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**COUNTY OF NEVADA  
COMMUNITY DEVELOPMENT AGENCY  
PLANNING DEPARTMENT**

950 MAIDU AVENUE, SUITE 170, NEVADA CITY, CA 95959-8617  
(530) 265-1222 FAX (530) 265-9851 <http://mynevadacounty.com>

Steven L. DeCamp  
Community Development Agency Director

Brian Foss  
Planning Director

August 13, 2014

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

**DATE OF MEETING:** August 26, 2014

**SUBJECT:** 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.

**RECOMMENDATION:** Adopt the attached Resolution.

**ATTACHMENTS:**

1. Proposed Resolution
2. Resolution No. 13-397
3. October 29, 2013 Working Group Facilitation Report
4. December 3, 2013 Working Group Handout
5. December 3, 2013 Working Group Meeting Minutes
6. Draft Subcommittee Work Plans

**FUNDING:** This item will not affect the FY 14/15 Planning Department Budget and will not require a budget amendment. This project is funded through the General Fund as part of the approved work program for the Planning Department.

**BACKGROUND:**

On August 27, 2013, the Board of Supervisors adopted Resolution 13-397 reaffirming interest in the public trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions, directing staff to commence the process of opening the easements for pedestrian use, and extending the suspension of public access to these easements to August 31, 2014.

This report provides information regarding continued discussions with the Bear Yuba Land Trust to establish a partnership for this trail project, activities of the Working Group and associated Subcommittees, legal issues raised by the Sunshine Valley Homeowners Association, the need to further clarify the proposed trail use type for this project, and next steps for this project. In addition, this report includes a resolution to extend the suspension of public access to the public trail easements in these subdivisions to August 31, 2016 to protect public health, safety, welfare, and sensitive resources while staff continues to implement the trail development process.

**Recreation Provider**

Nevada County is not a recreation provider in the traditional sense of the term. The County's primary recreation focus is on planning for and facilitating the provision of park and recreation services (facilities and programs) throughout the County. Therefore, it is necessary for the County to partner with an experienced government or non-governmental entity that owns, plans, builds, and manages recreation facilities in Nevada County to assist in implementing this trail project.

County staff has been meeting with Bear Yuba Land Trust staff since September of 2013 to discuss interest in and the parameters of a partnership to provide recreation services for developing a public trail in the trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions. Land Trust staff has been involved in the Working Group including providing a presentation about the Bear Yuba Land Trust at the first Working Group meeting and participating in the Field Work and Community Engagement Working Group Subcommittees. Negotiations between the County and Land Trust are on-going and will be addressed more comprehensively at a later date in a separate item related to a proposed agreement for your consideration.

County staff is not currently evaluating transferring the trail easements to a third-party recreation provider due to the complexity of this matter and the considerable amount of knowledge County staff possesses related thereto. Therefore, the Board will continue to provide oversight and approval at various steps in the trail development process.

**Working Group**

Opening the trail easements in the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions for public use entails many tasks that need to be completed and specific details that need to be further developed. The Board of Supervisors can unilaterally define the trail development process and direct implementation of that process; however, it is preferable for the those that live in the three subdivisions and those that want to use the trail easements to reach common ground and ultimately to create workable solutions in a collaborative manner.

Therefore, County staff organized a Working Group to create a forum for providing input and building consensus on the trail development process. A kick-off meeting for this Working Group was held on Tuesday, October 29, 2013 at 6:00 p.m. at the Higgins Lions Community Center and was facilitated by Lori Burkart-Frank. Approximately thirty people attended this meeting. The general outline of the meeting included: participant generated expectations for the meeting, an overview of the trail development process and where we are in the process, a presentation on who the Bear Yuba Land Trust is and what they do, and developing guiding principles for the Working Group. For the final activity, each participant provided at least one idea related to guiding principles for the Working Group and then the entire group organized all the ideas contributed into categories which are detailed in the Facilitation Report (Attachment 3).

