153.04'
- 34) A curve to the left having a Radius of 225', length of 81.29 and delta angle of $20^{\circ}40'29''$
- 35) N 73-17-18 E, 250.71'
- 36) N 47-24-41 E, 350.28'

THENCE leaving said Survey map the following four (4) courses continuing along the northerly boundary of the Golden Center Freeway

- 37) N 52-41-43 E, 111.13'
- 38) N 45-22-25 E, 632.32'
- 39) N 38-35-20 E 467.99'
- 40) N 21-50-06 E 458.46' to the point of beginning

THIS LEGAL DESCRIPTION was prepared by me based on an examination of recorded deeds and more recent recorded annexation maps and surveys in the annexation area in August 2020.



08/06/2020

Dan Hoagland, PLS 4370
Professional Land Surveyor
Nevada City Engineering, Inc.



EXHIBIT A
Legal Description
Annexation to the
City of Nevada City

A PORTION of the North half of Section 7, Township 16 North, Range 9 East, M.D.M., Nevada County, California; **BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

BEGINNING AT A POINT that lies N 34° 25' W, 248.40' from the most easterly corner of the lands annexed on at that certain map filed in Book 9 Surveys Page 90, Nevada County Records; **THENCE FROM SAID POINT OF BEGINNING** following said annexation boundary the following three (3) courses:

- 1) N 43-38-00 W, 60.55'
- 2) S 70-14-00 W, 198.45'
- 3) N 29-31-00 W, 138.7 +/- to the southerly boundary of Bourbon Hill Road

THENCE following the southerly boundary of Bourbon Hill Road, the following three (3) courses:

- 4) N 52-03-00 E, 150.00'
- 5) N 51-50-00 E, 325.15'
- 6) N 50-40-00 E, 194.15' extending said bearing to the northeasterly boundary of Uren Street;

THENCE along said boundary, S 56-22-00 E, 20.08' to the northwest line of Olin per Book 15 Surveys Page 181; **THENCE** S 53-35-00 W, 21.45' to the west corner of Olin per said map; **THENCE** S 49-22-00 E, 165.53' along the southwest line of said parcel to a point which bears N 36-33-00 E from the most northerly corner of the lands described in Document 2006-038614, **THENCE** S 36-33-00 E, 126.34' to the westerly corner of said parcel, as shown on the map book 17 Surveys page 36; **THENCE** S 58-59-11 E, 86.84' to the southerly corner of said parcel as shown on said map; **THENCE** the following three (3) courses along the southerly lines of said map:

- 7) S 36-54-16 W, 144.27'
- 8) N 54-38-00 W, 37.29'
- 9) S 58-16-00 W, 122.45'

THENCE S 59-13-48 W, 151.65' along the northerly boundary of Documents 91-007563, 2017-005519 and 2006-028184 to the point of beginning.

THIS LEGAL DESCRIPTION was prepared by me based on an examination of recorded deeds and more recent recorded annexation maps and surveys in the annexation area in August 2020.



08/06/2020

Dan Hoagland, PLS 4370
Professional Land Surveyor
Nevada City Engineering, Inc.



SCALE: 1" = 800'

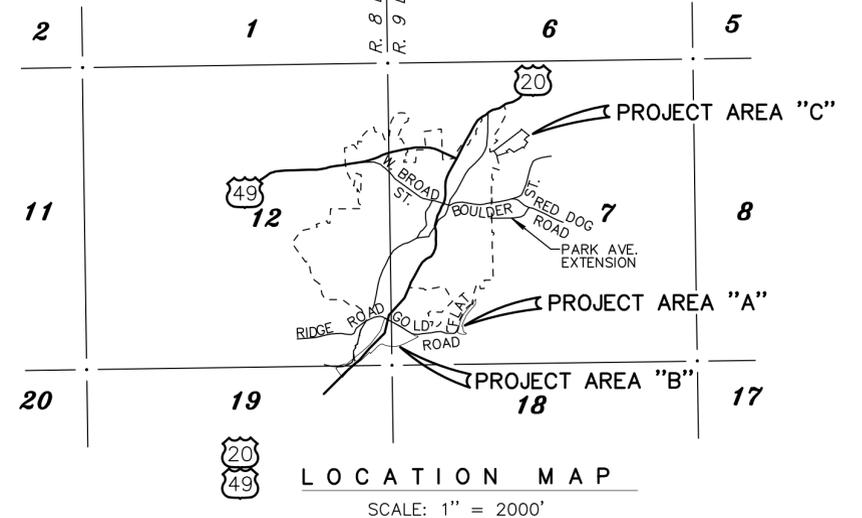


AREA "C"
SEE SHEET 4

AREA "A"
SEE SHEET 2

AREA "B"
SEE SHEET 3

T. 16 N., R. 8 & 9 E., M.D.M.



LOCATION MAP

SCALE: 1" = 2000'

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF THE CITY OF NEVADA CITY IN FEBRUARY 2020.

