

PAIGE MEADOWS ROAD EASEMENTS

Recommended Action: Adopt Resolution 17-03-06 (Attachment 1) authorizing conveyance of road easements to the Tahoe City Public Utility District; U.S. Forest Service, Lake Tahoe Basin Management Unit; Granlibakken/Parson's Properties; and American Tower for a portion of the existing Paige Meadows Road through Conservancy-owned land (Placer County Assessor's Parcel Numbers 083-110-017, 083-120-020, and 094-200-020).

Location: The easements are located on the existing Paige Meadows Road alignment and are 0.8 miles southwest of the "Y" in Tahoe City and 0.4 miles west of Lake Tahoe (Attachment 2). Paige Meadows Road is unpaved and commences at the end of Rawhide Drive.

Fiscal Summary: The proposed authorization would result in incidental staff costs related to the preparation and processing of the easements.

Overview

Description of Recommended Action

Staff recommends the Board authorize the conveyance of road easements to Tahoe City Public Utility District (TCPUD); U.S. Forest Service, Lake Tahoe Basin Management Unit (LTBMU); Granlibakken/Parson's Properties (GP); and American Tower (AT) through Conservancy-owned parcels.

The requested action will authorize staff to convey a road easement to AT for new access to Paige Meadows Road through Conservancy-owned land to construct and maintain a proposed cell phone tower on GP property. AT has secured a Tahoe Regional Planning Agency (TRPA) permit for the proposed cell phone tower and anticipates securing a Placer County permit in the near future. AT will be required to provide the Conservancy with copies of the executed permits and permissions prior to conveyance of the easement. In addition, AT will require access rights across National

Forest Lands, and Conservancy staff will coordinate with LTBMU staff to ensure consistency with their permit related to AT's access rights.

The authorization will also formalize long-standing use and provide permanent easement rights to TCPUD, LTBMU, and GP through Conservancy-owned land using an existing dirt road known as Paige Meadows Road. TCPUD needs access in order to continue to maintain its Four Seasons Water Tank and associated infrastructure. LTBMU needs access for wildland fire response and forestry and fuel reduction project implementation on National Forest Lands. GP needs access to continue to maintain existing ski facilities and Nordic ski trails.

The easements provide for long-term maintenance of the road in its existing unimproved condition. Paige Meadows Road is currently in good working condition with appropriate Best Management Practices (BMPs). Historical maintenance activities by TCPUD, GP, LTBMU, and the Conservancy consist of removal of fallen trees, periodic grading, installation of waterbars/rolling dips, and routine inspections. All easement users will continue to jointly share in the cost and responsibility for maintenance on an essentially equal use basis. In the event a party fails to maintain the road, the Conservancy will exercise its responsibility as the landowner and maintain the easement, including removing or correcting known hazardous conditions, fallen trees, or soil erosion. Staff will seek reimbursement for the cost of these services from the responsible party, if appropriate.

History

The Conservancy acquired APN 094-200-020 in 1986 and APNs 083-110-017 and 083-120-020 in 1990. All three parcels were acquired through the Environmentally Sensitive Lands Program. APN 094-200-020 contains stream environment zones and the other two parcels are in a roadless area.

Paige Meadows Road travels through Conservancy-owned land as well as National Forest Land and provides access to Paige Meadows, a popular public destination. The public, TCPUD, LTBMU, GP, and the Conservancy routinely use Paige Meadows Road for access, land management, and recreation purposes. Since the 1920's, the public has used the road for hiking, mountain biking, cross country skiing, snowshoeing, and snowmobiling as well as to access Paige Meadows and the Olympic Hill Ski Jump. There is substantial documentation of the road's use; however, there is no evidence that formal rights, such as recorded easements, were provided by prior landowners for any of these uses.

TCPUD used Paige Meadows Road to construct its Four Seasons Water Tank in 1973 on LTBMU land and continues to use the road to access the tank and related infrastructure approximately four times a year for maintenance purposes. In 2013, TCPUD submitted an application to the Conservancy for an easement to use Paige Meadows Road as a condition for receiving a Special Use Permit from the LTBMU to maintain and improve the tank and infrastructure. At that time, the Conservancy preferred to give an easement to the LTBMU as the adjacent landowner and allow LTBMU to control TCPUD's use of Paige Meadows Road through the Conservancy land. Ultimately, LTBMU decided to remove the easement requirement across the Conservancy property for TCPUD's Special Use Permit.

