

4.9 PUBLIC SERVICES

This section describes the affected environment and regulatory setting for public services that would be provided to the SOI Plan Update area as properties are annexed into the City jurisdiction. It also describes the impacts on existing public services that would result from implementation of the SOI Plan update and mitigation measures, if applicable, that would reduce these impacts. The following analysis of the potential environmental impacts related to utilities and service systems is also derived from the following sources:

- Available literature and other publicly available information from affected agencies.
- City of Nevada City General Plan.
- City of Nevada City Code of Ordinances.
- Correspondence with affected Public Services districts.

This section provides baseline information on and evaluates potential impacts on public services and policies related to the proposed project. Environmental and regulatory settings and mitigation measures to reduce significant impacts, where applicable, are provided.

4.9.1 ENVIRONMENTAL SETTING

The City of Nevada City (City) is the County seat of Nevada County (County) and is in the western foothills of the Sierra Nevada Mountains, approximately 70 miles northeast of Sacramento, CA. The City is located within a basin on the western slope of the Sierra Nevada granting it a unique topography with hills and valleys and visually appealing aesthetic and scenic views. The town is located in a natural “bowl” giving the impression that the historic mining town is compact as it is surrounded by hills and trees (Nevada City, 2017).

The majority of land uses and housing outside the incorporated City boundary generally consists of low density and rural residential, open space, undeveloped land, agricultural uses and intermittently located commercial and industrial uses. The major transportation routes that provide regional connectivity through the City is the generally east-west trending State Route 20 (SR-20) and north-south trending State Route 49 (SR-49) which through the City are joined. *Figure 3-2: Vicinity Map* shows Nevada City in relation to other cities, towns, and major roadways in the vicinity of the project area Urbanization within the County is primarily located within these three City centers and consists of residential, commercial, industrial, and other uses typical of small cities.

Within the City, emergency services are provided by the City of Nevada City Fire Department (NCFD) and Nevada City Police Department (NCPD). School services are provided by the Nevada City School District, and library services to City residents are provided by the Nevada County Community Library (NCCL). Within unincorporated County area including the existing SOI Plan update area, law enforcement is provided by the Nevada County Sheriff Department (NCSD) and Nevada County Consolidated Fire

Department (NCCFD). A more detailed description of each of these services, where applicable, including locations, service areas and service ratios, response times, and other information is provided below.

Nevada City Fire Department

The NCFD provides emergency services to all residents and occupants of the City and responds to structure fires, emergency and medical incidents, rescues, hazardous materials incidents, automobile fires, wildfires, etc. The NCFD personnel includes a Fire Chief, two Fire Captains, and three firefighters. Personnel respond to approximately 1,000 calls for service a year. NCFD operates from a station located at 201 Providence Mine Rd. and provides 24-hour, year-round service. For operations NCFD uses a 2005 Type I Engine, a 2011 Type III Brush Engine, and three Utility Vehicles. NCFD maintains Mutual Aid and Auto Aid Agreements with the Nevada County Consolidated Fire District (NCCFD) and other fire districts in western Nevada County, so responses to other jurisdictions also occur and includes responses with the US Forest Service, the California Department of Forestry and the Office of Emergency Services (NCFD, 2019).

Nevada County Consolidated Fire Department

Nevada County Consolidated Fire District (NCCFD) operates four of its own station (station 84, 86, 88, and 89) and two stations (Station 1 and 2) and an Administration building. Stations 1 and 2 are jointly operated with Grass Valley and Station 54 is jointly operated with Nevada City (NCCFD, 2018a). Fire suppression equipment includes type 1 and type 2 engines, swift water rescued, water tender, reserve type 2 engines, an OES water tender, a type 6 engine, command vehicles, and repair vehicles (NCCFD, 2018b).

Station 84 – 10135 Coyote Street – Operates on three shifts, A, B and C Shift has with one Captain and one Firefighter/Operator during each shift. Equipment includes one Type 1 Engine and one Type 1 Water tender.

Station 54 – 201 Providence Mine Road - Operations on three shifts, A, B, and C Shifts has one NCFD Captain and one NCFD Firefighter. Equipment includes one Type 1 Engine.

Station 2 – 213 Sierra College Drive - Operates on three shifts. A Shift and B Shift have one GVFD Captain, one GVFD Engineer, and one GVFD Firefighter, and C Shift has one GVFD Captain and three GVFD Firefighters.

Station 86 – 12337 Banner Lava Cap Road – Operates on three shifts. A Shift has one Captain and one Firefighter/Operator. Shift B and C has one Lieutenant and one Firefighter/Operator. Equipment includes one Type 1 Engine and one Squad Vehicle.

Station 1 – 472 Brighton Street – Operates on three shifts. Shift A has one Battalion Chief, one GVFD Captain, one NCCFD Lieutenant, and one GVFD firefighter. Shift B has one Battalion Chief, one GVFD Captain, and one NCCFD Lieutenant, and C Shift has one Battalion Chief, one GVFD Engineer, and one NCCFD Captain. Equipment includes one Type one Engine.

Station 88 – 14400 Golden Star Road - Operates on three shifts with one Captain and one Firefighter/Operator during each shift. Equipment includes one Type 1 Engine, one Type 1 water tender, and one Repair Vehicle.