Daniel E. Hoagland

DANIEL E. HOAGLAND L.S. 8621
REGISTRATION EXPIRES 12-31-21



LAFCO EXECUTIVE OFFICER'S STATEMENT

APPROVED BY NEVADA COUNTY LOCAL AGENCY FORMATION COMMISSION.

RESOLUTION NO.: _____

DATE: _____

THIS MAP, WHEN RECORDED, WAS ACCOMPANIED BY A CERTIFICATE OF COMPLETION PREPARED PURSUANT TO SECTIONS 57200-57202 OF THE GOVERNMENT CODE, TO WHICH WAS ATTACHED A CERTIFIED COPY OF THE BOUNDARY DESCRIPTION OF THE TERRITORY SHOWN ON SAID MAP. THE CERTIFICATE OF COMPLETION IS RECORDED AS DOCUMENT NO. _____, NEVADA COUNTY RECORDS.

S.R. JONES LAFCO EXECUTIVE OFFICER

COUNTY RECORDER'S STATEMENT

FILED THIS ____ DAY OF _____, 2020 AT ____ M. IN BOOK ____ OF SURVEYS AT PAGE ____ AT THE REQUEST OF S.R. JONES

DOCUMENT NO.: _____
GREGORY J. DIAZ
CLERK RECORDER

FEE PAID: _____ BY: _____
DEPUTY

ANNEXATION 20-0000

TO THE
CITY OF NEVADA CITY

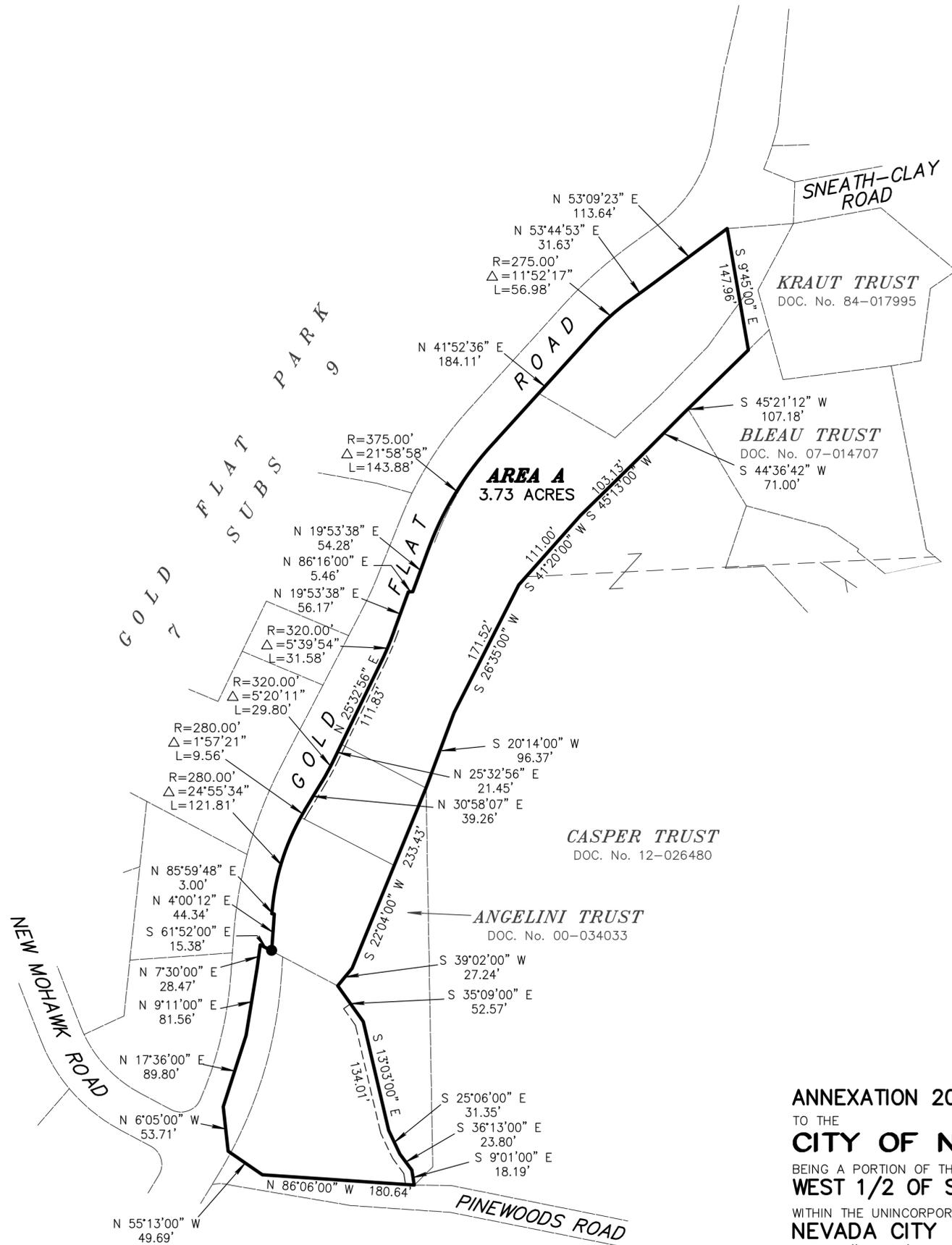
BEING A PORTION OF
**SECTION 13, T. 16 N., R. 8 E., M.D.M. AND
SECTIONS 7 AND 18, T. 16 N., R. 9 E., M.D.M.**