A second meeting for the Working Group was held on Tuesday, December 3, 2013 at 6:00 p.m. at the Higgins Lions Community Center and was facilitated by County staff. Approximately twenty-two people attended this meeting. The purpose of this meeting was the formation of four staff identified subcommittees including field work, vision and history, community engagement, and trail management (Attachment 4). County staff presented the draft scope of each subcommittee to the Working Group and requested that everyone choose one subcommittee in

which to participate. Then each subcommittee met to exchange participant information and discuss their expectations and/or approach for addressing their topic. As background, the four staff identified subcommittees focused on important aspects of the trail development process that can be addressed with the assistance of volunteers. There are other aspects of the trail development process such as completing site specific studies, grant applications, environmental review, and project bidding that are also important but do not lend themselves to a public input process during the developmental stage. Therefore, staff did not form a subcommittee for every aspect of the trail development process.

#### **Working Group Subcommittees**

At the December Working Group meeting, County staff requested that each subcommittee schedule a time to meet and develop a work plan for their respective subcommittee in order to prepare for the next Working Group meeting. The purpose of the next Working Group meeting, which was tentatively set for January 27, 2014, was for each subcommittee to report-out to the entire Working Group related to their draft work plan and any progress made to date. Between the December Working Group meeting and the middle of January, a myriad of issues were raised that resulted in unforeseen delays for some of the subcommittees. Therefore, the January Working Group meeting was cancelled to allow staff time to work through the issues raised.

In anticipation of preparing a status report for the February 25, 2014 Board meeting, County staff worked with each subcommittee to receive input on the staff prepared scope, work plan, information needs, and next steps for their respective subcommittee (Attachment 6). In working with each subcommittee, it became clear that there were multiple issues and/or information needs which made progress for three of the four subcommittees too difficult to achieve at that time. The issues and/or information needs include, but are not limited to: the definition of pedestrian, the trail use type for all three subdivisions, allowable ancillary activities for pedestrians, who is the recreation provider and what role does the recreation provider play in the trail development process, how the trail connectivity issue will be addressed, the need for a liability waiver for field work activities, how people working in the field will access to the trail easements, and does phasing apply to this project. Most of the issues and/or information needs listed above are being addressed at a staff level. The trail use type for all three subdivisions however necessitates clarification from the Board and therefore is described further in the Trail Use Type section of this report.

Finally, while trail advocates and homeowner advocates were actively participating in the Working Group and associated Subcommittees, public involvement was becoming less collaborative in nature and more dissension-based. It is still preferable for people to work together and create workable solutions, however, it may be necessary to scale back or completely put on hold the activities of the Working Group and associated Subcommittees until a recreation provider is legally established, the County is further along in the trail development process and more staff resources are available to host public outreach opportunities, and civility and/or consensus-building training can be provided to Working Group participants.

#### **Sunshine Valley Homeowners Association Legal Issues**

On February 7, 2014, the President of the Sunshine Valley Homeowners Association (SVHOA) informed the Planning Department that effective immediately, and until there is clear acknowledgement by those participating that the trail easement in Sunshine Valley is for pedestrian use only (meaning no horses allowed), all access to the Sunshine Valley properties

outside the easement and the use of Sunshine Valley roads is denied to all personnel working in the context of this project, including County personnel. The SVHOA President indicated that they will not cooperate in taking this project forward until the easement use type issue is settled and further that the following additional issues will need to be addressed in short order: a proper survey by professional surveyor using common and prevailing good standards, a proper environmental review process consistent with the California Environmental Quality Act (CEQA), and closing of the connectivity gaps in a legal manner. County Counsel and Planning Department staff met with SVHOA's Attorney Mr. Allan Haley and SVHOA representatives on March 6, 2014 to discuss the legal issues above and agreed to work together in developing a Memorandum of Understanding (MOU) to reach agreement on the scope of the trail project in the Sunshine Valley subdivision. At this time the negotiations are on-going and resolution has not been reached.

