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STAFF REPORT

Date: April 12, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Windance West Shore PTN LTD New Multiple-Parcel/Multiple-Use Pier  
8477 Meeks Bay Avenue, El Dorado County, California  
Assessor's Parcel Number 016-091-020, Lots 23, 24, 25  
TRPA File Number ERSP2022-0045

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Summary and Staff Recommendation:

A new multiple-parcel/multiple-use pier is proposed to serve three littoral parcels located at 8477 Meeks Bay Avenue in Tahoma, California. The proposed pier will extend 160 feet from High Water elevation of 6,229.1 and includes two catwalks and one boatlift. The proposed pier complies with development and location standards for multiple-parcel piers serving three littoral parcels. Staff recommends that the Governing Board make the required findings and approve the proposed project.

Required Motions:

In order to approve the proposed project, the Board must make the following motions, based on the staff summary and evidence in the required:

- 1) A motion to approve the required findings, including a finding of no significant effect; and
- 2) A motion to approve the proposed project subject to the conditions in the draft permit (see Attachment B).

For the motions to pass, an affirmative vote of at least five members from the State of California and at least nine members of the Board is required.

Shoreline Review Committee:

TRPA facilitates monthly Shoreline Review Committee (SRC) meetings for agencies with permitting jurisdiction along the shoreline and within Lake Tahoe to coordinate the permitting of projects. The subject project was reviewed and discussed at SRC on July 21, 2022. The project has received approval from California Department of Fish and Wildlife, U.S. Army Corps, and the Lahontan Regional Water Quality Control Board. Approval from the California State Lands Commission is pending, with a Commission hearing set for April 2023.

Project Description/Background:

The project applicant received an allocation for a new multiple-parcel pier based on the multiple-parcel prioritization criteria during the 2021 new pier allocation distribution. The new multiple-parcel pier will serve three adjacent littoral parcels located at 8477 Meeks Bay Avenue in Tahoma, California. Currently this property is assigned one assessor parcel number, but has three embedded legal lots of record, which are individually eligible for development. A certificate of compliance has been issued by El Dorado

County and issuance of new assessor parcel numbers for each individual lot is forthcoming. There is a single-family dwelling on center lot 24, which crosses the property lines onto both adjacent lots. A lot line adjustment application has been submitted to TRPA to resolve this encroachment (TRPA file LLAD2023-0047). Additionally, an application is also under review by TRPA for a new single-family residence on lot 23 (TRPA file ERSP2022-1868). Lot 25 is vacant but is eligible for development and therefore has shorezone development potential. Existing shorezone development for the project area includes a total of two mooring buoys (mooring numbers 5705 and 5706).

The proposed project involves constructing a new pier to extend 160 feet from the High-Water elevation of 6,229.1, with two 3-foot by 30-foot catwalks located on the north and south sides of the pier. The proposed pierhead is 15 feet wide and 45 feet long and extends 30 feet past the TRPA pierhead line. Existing mooring buoy number 5706 will be converted to a boatlift, which is designed as a no-profile boatlift embedded within the pierhead. A total of 15 steel piles will be installed, creating 8.8 square feet of lakebed disturbance. The pier will extend from center lot 24, where existing lake access stairs will be reconfigured to access the new pier. The realigned access stairs will create an additional 17 square feet of Class 1b land coverage (to be mitigated with restoration credits at a rate of 1.5:1). An additional 140 square feet of existing Class 1b coverage will be relocated at a ratio of 1.5:1, therefore requiring 70 square feet of Class 1b coverage to be permanently retired. Steel stairs are proposed on both sides of the pier to provide lateral access to the public through the public trust. The project area is within Plan Area Statement 149-Rubicon where piers are an allowed use. The pier complies with all development and location standards for a multiple-use pier serving three parcels and is consistent with the TRPA Code of Ordinances chapters 80 through 85.

As a result of this project, TRPA will recognize following shorezone development within the project area:

- APN 016-091-020, Lot 24: One mooring buoy & one boatlift
- All APNs: One Multiple-Parcel Pier

Recognition of a Multiple-Parcel Pier:

New multiple-parcel piers are subject to the deed restriction requirements in TRPA code section 84.4.E which state “An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted.” As a result of the project, the project area consisting of three parcels will be deed restricted to a maximum of one pier. A multiple-use pier is defined as “A pier on a littoral parcel that serves three or more residential units on the same parcel, or that serves two or more primary residential littoral parcels, subject to a deed restriction providing access.” This pier is considered multiple-parcel for the purposes of obtaining a multiple-parcel pier allocation due to the retirement of future shorezone development potential and is designed to multiple-use pier standards.

The Governing Board may find the pier will be a multiple-parcel/multiple-use pier as it results in both the reduction of shorezone development potential and serves two or more primary residential littoral parcels, subject to deed restriction provisions.

2018 Shoreline Plan:

The TRPA Governing Board adopted a new Shoreline Plan in October 2018, which went into effect in December 2018. New single-parcel and multiple-parcel/multiple-use piers are allowed as a part of that plan. A maximum of 128 piers will be distributed over the life of the plan, and every two years TRPA will

distribute allocations for new single-parcel and multiple-parcel piers. In 2021, TRPA awarded four allocations for new single-parcel piers and eight allocations for new multiple-parcel piers. The allocations for multiple-parcel piers were awarded based on codified prioritization criteria. The eight applications that ranked highest per the prioritization criteria were awarded allocations and given six months to then submit complete project applications. Staff has analyzed the potential environmental impacts of the proposed pier and determined that it will not adversely affect the environment. An analysis of the impact areas is as follows:

- A. Scenic Quality: The proposed project is located within Scenic Shoreline Unit 9, Rubicon Bay, which is currently out of attainment with the TRPA Scenic Thresholds. Up to 460 square feet of visible mass is allowed for multiple-parcel piers serving three or more primary residential littoral parcels. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a visible mass of 229.7 square feet which is within the 460 square feet of allowable visible mass. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. There is a total visible mass of 286.7 square feet (including accessory structures), which means that 573.4 square feet of visible mass will be mitigated by retiring potential visible area within the project area, as shown in the table below. The project area must also demonstrate that it can meet a Composite Scenic Score of 25 within 6 months of project completion. The project areas as existing has a Composite Scenic Score of 26, so this requirement has been met.

Project Area Visible Mass Calculations:

Total Allowable Visible Area (score of 26)	1,877 square feet
<u>Upland Visible Area</u>	<u>-1,094 square feet</u>
Remaining Allowable Visible Area	783 square feet
<u>Total Pier Visible Mass to be mitigated (1:2 ratio)</u>	<u>-573 square feet</u>
New Remaining Allowable Visible Area	210 square feet

- B. Fish Habitat: The proposed pier will be constructed in marginal fish habitat, and as such habitat restoration is not required.

As required by Chapter 36: *Mitigation Fee Requirements* of the TRPA Code of Ordinances, which requires \$60.00 per foot be paid for additional pier length to mitigate the impacts of pier development on fish habitat, the Draft Permit includes a condition requiring the permittee pay a shorezone mitigation fee of \$9,600 for the construction of 160 additional feet of pier length. (Refer to Attachment B – Draft Permit)

Deed Restriction: The shorezone ordinances require that an additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted. The three parcels associated with the project area will be deed restricted against future shorezone development and limited to one shared pier and the maximum number of moorings allowed per parcel.

- C. Setbacks: TRPA Code, Section 84.4.3.B, requires that new piers comply with a 40-foot setback from all other piers and 20-feet from the outer-most parcel boundary projection lines associated with the project area. The proposed pier complies with these setback requirements.
- D. Pier Length: TRPA Code, Section 84.4.3.C states “Piers shall extend no farther lakeward than 30 feet lakeward of elevation 6,219 Lake Tahoe Datum or 60 feet lakeward of the pierhead line, whichever is more limiting. Up to an additional 15 feet in length may be permitted for piers serving three or more residential littoral parcels.” The proposed pier extends 30 feet beyond the pierhead line, which is the limiting factor for determining pier length.

Environmental Review:

The applicant completed an Initial Environmental Checklist (IEC) to assess the potential environmental impacts of the project. No significant long term environmental impacts were identified because the proposed pier complies with the existing Code and incorporates required mitigation for scenic impacts. Additionally, the property will be deed restricted limiting the three subject properties to one shared pier. The IEC is provided as Attachment C.

Public Comment:

Property owners within 300 feet of the subject site were provided notice of the proposed project. As of the posting of this staff report, no comments were received.

Regional Plan Compliance:

The proposed project is consistent with the Goal and Policies of the Regional Plan, Shorezone Subelement, in that it complies with the design standards and includes mitigation to ensure no negative impacts to the environmental thresholds. The proposed project is for a multiple-parcel pier, which are encouraged by the Regional Plan to reduce overall development potential along the shoreline of Lake Tahoe.

Contact Information:

For questions regarding this agenda item, please contact Julie Roll, Senior Planner, at (775) 589-5247 or [jroll@trpa.gov](mailto:jroll@trpa.gov).

Attachments:

- A. Required Findings/Rationale
- B. Draft Permit
- C. Initial Environmental Checklist
- D. 2018 Shorezone Code Conformance Table
- E. Proposed Site Plans and Elevations

Attachment A  
Required Findings/Rationale

Attachment A

Required Findings/Rationale  
Windance New Multiple-Parcel Pier Construction

Required Findings: The following is a list of the required findings as set forth in Chapter 4, 30, 80, 83, 84, and 85 of the TRPA Code of Ordinances. Following each finding, Agency staff has indicated if there is sufficient evidence contained in the record to make the applicable findings or has briefly summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

Based on the information provided in this staff report, the project application, the Initial Environmental Checklist (IEC), and Article V(g) Findings Checklist, there is sufficient evidence demonstrating that the proposed project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statement 149- Rubicon, the Code and other TRPA plans and programs.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the “Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the environmental threshold carrying capacities. Also, the applicant has completed an Initial Environmental Checklist (Attachment C). No significant environmental impacts were identified, and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed V(g) Findings are available online ([laketahoeinfo.org](http://laketahoeinfo.org)) and will be made available at the Governing Board hearing.

- (c) Wherever federal, state or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

TRPA is requiring that all potential environmental effects be mitigated through Best Management Practices, including the use of turbidity curtains during construction. The applicant is also required to obtain separate approval for the project from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Lands Commission, and El Dorado County to ensure the project will meet or exceed all federal,

state, or local standards. As a result, upon completion of construction, the project should have no impact upon air or water quality standards.

2. Chapter 30- Land Coverage

(a) The relocation is to an equal or superior portion of the parcel or project area, as determined by references to the following factors:

1. Whether the area of relocation already has been disturbed
2. The slope of and natural vegetation on the area of relocation
3. The fragility of the soil on the area of relocation
4. Whether the area of relocation appropriately fits the scheme of use of the property
5. The relocation does not further encroach into a stream environment zone, backshore, or the setbacks established in the Code for the protection of stream environment zones or backshore
6. The project otherwise complies with the land coverage mitigation program set forth in section 30.6

The existing lake access stairs will be relocated to provide access to the proposed pier in accordance with Code Section 85.5.4 (Access to Structures in the Nearshore or Foreshore). The existing configuration is an "L" shape walkway and deck, extending from lot 24 onto lot 23. The access is entirely located on low capability land, mostly lakeward of the backshore boundary. The proposed configuration will extend from lot 24 perpendicular to the shoreline, and the southern leg of the stairs will be removed. The relocation will be entirely within Class 1b-backshore, and the overall amount of coverage will be reduced.