Paige Meadows Road served as an important access road for LTBMU to successfully limit the size of the Washoe Fire in 2007. LTBMU acknowledges their need for continued access across Paige Meadows Road to maintain National Forest Land.

The history of the Granlibakken Resort as one of the earliest sites for winter recreation in the Lake Tahoe region is well-documented. GP and its predecessors have used the road to access its ski facilities since the 1920's. In addition, GP and its predecessors groom Nordic trails along the road and other parts of APN 094-200-020 for the public's use and for National Ski Team races. The Nordic trails are open to the public at no cost.

In 2013, GP provided the Conservancy with a Private Road Special Use Permit issued in 1994 by LTBMU that appears to have approved uses on Conservancy property and across Paige Meadows Road. Current Conservancy and LTBMU staff are unclear why this occurred and agree that the proposed easement between the Conservancy and GP is the appropriate action at this time.

In addition to allowing the public use, the Conservancy uses Paige Meadows Road to manage its properties, including conducting a forest fuels treatment project in 2008.

In 2016, AT applied for an easement to use Paige Meadows Road to construct, operate, and maintain a proposed cell tower located on GP property. The proposed cell phone tower will be a 110 feet tall monopine tower, which resembles a tree. In addition to the tower, several small structures are required. The tower and all structures are located inside a graded area surrounded by a six-foot-high fence. The graded area totals less than 1,700 square feet in size and requires retaining walls on a portion of the perimeter. Staff reviewed AT's application and discussed potential alternate access routes with LTBMU and GP. Staff determined that there are no other feasible access routes to the proposed cell tower location.

Given the many other uses across this road, staff concluded that separate easements for the historical uses could be addressed concurrently with AT's new request.

Financing

Given the long-term and historic uses by TCPUD, LTBMU, and GP, staff recommends that no payment be required for the easements allowing historical use. As stated above, the parties will continue to be responsible for shared road maintenance obligations. Conservancy staff and AT will negotiate a payment for the fair market value of the easement for the new use, consistent with the Conservancy's adopted Land Transfer Guidelines.

Authority

Consistency with the Conservancy's Enabling Legislation

The recommended action is consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907.8 authorizes the Conservancy to transfer or convey any real property interest to fulfill the purposes of its enabling legislation including protection of the natural environment and to promote the State's planning priorities. Section 66907.9 authorizes the Conservancy to initiate, negotiate, and participate in agreements for the management of land under its ownership or control with local public agencies, federal agencies, individuals, and corporate entities.

Consistency with the Conservancy's Strategic Plan

The recommended action is consistent with Strategic Plan Strategy III.A. "Efficiently Manage Conservancy-Owned Lands." The partnership with TCPUD, LTBMU, GP, and AT will enhance management efficiencies to provide important public and safety services to the greater Tahoe City area.

Consistency with the Conservancy's Program Guidelines

The recommended action is consistent with the Conservancy's Land Transfer Guidelines by facilitating a partnership and enhancing management efficiencies with other government agencies and corporations on Conservancy land. The easement to AT also achieves public benefits, including communications and public safety.

Consistency with External Authorities

The recommended action is consistent with the rules and regulations of the TRPA and Placer County. AT will be required to adhere to all permit conditions, including the installation of BMPs. By formalizing long-standing conditions related to the road's maintenance, compliance with Total Maximum Daily Load requirements will be satisfied. Lastly, the easements support TCPUD and LTBMU's missions, as noted in the History section above.

