



Legislation Text

File #: 07-1130, **Version:** 1

Transportation Department recommending the Board approve in concept the contribution of drainage, non-motorized and maintenance access easements located on County-owned property (APN 026-050-51/ County 56-acre parcel and APN 027-361-13/El Dorado Center parcel) to the State of California for use by Caltrans for the placement and operation of water quality infiltration basins landscape, lighting and pedestrian paths associated with a regional road improvement project on Highway 50, subject to conditions; and direct staff to work with Caltrans and County Counsel to develop a Grant of Easement Agreement and return to the Board for approval of said agreement.

RECOMMENDED ACTION: Approve.

Fiscal Impact/Change to Net County Cost:

The proposed easement contributions are located on strips of land adjacent to, and parallel with State Highway 50 (Hwy 50). These strips of land are located on APN 026-050-51 (County 56-acre Parcel) and APN 027-361-13 (El Dorado Center Parcel). The total land area for the subject easements consists of approximately 2.17 acres and is valued at \$1.75 million due to its proximity to the lake.

The proposed easement contributions do not materially impact future abilities of the County to develop the County 56-acre Parcel. One of the proposed conditions associated with the easement contribution is to preserve the right of the County to move the Caltrans drainage facilities, should the County determine that any or all of these facilities interfere with the future preferred alternative for the County 56-acre Recreation Area Project (56-acre Project), currently in the initial stages of project planning. Caltrans has committed that they would participate with the relocation costs, should the County elect to move the facilities in the future.

Additionally, the County is advancing the Sawmill Bike/Pedestrian Path (Sawmill Project) along another section of Hwy 50. As a part of the Sawmill Project, the County needs to acquire property from Caltrans to locate a bridge across the Upper Truckee River. Caltrans has also committed to working with the County to transfer this property to the County at no cost to the County.

When they adopted the 2006 Regional Transportation Program, the Tahoe Transportation Commission (TTC) and the Tahoe Metropolitan Planning Organization (TMPO) took action to select the Project as a highest priority regional transportation project for the Lake Tahoe Basin. Because of this priority, the Lake Tahoe regional partners developed a project funding strategy consisting of a variety of Federal, State and local revenue sources. Although the proposed easement is valued at \$1.75 million dollars, it was originally proposed that properties under the ownership of public agencies required to construct the Project would be contributed by those public agencies as a part of this funding strategy. The County is represented on the TTC/TMPO, and at the time that the conceptual contribution commitment was being developed, Supervisor Solaro was the County's representative.

Background:

On March 20, 2007, Caltrans submitted a written request to the County Department of Transportation (Transportation), asking the County for a contribution of easements located on land owned by the County.

Most of the easements are located on the County 56-acre Parcel, said parcel is located within the limits of the City of South Lake Tahoe (City). Currently, the City operates the South Lake Tahoe Recreation Area (Recreation Area) on this property through a lease entered into on April 14, 1987 between the County and the City. The predominant uses on the County 56-acre Parcel include public recreational, cultural resources and public services. Associated facilities include the El Dorado Beach and Boat Ramp, the El Dorado County South Lake Tahoe Branch Library, the Lodge, South Lake Tahoe Recreation Complex, the Campground by the Lake, the Senior Center, Art Center, Historical Society Museum and the South Lake Tahoe Chamber of Commerce.

The proposed Project improvements include the installation of water quality best management practices, pavement rehabilitation, shoulder widening, access control and roadside streetscape improvements, such as concrete sidewalks and landscaping. Although Caltrans is taking the lead on the Project, the Project is being advanced in partnership with the City. Under a separated cooperative agreement, Caltrans and the City have agreed that the City will take over operation and maintenance of the streetscape facilities upon completion of construction of the streetscape facilities.

Reason for Recommendation:

Proposed Easement Contribution - County 56-acre Parcel:

The easements required from the County consist of strips of land located on the County 56-acre Parcel, lying adjacent to, and approximately parallel with Hwy 50. Caltrans is proposing to locate and operate three water quality treatment infiltration basins (basins) within two of the easements. Additionally, Caltrans is requesting two non-motorized easements to locate sidewalks, landscaping and pedestrian lighting.

