



STAFF REPORT

Date: May 17, 2023

To: TRPA Governing Board

From: TRPA Staff

Subject: Zacko Enterprises, LLC/Leah & Patrick Higgins, Boatlift Addition and Multi-Parcel Pier Designation, Project Location: 6160 & 6190 W Lake Boulevard, Homewood, Placer County, California, Assessor's Parcel Numbers (APNs) 098-031-006, 098-032-014, 098-031-005, 098-032-013, TRPA File Number ERSP2022-1117

Summary and Staff Recommendation:

The applicant, Zacko Enterprises, LLC and Leah and Patrick Higgins, propose the expansion of an existing pier (recognized under TRPA File #19830179STD) located at 6160 and 6190 West Lake Boulevard, Homewood, Placer County, California. The pier expansion includes adding a 6,000 lb. boatlift. No change to the pier length and width dimensions are proposed as part of the project. The existing pier straddles the littoral parcel boundaries of APNs 098-031-006 and 098-031-005. As part of this project and authorization to expand the existing pier, the pier will be designated as a multiple parcel pier. It is the designation of the multiple parcel pier that prompts Governing Board review and approval. The proposed boatlift and existing pier structure complies with development and location standards for multiple-parcel piers. 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 A).

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.

Project Description/Background:

The proposed project involves constructing a new 6,000 lb. boatlift on a legally existing pier (recognized under TRPA File #19830179STD). The pier previously had a boatlift structure that has since been removed above the waterline. The previous boatlift structure was replaced in 2014, under Qualified Exempt Activity Declaration. TRPA has since determined that the original boatlift structure was not legally existing. The applicant received an allocation from the 2020 mooring lottery to construct the boatlift. (TRPA File #MOOR2021-1901, Mooring Allocation #TRPA-20-MOOR-045) The new proposed boatlift and existing pier structure complies with development and location standards for multiple-parcel piers. The project will be using existing pilings for the new boatlift structure. No new pilings are

proposed or approved as part of the project. The lake bottom disturbance of the existing pilings is .64 square feet. As retroactive mitigation, one 1' by 1' rock pyramid will be installed by hand lakeward of elevation 6229' on the lake bottom to serve as fish habitat mitigation.

The existing pier has 170 square feet of visible mass which counts toward the total allowable 400 square feet for multiple-use pier serving two residential units. The total *allowable* visible mass does not include accessory structures such as boatlifts, handrails, and ladders; however, all additional mass added by a project must be mitigated for scenic impacts. The project will add 83.47 square feet of additional visible mass, for a total visual mass of 253.47. The additional visible mass will be mitigated at a ratio of 1:2, or 167 square feet of vegetative screening lakeward of the existing wooden fence.

No further impacts to the lake bottom substrate or beach are proposed or approved as part of the project. No changes to the existing access, land coverage, pier accessories (e.g., swim ladder), or dimensions of the pier structure are proposed or will be approved as part of this project.

Recognition of a Multiple-Parcel/Multiple-Use Pier:

Per TRPA Code section 84.4.3.C.1.b, multiple-use piers include those which serve two or more primary residential littoral parcels. The existing pier straddles the littoral parcel boundaries of APNs 098-031-006 and 098-031-005 and serves the primary use of two residential properties located upland on APNs 098-032-014 and 098-032-013. As part of this project, the pier will be designated as a multiple-use pier.

Per TRPA Code section 84.4.4.E., multiple-use piers shall be deed restricted to extinguish future pier development potential on all parcels served by the pier. As a result of the project, the project area consisting of four parcels (two littoral and two upland parcels) will be deed restricted to one pier. The proposed project complies with design and development standards for multiple-use piers.

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 primary residential littoral parcels, subject to deed restriction provisions.

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 the expansion of an existing pier and designation as a multiple-parcel pier, which are encouraged by the Regional Plan to reduce overall development potential along the shoreline of Lake Tahoe.

Staff has analyzed the potential environmental impacts of the proposed pier expansion 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 12, McKinney Bay, which is in attainment with the TRPA Scenic Threshold. Up to 400 square feet of visible mass is allowed for multiple-parcel/use piers serving two primary residential littoral parcels. The allowable visible mass does not include accessory structures such as boatlifts, handrails, and ladders. The existing pier has 170 square feet of visible mass which counts towards the 400 square feet of allowable visible mass. The proposed boatlift will add additional 83.47 square feet of visible mass, for a total of 253.47 square feet.

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. The project will add 83.47 square feet of additional visible mass. The additional visible mass will be mitigated at a ratio of 1:2, or 167 square feet of vegetative screening lakeward of the existing wooden fence. The proposed boatlift and existing pier structure complies with development and location standards for multiple-parcel piers.

The project area is also located in Scenic Roadway Unit 10, Quail Creek, which is in attainment with TRPA scenic thresholds. All pier materials shall be painted matte medium to dark grey as to not detract from the roadway scenic quality.

- B. Fish Habitat: This project area is located in fish habitat recognized as feed and cover and is in close proximity to spawning areas. The boatlift will utilize existing pilings, therefore no additional disturbance to the lakebed is anticipated or proposed at part of this project. However, to retroactively mitigate the previous installation of these pilings in fish habitat, the applicant will place a rock pyramid in the area adjacent to the pier as discussed previously within this staff summary and in the draft permit. (Refer to Attachment A, draft permit.)

As required by Article 10: *Miscellaneous* of the TRPA Rules of Procedure Section 10.8.E.4.a.iii, the applicant will be required to submit payment of \$600.00 for the addition to a pier to mitigate the impacts of development on fish habitat. (Refer to Attachment A, draft permit.)