(b) The area from which the land coverage was removed for relocation is restored in accordance with Subsection 30.5.3.

A restoration plan for the area where coverage is being removed is required by Special Condition 5.A.ii of the draft permit. The area must be stabilized and revegetated prior to release of the security deposit.

(c) The relocation is not to Land Capability Districts 1a, 1b, 1c, 2, or 3 from any higher numbered land capability district.

The coverage to be relocated with all within the backshore of Lake Tahoe.

(d) If the relocation from one portion of a stream environment zone to another portion, there is a net environmental benefit to the stream environment zone.

The coverage being relocated is all within land capability Class 1b (backshore). There is an environmental benefit because 70 square feet of Class 1b coverage will be permanently retired and the total coverage within the backshore will be reduced.

3. Chapter 80 – Shorezone Findings:

- (a) Significant Harm: The project will not adversely impact littoral processes, fish spawning habitat, backshore stability, or on-shore wildlife habitat, including waterfowl nesting areas.

There is no evidence in the project file that indicates the proposed project will adversely impact littoral processes (the pier will be constructed on pilings to allow for the free flow of water), fish habitat, backshore stability, or onshore wildlife habitat, including waterfowl nesting areas. This area is mapped as marginal fish habitat, which requires no habitat restoration or mitigation.

- (b) Accessory Facilities: There are sufficient accessory facilities to accommodate the project.

The proposed multiple-parcel pier will be accessory to the primary upland residential uses located at 8477 Meeks Bay Avenue (lots 23, 24, 25). There is an existing single-family dwelling located on lot 24, and an application is currently under review for a new single-family dwelling on lot 23. There is an existing lake access stairway that will be modified in order to access the proposed pier.

- (c) Compatibility: The project is compatible with existing shorezone and lakezone uses or structures on, or in the immediate vicinity of, the littoral parcel; or that modifications of such existing uses or structures will be undertaken to assure compatibility.

There are a number of private multiple-parcel and single-parcel piers within the immediate vicinity of the subject site. The proposed pier will not extend beyond the length limitations placed on multiple-parcel piers serving three or more residential littoral parcels and will therefore be compatible with the surrounding shorezone facilities.

- (d) Use: The use proposed in the foreshore or nearshore is water dependent.

The pier is located in the shorezone of Lake Tahoe and is therefore a water dependent structure.

- (e) Hazardous Materials: Measures will be taken to prevent spills or discharges of hazardous materials.

This approval prohibits the use of spray painting and the use of tributyltin (TBT). In addition, the special conditions of approval prohibit the discharge of petroleum products, construction waste and litter or earthen materials to the surface waters of Lake Tahoe. All surplus construction waste materials shall be removed from the project and deposited only at TRPA approved points of disposal. No containers of fuel, paint, or other hazardous materials may be



stored on the pier or shoreline. The applicant has provided a construction management plan as well as a spill prevention plan.

- (f) Construction: Construction and access techniques will be used to minimize disturbance to the ground and vegetation.

The new pier will be constructed, and the project area accessed via barge/amphibious vehicle in order to avoid unnecessary disturbance of the shorezone/backshore. All of the pilings will be driven from the barge/amphibious vehicle. Once all of the pilings have been installed, the joists and decking will be constructed from the barge/amphibious vehicle. All steel pilings and accessories will be painted prior to being transported to the project site. All material storage will be on the primary or a secondary barge. Any upland access required would be fitted with temporary Best Management Practices (BMPs), in consultation with TRPA Compliance staff. The Draft Permit (Attachment B) includes conditions to ensure construction and access techniques will be used to minimize disturbance to the ground and vegetation, including Tahoe yellow cress.

- (g) Navigation and Safety: The project will not adversely impact navigation or create a threat to public safety as determined by those agencies with jurisdiction over a lake's navigable waters.

The pierhead line was established for the purpose of protecting navigation and safety. The proposed pier will extend beyond the pierhead line by approximately 30 feet, but in accordance with the length limitations provided in TRPA code, Section 84.4.3.C. The project was taken to the Shoreline Review Committee on July 22, 2022, which includes agencies with jurisdiction over the lake's navigable waters and no concerns regarding navigation and safety were raised.

- (h) Other Agency Comments: TRPA has solicited comments from those public agencies having jurisdiction over the nearshore and foreshore and all such comments received were considered by TRPA, prior to action being taken on the project.

The project was taken to the Shoreline Review Committee on July 22, 2022, and no negative comments were received. The applicant is required to get approval for the project from the U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California State Lands Commission, and El Dorado County.

- (i) Additional Findings for Coverage or Disturbance in the Backshore: The amount of land coverage is the minimum necessary when all Thresholds are taken into consideration to provide access to an approved or an existing structure or use in the nearshore or foreshore.

There is an existing stairway leading down from the residence on lot 24 to the lake. The stairway will be reconfigured to connect to the proposed pier, which will create an additional 17 square feet of coverage (to be mitigated with restoration credits at a rate of 1.5:1). 140 square feet of class 1b land coverage will be relocated as part of the modification, which requires retirement of coverage at a ratio of 1.5:1. As a result of the project, 70 square feet of Class 1b coverage will be permanently retired.

3. Chapter 83 Shorezone Tolerance Districts and Development Standards:

- (a) Permitted development or continued use maybe conditioned upon installation and maintenance of vegetation to stabilize backshore areas and protect existing cliffs from accelerated erosion.

The project area is located within Shorezone Tolerance District 4. The backshore area is currently stabilized with a combination of vegetation and rock. There is an existing stairway that provides access from the residence down the steep bluff to the lake. The stairway will be modified to provide access to the proposed pier. There is currently no evidence of erosion on the bluff, and since the pier would be constructed from a barge on the lake, there is no concern about the project increasing future erosion. No vegetation will be removed during construction, so the current condition will be maintained.

- (b) Projects shall not be permitted in the backshore unless TRPA finds that such project is unlikely to require the cliff area to be mechanically stabilized or that the project will not accelerate cliff crumbling, beach loss, or erosion.

The project is unlikely to cause or accelerate erosion in the backshore. The pier will be constructed entirely from a barge/ amphibious vehicle on the lake. The project area will not be accessed from the upland, except as necessary using the existing wooden stairway. Construction staging and storage of equipment and material will not occur anywhere on the shoreline or on the upland portion of the property. Temporary erosion control devices will be required during construction of the new stair access. All disturbed areas will be permanently stabilized and revegetated.

- (c) Access to the shoreline shall be restricted to stabilized access ways which minimize the impact to the backshore.

Access to the upland portion of the parcel will be via the existing wooden stairway only. The pier will be constructed using a barge/amphibious vehicle, so there will be minimal impact to the backshore. All construction storage and staging will be on the primary or a secondary barge, per the construction management plan prepared by the applicant.

- (d) Access to buoys shall be designed to cause the least possible environmental harm to the foreshore and backshore.

No mooring buoys will be added as part of this project. There are two existing buoys, currently accessed by the existing wooden stairway. One of the buoys will be removed in exchange for a boatlift on the pier.

- (e) Access to piers, floating platforms, and boat ramps shall be designed to cause the least possible alteration to the natural backshore.

The construction management plan outlines the strategy for construction of the pier using a barge and amphibious vehicle in order to avoid impacts to the backshore. All materials will be stored on the barge. Any access from the lake to the upland will be via the existing access stairs only.

4. Chapter 84 Development Standards Lakeward of High Water in the Shorezone and Lakezone

- (a) Pier decks shall not extend above elevation 6,232.0 feet, Lake Tahoe Datum. Pier decks may extend up to elevation 6,234.0 feet in limited situations where TRPA finds that the additional height is necessary for safety reasons or that local wave characteristics represent a real threat to the integrity of the structure, or to provide lateral public access.

The deck height is proposed at a max elevation of 6,233.0 feet.

5. Chapter 85- Development Standards in the Backshore

- (a) Land coverage and land disturbance may be permitted in the backshore to provide access to an approved or legally existing structure or use located in the nearshore or foreshore, provide that TRPA finds that the amount of land coverage proposed is the minimum necessary to provide access to the structure or use and the impacts of coverage and disturbance are mitigated in the manner prescribed in subparagraph 85.5.1.E.

Most of the coverage for the relocated access path will be relocated within the project area, however an additional 17 square feet of coverage is needed to connect the existing stairs to the proposed pier. This is the minimum amount necessary to provide access, as all other unneeded coverage will be removed and relocated. To mitigate the additional 17 square feet of coverage, the applicant will transfer in restoration credits to the property at a rate of 1.5:1 (26 square feet).

Attachment B  
Draft Permit



DRAFT PERMIT

PROJECT DESCRIPTION: New Multiple-Parcel Pier/Multiple-Use

APNs: 016-091-020, Lots 23, 24, & 25

PERMITTEES: Windance West Shore PTN LTD

FILE #: ERSP2022-0045

COUNTY/LOCATION: El Dorado County/8477 Meeks Bay Avenue

Having made the findings required by Agency ordinances and rules, the TRPA Governing Board approved the project on **April 26, 2023**, subject to the standard conditions of approval attached hereto (Attachments Q and S) and the special conditions found in this permit.

This permit shall expire on **April 26, 2026**, without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of pouring concrete for a foundation and does not include grading, installation of utilities or landscaping. Diligent pursuit is defined as completion of the project within the approved construction schedule. The expiration date shall not be extended unless the project is determined by TRPA to be the subject of legal action which delayed or rendered impossible the diligent pursuit of the permit.

**NO DEMOLITION, CONSTRUCTION OR GRADING SHALL COMMENCE UNTIL:**

- (1) TRPA RECEIVES A COPY OF THIS PERMIT UPON WHICH THE PERMITTEE(S) HAS ACKNOWLEDGED RECEIPT OF THE PERMIT AND ACCEPTANCE OF THE CONTENTS OF THE PERMIT;
- (2) ALL PRE-CONSTRUCTION CONDITIONS OF APPROVAL ARE SATISFIED AS EVIDENCED BY TRPA'S ACKNOWLEDGEMENT OF THIS PERMIT;
- (3) THE PERMITTEE OBTAINS APPROPRIATE COUNTY PERMIT. TRPA'S ACKNOWLEDGEMENT MAY BE NECESSARY TO OBTAIN A COUNTY PERMIT. THE COUNTY PERMIT AND THE TRPA PERMIT ARE INDEPENDENT OF EACH OTHER AND MAY HAVE DIFFERENT EXPIRATION DATES AND RULES REGARDING EXTENSIONS; AND
- (4) A TRPA PRE-GRADING INSPECTION HAS BEEN CONDUCTED WITH THE PROPERTY OWNER AND/OR THE CONTRACTOR.