WITHIN THE UNINCORPORATED TERRITORY OF
NEVADA CITY, CALIFORNIA

SCALE: 1" = 800' MAY, 2020
NEVADA CITY ENGINEERING, INC.
505 COYOTE STREET * P.O. BOX 1437 * NEVADA CITY * CALIFORNIA



SCALE: 1" = 100'



LEGEND

- P.O.B.
TIE TO STATION '20+49.67 BEGIN' PER 10
SURVEYS PAGE 280
S 44°19'14" W 35.55'

ANNEXATION 20-0000

TO THE

CITY OF NEVADA CITY

BEING A PORTION OF THE

WEST 1/2 OF SECTION 18, T. 16 N., R. 9 E., M.D.M.

WITHIN THE UNINCORPORATED TERRITORY OF

NEVADA CITY, CALIFORNIA

SCALE: 1" = 100'

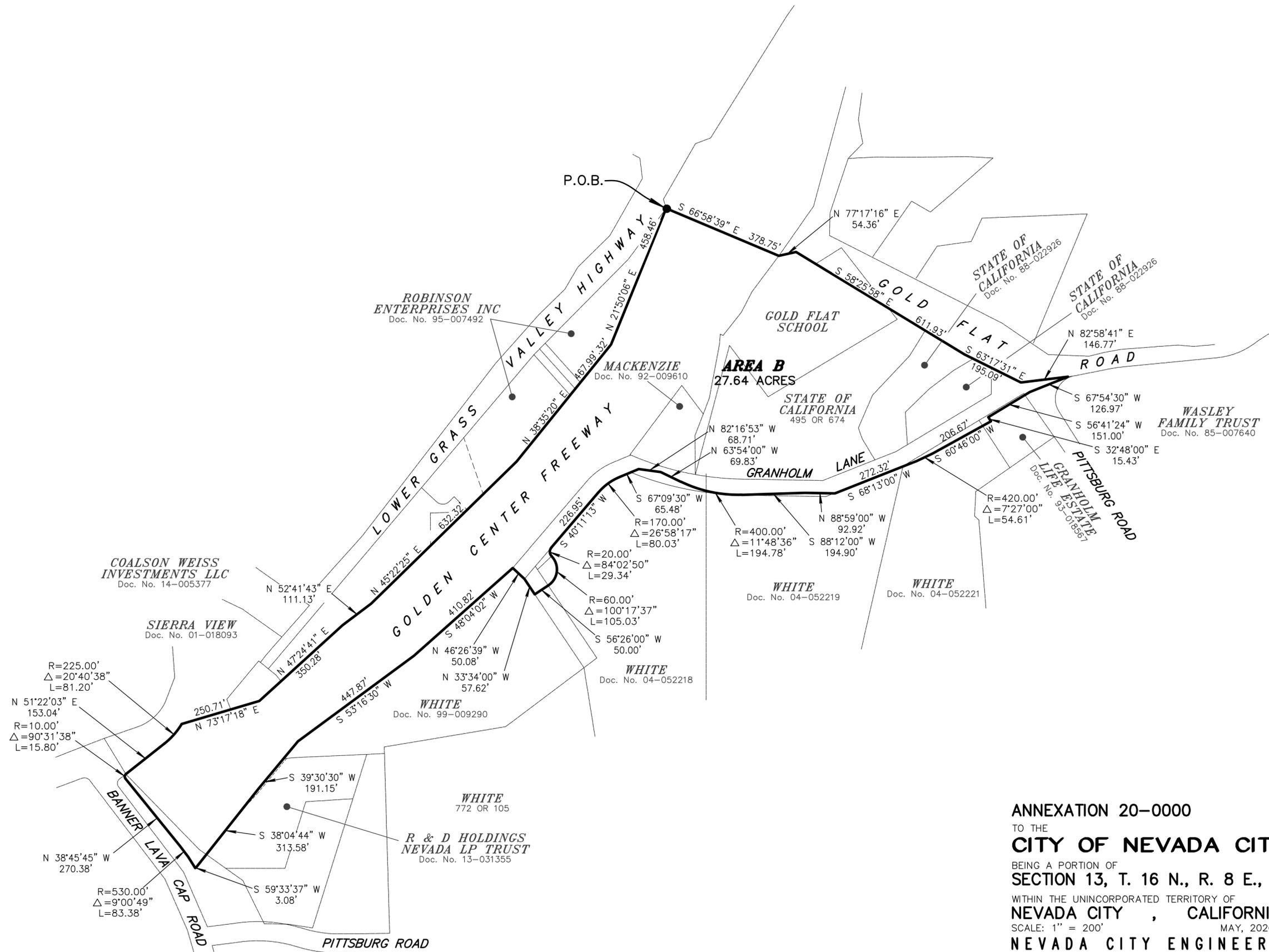
MAY, 2020

NEVADA CITY ENGINEERING, INC.

505 COYOTE STREET * P.O. BOX 1437 * NEVADA CITY * CALIFORNIA



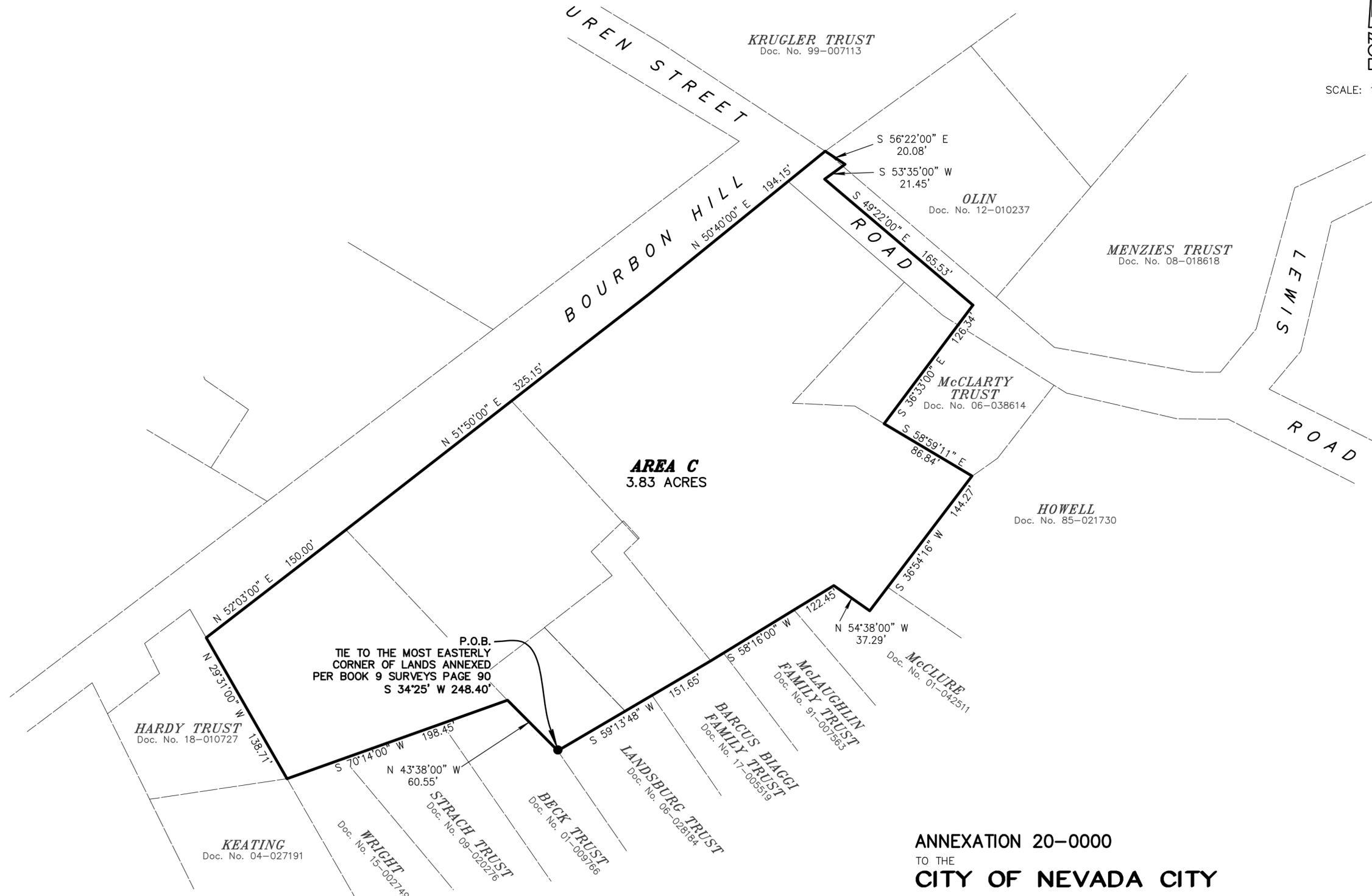
SCALE: 1" = 200'



