California Tahoe Conservancy Agenda Item 11b March 15, 2012

EXCHANGE AND TRANSFER OF CONSERVANCY LANDS WITH CITY OF SOUTH LAKE TAHOE

Summary: Staff recommends authorization of an exchange and transfer of approximately 19 acres of Conservancy-owned public access and asset lands with the City of South Lake Tahoe in return for approximately 33 acres of environmentally sensitive and asset lands in the City of South Lake Tahoe as listed in Attachment 1.

Location: Within the City of South Lake Tahoe (El Dorado County APNs 027-072-32, 026-113-07, -08, -09, -10, -11, 026-022-16, -17, -19, 025-041-20, 025-360-18, and 031-011-43) (Attachment 2)

Fiscal Summary: Escrow fees and incidental staff costs

Recommended Action: Adopt Resolution 12-03-08 (Attachment 3).

Background

At the December 2008 Board meeting, staff discussed with the Board possible land transfer policies. During this discussion, staff presented the Conservancy's land acquisition inventory and discussed the limited instances in which Conservancy-owned lands could be regarded as "asset lands". Staff also summarized for the Board previous land exchanges, sales, and transfers authorized by the Board since 1985. Finally, staff discussed future land transfer, sale, and exchange principles. While staff did not seek Board action at that time, the Board noted that the principles presented helped to provide a conceptual framework for future land exchange proposals.

From the Conservancy's inception in 1984 to the present time, the Board has approved the exchange, sale, or transfer of either fee title or an easement interest in real property, by the Conservancy itself or by a grantee under a local assistance grant, on 32 occasions, with the most recent exchange approved in July 2010. These approvals were granted pursuant to the Conservancy's enabling legislation, mission, program guidelines, and funding requirements. The 32 approvals are summarized in Table 1.

Table 1Summary of Completed Land Transfers				
Type of Transfer and Total Number	Transfer Description			
Land exchanges or transfers authorized at the time of land acquisition (2)	Glenridge Acquisition - land exchange with United States Forest Service and the California Department of Parks and Recreation			
	Cove East Litigation Settlement Acquisition - transfer of fee title to the Tahoe Keys Beach and Harbor Association			
Acquisitions subject to existing options or agreements to sell or convey (1)	Cove East Litigation Settlement Acquisition -option for the Tahoe Keys Property Owners Association to acquire 5+ acres (corporation yard site) and other acreage			
Acquisitions subject to new grants of easement at the time of board approval (2)	California Department of Transportation (Caltrans) Highway 50 Freeway Right-of-Way Acquisition - subject to several minor existing uses, including an option for El Dorado County to acquire an easement for community ball field purposes			
	Van Sickle Acquisition - subject to an easement in favor of the State of Nevada for access to Nevada State Park lands			
Land exchanges or transfers authorized after land acquisition (24)	16 grants of easement to a public or private utility company, local government, or the State of Nevada			
	1 exchange of fee title interests with a local public utility			
	2 grants of easement to Caltrans for water quality projects			
	1 exchange of a reciprocal access easement with a private party 1 easement to a private party for access as part of the Van Sickle Bi-State Park project			
	1 boundary line adjustment and exchange of fee title land interests with a private landowner to enhance public access to Lake Tahoe			
	1 exchange of one parcel for an adjoining parcel with a private party who accidentally constructed their new residence on property that was acquired under the Conservancy's Environmentally Sensitive Lands Acquisition Program			
	1 exchange of a 0.25-acre environmentally sensitive parcel with a private party in return for the conveyance of 1.55 acres of environmentally sensitive land along the Upper Truckee River after the existing home within the river floodplain had been removed.			
Authorizations to Conservancy grantees to convey fee title or an easement in land acquired with Conservancy funds (3)	2 authorizations to the North Tahoe Public Utility District to convey an easement interest to Pacific Bell and fee title to property surplus to the project's needs. The fee title sale netted close to \$750,000, which was used to help fund the Tahoe Vista Recreation Area public lake access improvements.			
	1 authorization to the City of South Lake Tahoe at the time the Conservancy granted acquisition funding. The City sold surplus land and the revenue generated has been placed in a trust account for bike trail purposes, consistent with the original grant of funds.			