\_\_\_\_\_  
TRPA Executive Director/Designee

\_\_\_\_\_  
Date

PERMITTEES' ACCEPTANCE: I have read the permit and the conditions of approval and understand and accept them. I also understand that I am responsible for compliance with all the conditions of the permit and am responsible for my agents' and employees' compliance with the permit conditions. I also understand that if the property is sold, I remain liable for the permit conditions until or unless the new owner acknowledges the transfer of the permit and notifies TRPA in writing of such acceptance. I also understand that certain mitigation fees associated with this permit are non-refundable once paid to TRPA. I understand that it is my sole responsibility to obtain any and all required approvals from any other state, local or federal agencies that may have jurisdiction over this project whether or not they are listed in this permit.

Signature of Permittee(s) \_\_\_\_\_ Date \_\_\_\_\_

(PERMIT CONTINUED ON NEXT PAGE)



stairs will be modified to connect to the new pier. Steel stairs are proposed on both sides of the pier to provide lateral access to the public through the public trust. The project area is within Plan Area Statement 149-Rubicon where piers are an allowed use. The pier complies with all development and location standards for a multiple-use pier serving three parcels and is consistent with TRPA Code of Ordinances Chapters 80 through 85.

A project area will be created between the three subject parcels so that they will always be treated as if merged for the purpose of calculating coverage. The realigned access stairs will create an additional 17 square feet of Class 1b land coverage (to be mitigated with restoration credits at a rate of 1.5:1). An additional 140 square feet of existing Class 1b coverage will be relocated at a ratio of 1.5:1, therefore requiring 70 square feet of Class 1b coverage to be permanently retired.

2. Existing shorezone development for the project area includes a total of two moorings buoys (numbers 5705 and 5706), registered to parcel 016-091-020. Mooring buoy 5706 will be converted to a boatlift as part of this project. As a result of this project, TRPA will recognize following shorezone development within the project area:

APN 016-091-020, Lot 24 one mooring buoy, one boatlift  
 All APNs: one multiple-parcel pier

3. The proposed project is located within Scenic Shoreline Unit 9, Rubicon Bay, which is currently out of attainment with the TRPA Scenic Thresholds. Up to 460 square feet of visible mass is allowed for multiple-parcel piers serving three or more primary residential littoral parcels. The allowable visible mass is not inclusive of accessory structures such as boatlifts, handrails, and ladders. The proposed pier has a visible mass of 229.7 square feet which counts towards the 460 square feet of allowable visible mass. The project area is located in a Visually Modified scenic character type, requiring mitigation of all additional mass, including accessory structures associated with a pier, at a 1:2 ratio. There is a total visible mass of 286.7 square feet (including accessory structures), which means that 573.4 square feet of visible mass will be mitigated by retiring potential visible area within the project area, as shown in the table below. The project area must also demonstrate that it can meet a Composite Scenic Score of 25 within 6 months of project completion. The project areas as existing has a Composite Scenic Score of 26, so this requirement has been met.

Visible Mass Calculations (Lot 24):

Total Allowable Visible Area (score of 26)	1,877 square feet
<u>Upland Visible Area</u>	<u>-1,094 square feet</u>
Remaining Allowable Visible Area	783 square feet
<u>Total Pier Visible Mass to be mitigated (1:2 ratio)</u>	<u>-573 square feet</u>
New Remaining Allowable Visible Area	210 square feet

4. The Standard Conditions of Approval listed in Attachment S and Attachment R shall apply to this permit.
5. Prior to permit acknowledgement, the following conditions of approval must be satisfied:

- A. The site plans shall be revised as follows:
- i. Indicate the proposed color of the composite decking (must be matte medium to dark grey)
  - ii. Provide a stabilization/restoration plan for the area where the wooden stairways will be removed.
  - iii. Replace sheets L1.0 (Existing coverage) and L1.0 (Proposed coverage) with the revised coverage overlay map for the final plan set.
- B. The Permittee shall submit a projected construction completion schedule to TRPA prior to acknowledgment. Said schedule shall include completion dates for each item of construction.
- C. The Permittee shall provide a Spill Prevention Plan for the use of any hazardous materials or equipment (i.e., fuel, epoxy glue, other volatile substances, welding and torch equipment, etc.), for construction activities occurring from a barge and/or amphibious vehicle and within the lake. The Plan shall require absorbent sheets/pads to be retained on the barge at all times. A contact list of all emergency response agencies shall be available at the project site at all times during construction.
- D. The permittee shall record a TRPA prepared deed restriction that will create a project area for subject parcels (016-091-020, lots 23, 24, 25) for the purpose of limiting potential future shorezone development, to allow for only one pier between the subject parcels. The permittee shall record the deed restriction with the El Dorado County Recorder's Office and provide either the original recorded deed restriction or a copy of the recorded deed restrictions to TRPA prior to permit acknowledgement.
- E. The permittee shall record a deed restriction to create a project area for the purposes of scenic review. The permittee shall record the deed restriction with the El Dorado County Recorder's Office and provide either the original recorded deed restriction or a copy of the recorded deed restrictions to TRPA prior to permit acknowledgement.
- F. The permittee shall record a deed restriction to create a project area for the purposes of calculating land coverage. The permittee shall record the deed restriction with the El Dorado County Recorder's Office and provide either the original recorded deed restriction or a copy of the recorded deed restrictions to TRPA prior to permit acknowledgement.
- G. The Permittee shall conduct a Tahoe Yellow Cress survey for the subject property. Surveys shall be conducted during the growing season of June 15th through September 30<sup>th</sup> prior to commencement of proposed work. If TYC or TYC habitat are present, the Permittee shall submit a TYC avoidance and protection plan to TRPA prior to acknowledgement of this permit.
- H. The project security required under Standard Condition A.3 of Attachment S shall be \$10,000. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.



- I. Pursuant to Section 10.8.5.E.4.a.i of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of \$9,600 for the construction of 160 feet of pier length for a new pier (assessed at \$60.00 per linear foot).
- J. The subject property, APN 016-091-020- Lot 24, has 3,565 square feet of unmitigated excess land coverage. The Permittee shall mitigate a portion or all of the excess land coverage on this property by removing coverage within the Hydrologic Transfer Area Emerald Bay or by submitting an excess coverage mitigation fee.

To calculate the amount of excess coverage to be removed (in square feet), use the following formula:

Estimated project construction cost multiplied by .0125, divided by 8.

If you choose this option, please revise your final site plans and land coverage calculations to account for the permanent coverage removal.

An excess land coverage mitigation fee may be paid in lieu of permanently retiring land coverage. The excess coverage mitigation fee shall be calculated as follows:

Square footage of required coverage reduction (as determined by formula above) multiplied by the excess coverage mitigation fee of \$8.50 per square foot for projects located within the Hydrologic Transfer Area Emerald Bay

Please provide a construction cost estimate by your licensed contractor, architect, or engineer. In no case shall the mitigation fee be less than \$200.00.

- K. The permittee shall transfer 26 square feet of restoration credits to the property as mitigation for creation of 17 square feet of additional land coverage on low capability land.
  - L. The Permittee shall provide an electronic set of final construction drawings and site plans for TRPA Acknowledgement.
6. Pile driving operations and other piling installation methods (i.e., pinning, etc.) shall require the installation of caissons for turbidity control **upon the discretion of the TRPA inspector upon a pre-grade inspection**. A floating fine mesh fabric screen or other material approved by TRPA shall be installed underneath the pier decking to capture any fallen materials during pier demolition and reconstruction. The floating screen and caissons may be removed upon project completion and after a satisfactory inspection by TRPA to ensure that all suspended materials have settled.
7. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board, its Planning Commission, its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The

foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over this settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

8. It is the Permittee's responsibility to receive authorization and obtain any necessary permits from other responsible agencies for the proposed project.
9. No pier demolition or construction shall occur between May 1 and October 1 (spawning season) unless prior approval is obtained from the California Department of Fish and Wildlife, the U.S. Army Corps of Engineers, or the U.S. Fish and Wildlife Service.
10. Disturbance of lakebed materials shall be the minimum necessary. The removal of rock materials from Lake Tahoe is prohibited. Gravel, cobble, or small boulders shall not be disturbed or removed to leave exposed sandy areas before, during, or after construction.
11. Best practical control technology shall be employed to prevent earthen materials to be re-suspended as a result of construction activities and from being transported to adjacent lake waters.
12. The discharge of petroleum products, construction waste and litter (including sawdust), or earthen materials to the surface waters of the Lake Tahoe Basin is prohibited. All surplus construction waste materials shall be removed from the project and deposited only at approved points of disposal.
13. Any normal construction activity creating noise in excess of the TRPA noise standards shall be considered exempt from said standards provided all such work is conducted between the hours of 8:00 A.M. and 6:30 P.M.

**END OF PERMIT**

Attachment C  
Initial Environmental Checklist



OFFICE  
128 Market St.  
Stateline, NV  
Phone: (775) 588-4547  
Fax: (775) 588-4527

MAIL  
PO Box 5310  
Stateline, NV 89449-5310  
www.trpa.org

HOURS  
Monday-Friday  
9:00 am - 5:00 pm  
Accepting Applications Until 4:00 pm  
trpa@trpa.org

Print Form

## INITIAL ENVIRONMENTAL CHECKLIST FOR DETERMINATION OF ENVIRONMENTAL IMPACT

I. Assessor's Parcel Number (APN)/Project Location 016-091-020 (Lots 23, 24 & 25)

Project Name WINDANCE WEST SHORE PTN LTD County/City El Dorado

**Brief Description of Project:**

A new multiple-parcel pier is proposed to be located lakeward of the existing single-family residence at this property. A second, new single-family residence is proposed on Lot 23 under a separate permit application.

The following questionnaire will be completed by the applicant based on evidence submitted with the application. All "Yes" and "No, With Mitigation" answers will require further written comments. Use the blank boxes to add any additional information. If more space is required for additional information, please attach separate sheets and reference the question number and letter.

**II. ENVIRONMENTAL IMPACTS:**

**1. Land**

Will the proposal result in:

a. Compaction or covering of the soil beyond the limits allowed in the land capability or Individual Parcel Evaluation System (IPES)?

- Yes                       No  
 No, With Mitigation       Data Insufficient

b. A change in the topography or ground surface relief features of site inconsistent with the natural surrounding conditions?

- Yes                       No  
 No, With Mitigation       Data Insufficient

c. Unstable soil conditions during or after completion of the proposal?

- Yes                       No  
 No, With Mitigation       Data Insufficient

d. Changes in the undisturbed soil or native geologic substructures or grading in excess of 5 feet?

- Yes                       No  
 No, With Mitigation       Data Insufficient

e. The continuation of or increase in wind or water erosion of soils, either on or off the site?

- Yes                       No  
 No, With Mitigation       Data Insufficient

f. Changes in deposition or erosion of beach sand, or changes in siltation, deposition or erosion, including natural littoral processes, which may modify the channel of a river or stream or the bed of a lake?

