



# TRPA Legal Committee

*September 27, 2023*

*Beginning at 8:30a.m.*



TRPA Legal Committee  
*September 27, 2023*

**AGENDA ITEM 1**

# Approval of Agenda



TRPA Legal Committee  
*September 27, 2023*

**AGENDA ITEM 2**

# Approval of Minutes



# TRPA Legal Committee

*September 27, 2023*

## **Agenda Item 3**

APPEAL OF DENIAL OF SINGLE-USE PIER EXPANSION  
APPLICATION, 204 PINE STREET, PLACER COUNTY,  
CALIFORNIA, ASSESSORS' PARCEL NUMBER (APN) 098-  
210-012, TRPA FILE NUMBER ERSP2020-0373; APPEAL  
NO. ADMIN2023-0013



# TRPA Legal Committee

*September 27, 2023*

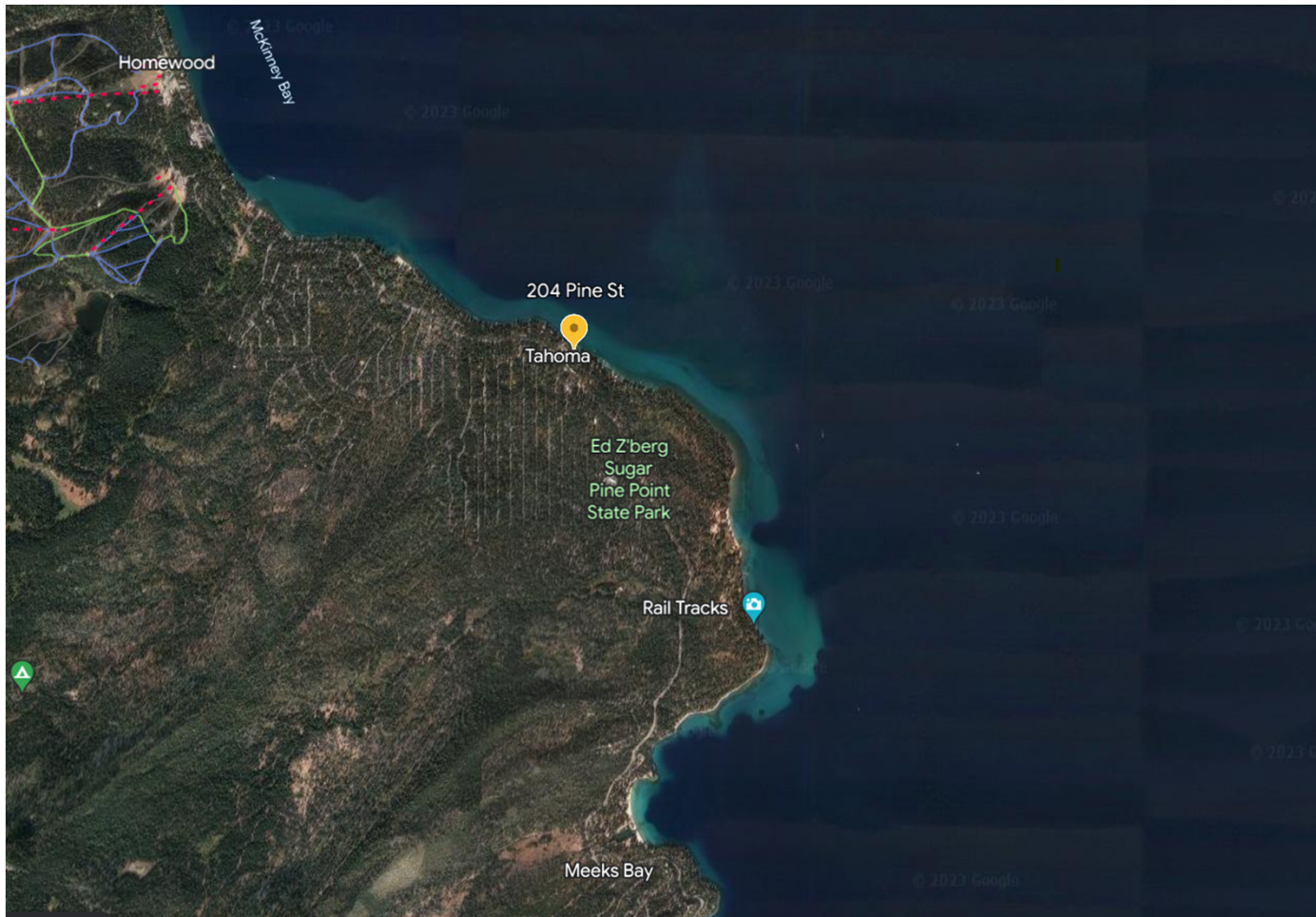
Agenda Item 3

## **STAFF PRESENTATION**

APPEAL OF DENIAL OF SINGLE-USE PIER EXPANSION  
APPLICATION, 204 PINE STREET, PLACER COUNTY,  
CALIFORNIA, ASSESSORS' PARCEL NUMBER (APN) 098-210-  
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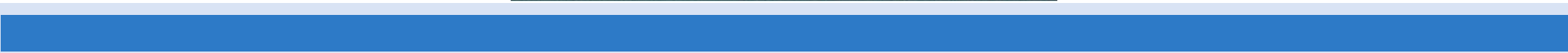
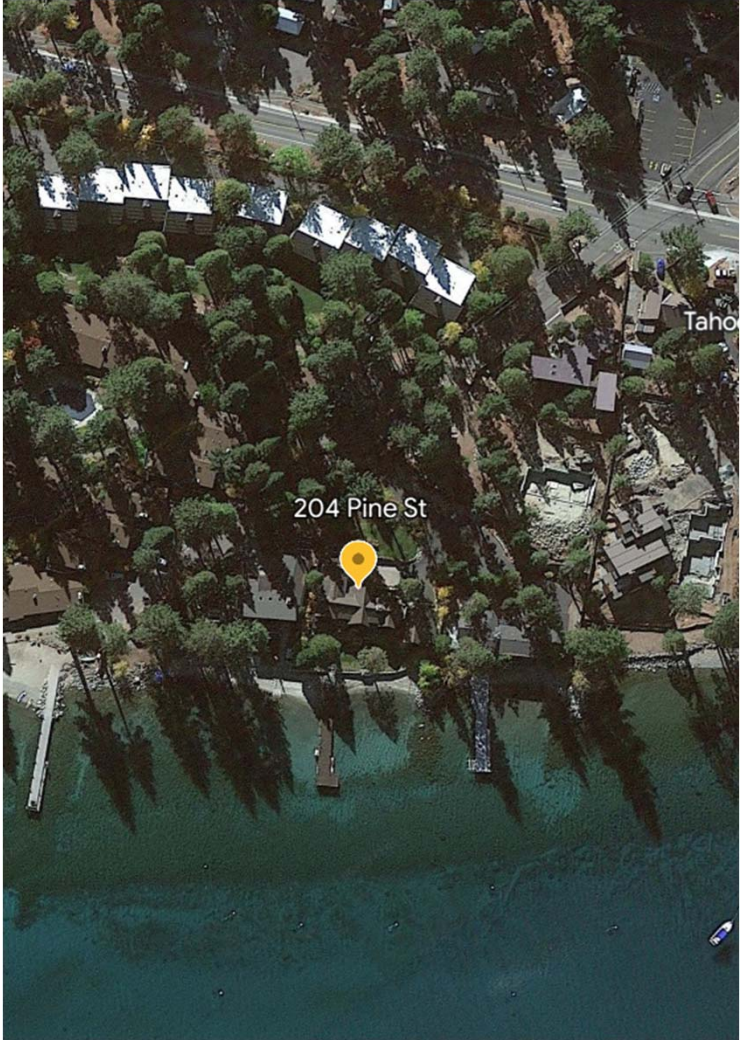


