

RESOLUTION No. 10-590

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION TO SUSPEND PUBLIC ACCESS TO PUBLIC TRAIL EASEMENTS THROUGH THE GOLDEN OAKS, LODESTAR UNIT II, AND SUNSHINE VALLEY SUBDIVISIONS FOR A PERIOD OF ONE YEAR

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 No. 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 No. 05-36; and

WHEREAS, right-of-way has been dedicated and accepted for a public trail but there is not an entity responsible for managing a public trail facility through the easements, there is no funding, restrictions, amenities, or improvements to facilitate proper public use of the easements, and there is the presence of sensitive resources that may be exposed to significant impacts without appropriate trail design and development; and

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

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 currently constrained by a lack of funding, clear trail delineation, use guidelines, amenities, or improvements to facilitate proper public use of the easements, and there is the presence of sensitive resources that may be exposed to significant impacts without appropriate trail design and development; therefore, a temporary suspension of public access to these trail easements is appropriate to protect the public health, safety and welfare of potential trail users and neighboring properties.
2. Public access to the public trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions shall be suspended for one year. This one year period may be extended by subsequent action of the Board of Supervisors.
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 Department of Public Works is hereby directed to place signs concerning the temporary suspension at main entry points to the area.
6. The Planning Department is hereby directed to report back prior to the end of the one year time period concerning the viability of developing the trail at this location and the history of the trail at this location, and potential alternatives for developing the trail at this location or otherwise, for further consideration by the Board.

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a ~~regular~~ ^{special} meeting of said Board, held on the 7th day of December, 2010, by the following vote of said Board:

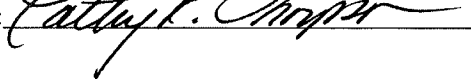
Ayes: Supervisors Nate Beason, Ed Scofield, John Spencer, Hank Weston & Ted S. Owens.
Noes: None.

ATTEST:

Absent: None.

CATHY R. THOMPSON
Clerk of the Board of Supervisors

Abstain: None.

By: 


Nathan H. Beason, Chair

DATE	COPIES SENT TO
12/8/10	Planning
	DPW
	Counsel