- Yes       No  
 No, With Mitigation       Data Insufficient

g. Exposure of people or property to geologic hazards such as earthquakes, landslides, backshore erosion, avalanches, mud slides, ground failure, or similar hazards?

- Yes       No  
 No, With Mitigation       Data Insufficient

## 2. Air Quality

Will the proposal result in:

a. Substantial air pollutant emissions?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Deterioration of ambient (existing) air quality?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. The creation of objectionable odors?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Alteration of air movement, moisture or temperature, or any change in climate, either locally or regionally?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Increased use of diesel fuel?

- Yes       No  
 No, With Mitigation       Data Insufficient

### 3. Water Quality

Will the proposal result in:

a. Changes in currents, or the course or direction of water movements?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Changes in absorption rates, drainage patterns, or the rate and amount of surface water runoff so that a 20 yr. 1 hr. storm runoff (approximately 1 inch per hour) cannot be contained on the site?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Alterations to the course or flow of 100-yearflood waters?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Change in the amount of surface water in any water body?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Discharge into surface waters, or in any alteration of surface water quality, including but not limited to temperature, dissolved oxygen or turbidity?

**Temporary BMP's shall be employed during pier construction in order to avoid potential discharge.**

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Alteration of the direction or rate of flow of ground water?

- Yes       No  
 No, With Mitigation       Data Insufficient

g. Change in the quantity of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

- Yes       No  
 No, With Mitigation       Data Insufficient

h. Substantial reduction in the amount of water otherwise available for public water supplies?

- Yes       No  
 No, With Mitigation       Data Insufficient

i. Exposure of people or property to water related hazards such as flooding and/or wave action from 100-year storm occurrence or seiches?

- Yes       No  
 No, With Mitigation       Data Insufficient

j. The potential discharge of contaminants to the groundwater or any alteration of groundwater quality?

- Yes       No  
 No, With Mitigation       Data Insufficient

k. Is the project located within 600 feet of a drinking water source?

- Yes       No  
 No, With Mitigation       Data Insufficient



#### 4. Vegetation

Will the proposal result in:

- a. Removal of native vegetation in excess of the area utilized for the actual development permitted by the land capability/IPES system?

- Yes  No  
 No, With Mitigation  Data Insufficient

- b. Removal of riparian vegetation or other vegetation associated with critical wildlife habitat, either through direct removal or indirect lowering of the groundwater table?

- Yes  No  
 No, With Mitigation  Data Insufficient

- c. Introduction of new vegetation that will require excessive fertilizer or water, or will provide a barrier to the normal replenishment of existing species?

- Yes  No  
 No, With Mitigation  Data Insufficient

- d. Change in the diversity or distribution of species, or number of any species of plants (including trees, shrubs, grass, crops, micro flora and aquatic plants)?

- Yes  No  
 No, With Mitigation  Data Insufficient

- e. Reduction of the numbers of any unique, rare or endangered species of plants?

- Yes  No  
 No, With Mitigation  Data Insufficient

f. Removal of stream bank and/or backshore vegetation, including woody vegetation such as willows?

- Yes       No  
 No, With Mitigation       Data Insufficient

g. Removal of any native live, dead or dying trees 30 inches or greater in diameter at breast height (dbh) within TRPA's Conservation or Recreation land use classifications?

- Yes       No  
 No, With Mitigation       Data Insufficient

h. A change in the natural functioning of an old growth ecosystem?

- Yes       No  
 No, With Mitigation       Data Insufficient

**5. Wildlife**

Will the proposal result in:

a. Change in the diversity or distribution of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms, insects, mammals, amphibians or microfauna)?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Reduction of the number of any unique, rare or endangered species of animals?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Deterioration of existing fish or wildlife habitat quantity or quality?

- Yes       No  
 No, With Mitigation       Data Insufficient

**6. Noise**

Will the proposal result in:

a. Increases in existing Community Noise Equivalency Levels (CNEL) beyond those permitted in the applicable Plan Area Statement, Community Plan or Master Plan?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Exposure of people to severe noise levels?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Single event noise levels greater than those set forth in the TRPA Noise Environmental Threshold?

- Yes       No  
 No, With Mitigation       Data Insufficient

## 7. Light and Glare

Will the proposal:

- a. Include new or modified sources of exterior lighting?

**Yes, turtle lights are proposed on the pier decking and further detailed on Sheet P2.0 of the enclosed plan set.**

- Yes  No  
 No, With Mitigation  Data Insufficient

- b. Create new illumination which is more substantial than other lighting, if any, within the surrounding area?

- Yes  No  
 No, With Mitigation  Data Insufficient

- c. Cause light from exterior sources to be cast off -site or onto public lands?

- Yes  No  
 No, With Mitigation  Data Insufficient

- d. Create new sources of glare through the siting of the improvements or through the use of reflective materials?

- Yes  No  
 No, With Mitigation  Data Insufficient

## 8. Land Use

Will the proposal:

- a. Include uses which are not listed as permissible uses in the applicable Plan Area Statement, adopted Community Plan, or Master Plan?

- Yes  No  
 No, With Mitigation  Data Insufficient

b. Expand or intensify an existing non-conforming use?

- Yes       No  
 No, With Mitigation       Data Insufficient

### 9. Natural Resources

Will the proposal result in:

a. A substantial increase in the rate of use of any natural resources?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Substantial depletion of any non-renewable natural resource?

- Yes       No  
 No, With Mitigation       Data Insufficient

### 10. Risk of Upset

Will the proposal:

a. Involve a risk of an explosion or the release of hazardous substances including, but not limited to, oil, pesticides, chemicals, or radiation in the event of an accident or upset conditions?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Involve possible interference with an emergency evacuation plan?

- Yes       No  
 No, With Mitigation       Data Insufficient

**11. Population**

Will the proposal:

- a. Alter the location, distribution, density, or growth rate of the human population planned for the Region?

- Yes
- No
- No, With Mitigation
- Data Insufficient

- b. Include or result in the temporary or permanent displacement of residents?

- Yes
- No
- No, With Mitigation
- Data Insufficient

**12. Housing**

Will the proposal:

- a. Affect existing housing, or create a demand for additional housing?

To determine if the proposal will affect existing housing or create a demand for additional housing, please answer the following questions:

- (1) Will the proposal decrease the amount of housing in the Tahoe Region?

- Yes
- No
- No, With Mitigation
- Data Insufficient

- (2) Will the proposal decrease the amount of housing in the Tahoe Region historically or currently being rented at rates affordable by lower and very-low-income households?

- Yes
- No
- No, With Mitigation
- Data Insufficient

Number of Existing Dwelling Units: 1

Number of Proposed Dwelling Units: 1

b. Will the proposal result in the loss of housing for lower-income and very-low-income households?

- Yes  No  
 No, With Mitigation  Data Insufficient

### 13. Transportation/Circulation

Will the proposal result in:

a. Generation of 100 or more new Daily Vehicle Trip Ends (DVTE)?

- Yes  No  
 No, With Mitigation  Data Insufficient

b. Changes to existing parking facilities, or demand for new parking?

- Yes  No  
 No, With Mitigation  Data Insufficient

c. Substantial impact upon existing transportation systems, including highway, transit, bicycle or pedestrian facilities?

- Yes  No  
 No, With Mitigation  Data Insufficient

d. Alterations to present patterns of circulation or movement of people and/or goods?

- Yes  No  
 No, With Mitigation  Data Insufficient

e. Alterations to waterborne, rail or air traffic?

- Yes  No  
 No, With Mitigation  Data Insufficient

f. Increase in traffic hazards to motor vehicles, bicyclists, or pedestrians?

- Yes  No  
 No, With Mitigation  Data Insufficient

#### 14. Public Services

Will the proposal have an unplanned effect upon, or result in a need for new or altered governmental services in any of the following areas?

a. Fire protection?

- Yes  No  
 No, With Mitigation  Data Insufficient

b. Police protection?

- Yes  No  
 No, With Mitigation  Data Insufficient

c. Schools?

- Yes  No  
 No, With Mitigation  Data Insufficient

d. Parks or other recreational facilities?

- Yes  No  
 No, With Mitigation  Data Insufficient

e. Maintenance of public facilities, including roads?

- Yes  No  
 No, With Mitigation  Data Insufficient



f. Other governmental services?

- Yes       No  
 No, With Mitigation       Data Insufficient

**15. Energy**

Will the proposal result in:

a. Use of substantial amounts of fuel or energy?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?

- Yes       No  
 No, With Mitigation       Data Insufficient

**16. Utilities**

Except for planned improvements, will the proposal result in a need for new systems, or substantial alterations to the following utilities:

a. Power or natural gas?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Communication systems?

- Yes       No  
 No, With Mitigation       Data Insufficient

c. Utilize additional water which amount will exceed the maximum permitted capacity of the service provider?

- Yes       No  
 No, With Mitigation       Data Insufficient

d. Utilize additional sewage treatment capacity which amount will exceed the maximum permitted capacity of the sewage treatment provider?

- Yes       No  
 No, With Mitigation       Data Insufficient

e. Storm water drainage?

- Yes       No  
 No, With Mitigation       Data Insufficient

f. Solid waste and disposal?

- Yes       No  
 No, With Mitigation       Data Insufficient

### 17. Human Health

Will the proposal result in:

a. Creation of any health hazard or potential health hazard (excluding mental health)?

- Yes       No  
 No, With Mitigation       Data Insufficient

b. Exposure of people to potential health hazards?

- Yes       No  
 No, With Mitigation       Data Insufficient

**18. Scenic Resources/Community Design**

Will the proposal:

- a. Be visible from any state or federal highway, Pioneer Trail or from Lake Tahoe?

**See attached response.**

- Yes  No  
 No, With Mitigation  Data Insufficient

- b. Be visible from any public recreation area or TRPA designated bicycle trail?

**See attached response.**

- Yes  No  
 No, With Mitigation  Data Insufficient

- c. Block or modify an existing view of Lake Tahoe or other scenic vista seen from a public road or other public area?

**The new pier will modify the view of the shoreline. Through compliance to design and scenic standards no negative impact to the Shoreline Unit will result.**

- Yes  No  
 No, With Mitigation  Data Insufficient

- d. Be inconsistent with the height and design standards required by the applicable ordinance or Community Plan?

- Yes  No  
 No, With Mitigation  Data Insufficient

- e. Be inconsistent with the TRPA Scenic Quality Improvement Program (SQIP) or Design Review Guidelines?

**See attached Scenic Quality Analysis Document.**

- Yes  No  
 No, With Mitigation  Data Insufficient

**19. Recreation**

Does the proposal:

a. Create additional demand for recreation facilities?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Create additional recreation capacity?

- Yes
- No
- No, With Mitigation
- Data Insufficient

c. Have the potential to create conflicts between recreation uses, either existing or proposed?

- Yes
- No
- No, With Mitigation
- Data Insufficient

d. Result in a decrease or loss of public access to any lake, waterway, or public lands?

- Yes
- No
- No, With Mitigation
- Data Insufficient

**20. Archaeological/Historical**

a. Will the proposal result in an alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building?

- Yes
- No
- No, With Mitigation
- Data Insufficient

b. Is the proposed project located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records?