### **Trail Use Type**

Per Section 5 of Resolution No. 13-397, the Board directed the Planning Department to commence the process of opening the trail easements in the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions as practical for pedestrian use without compromising or modifying the prescribed uses in Lodestar Unit II and Golden Oaks and with the general parameters of developing a pedestrian trail in a phased approach starting on Dog Bar Road in the Sunshine Valley subdivision. Based on this direction, staff proceeded with planning a pedestrian trail in all three subdivisions with an understanding that the Board intentionally reserved the additional rights of bicycling and horseback riding in the Lodestar Unit II subdivision and the additional right of horseback riding in the Golden Oaks subdivision for potential future use.

The definition of pedestrian, as it relates to the legal use of the trail easements in the Sunshine Valley subdivision, has remained a topic of debate for the Working Group and associated Subcommittees and has resulted in three components of the trail use type issue. One component of this issue is whether a person could legally walk or lead a horse through the Sunshine Valley subdivision as a pedestrian and then ride that horse in the Lodestar Unit II and Golden Oaks subdivisions as an equestrian. The second component of the trail use type issue is whether staff is planning and developing a pedestrian trail in all three subdivisions or whether additional uses will be allowed in the Lodestar Unit II and Golden Oaks subdivisions because currently the only public access to these other subdivisions is through the pedestrian easement in the Sunshine Valley subdivision. The third component of the trail use issue that naturally follows if the public cannot walk or lead a horse through Sunshine Valley and then ride that horse in the Lodestar Unit II or Golden Oaks subdivisions is whether a property owner who resides in Lodestar Unit II or Golden Oaks can ride a horse on the public trail easements. Central to this issue is that a local agency cannot restrict access by the general public on a public easement while allowing others, such as a property owner, unrestricted access.

It is important to further clarify the proposed trail use type for this project at this time to resolve confusion between trail advocates and property owner advocates and to effectively plan for project implementation including securing funding and designing the trail for the intended use. 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, 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. Further, staff recommends that other activities that are ancillary to pedestrian use, such as walking a dog or pushing a stroller, should be addressed when trail rules are established for this public hiking trail.

### **Next Steps**

After receiving information from the Sunshine Valley Homeowners Association regarding their legal issues and identifying the issues and/or information needs from the Working Group Subcommittees, staff notified the Working Group participants that it will take time for staff to work through the considerable number of issues that have been raised and that no public meetings will be held related to this project until further notice is provided. Staff anticipates that the near-term next steps for this project will focus on establishing a partnership with the Bear Yuba Land Trust to complete field work activities in the Sunshine Valley subdivision, establishing an agreement with the Sunshine Valley Homeowners Association to proceed with field work activities, and establishing a budget and contract for land surveyor services in the Sunshine Valley subdivision. Each of these activities will involve Board consideration and approval. The overall trail development process as outlined in the proposed resolution includes the following:

- 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.

### **Extending the Suspension of Use**

The trail easements 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. Sensitive cultural resources include potential remnants of the pioneers that travelled through this area along the 1844 route of the Overland Emigrant Trail. Sensitive environmental resources include creeks, ponds, riparian areas, landmark oak trees, and potentially wetlands and special status species. Hazardous areas located within the trail easements include slopes greater than 30% referred to as steep slopes and the 100-year floodplain associated with South Wolf Creek. Continuing the suspension of use is necessary to protect public health, safety, welfare, and sensitive resources by restricting access to the trail easements until the trail development process is complete. It is unknown precisely how long it will take to prepare the easements for public use. Staff recommends extending the suspension of use from August 31, 2014 to August 31, 2016 and directing staff to continue the process of planning and developing a public hiking trail in all three subdivisions.

