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Julie Patterson Hunter,  
Clerk of the Board

*March 28, 2017*

Honorable Board of Supervisors  
Eric Rood Administrative Center  
950 Maidu Avenue  
Nevada City, CA 95959

**DATE OF MEETING: April 11, 2017**

**SUBJECT:** League of Women Voters of Western Nevada County - 2017 Recreation and Parks Study

**RECOMMENDATION:** Incorporate the following points of clarification when considering the League of Women Voters of Western Nevada County's 2017 Recreation and Park Study

**FUNDING:** None.

**BACKGROUND:**

The League of Women Voters of Western Nevada County (League) has conducted a follow up qualitative study to a 1987 study on recreation in Nevada County. Specifically, in 2015 the League interviewed a broad range of stakeholders including public officials, representatives of relevant NGOs and community volunteers. Respondents were asked 23 questions regarding recreational issues. The study contains five (5) sections including background, methodology, results, discussion, and conclusion.

While Staff commends the League for conducting the study and raising the importance of parks and recreation, the study does not include information that provides important context to Nevada County recreation activities including historical context and financial structure which are not fully captured in the study. Moreover, staff has identified several inaccuracies. For example, the study was conducted in 2015 and has not been updated to provide recent information despite being titled 2017 Recreation and Parks Study. Therefore, this report has been prepared by Staff to help provide the Board of Supervisors better context, clarification and understanding on Parks and Recreation in Nevada County and as it relates to the League of Women Voters of Western Nevada County's 2017 Recreation and Parks Study.

## *Overview*

Currently, there are four (4) independent Parks and Recreation Districts in Nevada County: the Truckee Donner Recreation and Park District, the Western Gateway Recreation and Park District, the Bear River Park and Recreation District, and the Oak Tree Community Park and Recreation District.

The Truckee Donner Recreation is the oldest district, which was formed in 1962. The District's boundaries were expanded in 1990 to include approximately 7,780 acres in the Martis Valley in Placer County. They have an annual budget of approximately \$7.1 million. Voters passed Measure K with 76.15% voter approval, a special district parcel fee paid by property owners within the boundary of the Truckee-Donner Recreation and Park District.

The Western Gateway Recreation and Park District is the second oldest District. This District was formed in 1974 and serves the unincorporated communities of Penn Valley, Lake Wildwood, Rough & Ready and Big Oak Valley. The District's funding is mainly derived from an annual special district parcel tax which was initially approved in 1986 and subsequently increased with Measure J in 1996. Measure J passed with 67.23% voter approval.

The Bear River Recreation and Park District is the third oldest district being formed in 1995. The District boundaries include the unincorporated communities of Alta Sierra and Lake of the Pines. The District has an annual budget of approximately \$118,000. In the summer of 2004, Bear River Recreation & Park District sought approval of a per-parcel assessment in order to raise much-needed revenues for District operations. The measure failed by less than one percent.

Lastly, in 2011, following voter approval, the Oak Tree Community Parks and Recreation District was formed. This District has an annual budget of approximately \$30,000. Voters passed a special district parcel tax (Measure B) with 70.99% voter approval. The parcel tax is paid by property owners within the boundaries of the District. The boundaries of the District are identical to the North San Juan Fire District.

Some of these Districts also receive AB 1600 funding from the County, as further described below.

## *Historical Context*

In general and as a matter of policy, the County does not provide, operate or own<sup>i</sup> any recreation facility<sup>ii</sup> but instead provides the fiscal administration of recreational fees to the Benefit Zones and has supported the creation of local park districts by the constituents that those Districts serve. It is important to note that the policy to not provide direct services was established by County voters 1982 and 1987. In the beginning of 1982, the

Board discussed the establishment of the Quimby Fees and also the establishment of a Nevada County Parks and Recreation District. Subsequently a measure was placed on the ballot to form a County-wide recreation and park district on July 6, 1982 for “all the portion of Nevada County lying west of the westerly boundary of Tahoe-Donner Recreation and Park District excluding the incorporated cities of Grass Valley and Nevada City”. This measure (known as Measure A) was voted on in November 1982 and failed.