- Yes                       No  
 No, With Mitigation       Data Insufficient

c. Is the property associated with any historically significant events and/or sites or persons?

- Yes                       No  
 No, With Mitigation       Data Insufficient

d. Does the proposal have the potential to cause a physical change which would affect unique ethnic cultural values?

- Yes                       No  
 No, With Mitigation       Data Insufficient

e. Will the proposal restrict historic or pre-historic religious or sacred uses within the potential impact area?

- Yes                       No  
 No, With Mitigation       Data Insufficient

**21. Findings of Significance.**

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California or Nevada history or prehistory?

- Yes                       No  
 No, With Mitigation       Data Insufficient

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time, while long-term impacts will endure well into the future.)

- Yes                       No  
 No, With Mitigation       Data Insufficient

c. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environmental is significant?)

- Yes                       No  
 No, With Mitigation       Data Insufficient

d. Does the project have environmental impacts which will cause substantial adverse effects on human being, either directly or indirectly?

- Yes                       No  
 No, With Mitigation       Data Insufficient

**DECLARATION:**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: (Original signature required.)

Wyett D. G. Person Preparing Application At RAVER County Date: 1-19-22

**Applicant Written Comments:** (Attach additional sheets if necessary)

Print Form

**FOR OFFICE USE ONLY**

Date Received: \_\_\_\_\_ By: \_\_\_\_\_

Determination:

On the basis of this evaluation:

- a. The proposed project could not have a significant effect on the environment and a finding of no significant effect shall be prepared in accordance with TRPA's Rules of Procedure.

Yes

No

- b. The proposed project could have a significant effect on the environment, but due to the listed mitigation measures which have been added to the project, could have no significant effect on the environment and a mitigated finding of no significant effect shall be prepared in accordance with TRPA's Rules and Procedures.

Yes

No

- c. The proposed project may have a significant effect on the environment and an environmental impact statement shall be prepared in accordance with this chapter and TRPA's Rules of Procedure

Yes

No

\_\_\_\_\_  
Signature of Evaluator

Date: \_\_\_\_\_

\_\_\_\_\_  
Title of Evaluator



## **ADDENDUM FOR TRANSFERS/CONVERSIONS OF USE**

The following is to be used as a supplemental checklist for the Tahoe Regional Planning Agency Initial Environmental Checklist (IEC). It is to be used when reviewing any transfer pursuant to Chapter 34 of the Code of Ordinances or Conversion of Use pursuant to Chapter 33 of the Code of Ordinances. Any question answered in the affirmative will require written documentation showing that the impacts will be mitigated to a less than significant level. Otherwise, an environmental impact statement will be required.

The asterisk (\*) notes threshold subjects.

a) Land \*

Does the proposal result in any additional land coverage?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input type="checkbox"/> No                |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

b) Air Quality \*

Does the proposal result in any additional emission?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input type="checkbox"/> No                |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

c) Water \*

Does the proposal result in any additional discharge that is in violation of TRPA discharge standards?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input type="checkbox"/> No                |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

d) Does the proposal result in an increase in the volume of discharge?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input type="checkbox"/> No                |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

e) Noise \*

Does the proposal result in an increase in Community Noise Equivalency Level (CNEL)?

- |  |  |
|--|--|
| <input type="checkbox"/> Yes                 | <input type="checkbox"/> No                |
| <input type="checkbox"/> No, With Mitigation | <input type="checkbox"/> Data Insufficient |

f) Aesthetics \*

Does the proposal result in blockage of significant views to Lake Tahoe or an identified visual resource?

- Yes                       No  
 No, With Mitigation       Data Insufficient

g) Recreation \*

Does the proposal result in a reduction of public access to public recreation areas or public recreation opportunities?

- Yes                       No  
 No, With Mitigation       Data Insufficient

h) Land Use

Does the converted or transferred use result in a use that is not consistent with the goals and policies of the Community Plan or Plan Area Statement?

- Yes                       No  
 No, With Mitigation       Data Insufficient

i) Population

Does the proposal result in an increase in the existing or planned population of the Region?

- Yes                       No  
 No, With Mitigation       Data Insufficient

j) Housing

Does the proposal result in the loss of affordable housing?

- Yes                       No  
 No, With Mitigation       Data Insufficient

k) Transportation

Does the proposal result in the increase of 100 Daily Vehicle Trip Ends (DVTE)?

- Yes                       No  
 No, With Mitigation       Data Insufficient

l) Does the proposal result in a project that does not meet the parking standards?

- Yes                       No  
 No, With Mitigation       Data Insufficient

m) Utilities

Does the proposal result in additional water use?

- Yes                       No  
 No, With Mitigation       Data Insufficient

n) Does the proposal result in the need for additional sewer treatment?

- Yes                       No  
 No, With Mitigation       Data Insufficient

o) Historical

Does the proposal result in the modification or elimination of a historic structure or site?

- Yes                       No  
 No, With Mitigation       Data Insufficient

**DECLARATION:**

I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

Signature: **(Original signature required.)**

Julie Roll

Digitally signed by Julie Roll  
DN: cn=Julie Roll, o=Tribe/Regional Planning Agency, ou, email=jroll@trpa.gov, c=US  
Date: 2023.04.19 13:34:36 -0700

Person Preparing Application

At

Douglas

County

Date: 4/19/23

**Applicant Written Comments:** (Attach additional sheets if necessary)

Print Form

Attachment D  
2018 Shorezone Code Conformance Table

**Attachment D**

**Windance West Shore PTN LTD Multiple Use Pier Conformance Review Table**

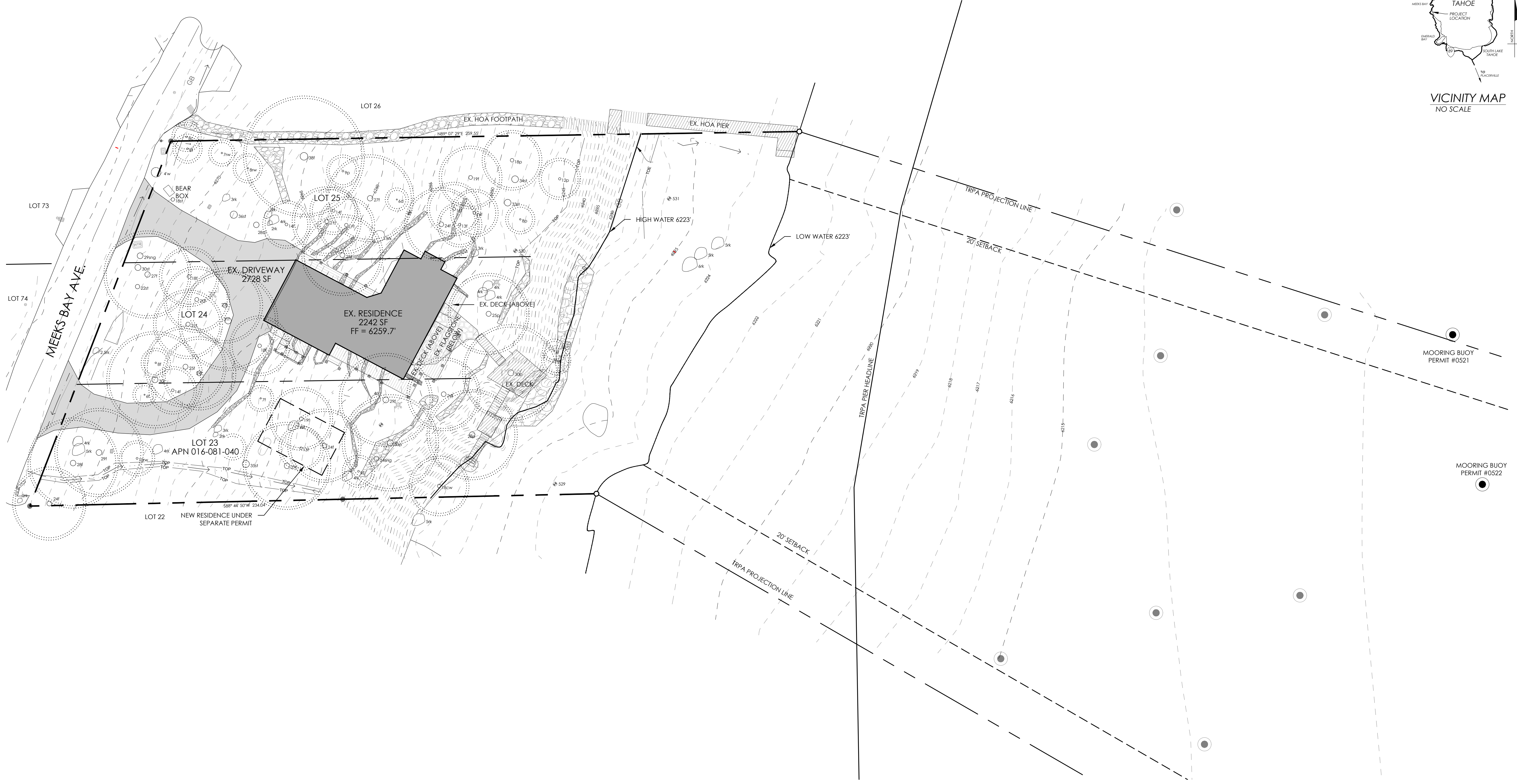
**Table 1: Pier Conformance Review Under 2018 Shorezone Code**