Compliance with the California Environmental Quality Act (CEQA)

Pursuant to the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.), certain classes of activities are statutorily exempt from CEQA or are exempt because they have been determined by the Secretary for Natural Resources to have no significant effect on the environment. Pursuant to Public Resources Code sections 21001(f) and 21082, the Conservancy has also adopted regulations to implement, interpret, and make specific the provisions of CEQA. (Cal. Code Regs., tit. 14, § 12100 et seq.) Staff has evaluated this easement conveyance and has found it to be exempt under CEQA. The conveyance qualifies for an exemption under State CEQA Guidelines section 15301 (existing facilities) and the Conservancy's CEQA regulations, section 12102.1. The conveyance also qualifies for an exemption under State CEQA Guidelines section 15303 (new construction or conversion of small structures). A Notice of Exemption (NOE) has been prepared for the Project (Attachment 3). If the Board approves the conveyance of the easements, staff will file the NOE with the State Clearinghouse pursuant to State CEQA Guidelines, section 15062.

List of Attachments:

Attachment 1 – Resolution 17-03-06
Attachment 2 – Project Map
Attachment 3 – Notice of Exemption

Conservancy Staff Contact:

Kelsey Lemming
kelsey.lemming@tahoe.ca.gov

ATTACHMENT 1

California Tahoe Conservancy
Resolution
17-03-06
Adopted: March 16, 2017

PAIGE MEADOWS ROAD EASEMENTS

Staff recommends that the Conservancy adopt the following resolution pursuant to Government Code sections 66907.8 and 66907.9:

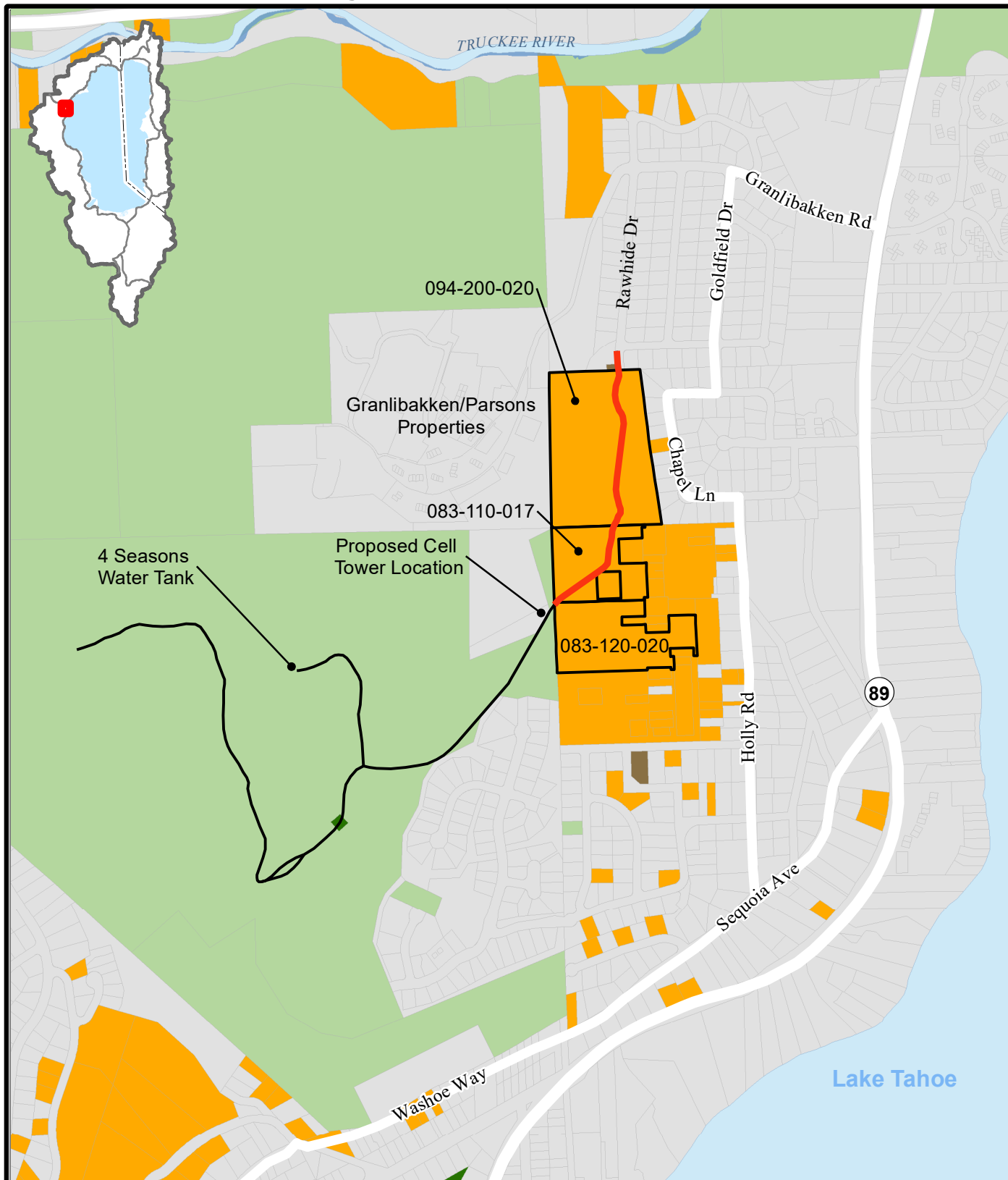
“The Conservancy authorizes the conveyance of easements to the Tahoe City Public Utility District, U.S. Forest Service, Lake Tahoe Basin Management Unit, Granlibakken/Parson’s Properties, and American Tower for a portion of the existing Paige Meadows Road through Placer County Assessor’s Parcel Numbers 083-110-017, 083-120-020, and 094-200-020, and authorizes staff to take all other steps consistent with the accompanying staff recommendation.”

