

California Tahoe Conservancy  
Agenda Item 7  
September 16, 2010

**ENVIRONMENTALLY SENSITIVE LANDS**

**Summary:** Staff recommends authorization of \$2,500 plus related closing costs for the purchase of two environmentally sensitive parcels.

**Location:** Tahoe Paradise Subdivision in El Dorado County (Attachment 1).

**Fiscal Summary:** \$2,500 in direct acquisition costs.

**Recommended Action:** Adopt Resolution 10-09-01 (Attachment 2).

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**Background**

This staff recommendation constitutes the 133<sup>rd</sup> Environmentally Sensitive Lands recommendation submitted to the Board and includes two proposed acquisitions under the Conservancy's Environmentally Sensitive Lands Program.

For the past few decades, private landowners have purchased and deed-restricted environmentally sensitive lots through the Tahoe Regional Planning Agency's (TRPA) Allocation Assignment Program. This allowed land owners to obtain residential building allocations for development of other parcels and enabled them to avoid delays in obtaining building allocations when demands for allocations exceeded supplies. Once deed-restricted, the value of these sensitive parcels is generally \$5,000, which reflects the market value of the land to a neighboring homeowner.

The Conservancy acquires these deed-restricted parcels for a nominal price. In accordance with revised donation and deduction guidelines adopted in September 2005, the Conservancy will pay up to \$1,000 for a deed-restricted parcel depending upon the presence or absence of the development right and land coverage. The Conservancy will pay up to an additional \$500 per parcel to help resolve significant management problems to facilitate the transaction. Since September 2005, the Conservancy has authorized the purchase of 40 deed-restricted parcels at a nominal price.

## **Project Description**

Staff is proposing that the Conservancy expend up to \$2,500 for two bargain-sale acquisitions (El Dorado County Assessor Parcel Numbers 34-491-17 and 35-285-04) under the Environmentally Sensitive Lands Program (Attachment 3).

Both parcels proposed for purchase are 100% stream environment zone (SEZ), have IPES scores of zero (0), and together total .47 acres in size. One parcel (APN 035-285-04) has a recorded TRPA deed restriction that allowed for the assignment of a building allocation to a different, developable property. This parcel also has a TRPA deed restriction allowing for the permanent transfer of 78 square feet of potential coverage rights to another parcel. This parcel is proposed for a bargain sale purchase at \$1,500 because there are significant management problems on the parcel, which will be resolved by the seller prior to close of escrow. The other parcel (APN 034-491-06) has no deed restriction, but the owner wishes to sell the land to the Conservancy for \$1,000 as a bargain sale. The two residential development rights (one with each parcel) and the potential land coverage from the unrestricted parcel will be made available for sale or mitigation purposes through the Conservancy's Land Bank Program, pursuant to criteria adopted by the Board.

## **Project Budget**

The proposed acquisitions will cost \$2,500 plus typical escrow costs, estimated at \$1,100.

## **Project Implementation**

If the Board approves the acquisitions, staff will provide the land owners with a property acquisition agreement and related escrow documents. Once the acquisition agreements have all necessary State signatures, escrow will be opened and a warrant ordered for the respective purchase price. It should be noted that the Department of General Services has delegated its approval authority to the Conservancy for routine acquisitions such as these that do not exceed \$150,000 per lot or parcel. Upon satisfaction of all conditions precedent, including those related to management problems, escrow will close and the proceeds of the respective sales will be sent to the sellers.

## **Project Evaluation**

The landowners have indicated willingness to sell to the State, and staff is recommending purchase of the two parcels. The proposed acquisitions substantially comply with adopted pre-acquisition criteria for environmentally sensitive lands (Attachment 4). In staff's opinion, title to the proposed acquisitions can be conveyed in an acceptable condition to the State. The Board previously authorized general expenditures for the indirect acquisition costs (i.e., escrow services, title insurance and closing costs) of these and other potential acquisitions.

### **Consistency with the Conservancy's Enabling Legislation**

Implementation of this project is consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907 authorizes the Conservancy to "select and acquire real property or interests therein in the name of and on behalf of the state, for the purposes of protecting the natural environment, providing public access or public recreational facilities, preserving wildlife habitat areas, or providing access to or management of acquired lands."

### **Compliance with the California Environmental Quality Act (CEQA)**

Pursuant to State CEQA Guidelines (Cal. Code Regs., title 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 Resources to have no significant effect on the environment. Pursuant to Public Resources Code section 21082, the Conservancy has also adopted regulations to implement, interpret, and make specific, the provisions of CEQA (Cal. Code Regs., title 14, § 12100 et seq.). Staff has evaluated this project, and has found it to be exempt under CEQA. This project qualifies for a categorical exemption under State CEQA Guidelines, section 15325 (transfer of ownership in land in order to preserve open space, habitat, or historical resources). A Notice of Exemption (NOE) has been drafted for the project (Attachment 5). If the Board approves the project, staff will file the NOE with the State Clearinghouse pursuant to State CEQA Guidelines, section 15062.