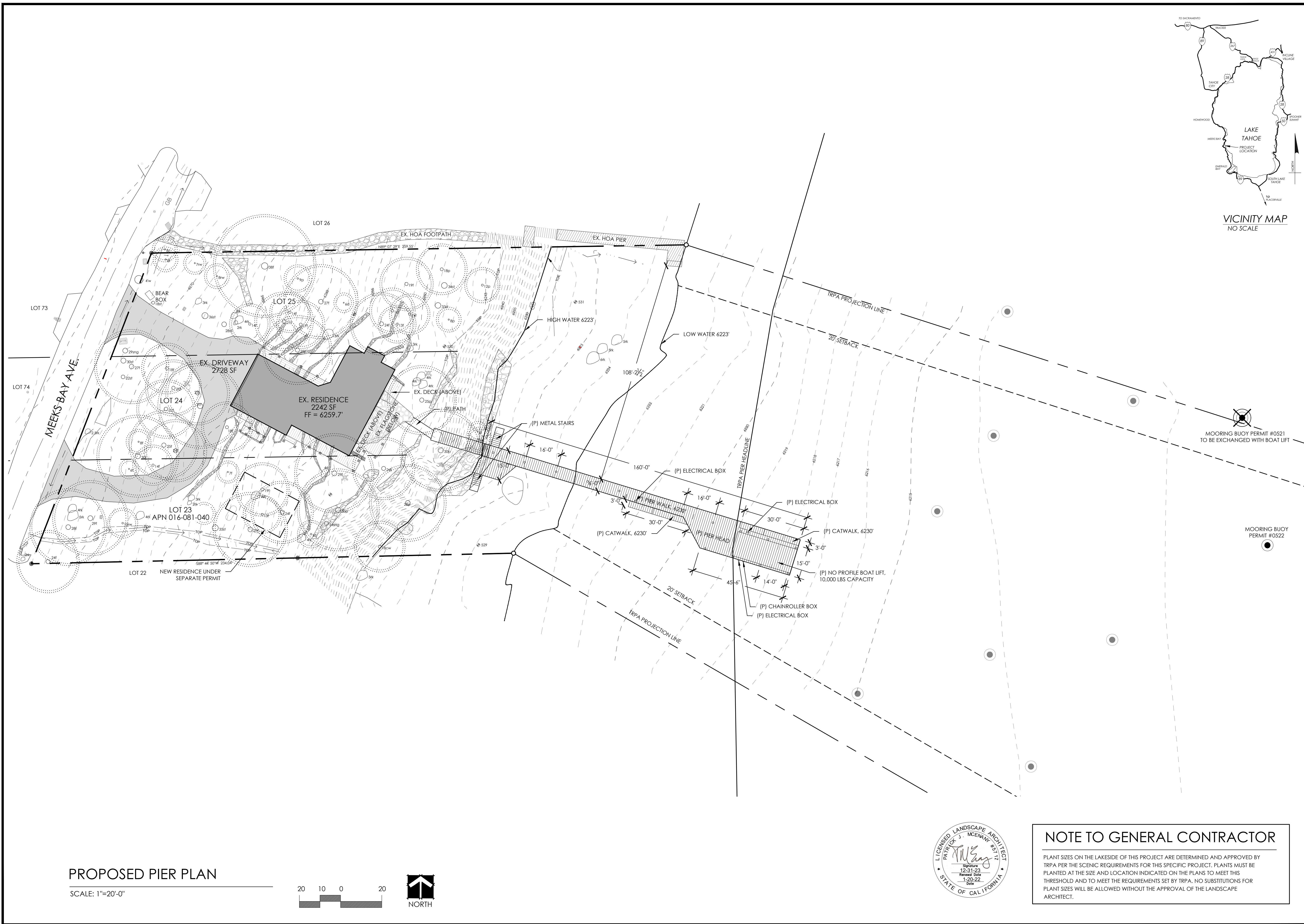
<b>Standard</b>	<b>2018 Shorezone Code</b>	<b>Proposed Pier</b>	<b>Conformance</b>
Streams	Outside of Stream Mouth Protection Zone (SMPZ)	1/2 mile north of the nearest SMPZ	<b>In conformance</b>
Fish Habitat	No mitigation required for marginal fish habitat	No habitat mitigation required for marginal fish habitat. Shorezone Mitigation fee of \$9,600 for additional 160 linear feet	<b>In conformance</b>
Length	Pierhead may extend 30 feet past 6,219 or 60 feet past pierhead line, whichever is more limiting. An additional 15 feet may be permitted for piers serving three or more primary residential parcels.	<b>160'</b> - extends approximately 30 feet past the TRPA pierhead Line and elevation 6,219'.	<b>In conformance</b>
Setbacks	20' for new piers from outermost property boundary projection lines, & 40' from existing piers as measured from the pierhead	Conforms with external projection line setbacks	<b>In Conformance</b>
Width	Maximum 15' wide excluding catwalks	6' wide for the first 100'; widening to 15' at the pierhead	<b>In conformance</b>
Catwalk	Maximum of two catwalks, maximum size 3' by 45'	Two catwalks, both 3' x 30' in size	<b>In conformance</b>
Boatlift	One boat lift per littoral parcel (max. 3)	One boatlift	<b>In conformance</b>
Pier Height	6,232' maximum or up to 6,234' if findings made	6,232'	<b>In conformance</b>
Free Flowing Water	Piers required to be floating or have an open piling foundation	Open piling foundation (90%)	<b>In conformance</b>
Superstructures	Prohibited	NA	<b>In conformance</b>

Colors & Materials	Dark colors that blend with background	Medium to dark gray matte decking	<b>In conformance</b>
Visual Mass Limitation	460 sf of visible mass allowed for piers serving 3 or more primary residential littoral parcels (does not include accessory structures such as boatlifts, boats, handrails, and ladders).	229.7 square feet	<b>In conformance</b>
Visual Mass Mitigation	In Visually Modified Character Types mitigation required at a 1:2 ratio	Additional visible mass, including accessory structures, will be mitigated at a 1:2 ratio through retiring allowable visible area. 573.4 square feet of visible mass will be mitigated.	<b>In conformance</b>
Retirement of Shorezone Development Potential	An additional multiple-parcel pier shall extinguish future pier development potential through deed restriction on all parcels served by the pier, including adjacent and non-adjacent parcels, with the exception of the littoral parcel on which the additional pier is permitted.	Deed restriction to be recorded prior to permit acknowledgement.	<b>In conformance</b>

Attachment E  
Proposed Site Plans and Elevations

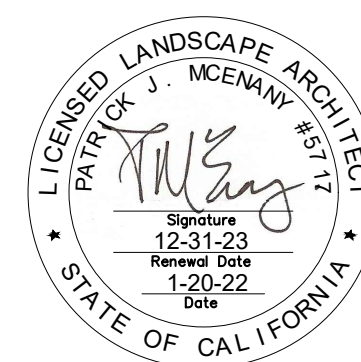
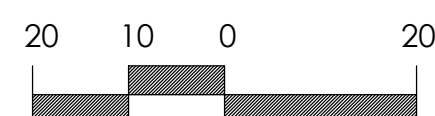






**PROPOSED PIER PLAN**

SCALE: 1"=20'-0"



**NOTE TO GENERAL CONTRACTOR**

PLANT SIZES ON THE LAKESIDE OF THIS PROJECT ARE DETERMINED AND APPROVED BY TRPA PER THE SCENIC REQUIREMENTS FOR THIS SPECIFIC PROJECT. PLANTS MUST BE PLANTED AT THE SIZE AND LOCATION INDICATED ON THE PLANS TO MEET THIS THRESHOLD AND TO MEET THE REQUIREMENTS SET BY TRPA. NO SUBSTITUTIONS FOR PLANT SIZES WILL BE ALLOWED WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT.

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 LAND USE & DEVELOPMENT STRATEGIES  
 850 North Lake Boulevard, Suite 17  
 Tahoe City, California 96145  
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 TRUCKEE, CA 96161  
 28 VINE ST.  
 RENO, NV 89503  
 530.553.4000  
 CA. LIC. 4568, 5717  
 NV. LIC. 630

**Hirt Pier**  
 8477 Meeks Bay Avenue  
 Tahoe, CA 96142  
 El Dorado County APN: 016-081-040

Date: 1-20-22  
 Revisions:

**PROPOSED PIER PLAN**

JOB:  
 DRAWN BY: SH  
 SCALE: AS NOTED

SHEET  
**P2.0**

**Existing Impervious Coverage Table**

APN	Lot	Area	Total SF	% Allowable	SF Allowable
16-091-020	(1) Lot 25	IPES 908	8,769 SF	29%	2,543 SF
	Lot 25	Class 1b (Backshore)	1,183 SF	1%	12 SF
	Lot 24	Bailey Class 1a	8,272 SF	1%	83 SF
	Lot 24	Class 1b (Backshore)	4,035 SF	1%	40 SF
	Lot 23	IPES 842	6,944 SF	27%	1,875 SF
	Lot 23	Class 1b (Backshore)	2,235 SF	1%	22 SF

**Existing Coverage**

Lot 25 IPES 908		Lot 25 Backshore	
Type	Area	Type	Area
Residence	25 SF	None	0 SF
Decks/Stairs (Redux)	9 SF		
Bear Box	11 SF		
AC Pave	796 SF		
<b>Total</b>	<b>841 SF</b>	<b>Total</b>	<b>0 SF</b>

Lot 24 (Bailey)		Lot 24 Backshore	
Type	Area	Type	Area
Residence	2217 SF	Decks/Stairs (Redux)	125 SF
Decks/Stairs (Redux)	277 SF		
Stone Patio	336 SF		
AC Pave	958 SF		
<b>Total</b>	<b>3788 SF</b>	<b>Total</b>	<b>125 SF</b>