I hereby certify that the foregoing is a true and correct copy of the resolution duly and regularly adopted by the California Tahoe Conservancy at a meeting thereof held on the 16th day of March 2017.

In WITNESS THEREOF, I have hereunto set my hand this 16th day of March 2017.

Patrick Wright
Executive Director

ATTACHMENT 2
Project Map
Paige Meadows Road Easements



Proposed Items

— Paige Meadows Rd Easements

Supporting Features

— Paige Meadows Rd

Ownership

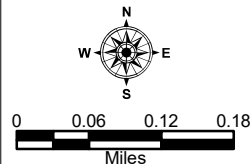
CA Tahoe Conservancy

Placer County

Private

Tahoe City Public Utility District

US Forest Service



Sources:
TRPA, CTC

California
Tahoe Conservancy



March 2017

*Map for reference purposes only.

ATTACHMENT 3

NOTICE OF EXEMPTION

TO: Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA. 95814

FROM: California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA. 96150

Project Title:

Paige Meadows Road Easements

Project Location – Specific:

Paige Meadows Road starts at the end of Rawhide Drive and continues to Paige Meadows. A portion of the road crosses Conservancy properties, Placer County Assessor’s Parcel Numbers 083-110-017, 083-120-020, and 094-200-020 (Exhibit A).

Project Location – City:

Unincorporated

Project Location – County:

Placer

Description of Nature, Purpose, and Beneficiaries of Project:

The conveyance of easements to Tahoe City Public Utility District, US Forest Service, Lake Tahoe Basin Management Unit, Granlibakken/Parson’s Properties, and American Tower will formalize historic and future access to Paige Meadows Road. The new access to American Tower will allow for the construction of a proposed cell phone tower on private property that will increase the safety and communication for the public in the greater Tahoe City/Granlibakken areas.

Name of Public Agency Approving Project:

California Tahoe Conservancy (Conservancy meeting of 3/16/2017) (Agenda Item 9.b)

Name of Person or Agency Carrying Out Project:

California Tahoe Conservancy

Exempt Status:

- Ministerial (§ 21080 (b)(1); § 15268)
- Declared Emergency (§ 21080 (b)(3); § 15269 (a))
- Emergency Project (§ 21080 (b)(4); § 15269 (b)(c))
- X Categorical Exemption. Classes 1 & 3, §§ 15301 and 15303 (See also Cal. Code Regs., tit. 14, § 12102.1).

Reasons Why Project is Exempt:

The project is exempt because the existing access road has been used for similar activities since the 1920’s. The proposed cell phone tower involves the new construction of a utility extension with a graded area of under 1,700 square feet.