The principles presented in December 2008 were based upon prior board discussions and/or actions related to previously-approved land transactions. These are shown below with minor modifications shown in *italics*. Criteria 1-3 are mandatory requirements, and subcomponents under Criteria 4 are elective.

As a general policy, the Conservancy would consider pursuing transactions involving the transfer, sale, or exchange of Conservancy land if the following criteria are met:

- 1. The transaction is consistent with the Conservancy's enabling legislation (Gov. Code § 66905 et seq.);
- 2. The transaction is consistent with the Conservancy's program guidelines and purposes (see, e.g., policies adopted as part of the development of the Conservancy's ESL Program; the Conservancy's Property Management Program and related guidelines; the Conservancy's Leasing and Stewardship Land Management Services Guidelines; and past Conservancy board policy discussions and actions relating to specific land purchases);
- 3. The transaction is consistent with requirements of bond acts and other applicable funding sources, including but not limited to California Propositions 12, 13, 40, 50, 84, and the Lake Tahoe Acquisitions Bond Act of 1982 (Gov. Code § 66950 et seq.); and
- 4. The transaction satisfies one or more of the following criteria:
 - a. Achieves program or project objectives where the original project purposes have changed, the land is no longer needed to achieve the original project purpose, and the land does not provide significant benefits to another Conservancy program.

Example: A number of parcels fronting on U.S. Highway 50 and State Route 89 were purchased to facilitate construction of a permanent visitor's center in Meyers. Current site improvement estimates do not require all of these parcels for project implementation. Several of the parcels are high capability lands within the Meyers Community Plan area.

b. Achieves program or project objectives through the disposal of land which is considered incidental to the original acquisition, program, or project

objective, and the project purposes have been, or can be, achieved with the remaining property *and with the "consideration" being offered in trade*.

Example: Potential Conservancy "asset lands" which may have been acquired as part of a bulk acquisition (e.g. within the City of South Lake Tahoe).

c. Achieves public and environmental benefits that significantly exceed the public or environmental value of the land owned by the Conservancy.

Example: If another party owns or acquires a parcel that is of high value for environmental purposes, and proposes to transfer the property to the Conservancy in exchange for other Conservancy land of significantly less environmental importance.

d. Facilitates more efficient management of public lands in the Basin while furthering Conservancy program objectives.

Example: Possible USFS/Conservancy and DPR/Conservancy exchanges.

e. Provides equitable relief to the owner of a neighboring parcel in such a manner that environmental disturbance is minimized and the Conservancy's acquisition objectives are not adversely impacted.

Example: Certain cases where a pre-existing condition such as a secondary access or encroaching structure can be documented as present on a portion of Conservancy land prior to Conservancy acquisition (or for a certain length of time, e.g., five years before the Conservancy acquisition).

In addition, the Conservancy may consider a possible transfer, sale, or exchange of land in certain cases where the criteria in (1) - (3) above are met, and where the transaction would help achieve other State mandates, community plans, redevelopment objectives, or other public purposes.

The proposed exchange and transfer of lands with the City of South Lake Tahoe (City) is described and evaluated below.

Project Description

Staff recommends authorization to exchange and transfer approximately 19 acres of Conservancy-owned public access and asset lands with the City in return for approximately 33 acres of environmentally sensitive and asset lands as listed in Attachment 1. The proposed exchange and transfer involves the exchange of Conservancy asset lands in return for City asset lands of equal or greater value and the transfer of public recreation and environmentally sensitive lands from the Conservancy to the City that will facilitate more efficient management of public lands while furthering Conservancy program objectives.

The Conservancy properties include lands acquired within the City limits for either public lake access purposes, through exchange with Caltrans (the U.S. Highway 50 Freeway Right-of-Way), under the Land Coverage Program, or in a bulk land acquisition from one owner where high-capability lands were considered potential assets lands at the time of purchase. Each Conservancy parcel, along with its characteristics, its appraised or estimated value, the program/purposes for which it was acquired, and the criteria under which the transfer is proposed, are summarized in Attachment 4.

