

# TAHOE REGIONAL PLANNING AGENCY

128 Market Street  
Stateline, Nevada  
www.trpa.org

P.O. Box 5310  
Stateline, Nevada 89449

(775) 588-4547  
Fax (775) 588-4527  
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## HEARINGS OFFICER AGENDA OF MEETING FOR

Tahoe Regional Planning Agency  
128 Market Street, TRPA Conference Room  
Stateline, NV 89449

Date: August 17<sup>th</sup>, 2006  
2:00 p.m.

### AGENDA

- I. CALL TO ORDER
- II. APPROVAL OF AGENDA
- III. PUBLIC INTEREST COMMENTS (No Action)

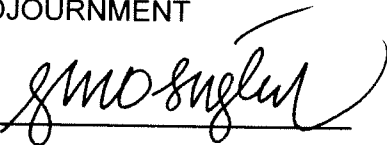
Any member of the public wishing to address the Hearings Officer on any agenda item not listed as an Announcement of Appeal Right or Public Hearing Item, or on any other issue, may do so at this time. However, public comments on Announcement of Appeal Rights or Public Hearing Items will be taken at the time those agenda items are heard.

NOTE: THE HEARINGS OFFICER IS PROHIBITED BY LAW FROM TAKING IMMEDIATE ACTION ON, OR DISCUSSING ISSUES RAISED BY THE PUBLIC THAT ARE NOT LISTED ON THIS AGENDA.

- IV. ANNOUNCEMENT OF APPEAL RIGHTS
- V. PUBLIC HEARING ITEMS
  - A. Chinquapin Homeowners Association Land Capability Challenge, 3600 North Lake Boulevard, California, Placer County, (APN) 093-620-47, TRPA File No. STD20060696
  - B. Williams and Michelle Green Recreational boating (Buoys) 8801 One Ring Road, Meeks Bay, California, (APN) 017-041-17, TRPA File No. STD20060362

- VI. ADJOURNMENT

By: \_\_\_\_\_



Executive Director

This agenda has been posted at the TRPA office and at the following places: Zephyr Cove and Stateline Nevada Post Office, Al Tahoe California Post Office and the El Dorado County Library.

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## MEMORANDUM

August 24, 2006

To: TRPA Hearing's Officer

From: TRPA Staff

Subject: Chinquapin HOA Land Capability Challenge, 3600 North Lake Blvd. Placer County APN: 093-620-47

Proposed Action: The applicant, the Chinquapin HOA, requests that the TRPA Hearing's Officer review and approve the proposed Land Capability Challenge on a specified upland portion the affected parcel.

Staff Recommendation: The staff recommends that the TRPA Hearing's Officer approve the land capability challenge for the upland portion of the parcel changing the land capability classes from 1a, 3 and 5 to classes 2, 4 and 6.

*The Stream Environment Zone and Backshore determinations are not included in this staff summary recommendation and will be confirmed with the up coming second phase of this Land Capability Challenge.*

Background: The first portion of land being challenged on this parcel is shown as land capability classes 1a, 3 and 5 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this upland portion of the parcel within the JhC (Jabu, stony sandy loam, 2-9 percent slopes), UmE (Umpa very stony sandy loam, 15 to 30 percent) and FuD (Fugawee very stony sandy loam, 2 to 15 percent) soil map units. The JhC, UmE and FuD soil map units are consistent with the D<sub>1</sub> and E<sub>2</sub> (Toe Slope Lands and Outwash Till and Lake deposits, low hazard lands) geomorphic unit classification. The Jabu, Umpa and Fugawee soils formed in residuum and alluvium derived from mixed andesitic sources.

Land capability verification was never conducted on this property. A land capability challenge was filed to confirm the soil series and land capability for the parcel.

Findings: The parcel is mapped within geomorphic unit the D<sub>1</sub> and E<sub>2</sub> (Toe Slope Lands and Outwash Till and Lake deposits, low hazard lands) on the TRPA Geomorphic Analysis Map of the Lake Tahoe Basin. The soils investigation was conducted by TRPA staff. Based on multiple soil auger samples, a representative soil profile was described (see Attachment A). After the visit to the parcel on July 18, 2006 the soils on the challenged portion of APN: 093-620-47 were determined to be consistent with land capability classes 2, 4 and 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

If you have questions on this agenda item, please contact Tim Hagan, at 775-588-4547 (ext. 275).

HEARINGS OFFICER /TH  
8/24/06

AGENDA ITEM V.G

SOIL INVESTIGATION FOR  
PLACER COUNTY APN: 093-620-47, 3600 North Lake Blvd.

INTRODUCTION

A soil investigation was conducted on APN: 093-620-47 in Placer County on July 18, 2006. Land capability verification was never conducted by TRPA staff on this parcel.

ENVIRONMENTAL SETTING

The first portion of the parcel being challenged is shown as land capability class 1a, 3 and 5 on the TRPA Land Capability Overlay Maps. The Soil Conservation Service Soil Survey for the Lake Tahoe Basin places this parcel within the JhC (Jabu, stony sandy loam, 2-9 percent slopes), UmE (Umpa very stony sandy loam, 15 to 30 percent) and FuD (Fugawee very stony sandy loam, 2 to 15 percent) soil map units. The JhC, UmE and FuD soil map units are consistent with the D<sub>1</sub> and E<sub>2</sub> (Toe Slope Lands and Outwash Till and Lake deposits, low hazard lands) geomorphic unit classification. The Jabu, Umpa and Fugawee soils formed in residuum and alluvium derived from mixed andesitic sources.

This parcel is on an east-southeast facing slope. The natural slopes associated with this part of the property are between 5 to 50 percent. The overstory vegetation is Jeffrey pine and White fir with an understory of greenleaf manzanita, whitethorn ceonothus and bitter brush.

*The Stream Environment Zone and Backshore determinations are not included in this staff summary recommendation and will be confirmed with the up coming second phase of this Land Capability Challenge.*

PROCEDURES

Multiple auger samples were retrieved on this parcel. After examination of the soil samples, the soils were described in detail as representative of the soils on the parcel. A copy of this description is included in this report. Slopes were measured with a clinometer.

FINDINGS

One soil series and three soil map units were identified on this parcel. The soil on this parcel is generally deep and well drained. This soil is characterized as having a very thin (< 1") sparse surface mantle of organic matter over a yellowish brown gravelly sandy loam surface horizon. The subsoil is comprised of a brown sandy clay loam to a depth of greater than 60 inches. This soil is dissimilar to any of the soil series or map units listed above because of the differences in parent material and the absence of specific sub surface diagnostic features. Therefore, these soils would be most accurately described as a member of the Tahoma and or Jorge soil series. These soils are either skeletal or non-skeletal members of Hydrologic Group B. The Tahoma soils have an argillic horizon within the control section and exhibit textures that are described as gravelly sandy loams and clay loams. Therefore, the portions of the property being challenged are assigned to the JwD, JwE and JwF (Jorge-Tahoma very stony sandy loam, 2 to 50 percent slopes) soil map units and are assigned to land capability classes 2 4 and 6.

Attachment A

CONCLUSION

Based on the results of this investigation the soils on APN: 093-620-47 was determined to be most analogous to the Jorge and Tahoma soil series and related slope phase map units. Based on slope and previously cited characteristics, the soils on this parcel would be associated with land capability classes 2, 4 and 6, in accordance with the Land Capability Classification of the Lake Tahoe Basin (Bailey, 1974).

Tim Hagan, Principal Planner/ Soil Scientist

Attachment A

APN: 093-620-47

Representative Soil Profile:

Soil Series: Jorge

Soil Classification: Loamy-skeletal, mixed, frigid, Ultic Haploxeralf

Drainage Class: well drained,

Hydrologic Group B

- Oi** 1 to 0 inches; Jeffrey pine and White fir needles and duff.
- A** 0 to 9 inches; yellowish brown (10YR 5/4) stony sandy loam, dark brown (10YR 3/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many very fine and fine roots, few coarse roots; many very fine and fine interstitial pores; 10 percent gravel, 15 percent stone; clear smooth boundary.
- A2** 9 to 19 inches; yellowish brown (10YR 5/4) gravelly sandy loam, dark brown (7.5 YR 4/4) moist; moderate, medium subangular structure; hard, friable, slightly sticky and slightly plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; common clay films on ped faces and lining pores 15 percent gravel, 15 percent stone; clear wavy boundary.
- Bt1** 19 to 44 inches; brown (7.5YR 5/4) gravelly sandy clay loam, dark brown (7.5 YR 4/4) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; 15 percent gravel, 15 percent stone; clear wavy boundary.
- BC** 44 to 58 inches; yellowish brown (10 YR 5/6) coarse sandy clay loam, dark yellowish brown (10 YR 4/6) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; common clay films on ped faces and lining pores 15 percent gravel, 5 percent stone; gradual wavy boundary.

Soil Series: Tahoma

Soil Classification: Fine-loamy, mixed, frigid, Ultic Haploxeralf

Drainage Class: Deep, well drained,

Hydrologic Group B

- Oi** 1 to 0 inches; Jeffrey pine and White fir needles and duff.
- A** 0 to 7 inches; yellowish brown (10YR 5/4) gravelly sandy loam, dark brown (10YR 3/3) moist; moderate fine granular structure; soft, loose, nonsticky and nonplastic; many very fine and fine roots, few coarse roots; many very fine and fine interstitial pores; 10 percent gravel, 15 percent stone; clear smooth boundary.

Attachment A

- Bw** 7 to 14 inches; yellowish brown (10YR 5/4) gravelly sandy loam, dark brown (7.5 YR 4/4) moist; moderate, medium subangular structure; hard, friable, slightly sticky and slightly plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; common clay films on ped faces and lining pores 15 percent gravel, 15 percent stone; clear wavy boundary.
- Bt1** 14 to 44 inches; brown (7.5YR 5/4) gravelly sandy clay loam, dark brown (7.5 YR 4/4) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; 15 percent gravel, 15 percent stone; clear wavy boundary.
- BC** 44 to 58 inches; yellowish brown (10 YR 5/6) coarse sandy clay loam, dark yellowish brown (10 YR 4/6) moist; moderate, medium subangular structure; hard, friable, slightly sticky and plastic; common fine, medium and coarse roots; many very fine and fine tubular pores; common clay films on ped faces and lining pores 15 percent gravel, 5 percent stone; gradual wavy boundary.

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## TAHOE REGIONAL PLANNING AGENCY STAFF SUMMARY

Applicant: William and Michelle Green

Application Type: Buoy Application

Applicant's Representative: Jerusha Hall, Hall Environmental

Agency Staff: Gretchen Gibson, Associate Planner

Location: 8801 One Ring Road, Meeks Bay, California

Assessor's Parcel Number/Project File Number: 017-041-17/20060362

Staff Recommendation: Staff recommends that the Hearings Officer approve the project based on this staff summary and evidence contained in the project record. The recommended conditions of approval are listed in the Special Conditions of the draft permit attached to this staff summary.

Project Description: This is a proposal for the placement of new structures (2 new mooring buoys) within the shorezone. Currently a pier and two TRPA permitted buoys exist on the property. An adjacent developed property also owned by William and Michelle Green contains two unauthorized buoys. This adjacent property borders public land which has been designated as a scenic resource (D. L. Bliss State Park and the adjacent sandy beach area). This project would include the removal of the two unauthorized buoys from the property having APN 017-041-18. The buoys would be relocated and placed in the vicinity of the existing pier and two authorized buoys on APN 017-041-17. The draft permit includes a condition that the adjacent parcel (APN 017-041-18) will be deed restricted limiting future shorezone development such that the owner will be precluded from placing two buoys on this parcel.

The proposed buoys are to be located less than 350 feet from the shore measured from High Water Line. These mooring buoys are considered new shorezone structures as there are no previous TRPA permits or approvals for these two buoys. No other physical modifications to the subject property are proposed in relation to this application at this time.

Site Description: The project area consists of an approximately seventeen and a half (17 ½) acre littoral parcel APN 017-041-17 located in El Dorado County. The parcel contains approximately 220 linear feet of shoreline. The proposed buoys would be located in mapped and verified Marginal Fish Habitat.

Issues: The proposed project involves the placement of new structures (mooring buoys) within the Shorezone and therefore requires a Hearings Officer public hearing in accordance with TRPA Code of Ordinances, Chapter 4, Appendix A. The main issues relating to this project proposal are scenic quality and single use.

Discussion: The proposed project involves the placement of new structures (mooring buoys) within the Shorezone. As noted above, under TRPA Code of Ordinances Section 54.6, TRPA may approve up to two new single use buoys for an individual littoral parcel.

A. Scenic Analysis:

The project is located in TRPA Shoreline Scenic Unit 8, Rubicon Point which is currently in nonattainment with scenic threshold standards. The project was reviewed under Level 3 (b) Option 2 of the Shoreland Scenic Ordinances, TRPA Code subsections 30.15.C (3) and 30.15.H (3). A baseline scenic assessment was completed for each parcel. The property which currently has two unauthorized buoys (APN 017-041-18) has a Composite Scenic Baseline Contrast Rating Score of 24. The property proposing the new buoys (APN 017-041-17) has a Composite Scenic Baseline Contrast Rating Score of 25. Both properties meet the minimum contrast rating score of 21. Additionally, the applicants will be required to mitigate 181.5 square feet of upland development to implement all required scenic BMPS in the shoreland. See the next paragraph for further explanation for the required upland mitigation. An updated landscaping plan demonstrating this new scenic mitigation is required in the draft permit conditions.

The visual mass of the 2 buoys (.5 sq. ft.) with a standard boat (60 sq. ft.), as measured in the water is equal to 60.5 square feet. Due to the project location within a scenic unit which is not in attainment and because the new shorezone development is visible from a scenic resource (D. L. Bliss State Park and the adjacent sandy beach area), mitigation shall be applied at the ratio of 1.5 to 1 for the new development. A total amount of 181.5 square feet of upland screening will be required as scenic mitigation for the project. The applicant may choose to fully mitigate the Shorezone structures by providing off-site mitigation that reduces the visual mass within the Shoreline Scenic Unit.

The resulting buoy field with a total of four buoys (two existing, two new buoys) on one parcel, while restricting the adjacent parcel from future development, will provide scenic quality benefits. The consolidation of shorezone development in one area will reduce clutter when viewed from Lake Tahoe. The shorezone development will be less noticeable from the previously mentioned identified scenic resource because the buoys will be located further away from that scenic resource. The applicant was required to either remove the buoys or submit an application to relocate the buoys as part of the approval for the new pier approved under TRPA file number 990015.

B. Single Use Facility

The applicant has submitted information; subdivision map and grant deed, which indicates that this parcel was never a part of the adjacent PUD or other subdivision. It should also be noted that this parcel is not a part of any residential land development for more than one person or family. The littoral parcel is not held in common ownership with a residential land development, or association. The littoral parcel is not within a residential land development served by multiple-use facilities.

Staff Analysis:

- A. Environmental Documentation: The applicant has completed an Initial Environmental Checklist (IEC) in order to assess the potential environmental impacts of the project. The project is not located in TRPA mapped prime fish habitat. No significant environment impacts were identified and staff has concluded that the project will not have a significant effect on the environment. A copy of the completed IEC will be made available at the Hearings Officer public meeting and at TRPA.



- B. Plan Area Statements: The project is located within the Plan Area Statement Number 147, Paradise Flat. The Land Use Classification is Residential. Buoys are considered an allowed use within this Plan Area Statement. The mooring buoys are allowed accessory structures when associated with an allowed primary use. A residence in the upland portion of the property fulfills this requirement. Agency Staff has reviewed the Plan Area Statement and has determined that the project is consistent with the applicable planning statement, planning considerations and special policies.
- C. Shorezone Tolerance District: The subject parcel is located within Shorezone Tolerance District 7. The standards in Shorezone Tolerance District 7 states that vehicle access to the shoreline shall not be permitted except where TRPA finds that such access will not cause environmental harm. Further access to buoys shall be designed to cause the least possible harm to the foreshore and backshore. This project, as conditioned, complies with the Shorezone Tolerance District standards.

Required Findings: The following is a list of the required findings as set forth in Chapter 6 and 50 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 for the placement of the two mooring buoys on the subject property, or has briefly summarized the evidence on which the finding can be made.

1. Chapter Six 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.

(1) Land Use: The proposed project involves the placement of two mooring buoys offshore of the privately owned subject parcel. The project is consistent with the goals and policies of the Regional Plan in that it: a) directs the amount and location of new land use appropriately; b) promotes the use of the waters of the Region for water-dependent outdoor recreation; and c) is conditioned to protect the scenic and natural qualities of Lake Tahoe and the surrounding area. The project is an allowed use within the Paradise Flat Plan Area Statement and is consistent with the permissible uses outlined in the Shorezone Chapters of the TRPA Code. The Land Use Classification in this area is residential. The mooring buoys are accessory structures to the existing Single Family Dwelling use. The placement of two mooring buoys is also consistent with the TRPA Code of Ordinances, Chapter 54, Mooring Buoy Location Standards. Section 54.6 specifically states a maximum of two mooring buoys may be permitted per littoral parcel. The placement of the two mooring buoys must be consistent with the location, design and construction standards outlined in TRPA Code Section 54. In this case, the two buoys allowed for one parcel, will be located on a neighboring parcel (owned by the same property owner). The parcel with no shorezone

development would be deed restricted to allow no buoys on this property in perpetuity as required in the draft permit.

- (2) Transportation: The proposed mooring buoys will not result in an increase of daily vehicle trip ends (dvte) to the subject parcel.
- (3) Conservation: The project is consistent with the fisheries, shorezone, and scenic subelements of the Conservation Element of the Regional Plan. The proposed buoys are located in TRPA mapped marginal fish habitat; and will not impact prime fish habitat areas: a) the use is water dependent (two mooring buoys) and access to the buoys shall be designed to cause the least possible environmental harm to the foreshore and backshore via the use of non-motorized personal water craft from the Shorezone b). The project does not propose any new access to the backshore areas; c). Access to the proposed mooring buoys will be consistent with the Shorezone Tolerance District development standards (see Staff Analysis Section C for additional information). The proposed color and design of the buoys shall be consistent with the Section 54.6.B of the TRPA Design and Construction Standards.

This project will not result in the obstruction or degradation of the scenic vista or view open to the public. The project was reviewed under Level 3 of the Shoreland Scenic Ordinances, TRPA Code Section 30.15.C (3) and TRPA Code Section 30.15.H. The visual mass of the buoy (.5 sq. ft.) and the standard boat (60 sq. ft.), as measured in the water, equals 60.5 square feet. The Draft Permit has been conditioned to ensure that the visual mass within the Shoreland of the subject parcel or within the Scenic Unit is reduced by a total of 181.5 square feet. Mitigation is being applied at 1 to 1.5 ratio or (base amount 181.5 square feet) 300 feet upland of high water in a scenic unit which is not in attainment per TRPA Code Section 30.15.C (4) (ii).

- (4) Recreation: This project does not require any additions to public recreational facilities. The project will provide private recreational opportunities for the single family dwelling on the parcel.
  - (5) Public Service Facilities: The proposed project does not require any additions to public services or facilities.
  - (6) Implementation: The proposed project does not require any allocations of development.
- b. The project will not cause the environmental threshold carrying capacities to be exceeded.

The basis for this finding is provided on the checklist entitled "Project Review Conformance Checklist and Article V(g) Findings" in accordance with Chapter 6, Subsection 6.3.B of the TRPA Code of Ordinances. All responses contained on said checklist indicate compliance with the

environmental threshold carrying capacities. A copy of the completed checklist will be made available at the Hearings Officer hearing and at the TRPA offices.

- 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 V9g) of the TRPA Compact, the project meets or exceeds such standards.

(Refer to paragraph 1.b, above.)

2. Chapter 50 – Required Shorezone Findings:

- a. The proposed project will not adversely impact: (1) littoral processes; (2) fish spawning; (3) backshore stability; and (4) on-shore wildlife habitat, including wildfowl nesting areas.

The proposed project will not have an adverse impact on littoral processes because the mooring buoys will be placed consistent with Section 54.6 of the TRPA Code. Staff is requiring the applicant to place the two buoys no closer than 300 feet from high water line. Access to the proposed mooring buoys will be consistent with the Shorezone Tolerance district development standards with the use of non-motorized personal water craft.

- b. There are sufficient accessory facilities to accommodate the project.

The subject property contains a single family dwelling with appropriate littoral access to the Shorezone. The placement of two mooring buoys off the subject privately owned littoral parcel is consistent with the use of the property.

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

The project, as conditioned, is compatible with existing lake and Shorezone uses and structures in the vicinity. The surrounding Shorezone uses consist of piers and buoys.

- d. The use proposed in the foreshore or nearshore is water-dependent.

The buoys by their nature are water dependent.

- e. Measures will be taken to prevent spills or discharges or hazardous materials.

The conditions of this approval prohibit the discharge of hazardous waste materials including petroleum products, construction waste and litter

(including sawdust), or earthen materials to the surface waters of Lake Tahoe. The design and construction of the mooring buoys must comply with the TRPA Code, Section 54.6B which adheres to the US Army Corp of Engineers or Coast Guard standards. No containers of fuel, paint, or other hazardous materials may be stored in the shorezone or backshore areas.

- f. Construction and access techniques will be used to minimize disturbance to ground and vegetation.

Buoy placement shall be done in a manner consistent with the TRPA Code, Section 52.3.k and 54.6.

- g. 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 proposed mooring buoys, as conditioned, will not adversely impact navigation or create a threat to public safety. The U.S. Army Corps of Engineers must also review this project for navigational safety. The U.S. Army Corps of Engineers have completed a preliminary review of the project and have not identified any safety or navigation impacts.

- h. 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 this project.

This project must receive approval from the California State Lands Commission, Lahontan RWQCB and California Department of Fish and Game and the U.S. Army Corps of Engineers. Comments from these agencies, and those agencies who are members of the Shorezone Review Committee, were solicited as part of the review of this project. The agencies have indicated that they do not have concerns regarding the proposed project; however, to date, the other agencies have not permitted the existing mooring buoys, nor have they received applications for the property owner to do so.

Required Actions: Agency Staff recommends that the Hearings Officer approve the project as modified by taking the following actions based on this staff summary and the evidence contained in the record.

- I. Approve a finding of no significant environment effect, based on this staff summary and evidence contained in the project file, for the findings contained in this staff summary.
- II. Approve the project, based on the staff summary, subject to the special conditions set forth in the attached Draft Permit.

Attachments and Exhibits:

Attachment A: Draft Permit

Attachment B: Project Site Plan

Attachment C: Mooring Buoy Detail & Proposed Buoy Field Layout

**DRAFT PERMIT**

PROJECT DESCRIPTION: Two Mooring Buoys

APN: 017-041-17

PERMITTEE(S): William and Michele Green

FILE #: 20060362

COUNTY/LOCATION: El Dorado County / 8801 Lands End Road

Having made the findings required by Agency ordinances and rules, TRPA approved the project on **August 17, 2006**, subject to the standard conditions of approval attached hereto (Attachment S) and the special conditions found in this permit.

This permit shall expire on **August 17, 2009** without further notice unless the construction has commenced prior to this date and diligently pursued thereafter. Commencement of construction consists of placement of the mooring buoy block. 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 CONSTRUCTION SHALL COMMENCE UNTIL 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.

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

\_\_\_\_\_  
Date

PERMITTEE'S 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 \_\_\_\_\_

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/gg

PERMIT CONTINUED ON NEXT PAGE

**APN: 017-041-17**  
**FILE NO. 20060362**

Security Posted (1): Amount \$10,000 Posted 9/1/05 Type CA/CK Receipt No. 431058

Security Administrative Fee (2): Amount \$144 Paid 9/1/05 Receipt No. 431058

Notes:

- (1) See Special Condition 3.E, below.
- (2) \$144 if a cash security is posted or \$74 if a non-cash security is posted.

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 specifically authorizes the installation of two mooring buoys resulting in a total of four buoys in Lake Tahoe offshore of the subject littoral property. The neighboring property having APN 017-041-18 will be deed restricted to prohibit any future buoys on this property. This permit does not waive the requirement for mitigation fees and/or the requirement for Best Management Practices (BMP's) to be placed on the upland development of the subject parcel. This permit does not authorize any additional new Shorezone Structures for the subject parcel. No change in coverage is authorized by this permit.
2. The standard conditions of approval listed in Attachment S shall apply.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.
  - A. The site plan shall be revised to include:
    - (1) TRPA 20-foot setback lines.
    - (2) Correct identification of High and Low Water Lines on both the site and detail plans.
    - (3) A note stating that the mooring buoys will be installed by use of a barge.

- (4) The location, species type, and size of the 181.5 square feet of screening/landscaping required reducing the visible mass of the structure in the upland on the subject parcel or within the Scenic Unit as scenic mitigation for the authorization of the mooring buoys.
          - (5) A deed restriction shall be recorded against the parcel having APN 017-041-18 restricting any future buoys and clearly indicating that the two buoys this parcel is eligible for have effectively been transferred to another parcel. Please provide the most recently recorded grant deed so that TRPA staff can prepare the deed restriction to be recorded.
        - B. The permittee shall provide, for TRPA review and approval, a photographic simulation that demonstrates the 181.5 square feet of screening/landscaping, as viewed from Lake Tahoe, required for scenic mitigation outlined in permit condition 3.A (5).
        - C. The security required under Standard Condition A.3 of Attachment R shall be \$2500. Please see Attachment J, Security Procedures.
        - D. The permittee shall submit three sets of final construction drawings and site plans to TRPA.
4. The mooring buoys shall conform to the location, color and design standards stated in Section 54.6 of the TRPA Code of Ordinances.
5. At no time shall the two mooring buoys extend beyond 350 linear feet from the high water line (6,229.1 LTD) of the subject property.
6. The two mooring buoys shall be located within the 20-foot TRPA setback lines. The setback lines are established by measuring 20 feet inward from each property line along the high water line. From this point, a setback line shall be projected lakeward and perpendicular to the tangent of the shoreline.
7. The location of the two mooring buoys shall avoid placement of the mooring buoy blocks in rock or cobble substrate that may be considered prime fish habitat.
8. The permittee shall display a Red (Residential) TRPA Buoy Identification Tag for each permitted buoy at all times. Upon placement of the two mooring buoys, the permittee shall tag the buoys and contact the TRPA Watercraft Team to schedule a site inspection to allow the structures to be mapped with a Global Positioning device.
9. The permittee shall implement the screening/landscaping required to reduce the visible mass in the upland either within the subject parcel or the Scenic Unit by 181.5 square feet as scenic mitigation for the mooring buoys.
10. Disturbance of the lakebed materials shall be kept to the minimum necessary for placement of the two mooring buoy anchors.
11. The two buoys shall be associated with parcel 017-041-17 only.



12. Gravel, cobble, and or small boulders shall not be disturbed or removed to leave exposed sandy areas, before, during or after construction.
13. Spray painting and the use of tributyltin is prohibited.
14. By accepting this permit, the permittee acknowledges that permits for this project may also be required from other regulatory agencies, including, but not limited to, the US Army Corp of Engineers, Lahontan RWQCB, California Department of Fish and Game and California State Lands Commission.

END OF SPECIAL CONDITIONS