ANNEXATION 20-0000
TO THE
CITY OF NEVADA CITY
BEING A PORTION OF
SECTION 13, T. 16 N., R. 8 E., M.D.M.
WITHIN THE UNINCORPORATED TERRITORY OF
NEVADA CITY, CALIFORNIA
SCALE: 1" = 200' MAY, 2020
NEVADA CITY ENGINEERING, INC.
505 COYOTE STREET * P.O. BOX 1437 * NEVADA CITY * CALIFORNIA



SCALE: 1" = 60'



ANNEXATION 20-0000
 TO THE
CITY OF NEVADA CITY
 BEING A PORTION OF
SECTION 7, T. 16 N., R. 9 E., M.D.M.
 WITHIN THE UNINCORPORATED TERRITORY OF
NEVADA CITY, CALIFORNIA
 SCALE: 1" = 60' MAY, 2020
NEVADA CITY ENGINEERING, INC.
 505 COYOTE STREET * P.O. BOX 1437 * NEVADA CITY * CALIFORNIA

NEVADA CITY – PLAN FOR SERVICES
ANNEXATION #56, 32.5 ACRES (Bourbon Hill, Gold Flat Road)

1. **An enumeration and description of the services to be extended to the affected territory.**

The City does not need to extend any services at this time because properties are either already appropriately served in terms of wastewater, water, and emergency services or are vacant and not in need of services at this time. However, the City in participation with NID for water is prepared to extend services upon subsequent development.

2. **The level and range of those services.**

As needed, the services would be extended to the area at the same level and range as provided throughout the City.

3. **An indication of when those services can feasibly be extended to the affected territory.**

Several of the subject properties are already developed, and currently receive City sewer service. The landowners who have the two developed parcels not currently connected to City sewer service will be able to apply for sewer service from the City. Landowners who have vacant territory proposed to be annexed, will be allowed to apply for sewer service as needed with development proposals. Other municipal services (including fire, police, and recreation) will be provided at the same level as the City provides throughout its jurisdiction.

4. **An indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed.**

It is not anticipated that service of the subject territory will require the City to add personnel or equipment. However, it should be noted that the City's Measure "S" special tax will be available for road maintenance needs.

5. **Information with respect to how each of those services will be financed.**

The cost of providing sewer and water services will be offset by connection fees, water, and sewer rates paid by the property owners of the subject territory. Additionally, the City levies the following special taxes on its properties: a 3/8 cent tax for fire service, a \$12/SFD, and a \$24/SFD.

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: Appointment of Voting Delegate and Alternates(s) for the 2020 League of California Cities Annual Conference October 7-9, 2020

RECOMMENDATION: Pass a motion designating a voting delegate and alternate(s) for the League of California Cities Business meeting to be held on Friday, October 9, 2020.

CONTACT: Catrina Olson, City Manager

BACKGROUND:

The League of California Cities will hold its annual Business Meeting on Friday, October 9, 2020 in conjunction with its Annual Conference. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Business Meeting, the City Council must designate a voting delegate. The Council may also appoint up to two alternate voting delegates, one of whom may vote in the event the designated voting delegate is unable to do so.

ENVIRONMENTAL CONSIDERATIONS: Not applicable.

FISCAL IMPACT: Not applicable.

ATTACHMENTS:

- ✓ June 30, 2020 League of California Cities Memo
- ✓ Voting Delegate/Alternate Form
- ✓ Voting Procedures

Council Action Advised by August 31, 2020

RECEIVED

JUL 06 2020

CITY OF NEVADA CITY

June 30, 2020

TO: Mayors, City Managers and City Clerks

**RE: DESIGNATION OF VOTING DELEGATES AND ALTERNATES
League of California Cities Annual Conference & Expo – October 7 – 9, 2020**

The League's 2020 Annual Conference & Expo is scheduled for October 7 – 9. An important part of the Annual Conference is the Annual Business Meeting (during General Assembly) on Friday, October 9. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

In order to vote at the Annual Business Meeting, your city council must designate a voting delegate. Your city may also appoint up to two alternate voting delegates, one of whom may vote in the event that the designated voting delegate is unable to serve in that capacity.

Please complete the attached Voting Delegate form and return it to the League's office no later than Wednesday, September 30. This will allow us time to establish voting delegate/alternate records prior to the conference.

Please note the following procedures are intended to ensure the integrity of the voting process at the Annual Business Meeting. These procedures assume that the conference will be held in-person at the Long Beach Convention Center as planned. Should COVID-19 conditions and restrictions prohibit the League from holding an in-person conference, new procedures will be provided.