- C. 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 four parcels associated with the project area (two primary littoral parcels and two upland residential parcels) will be deed restricted against future shorezone development and limited to one pier.
- D. Setbacks: TRPA Code, Section 84.4.3.B, requires that new piers comply with a 40-foot setback from all other piers as measured from the pierhead and 20 feet from the outer-most parcel boundary projection lines associated with the project area. The existing pier complies with these setback requirements.
- E. Public Access: All land area between high and low water shall be accessible to the public. The existing pier is open pilings and would not deter access. As part of a condition of approval, the applicant shall place a sign indicating the allowance of public access and the sign shall remain in perpetuity.

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 (fisheries and scenic). Additionally, the property would be deed restricted limiting the four subject properties to one shared pier. The IEC is available online: <https://parcels.laketahoeinfo.org/AccelaCAPRecord/Detail/ERSP2022-1117> .

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 April 20, 2023. California State Lands Commission, U.S. Army Corps of Engineers, California Department of Fish and Wildlife, nor Lahontan Regional Water Quality Control Board had received an application for the project as of the date of the SRC meeting. It is typical for an applicant to seek TRPA approval prior to submittal to other agencies with jurisdiction. This is to facilitate a more efficient process with the other jurisdictional agencies. No oppositional comments to the proposed project were provided at the April 20 meeting.

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.

Contact Information: For questions regarding this agenda item, please contact Jennifer Self, Principal Planner, at (775) 589-5261 or jself@trpa.gov.

Attachments:

- A. Draft Permit & Deed Restriction
- B. Proposed Plans

Additional Reference Materials:

The following materials reference in this staff report and/or related to the review of this project can be found online at <https://parcels.laketahoeinfo.org/AccelaCAPRecord/Detail/ERSP2022-1117>.

- Required Findings/Rationale
- 2018 Shorezone Code Conformance Table
- Initial Environmental Checklist

Attachment A
Draft Permit & Deed Restriction



May 24, 2023

Kaufman Edwards Planning
P.O. Box 1253
Carnelian Bay, CA 96140

ZACKO ENTERPRISES, LLC/ LEAH & PATRICK HIGGINS BOATLIFT ADDITION AND MULTI-PARCEL PIER DESIGNATION, 6160 & 6190 W LAKE BOULEVARD, HOMEWOOD, PLACER COUNTY, CALIFORNIA, ASSESSOR'S PARCEL NUMBERS (APNs) 098-031-006/098-032-014/098-031-005/098-032-013, TRPA FILE NUMBER ERSP2022-1117

Dear Applicant:

Enclosed please find the Tahoe Regional Planning Agency (TRPA) permit and attachments for the project referenced above. If you accept and agree to comply with the Permit conditions as stated, please make a copy of the permit, sign the "Permittee's Acceptance" block on the first page the Permit, and return the signed copy to TRPA within twenty-one (21) calendar days of issuance. Should the permittee fail to return the signed permit within twenty-one (21) calendar days of issuance, the permit will be subject to nullification. Please note that signing the permit does not of itself constitute acknowledgement of the permit, but rather acceptance of the conditions of the permit.

TRPA will acknowledge the original permit only after all standard and special conditions of approval have been satisfied. Please schedule an appointment with me to finalize your project. Due to time demands, TRPA cannot accept drop-in or unannounced arrivals to finalize plans.

Pursuant to Rule 11.2 of the TRPA Rules of Procedure, this permit may be appealed within twenty-one (21) days of the date of this correspondence.

Thank you very much for your patience in this matter. Please feel free to call me if you have any questions regarding this letter or your permit in general.

Sincerely,

A handwritten signature in blue ink that reads "Jennifer Self".

Jennifer Self
Principal Planner
Permitting & Compliance Department

CONDITIONAL PERMIT

PROJECT DESCRIPTION: Pier Expansion with Boatlift Addition & Multiple Parcel Pier Designation

APNs: 098-031-006 / 098-032-014 / 098-031-005 / 098-032-013

PERMITTEES: Zacko Enterprises, LLC, Leah & Patrick Higgins

FILE #: ERSP2022-1117

COUNTY/LOCATION: Placer/6160 & 6190 W LAKE BLVD, HOMEWOOD, CA

Having made the findings required by Agency ordinances and rules, the **TRPA Governing Board** approved the project on **May 24, 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 **May 24, 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)

FILE NO. ERSP2022-1117

Project Security Posted (1): Amount \$ 5,000 Type Paid _____ Receipt No. _____

Security Administrative Fee (2): Amount \$ _____ Paid _____ Receipt No. _____

Shorezone Mitigation Fee (3): Amount \$ 600 Type Paid _____ Receipt No. _____

Notes:

- (1) See Special Condition 9.F, below.
- (2) Consult the TRPA filing fee schedule for the current security administration fee.
- (3) See Special Condition 9.G, below.