**SUMMARY:**

On August 27, 2013, the Board adopted Resolution 13-397 reaffirming interest in the public trail easements through the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions, directing staff to commence the process of opening the easements for pedestrian use, and extending the suspension of public access to these easements to August 31, 2014. This report provides information regarding continued discussions with the Bear Yuba Land Trust to establish a partnership for this trail project, activities of the Working Group and associated Subcommittees, legal issues raised by the Sunshine Valley Homeowners Association, the need to further clarify the proposed trail use type for this project, and next steps for this project. In addition, this report includes a resolution to extend the suspension of public access to the public trail easements in these subdivisions to August 31, 2016.

Respectfully submitted,



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Brian Foss  
Planning Director



## **RESOLUTION No. \_\_\_\_\_**

### **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 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 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 No. 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 No. 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 No. 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.



## RESOLUTION No. 13-397

### OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**RESOLUTION REAFFIRMING INTEREST IN THE PUBLIC TRAIL EASEMENTS THROUGH THE GOLDEN OAKS, LODESTAR UNIT II, AND SUNSHINE VALLEY SUBDIVISIONS AND DIRECTING STAFF TO COMMENCE THE PROCESS OF OPENING THE EASEMENTS FOR PEDESTRIAN USE, AND EXTENDING THE SUSPENSION OF PUBLIC ACCESS TO THESE EASEMENTS TO AUGUST 31, 2014**

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 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 No. 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 No. 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 No. 13-157, to extend the trail closure from May 8, 2013 to August 31, 2013 and directed the Planning Department to implement Option D to reach a compromise for establishing limited use restrictions in the subdivisions with those that support and do not support a public trail during that time period; and

WHEREAS, on August 27, 2013, the Board of Supervisors reaffirmed interest in maintaining the trail easements in the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions and provided direction to 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 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.

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, 2014.
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 Planning Department is hereby directed to commence the process of opening the trail easements in the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions as practical for pedestrian use without compromising or modifying the prescribed uses in Lodestar Unit II and Golden Oaks and with the general parameters of developing a pedestrian trail in a phased approach starting on Dog Bar Road in the Sunshine Valley subdivision and to return with a progress report after the first six months and a second progress report prior to August 31, 2014 regarding the process to open the trail easements for public use as follows:
- a. Determining the County's role in trail development and management activities which includes establishing a partnership with or transferring the easements to a recreation provider.
  - b. Developing a working group composed of representatives from the property owners, potential recreation provider, trail planners and developers, county staff, and prospective trail users with the purpose of working collaboratively to assist in implementing the Board's direction including, but not limited to, addressing the following issues: where the trail is located, the physical appearance of the trail, gaps in the easements, improvements located in the easements, relocation opportunities, road crossings, trail rules, enforcement of the rules, and liability concerns.
  - c. Surveying the easements and establishing a trail alignment
  - d. Creating a concept plan for grant applications
  - e. Completing necessary site specific studies and trail design
  - f. Creating a plan for management of the trail, including trail rules
  - g. Complying with applicable local, state, and federal regulations, including CEQA
  - h. Completing trail construction

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 27<sup>th</sup> day of August, 2013, by the following vote of said Board:

Ayes: Supervisors Nathan Beason, Terry Lamphier, Flank Weston, and Richard Anderson.

Noes: Edward Scofield.

Absent: None.

Abstain: None.

ATTEST:

DONNA LANDI  
Clerk of the Board of Supervisors

By: Jessie Patterson Hunter, Deputy

Hank Weston  
Hank Weston, Chair

08/27/2013 cc: Planning\*

October 29, 2013

Kick-off Meeting – Working Group  
Higgins Lions Community Center  
6:00 PM to 8:00 PM

### Facilitation Notes

Approximately 30 Community members & stakeholders attended the meeting.

Participants introduced themselves to those sitting at their table of 4-5 people.