**List of Attachments:**

Attachment 1 – Location Map

Attachment 2 – Resolution 10-09-01

Attachment 3 – Proposed Acquisition

Attachment 4 – Environmentally Sensitive Land Acquisition Criteria

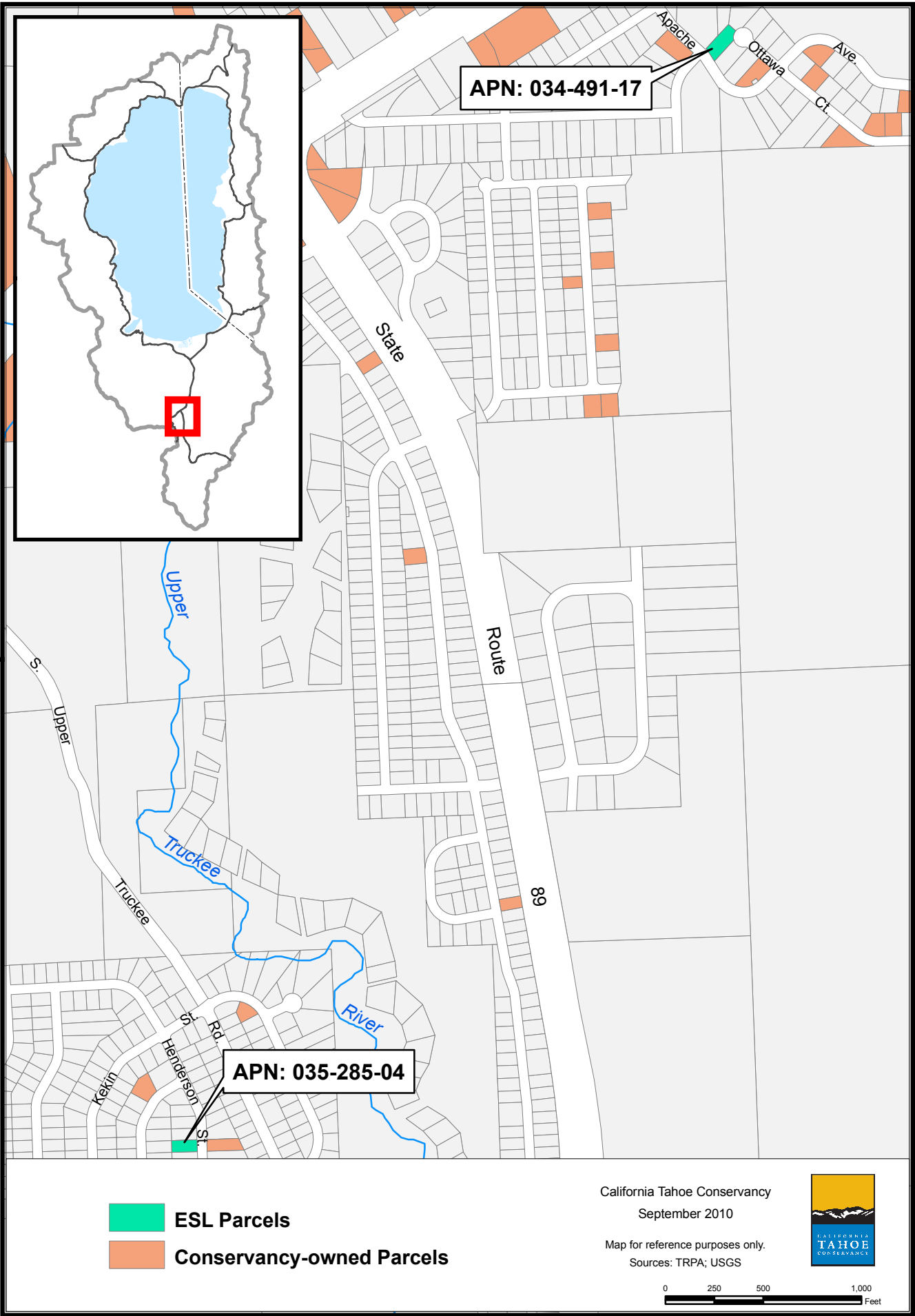
Attachment 5 – Notice of Exemption

**Conservancy Staff Contact:**

Amy Cecchetti

Phone: (530) 543-6033

ATTACHMENT 1  
Location Map



## **ATTACHMENT 2**

California Tahoe Conservancy  
Resolution  
10-09-01  
Adopted: September 16, 2010

### **ENVIRONMENTALLY SENSITIVE LANDS**

Staff recommends the California Tahoe Conservancy make the following finding based on the accompanying staff report pursuant to Public Resources Code Section 21000 et seq.:

"The California Tahoe Conservancy has evaluated the project and determined it to be categorically exempt from CEQA. The Conservancy hereby directs staff to file a Notice of Exemption for this project with the State Clearinghouse."