- **Action by Council Required.** Consistent with League bylaws, a city's voting delegate and up to two alternates must be designated by the city council. When completing the attached Voting Delegate form, please attach either a copy of the council resolution that reflects the council action taken, or have your city clerk or mayor sign the form affirming that the names provided are those selected by the city council. Please note that designating the voting delegate and alternates **must** be done by city council action and cannot be accomplished by individual action of the mayor or city manager alone.
- **Conference Registration Required.** The voting delegate and alternates must be registered to attend the conference. They need not register for the entire conference; they may register for Friday only. Conference registration will open by the end of July at www.cacities.org. In order to cast a vote, at least one voter must be present at the Business Meeting and in possession of the voting delegate card. Voting delegates and alternates need to pick up their conference badges before signing in and picking up the voting delegate card at the Voting Delegate Desk. This will enable them to receive the

special sticker on their name badges that will admit them into the voting area during the Business Meeting.

- **Transferring Voting Card to Non-Designated Individuals Not Allowed.** The voting delegate card may be transferred freely between the voting delegate and alternates, but *only* between the voting delegate and alternates. If the voting delegate and alternates find themselves unable to attend the Business Meeting, they may *not* transfer the voting card to another city official.
- **Seating Protocol during General Assembly.** At the Business Meeting, individuals with the voting card will sit in a separate area. Admission to this area will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate. If the voting delegate and alternates wish to sit together, they must sign in at the Voting Delegate Desk and obtain the special sticker on their badges.

The Voting Delegate Desk, located in the conference registration area of the Long Beach Convention Center, will be open at the following times: Wednesday, October 7, 8:00 a.m. – 6:00 p.m.; Thursday, October 8, 7:00 a.m. – 4:00 p.m.; and Friday, October 9, 7:30 a.m.–11:30 a.m.. The Voting Delegate Desk will also be open at the Business Meeting on Friday, but will be closed during roll calls and voting.

The voting procedures that will be used at the conference are attached to this memo. Please share these procedures and this memo with your council and especially with the individuals that your council designates as your city's voting delegate and alternates.

Once again, thank you for completing the voting delegate and alternate form and returning it to the League's office by Wednesday, September 30. If you have questions, please call Darla Yacub at (916) 658-8254.

Attachments:

- Annual Conference Voting Procedures
- Voting Delegate/Alternate Form



CITY: _____

**2020 ANNUAL CONFERENCE
VOTING DELEGATE/ALTERNATE FORM**

Please complete this form and return it to the League office by Wednesday, September 30, 2020. Forms not sent by this deadline may be submitted to the Voting Delegate Desk located in the Annual Conference Registration Area. Your city council may designate one voting delegate and up to two alternates.

In order to vote at the Annual Business Meeting (General Assembly), voting delegates and alternates must be designated by your city council. Please attach the council resolution as proof of designation. As an alternative, the Mayor or City Clerk may sign this form, affirming that the designation reflects the action taken by the council.

Please note: Voting delegates and alternates will be seated in a separate area at the Annual Business Meeting. Admission to this designated area will be limited to individuals (voting delegates and alternates) who are identified with a special sticker on their conference badge. This sticker can be obtained only at the Voting Delegate Desk.

1. VOTING DELEGATE

Name: _____

Title: _____

2. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

3. VOTING DELEGATE - ALTERNATE

Name: _____

Title: _____

PLEASE ATTACH COUNCIL RESOLUTION DESIGNATING VOTING DELEGATE AND ALTERNATES.

OR

ATTEST: I affirm that the information provided reflects action by the city council to designate the voting delegate and alternate(s).

Name: _____

Email _____

Mayor or City Clerk _____
(circle one) (signature)

Date _____ Phone _____

Please complete and return by Wednesday, September 30, 2020

League of California Cities
ATTN: Darla Yacub
1400 K Street, 4th Floor
Sacramento, CA 95814

FAX: (916) 658-8240
E-mail: dyacub@cacities.org
(916) 658-8254



Annual Conference Voting Procedures

1. **One City One Vote.** Each member city has a right to cast one vote on matters pertaining to League policy.
2. **Designating a City Voting Representative.** Prior to the Annual Conference, each city council may designate a voting delegate and up to two alternates; these individuals are identified on the Voting Delegate Form provided to the League Credentials Committee.
3. **Registering with the Credentials Committee.** The voting delegate, or alternates, may pick up the city's voting card at the Voting Delegate Desk in the conference registration area. Voting delegates and alternates must sign in at the Voting Delegate Desk. Here they will receive a special sticker on their name badge and thus be admitted to the voting area at the Business Meeting.
4. **Signing Initiated Resolution Petitions.** Only those individuals who are voting delegates (or alternates), and who have picked up their city's voting card by providing a signature to the Credentials Committee at the Voting Delegate Desk, may sign petitions to initiate a resolution.
5. **Voting.** To cast the city's vote, a city official must have in his or her possession the city's voting card and be registered with the Credentials Committee. The voting card may be transferred freely between the voting delegate and alternates, but may not be transferred to another city official who is neither a voting delegate or alternate.
6. **Voting Area at Business Meeting.** At the Business Meeting, individuals with a voting card will sit in a designated area. Admission will be limited to those individuals with a special sticker on their name badge identifying them as a voting delegate or alternate.
7. **Resolving Disputes.** In case of dispute, the Credentials Committee will determine the validity of signatures on petitioned resolutions and the right of a city official to vote at the Business Meeting.

