

California Tahoe Conservancy
Agenda Item 7
September 12, 2012

ENVIRONMENTALLY SENSITIVE LANDS

Summary: Staff recommends authorization of \$1,000 plus related closing costs for the purchase of one environmentally sensitive parcel.

Location: Mountain View Estates Subdivision in El Dorado County (El Dorado County Assessor Parcel Number 33-494-17) (Attachment 1).

Fiscal Summary: \$1,000 in direct acquisition costs (Proposition 40 funds).

Recommended Action: Adopt Resolution 12-09-01 (Attachment 2).

Background

This staff recommendation constitutes the 137th Environmentally Sensitive Lands recommendation submitted to the Board and includes one proposed acquisition under the Conservancy's Environmentally Sensitive Lands Program.

The Tahoe Regional Planning Agency restricts development on low capability land, and on properties not served by existing roads and utilities. Accordingly, the Conservancy includes such parcels within its definition of environmentally sensitive lands.

Staff has completed a series of activities to evaluate this parcel's eligibility. Such evaluation ensures conformity with acquisition criteria previously adopted by the Board. These activities include:

- Contacting a landowner to determine interest in allowing the Conservancy to conduct pre-acquisition activities for a specific parcel;
- Verifying the environmental sensitivity of the property, including use of IPES data or land capability data;
- Preparing an appraisal, typically by the California Department of General Services, Real Estate Services Division (DGS), or by a private appraiser;
- Conducting a site management inspection;

- Completing title review;
- Sending an inquiry letter to determine landowner interest in selling the property;
and
- Preparing the transaction for Board authorization.

The basic standard of valuation is current fair market value, which is the customary standard applied by public agencies. Under this standard, an appraiser considers all factors that reasonable, prudent, knowledgeable, and willing buyers and sellers would consider. These include such factors as the supply and demand for a specific type of property; the existence of other similar and competitive properties; the highest and best use of the land in terms of its zoning and regulatory treatment; and the availability of utilities and other infrastructure at the time of appraisal or within the reasonably foreseeable future.

Project Description

Staff is proposing that the Conservancy expend up to \$1,000 in Proposition 40 funds for one acquisition (El Dorado County Assessor Parcel Number 33-494-17) under the Environmentally Sensitive Lands Program (Attachment 3).

The parcel proposed for purchase contains year-round springs inundating the property in up to two feet of water. The IPES score is zero (0). This parcel is eligible for purchase under the Environmentally Sensitive Lands criteria. The property is not deed-restricted; thus it still contains one Residential Development Right and 120 square feet of potential coverage rights. The landowner has elected to complete a bargain-sale purchase with the Conservancy. The Conservancy and United States Forest Service, Lake Tahoe Basin Management Unit own most parcels on this street (Attachment 1). There are no title issues or management conditions on this parcel.

Project Budget

The proposed acquisition will cost \$1,000 plus typical escrow costs, estimated at \$515.

Project Implementation

If the Board approves the acquisition, staff will provide the landowner with a property acquisition agreement and related escrow documents. Once the acquisition agreement has the necessary State signatures, escrow will be opened and a warrant ordered for the purchase price. It should be noted that DGS 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, escrow will close and the proceeds of the sale will be sent to the seller.

Project Evaluation

The landowner has indicated willingness to sell to the State, and staff is recommending purchase of the parcel. The proposed acquisition substantially complies with adopted pre-acquisition criteria for environmentally sensitive lands (Attachment 4). In staff's opinion, title to the proposed acquisition can be conveyed in an acceptable condition to the State. The Board previously authorized general expenditures for the indirect acquisition costs (i.e., appraisal, appraisal review, escrow services, title insurance, and closing costs) of this 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 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 section 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 project and has found it to be exempt under CEQA. This project qualifies for a categorical exemption under 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 prepared for the project (Attachment 5). If the Board considers and concurs with the project, staff will file the NOE with the State Clearinghouse pursuant to CEQA Guidelines, section 15062.

List of Attachments:

Attachment 1 – Location Map

Attachment 2 – Resolution 12-09-01

Attachment 3 – Proposed Acquisition

Attachment 4 – Environmentally Sensitive Lands Acquisition Criteria

Attachment 5 – Notice of Exemption

Conservancy Staff Contact:

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ATTACHMENT 1 Location Map



ATTACHMENT 2

California Tahoe Conservancy
Resolution
12-09-01
Adopted: September 12, 2012

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 the California Environmental Quality Act (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 \$1,000 and to take all other actions necessary to acquire fee or less-than-fee interest in one environmentally sensitive parcel (El Dorado County Assessor’s Parcel Number 33-494-17).”

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 12th day of September 2012.

In WITNESS THEREOF, I have hereunto set my hand this 12th day of September 2012.

Patrick Wright
Executive Director

ATTACHMENT 3

Proposed Acquisition
September 12, 2012

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>
33-494-17	Mountain View Estates	SEZ	None	0.28	\$1,000

Total number of proposed acquisitions in EL DORADO COUNTY 1
Total acreage for EL DORADO COUNTY 0.28
Total value for EL DORADO COUNTY \$1,000

***** GRAND TOTAL PARCELS *** 1**
***** GRAND TOTAL ACRES *** 0.28**
***** GRAND TOTAL VALUE *** \$1,000**

Definitions:

- * Category column: CP Coverage Parcel
IP IPES confirmed by TRPA's inspection
MM Man Modified parcel
SEZ Stream Environment Zone parcel
SS 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 LANDS 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

Project Title:

Acquisition of one environmentally sensitive parcel

Project Location – Specific:

El Dorado County Assessor’s Parcel Number 33-494-17

Project Location – City:

Unincorporated

Project Location – County:

El Dorado

Description of Nature, Purpose, and Beneficiaries of Project:

Purchase of fee interest in one environmentally sensitive parcel as part of the California Tahoe Conservancy’s acquisition program.

Name of Public Agency Approving Project:

California Tahoe Conservancy (Conservancy meeting of 9/12/2012) (Agenda Item 7)

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))
- Categorical Exemption. § 15325, Class 25.

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.

Contact Person:

Amy Cecchettini

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(530) 543-6033

Date Received for Filing:

Patrick Wright
Executive Director