**TAHOE  
REGIONAL  
PLANNING  
AGENCY**



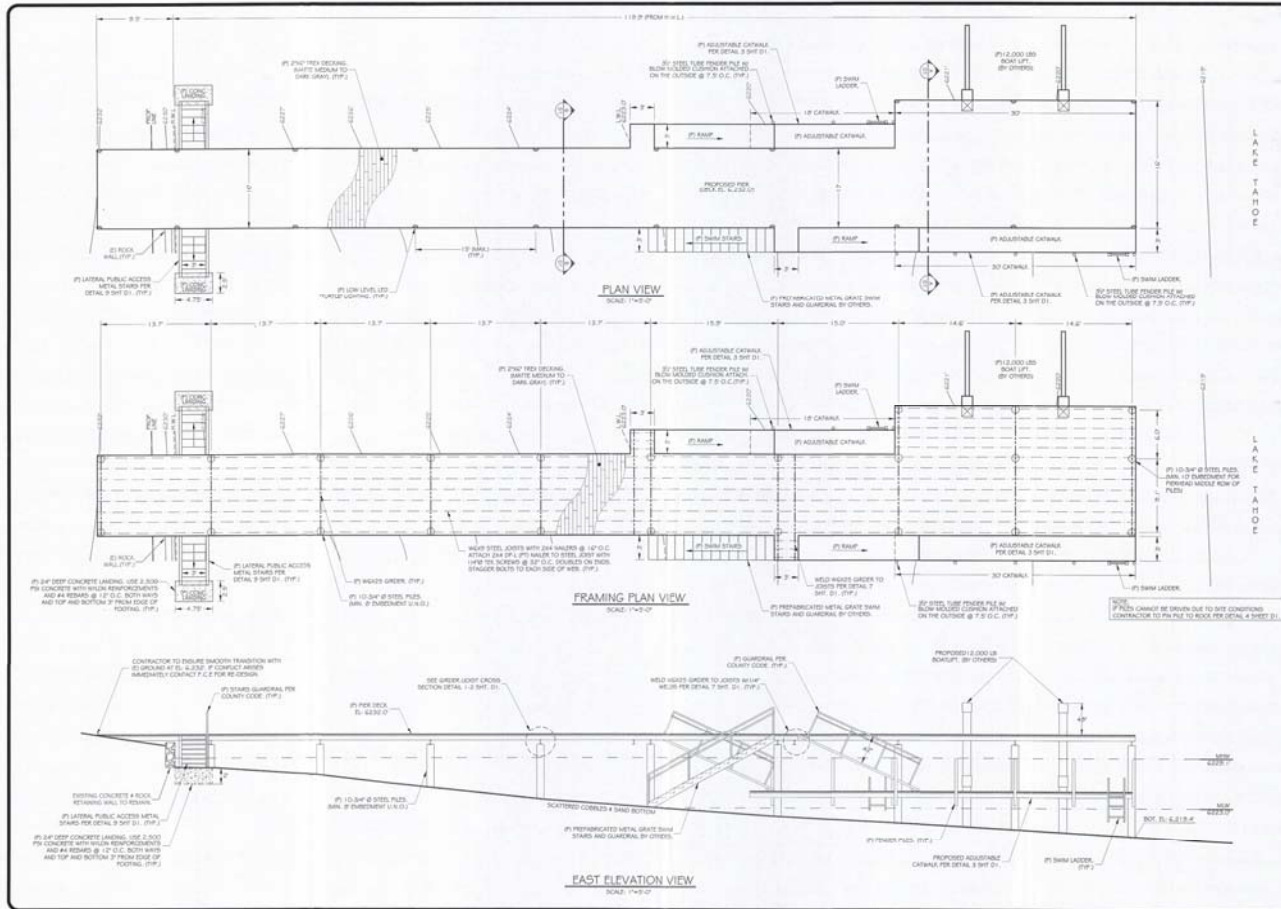


**TAHOE  
REGIONAL  
PLANNING  
AGENCY**





# TAHOE REGIONAL PLANNING AGENCY







## TRPA Code Definition of Expansion

...Within the shorezone, “expansion” means an increase in size or extent, including an increase in the dimensions of a structure, and the addition of any structure or edifice to an existing structure.



## TRPA Code Section 84.4.3.F.4.4. Expansion of a non-conforming pier

An existing pier that does not conform to the applicable development standards set forth in this Section shall not be expanded except if all of the following conditions are met:

- a. The expansion is limited to an existing boat house and does not increase the extent to which the boat house is non-conforming;
- b. The expansion shall not increase the functional capacity of the pier;
- c. The effect of the expansion is to increase the contrast rating of the structure;  
and
- d. The expansion is the minimum necessary to accomplish the scenic quality improvement set forth in (c) above.