Facilitator reviewed the Agenda

Introductions

Agenda Overview

Outcomes

Group Expectations

Overview of Trail Development Process & TimeLine

*Brian Foss, Planning Director, County of Nevada*

*Larkyn Feiler, Assistant Planner, County of Nevada*

Bear Yuba Land Trust (BYLT)

*Marty Coleman-Hunt, Executive Director, BYLT*

Create Guiding Principles Agreement for Working Group

*Group Input*

Identify Subcommittees

*Group Input*

Next Steps

Debrief

8:00 Adjourn

Participants agreed to the Meeting Agreements suggested by the facilitator:

- One person speaks at a time
- Use a Parking Lot (sheet on wall) to post ideas not discussed tonight
- Phones off – or calls outside
- End by 8:00

Meeting Outcomes by Planning Team:

- ✚ Bring together stakeholders to begin collaborating on the Trail Development Process
- ✚ Understand the Trail Development Process (from Planning to Implementation)
- ✚ Know where we are in the Process right now

- ✎ Have a sense of the Timeline involved
- ✎ Receive input from entire group
- ✎ Identify subcommittees
- ✎ Develop Contact List of stakeholders interested in participating in subcommittees
- ✎ Create Agreements for working together
- ✎ Participants feel their time was well invested

Participant Generated Expectations for meeting

- ✎ Clarify Boards direction specifically definition of Pedestrian Trail
- ✎ Clear indication of what the county would like from this group – decisions – recommendations
- ✎ Parking for the Trail
- ✎ Clearly identify what property owners want
- ✎ Clarify what all stakeholders want
- ✎ Whether size or original easement is the same or changing
- ✎ How county coming along on eminent domain / private roads
- ✎ Clear business plan on steps, cost & whose paying
- ✎ Maintenance Cost – (how) maintained

Larkyn Feiler, Assistant Planner for the County of Nevada provided a verbal overview of the Trail Development Process, which include;

1. Planning – Working Group
2. Administrative Process – County Staff
3. Implementation – Working Group

Marty Coleman-Hunt, Executive Director of the Bear Yuba Land Trust (formerly Nevada County Land Trust) provided an overview of who the land trust is and what they do. She showed pictures of successful trail projects in the county.

Comments, questions and answers occurred after the presentations.

Guiding Principles Agreement for the Working Group

The Facilitator utilized the Consensus Workshop Method to generate input from all attending to create a Guiding Principles Agreement for the Working Group.

Each participant generated 2-5 ideas of what is necessary to include in the Agreement. At least one idea from everyone in the room was included. Participants had multiple opportunities to contribute their ideas.

The group then categorized the ideas into groups and created a title for each group of ideas.

### **Legal, Environmental & Safety**

- Legal Gaps Understood
- Proximity to creeks – environmental regulations
- Acknowledge the obligation a legal easement entails
- Property Owners Liability
- Environmental & safety issues critical

### **Record Keeping**

- Concise Record of Meeting Outcomes
- Minutes Review

### **Communication**

- BLOG for decisions & status
- Create a message board where all questions can be posted for response from County/BYLT/Etc.
- Use email to communicate status
- Facebook group 4 subcommittees
- Notice of meetings to all property owners (subdivision)
- Working timeline Publicly Avail(able)

### **Decorum**

- Agree to treat others with respect
- Work with civility
- Everyone gets to speak
- Don't take over the meeting with your personal issues
- Allow ideas and concerns to be expressed w/o interruption
- Agree to respect – fully disagree
- Rules on "side conversations" (Back of room chatter)

### **Facts Based Decision Making**

- Exercise Common Sense
- RATIONAL
- Facts to ✓ Drive Decisions
- R.P. needs to learn facts
- Determine "To Do" List order
- Stop working against facts provided by planning department
- Address lack of funding

## **Vision**

- Agree we're here to BUILD (not kill) the trail
- Keep moving forward – don't re-argue decisions already made
- acknowledge that the trail is happening, consider the positive aspects of the trail ☺
- Vision of the Trail

## **Listen to stakeholders**

- Listen to Property Owners
- Respect that these easements are on private property & respect the property owners
- Listen to future trail users

## **Participation Rules & Requirements**

- Members of working group Must tour easement location
- Attendance for decisions
- Establish meeting attendance requirements
- Identify Participation Rules – do groups not attending get to provide input?
- Take into account those with valuable input may have other commitments and can't get to every meeting
- Who is not eligible to participate
- Define consensus percentage
- One person, One Vote
- Consensus=majority of quorum on agenda issue
- Committees 1. Planning, 2. Implementation, 3. Rules/Reg., 4. Maintenance

Time did not permit to create Subcommittees at this meeting.

