

**Agenda of:** October 13, 2005

**Item No.:** 8.a.

**Staff:** John Heiser

**STAFF REPORT**  
**FINDING OF CONSISTENCY/ABANDONMENT OF EASEMENT**

**APPLICANT:** Stargazer Ranch, LLC/Jeremy Wagner and Wesley E. and Suzanne R. Hagstrom

**REQUEST:** Request for an updated General Plan Finding of Consistency relative to the abandonment of the old Mt. Aukum Road Bridge, and County road and public utility access easement located on privately owned property.

**LOCATION:** The subject easement and old bridge over the Middle Fork of the Cosumnes River are located on the east side of Mt. Aukum Road, approximately one-half mile north of the intersection of with Fairplay Road, within the Mt. Aukum area. (Exhibit A)

**APN:** 093-032-24 and 34 (Exhibit B)

**ENVIRONMENTAL DOCUMENT:** Exempt pursuant to Section 15060 of the CEQA Guidelines.

**SUMMARY RECOMMENDATION:** Find abandonment not consistent with the 2004 General Plan.

**BACKGROUND:** The request for General Plan Finding of Consistency relative to the abandonment of old Mt. Aukum Bridge, County road and public utility access easement located on private property had been previously heard at both the Planning Commission and Board of Supervisors. The first time the item was heard at the Planning Commission meeting held on July 11, 2002, Planning staff's recommendation found the request consistent with the text and maps of the 1996 General Plan as amended through February 4, 1999. However, The Planning Commission voted unanimously that the proposed abandonment was not consistent with the General Plan based upon access, maintenance, and fire hazard (Exhibit C).

On September 17, 2002, the Board of Supervisors held a public hearing for the Resolution of Intention to Vacate County Road 2011 (old Mt. Aukum Road and bridge). After hearing public testimony, the Board of Supervisors did not take any action on the Resolution (Exhibit D).

Immediately after the Board of Supervisors public hearing on the matter, the petitioners and their legal representatives filed a lawsuit against the County (Hagstrom/Stargazer Ranch LLC v. County of El Dorado; Superior Court Case No. PC20040244).

On October 8, 2003, a letter was sent to Tom Parker, Deputy County Council, from Randy Pesses, then Deputy Director of El Dorado County Transportation Planning and Systems. The letter indicated that the previous property owners (Hagstrom) had a contractor start to construct a gate across County Road 2011. Staff conducted a site visit on August 9, 2005, and found that two concrete and stone columns have been constructed within the County road right-of-way without proper building or zoning approvals from the County (Exhibit E). The gate has not been installed as of this date.

On June 21, 2005, the Department of Transportation requested Planning Services to provide an updated Finding of Consistency since the new property owners are pursuing the settlement agreement with the County.

On June 22, 2005, The Board of Supervisors received a letter from George Hills Company, Inc., outlining the recommendations to approve the settlement agreement, including authorization to proceed with General Vacation proceedings, and authorize the Chairman of the Board to execute final settlement documents.

August 9, 2005, Planning staff and staff from General Services, Parks and Recreation Department, conducted a site visit to assess the area, identify access issues from County Road 2011 and old Mt. Aukum Bridge including an assessment of recreational opportunities.

## **STAFF ANALYSIS**

**Project Description:** Request to make an updated General Plan Finding of Consistency relative to the abandonment of the old Mt. Aukum Road Bridge and road and public utility access easement located on privately owned property.

**Site Description:** The area surrounding the old Mt. Aukum Road Bridge has variable topography ranging from gentle to steep slopes. Vegetation includes riparian vegetation along the Middle Fork Cosumnes River, grasslands, and scattered oak woodlands. Residential and agricultural related land uses surround the site. The County bridge and road abandonment in question is an older segment of Mt. Aukum Road. During the late 1960s and early 1970s, the Department of Transportation completed construction of a new bridge crossing over the Middle Fork of the Cosumnes River for Mt. Aukum Road (Exhibit F). This old right-of-way and road has been historically used by the public to access the Middle Fork of the Cosumnes River for recreational purposes.