Station 89 – 11833 Tammy Way – Operates on three shifts Shift A and C have one Lieutenant and one Firefighter/Operator and Shift B has one Captain and one Firefighter/Operator. Equipment includes one Type 1 Engine, one Type III Engine, one OES Water Tender, and one golf cart.

Administration- 11329 McCourtney Road.

Nevada City Police Department

The NCPD provides law enforcement services to the community of Nevada City. The NCPD currently consists of 10 sworn members. Overall, personnel consist of a Chief of Police, one lieutenant, six full-time Officers, one part-time Officer, one part-time Community Services Officer, six Reserve Officers, one Records Supervisor, and two Chaplains. NCPD utilizes the Grass Valley Police Department (GVPD) for K-9 services when needed. In addition to responding to calls for service, the department performs criminal investigations, traffic/parking enforcement, building code enforcement, Alcohol and Beverage Control license compliance, evidence management, special event coordination, quality of life outreach and enforcement, coordinate / track POST required training, liaison with schools and students including active involvement with a Police Explorer Post, recruitment and retention of Reserve Officers, Interns and volunteers, and coordinate Neighborhood Watch activities.

Nevada County Sheriff Department

The Nevada County Sheriff's Department (NCSA) provides law enforcement to all the unincorporated areas of Nevada County. Sheriff's services include patrol, dispatch, investigations, search and rescue, boat patrol, correctional facilities, coroner, and court security services. Law enforcement services are provided to the SOI Plan update area out of the sheriff's office in Nevada City at 950 Maidu Avenue.

The NCSA has four divisions including the Administrative Support Division, the Corrections Division, Finance Units, and Operations Division. The Administrative Support division provides support services in units including, civil, communications/dispatch, evidence, personnel/training, and records. The Corrections Division manages the operations and services within the County Jail, and the Finance Unit oversees contract management, grant funding, budget development and reports, and public administration (Nevada County, 2018).

California Highway Patrol

The California Highway Patrol (CHP) was created in 1929 to provide uniform traffic law enforcement throughout the state. The primary purpose of CHP is to assure the safe, convenient and efficient transportation of people and goods on our highway system. CHP operates numerous programs throughout the state in various divisions based on regional locations. The programs include, cargo theft interdiction, a certified business advocate program, commercial vehicles section, impaired driver enforcement program, school bus program, and youth programs. Within Nevada County, CHP has two offices: 1) 11363 McCourtney Road in Grass Valley, and 2) 10077 State Route 89 South in Truckee. CHP also maintains an office at 1) 50 Canyon Creek in Gold Run in Placer County in Gold Run along I-80 (CHP, 2018).

Nevada County Superintendent of Schools

The Nevada County Superintendent of School (NCSS) oversees the County's nine school districts and charter schools. The NCSS helps in providing educational, financial, and student support programs for almost 12,000 students in Nevada County throughout the different districts. In sum, the NCSS oversees eight elementary school districts, one comprehensive high school district, and eight independent charter schools.

Nevada City School District

The Nevada City School District (NCSD) operates Deer Creek Elementary School and Seven Hills Middle School which are discussed in more detail below.

Deer Creek Elementary School - is located at 805 Lindley Avenue and houses transitional kindergarten through fourth-grade students. The elementary school provides services for a total of 384 students. In 2018 there were 95 Kindergarten, 65 students in first grade; 72 students in second grade; 70 students in third grade; and 82 students in fourth grade. The school is currently comprised of 19 classrooms, a main office, library, STEAM room, computer lab, music room, a fitness center, staff lounge, cafeteria/multi-purpose room, a workroom, psychologist's office, speech /language room, three outdoor play areas, two outdoor classrooms, and a field area which is also used by local community sports groups. The average class size in 2018 for kindergarten was 24 students, 23 students for first and second grade; 26 students for third grade; and 29 students for fourth grade.

Seven Hills Middle School - is located at 700 Hoover Lane and is home to grades fifth-eighth. The middle school provides services for a total of 350 students. In 2018 there were 90 students in fifth grade; 82 students in sixth grade, 86 students in seventh grade, and 82 students in eighth grade. The middle school is comprised of 27 classrooms (including portables), a library, a computer lab, three science labs, one athletic field, one paved area for sports, a theater/cafeteria/multi-purpose room, a band room, a fitness room, the bicycle recycling facility, and the main office. The average class size in 2018 was 29 students.

Nevada City did have a third school, Nevada City Charter School but the charter was removed in 2019. The school provided services for 72 total students in first grade through eighth grade. These students will be absorbed by Deer Creek Elementary and Seven Hills Middle School.

Nevada Joint Union School District

The SOI Plan update area is within the Nevada Joint Union School District (NJUSD). The NJUSD provides high school-aged students services at Bear River High School, an Adult Education school, North Point Academy, Nevada Union High School (NUHS), Nevada Union Tech High School, and Silver Springs High School. High School aged students from the SOI Plan update area would most likely attend NUHS.

NUHS is located at 11761 Ridge Road in Grass Valley approximately 1.25 miles southwest of the Nevada City boundary. According to the Nevada County Superintendent of Schools for the 2018-2019 school year, total enrollment at NJUSD was 1,531 students with 426 students in ninth grade, 372 students in tenth grade, 380 students in eleventh grade, and 353 students in twelfth grade (NCSS, 2016).