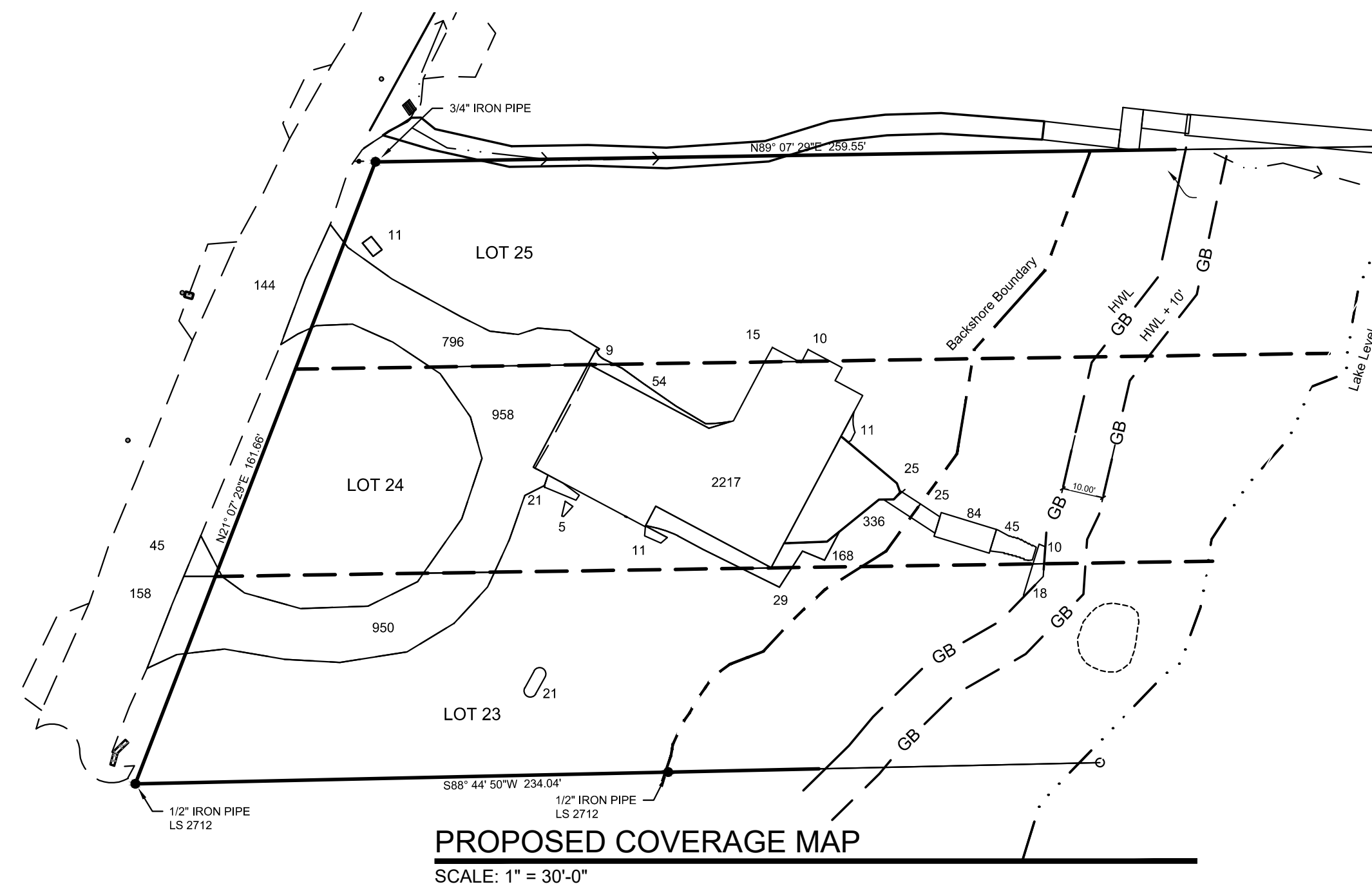
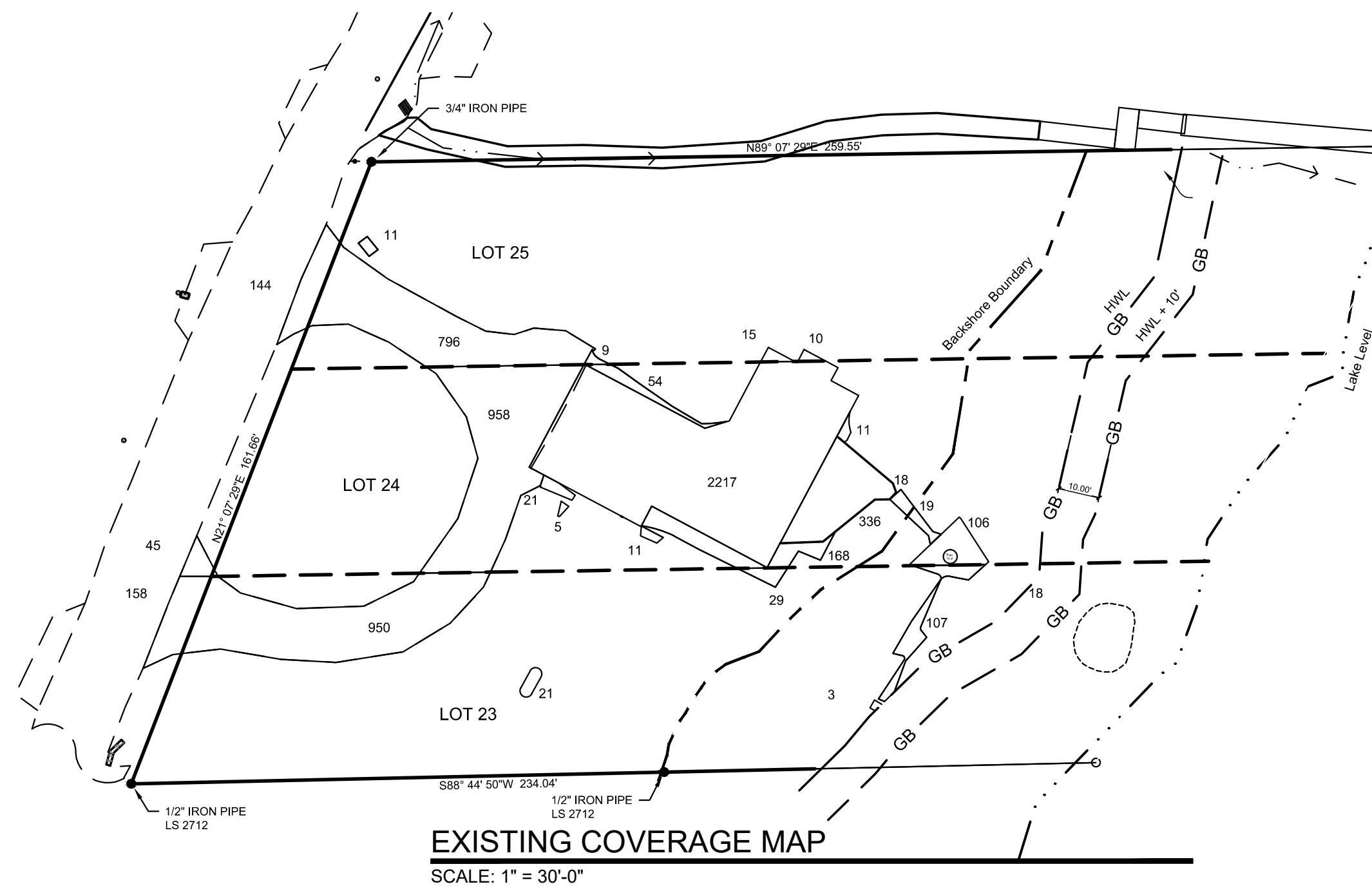
Lot 23 IPES 842		Lot 23 Backshore	
Type	Area	Type	Area
Deck (Redux)	29 SF	Deck/Stairs (Redux)	107 SF
LPG Tank	21 SF	Conc Lndg	3 SF
AC Pave	950 SF		
<b>Total</b>	<b>1,000 SF</b>	<b>Total</b>	<b>110 SF</b>

Total Class 1b/Backshore land coverage (base allowable + existing) = 237 SF

**Existing Offsite Coverage**

Lot 25 = 144 SF  
 Lot 24 = 45 SF  
 Lot 23 = 158 SF

(1) Per IPES Score LCAP 2021-0273 & LCAP 2021-0274



**Proposed Impervious Coverage Table**

APN	Lot	Area	Total SF	% Allowable	SF Allowable
16-091-020	(1) Lot 25	IPES 908	8,769 SF	29%	2,543 SF
	Lot 25	Class 1b (Backshore)	1,183 SF	1%	12 SF
	Lot 24	Bailey Class 1a	8,272 SF	1%	83 SF
	Lot 24	Class 1b (Backshore)	4,035 SF	1%	40 SF
	Lot 23	IPES 842	6,944 SF	27%	1,875 SF
	Lot 23	Class 1b (Backshore)	2,235 SF	1%	22 SF

**Proposed Coverage**

Lot 25 IPES 908		Lot 25 Backshore	
Type	Area	Type	Area
Residence	25 SF	None	0 SF
Decks/Stairs (Redux)	9 SF		
Bear Box	11 SF		
AC Pave	796 SF		
<b>Total</b>	<b>841 SF</b>	<b>Total</b>	<b>0 SF</b>

Lot 24 (Bailey)		Lot 24 Backshore	
Type	Area	Type	Area
Residence	2217 SF	Decks/Stairs	168 SF (2)
Decks/Stairs (Redux)	259 SF (2)	Stone Path	22 SF (2)
Stone Patio	370 SF		
AC Pave	958 SF		
<b>Total</b>	<b>3804 SF (2)</b>	<b>Proposed</b>	<b>190 SF (2)</b>

Lot 23 IPES 842		Lot 23 Backshore	
Type	Area	Type	Area
Deck (Redux)	29 SF	Deck/Stairs	18 SF (2)
LPG Tank	21 SF		
AC Pave	950 SF		
<b>Total</b>	<b>1000 SF</b>	<b>Proposed</b>	<b>18 SF (2)</b>

**Class 1b/Backshore Coverage Relocation**

Class 1b/Backshore land coverage (base allowable + existing) = 247 SF

Proposed coverage over existing: 54 SF

Proposed coverage relocated: 140 SF

Coverage retired for mitigation (1.5/1): 70 SF

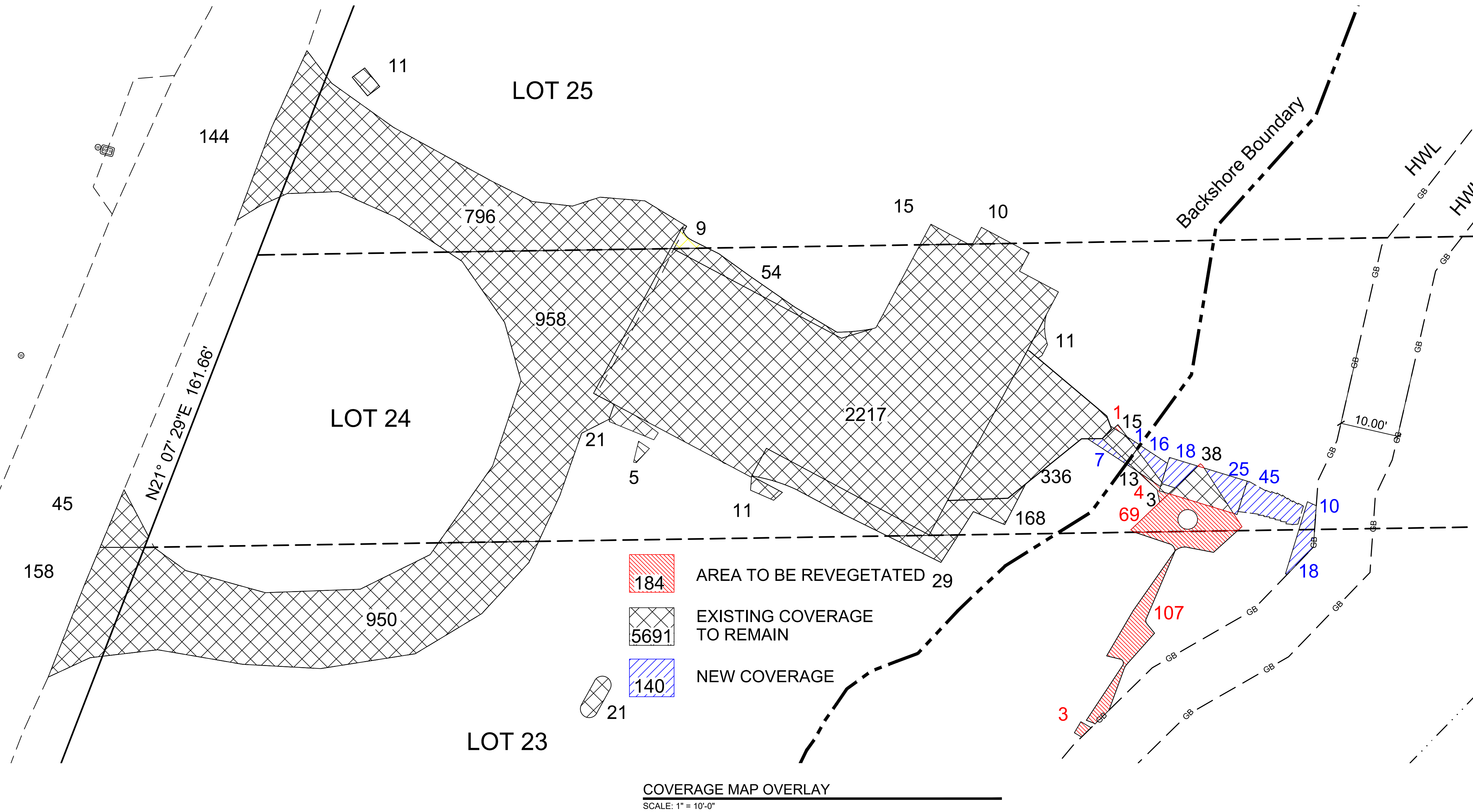
Total required Class 1b coverage: 264 SF

