

California Tahoe Conservancy
Agenda Item 8
December 14, 2012

ENVIRONMENTALLY SENSITIVE LANDS

Summary: Staff recommends authorization of \$38,000 plus related closing costs for the purchase of two environmentally sensitive parcels.

Location: Mountain View Estates and Woodvista subdivisions in El Dorado and Placer Counties (El Dorado County Assessor Parcel Number 33-561-06 and Placer County Assessor Parcel Number 112-140-015) (Attachments 1A and 1B).

Fiscal Summary: \$38,000 in direct acquisition costs (Proposition 40 funds).

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

Project Description

Staff is proposing that the Conservancy expend up to \$38,000 in Proposition 40 funds for two acquisitions (El Dorado County Assessor Parcel Number 33-561-06 and Placer County Assessor Parcel Number 112-140-015) eligible for purchase under the Environmentally Sensitive Lands Program (Attachments 3 and 4).

The first parcel proposed for purchase is El Dorado County Assessor Parcel Number 33-561-06 (Attachment 1A). This parcel is offered to the Conservancy as a bargain sale for \$500 by the soon-to-be adjoining property owners. They are currently in the process of acquiring the vacant land at fair market value from another private party, with the escrow scheduled to close by the Conservancy meeting. The new owners wish to effectively “donate” the property to the Conservancy at the bargain sale price of \$500 because they wish to see the land protected as open space in perpetuity. The property has a 444 IPES score and is not deed-restricted. So, while the land meets the Conservancy’s adopted acquisition criteria as environmentally sensitive land, it is not currently considered a priority for purchase (at fair market value) by the Conservancy because it is not situated within a roadless subdivision. However, the ability to acquire the land, its one Residential Development Right, and its 202 square feet of potential coverage rights for \$500 is an opportunity to meet both water quality and Land Bank

objectives at the same time. At today's market prices, these assets are worth \$8,570 to the Conservancy and its Land Bank. Located in the Mountain View Estates subdivision on the south shore of Lake Tahoe, this 0.27 acre parcel and nearby land burned in the 2007 Angora Fire. The Conservancy owns adjoining land to the proposed acquisition, which will allow for easy integration of the land into our ongoing management responsibilities. Preliminary evaluation suggests there are no title issues associated with this parcel. However, there is a minor management problem that will be resolved prior to close of escrow.

The second parcel proposed for purchase is Placer County Assessor Parcel Number 112-140-015. This parcel is located in the Woodvista subdivision on the north shore of Lake Tahoe near Kings Beach (Attachment 1b). The closest paved road and utilities are located approximately 1,300 feet to the east of this parcel, where the improved portion of Lily Avenue ends. This property is mapped Bailey Class 5, contains two parcels, and is not deed-restricted. It contains two Residential Development Rights and 1,875 square feet of potential coverage rights. There are no title issues or management conditions on this parcel. The landowners have elected to sell their property in full fee to the Conservancy for the appraised fair market value of \$37,500.

As the Board may be aware, the necessary infrastructure that would allow for residential development was never installed in portions of several subdivisions located in Lake Tahoe. Portions of the Woodvista subdivision are located in such unimproved or road-less areas. Staff believes that more environmental damage would occur by installing the necessary infrastructure in these areas than by developing in subdivisions that are already improved. Over the years it has been Conservancy policy to acquire such unimproved or road-less parcels in order to protect the environment. The Conservancy owns most parcels in this unimproved portion of the Woodvista subdivision.

Project Budget

The proposed acquisitions will cost \$38,000 plus typical escrow costs, estimated at approximately \$1,100.

Project Implementation

If the Board approves the acquisitions, staff will provide the landowners with property acquisition agreements and related escrow documents. Once each 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 respective sellers.

Project Evaluation

This staff recommendation constitutes the 138th Environmentally Sensitive Lands recommendation submitted to the Board and includes two proposed acquisitions 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 each 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 Individual Property Evaluation System (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.