Parks

Nevada City

The Nevada City Parks & Recreation Department (NCPR) manages the system of parks, trails, recreational facilities, programs and services within the City. NCPR facilities include parks, open space, trails, a swimming pool, summer programs, and they also provide recreational classes and other programs and services for residents of the City. The Department employs one full-time employee year-round and approximately 35 seasonal staff during the summer months. City parks include Pioneer Park, and Callanan Park located at Broad Street and Union Street in the downtown area. Pioneer Park provides amenities including, baseball and softball fields, a large grassy field, picnic & bbq areas, horseshoe pits, bocce ball court, petanque court, outdoor amphitheater, a smaller amphitheater, tennis courts, basketball courts, the seaman's lodge, memorial grove, a playground, and swimming pool.

In addition to the above, the City owns approximately 300 acres of open space properties, many of which include trails so the public can enjoy the outdoor environment. Park of this area includes the Deer Creek Tribute Trail System, encompassing approximately 40 acres of land along Deer Creek. The Tribute Trail extends along both sides of the creek on these properties. The trail on this property incorporates the Nisenan Bridge Section of the Deer Creek Tribute Trail System and is called the Nisenan Trail. Other trails and areas include Hirschman's Pond and Diggins and Hirschman Trail, Miner's Trail, Prospect Stairs, Stiles Mill, Tribulation Trail, and Sugarloaf Mountain which is further detailed in the Sugarloaf Mountain Master Plan.

Nevada County

Nevada County has three recreational and parks districts that would be usable by residents of the City and within the SOI Plan Update Area, the closest of which to the City is the and Western Gateway Recreation and Park Districts in western Nevada County. Western Gateway operates the Western Gateway Park, a large park offering a variety of recreational facilities, and the Bear River District currently operates the Magnolia Sports Complex in conjunction with the Pleasant Ridge School District.

Libraries

Nevada City does not provide library services to community members. Library services are provided by the Nevada County Community Library System (NCCLS). The NCCLS consists of six library locations. Five of the branches are circulating branches, two of which are station libraries, and one is a historical reference library. Additional detail on each branch are provided immediately below:

Bear River Library – The Bear River Library is located at 11130 Magnolia Road in Grass Valley on the Bear River High School Campus and is in joint use with the high school. The library has 22 public internet terminals and has a large collection of adult and children's books.

Doris Foley Library for Historical Research – The Doris Foley Library for Historical Research is located at 211 N. Pine Street in Nevada City. The library contains research materials regarding Nevada County history and materials are for use on-site only.

Grass Valley Library - Royce Branch – This library is located at 111 Mill Street in Grass Valley and is a historic Carnegie library listed in the National Register of Historic Places. The library is two stories and provides a full range of library resources and services.

Madelyn Helling Library – The Madelyn Helling Library is located at 980 Helling Way in Nevada City and is the main branch of the Nevada County Library System. The library has a collaborative technology center, community room, study rooms, and amphitheater.

Penn Valley Library – The Penn Valley Library is located at 11336 Pleasant Valley Road in Penn Valley and is the newest branch of the Nevada County Library System. It is located across from the main entrance to Lake Wildwood.

Truckee Library – The Truckee Library is located at 10031 Levon Avenue in Truckee services Eastern Nevada County through a unique facility and an extensive collection of materials including audio-visual materials, a children’s room, and adult non-fiction collections.

Health Services

Nevada City is served by Nevada County Health and Human Services as well as local providers. Through Nevada County, the Healthy Community Program includes alcohol & Drug Use prevention, emergency preparedness & Planning, Nutrition Education & obesity prevention, tobacco use prevention, WIC, and prediabetes. In addition, the County provides mental health crisis services. Services are provided at a number of facilities including Western Nevada County Public Health at 500 Crown Pointe Circle in Grass Valley, Eastern Nevada County Public Health at 10075 Levon Avenue in Truckee, Women, Infants & Children at 988 McCourtney Road in Grass Valley, and the Medical Therapy Program at 400 Hoover Lane in Nevada City. Other smaller localized offices and health care providers are located throughout the area.

Within and near Nevada City there are 8 free and income based clinics that include the Western Sierra Medical Clinic at 844 Old Tunnel Road in Grass Valley; Minders Family Health Center at 1345 Whispering Pines Lane in Grass Valley; Western Sierra Medical Clinic at 10544 Spenceville Road in Penn Valley; Western Sierra Medical Clinic at 12183 Locksley Lane in Auburn; Placer County Human Services at 11519 B Avenue in Auburn; Western Sierra Medical Clinic at 209 Nevada Street in Downieville; Chapa-De Indian Health Program at 11670 Atwood Road in Auburn; and Divide Wellness Center at 6065 State Hwy 193 in Georgetown.

Museums

Nevada City has a rich history, and this is reflected in the museums within the City. Museums within Nevada City include Firehouse #1 Museum, Malakoff Diggins State Historic Park, Miners Foundry Cultural Center, Nevada County Narrow Gauge Railroad Museum, and Searls Historical Library. Museums close by in Grass Valley include the Empire Mine State Historic Park, Grass Valley Museum, and the Northstar Mining Museum.

4.9.2 REGULATORY SETTING

Federal

No federal laws, regulations, or programs were identified related to public services and the SOI Plan update.

State

California Building Code

The State of California provides a minimum standard for building design through the California Building Code (CBC), which is located in Part 2 of Title 24 of the California Code of Regulations. The California Building Code is based on the International Building Code but has been modified for California conditions. It is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions. Commercial and residential buildings are plan checked by local City and County building officials for compliance with the CBC. Typical fire safety requirements of the CBC include the installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards for fire doors, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildfire hazard areas.

California Fire Code

The California Fire Code (CFC) incorporates, by adoption, the International Fire Code of the International Code Council, with California amendments. This is the official Fire Code for the State and all political subdivisions. It is located in Part 9 of Title 24 of the California Code of Regulations. The CFC is revised and published every three years by the California Building Standards Commission.

California Health and Safety Code and Uniform Building Code

The California Health and Safety Code provides regulations pertaining to the abatement of fire-related hazards. This Code also requires that local jurisdictions, including the City, enforce the Uniform Building Code, which provides standards for fire-resistant building and roofing materials and other fire-related construction methods.

California Senate Bill 50 and California Government Code (Section 65995(b)) and Education Code (Section 17620)

California Senate Bill (SB) 50 places limitations on the power of local governments to require mitigation of school facilities by developers. Under the provisions of SB 50, school districts can collect fees to offset the cost of expanding school capacity, which becomes necessary as development occurs. These fees are determined based on the square footage of proposed uses. As a part of this Bill, school districts must base their long-term facilities needs and costs on long-term population growth in order to qualify for this source of funding. Payment of statutory school fees is deemed to be adequate mitigation of school impacts under CEQA. Prior to SB 50, case law allowed cities to consider and impose conditions to mitigate impacts of new development on school facilities.

SB 50 amended California Government Code Section 65995, which contains limitations on Education Code Section 17620, the statute that authorizes school districts to assess development fees within school district boundaries. Government Code Section 65995(b)(3) requires the maximum square footage assessment for development to be increased every two years, according to inflation adjustments. Currently, the maximum impact fees allowed by SB 50 are as follows:

- In the case of residential construction, two dollars and ninety-seven cents (\$3.79) per square foot of assessable space.
- In the case of any commercial or industrial construction, thirty-three cents (\$0.61) per square foot of chargeable covered and enclosed space. (Gov. Code §65995, subd. (b)).

According to California Government Code Section 65995(3)(h), the payment of statutory fees is “deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization...on the provision of adequate school facilities.” The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Mitigation Fee Act (California Government Code (Sections 66000 through 66008))

Enacted as Assembly Bill (AB) 1600, the Mitigation Fee Act requires a local agency, such as the City of Vallejo, establishing, increasing, or imposing an impact fee as a condition of development to identify the purpose of the fee and the use to which the fee is to be put. The agency must also demonstrate a reasonable relationship between the fee and the purpose for which it is charged, and between the fee and the type of development project on which it is to be levied. This Act became enforceable on January 1, 1989 (California Legislative Information, 2019).

California State Assembly Bill 97 (AB 97)

Approved in July 2013, AB 97 revises existing regulations related to financing for public schools, by requiring State funding for county superintendents and charter schools that previously received a general-purpose entitlement. The bill authorizes local educational agencies to spend, for any local educational purpose, the funds previously required to be spent for specified categorical education programs, including, among others, programs for teacher training and class size reduction.

The Mello-Roos Communities Facilities Act of 1982

The Act allows any county, city, special district, school district or joint powers authority to establish a Mello-Roos Community Facilities District (a “CFD”) which allows for financing of public improvements and services. The services and improvements that Mello-Roos CFDs can finance include streets, sewer systems and other basic infrastructure, police protection, fire protection, ambulance services, schools, parks, libraries, museums, and other cultural facilities. By law, the CFD is also entitled to recover expenses needed to form the CFD and administer the annual special taxes and bonded debt (Californiataxdata.com, 2019).

Local Regulations

Nevada City General Plan

The Nevada City General Plan Public Safety element addresses fire hazards and health and emergency facilities. Fire hazards are generally discussed in terms of wildland fires, which is discussed in additional detail in *Chapter 4.11 – Wildfires*. The General Plan also discusses health and emergency facilities including the Sierra Nevada Memorial Hospital and Miners Hospital in the Nevada City. In addition, the Nevada County Office of Emergency Services would coordinate with other agencies in times of disaster. The General Plan provides the following objectives and policies related to the provision of public services.

Fire Hazard

Objective

- Ensure Safety for life and property in both wildlands and developed areas

Policy

- The Nevada City Fire Department, in cooperation with the California Department of Forestry and relevant Fire Districts, shall maintain high fire protection levels by requiring adequate access and water flow, based on established standards.

Nevada City Municipal Code

Title 15 Buildings and Construction of the NCMC provides minimum standards to safeguard life or limb, health, property, and public welfare. This section regulates and controls the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures, regulated equipment, grading and construction activities that result in a land disturbance on private property within this jurisdiction in conformity with the 2019 edition of the California Building Standards and consistent with and complementary to standards adopted by the County of Nevada.

Section 15.08.015 California Fire Code and county amendments adopted – This section adopts 2016 California Fire Code and County amendments into this section and Section 15.04020.

Section 15.08.020 – Responsibility for enforcement and review - This section clarifies that except as otherwise required compliance with fires safety laws and regulations will be enforced by the City fire chief or authorized representative. In addition, this section clarifies the fire chief or authorized deputy shall have final authority and review for compliance. The reviewer also is granted the authority to comment and include, as required, appropriate mitigation measures and/or conditions of approval to assure compliance with applicable fire safety laws, and standards and regulations.

4.9.3 STANDARDS OF SIGNIFICANCE

This section describes the methodology used in conducting the impact analysis for public services, the thresholds of significance used, and the assessment of the level of impact on public services. Measures to mitigate (i.e., avoid, minimize, rectify, reduce, eliminate, or compensate for) significant impacts, where applicable, accompany each impact discussion.

According to Appendix G of the CEQA Guidelines, the proposed project would have a significant impact on public services if it would:

Result in substantial physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- Fire Protection?
- Sheriff Protection?
- Schools?; or
- Other Public Facilities?

4.9.4 PROJECT IMPACTS AND MITIGATION

The proposed project consists of an update to the SOI Plan for the City (proposed project). This EIR evaluates four project alternatives. The following impact evaluation focuses on the LAFCo/City Preferred Consensus Alternative (Consensus Alternative) which has been identified as the Preferred Alternative in accordance with CEQA requirements. Impacts for the other alternatives are discussed in Chapter 5.0 Alternatives. In some instances; however, impacts related to the overall SOI Plan update may be presented when applicable and to help illustrate the environmental effects in the framework of the overall SOI Plan update. The impacts are discussed in terms of direct and indirect impacts. Direct impacts are those that occur immediately upon initiation of a project such as ground disturbance or demolition of existing structure(s). Indirect impacts occur when a project would induce growth into areas such as through the extension of infrastructure and that extension could facilitate new development or result in an annexation that could enable future development.

Impacts Discussion Overview

The Impacts Discussion Overview describes the characteristics of the Consensus Alternative, development potential, assumptions for provision of services, and City and environmental review requirements related to Public Services This discussion is applicable to each impact, Impact PS-1a through Impact PS-1e, below, but is provided here to avoid repetitive discussion.

The Impacts Discussion Overview describes the characteristics of the Consensus Alternative, development potential, assumptions for provision of services, and City and environmental review requirements related to public services. This discussion is applicable to each impact to Fire, Police, Schools, Parks, Libraries, and Other Public Facilities, but is provided here to avoid repetitive discussion.

The Consensus Alternative would update the SOI Plan area, and future development projects under City jurisdiction would occur only after being annexed to the City. The majority of these undeveloped areas within the Consensus Alternative area are designated for estate residential, rural residential, or open space with minor areas designated for planned development, employment centers, public uses, or service

commercial. Development in these areas is anticipated to be consistent with the existing City designations.

In addition, the six potential development areas identified by the City are discussed throughout this document. These sites do not yet have any development approval and the specific project footprints are unknown. Annexation and the anticipated timeline for built out would occur over an unknown period of time and is anticipated to be at similar densities as to what is shown in the project description and in accordance with existing City planning documents.

Within the Consensus Alternative boundaries there are four priority annexation areas. In general, these areas are already developed, are in close proximity to, or are already being served by existing water or wastewater lines. These areas are in logical locations for extension of City municipal services and represent a logical progression of City boundaries.

All future City development after annexation within the Consensus Alternative area, including the six potential development areas would be subject to City design and review as part of City's project review process. All projects would be evaluated for consistency with the NCGP, Nevada City Municipal Code, and Nevada City Design Guidelines. The City also has authority to prezone all future annexations to Nevada City, and for annexations that include new development, the City would be able to specify conditions to ensure that future projects would incorporate all required elements of the listed development guidance documents related to provision of public services. The project by project review also would include a City led CEQA analysis and as applicable, would require project-specific mitigation measures or binding conditions of approval to reduce impacts related to public services.

Impact PS-1: Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire Protection

Fire service to the existing SOI Plan area is provided by Nevada County Consolidated Fire District (NCCFD). Adoption of the Consensus Alternative would not result in any development and does not include any entitlements that would result in new projects. The Consensus Alternative would not increase demand for fire protection services and would not alter the primary responsibility of fire response to these areas. NCCFD would still provide services to these areas and changes to service boundaries necessitating new stations would not change. Therefore, direct impacts to fire protection services would not occur.

As areas are annexed into and become part of the City the primary responsibility for fire protection would shift to the Nevada City Fire Department and increase the demand on fire service provided by the City. Therefore, indirectly, the Consensus Alternative has the potential to result in impacts. Annexation of Priority Annexation Areas #1, #2, #3, and #4 are not anticipated to substantially increase demand for fire

services. Two of these areas [Annexation Areas #1 (Caltrans facility) and #2 (juvenile hall)] are not planned for any expansion and an increase demand for services would not occur. Priority Annexation Areas #3 and #4 consist of a cemetery and rural residential development and a few vacant lots. If services are extended to these areas, it could induce development on the vacant lots and some adjacent areas. Although such expansion is anticipated to be small, it would increase the demand for the provision of services but impacts in this regard would be insignificant.

The Consensus alternative does include the six potential development areas described above, however, future development of these areas will be subject to the City's review and regulation when development plans are submitted, and application(s) filed.