REPORT TO CITY COUNCIL

City of Nevada City
317 Broad Street
Nevada City, CA 95959
www.nevadacityca.gov

August 12, 2020

TITLE: City Council Appointments for Fiscal Year 2020-2021

RECOMMENDATION: Review and consider appointment of City Council Members and members of the public to City and external Boards, Committees and Commissions for Fiscal Year 2020-2021.

CONTACT: Catrina Olson, City Manager

BACKGROUND / DISCUSSION:

City Council Members and public appointees regularly participate as members of various boards, committees and commissions. A summary of current external and City boards, committees and commissions is provided below. Prior year appointments are included for reference purposes.

EXTERNAL ORGANIZATIONS

	2019/20 Appointee	2019/20 Alternate	Appointed by
LAFCo	Erin Minett	Duane Strawser	City Council
NCTC/Airport Commission/Nevada County Transit	Duane Strawser	Valerie Moberg - Vacated	City Council
Solid Waste & Hazardous Waste Committee	Valerie Moberg - Vacated	Duane Strawser	City Council
Economic Resource Council	Duane Strawser	Vacant	City Council
City Selection Committee	Mayor	Mayor Pro Tem	N/A

CITY COMMISSIONS/OVERSIGHT COMMITTEES

	2020/21 Appointee/Member	2020/21 Alternate	Appointed by
Planning Commission	Peter Van Zant Stuart Lauters Laurie Oberholtzer Nikiya Schwarz Vacant	N/A	City Council Members appoint a Planning Commissioner unless previously selected
Measure S Committee	Mike Barbar Nancy Bleile Niel Locke Vacant Vacant	N/A	Staff/City Council
Measure C Committee	Nate Beason Niel Locke Evans Phelps Vacant Vacant	N/A	Staff/City Council

ADHOC COMMITTEES

	2019/20 Staff Member	2019/20 Council Members	Appointed by
Homelessness/Vagrancy related challenges	Catrina Olson Chad Ellis	Erin Minett Reinette Senum - Vacated	City Council
Parking Committee	Catrina Olson Bubba Highsmith	Duane Strawser Valerie Moberg - Vacated	Staff/City Council
IT/Tech Committee	Catrina Olson Loree' McCay	Duane Strawser Valerie Moberg - Vacated	Strategic Planning
Signage Committee	Catrina Olson Bubba Highsmith Amy Wolfson	Duane Strawser Valerie Moberg - Vacated	Strategic Planning
Cultural District	Catrina Olson	Duane Strawser Reinette Senum - Vacated	Staff/City Council
Fire Advisory Committee	Sam Goodspeed	Erin Minett	Staff Member/Council Member
Chamber Board Meeting Attendance	Catrina Olson	Erin Minett	N/A

FISCAL IMPACT: None

ATTACHMENT:

- ✓ Commission/Committee Description & Purpose

COMMISSION/COMMITTEE DESCRIPTION & PURPOSE

Local Agency Formation Commission (LAFCo). Created by the California Legislature in 1963 with the duties to oversee any boundary changes of City boundaries and special districts (Fire, NID, etc). The LAFCo office is located at the Nevada County Government Center. LAFCo members also review and adopt Nevada City's Sphere of Influence Plan which is required to be updated every five years (last adopted in 2008). This Sphere of Influence Plan is a requirement of State law and ensures that any changes in city boundaries occur in a logical manner and that city services are available to serve the area.

Meets: Third Thursday every other month

Term Limits: Serve until replaced

Nevada County Transportation Commission (NCTC). The Mission of the NCTC is to plan, communicate, and coordinate with citizens and decision makers of Nevada County, Grass Valley, Nevada City, Truckee and Caltrans to create a balanced regional system. This includes administration of regional, state, and federal funding for projects related to roadways, bridges, public transportation services, railways, airports, bicycle facilities, and pedestrian amenities. In development these transportation solutions, the NCTC initiates design concepts, engineering feasibility studies, environmental studies, and proposes funding sources to construct transportation improvements. Once these tasks are completed, projects are turned over to Caltrans or to a local jurisdiction for construction.