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The Permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit authorizes the expansion of an existing pier (TRPA File #19830179STD) located at 6160 and 6190 West Lake Boulevard, Homewood, Placer County, California, and designation of the pier as a multiple parcel pier. The existing pier straddles the littoral parcel boundaries of APNs 098-031-006 and 098-031-005. The primary use of the pier are residential dwellings located on APNs 098-032-014 and 098-032-013. The pier expansion includes adding a 6,000 lb. boatlift. The boatlift will be constructed on existing pilings. No new pilings are proposed as part of the project. The applicant received an allocation from the 2020 mooring lottery to construct the boatlift. (TRPA File #MOOR2021-1901, Mooring Allocation #TRPA-20-MOOR-045)

Upon completion of the project, there will be a total of one multi-use pier with one attached boatlift and two mooring buoys associated with the project area, as follows:

Shorezone Structure	Associated APN(s)	TRPA File #	Mooring #
One multi-use pier and one attached boatlift	098-031-006 098-031-005 098-032-014	ERSP2022-1117 MOOR2021-1901 19830179STD	TRPA-20-MOOR-045

	098-032-013		
One mooring buoy	098-031-005 098-032-013	MOOR2009-3023	Mooring # 11418 (Registration #11162)
One mooring buoy	098-031-006 098-032-014	MOOR2009-3302	Mooring # 6082 (Registration #11437)

2. The project was heard before the interagency Shoreline Review Committee on April 20, 2023.
3. The existing pier has 170 square feet of visible mass which counts toward the total allowable 400 square feet for multiple-use pier serving two residential units. The total *allowable* visible mass does not include accessory structures such as boatlifts, handrails, and ladders; however, all additional mass added by a project must be mitigated for scenic impacts. The project will add 83.47 square feet of additional visible mass, for a total visual mass of 253.47. The additional visible mass will be mitigated at a ratio of 1:2, or 167 square feet of vegetative screening lakeward of the existing wooden fence.
4. The pier previously had a boatlift structure that has since been removed above the waterline. The previous boatlift structure was replaced in 2014, under Qualified Exempt Activity Declaration. TRPA has since determined that the original boatlift structure was not legally existing. The project will be using existing pilings for the new boatlift structure. No new pilings are proposed or approved as part of the project. The lake bottom disturbance of the previously existing pilings is .64 square feet. As retroactive mitigation, one 1' by 1' rock pyramid will be installed by hand lakeward of elevation 6229' on the lake bottom to serve as fish habitat mitigation.
5. This permit does not include the approval of modifications to the pier structural supports or decking, additional swim ladders, electrical panels or boxes, handrails, lighting, or other accessory structures. There is one existing swim ladder located on the existing pier.
6. The permit does not verify existing land coverage nor approve additional land coverage on the subject parcels. The project area has two existing buoys associated with the project area as specified in condition 1 of this permit. Locations of the buoys are subject to the original approval in 2009. Locations of the buoys have not be reviewed or approved as part of this permit. This permit does not approve the relocation of buoys nor approve additional moorings associated with the project area.
7. The expanded pier shall comply with all development and location standards in the TRPA Code of Ordinances Chapters 80 through 85.
8. The Standard Conditions of Approval listed in Attachment S shall apply to this permit.
9. Prior to permit acknowledgement, the following conditions of approval must be satisfied:
 - A. The site plan (Sheet 1) for the project area shall be revised to include the following:

1. Location and type of vegetative screening to be planted as mitigation for additional visible mass. Vegetative screening shall be planted lakeward of the existing wooden fence.
 2. Remove "Buoy Notes" section of the site plan. No mooring buoys are verified or approved as part of this permit. Mooring buoys associated with the project area are subject to the original approval referenced in condition 1 of this permit, including location.
 3. Identify which buoy is associated with APNs 098-031-005 and 098-032-013, and which buoy is associated with APNs 098-031-006 and 098-032-014.
 4. Add a notation on the plans that a floating fine mesh fabric screen or other material approved by TRPA shall be installed underneath the pier to capture any fallen materials during construction. 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.
 5. Add a notation that all pier materials shall be matte medium to dark grey. A TRPA inspector may require alternate colors depending on the background view of the project site.
 6. Add a notation that a public access sign shall be placed on the pier and remain in perpetuity. The sign shall indicate that the land area between high and low water is accessible to the public and where and how the public can access this portion of land. In addition to the requirements set forth in subsection 84.8.5, signs on piers shall not be larger than 12 inches high by 18 inches wide by 2 inches thick, unless otherwise required to meet safety regulations. Signs shall not exceed the standard railing height and shall be mounted on railings or on the pier rim joists.
 7. Add a notation stating the boat lift shall not extend more than four feet above the pier deck.
 8. Add a notation that superstructures, permanent umbrellas, canopies, storage racks for non-motorized watercraft, plant containers, and furniture other than benches shall be prohibited on the pier.
- 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 underwater photos of the project area indicating the conditions prior to the start of construction and after construction is completed. For the

purposes of this condition, the project area shall include the areas underneath the boatlift, including pilings, and the area where the fish habitat mitigation will be located.

- D. The permittee shall submit an access plan for the amphibian barge and construction related activities associated with this permit. The barge used for the proposed project will not be accessing the water by way of the beach on the subject parcels and will not be parking the barge on the beach for any duration of the project. If any unforeseen project related activity has the potential to impact the backshore, the Permittee shall conduct a Tahoe Yellow Cress (TYC) survey for the subject properties. Surveys shall be conducted during the growing season of June 15th through September 30th 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.
 - E. 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.
 - F. The project security required under Standard Condition I.B of [Attachment S](#) shall be \$5,000. Please see [Attachment J](#), Security Procedures, for appropriate methods of posting the security and for calculation of the required security administration fee.
 - G. Pursuant to Section 10.8.5.E.4.a.iii of the TRPA Rules of Procedure, the permittee shall submit a shorezone mitigation fee of \$600 for the addition of a boatlift to an existing pier.
 - I. The Permittee shall provide an electronic set of final construction drawings and site plans for TRPA Acknowledgement.
 - J. The Permittee shall record the provided deed restriction consistent with TRPA Code of Ordinances section 84.4.4.E in regards to the multiple-parcel designation which will extinguish future new pier development on the subject parcels.
10. It is the Permittee's responsibility to receive authorization and obtain any necessary permits from other responsible agencies for the proposed project.
11. The proposed project is located within feed and cover fish habitat in close proximity to fish spawning habitat. 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.