Staff further recommends that the Conservancy adopt the following resolution pursuant to Government Code section 66907:

"The California Tahoe Conservancy hereby authorizes staff to expend up to \$2,500 and to take all other actions necessary to acquire fee or less-than-fee interest in two environmentally sensitive parcels (El Dorado County Assessor's Parcel Numbers 34-491-17 and 35-285-04)."

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 16<sup>th</sup> day of September 2010.

In WITNESS THEREOF, I have hereunto set my hand this 16<sup>th</sup> day of September 2010.

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Patrick Wright  
Executive Director

### ATTACHMENT 3

Proposed Acquisition  
September 16, 2010

#### EL DORADO COUNTY PARCEL

<i>Assessor Parcel Number</i>	<i>Subdivision</i>	<i>Category*</i>	<i>Special Conditions**</i>	<i>Acreage</i>	<i>Value</i>
34-491-17	Tahoe Paradise	SEZ		0.29	\$1,000
35-285-04	Tahoe Paradise	SEZ	M	0.18	\$1,500

Total number of proposed acquisitions in EL DORADO COUNTY	2
Total acreage for EL DORADO COUNTY	0.47
Total value for EL DORADO COUNTY	\$2,500

*** GRAND TOTAL PARCELS ***	2
*** GRAND TOTAL ACRES ***	0.47
*** GRAND TOTAL VALUE ***	\$2,500

#### Column Definitions:

\* Category column:

CP	means Coverage Parcel
IP	means IPES confirmed by TRPA's inspection
MM	means Man Modified parcel
SEZ	means Stream Environment Zone parcel
SS	means Substandard Parcel

\*\* Special Condition column: An "M" in the special conditions column denotes a parcel with a management concern which the landowner is required to correct, or remove, prior to close of escrow. Examples include large accumulations of trash, stored vehicles, hazard trees, etc.

## **ATTACHMENT 4**

### **ENVIRONMENTALLY SENSITIVE LAND ACQUISITION CRITERIA**

California Tahoe Conservancy Criteria for the Evaluation of Environmentally Sensitive Lots in the Lake Tahoe Basin for Possible Acquisition under the Tahoe Conservancy Act of 1984 and the Lake Tahoe Acquisitions Bond Act of 1982 (adopted April 19, 1985; April 18, 1986; May 21, 1987; July 22, 1988; September 23, 1988, February 17, 1989, and September 16, 2005).

The California Tahoe Conservancy has authorized staff to take steps and expend funds necessary to initiate landowner contacts and other pre-acquisition and assessment activities for up to 7,400 undeveloped parcels needed to protect the natural environment in all watersheds on the California side of the Tahoe Basin. Such lots shall be evaluated by staff for possible acquisition pursuant to the following criteria:

- a. the lot or parcel has not been designated or reserved for acquisition by the U.S. Forest Service under the Burton-Santini program;
- b. the landowner(s) has/have indicated a willingness to sell;
- c. the lot or parcel is confirmed to be environmentally sensitive or is needed to protect the natural environment;
- d. title to the lot or parcel can be conveyed in an acceptable condition;
- e. the physical condition of the property is acceptable;
- f. the lot or parcel can be conveyed free of property ownership fees;
- g. the lot or parcel is not subject to easements, rights-of-way, Covenants, Conditions and Restrictions, or other restrictions (excluding deed restrictions of sensitive lands) which render the acquisition unnecessary; and
- h. acquisition of the lot or parcel meets the resource objectives and requirements of the Tahoe Conservancy Act (Government Code Section 66905 et seq.) and the Lake Tahoe Acquisitions Bond Act of 1982 (Government Code Section 66950 et seq.).

Acquisition of eligible lots shall be subject to review and approval by the Conservancy board and the allocation and availability of funds for this program.



## ATTACHMENT 5

### 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

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***Project Title:***

Acquisition of two environmentally sensitive parcels.

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***Project Location – Specific:***

El Dorado County Assessor's Parcel Numbers 34-491-17 and 35-285-04.

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***Project Location – City:***

Unincorporated

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***Project Location – County:***

El Dorado

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***Description of Nature, Purpose, and Beneficiaries of Project:***

Purchase of fee interest in two environmentally sensitive parcels as part of the California Tahoe Conservancy's acquisition program.

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***Name of Public Agency Approving Project:***

California Tahoe Conservancy (Conservancy meeting of 9/16/2010) (Agenda Item 7)

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***Name of Person or Agency Carrying Out Project:***

California Tahoe Conservancy

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***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. Class 25, § 15325

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***Reasons Why Project is Exempt:***

Action involves the acquisition of environmentally sensitive land by the Conservancy for the purpose of preserving open space in the Lake Tahoe Basin.

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***Contact Person:***

Amy Cecchetti

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***Telephone Number:***

(530) 543-6033

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***Date Received for Filing:***

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Patrick Wright  
Executive Director