Less than five years later, in February of 1987, the Board’s then Recreation Committee recommended that staff be directed to prepare a ballot measure to create a County Service Area (CSA) for recreation. On August 4, 1987 via Resolution 87-338, the Board called for an election and placed Measure B on the ballot for November 1987. Measure B sought voter approval of a proposal to use the County Service Area (CSA) law as a means to provide for recreation and park services in specific unincorporated portions of western Nevada County and all of Nevada City through the levy of annual parcel charges on developed and undeveloped parcels of residential real property, and on dwelling units in developed multi-family residential parcels, excluding areas lying within the Western Gateway Recreation and Park District and the Truckee Donner Recreation and Park District. However, voters also rejected this proposal and Measure B failed to pass. The voter rejection of both Measures A and B served to solidify the County’s approach to using special districts and mitigation impact fee programs as a means of providing and supporting local parks and recreation services.

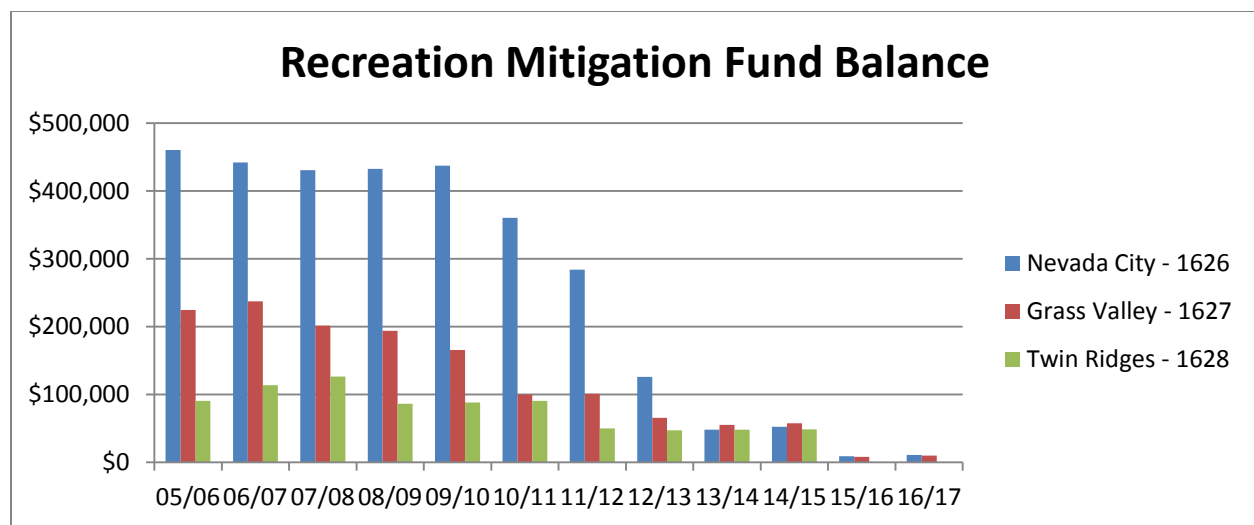
### *The AB 1600 Program*

In 1987, pursuant to Resolution No. 87-109, the County also established an impact mitigation fee program to collect and allocate development mitigation fees for capital funding for recreation facilities. The program established 4 Benefit Zones in Western Nevada County: the Bear River Benefit Zone, Grass Valley/Nevada City Benefit Zone, Twin Ridges Benefit Zone and the Western Gateway Benefit Zone. The Nevada County Board of Supervisors administers recreation mitigation fees collected within the Grass Valley and Nevada City Benefit Zones. Fees collected within these two Zones are allocated in accordance with their respective Capital Improvement Expenditure Plans (CIEPS) based on the availability of funds. The Planning Department administers a competitive grant process in these Benefit Zones through a Request for Proposals (RFP) process. The guidelines for the County’s RFP process address whether the proposed project creates a new or significantly expands an existing recreation opportunity available to the general public, satisfies an unmet need, will benefit a meaningful number of people, and will be made available for full and public use at little or no cost. Other important evaluation guidelines address whether funding has been obtained from other sources, the applicant can successfully complete the project and provide long-term public use, there is community support for the project, partnerships have been established to implement the project, and the funding requested is commensurate with the public benefit created by the project. Since 2005, the percentage of the funds in the Grass

Valley/Nevada City Benefit Zone have been awarded to park and recreation projects located within or sponsored by the City of Grass Valley was 71%, and 41% to the City of Nevada City for land acquisition and park development. Moreover, 29% of the fees collected went to Grass Valley/Nevada City combined projects. The remainder of the funds in these Benefit Zones was awarded to other eligible public and private recreational providers. A more specific list of projects that have been funded over the last 12 years are contained in Attachment A.