12. Disturbance of lake bed 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.
13. 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.
14. 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.
15. 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.
16. Prior to security return, the following conditions of approval must be satisfied:
 - A. The permittee shall provide post-construction underwater photos of the same locations of the project area consistent with condition 3.C of this permit.
 - C. The permittee shall provide a photo from Lake Tahoe looking back towards the project area demonstrating vegetative planting to mitigate 83.47 square feet of visible mass and photograph of the installed boatlift.
 - D. All pier materials shall be matte medium to dark grey. A TRPA inspector may require alternate colors depending on the background view of the project site.
 - E. A public access sign shall be placed on the pier and remain in perpetuity. The sign shall indicate that the land area between high and low water is accessible to the public and where and how the public can access this portion of land. In addition to the requirements set forth in subsection 84.8.5, signs on piers shall not be larger than 12 inches high by 18 inches wide by 2 inches thick, unless otherwise required to meet safety regulations. Signs shall not exceed the standard railing height and shall be mounted on railings or on the pier rim joists.
 - F. The project shall result in APN 098-031-005 in compliance with Best Management Practices (BMPs). The applicant will need to coordinate with the TRPA BMP team to demonstrate that no BMPs are required for the parcel or obtain a source control certificate, whichever is appropriate given site conditions.
17. 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.

END OF PERMIT

RECORDING REQUESTED BY:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449

WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attn: Jennifer Self, Principal Planner
TRPA File No.: ERSP2022-1117

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SHOREZONE DEVELOPMENT LIMITATIONS (“DEED RESTRICTION”)
TO BE RECORDED AGAINST APNs 098-031-006 and 098-032-014**

This Deed Restriction is made this _____ day of _____, 20_____, by Leah E. Higgins and Patrick Higgins, Trustees of the Higgins Family Trust, under instrument dated December 13, 2001 (hereinafter “Declarants”).

RECITALS

1. Declarants are the owners of certain real property located in Placer County, State of California, described as follows:

Lots 52 AND 52A, McKinney Shores, as shown on the map thereof filed in Book G of Maps, page 25, Placer County Records.

A.P.N. 098-032-013 & 098-031-005

Said parcel was recorded under document number 2016-0030318-00 on April 25, 2016, in the Official Records of Placer County, California, and having Assessor’s Parcel Number 098-032-013 and 098-031-005.

The above parcels are hereinafter collectively referred to as the “Property.”

2. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, Stat. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency (hereafter “TRPA”) pursuant to the Tahoe Regional Planning Compact.
3. Declarants received approval from the TRPA on May 24, 2024, for a pier expansion and designation of an existing pier as a multiple parcel pier subject to certain conditions contained on said approval, including a condition that the Declarants record a deed restriction permanently assuring that the parcels within the project area shall be limited to one shared pier amongst the four parcels. A second deed restriction shall be recorded against APNs 098-031-006 and 098-032-014.

DECLARATIONS

1. Declarant hereby declares that, for the purposes of satisfying TRPA's May 24, 2023 condition of approval (TRPA file number ERSP2022-1117), the Property identified herein shall be limited to one shared pier, extinguishing the ability for any single parcel within the project area to pursue an additional pier.
2. This Deed Restriction shall be deemed a covenant running with the land, or an equitable servitude, as the case may be, and shall be binding on the Declarant and Declarants' assigns, and all persons acquiring or owning any interest in the property.
3. This Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA or its successor agency, if any. TRPA shall be deemed and agreed to be a third-party beneficiary of this Deed Restriction, and as such, can enforce the provisions of this Deed Restriction.

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IN WITNESS WHEREOF, Declarants have executed this Deed Restriction this the day and year written below.

Declarant's Signature:

Dated: _____

Leah E. Higgins,
Trustee of the Higgins Family Trust, under instrument dated December 13, 2001

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF)
) SS.
COUNTY OF)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____
(typed or printed)

IN WITNESS WHEREOF, Declarants have executed this Deed Restriction this the day and year written below.

Declarant's Signature:

Dated: _____

Patrick Higgins,
Trustee of the Higgins Family Trust, under instrument dated December 13, 2001

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF)
) SS.
COUNTY OF)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____
(typed or printed)

APPROVED AS TO FORM:

Jennifer Self, Principal Planner
Tahoe Regional Planning Agency

Dated: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF NEVADA)
) SS.
COUNTY OF DOUGLAS)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____
(typed or printed)

RECORDING REQUESTED BY:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449

WHEN RECORDED MAIL TO:

Tahoe Regional Planning Agency
Post Office Box 5310
Stateline, Nevada 89449
Attn: Jennifer Self, Principal Planner
TRPA File No.: ERSP2022-1117

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
FOR SHOREZONE DEVELOPMENT LIMITATIONS (“DEED RESTRICTION”)
TO BE RECORDED AGAINST APNs 098-031-006 and 098-032-014**

This Deed Restriction is made this _____ day of _____, 20_____, by Zacko Investments II, LLC, a California limited liability company (hereinafter “Declarants”).

RECITALS

1. Declarants are the owners of certain real property located in Placer County, State of California, described as follows:

LOTS 51 AND 51A OF MCKINNEY SHORES, AS SHOWN ON THE MAP OF SAID MCKINNEY SHORES, FILED IN THE OFFICE OF THE COUNTY RECORDER OF PLACER COUNTY, CALIFORNIA, JUNE 26, 1961, AND OF RECORD IN BOOK G OF MAPS AT PAGE 25.

