



RESOLUTION No. 14-418

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION EXTENDING THE SUSPENSION OF PUBLIC ACCESS TO THE PUBLIC TRAIL EASEMENTS THROUGH THE GOLDEN OAKS, LODESTAR UNIT II, AND SUNSHINE VALLEY SUBDIVISIONS TO AUGUST 31, 2016 AND DIRECTING STAFF TO CONTINUE THE PROCESS OF PLANNING AND DEVELOPING A PUBLIC HIKING TRAIL IN ALL THREE SUBDIVISIONS

WHEREAS, on June 1, 1993, at the request of the Nevada County Historical Landmarks Commission, the Board of Supervisors accepted for public use offers of dedication for pedestrian, equestrian, and public fishing access from Golden Oaks Final Map No. 75-1, a recreational easement 40 feet in width from Lodestar Unit II Final Map No. 76-12.1, and a pedestrian trail from Sunshine Valley Final Map 77-29.1 for purposes of preserving the "Emigrant Trail" or "Donner Trail" as an important historical landmark per Resolution 93252; and

WHEREAS, on April 19, 2000, the Nevada County Transportation Commission approved five regional projects for funding under the 1999 Federal Transportation Enhancement Activity (TEA) funding program, including \$137,256 to the Overland Emigrant Trail project by the Bear River Recreation and Park District; and

WHEREAS, on August 10, 2005, the Nevada County Transportation Commission approved reallocating 1999 TEA funding from the Overland Emigrant Trail project to the Combie/Magnolia Roads Multi-Purpose Path Project per Resolution 05-36; and

WHEREAS, right-of-way has been dedicated and accepted for a public trail, but the trail easements are primarily in a natural or unimproved condition, trail development is currently constrained by the lack of an established recreation provider and funding source for trail development and management and identified physical restrictions to trail development, and there is the presence of sensitive resources that may be exposed to significant impacts without appropriate trail development; and

WHEREAS, on December 7, 2010, the Board of Supervisors authorized temporary suspension of public access to the public trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions, per Resolution 10-590, for a period of one year in the interest of maintaining public health and safety, to provide for environmental protection, and to allow staff time to address practical issues concerning the right-of-way including inconsistent allowable use types between subdivisions, connectivity gaps due to abandoned public road offers of dedication, and limited opportunities to provide ingress/egress from a public road; and

WHEREAS, on November 8, 2011, the Board of Supervisors authorized a second temporary suspension of public access to the public trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions, per Resolution 11-521, for an additional eighteen months to more thoroughly evaluate other issues involved in this complex matter, collect information to address those issues, assemble well thought out solutions, and build neighborhood consensus prior to returning to the Board for further consideration; and

WHEREAS, on April 23, 2013, the Board of Supervisors authorized a third temporary suspension of public access to the public trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions, per Resolution 13-157, to extend the trail closure from May 8, 2013 to August 31, 2013 and directed the Planning Department to implement Option D during that time period to reach a compromise for establishing limited use restrictions in the subdivisions with those that support and do not support a public trail; and

WHEREAS, on August 27, 2013, the Board of Supervisors authorized a fourth temporary suspension of public access to the public trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions, per Resolution No. 13-397, to extend the trail closure from August 31, 2013 to August 31, 2014 and directed the Planning Department to commence the process of opening the easements for pedestrian use which necessitates the development of a trail and an unknown amount of time and resources to implement; and

WHEREAS, the continued temporary suspension of public access to the public trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions is necessary to allow the Planning Department additional time to continue the process of planning and developing a public trail in all three subdivisions which will require an unknown amount of time and resources to implement; and

WHEREAS, the continued temporary suspension of public access to public trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions remains in the interest of public health, safety, welfare, and cultural and environmental protection; and

WHEREAS, in the interest of maximizing the planning and development of a public trail through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions, and recognizing the legal scope of the trail easement through the Sunshine Valley subdivision as a "pedestrian" easement, and not as a limitation of the legal scope of the trail easements, it has been determined that the trail easements will be best planned and developed as a hiking trail that would prohibit persons from walking or leading horses or bicycles as ancillary pedestrian uses, with the intent that the scope and use of the easements will be more fully defined and codified by the Board of Supervisors as trail development progresses.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Nevada that:

1. The public trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions are primarily in a natural or unimproved condition and there is the presence of sensitive cultural and environmental resources that could be exposed to significant impacts and hazard areas that could endanger potential trail users and neighboring properties if the trail easements are opened for public use prior to the development of a trail; therefore, a temporary suspension of public access to these trail easements is appropriate to protect the public health, safety, welfare, and sensitive resources.
2. Public access to the public trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions shall be suspended until August 31, 2016.
3. The following persons shall be exempt from this temporary suspension: Federal, State, and local officers and employees acting in the course and scope of their official duties; all emergency services personnel acting in the course and scope of their official duties, and persons with written authorization from the Nevada County Planning Director.
4. No new obstructions or improvements shall be placed within the public trail easements or adjacent setback areas through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions.

5. The trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions will be planned and developed as a hiking trail that will prohibit persons from walking or leading horses or bicycles as ancillary pedestrian uses, subject to the scope and use of the easements being more fully defined and codified by the Board of Supervisors as trail development progresses.
6. The Planning Department is hereby directed to continue the process of planning and developing a public hiking trail in the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions, as practical, with the general parameters of implementing the following trail development process in a phased approach starting in the Sunshine Valley subdivision and providing public outreach opportunities to the greatest extent feasible:
 - a. Establish a partnership with a recreation provider to help plan, develop, and manage the public hiking trail;
 - b. Survey the trail easements, conduct constraint analysis, and establish a rough trail alignment including potential alternative alignments where possible;
 - c. Create a concept plan for grant applications and fundraising efforts;
 - d. Complete necessary site specific studies, finalize trail design, and establish a project description including details regarding trail operations and rules;
 - e. Comply with applicable Local, State, and Federal regulations, including CEQA and any specific terms required for grant funding; and
 - f. Complete trail construction and open the trail for public use.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 26th day of August, 2014, by the following vote of said Board:

Ayes: Supervisors Nathan H. Beason, Edward Scofield, Terry Lamphier, Hank Weston and Richard Anderson.

Noes: None.

Absent: None.

Abstain: None.

ATTEST:

DONNA LANDI
Clerk of the Board of Supervisors

By: _____





Nathan H. Beason, Chair

08/26/2014 cc: Planning*