When County Road 78 (new Mt. Aukum Road and alignment) and new bridge were constructed approximately 30 years ago, the southern portion of County Road 2011 (south of the Middle Fork of the Cosumnes River) was abandoned by the County due to the new County road realignment and grade change. The remaining length of County Road 2011, including the old Mt. Aukum Bridge, is approximately 1,400 feet.

Access to County Road 2011 and the old Mt. Aukum Bridge is from County Road 78 on the north side of the Middle Fork of the Cosumnes River.

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	RA-20	RR	Single Family Residences, Grazing
<b>North</b>	RA-40/RA-20/ RE-10	RR	Single Family Residences, Grazing
<b>South</b>	RA-20/OS/AE	RR/OS	Grazing, BLM land
<b>East</b>	RA-20/OS	RR/OS	Grazing, BLM land
<b>West</b>	RE-5/OS	LDR/OS	Single Family Residences, BLM land

**General Plan:** The General Plan designates the subject properties as Rural Residential (RR). This General Plan designation establishes areas for residential and agricultural development. These parcels typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as potential “choice” agricultural soils. The Rural Residential designation shall be used as a transition between the Low Density Residential and the Natural Resources land use designations. The allowable density for this designation is one dwelling unit per 10 to 160 acres.

There are no specific General Plan policies which apply to the vacation or abandonment of a roadway. However, the following General Plan policies do apply in regards to General Plan consistency findings: Policies 6.2.3.1, TC-1w, TC-4h, 7.6.1.1(C), 9.1.2.8, 9.1.3.1, 9.1.3.2, and 9.1.3.3. The 2004 General Plan Policy 6.2.3.1 does require adequate access to a site and adjacent parcels as follows:

Policy 6.2.3.1: “As a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and fire fighting personnel and equipment will be available in accordance with applicable State and local fire district standards.”

**Discussion:** The concern relative to this policy is the fact that the old Mt. Aukum Bridge and County Road 2011 connect to an existing road/easement on the north and south side of the Middle Fork of the Cosumnes River. Both Mira Paradise Drive and Paradise Ranch Road travel east from County Road 2011 and connect with Ant Hill Road which then leads south to Perry Creek Road. Approximately 11 parcels may utilize Mira Paradise Drive and Paradise Ranch Road for access. Five of these parcels are zoned Residential Agricultural Twenty-acre (RA-20) and range from 5 acres in size to over 160 acres in size. This means that these parcels have the future potential to be divided into 20-acre parcels. In this instance Policy 3.2.1.2 would apply to ensure that any parcel created through the parcel map or subdivision process has adequate access.

The other issues of concern are the need for potential access by utility providers, and emergency vehicle access to the parcels east of the old Mt. Aukum Road Bridge and easement. The road

easement (County Road 2011) and bridge have also been used historically by the public to access the Middle Fork of the Cosumnes River for recreation purposes.

Policy TC-1w: “New streets and improvements to existing rural roads necessitated by new development shall be designed to minimize visual impacts, preserve rural character, and ensure neighborhood quality to the maximum extent possible consistent with the needs of emergency access, on street parking, and vehicular and pedestrian safety.

Discussion: The concern with this policy is that the potential of gating access to these existing private parcels and the potential future subdivisions may impact the needs for emergency access.

Policy TC-4h: “Where hiking and equestrian trails abut public roads, they should be separated from travel lanes whenever possible by curbs and barriers (such as fences or rails), landscape buffering, and spatial distance. Existing public corridors such as power transmission line easements, railroad rights-of-way, irrigation district easements, and roads should be put to multiple use for trails, where possible.”

Discussion: The concern relative to this policy is that the old Mt. Aukum Bridge and road easement provide an existing separate non-motorize access from motorized traffic from County Road 78. Abandoning this section of County Road 2011 would remove the separate non-motorize access opportunity from County Road 78 and other trail access points in the vicinity.