The City properties include lands within the City limits acquired for public recreation, open space, and/or environmental protection purposes. Each City parcel, along with its characteristics, its appraised or estimated value, the program/purposes for which it was acquired, and the criteria under which the transfer is proposed is also summarized in Attachment 4.

The asset lands component of the proposed exchange involves two Conservancy properties and two City properties. The Conservancy properties include the former Unocal gas station property along U.S. Highway 50 (Lake Tahoe Boulevard) acquired in November 2011 under the Land Coverage Program (El Dorado County Assessor Parcel Number (APN) 027-072-32) and an area comprised of five high capability parcels within the Bijou/Al Tahoe Community Plan Area along Harrison and Modesto Avenues acquired under a bulk land acquisition (El Dorado County APNs 026-113-07, -08, -09, -10, and -11). At the time of purchase in 1988, these and other high capability lands were noted as potential assets in the event the properties were not necessary to achieve one or more Conservancy program objectives. The City properties are the former drive-in movie theater situated along Glenwood Way (El Dorado County APN 025-360-18) and land adjoining the Upper Truckee River west of Silverwood Circle and north of U.S. Highway 50 (El Dorado County APN 031-011-43).

The public lands management efficiency component involves the transfer of over 17.5 acres of Conservancy-owned recreation land adjoining Regan Beach (El Dorado County APNs 026-022-16, -17, and -19) and community ball field property along the former Caltrans freeway right-of-way (El Dorado County APN 025-041-20) to the City. The City currently operates and maintains the Regan Beach property and most of the community ball field property for recreation purposes.

The proposed exchange and transfer is subject to the following conditions and understandings:

- 1. The asset lands exchange component is considered to be of equal or greater value to the Conservancy, and no consideration is to be paid by either party to the other.
- 2. Valuation of the Conservancy lands under the public lands management efficiency transfer component is not necessary because these lands will continue to be managed for the purposes for which they were acquired. Conveyance of the Conservancy land adjoining Regan Beach and along the former Caltrans right-of-way, both of which contain public recreational facilities operated and maintained by the City, will include a deed restriction prohibiting the use of these lands for other than public recreation and access purposes.
- 3. The receiving party will receive all development and land coverage rights associated with the land except as noted in Table 4 and as summarized below. The Conservancy will retain 131,804 square feet of potential land coverage rights associated with the former Caltrans right-of-way land, the majority of which are situated within the Upper Truckee Hydrologically Related Area (HRA), and 1,200 sq. ft. of hard coverage rights associated with the former Unocal property in the South Stateline HRA. In light of the reservation on the former Caltrans property, and at the request of the City, the Conservancy will reserve 60,000 square feet of potential land coverage rights in the South Stateline HRA and 50,000 square feet of potential land coverage rights in the Upper Truckee HRA within its Land Bank for the City for public service improvements within the City consistent with Conservancy program objectives. Within the South Stateline HRA, the City envisions the need for future public improvements such as campground renovation and bicycle trail and water quality improvements within the County-owned 56-acre lands along Lake Tahoe Boulevard (Lakeview Commons). The City will obtain 83,019 square feet of existing coverage upon which the community ball field, parking, and a bicycle trail were constructed.
- 4. Escrow and closing costs will be shared between the parties. Conservancy costs are estimated at about \$1,600.

Project Evaluation

The proposed land exchange and transfer is consistent with the three mandatory criteria and two elective criteria outlined on pages 3 and 4 above. In addition, the proposed project establishes a beneficial precedent for the exchange and transfer of public lands among agencies under two principles: an equal exchange of asset lands for management purposes and a transfer of lands with no compensation for management purposes.

The exchange is consistent with the Conservancy's enabling legislation (Criteria 1) as more fully described in the next section of this report.

The transaction is consistent with the Conservancy's program guidelines and purposes (Criteria 2). Lands that are critical for achieving one or more program objectives will either continue to achieve these objectives or enhance program objectives after the exchange. Elaboration on these points is provided below.

The transaction is consistent with the requirements of bond acts and other applicable funding sources (Criteria 3). Specifically, as compensation for lands acquired with Lake Tahoe Acquisitions Bond Act funds (all but the former Unocal property), the Conservancy will either receive many more acres of land with existing land coverage that will be restored and protected in perpetuity (in the case of the City drive-in property), or the Bond Act purposes will continue to be achieved through deed restriction of the recreation lands in perpetuity.