The respective landowners have indicated willingness to sell to the State, and staff is recommending purchase of the 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., 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 these acquisitions 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 evaluated the purchase of these parcels and found them to be exempt under CEQA. These acquisitions qualify 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 (Attachment 5). If the Board authorizes the acquisitions, staff will file the NOE with the State Clearinghouse pursuant to CEQA Guidelines, section 15062.

List of Attachments:

Attachment 1A – Location Map for El Dorado County APN 33-561-06
Attachment 1B – Location Map for Placer County APN 112-140-015
Attachment 2 – Resolution 12-12-01
Attachment 3 – Proposed Acquisitions
Attachment 4 – Environmentally Sensitive Lands Acquisition Criteria

Attachment 5 – Notice of Exemption

Conservancy Staff Contact:

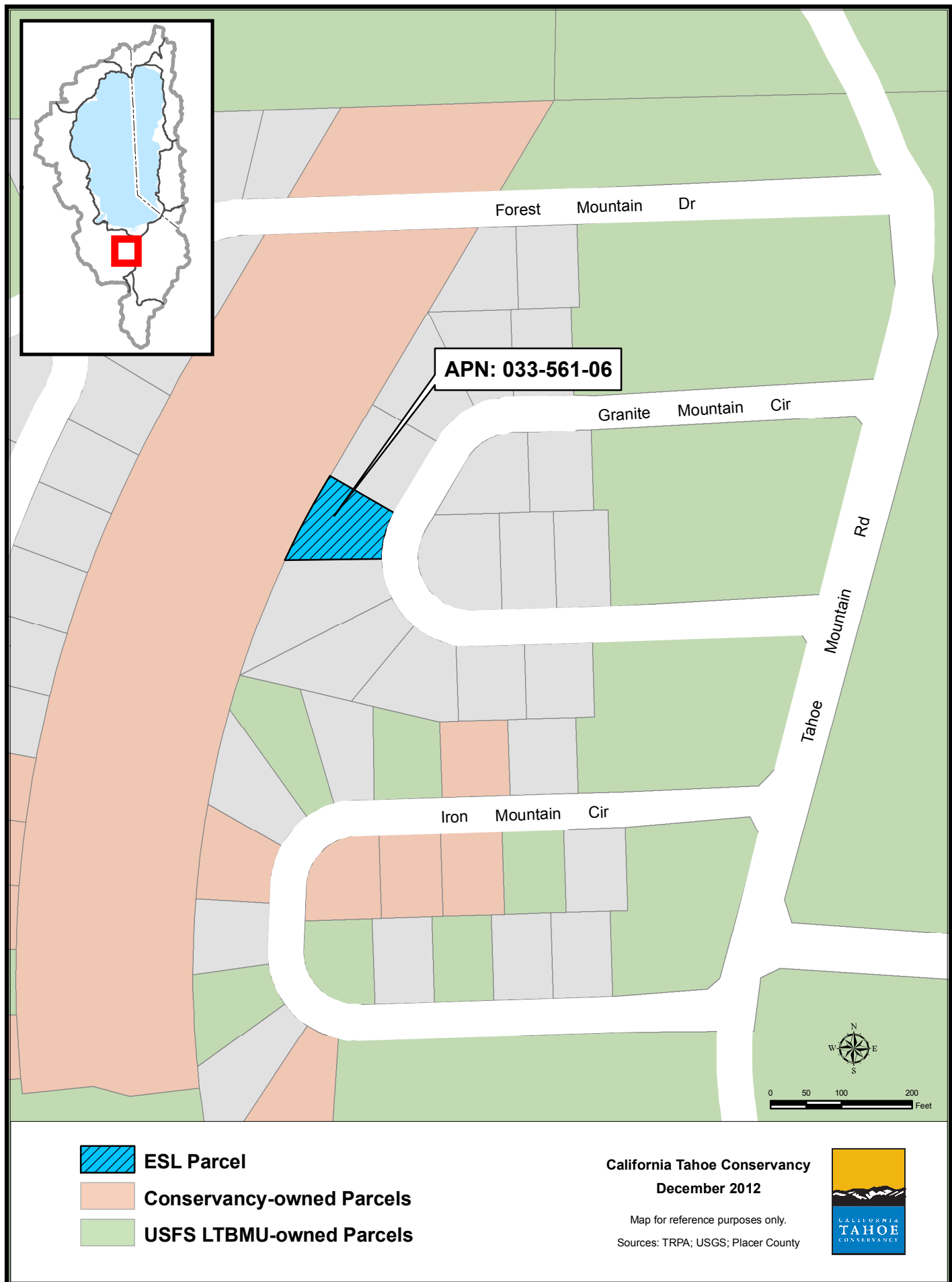
Amy Cecchetti

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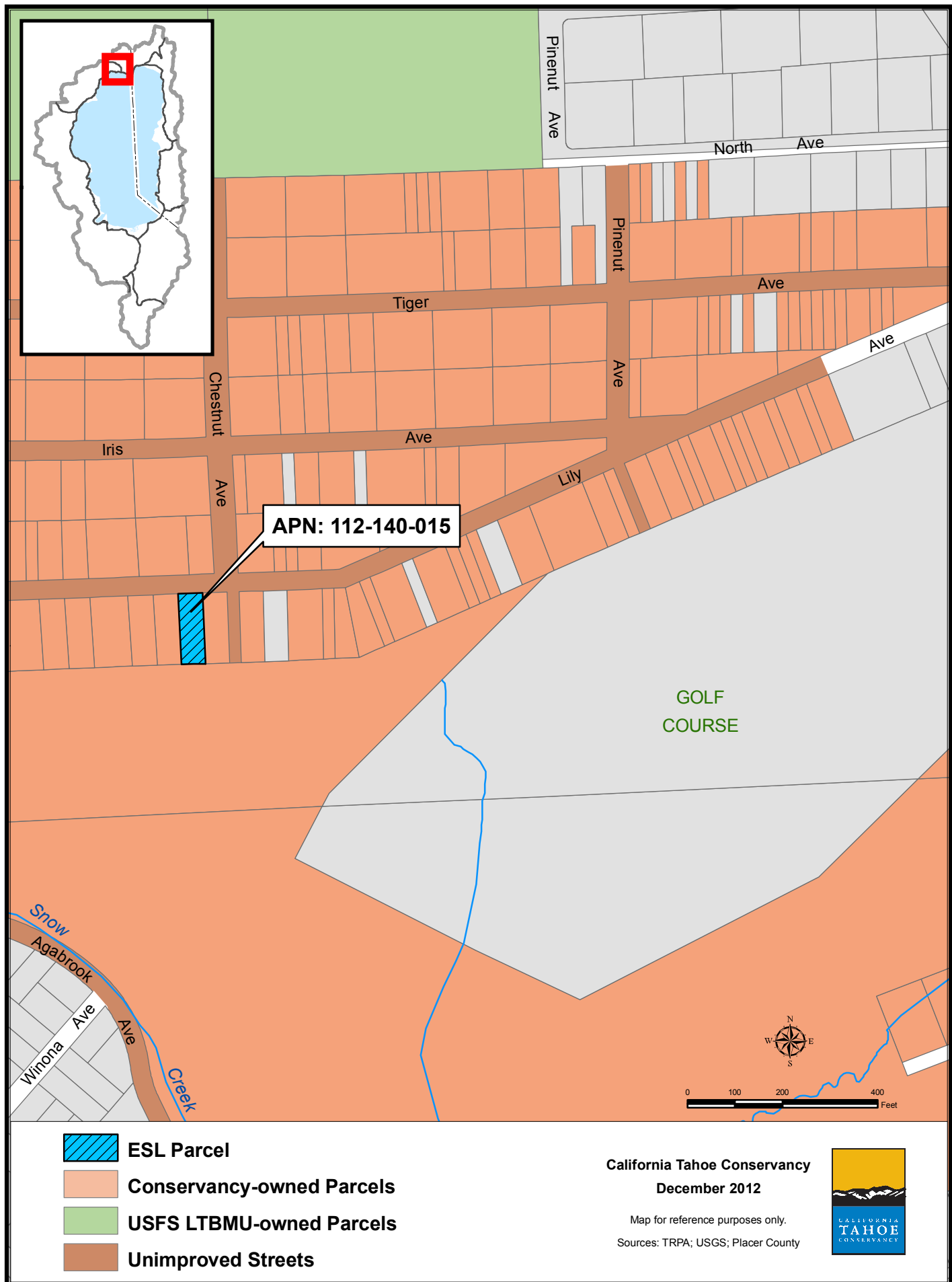
ATTACHMENT 1A