## Next Steps from Larkyn Feiler

Fill in your names, contact info on the sign-up sheets on the table

Set monthly meetings for the entire working group

Subcommittees to meet separately.

The meeting adjourned at 8:00 PM

## **Golden Oaks, Lodestar, Sunshine Valley Trail Easements**

### **Working Group**

On August 27, 2013, the Board of Supervisors approved Resolution No. 13-397 to reaffirm interest in the public trail easements located in the Golden Oaks, Lodestar Unit II, and Sunshine Valley subdivisions and directed the Planning Department to commence the process of opening these easements for pedestrian use. Opening these trail easements entails many tasks that need to be completed and specific details that need to be further developed.

One component of the process to open these trail easements is establishing a working group composed of property owners, trail planners and developers, and prospective trail users to build consensus and work collaboratively to assist Planning staff in implementing the Board's direction. The working group will be asked to address a variety of issues related to the trail easements and the solutions to those issues will provide a foundation for the trail development process and will be incorporated into the trail plan for this project which will be considered by the Board of Supervisors for final approval.

### **Working Group Subcommittees**

In addition to the topics addressed by the working group at the monthly meetings, four subcommittees will be established from the working group participants to address a variety of topics, perform specific tasks, and ultimately report back to the entire working group as progress is made. The subcommittees will meet separately from the working group and will focus on four major areas of work for this project: field work, vision and history, community engagement, and trail management. Each subcommittee will be responsible for developing and implementing a work program and making recommendations to the entire working group related to the specific topics and/or tasks of that subcommittee for the group consensus building process. Therefore, it is not necessary to participate in a particular subcommittee in order to provide input on the activities of that subcommittee. To clarify, there are other aspects of the trail development process such as completing site studies, grant application(s), environmental review, and public bidding that will be addressed by County staff, the recreation provider, and/or professionals working under contract which will be subject to public review but will not be part of the working group scope.

Everyone in the working group will be asked to choose one subcommittee in which to participate. Attached is a guide sheet which provides a brief description of each subcommittee identified by staff to assist working group participants in choosing the subcommittee that best fits their interests and skills. The working group may agree to modify the staff identified subcommittees to improve the effectiveness of the overall process. In addition, as each subcommittee becomes established, there may need to be additional changes made to the scope of that subcommittee. Further, there may be a need to create a subcommittee within one of the four main subcommittees to address more complicated or time-consuming topics or tasks. Each subcommittee will have at least one chair that will lead group activities and coordinate with County staff.

**Guide Sheet**  
Scope of Subcommittees

**1. Field Work**

The field work subcommittee is geared towards people that prefer to work outdoors and/or have some experience or skill in spatial reasoning or working with maps. Participants will assist the recreation provider in planning the trail alignment and other trail features such as gates and parking.

**2. Vision and History**

The vision and history subcommittee is geared towards people that prefer to conduct research and compile information from multiple sources and/or have some experience or skill in developing effective written narratives and long-range plans. Participants will assist County staff in preparing the following components of the project trail plan: introduction, vision, mission, goals, and objectives, project overview, and the history of the Overland Emigrant Trail.

**3. Community Engagement**

The community engagement subcommittee is geared towards people that prefer to work with other people to share project information and garner involvement in the process and/or have some experience or skill in collaborating with community members, other agencies and organizations, the public, and the media. Participants will assist County staff in soliciting project sponsors by creating a project brochure and making presentations to various groups, communicating with the media, and leading fundraising efforts.