Excess coverage mitigation fees collected by the Tahoe Regional Planning Agency and appropriated to the Conservancy for the acquisition and restoration of lands under the Conservancy's Land Bank were used to acquire the former Unocal property. By trading this land and the majority of its coverage rights to the City, the Conservancy acquires over three times the amount of land coverage that can be restored to assist the Land Bank with meeting its excess coverage mitigation obligations in the South State HRA.

The elective criteria are evaluated in the context of the asset lands and management efficiency components of the proposed transaction below:

Conservancy asset lands are exchanged in return for asset lands of equal or greater value to more fully achieve ongoing program objectives. Specifically, Criteria 4.b. on page 4 applies well to both the former Unocal site and Harrison Avenue properties because the proposed transfer to the City "achieves program or project objectives through the disposal of land which is considered incidental to the original acquisition, program or project objective, and the project purposes have been, or can be, achieved with the remaining property and with the "consideration" being offered in trade". Under this specific proposal, the objectives of the Conservancy's Land Coverage and Watershed and Stream Environment Zone (SEZ) Restoration Programs are furthered because the Conservancy obtains the ability to restore over 101,000 square feet of existing land coverage on the former drive-in movie theater property within the South

Stateline HRA. Slightly over 12,000 square feet of this coverage is situated within an SEZ. In return, the Conservancy conveys 21,250 square feet of banked and restored coverage within an SEZ, 8,886 square feet of potential high capability land coverage, and 1,158 square feet of commercial floor area rights. The exchange more than triples the benefits to Land Bank's excess coverage mitigation obligations within the South Stateline HRA.

(It should be noted that staff is recommending the Conservancy consider the sale of a residential estate home site on the former drive-in movie theater site as more fully described in Agenda Item 11a. Even with the reservation of up to 25,000 square feet of high capability existing land coverage for the home site, the Conservancy will achieve over 76,000 square feet of hard coverage restoration on the drive-in property as compared with 22,450 square feet of hard coverage restoration on the former Unocal property.)

Consistent with Criteria 4.d on page 4, the Conservancy's Watershed and SEZ Restoration Program objectives are enhanced through the proposed ownership of 24 acres of SEZ land along the Upper Truckee River because the Conservancy staff has the technical expertise and seasonal crew resources to manage it, and the land is within the project planning area for the Conservancy's proposed Upper Truckee Marsh Restoration Project.

Also consistent with Criteria 4.d, the Conservancy transfers fee title to recreation lands currently managed by the City for recreation purposes pursuant to either an easement (i.e. the ball field property) or an expired management agreement (i.e. the Regan Beach property). As noted earlier, these recreation lands may only be used for recreation purposes because they will be deed restricted at the time of transfer.

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. Additionally, pursuant to Government Code section 66907.1, the Conservancy may acquire interests in land by means of land exchanges. Furthermore, Government Code section 66907.2 provides for the Conservancy to accept and hold real property or any interest herein acquired through gift, exchange, donation or dedication. Finally, pursuant to Government Code Section 66907.8, the Conservancy may exchange, or otherwise transfer any real property or interest therein, or option acquired under the legislation to local public agencies, State agencies, federal agencies, nonprofit organizations, individuals, corporate entities or partnerships for management purposes pursuant to terms and conditions approved by the Conservancy.

Compliance with the California Environmental Quality Act (CEQA)

The land exchange and transfer between the City and the Conservancy does not cause reasonably foreseeable direct or indirect physical changes to the environment, and thus is not a project within the meaning of CEQA. Therefore, no CEQA findings are required prior to the approval of the land exchange. The Conservancy does anticipate, however, that projects on many of the parcels will be proposed in the future, and each individual project may be subject to environmental review under CEQA once the scope of the project has been identified.