Policy 7.6.1.1(C): “Maintain areas of importance for outdoor recreation including areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes including those providing access to lake shores, beaches and rivers and streams; and areas which serve as links between major recreation and open space reservations including utility easements, banks of rivers and streams, trails and scenic highway corridors.”

Policy 9.1.2.8: “Integrate and link, where possible, existing and proposed National, State, regional, County, city and local hiking, bicycle, and equestrian trails for public use.”

Policy 9.1.3.1: “Linear parks and trails may be incorporated along rivers, creeks, and streams wherever possible.”

Policy 9.1.3.2: “On public lands and where trails can be developed, maintained, and managed, a system of trails along the American and Cosumnes River systems may be created to increase public access to scenic waterways.”

Policy 9.1.3.3: “Coordinate with Federal, State, other agencies, and private landholders to provide public access to recreational resources, including rivers, lakes, and public lands.”

Discussion: The concern with General Plan policy 7.6.1.1(C) is a potential loss of public access to the river. The concern with General Plan policies 9.1.2.8; 9.1.3.1; 9.1.3.2 and 9.1.3.3 again ties into potential loss to public access to the river and potential loss for a linear parkway/trail to the river.

In summary, even though there are no specific General Plan policies related to the abandonment of roads, there is, however, the intent of the General Plan to integrate a comprehensive circulation system throughout the County. The main issues related to this request are adequate emergency access to the private properties including BLM lands and the potential loss of recreational access to the Middle Fork of the Cosumnes River.

**Zoning:** The subject properties (Wagner/Stargazer Ranch LLC-Assessor's Parcel Number 093-032-24 and -34) are zoned Residential Agricultural Twenty-acre (RA-20). The BLM property (Assessor's Parcel Number 093-032-33) adjacent to the old Mt. Aukum Bridge is zoned Open Space (OS). The parcels to the east are predominantly zoned Residential Agricultural Forty-acre and Twenty-acre (RA-40 and RA-20).

**Agency and Public Comments:** The agencies responding to this application had no specific concerns regarding the proposed project and no public comments were received.

Previous comments from the public are summarized in the public hearing minutes from the Board of Supervisors (Exhibit D). In addition, at the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

### **ENVIRONMENTAL REVIEW**

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15060 of the CEQA Guidelines stating that the activity is not a project defined under Section 15378 of the CEQA Guidelines.

### **RECOMMENDATION**

Staff recommends the Planning Commission find the proposed abandonment of the old Mt. Aukum Bridge and County Road 2011 easement on Assessor's Parcel Numbers 093-032-24 and 093-032-34 is not consistent with the adopted 2004 General Plan.

## **SUPPORT INFORMATION**

**Attachments to Staff Report:**

Attachment 1 .....Findings  
Exhibit A.....Vicinity Map  
Exhibit B.....Assessor Map Page  
Exhibit C.....Planning Commission Minutes, July 11, 2002  
Exhibit D.....Department of Transportation General Vacation  
                  Staff Report #2002-02 County Road 2011 (old Mt. Aukum Road and Bridge)  
Exhibit E.....Photograph of Stone Columns on Co. Rd. 2011  
Exhibit F.....Aerial Photograph of Site

# **ATTACHMENT 1** **FINDINGS**

## **FILE NUMBER SA05-0305**

1. The project has been found to be Categorical Exempt from CEQA pursuant to Section 15060 of the CEQA Guidelines stating that the activity is not a project as defined under Section 15378 of the CEQA Guidelines.
2. The proposed use is not consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report. Planning staff finds that the requested abandonment and vacation of County Road 2011 and old Mt. Aukum Bridge would jeopardize emergency access to private property accessible from County Road 2011 and access to BLM lands including the potential loss to public access to the river and potential loss for a linear parkway/trail to the river per General Plan policies.