Said parcel was recorded under document number 2015-0099774-00 on November 16, 2015, in the Official Records of Placer County, California, and having Assessor’s Parcel Number 098-031-006 and 098-032-014.

The above parcels are hereinafter collectively referred to as the “Property.”

2. The Property is located in the Tahoe Region as described in the Tahoe Regional Planning Compact (P.L. 96-551, Stat. 3233, 1980), which region is subject to the regional plan and the ordinances adopted by the Tahoe Regional Planning Agency (hereafter “TRPA”) pursuant to the Tahoe Regional Planning Compact.
3. Declarants received approval from the TRPA on May 24, 2024, for a pier expansion and designation of an existing pier as a multiple parcel pier subject to certain conditions contained on said approval, including a condition that the Declarants record a deed restriction permanently assuring that the parcels within the project area shall be limited to one shared pier amongst the four parcels. A second deed restriction shall be recorded against APNs 098-031-005 and 098-032-013.

DECLARATIONS

1. Declarant hereby declares that, for the purposes of satisfying TRPA's May 24, 2023 condition of approval (TRPA file number ERSP2022-1117), the Property identified herein shall be limited to one shared pier, extinguishing the ability for any single parcel within the project area to pursue an additional pier.
2. This Deed Restriction shall be deemed a covenant running with the land, or an equitable servitude, as the case may be, and shall be binding on the Declarant and Declarants' assigns, and all persons acquiring or owning any interest in the property.
3. This Deed Restriction may not be modified or revoked without the prior express written and recorded consent of the TRPA or its successor agency, if any. TRPA shall be deemed and agreed to be a third-party beneficiary of this Deed Restriction, and as such, can enforce the provisions of this Deed Restriction.

///
///
///

IN WITNESS WHEREOF, Declarants have executed this Deed Restriction this the day and year written below.

Declarant's Signature:

Zacko Investments II, LLC

Dated: _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____)
) SS.
COUNTY OF _____)

On _____ before me, _____ a Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of _____ that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____
(typed or printed)

APPROVED AS TO FORM:

_____ Dated: _____
Jennifer Self, Principal Planner
Tahoe Regional Planning Agency

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) SS.
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who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Nevada that the foregoing paragraph
is true and correct.

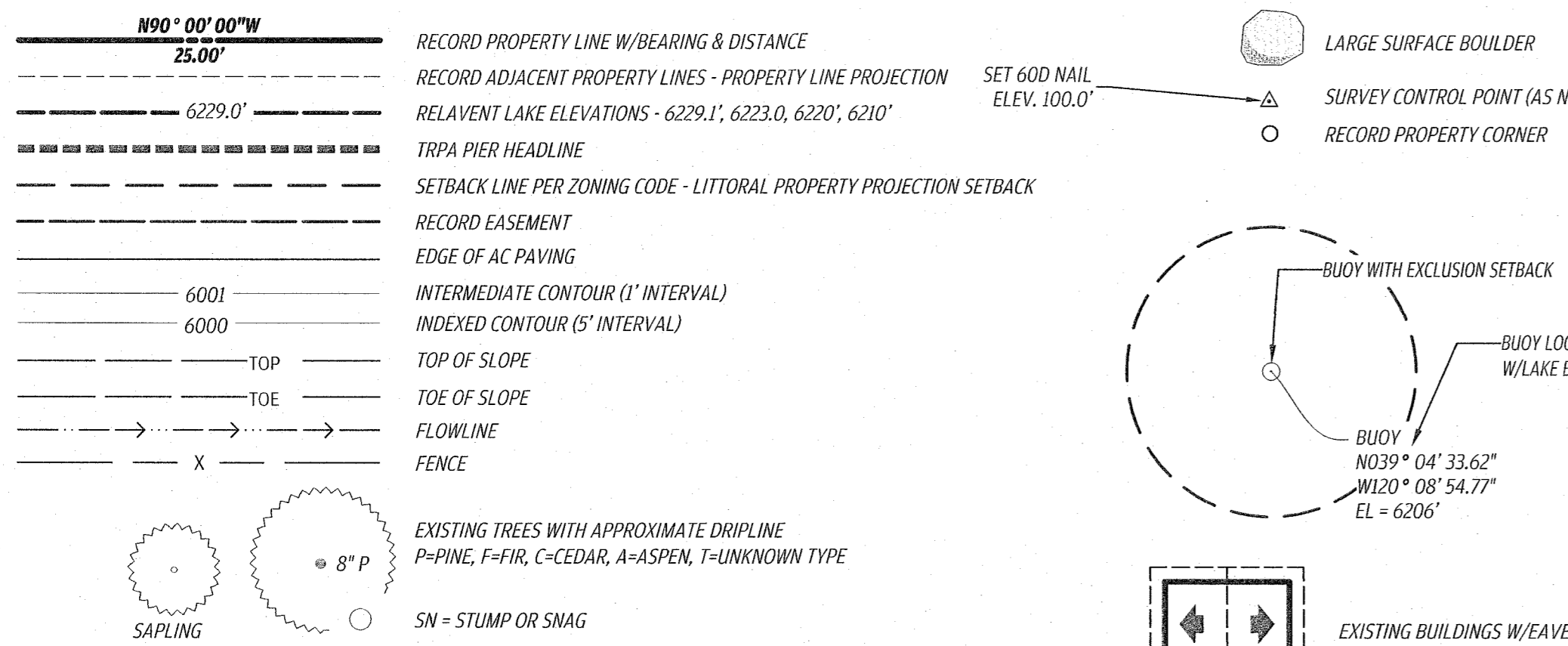
WITNESS my hand and official seal.