Contact Person:

Kelsey Lemming

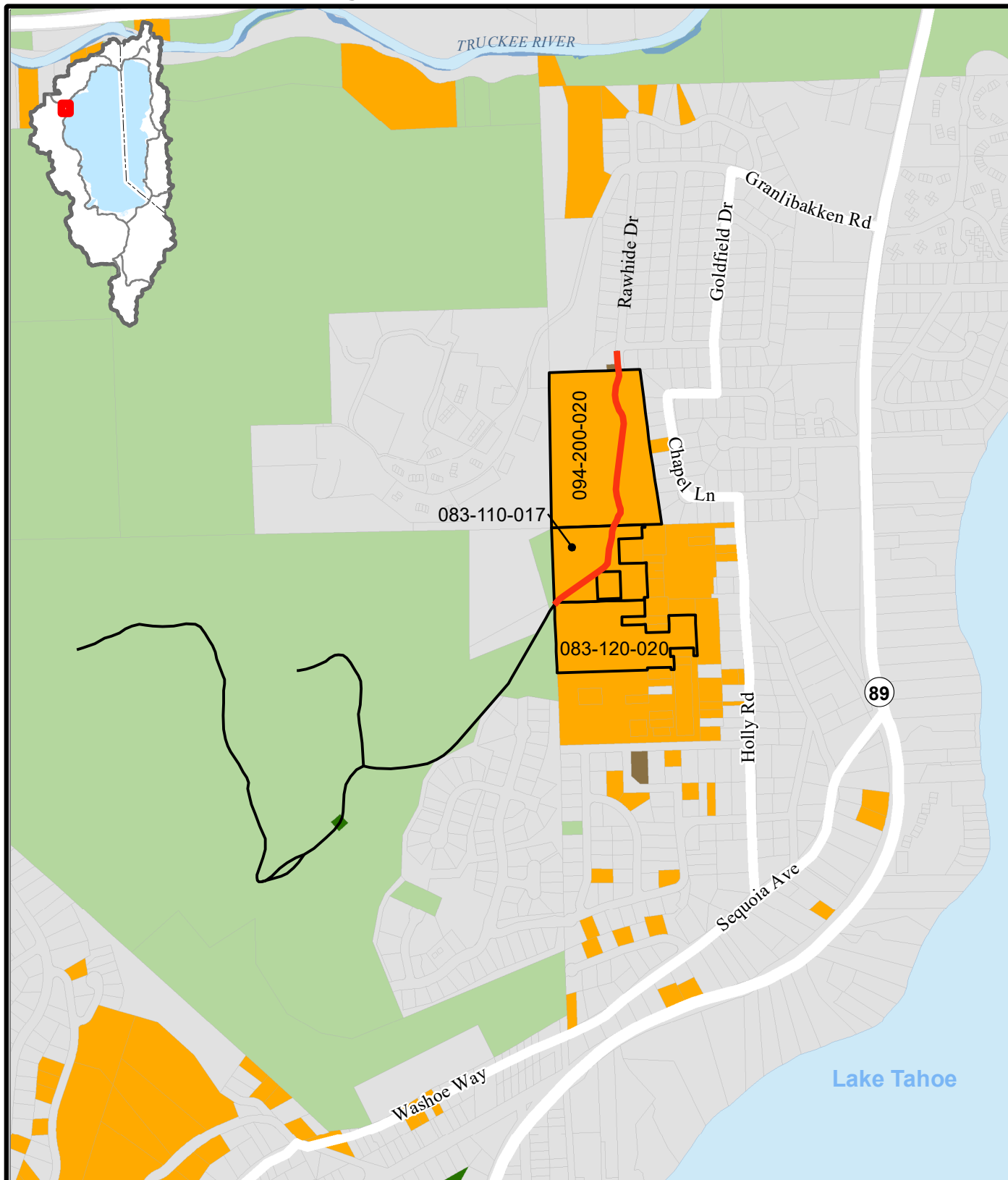
Telephone Number:

(530) 543-6046

Date Received for Filing:

Patrick Wright
Executive Director

Exhibit A Project Map Paige Meadows Road Easements



Proposed Items

Legend

— Paige Meadows Rd Easements

Supporting Features

Legend

— Paige Meadows Rd

Ownership

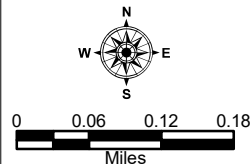
■ CA Tahoe Conservancy

■ Placer County

■ Private

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Sources:
TRPA, CTC

California
Tahoe Conservancy



March 2017

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