

SAWMILL LOT LINE AGREEMENT

Recommended Action: Adopt Resolution 22-06-03 (Attachment 1) authorizing the execution of a lot line agreement (LLA) to resolve boundary and encroachment issues between a parcel owned by the California Tahoe Conservancy (Conservancy) (El Dorado County Assessment Number (AN) 033-180-033) and two adjacent privately owned parcels (ANs 033-180-034 and 033-180-035).

Executive Summary: Staff recommends the Board authorize the execution of an LLA for one Conservancy-owned parcel (Sawmill Parcel) and two privately-owned parcels (collectively, Private Parcels; or Private Parcel when referred to individually). The execution of an LLA resolves boundary line and encroachment issues among the three parcels. In addition, the execution of the LLA allows the Conservancy to receive approximately 11,940 square feet of restored soft and hard coverage generated from a Conservancy restoration project on the Sawmill Parcel completed shortly after purchase.

Location: The Sawmill Parcel (AN 033-180-033) is located in El Dorado County (County) at the corner of U.S. Highway 50 and Sawmill Road (Attachment 2). The adjacent privately owned parcels are located in the County at 2349 and 2359 Incline Road (ANs 033-180-034 and 033-180-035, respectively).

Fiscal Summary: All costs associated with this action have been previously authorized under the Annual Program Budget Authorization.

Overview

History

On September 17, 2015, the Board approved Resolution 15-09-04, authorizing the acquisition of the 1.05-acre Sawmill Parcel with funding from Proposition 40 and the Habitat Conservation Fund. In summer 2016, the Conservancy demolished a residential fourplex and restored the hard and soft coverage on the property. During restoration of the site, the Conservancy commissioned a survey; however, the surveyor was unable to accurately determine the boundaries of the Sawmill Parcel due to an insufficient legal

description in the deed. The deed describes parcels that do not complete a polygon and do not align with each other, creating boundary issues among all three parcels.

Since the acquisition of the Sawmill Parcel, to resolve these boundary issues, the surveyor and Conservancy staff reviewed the deeds of all three properties dating back to the 1920s as well as the current title reports. After a thorough review of the deeds and coordination with the owners of the Private Parcels, Tahoe Regional Planning Agency (TRPA), and County Assessor's Office, the Conservancy determined that an LLA is the most appropriate mechanism to resolve the insufficient legal descriptions. An LLA establishes new boundary lines among the parcels and corrects the insufficient descriptions in the deeds. The TRPA has provided written approval to Conservancy staff to proceed with the LLA process through the County.

Detailed Description of Recommended Action

1. Major Elements and/or Steps of the Recommended Action

An LLA requires the owners of all three properties to agree on the location of the property boundaries. The owners of the Private Parcels and Conservancy staff came to an agreement on the property boundaries based on existing property boundaries of the adjacent parcels, roadways, houses, pump house, and prior assumptions as to the boundary lines. Attachment 3 depicts the agreed-upon shapes and boundaries of the new parcels. The surveyor also prepared a draft record of survey showing the new property boundaries. To execute and record the LLA, staff will submit the LLA application and draft record of survey to the County.

2. Overall Context and Benefits

The LLA prevents existing and future boundary and encroachment issues for the Sawmill Property in relation to the two Private Parcels by ensuring the boundaries for all parcels are known and correct. Conservancy staff resolved existing encroachments (i.e., deck and retaining wall) on the Sawmill Parcel by establishing boundary lines based on prior assumptions and existing infrastructure. The LLA will slightly increase the acreage of all three parcels. The Conservancy's Sawmill Parcel will increase in size from 1.05 acres to 1.309 acres of mostly stream environment zone (SEZ) land. Private Parcel AN 033-180-034 increases from 0.15 acres to 0.233 acres of high capability land. Private Parcel 033-180-035 increases from 0.315 acres to 0.398 acres of high capability land.

In addition, the LLA allows the Conservancy's land bank to receive approximately 11,940 square feet of restored soft and hard coverage. The coverage can be transferred to future housing and other town center projects in the City of South Lake Tahoe and the County. Executing the LLA also supports the Conservancy's Strategic Plan Goal 4, which includes retiring or transferring the associated development rights to town centers.

3. Schedule for the Recommended Action

Upon Board approval, Conservancy staff will submit the LLA application to the County in July 2022 to proceed with executing the LLA. The Conservancy expects it will take the County four to six months to execute the LLA after its submission.

Financing

The Conservancy will spend up to \$1,275 in County fees for completing the LLA process. The staff time and County fees are covered within the Conservancy Lands Division budget as part of the Annual Program Budget Authorization. The Conservancy initiated the LLA and is therefore responsible for paying to complete the process.

Authority

Consistency with the Conservancy's Enabling Legislation

The recommended action is consistent with the Conservancy's enabling legislation. Specifically, under Government Code section 66907.9, the Conservancy is authorized to initiate, negotiate, and participate in agreements for the management of land under its ownership and control with local public agencies, state agencies, federal agencies, nonprofit organizations, individuals, corporate entities, or partnerships. Under Government Code section 66906.8, the Conservancy is authorized to select and hire private consultants or contractors to achieve these purposes.

Consistency with the Conservancy's Strategic Plan

The recommended action helps achieve the Conservancy's Strategic Plan Goal 1, which tasks the Conservancy to implement and develop innovative financial partnerships and interagency agreements to manage its lands and protect communities. The recommendation also supports Goal 4, by advancing the acquisition of environmentally sensitive land and retiring or transferring associated development rights to town centers.

Consistency with External Authorities

The recommended action is consistent with TRPA and County requirements for executing boundary line changes.

Compliance with the California Environmental Quality Act

The execution of the LLA does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. The activity, therefore, is not a "project" within the meaning of the California Environmental Quality Act (CEQA) pursuant to CEQA guidelines, section 15378, and CEQA does not apply to the activity.

List of Attachments

Attachment 1 – Resolution 22-06-03

Attachment 2 – Sawmill Lot Line Agreement Location Map

Attachment 3 – Sawmill Lot Line Agreement Map

Conservancy Staff Contact

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