List of Attachments:

- Attachment 1 List of Exchange and Transfer Properties
- Attachment 2 Project Location Map
- Attachment 3 Resolution 12-03-08
- Attachment 4 Summary of Land Exchange and Transfer Property Characteristics (4 pages)

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California Tahoe Conservancy Parcels for Conveyance						
to the City of South Lake Tahoe						
Name	Assessor Parcel	Estimated Size				
	Number	in Acres				
Former Unocal	027-072-32	0.516				
		0.100				
	026-113-07	0.129				
TT	026-113-08	0.137				
Harrison and Modesto	026-113-09	0.137				
Avenue Parcels	026-113-10	0.138				
	026-113-11	0.137				
	026-022-16	0.119				
Regan Beach	026-022-17	0.113				
	026-022-19	0.224				
Ballfield/ROW	025-041-20	17.130				
Total Ac	Total Acres					

ATTACHMENT 1 List of Exchange and Transfer Properties

City of South Lake Tahoe Parcels for Conveyance to the California Tahoe Conservancy						
Name Assessor Parcel Estimated Size Number in Acres						
Former Drive-in Movie						
Theater	025-360-18	8.44				
Upper Truckee River/Silverwood Circle	031-011-43	24.28				
	031-011-43	24.28				
Total A	32.72					

ATTACHMENT 2 Project Location Map



California Tahoe Conservancy Resolution 12-03-08 Adopted: March 15, 2012

EXCHANGE AND TRANSFER OF CONSERVANCY LANDS WITH CITY OF SOUTH LAKE TAHOE

Staff recommends that the Conservancy adopt the following resolution pursuant to Government Code sections 66907.1, 66907.2 and 66907.8:

"The California Tahoe Conservancy hereby authorizes staff to execute all necessary documents and facilitate the transfer, for management purposes, of approximately 19 acres of Conservancy-owned public access and asset lands to the City of South Lake Tahoe in return for approximately 33 acres of environmentally sensitive and asset lands in El Dorado County as summarized in Exhibit 1 to this resolution, subject to the conditions stated in the accompanying staff report."

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 15th day of March, 2012.

In WITNESS THEREOF, I have hereunto set my hand this 15th day of March, 2012.

Patrick Wright Executive Director

California Tahoe Conservancy Parcels for Conveyance to the City of South Lake Tahoe					
Name	Assessor Parcel Number	Estimated Size in Acres			
Former Unocal	027-072-32	0.516			
	026-113-07	0.129			
	026-113-08	0.137			
Harrison and Modesto Avenue Parcels	026-113-09	0.137			
	026-113-10	0.138			
	026-113-11	0.137			
	026-022-16	0.119			
Regan Beach	026-022-17	0.113			
	026-022-19	0.224			
Ballfield/ROW	025-041-20	17.130			
Total Acres 18.780					

Exhibit 1 to Resolution 12-03-08

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City of South Lake Tahoe Parcels for Conveyance to the California Tahoe Conservancy					
Name	Assessor Parcel	Estimated Size			
	Number	in Acres			
Former Drive-in Movie					
Theater	025-360-18	8.44			
Upper Truckee					
River/Sunset Drive	031-011-43	24.28			
Total Act	32.72				

Summary of Land Exchange and Transfer Property Characteristics

Name	APN	Estimated Size in Acres	Program/Purposes of Acquisition	Conservancy Land Transfer Criteria	Summary of Development Rights & Obligations	Appraised Value of Asset Lands
Former Unocal	027-072-32	0.516	Land Coverage Program- meet Excess Coverage Mitigation needs in the South Stateline HRA	1, 2, 3, & 4(b) - asset lands - achieve program objectives better through disposal	 22,450 sq. ft. of banked hard coverage within SEZ; 1,200 sq. ft. of existing, banked land coverage to be reserved by Conservancy Land Bank 1,158 sq. ft. of banked commercial floor area; Commercial/retail potential along Lake Tahoe Blvd. 	\$357,000
Harrison and	026-113-07	0.129	Environmentally	1, 2, 3, & 4(b) - asset	• 8,886 sq. ft. of Class 7 potential coverage	\$150,000
Modesto	026-113-08	0.137	Sensitive Lands	lands - achieve	within the Bijou-Al Tahoe Community Plan	
Avenue	026-113-09	0.137	Program- Bulk Land	program objectives	Area	
Parcels	026-113-10	0.138	Acquisition- Asset	better through		
	026-113-11	0.137	land	disposal		
Asset Lands T	l otal	1.194				\$507,000