Signature: _____ (Seal)

Name: _____
(typed or printed)

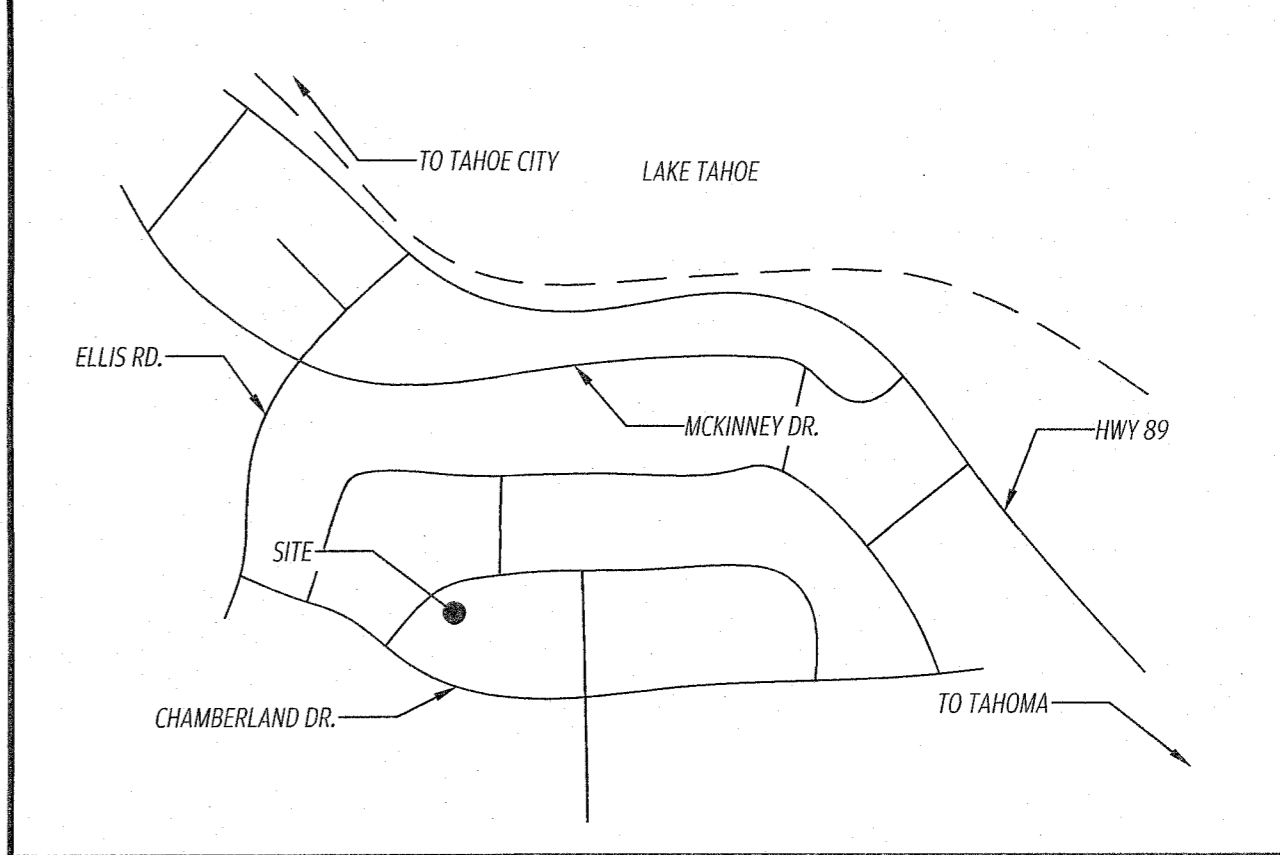
Attachment B
Proposed Plans

LEGEND:



NOTES:

- VERTICAL DATUM BASED ON FIELD MEASUREMENTS OF LAKE TAHOE AND SHOULD BE VERIFIED PRIOR TO USE IN ANY DESIGN. DATUM = LAKE TAHOE DATUM. HORIZONTAL DATUM IS STATE PLANES, CALIFORNIA ZONE II.
- THE BOUNDARY SHOWN HEREON IS TAKEN FROM RECORD DATA ROTATED TO GRID COORDINATES. PROFESSIONAL LAND SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP, TITLE EVIDENCE, OR ANY OTHER FACTS WHICH AN ACCURATE & CURRENT TITLE SEARCH MAY DISCLOSE.
- THE TOPOGRAPHY SHOWN HEREON MEETS THE STANDARDS OF THE AMERICAN CONGRESS OF SURVEYING & MAPPING WITH 90% OF THE CONTOURS TO BE WITHIN PLUS OR MINUS ONE HALF OF A CONTOUR INTERVAL.
- NO INVESTIGATION CONCERNING THE LOCATION OF OR EXISTENCE OF UNDERGROUND UTILITY SERVICE LINES TO THIS PROPERTY WAS MADE AS A PART OF THIS SURVEY.
- NO MAPPED STREAM MOUTH PROTECTION ZONES WERE WITHIN 300' OF SUBJECT PROPERTY.
- ALL UTILITY LOCATIONS MUST BE FIELD VERIFIED PRIOR TO ANY DESIGN OR CONSTRUCTION.
- DATE OF FIELD WORK AUGUST 3, 2021.
- BUILDING SETBACKS AND COVERAGE CALCULATIONS BASED ON PLACER COUNTY ZONING ORDINANCE AND THE TRPA AND MUST BE VERIFIED DIRECTLY WITH THE RELEVANT GOVERNING BODY PRIOR TO USE IN ANY DESIGN.
- THE DIGITAL DATA AND SURVEY CONTROL POINTS CONTAINED WITHIN THIS SURVEY ARE THE PROPERTY OF THE PROFESSIONAL LAND SURVEYOR. THE CLIENT NAMED ON THE TITLE SHEET IS PERMITTED A SINGLE-USE LICENSE FOR SAID DATA AND CONTROL POINTS FOR A PERIOD OF 2 YEARS FROM THE DATE OF FIELD WORK OUTLINED IN NOTE #6.
- THIS SURVEY SHALL NOT BE USED IN ANY DESIGN DOCUMENT, SUBMITTAL, OR FOR CONSTRUCTION UNLESS STAMPED AND SIGNED BY PROFESSIONAL LAND SURVEYOR.
- THE PROFESSIONAL LAND SURVEYOR ASSUMES NO LIABILITY IN THE USE TO THE DATA CONTAINED IN THIS SURVEY IF ANY EDITS ARE MADE TO SAID INFORMATION.