The mitigation fees generated in the Twin Ridges, Bear River, and Western Gateway Benefit Zones are primarily allocated directly to the independent Districts that serve those Zones. The Truckee Donner Recreation and Park District manages its own mitigation fee program.

It is important to note that the availability of AB1600 fees is directly related to the level of development in the Benefit Zones, meaning that if there is less development in the Benefit Zones, less fees will be collected. There has been a continual decline of funding as new development within the County has tapered off. As such, current account totals have halted the RFP allocation process for new capital projects with accounts totaling \$5,000, \$8,000 and \$0 for the Grass Valley Benefit Zone, Nevada City Benefit Zone and the Twin Ridges Benefit Zone, respectively. The following is a chart showing the history of balances in each of these Benefit Zones.



*League of Women Voters’ 2017 Recreation and Parks Study*

The 2017 Recreation and Parks Study (the “Study”) was conducted as a follow up study to a 1987 Study done by the League. While this staff report will not address every issue raised in the report, staff will provide clarification on several issues raised in the report. Specifically, the Study outlined that i) LAFCo did not conduct a Municipal Service Review (MSR) in 2013 as intended, ii) the County plays no role in providing recreation resources, and iii) stressed that County policy regarding recreation is not consistent with

current needs is evident in the County's denial to open the Overland Emigrant Trail to the public.

First, the purpose of the MSR is to assist LAFCo in the determination of a logical, efficient, and effective sphere of influence for each local governmental agency within its jurisdiction. A MSR is not repeated in full for jurisdictions that do not contain critical services; however, updates to the MSR are noted in the SOI Plans. As such, LAFCo published its 2014 SOI Plan Update for the four Parks and Recreation Districts in April 2015 that provided an update to the MSR Regional Determinations.

Second, the notion that "the County plays no role in providing recreation resources" is misleading as it misses to fully address the County's aforementioned Administrative Recreation Mitigation Fee Program and efforts to provide important fiscal administration of AB1600 fees that are allocated either directly to the Districts or through the projects approved in the RFP process. The County's role and structure have been set by voter precedent determining that recreational services were better and more successful under local control through community service districts.

### *Overland Emigrant Trail*

The County has been engaged with the Overland Emigrant Trail issues since 2010 when the Western Nevada County Non-Motorized Recreational Trails Master Plan was adopted by the Board of Supervisors. It is important to note that no trail facilities currently exist on the ground; only easements are present on the recorded subdivision maps.

The Board directed staff to study the feasibility of developing the trail easements and return to the Board with options. Over the period of three years staff worked very closely with the homeowners in the area, the homeowners associations, and the trail advocates to understand and work through the numerous issues involved with developing a trail within the easements. Multiple public meetings occurred and eight options ranging from developing the trail to abandoning the easements altogether were studied and brought to the Board of Supervisors for consideration. The Board ultimately decided to retain the easements and direct staff to work with a recreation provider and the homeowners to begin a plan for trail development.

Numerous obstacles exist to building a trail that include unknown easement locations, inconsistent easement types, gaps in the connectivity of the easements, environmental constraints, engineering costs, need for environmental studies, lack of funding, lack of ongoing operation and maintenance. After identifying all of the issues, staff identified the need to professionally survey the easements so that the exact location could be identified and obstacles and constraints identified, and an alignment of the physical trail could begin. Since there was no funding or grants available for the survey work the Board of Supervisors authorized \$30,000 to complete the survey. The survey has been completed and is in the process of being recorded. The County and the Board of Supervisors has

been working through the various obstacles associated with building a trail within the easements. The recommendation to simply open the easements for use is not feasible or safe due to the lack of an actual trail and neglects to fully take into consideration the physical, environmental and legal issues associated with developing the easements and maintaining a public trail.

### *Study Recommendations*

Fourth, the study provides four main recommendations summarized below:

1. The Nevada County Board of Supervisors should make recreation and parks a higher priority.
2. Establish a Nevada County Parks and Recreation Department with one full-time equivalent (FTE).
3. Open the Overland Emigrant Trails for public access.
4. Local stakeholders and County officials should work collaboratively and consider allowing the League and other community stakeholders to act as the leaders for these issues.