ATTACHMENT 4 Summary of Land Exchange and Transfer Property Characteristics

MANAGEMENT LANDS						
Name	APN	Estimated Size in Acres	Program/Purposes of Acquisition	Conservancy Land Transfer Criteria	Summary of Development Rights & Obligations	Estimated Value of Management Lands
Regan Beach	026-022-16		Public Access and	1, 2, 3, & 4(d) -	 100 feet of lake frontage; 	• Acquired in 1987 for
	026-022-17		1		• Was 2 lakefront home sites;	\$425,000 at the request of
	026-022-19	0.224	access	management of public lands and further Conservancy objectives	 Improved by City with landscaping and other public access features; \$25,000 average annual revenues generated for City Parks & Recreation Operating/management agreement between parties expired; Property to be restricted to public lake access recreational purposes. 	the City to add to Regan Beach; • \$155,400 granted to the City to improve the property for public lake access purposes
Ballfield/ ROW	025-041-20	17.13	Multiple Programs: ESL, Land Coverage, Recreation and Access, & Wildlife - non-motorized transportation corridor (South Tahoe Greenway) and wildlife corridor	management of public lands and further	 Class 7 high capability land; 83,019 sq. ft. of existing land coverage to remain in support of the community ball field, parking, driveway, and bike trail; 131,804 sq. ft. of potential land coverage (the majority of which is in the Upper Truckee HRA) to be reserved by Conservancy Land Bank; 13+ acre El Dorado County easement for ball field, parking, driveway, and portions of bike trail; Property to be restricted to recreational (including bike trails) and wildlife purposes. 	• Conservancy received \$225,000 for ball field easement
Management	Lands Total	17.586				

Summary of Land Exchange and Transfer Property Characteristics

	City of South Lake Tahoe Parcels for Conveyance to the California Tahoe Conservancy							
ASSET LAI		Acres per GIS	Program/Purposes of Acquisition	Conservancy Land Transfer Criteria	Summary of Development Rights & Obligations	Appraised or Estimated Value of Asset Lands		
Former Drive- in Movie Theater	025-360-18	8.44	Recreation - possible expansion of golf course Restoration and coverage banking	1, 2, 3, & 4(b) - asset lands - achieve program objectives better through acquisition	 101,564 sq. ft. of existing land coverage withint the South Stateline HRA recognized by TRPA: 12,228 sq. ft. within SEZ and 89,336 sq. ft. on Class 7 land-pending TRPA challenge; 1 Existing Residential Unit of Use recognized by TRPA 20' wide water quality utility easement to be reserved by City along southern property boundary City and its contractor for the Bijou Erosion Control Project shall have the right to use up to 25,000 sq. ft. of the property for temporary equipment and materials storage during the 2013 and 2014 construction seasons; Contractor to pay \$10,500 for this privilege and contractor to remove all asphalt paving upon completion of use in 2014. 	\$432,000 to \$612,000		
Upper Truckee River/ Sunset Drive	031-011-43	24.28	Recreation and open space	1, 2, 3, & 4(b) - asset lands - achieve program objectives better through acquisition	 Entire property within SEZ; Up to 10,576 sq. ft. of potential coverage (Class 1b- SEZ) for inclusion into the Land Bank; Limited access from public streets 	\$75,00		
Asset Lands To	otal	32.72				\$507,000 - \$687,000		

Summary of Land Exchange and Transfer Property Characteristics

Other Considerations

 60,000 sq. ft. of potential land coverage within the South Stateline Hydrologically Related Area (HRA) will be allocated by the Conservancy for City public service projects that are consistent with Conservancy program objectives, including recreational (e.g. campgrounds, bicycle/pedestrian trails), erosion control, wildlife, and water quality purposes.

• 50,000 sq. ft. of potential land coverage within the Upper Truckee HRA will be allocated by the Conservancy for City public service projects that are consistent with Conservancy program objectives, including recreational (e.g. campgrounds, bicycle/pedestrian trails), erosion control, wildlife, and water quality purposes.