# TRPA Legal Committee

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Agenda Item 3

## **APPELLANTS' PRESENTATION**

APPEAL OF DENIAL OF SINGLE-USE PIER EXPANSION  
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CALIFORNIA, ASSESSORS' PARCEL NUMBER (APN) 098-210-  
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ADMIN2023-0013

# Thompson Appeal

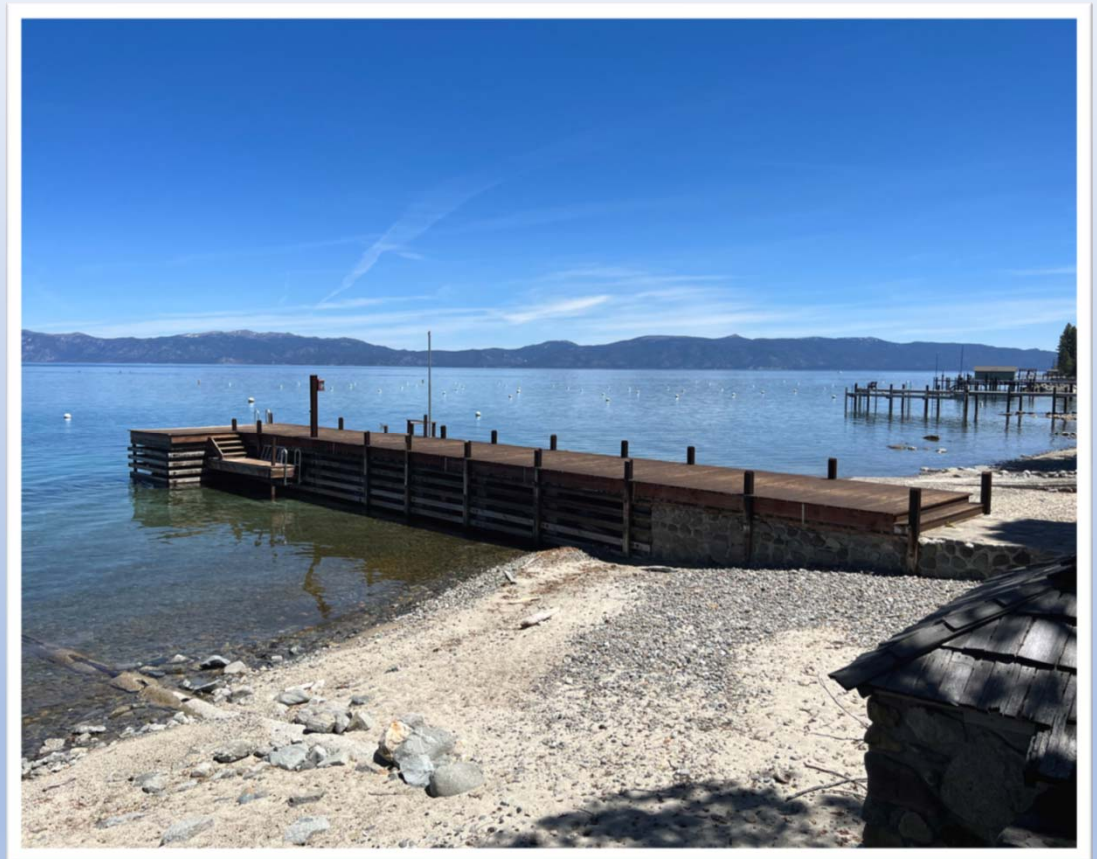
204 Pine Street

Tahoma, CA

Placer County APN 098-210-012

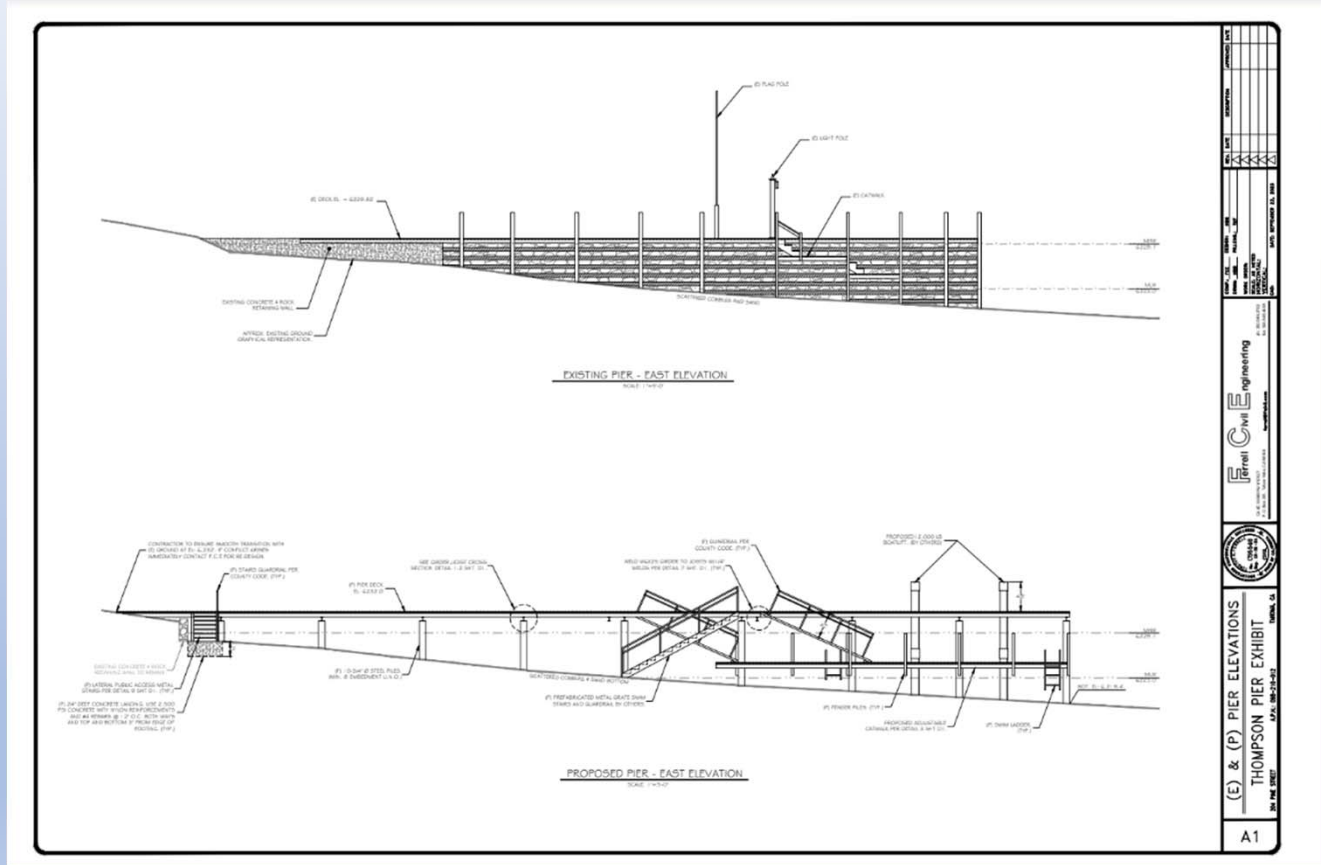
TRPA File # ERSP2020-0373

