TAHOE REGIONAL PLANNING AGENCY

TRPA Governing Board
Agenda Item 8A

Appeal of Denial of Application for Existing Mooring Buoy, 225 Rubicon Avenue, Placer County, California, Assessor's Parcel Number (APN) 085-252-001, TRPA File Number BUOY2025-0665, Mooring Registration Submission Number 11309

June 24, 2026

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Threshold Issue – Whether to Continue Item

- The Board may **continue** an item at the meeting upon a showing of **good cause**. Rule of Procedure 2.12.3

- **Good cause** may include **inconvenience** or **hardship to the applicant**. Rule of Procedure 2.12.5

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Procedural Context (Background)

- Late-filed continuance request granted by staff/Legal in Moody appeal
- Feb. 24 email from TRPA General Counsel to Appellant's Counsel:
  - “Appeal preparation requires a significant investment of staff time and agency resources.”
  - “Once an item is agendized and materials are prepared and published, last-minute requests to continue create operational challenges, take away from other items that could have been scheduled for that month’s Board meeting, and divert staff from other priorities.”
  - “**While we are willing to support a continuance in this instance, we do not anticipate being able to accommodate similar late requests in the future absent a stronger showing of good cause, particularly where hearing dates have been confirmed well in advance**.”

TAHOE REGIONAL PLANNING AGENCY

GS

Graham St.Michel

Reply | Reply all | Forward

To: Gordon, Garrett <garrett.gordon@wbd-us.com>

Tue 2/24/2026 11:02 AM

Cc: **LegalDept**; Hayley Williamson; Julie Regan

Garrett,

We will accommodate your request to continue the Moody appeal to a later Board meeting.

That said, I would like to clarify expectations going forward. Appeal preparation requires a significant investment of staff time and agency resources. Once an item is agendized and materials are prepared and published, last-minute requests to continue create operational challenges, take away from other items that could have been scheduled for that month's Board meeting, and divert staff from other priorities. While we are willing to support a continuance in this instance, we do not anticipate being able to accommodate similar late requests in the future absent a stronger showing of good cause, particularly where hearing dates have been confirmed well in advance.

At this point, your office has three appeals pending with TRPA: Moody, Mapes, and Wagner. To ensure appropriate Board calendar and staff planning, **please confirm in writing by close of business this Friday which of these matters you intend to proceed with at the March 25 Board meeting**. Please note that the March meeting is on the 25th, not the 18th as referenced in your email below. I cannot guarantee that our Board calendar will allow us to take three appeals at the same meeting. You recently suggested your client in the Wagner matter may explore a path that would obviate the appeal — if that remains under consideration, please address that in your response regarding scheduling of these appeals.

Please let me know if you have any questions and thank you for your understanding.

Respectfully,

Graham St. Michel
General Counsel
Tahoe Regional Planning Agency
(775) 589-5337 · gstmichel@trpa.gov

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Procedural Context (Mapes Appeal)

- In May, Appellant's Counsel raised the possibility of holding the Mapes appeal pending resolution of related litigation, but also requested that the appellant be allowed to replace and use the buoy while the appeal remained pending. TRPA did not agree to interim buoy use.
- June 1 email from TRPA General Counsel to Appellant's Counsel:
  - "As to the Mapes appeal, because you previously confirmed that your client wishes to proceed, **TRPA is continuing to keep the appeal on the June calendar.**"
  - "**Unless we hear otherwise by the end of this week (Friday, June 5), we do not anticipate removing the matter from the calendar absent good cause**."

TAHOE REGIONAL PLANNING AGENCY

GS

Graham St.Michel

Reply | Reply all | Forward

To: Gordon, Garrett <Garrett.Gordon@wbd-us.com>

Mon 6/1/2026 12:50 PM

Cc: Marsha Burch; Kevin M Agan / Agan Consulting Corporation <kevin@aganconsulting.com>; Jack Mensik

Hi Garrett,

Thank you for your email, and for your patience.

As to the Mapes appeal, because you previously confirmed that your client wishes to proceed, TRPA is continuing to keep the appeal on the June calendar. Unless we hear otherwise by the end of this week (Friday, June 5), we do not anticipate removing the matter from the calendar absent good cause. That said, we are amenable to continuing the appeal pending resolution of the Bryan case, or for some other agreed-upon period of time. We just need to know your client's preference by the end of next week so staff can plan accordingly.

As to your request that your client be allowed to replace and use the buoy while the appeal is pending, TRPA cannot agree. The staff decision under appeal denied the buoy permit application based on TRPA's determination that the subject non-littoral parcel does not have the requisite authorization to place or maintain a buoy in Lake Tahoe. Allowing a buoy to be replaced and used during the appeal period would be inconsistent with that determination. In addition, any authorization to place or maintain a buoy on the lakebed would also require permission from the California State Lands Commission. TRPA reserves all rights, authorities, and positions regarding the alleged buoy, including with respect to any enforcement issues that may arise.

Finally, I understand your email also references the Sayles application. I do not have sufficient information regarding that matter at this time, so this response is limited to the Mapes matter.

Thanks,

Graham St. Michel
General Counsel
Tahoe Regional Planning Agency
(775) 589-5337 · gstmichel@trpa.gov

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TAHOE REGIONAL PLANNING AGENCY

Procedural Context (Mapes Appeal)

- TRPA did not receive confirmation by June 5 that the appellant wanted the matter removed from the June calendar or continued.

- On June 19, after publication of the agenda and staff materials, Appellant's Counsel requested a continuance, stating that he was out of the country this week and believed the matter would be postponed pending related litigation.

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Two Options

- Option 1: Find that good cause has not been shown, deny the continuance, and decide the appeal on the written record:
  - *Motion 1: A motion to find that good cause has not been shown under Rule 2.12.3 to continue the Mapes appeal, and to proceed with consideration of the appeal based on the written record.* ***(Any 8)***
  - *Motion 2: A motion to deny the Mapes appeal and uphold staff's denial of the mooring buoy application, based on the written record.* ***(Any 8)***
- Option 2: Find that good cause has been shown and continue the appeal to a future meeting.
  - *A motion to find good cause under Rule 2.12.3 to continue the Mapes appeal to a future Board meeting, with direction that the continuance does not authorize placement, replacement, maintenance, or use of the buoy during the pendency of the appeal.* ***(Any 8)***