VICINITY MAP
NOT TO SCALE

ABBREVIATIONS:

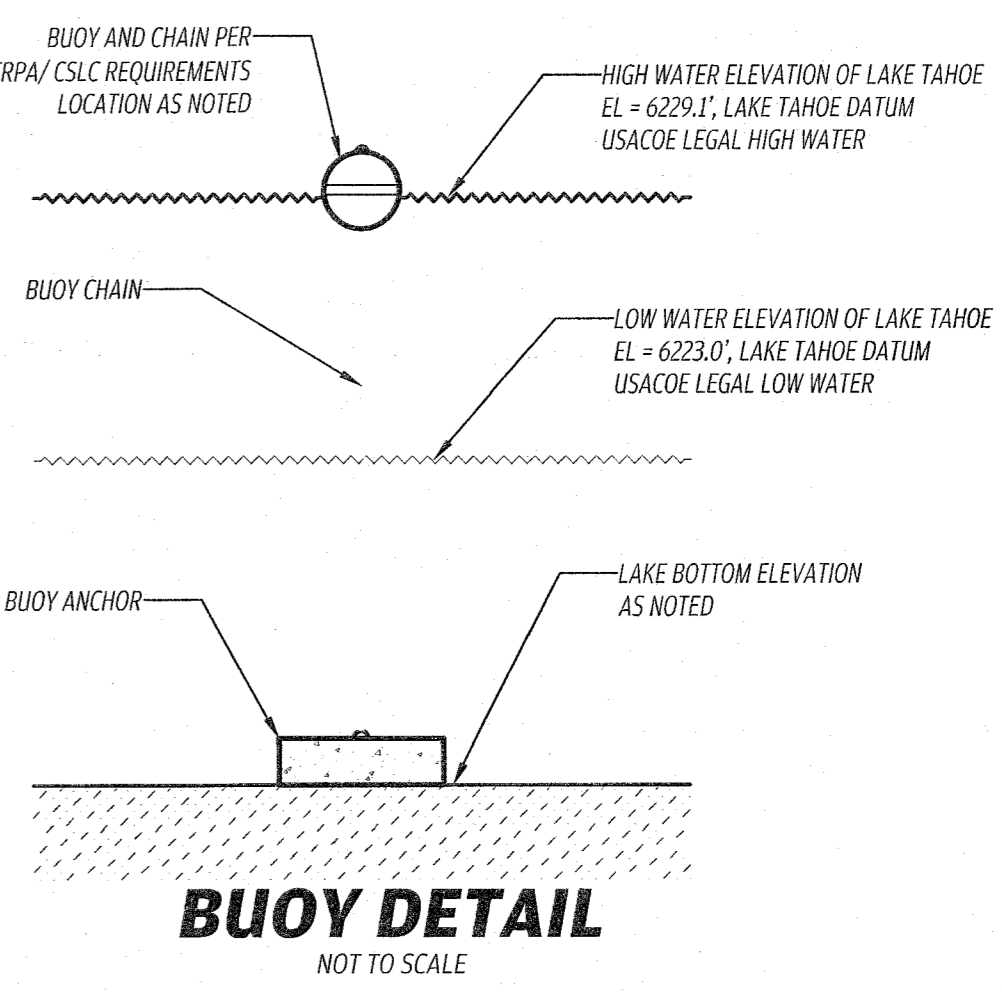
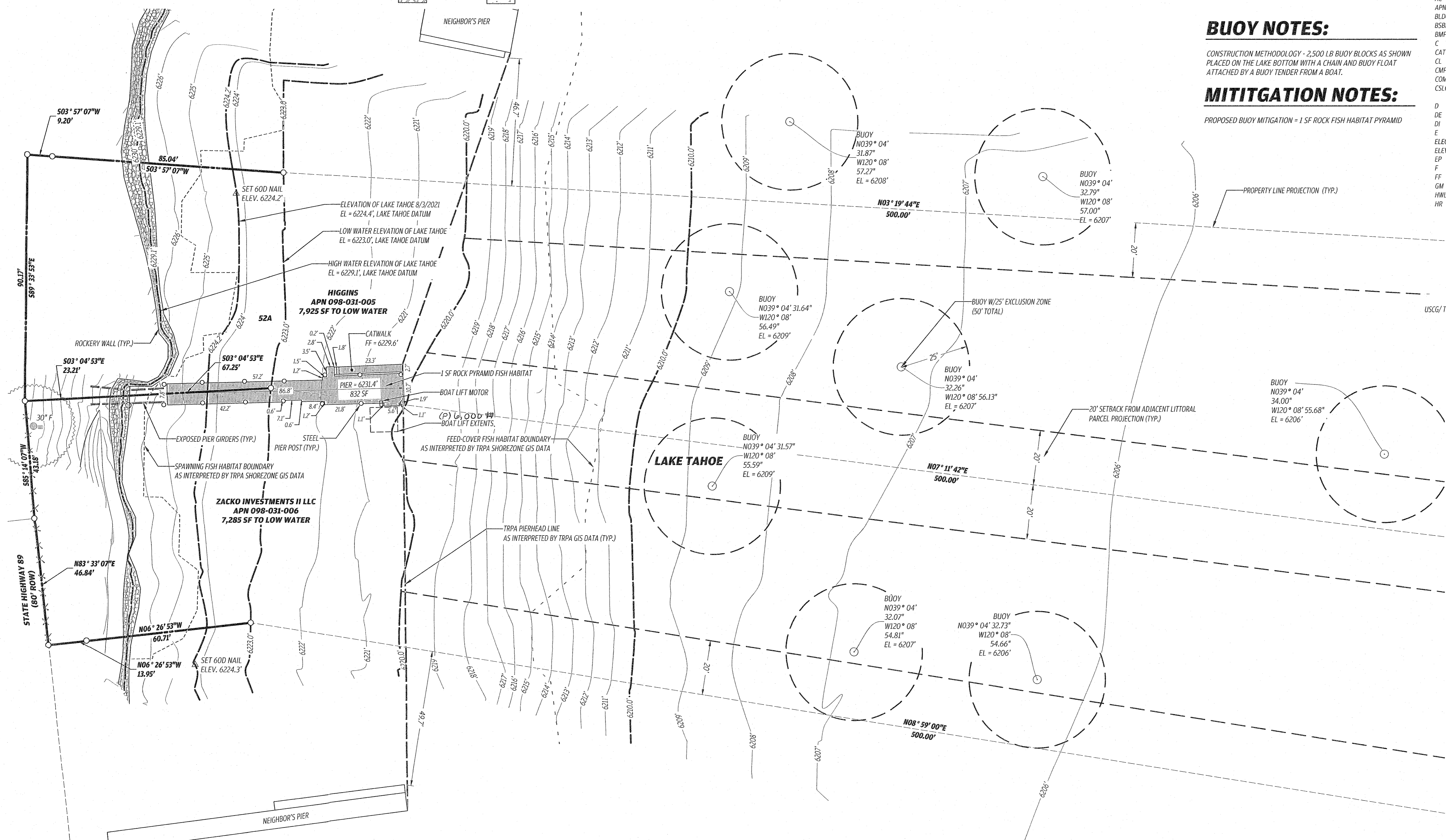
A	ASPEN	ICV	IRRIGATION CONTROL VALVE
AE	ACCESS EASEMENT	L	LENGTH
AC	ASPHALT CONCRETE	LF	LINEAR FEET
APN	ASSESSORS PARCEL NUMBER	LWL	LOW WATER LINE
BLOG	BUILDING	MPE	MULTI-PURPOSE EASEMENT
BSBL	BUILDING SETBACK LINE	N	NORTH
BMP	BEST MANAGEMENT PRACTICE	NAPOTS	NOT A PART OF THIS SURVEY
C	CEDAR	OHW	OVERHEAD WIRES
CATV	CABLE TELEVISION	P	PINE
CL	CENTERLINE	PP	POWER POLE
CMP	CORRUGATED METAL PIPE	PUE	PUBLIC UTILITY EASEMENT
COM	COMMUNICATIONS	R	RADIUS
CSLC	CALIFORNIA STATE LANDS COMMISSION	RE	RECREATION EASEMENT
D	DELTA ANGLE	ROW	RIGHT OF WAY
DE	DRAINAGE EASEMENT	S	SOUTH
DI	DRAINAGE INLET	SE	SEWER EASEMENT
E	EAST	SF	SQUARE FEET
ELEC	ELECTRICAL	SS	SANITARY SEWER
ELEV	ELEVATION	SSE	SNOW STORAGE EASEMENT
EP	EDGE OF PAVEMENT	SSCO	SANITARY SEWER CLEANOUT
F	FIR	SSMH	SANITARY SEWER MANHOLE
FF	FINISH FLOOR	ST	STREET
GM	GAS METER	T	TREE