Appeal File # ADMIN2023-0013



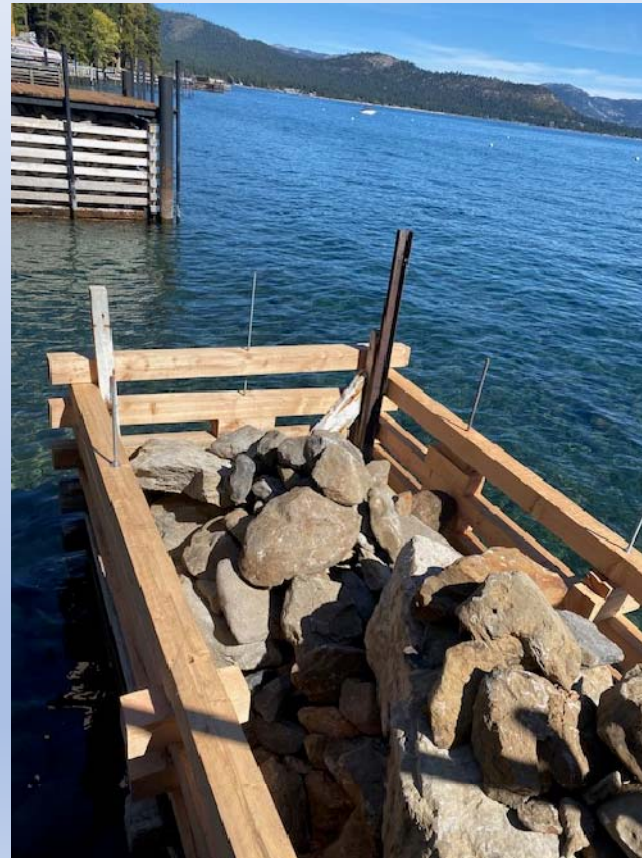
# Project Scope

- Convert the existing rock crib and concrete pier to an open piled pier
- Decrease the pier width from 11' to 10'
- Decrease the pierhead width from 20' to 16'
- Converting both catwalks to adjustable
- Trade an existing buoy and block for a 12,000 boatlift
- Replace the existing catwalks with less visible, adjustable catwalks
- Installing stairs below the high-water line for public trust access
- Extending the pier in conformance with the TRPA Code



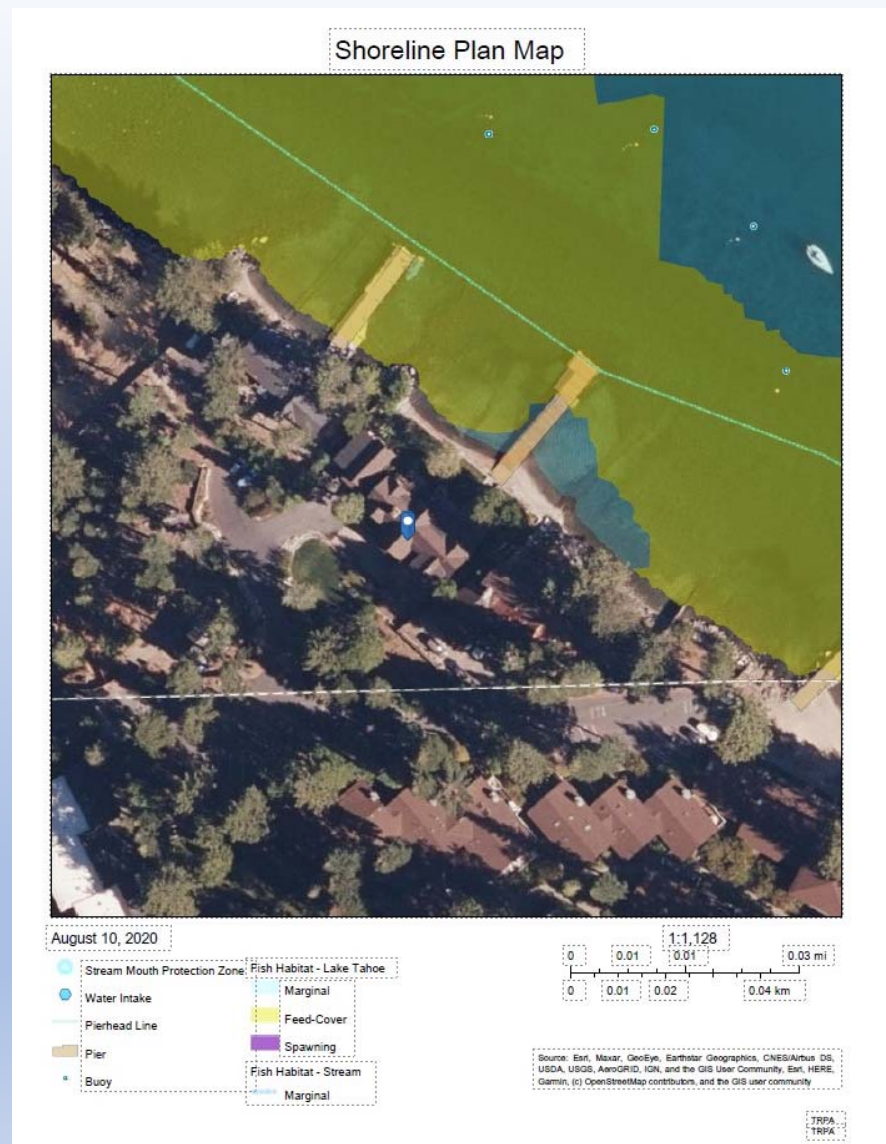
# Environmental Benefits

- Rock crib and concrete structures are extremely harmful to the environment
- Even repair of rock crib can be invasive



# Fish Habitat

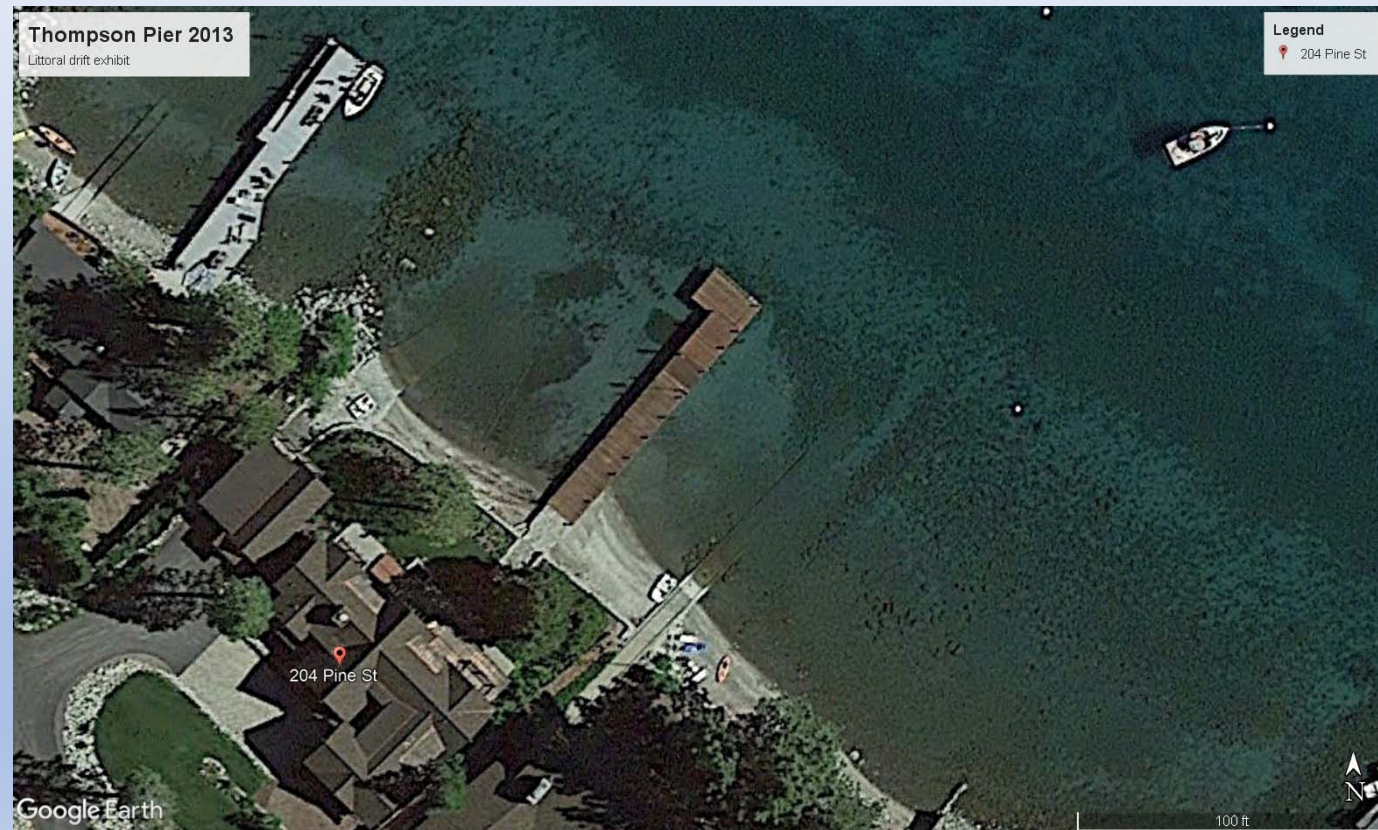
- Impact of rock crib pier on fish habitat
- Blockage to littoral drift degrades habitat from fees and escape cover to marginal
- Removal of structure completely restores natural fish habitat