Location Map



ATTACHMENT 1B

Location Map



ATTACHMENT 2

California Tahoe Conservancy
Resolution
12-12-01
Adopted: December 14, 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 proposed acquisitions and determined them 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 \$38,000 and to take all other actions necessary to acquire fee or less-than-fee interest in two environmentally sensitive parcels (El Dorado County Assessor Parcel Number 33-561-06 and Placer County Assessor Parcel Number 112-140-015)."

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 14th day of December 2012.

In WITNESS THEREOF, I have hereunto set my hand this 14th day of December 2012.

Patrick Wright
Executive Director

ATTACHMENT 3

Proposed Acquisitions December 14, 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> |
|---|-----------------------|------------------|---------------------------------|----------------|--------------|
| 33-561-06 | Mountain View Estates | IP | M | 0.27 | \$500 |
| Total number of proposed acquisitions in EL DORADO COUNTY | | | | 1 | |
| Total acreage for EL DORADO COUNTY | | | | 0.27 | |
| Total value for EL DORADO COUNTY | | | | \$500 | |

PLACER COUNTY PARCELS

| <i>Assessor Parcel Number</i> | <i>Subdivision</i> | <i>Category*</i> | <i>Special Conditions**</i> | <i>Acreage</i> | <i>Value</i> |
|--|--------------------|------------------|---------------------------------|----------------|--------------|
| 112-140-015 | Woodvista | SS | None | 0.17 | \$37,500 |
| Total number of proposed acquisitions in PLACER COUNTY | | | | 1 | |
| Total acreage for PLACER COUNTY | | | | 0.17 | |
| Total value for PLACER COUNTY | | | | \$37,500 | |

| | |
|-----------------------------|----------|
| *** GRAND TOTAL PARCELS *** | 2 |
| *** GRAND TOTAL ACRES *** | 0.44 |
| *** GRAND TOTAL VALUE *** | \$38,000 |

Definitions:

| | | | |
|----|--------------------|-----|---|
| * | Category: | CP | Coverage Parcel |
| | | IP | IPES confirmed by TRPA's inspection |
| | | MM | Man Modified parcel |
| | | SEZ | Stream Environment Zone parcel |
| | | SS | Substandard Parcel |
| ** | Special Condition: | M | Parcel with a management concern that 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 two environmentally sensitive parcels

Project Location – Specific:

El Dorado County Assessor Parcel Number 33-561-06 and
Placer County Assessor Parcel Number 112-140-015

Project Location – City:

Unincorporated

Project Location – County:

El Dorado & Placer

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.

Name of Public Agency Approving Project:

California Tahoe Conservancy (Conservancy meeting of 12/14/2012) (Agenda Item 8)

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. § 15325, Class 25 (see also Cal. Code Regs., tit. 14, § 12102.25).

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 Cecchetti

Telephone Number:

(530) 543-6033

Date Received for Filing:

Patrick Wright
Executive Director