HWL	HIGH WATER LINE	TBM	TEMPORARY BENCHMARK
HR	HEIGHT REDUCTION	TELE	TELEPHONE
		USCOE	UNITED STATES ARMY CORE OF ENGINEERS
		W	WEST, WATER
		WM	WATER METER
		WV	WATER VALVE

BUOY NOTES:

CONSTRUCTION METHODOLOGY - 2,500 LB BUOY BLOCKS AS SHOWN PLACED ON THE LAKE BOTTOM WITH A CHAIN AND BUOY FLOAT ATTACHED BY A BUOY TENDER FROM A BOAT.

MITIGATION NOTES:

PROPOSED BUOY MITIGATION = 1 SF ROCK FISH HABIT PYRAMID



REVISIONS BY

TERRAGRAPHIC LAND SURVEYING
 (530) 318-1761
 travis@terragraphic.net

TERRAGRAPHIC LAND SURVEYING
 PO BOX 266
 TAHOE CITY, CA 96145

PROPOSED SITE PLAN
ZACKO INVESTMENTS LLC
 6190 MCKINNEY DR. - APN 098-032-014
 LOT 504 & 524, MCKINNEY SHORES - G/MAPS/25
 PLACER CALIFORNIA

DATE: 5/28/2022
 SCALE: AS STATED
 DRAWN: TP
 JOB NO.: 21000
 SHEET: 1

DATE: 5/28/2022
 SCALE: AS STATED
 DRAWN: TP
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 SCALE: AS STATED
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