Presently, the majority of area within these strips of land is not being used for the operations associated with the Recreation Area. The proposed easement areas consist of unimproved land that is bounded between Hwy 50 to the north and an existing asphalt bicycle path to the south. The only existing improvement located within the proposed easement area is a bus shelter that is proposed to remain.

Caltrans has designed the proposed basins to minimize impacts to adjacent trees within the easement area. Initially, it was estimated that the Caltrans basins would impact approximately 160 existing trees. Because of concerns over impacts to the trees, Caltrans has revised the design of the basins and currently, Caltrans has estimated that approximately 54 trees will need to be removed to construct the basins in their proposed configuration. One of these trees is 36" in diameter and the remaining trees range from 6" to 24" in diameter.

Other proposed uses include an access for maintenance. Ingress and egress would occur along the existing paved path and would be used by Caltrans to maintain the infiltration basins. Use of this easement would be limited to vehicles that are compatible in size and weight with the pathway and requisite maintenance would be performed during the off-season.

On May 9, 2006, the County and the City entered into a Memorandum of Understanding (MOU) to work cooperatively on a process to develop a preliminary assessment of the feasibility of developing the 56-acre Project. This assessment is being funded through a planning grant from the California Tahoe Conservancy (Conservancy). The assessment will include public outreach, and the development of conceptual design alternatives culminating with the recommendation for a preferred project concept.

Because the planning process for the 56-acre Project is in the early stages, it is difficult to evaluate potential impacts of the proposed Caltrans easement contribution on the conceptual design alternatives for the 56-acre Project. To mitigate this difficulty, it is proposed to include language in the easement contribution documents reserving the right of the County to utilize excess capacity within the proposed Caltrans basins for use by either the City or County on future projects and to reserve the County's right to relocate the proposed Caltrans basins, should the easement area be needed for other uses by the 56-acre Project. It is currently anticipated that, should the preferred alternative for the 56-acre Project need to utilize the proposed easement area for other aspects of the 56-acre Project, Caltrans will agree to allow the 56-acre Project to displace the Caltrans basins, provided equivalent infiltration capacity is constructed elsewhere on the 56-acre Parcel, and Caltrans runoff can be treated at the new location.

If necessary, it is anticipated that new infiltration basins needed for the 56-acre Project would be developed as joint use facilities for use by Caltrans, the City and the County. It is further recommended that the Board of Supervisors place a condition on the easement contribution that requires Caltrans to participate in the cost of construction for future joint-use infiltration basins. This condition would be justified by the offset in compensation lost to the County through the proposed easement donation. This condition would be facilitated under the Grant of Easement Agreement related to the conveyance of the contributed easement.

Proposed Easement Contribution - El Dorado Center Parcel:

The easement required from the County at the El Dorado Center Parcel consist of a strip of land, approximately 3000 square feet in area. Proposed improvements on this easement include a sidewalk, landscaping and pedestrian lighting. These facilities will be located adjacent to, and parallel with Hwy 50 between the County Offices and the roadway. Upon completion of the Project, these facilities will be maintained by the City.

Other Related Issues:

Caltrans is currently working on completing the environmental clearance for the Project. Because Federal funding is being used for the Project, the Project will have to satisfy both the California Environmental Quality Act and National Environmental Policy Act. Caltrans is preparing a new categorical Exemption/Categorical Exclusion, which are scheduled for adoption in August, 2007. Because the Project has not received environmental clearance, it is recommended that the County condition the contribution upon Caltrans obtaining a viable, environmentally-clear Project alternative.

As a part of a cooperative agreement with the City, the City is proposing to maintain the pedestrian sidewalks, landscaping and lighting located within the easement behind the back of curb. The County will work with Caltrans and the City to determine the best way to accommodate this

cooperative maintenance arrangement during the development of the Grant of Easement Agreement.

Caltrans and the County have also agreed to include hold harmless language within the Grant of Easement Agreement that will indemnify the County related to the proposed State Highway uses.

Action to be taken following Board approval:

- 1.) County Transportation staff will work with Caltrans and County Counsel to develop the Grant of Easement Agreement.
- 2.) Transportation staff will agendize the Grant of Easement Agreement for approval at a future Board meeting.

Contact:

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Concurrences: