

MINUTE ITEM

This Calendar Item No. 24
was approved as Minute Item
No. 7 by the State Lands
Commission by a vote of 3
to 0 at its 7-22-76
meeting.

CALENDAR ITEM

7/76
WP 3598
GDC

C4.

USE PERMIT

APPLICANT: Eric C. Schmidt and Valerie T. Schmidt
15 Country Club Drive
Hillsborough, California 94010

AREA, TYPE LAND AND LOCATION: One 0.085 acre parcel; two circular parcels,
each 40 feet in diameter and each containing
0.029 acre and one 0.007 acre parcel, in
Lake Tahoe near Tahoma, El Dorado County.

LAND USE: For one existing pier, two existing buoys and
one existing pipeline.

TERMS OF PROPOSED PERMIT:
Initial period: 5 years, from April 30, 1976.
Surety bond: \$5,000.

Special: (1) It is an express condition sub-
sequent of this permit that if any structure
hereby authorized is found to be in nonconfor-
mance with the Tahoe Regional Planning Agency's
Shorezone Ordinance and if any alterations,
repairs, or removal required pursuant to said
Ordinance is not accomplished within the
designated time period, then this permit is
automatically terminated, effective upon notice
by the State, and the site shall be cleared
pursuant to the terms thereof.

(2) As a supplement to Paragraph 6 of Section
5, Permittee hereby agrees that when the State's
boundaries are established, the State has the
right to revise the rate and amount of the
annual rental in addition to the rights stated
in Paragraph 2 of Section 5 hereof; together
with the right to approve existing improvements
and fills in place.

CONSIDERATION: \$100 per annum.

BASIS FOR CONSIDERATION:
\$100 fixed rental for this type of permit.

PREREQUISITE FERMS, FEES AND EXPENSES:
Applicant is owner of the upland.

Filing fee has been received.

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STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code: Div. 6, Parts 1 & 2.
- B. Administrative Code: Title 2, Div. 3
Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:

1. The pier is determined to be rent-free pursuant to Public Resources Code, Section 6503, but the applicant does not qualify for the rent-free benefits provided under Public Resources Code, Sec. 6327, for the pipeline as no known qualifying public agency has authorized the subject pipeline facility. The 2 buoys and pipeline are therefore subject to monetary rental requirements.
2. An Environmental Impact Report is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907(a) which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
3. This project is situated on State land identified as possessing significant environmental values, pursuant to Public Resources Code 6370.1, and is classified in a significant use category, Class B: Limited Use. Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

EXHIBITS: A. Land Description. B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF PRC 21085, 14 CAL. ADM. CODE 15100 ET SEQ., AND 2 CAL. ADM. CODE 2907.
2. FIND THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ. OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE ISSUANCE TO ERIC C. SCHMIDT AND VALERIE T. SCHMIDT OF A 5-YEAR USE PERMIT FROM APRIL 30, 1976; IN CONSIDERATION

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OF ANNUAL RENT IN THE AMOUNT OF \$100 WITH PROVISION OF A \$5,000 SURETY BOND; FOR ONE EXISTING PIER, TWO EXISTING BUOYS AND ONE EXISTING PIPELINE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

ATTACHMENT: Exhibit "A"

EXHIBIT "A"

WP 3598

Four parcels of land lying in the State owned bed of Lake Tahoe and being adjacent to a portion of the Northeast Quarter of Section 17, T 14 N, R 17 E, M.D.M., El Dorado County, California, described as follows:

PARCEL 1 (Pier)

COMMENCING at the southwesterly corner of the lands of Glenwood O. Smallcomb, Jr., as set forth in Superior Court Order No. 39763 recorded in Book 876 beginning at page 618 and described from Line 31, page 621, to Line 16, page 622, Official Records of El Dorado County; thence N 11° 48' E 858.47 feet along the northwesterly boundary of said lands of Smallcomb to a point hereinafter called Point "A"; thence S 17° 18' 27" E 1.61 feet to the TRUE POINT OF BEGINNING; thence N 34° 39' 44" E 123.00 feet; thence S 55° 20' 16" E 32.60 feet; thence S 34° 39' 44" W 51.00 feet; thence N 55° 20' 16" W 2.60 feet; thence S 34° 39' 44" W 72.00 feet; thence N 55° 20' 16" W 30.00 feet to the point of beginning.

EXCEPTING THEREFROM any portion thereof lying landward of the Ordinary High Water Mark of Lake Tahoe.

PARCEL 2 (Buoy)

That parcel of land included within the circumference of a circle having a radius of 20 feet, the center of said circle being located N 41° 37' 56" E 250.53 feet from Point "A" in Parcel 1 of this description.

PARCEL 3 (Buoy)

That parcel of land included within the circumference of a circle having a radius of 20 feet, the center of said circle being located N 56° 30' 11" E 275.27 feet from Point "A" in Parcel 1 of this description.

PARCEL 4 (Water Line)

A strip of land 3 feet in width lying 1.5 feet on each side of the following described centerline:

COMMENCING at Point "A" described in Parcel 1 of this description;
thence S 40° E 27.0 feet to the TRUE POINT OF BEGINNING; thence
N 34° 39' 44" E 242.0 feet to the end of the herein described
centerline.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water
Mark of Lake Tahoe.

END OF DESCRIPTION

Prepared M J Deaf Checked R L Blak
Reviewed J. J. Kinnicke Date 6/22/76
JJB