

ESTATE COURT EASEMENT

Recommended Action: Adopt Resolution 24-09-02 (Attachment 1) authorizing staff to execute a permanent easement (easement) with a private landowner to resolve an encroachment on a California Tahoe Conservancy (Conservancy) parcel, El Dorado County Assessment Number (AN) 033-481-026.

Executive Summary: Staff recommends the Board authorize the conveyance of an easement on Conservancy land (Estate Court Parcel) in El Dorado County. The property adjacent to this parcel, located at 1581 Estate Court (El Dorado County AN 033-481-029), is privately owned. The driveway of this private property encroaches onto approximately 138 square feet of the southeast corner of the Estate Court Parcel. This encroachment existed when the Conservancy acquired the Estate Court Parcel in 1986, though it was not identified at that time. The private landowner is also required by the Tahoe Regional Planning Agency (TRPA) to install water quality Best Management Practices (BMPs) to minimize erosion and capture polluted runoff. However, due to the driveway's location and the existing encroachment, these BMPs cannot currently be installed. To resolve this long-standing encroachment and facilitate the necessary water quality improvements, staff recommends granting an easement that accurately reflects the current condition on the ground. This recommendation aligns with the Conservancy's Strategic Plan, specifically Strategy 3 (Expand Proactive Measures to Protect Natural, Tribal, and Cultural Resources) under the goal of Safeguard the Basin's Environmental, Tribal, Cultural, and Recreational Attributes for Future Generations, which includes resolving encroachments.

Location: The Estate Court Parcel (AN 033-481-026) and adjacent private property (AN 033-481-029) are located in El Dorado County (see Attachment 2).

Fiscal Summary: The private landowner will provide the legal description for the easement. Conservancy staff time related to preparing, reviewing, and recording documents will be incorporated into its regular workload.

Overview

History

The Conservancy purchased the 0.36-acre Estate Court Parcel in 1986 using Lake Tahoe Acquisition Bond Act funding. At that time, the Conservancy

acquisition program was acquiring numerous environmentally sensitive parcels in the Lake Tahoe Basin in a relatively short amount of time. The Conservancy's due diligence activities included on-site inspections, reviewing title reports, appraising the value of the land, and verifying land capability, but did not include surveys or boundary line assessments. In July 2021, the current landowner hired a licensed surveyor to conduct a property boundary survey for future BMPs. The driveway extends approximately five feet into the southeast corner of the Conservancy property, covering an area of approximately 138 square feet.

Detailed Description of Recommended Action

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

To initiate the process of conveying the easement, Conservancy staff will work with the private landowner, surveyor, El Dorado County, and the TRPA on all necessary negotiations and legal documents. The private landowner will provide an initial legal description and map or site plan for Conservancy staff approval. The map or site plan will include the TRPA permitted BMPs. Generally, residential BMPs include rock along the driveway and roof dripline to catch rainwater and sediment to control erosion. The Conservancy anticipates that the BMPs required for erosion control will have a minimal footprint and will slightly increase the area of the easement needed for the driveway. The exact size and type of BMPs will be determined by the TRPA. Once the private landowner obtains TRPA approvals and submits the site plan, staff will work with the landowner to finalize the easement, which will then be recorded with the El Dorado County Recorder's Office. The private landowner will pay for the BMP permitting process, BMP installation, and all components of the easement, except for Conservancy staff time.

2. Overall Context and Benefits

Conservancy staff will resolve a long-standing encroachment on Conservancy property by conveying a new easement. This easement will legally permit the private property owner to access their driveway and install BMPs for both the driveway and house. The easement will reduce the environmental impact of the encroachment by improving erosion control through BMP installation. There is no additional environmental impact from the existing driveway. Conveying a new easement will create consistency and accuracy between on-the-ground conditions and the recorded easement.

3. Schedule for the Recommended Action

Upon Board authorization, staff will initiate the conveyance of the easement. The timeline will depend on when the private landowner can provide all necessary documents, and on the coordination among the Conservancy, local jurisdictions, the private landowner, and the surveyor.

Financing

The private landowner will obtain and pay for the easement description and map or site plan prior to the Conservancy conveying the easement. Conservancy staff time related to preparing, reviewing, and recording documents will be incorporated into its regular workload.

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

This recommended action is consistent with the Conservancy's enabling legislation. Government Code section 66907.8 authorizes the Conservancy to transfer or convey any real property interest to fulfill the purposes of its enabling legislation.

Consistency with the Conservancy's Strategic Plan

These activities are consistent with the Conservancy's Strategic Plan goal to Safeguard the Basin's Environmental, Tribal, Cultural, and Recreational Attributes for Future Generations. Specifically, Strategy 3 (Expand Proactive Measures to Preserve Natural, Tribal, and Cultural Resources), which includes resolving encroachments.

Consistency with the Conservancy's Program Guidelines

The recommended action is consistent with the Board's existing policy direction to resolve encroachments, the Land Transfer Guidelines, and the Conservancy's overall policies and purposes.

Consistency with External Authorities

The easement will be consistent with El Dorado County and TRPA regulations.

Compliance with the California Environmental Quality Act

Pursuant to the California Environmental Quality Act (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 of the California Natural Resources Agency to have no significant effect on the environment. 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 15304, Minor Alterations to Land, and the California Code of Regulations title 14, section 12102.4. Staff has prepared a notice of exemption (NOE) for the Project (Attachment 3). If the Board approves the

recommended action, staff will file the NOE with the State Clearinghouse pursuant to CEQA Guidelines, section 15062.

List of Attachments

Attachment 1 – Resolution 24-09-02

Attachment 2 – Estate Court Easement Project Map

Attachment 3 – Notice of Exemption

Conservancy Staff Contact

Kelsey Lemming, Associate Environmental Planner

kelsey.lemming@tahoe.ca.gov