Staff's response to these recommendations includes the following:

1. The Board adopted Resolution 17-085 thereby directing staff to review current AB 1600 Recreation Impact Fees and commission a new study for the purposes of providing funding and meeting the needs for recreational improvements to serve new development and encourage all entities to consider collaboration/consolidation into one western county regional park and recreation operation as a Priority A Objective. As such, Planning staff will be working on a RFP for a nexus study on AB 1600 fees and are currently identifying strategies for stakeholder engagement.
2. Currently, parks and recreation services are provided through community service districts. Historically, voters have rejected the establishment of a County Service Area and tax for the purpose of providing such services. The current Board Priority is to encourage park and recreational districts to consider collaboration/consolidation into one western County regional park and recreation operation. A study could be included with the nexus study for the AB 1600 fees to identify the potential challenges, benefits and impacts that a consolidated western district could have on the County. However, it should be noted that this could increase study costs due to additional analysis being needed to study how one district would operate and how the services and recreational opportunities would be affected by consolidation.
3. As described above, the recommendation to open the Overland Emigrant Trail to the public is far more complicated than simply stating the easements can be used by the public. There is no trail located within the easements so traversing the easements would be unsafe due to the multiple environmental constraints including, flooding waterways, steep slopes and thick vegetation. Developing a trail within the easements requires study and design in addition to funding and

working through legal issues. The County is currently working on the feasibility of developing the easements for public use.

4. The County's current role is limited to administrative support of collecting and allocating AB 1600 fees. However, Staff is not opposed to working collaboratively with community stakeholders on parks and recreational issues. Additionally, working to encourage all entities to consider collaboration/consolidation into one western County regional park and recreation operation would include working with applicable community stakeholders, along with the special districts.

#### *Other Notable County Activities*

- 1) The County assisted proponents of the proposed Oak Tree Park & Recreation District to obtain a grant to purchase park property which the County held in trust for several years until residents were successful in forming the District through voter approval. Once the District was formed, the Board gave all of the accumulated AB1600 funds from the Twin Ridges Benefit Zone to the District in addition to approximately \$40,000 from the Dryden Wilson Fund.
- 2) The County has put forth continued efforts to support and keep both the Bridgeport Bridge and Malakoff Diggins State Parks open and off the state closure list including securing state funds for restoring the Bridgeport Bridge and implementing a solar project at the Malakoff Diggins site. The County also prohibiting parking along Pleasant Valley Road in order to encourage visitors to use the state's pay lots to raise operational funds for the Bridgeport Bridge Park.
- 3) The County regularly takes to support regional efforts to develop recreational trails and bike trails such as the Pines to Mines Trail and the Pyramid bike trail.
- 4) The County donated land for the Tobiassen Park softball field, restroom, lake and fishing pier adjacent to the Madelyn Library.
- 5) In 2010, the County adopted the Western Nevada County Non-Motorized Trails Master Plan as a policy framework tool for the planning department and decision-makers to work with developers to provide trails consistent throughout the region for a regional trail system. The primary components of the Plan included i) a map depicting the existing trails and identified gaps in the regional trail system, ii) identified goals and policies developed through collaboration and public involvement, iii) design guidelines for trail development and iv) programs to implement the regional trail system.
- 6) The County has also taken various actions to support the health and safety of our natural recreational amenities, including providing a County team for the annual South Yuba River Citizens League River Clean-Up Day and the adoption of the Aquatic Invasive Species Ordinance 2357 to help protect lakes in Eastern County from invasive aquatic species.

#### *Concluding Remarks*

In conclusion, staff commends the Women League of Voters of Western Nevada County for conducting their study on parks and recreational activities in Nevada. The County is in agreement that parks and recreation is an important issue to the community for a variety of reasons. However, the Study presented does not fully capture the County's

activities to support and promote parks and recreational activity including why these services are provided by community service districts and not as a County service area. When taking into consideration the historical context, the AB1600 Program, the actions being taken to survey the Overland Emigrant Trail, the notable activities the County does to support parks and recreation activities and the Board's recent Priority A Objective to issues a new nexus study regarding AB1600 fees, it is clear there are important County there are important reasons and factors as to why and how the County supports these issues.

We respectfully request that you consider these factors when considering the League of Women Voters of Western Nevada County's 2017 Recreation and Parks Study.

Respectfully submitted,

**Julie Patterson Hunter, Clerk of the Board**

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<sup>i</sup> The County does hold the title to the Western Gateway Park site in Penn Valley, but the park is leased to and maintained by the Western Gateway Recreation and Parks District.

<sup>ii</sup> The County does provide limited maintenance to the Tobiassen Park, which is located on County property adjacent to the Madelyn Helling Library in Nevada City. The facilities were installed with the assistance of a local service club that include a single baseball field, restroom, pond, fishing pier and picnic area.