Typically, the environmental analysis of impacts to public services for new projects involves an evaluation of whether a project would result in the need for expansion of existing facilities or construction of new facilities. It is possible that as annexations occur the Nevada City Fire Department may need to expand stations or construct new stations. Currently, the Nevada City Fire Department and NCCFD operate under the Joint Operational Area (JOA) agreement which is dependent on equity of responses from jurisdiction and equity in resources provided by each JOA partner. Fire resources are paid for, in part, by a tax share agreement Nevada City and NCCFD. To account for the increased responsibility of Nevada City Fire Department, as areas are annexed out of the County, it may be necessary to evaluate revisions to the tax share agreement so that Nevada City Fire Department would have more funding available to ensure proper services and responses are maintained. Although such an agreement is typically outside the scope of a CEQA document, changes to the agreement could result in expansion of existing facilities or construction of new fire protection service sites.

All future annexation projects would undergo individual CEQA review. The project-by-project review also would include a City-led CEQA analysis and as applicable would determine the need for fire protection services. Although the annexation of the four priority annexation areas would not result in a substantial new demand for services, in conjunction with future annexations, impacts could occur. Future projects may be required to include project-specific mitigation measures or binding conditions of approval to help pay for a fair share contribution to the provision of these services. Development impact fees would be assessed during the project application and review process and would be considered a fair share contribution to the provision of services.

Lastly, if existing facilities require expansion or new fire facilities are needed as a result of long-term increased demand, the City also would conduct project-related CEQA review for these needs. It is anticipated that due to the anticipated scope and scale of such projects that impacts would be less than significant or mitigated to less than significant.

Mitigation Measures: No Mitigation Measures are Required.

b) Police Protection

Police protection within the existing SOI Plan area is provided by the Nevada County Sheriff Office. Adoption of the Consensus Alternative would not result in any development and does not include any

entitlements that would result in new projects. The Consensus Alternative would not increase demand for police protection services from the Sheriff's Department and would not alter the primary responsibility for provision of services to these areas unless an annexation occurs. The Sheriff's Department would still provide services to these areas and changes to service boundaries and new stations would not be needed. Therefore, direct impacts to police services would not occur.

As areas are annexed into and become part of the City the primary responsibility of police protection would be provided by the NCPD. This would result in an increased demand on police protection provided by the City. Therefore, indirectly, the Consensus Alternative has the potential to result in impacts to the provision of these services. Annexation of Priority Annexation Areas #1, #2, #3, and #4, are not anticipated to substantially increase demand for police services. Priority Annexation area #1 and the Caltrans facility, and Priority Annexation area #2, the County Juvenile Hall, are not planned for any expansion an increased demand for services would not occur. Additionally, the primary security services at Juvenile Hall would remain with the County. Priority Annexation Areas #3 and #4 consist of a cemetery and rural residential development and a few vacant lots. If services are extended to these areas it could induce development on the remaining vacant lots and some adjacent areas. Although this expansion is anticipated to be small, it would increase the demand for police services if calls from these locations are made.

The Consensus Alternative does include six potential development areas described above. However, future development of these areas is unknown as no formal development applications have been submitted and no entitlements to develop have been granted. These projects, should they occur, would be subject to the City's review and regulation when development plans are submitted, and application(s) filed.

All future annexation projects would undergo individual CEQA review. The project by project review also would include a City led CEQA analysis and as applicable would determine the new demand for police protection services and facilities. Future projects may be required to include project-specific mitigation measures or binding conditions of approval to help pay for a fair share contribution to the provision of these services. Lastly, although police protection is anticipated to be provided out of the existing stations, if, as a result of long-term increased demand, police facilities require expansion or new police facilities are needed as, the City would conduct project-specific CEQA review for these needs. It is anticipated that through the development review process the City would receive appropriate development impact fees to adequately serve existing as well as future residents. Additionally, if demand would increase such that new facilities would be needed, each facility would undergo separate CEQA review and it is anticipated impacts would be less than significant or less than significant with mitigation.

Mitigation Measures: No Mitigation Measures are Required.

c) Schools

School services within the existing SOI Plan area is provided by the Nevada County School District. Adoption of the Consensus Alternative would not result in any development and does not include any entitlements that would result in new projects that would increase attendance to area schools. Adoption of the Consensus Alternative would not alter the primary responsibility for provision of school services to

these areas and services would continue to be provided by both the County and City depending on grade levels. Therefore, direct impacts to schools would not occur.

As areas are annexed into and become part of the City the primary responsibility of school services would remain with the current district, but annexation could induce development through the provision of services and increased the demand on school services. Therefore, indirectly, the Consensus Alternative had the potential to result in impacts to the provision of these services. Annexation of Priority Annexation Areas #1, #2, #3, and #4; however, are not anticipated to substantially increase demand for schools. Two of these areas [Annexation Areas #1 (Caltrans facility) and #2 (juvenile hall)] are not planned for any expansion and increased demand for services would not occur. Priority Annexation Areas #3 and #4 consist of a cemetery and rural residential development and a few vacant lots. In sum, these areas account for approximately 41 residential parcels (developed or undeveloped). Based on the existing school district and attendance boundaries, as discussed above, should the SOI change in these locations, the students would attend the same schools.

Because the NCS D does not provide services for High School students, students from these locations, and elsewhere within the Consensus Alternative area would still attend NUHS. In this regard, adoption of the Consensus Alternative and potential future annexations would not change high school attendance and impacts would be less than significant.

The Consensus Alternative does include the six potential development areas described above. However, future development of these areas is unknown as no formal development applications have been submitted and no entitlements to development have been granted.