Meets: Third Wednesday every other month

Term Limits: Serve until replaced

Nevada County Transit Services Commission. The Transit Services Division of the Department of Transportation and Sanitation is responsible for the administration and delivery of public transit and paratransit services, primarily in western Nevada County. The Transit Services Division operates the Gold Country Stage, a fixed rote bus system serving western Nevada County, and administers a contract for the provision of specialized paratransit services for persons with disabilities. Bot services are operated pursuant to a joint powers agreement executed by Nevada County and the Cities of Grass Valley and Nevada City.

Meets: Third Wednesday of every other month at 8:15 a.m. and held at Grass Valley City Hall, Nevada City, City Hall, Nevada County Eric Rood Center, Truckee Town Hall

Term Limits: Serve until replaced

Solid & Hazardous Waste Commission (Nevada County). This Commission assists the County in the management of solid and hazardous waste, and whose participation, review, and recommendation will be required before the County of Nevada may take any final action on solid and hazardous waste matters. The Commission will assist in the development of a comprehensive log-range plan for the disposal and recycling of solid and hazardous waste within the County, and the Management of the County's solid waste operations, including all of the financial matters pertaining thereto.

Meets: Second Thursday, of even months at 1:30 p.m. in the Empire Room of the Rood Admin Center

Term Limits: Serve until replaced

Nevada County Economic Resource Council. The Nevada Economic Resource Council (NCERC) is dedicated and positioned to assist in business attraction, creation and retention. NCERC collaborates with community leaders in business, government, chambers of commerce and business associations.

Meets: First Thursday of each month at 7:30 a.m. at the Green Screen Institute in Nevada City

Term Limits: Serve until replaced

City Selection Committee. Powers and Duties of the City Selection Committee pursuant to Sections 50270 et seq. of the California Government Code. In any county in which two or more cities are incorporated there is hereby created a city selection committee the purpose of which shall be to appoint city representatives to boards, commissions, and agencies as required by law. The current list of boards, committees/commissions, and agencies which the City Selection Committee appoints representatives to are: LAFCO, RAN, Supplemental Law Enforcement Oversight Committee, Truckee Tahoe Airport Land Use Commission, and Nevada County Airport Land Use Commission. The membership of each such city selection committee shall consist of the mayor of each city within the county. The Clerk of the Board of Supervisors, County of Nevada serves as the permanent Secretary and Recording Officer of the Committee. All City Representatives appointed by the Committee are responsible for exercising the

duties of their positions with diligence, integrity, and the highest regard for the public trust and interest of the citizens of the cities within Grass Valley, Nevada City and Truckee.

Meets: Third Monday in July annually (if there's business to transact)

Term Limits: Mayor and Mayor Pro Tem

Planning Commission. The Planning Commission is a citizen group appointed by the City Council. They are tasked with taking action on discretionary land use proposals and architectural review applications. They also make recommendations on land use policy changes and on design and land use aspects of City projects.

Meets: Third Thursday of each month starting at 1:30 p.m. in the City Council Chambers.

Term Limits: Serve until replaced.

Measure S Committee. The Measure S Committee's responsibility is to oversee the paving projects including tracking of finances, verifying streets to be paved, and ensuring that all of the criteria of the public proposition are followed.

Meets: Twice Year

Term Limits: Serve until replaced

Measure C Committee. The Measure C Committee's responsibility is to oversee the funds for public safety including tracking of finances, review of annual audit and ensuring that all of the criteria of the public proposition are followed.

Meets: Once Year

Term Limits: Serve until replaced

Homeless/Vagrancy related issues. This is a Joint County, Cities and Non – Profit committee developed to deal with homelessness issues that arise in the County and Cities.

Meets: Random/as needed

Term Limits: Serve until replaced

Parking Committee. Responsible for discussing and brainstorming on current and future parking needs, challenges and goals in the City.

Meets: Approximately 4 – 6 times per year

Term Limits: Serve until replaced

IT/Tech Committee. Responsible for weighing in on challenges, upgrades and concerns regarding existing and future technology needs for City Hall and externally for the City

Meets: Random/as needed determined by staff

Term Limits: Serve until replaced

Signage Committee. Responsible for discussing, planning and implementing a new achievable signage replacement program for the Historical District and 7-Hill District

Meets: Approximately 2 times per year/or determined by staff

Term Limits: Serve until replaced

Cultural District. Responsible for weighing in on Arts, Cultural planning, events City and County-wide including meeting the requirements to maintain the State designation.

Meets: 6 times per year

Term Limits: Serve until replaced

Fire Advisory Committee. Responsible for addressing past, current and future concerns regarding all topics related to fire safety and vegetation management.

Meets: 12 times per year

Term Limits: Serve until replaced

Chamber Board Meetings. Responsible for attending Chamber Board meetings for City representation.

Meets: 12 times per year third Monday of every month

Term Limits: Serve until replaced