**4. Trail Management**

The trail management subcommittee is geared towards people that are interested in governance and long-term operations of the pedestrian trail and/or have some experience or skill in identifying potential issues and developing solutions to sufficiently address those issues. Participants will assist County staff in creating trail rules and enforcement measures specific to this pedestrian trail project.

*Note: The work products of each subcommittee will be incorporated into the trail plan for this pedestrian trail project which will ultimately be considered by the Board of Supervisors for final approval.*



Golden Oaks, Lodestar, Sunshine Valley Trails Easements  
WORKING GROUP MEETING  
Subcommittee Formation

Tuesday, December 3, 2013  
6:00-8:00 pm  
Higgins Lions Community Center  
22490 East Hacienda Drive, Grass Valley

**Meeting Minutes**

Welcome 6:10

**Agenda Overview**

County staff reviewed the meeting agenda and provided some background information on the direction provided by the Board of Supervisors regarding opening the trail easements for a pedestrian trail.

**Staff Identified Subcommittees**

County staff presented the four staff identified subcommittees including field work, vision and history, community engagement, and trail management. These are the big overarching topics that need to be addressed now and that can be accomplished by volunteers. Staff explained that there are other aspects of the trail development process such as completing site specific studies, grant applications, environmental review, and public bidding that will be completed by County staff, the recreation provider, and/or professionals working under contract which will involve public review but will not result in the formation of a subcommittee. It was decided at the meeting that the Working Group will be kept apprised of these non-subcommittee activities by receiving status update at each Working Group meeting.

**Operation of Subcommittees**

County staff explained that each subcommittee will meet separately from the overall Working Group and will be responsible for developing and implementing a work program and making recommendations to the entire Working Group related to the specific topics and/or tasks for the group consensus building process. Therefore, it is not necessary to participate in a particular subcommittee in order to provide input on the activities of that subcommittee. Further, each subcommittee will have at least one chair that will lead group activities and coordinate with County staff.

## **Break into Subcommittees**

After presenting the four staff identified subcommittees and the basic operations of the subcommittees, County staff requested that everyone on the Working Group choose one subcommittee in which to participate. County staff made arrangements for people to serve in the subcommittee chair leadership role for the meeting and staff introduced the chairs prior to requesting participants to break into subcommittees. County staff met briefly with each subcommittee during this portion of the meeting.

## **Subcommittees Report-out to Working Group**

Each subcommittee took turns reporting-out to the entire Working Group regarding their expectations and/or approach for their subcommittee topic and their plans for getting together prior to the next working group meeting in Late January 2014.

## **Next Steps**

County staff provided an update regarding the County Social Media Use Policy and plans to utilize and integrate SharePoint, Granicus, and the County website to share information with the Working Group and the public. County staff also confirmed continued interest to develop a partnership with the Bear Yuba Land Trust for this project and clarified that there is not anything scheduled to go before the Board of Supervisors in this regard until next calendar year. Finally, County staff reiterated that the homework for the next Working Group meeting (tentatively in late January 2014) is for each subcommittee to have a meeting and put together a work program and then share that program with the overall Working Group.

There was a proposal made that all Working Group participants should take a vehicle-led tour of the six miles of trail easements to get a better understanding of the field conditions. There was also a request that property owners be notified in advance of any field work activities by that particular subcommittee or County staff.

Adjourn 7:40

The purpose of each Working Group Subcommittee is to provide assistance to County staff and/or the recreation provider. The participants of each Working Group Subcommittee are not intended or encouraged to take the lead in implementing the work plan outlined in this document. Further, it is not the responsibility of any Working Group Subcommittee participant to facilitate the consensus building process or to represent the County of Nevada or the recreation provider. It is the responsibility of every Working Group Subcommittee participant to contribute to the consensus building process in a civil and collaborative manner.