All future annexation projects would undergo individual CEQA review. The project by project review also would include a City led CEQA analysis and as applicable would determine the new demand for school services. These project areas are undeveloped and would be required to pay school mitigation fees should they occur. These projects would be subject to the City's review and regulation when development plans are submitted, and application(s) filed. As properties are annexed, including those with existing uses as well as potential future development, property taxes and development impacts fee's as applicable, would help pay for a fair share contribution to the provision of school services. Development impact fees would be assessed during the project application and review process and would be considered a fair share contribution to the provision of school services.

It should be noted that there are two existing vacant schools within the City that could be used if demand for new facilities occurs through growth in the City and County. While existing schools are anticipated to provide adequate services, if expansion of a particular school is needed, the expansion would likely occur within the existing school site on previously disturbed areas where impacts would be minimized. Lastly, if schools are expanded, or new schools are needed, the City would be required to conduct a site-specific project-related CEQA review. It is anticipated impacts would be less than significant or less than significant with mitigation.

Mitigation Measures: No Mitigation Measures are Required.

d) Parks

Adoption of the Consensus Alternative would not result in any development and does not include any entitlements that would result in new projects that would increase demand for the use of parks. Adoption of the Consensus Alternative would not alter the primary responsibility for provision of parks to the SOI area or within the City. Therefore, direct impacts to parks would not occur.

As areas are annexed into and become part of the City it is not anticipated that existing residents would use different parks. Both County managed and City managed recreational areas would still be available to these residents. Annexation of Priority Annexation Areas #1, #2, do not include the potential for residential development and no increased demands would occur. Priority annexation areas #3, and #4 include a cemetery, existing rural residential uses, and a few vacant parcels on which new single-family residences may be constructed. New construction of these homes could result in a slight increased demand on recreational facilities. However, based on the existing recreational resources throughout the County, this increased demand and potential to result in the demand for new parks or expansion of existing parks would be less than significant.

The Consensus alternative does include the six potential development areas however, future development of these areas is unknown as no formal development applications have been submitted and no entitlements to development have been granted. These projects, should they occur, will be subject to the City's review and regulation related to provision of park services. Future developments are anticipated to provide recreational resources for future residents as part of those projects as required in the City Municipal Code. This requirement is discussed in Article XI- Dedications, Reservation and Development Impacts Measures of the City Municipal Code. More specifically, Chapter 16.04.760 - Park and recreation purposes, states that the city council may require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for park or recreational purposes as a condition of the approval of a final map or parcel map and the amount of any fee to be paid in lieu thereof, and shall comply with all of the provisions of Section 66477 of the Subdivision Map Act.

Therefore, as developments that are enabled by the adoption of the Consensus Alternative are proposed and potentially developed, they would require permitting and their own environmental review in accordance with CEQA. These areas would likely either include parks and other recreational resources or would pay fees for construction of resources on separate sites. All parks proposed as part of these projects occurring within the existing development footprint would be included and analyzed for potential impacts and would be accounted for in the respective project CEQA document as part of the annexation process. Any off-site provision of recreational resources would require CEQA review and disclosure of any potential environmental impacts and mitigation as needed. Substantial environmental effects are not anticipated and impacts in this regard are less than significant.

Mitigation Measures: No Mitigation Measures are Required.

e) Other Public Facilities

Adoption of the Consensus Alternative would not result in any development and does not include any entitlements that would result in new projects that would increase demand for the use of other public facilities. Therefore, direct impacts on other public facilities would not occur upon adoption of Consensus Alternative.

As areas are annexed into and become part of the City it is not anticipated that existing residents would substantially change their use of public facilities and travel patterns simply because the jurisdiction in which they live changed. Both County managed and City managed public facilities would still be available to these residents. Annexation of Priority Annexation Areas #1, #2, do not include the potential for residential development and no increased demands would occur. Priority annexation areas #3, and #4 include a cemetery, existing rural residential uses, and a few vacant parcels on which new single-family residences may be constructed. New construction of these homes could result in a slight increased demand on other public facilities. However, based on the existing recreational resources available within the County, the increased demand and potential to result in the demand for new public facilities or expansion of existing facilities would be less than significant.

The Consensus alternative includes six potential development areas described above. Future development of these areas is unknown as no formal development applications have been submitted and no entitlements to development have been granted. These projects, should they occur, will be subject to the City's review and regulation related to provision of public services. As developments that are enabled by adoption of the Consensus Alternative are proposed and potentially developed, they would require permitting and their own environmental review in accordance with CEQA which would include an evaluation of potential impacts to other public facilities. If new public facilities would be required, they would be accounted for in a subsequent respective CEQA document and disclosure of any potential environmental impacts and mitigated as needed. Substantial environmental effects are not anticipated and impacts in this regard are less than significant.

Mitigation Measures: No Mitigation Measures are Required.

4.9.5 CONCLUSION

Implementation of the Consensus Alternative would not result in any direct impacts or changes to the provision of public services. Indirectly, annexations and future development from within the SOI would change the service provider and could increase demand on existing resources and require the expansion of construction of new facilities. Considering the existing uses and development potential of the priority annexation areas, as well as most other areas within the SOI that are designated and are anticipated to remain rural, increased demand for services is anticipated to be small such that expansions would not be required.