# Environmental Benefits

## Littoral drift

- Replace existing solid structure pier to an open piled pier
- Removal of blockage to littoral drift will restore degraded habitat





# Scenic Benefits

- **Bring extraordinarily nonconforming pier into complete conformance with TRPA scenic standards**



# Water Quality Benefits

- Water level at 6227.8'
- During major storm events Lake Tahoe water level can go above 6229.1'
- Rock crib piers are highly reflective to wave energy



# Pre Application Consultation and Last Minute Change

- December 5, 2019 – Kaufman Edwards Planning and Paul Thompson met with TRPA to go over project scope. TRPA staff told applicant that they could proceed with an application because the pier would be becoming significantly more compliant with the proposed changes.
- December 2019-August 2020– Applicant worked with engineer on design and submitted applications to all agencies.
- November 4, 2020 – TRPA contacts applicant to say the project cannot be approved after the date hearing notices were to be sent out.
- Over \$70,000 has been spent on the project design, consulting and application fees.

# Suggested Code Amendment

- The following are modifications to existing piers that do not constitute an expansion of a pier:
  - A. Placement of bumpers on piers.
  - B. Removal of nonconforming structures (i.e. rock cribbing).
  - C. Handrails.
  - D. Swim ladders.
  - E. Pier deck height if there is a net decrease in the total visible mass of the pier.
  - F. Addition of a catwalk if taking the place of existing pier footprint and not creating additional mass.
  - G. Conversion of a rock crib to open piling pier, and notwithstanding the language below, including the conforming conversion of a buoy to a boat lift and minor conforming additional length.
- The following are modifications to existing piers that do constitute an expansion of a pier:
  - A. Additional pier width.
  - B. Additional pier length.
  - C. Addition of a boatlift.
  - D. Additional visible mass except for the additional visible mass created by the addition of structures/edifices/accessories listed above.



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Agenda Item 3

## **STAFF REBUTTAL**

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TRPA Legal Committee  
*September 27, 2023*

**AGENDA ITEM 3**

**Committee Member  
Comments/Questions**



# TRPA Legal Committee

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Agenda Item 3

## **PUBLIC COMMENT**



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## **PUBLIC COMMENT**



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**AGENDA ITEM 3**

**Committee Member  
Deliberation and Final Staff  
Recommendation**



TRPA Legal Committee  
*September 27, 2023*

**AGENDA ITEM 3**

A motion to recommend that the  
Governing Board continue the  
appeal.



## TRPA Legal Committee

*September 27, 2023*

### **Agenda Item 4**

**CLOSED SESSION WITH COUNSEL TO  
DISCUSS EXISTING AND POTENTIAL  
LITIGATION**

**Motion to move to closed session**



# TRPA Legal Committee

*September 27, 2023*

## Agenda Item 4

The Legal Committee is in Closed Session

**The Open Session will resume shortly**



TRPA Legal Committee  
*September 27, 2023*

**Agenda Item 5**

**POTENTIAL DIRECTION REGARDING  
AGENDA ITEM NO. 4**



TRPA Legal Committee  
*September 27, 2023*

**Agenda Item 6**

Committee Member Comments



# TRPA Legal Committee

*September 27, 2023*

Agenda Item 7



## **PUBLIC INTEREST COMMENTS**



# TRPA Legal Committee

*September 27, 2023*

Agenda Item 7



## **PUBLIC INTEREST COMMENTS**





## TRPA Legal Committee

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# Motion to Adjourn