## **COMMUNITY ENGAGEMENT SUBCOMMITTEE**

### **Subcommittee Scope**

The Community Engagement Subcommittee works under the direction of County staff to assist in: developing communications to share project information with the community and garner involvement in the trail development process, identifying potential project sponsors and grant opportunities, developing a project brochure and presentations for potential project sponsors, and planning fundraising efforts.

### **Work Plan**

1. Identify potential project sponsors and funding sources
2. Research other trail projects similar to ours that would be competing against us for grant funding
3. Help develop information for and beta-test a social media site
4. Help develop effective community engagement strategies
5. Help identify fundable project components
6. Help develop FAQs, PSAs, project brochure, and other outreach materials for this project
7. Assist County staff by providing an initial point of contact for community members or groups seeking information about the Working Group and/or this trail project

### **Information Needs**

The trail use type for all three subdivisions  
The definition of pedestrian

### **Next Steps**

Identify trail projects similar to ours that would be competing against us for grant funding.

Assist County staff in identifying project costs that necessitate funding early in the trail development process and professional services with the potential to be addressed through volunteers and/or donations.

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## FIELD WORK SUBCOMMITTEE

### Subcommittee Scope

The Field Work Subcommittee works under the direction of the recreation provider to assist in: collecting field data, planning the trail alignment and other trail features, and preparing a project description including maps and a narrative of the proposed trail alignment and design.

### Work Plan

1. Conduct preliminary field work to better delineate the trail easements by locating existing surveyed monumentation and setting centerline stations
2. Define the scope of land survey work needed to delineate specific locations
3. After professional land survey work is completed, conduct constraint analysis to evaluate the physical features in the easement
4. Develop a project description of the primary trail alignment, and potential alternative alignments, and trail design specifications
5. Provide a tour of the trail alignment to allow peer review of the project description

### Information Needs

The trail use type for all three subdivisions  
The definition of pedestrian  
Liability waiver  
The recreation provider  
Gaps in the trail easements  
Access to the trail easements

### Next Steps

Complete preliminary field work.

Research common and prevailing land survey practices.

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## **TRAIL MANAGEMENT SUBCOMMITTEE**

### **Subcommittee Scope**

The Trail Management Subcommittee works under the direction of County staff and/or the recreation provider to assist in: identifying potential trail management issues, developing solutions to sufficiently address those issues, and developing trail rules and enforcement measures.

### **Work Plan**

1. Research pedestrian trails in other jurisdictions and associated issues and solutions
2. Identify trail management issues that need to be addressed for our trail project
3. Assign a specific trail management issue to a team composed of one trail advocate and one homeowner advocate to research ways to address the issue and ultimately to present solutions (rules, trail design, scope of operations, etc.) to the subcommittee for discussion
4. Review the project description developed based on field work activities and identify other potential trail management issues
5. Plan field trips to existing public trails to gain insight into common trail operations and different approaches to resolving trail management issues

### **Information Needs**

The trail use type for all three subdivisions  
Allowable ancillary activities for pedestrians  
The recreation provider  
Project phasing

### **Next Steps**

Assign specific trail management issues to subcommittee participants to conduct research and identify solutions for the subcommittee to discuss.

Establish a schedule for when specific trail management issues will be discussed by the entire subcommittee.

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## TRAIL PLAN SUBCOMMITTEE

### Subcommittee Scope

The Trail Plan Subcommittee works under the direction of County staff to assist in: conducting research, compiling and organizing information from multiple sources, and developing components of the project specific trail plan such as: introduction, vision, objectives, project overview, and the history of the Overland Emigrant Trail.

### Work Plan

1. Organize historical resources already compiled into similar categories
2. Identify additional historical research still needed
3. Conduct additional historical research
4. Develop a list of the historical resources most relevant to our trail project
5. Help develop a summary of the history of the Overland Emigrant Trail
6. Help County staff determine which component of the trail plan to commence next

### Information Needs

None identified at this time

### Next Steps

Finish organizing the historical resources already compiled.

Conduct further historical research as needed.