Considering the six potential development areas, the density of development could be greater such that new or expanded facilities could be required. All of these developments, should they occur, would be required to pay all applicable fees to provide for its fair share of increased demand for fire protection, law

enforcement, school services, park resources, and other public facilities (if applicable). Through the payment of fees and required subsequent CEQA analysis, should off-site improvements be proposed would reduce impacts to these resources and other resources at off-site locations to less than significant.

4.9.6 CUMULATIVE IMPACTS

This draft EIR considers growth under the Consensus Alternative in terms of direct and indirect impacts. A significant cumulative impact would result if the Consensus Alternative, with other projects exceed the ability of the NCFD to adequately provide service, thereby requiring construction of new facilities or modification of existing facilities.

As described above, the Consensus Alternative area is currently served by the Nevada County Fire Department that operations under a JOA with the NCFD. Upon annexation of existing areas within the County to the City, primary responsibility for provision of services would shift to the NCFD. The NCFD has indicated that in order to maintain adequate fire services, adjustments to the tax structures and funding received would need to be evaluated. The addition of priority Annexation Areas #1, #2, #3, and #4, are not anticipated to result in substantial increases in demand for fire services and other development enabled by the proposed project would be required to pay appropriate fees to enable provision of fire services. It is anticipated, therefore, that growth under the proposed project could be served either by existing stations and that if new stations of facilities are needed, it would not result in a substantial cumulatively considerable because those services would be provided such that residents are placed at risk. In addition, all future development within the NCFD service areas would be required to comply with State and local regulations, including CBC and CFC requirements, and be reviewed by the NCFD to ensure risks associated with fire hazards be minimized. Therefore, the cumulative impact would be less than significant.

Mitigation Measures: No Mitigation Measures are Required.

Police Protection

As described above, the Consensus Alternative area is currently served by the Nevada County Sheriff's Department and upon annexation of properties within the Consensus Alternative responsibility would shift to the NCPD. All future project constructed after annexation, would pay required development impact fees and future residents would pay property taxes to account for and offset the increased demand for law enforcement services. In of itself, the Consensus Alternative would not result in direct demand such that new or expanded law enforcement facilities would be needed. Taken in sum with other past, present, and future projects, and projects that could be enabled by adoption of the Consensus Alternative, a cumulative impact could result if a new facility or expansion of existing police facilities was needed and such that the expansion resulted in impacts to the environment. Any future individual projects related to expansion of law enforcement services conducted by the City, would be required to go through the planning and review process, at which time, it would be determined if a site-specific CEQA review was needed. This would identify potential environmental impacts and mitigation measures as needed. Therefore, the cumulative impact would be less than significant.

Mitigation Measures: No Mitigation Measures are Required.

Schools

The students within the Consensus Alternative area currently reside within County boundaries but are served by the same schools as those who reside within the City. As areas are annexed and projects are developed, they would be required to pay all applicable development impacts fees Under Section 65995 of the California Government Code and is deemed to fully mitigate the impacts of new development on school facilities. During the last decade, school enrollment from students generated from within Nevada City and the surrounding areas had fallen. During this time and in preceding years, two schools had been constructed but are now vacant and offer opportunities for reuse should they be needed if a large influx of students occurs. Additionally, if existing schools need additional capacity, this is anticipated to occur through the use of portable classrooms that would be placed within the existing campus on areas that were previously disturbed. Therefore, it is anticipated that existing facilities are adequate to accommodate the increased number of students that could occur with potential growth. Lastly, if new school sites are required, these sites would be subject to site-specific CEQA review and mitigation to reduce impacts would be included. Therefore, cumulative impacts related to school facilities would be less than significant.

Mitigation Measures: No Mitigation Measures are Required.

Recreation

The proposed project would not result in a cumulative impact to park resources. As discussed above, the parks available to existing residents would not change. If existing residential areas are annexed, this would not increase the demand on recreational sites. Some currently undeveloped areas; however, could be annexed to the City and development of residential uses that would increase demand on recreational facilities could occur. As discussed above, these potential future developments are would be required to provide recreational resources for future residents or pay an in lieu of park-fees or a combination of both for the provision of park and recreational resources. If park resources are provided as part of future projects, it is anticipated the new resource(s) would be provided within the proposed project footprint and hence would be evaluated for potential impacts in the required CEQA document. If off-site recreational resources are proposed, these sites would be required to undergo site-specific CEQA review and include mitigation for any impacts that may be considered potentially significant. It is anticipated these impacts would be reduced and not be cumulatively considerable.

Mitigation Measures: No Mitigation Measures are Required

Other Facilities

Other public facilities in the City include libraries, hospitals, and cultural centers such as museums. Similar to other services discussed above, inclusion of existing uses within the Consensus Alternative area would not increase demand for other public facilities and this would not create a significant demand for governmental services beyond those already provided within the City. New construction associated with

future annexations would occur over an unknown period of time and it is anticipated that as the population increases, new facilities, public and private, would be expanded or constructed to satisfy the potential increased demand. Like all other projects within the City, they would be subject to design and review and approval and would need CEQA review depending on their location and intended uses. As part of the CEQA review, it is anticipated that impacts from expansion or construction of public facilities such as libraries, hospitals, cultural center, or other public facilities are anticipated to be would be less than significant.

Mitigation Measures: No Mitigation Measures are Required

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