**Existing Offsite Coverage**

Lot 25 = 144 SF  
 Lot 24 = 45 SF  
 Lot 23 = 158 SF

(1) Per IPES Score LCAP 2021-0273 & LCAP 2021-0274

(2) Denotes modified within scope of this project



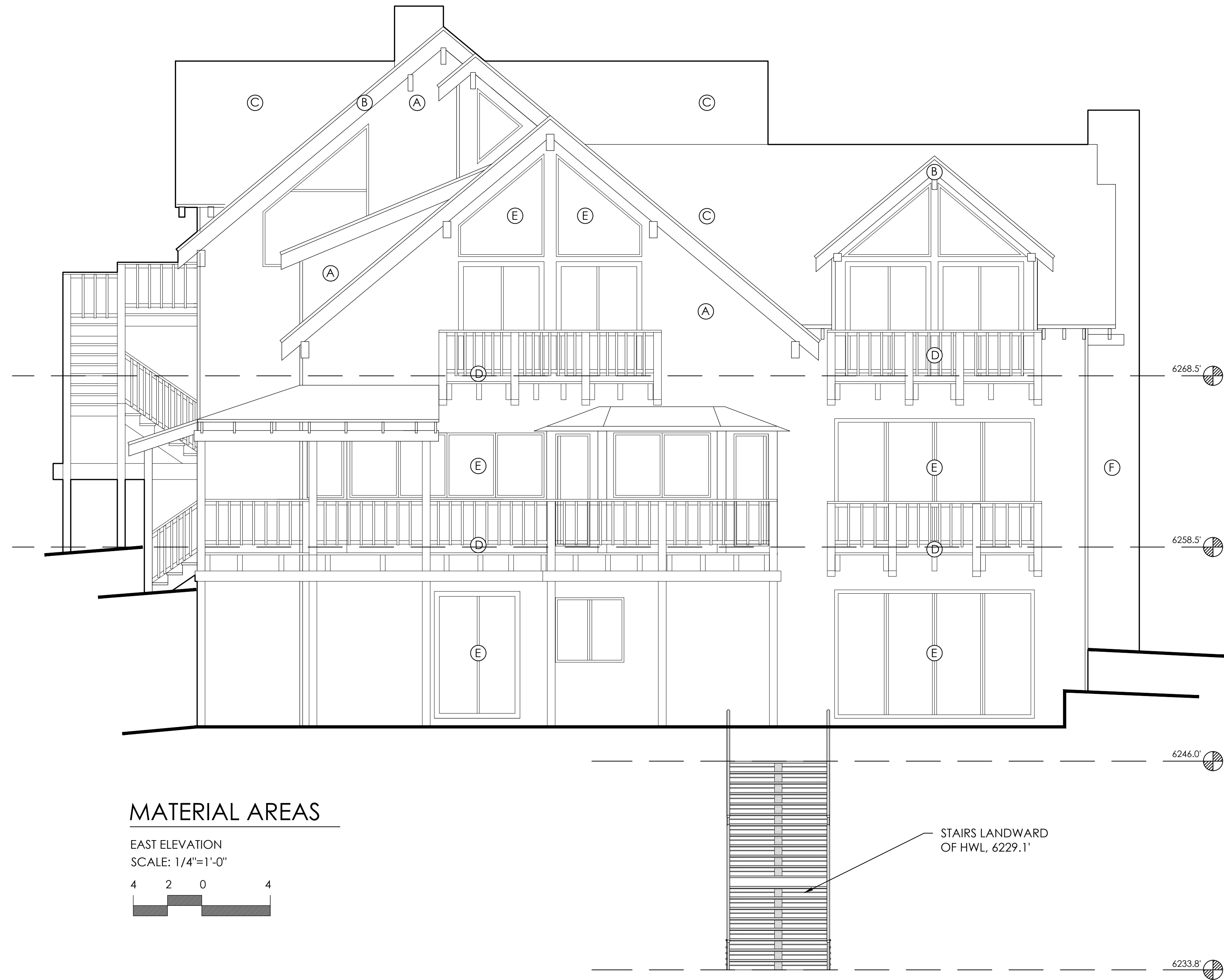


### MATERIALS - RESIDENCE

SIDING/TRIM	1019.3 SF (48.5%)
FRAMING & FASCIA	222.6 SF (10.6%)
SHINGLE ROOF	168.8 SF (8.0%)
GUARDRAILS	173.6 SF (8.3%)
GLASS	430.6 SF (20.5%)
STONE	84.9 SF (4.0%)
<b>TOTAL AREA</b>	<b>2099.8 SF (100%)</b>

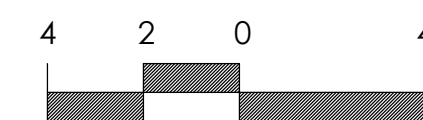
### MATERIALS - STAIRS

WOOD/COMPOSITE	28.9 SF (100%)
<b>TOTAL AREA</b>	<b>28.9 SF (100%)</b>



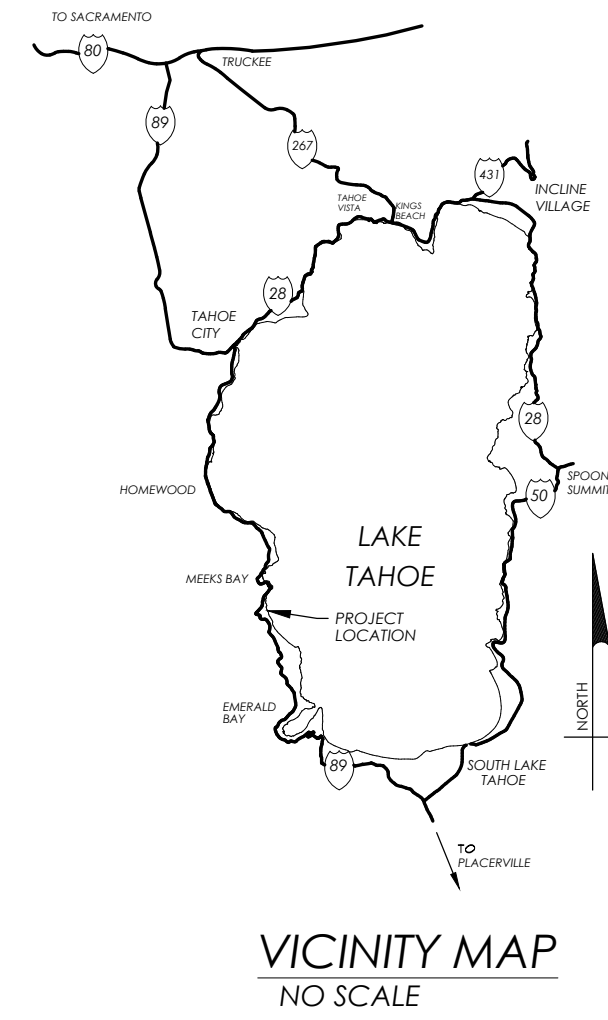
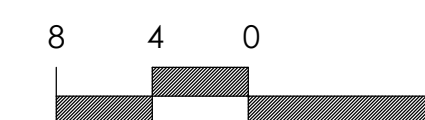
### MATERIAL AREAS

EAST ELEVATION  
SCALE: 1/4"=1'-0"



### PLANES

EAST ELEVATION  
SCALE: 1/8"=1'-0"



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**Hirt Residence**

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Revisions:

**MATERIALS  
AND PLANES**

JOB:

DRAWN BY:  
SH

SCALE:

AS NOTED

SHEET

**L2.0**

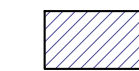



## VISIBILITY - RESIDENCE

TOTAL AREA	2099.8 SF
<b>TOTAL VISIBLE AREA</b>	1064.7 SF
TOTAL ALLOWABLE VISIBLE AREA	XX SF
TOTAL PERIMETER	235'-1" LF
<b>TOTAL VISIBLE PERIMETER</b>	93'-9" LF
TOTAL PERCENTAGE VISIBLE PERIMETER	39.9 %

## VISIBILITY - STAIRS

TOTAL AREA	28.9 SF
<b>TOTAL VISIBLE AREA</b>	28.9 SF
TOTAL ALLOWABLE VISIBLE AREA	XX SF
TOTAL PERIMETER	40'-4" LF
<b>TOTAL VISIBLE PERIMETER</b>	40'-4" LF
TOTAL PERCENTAGE VISIBLE PERIMETER	100 %

-  VISIBLE AREA- RESIDENCE
-  EXISTING VEGETATION

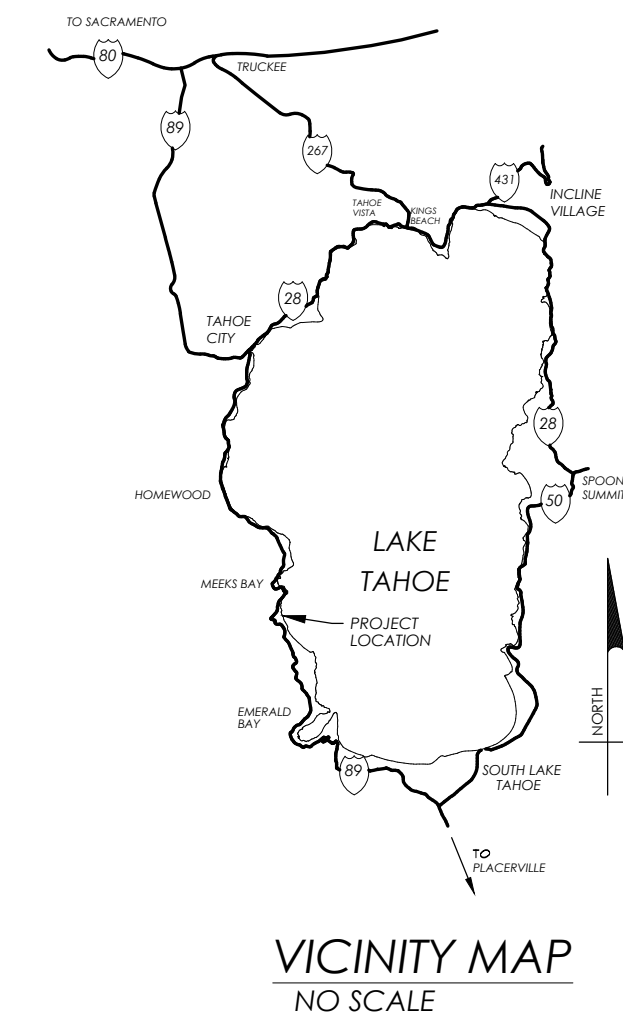


IMAGE SOURCE: IMG\_1839

## VISIBILITY - RESIDENCE

EAST ELEVATION  
SCALE: 1/8"=1'-0"



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## VISIBILITY

JOB: \_\_\_\_\_  
DRAWN BY: SH  
SCALE: AS NOTED

SHEET  
**L3.0**

