



OFFICE
128 Market St.
Stateline, NV

Phone: (775) 588-4547
Fax: (775) 588-4527

MAIL
PO Box 5310
Stateline, NV 89449-5310

www.trpa.org

HOURS
Monday-Friday
9:00 am-5:00 pm
New Applications Until 4:00 pm

trpa@trpa.org

NOTICE OF APPEAL INFORMATION PACKET AND APPLICATION

All applications are subject to an Information Technologies (IT) surcharge

How To Appeal a Tahoe Regional Planning Agency (TRPA) Decision

This packet explains the TRPA appeal process. The TRPA uses the best available science and planning practices to review each project individually so that the Tahoe Region can continue to be a national treasure for this and future generations. TRPA's thorough project review standards are designed to balance the impacts of the built environment with the protection of Lake Tahoe's fragile, natural environment. The Agency values every project applicant and works hard to serve the public promptly and fairly. Please read this packet thoroughly. We hope it answers most of your application questions. If not, please call TRPA at (775) 588-4547. Planners are available to assist you by phone or at our offices Monday through Friday, 9:00 a.m. to 5:00 p.m. Applications are received from 9:00 a.m. to 4:00 p.m.

Please be aware that we may require information beyond that presented in this packet. Once your application is submitted, TRPA will contact you if additional information is required to adequately review your project.

Appeal Process

You may appeal any Executive Director or Hearings Officer decision or action on projects or other matters to the TRPA Governing Board. This includes approval of a project, denial of a project, conditions of approval for a permit and decisions by staff or Hearing Officers. Final action by the Executive Director may be appealed to the Board by filing this notice of appeal with TRPA, including the required appeal fee, no later than 21 days after the final action (date on correspondence). Unless TRPA and the appellant agree in writing to a different deadline, the written statement of appeal must be received by the Agency within 30 days after the filing of the notice of appeal. Otherwise, the appeal will be dismissed. TRPA will place your appeal on the soonest available Governing Board agenda.

IPES appeals should be filed through the IPES appeal procedure discussed in Chapter 37 of the TRPA Code of Ordinances. A separate application form is available at TRPA for these types of appeals.

An appeal will not automatically stay the project or matter appealed. The appellant may request, as part of the written statement of appeal, a stay of the project or matter and any such request will be by affidavit or under penalty of perjury, and will include credible evidence of the need for a stay pending a hearing on the appeal before the Governing Board at its next regular meeting. The appellee will be given an opportunity, if possible, to provide written evidence of the hardship caused by a stay. The Chairman of the Governing Board will review any request for a stay of a project or matter and the evidence submitted therewith, and any evidence of the hardship on the appellee, will balance the equities and will determine, within two working days of the request, whether or not a stay will be issued.

Appeal of Denials

Appeals of denials by the Executive Director will be by review limited to the statement of appeal or staff position paper of the project or matter by the Board, subject to the same procedure and vote requirements that would apply had the project or matter originally been reviewed by the Board. Arguments and bases for appeals which are not included in the statement of appeal or staff position paper will not be raised before the Board.

Appeal of Approvals

Prior to hearing an appeal of an Executive Director approval, the Governing Board may find that, based on the written record before the Board, the appellant does not have sufficient interest in the outcome of the appeal to make an appeal, or has not alleged a violation of law, the Compact, Plan Area Statements, Goals and Policies, Code or other adopted TRPA plan. On such basis, the Governing Board may decline to hear the appeal.

If the Board determines to hear the appeal, it may take action to modify or revoke the approval by the same affirmative vote as would have been required to approve the matter before the Governing Board. Failure to take such action will be deemed a denial of the appeal.

Appeal Summary and Hearing

Prior to a hearing on an appeal, the Executive Director will prepare a staff position paper on the appeal. The staff position paper and the written statement of appeal will be mailed to the appellant and any other interested party and included in the Board packet at least seven calendar days before the Board meeting at which the appeal is scheduled to be heard. The appeal will be heard at a Governing Board and an action will be taken at that meeting regarding the appeal. For more information on Appeals and Rules of Procedure, see Article XI of the *Rules of Procedure* available at TRPA offices or online at www.trpa.org under "TRPA Regulations".



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NOTICE OF APPEAL FORM

Assessor's Parcel Number: _____ TRPA File Number: _____

Owner _____

Mailing Address _____ City _____ State _____

Zip Code _____ Email _____ Phone _____ FAX _____

Appellant _____ Same as Applicant

Mailing Address _____ City _____ State _____

Zip Code _____ Email _____ Phone _____ FAX _____

Project Location/Assessor's Parcel Number (APN) _____

Street Address _____ Subdivision _____ Lot # _____

County _____ Previous APN _____
(if changed by county assessor since 1987)

Action which is the Subject of Appeal:

- This appeal form and application fee **must** be submitted within 21 days from the time TRPA releases any final decision.
- A written statement (outlined below) must be submitted within 30 days from submission of this notice or the appeal will be dismissed.
- No additional notice will be given.
- A written statement must include the basis and argument for the appeal and all documentary evidence supporting the appeal.

No additional arguments or documentation will be considered at the time of the hearing.

DECLARATION:

I hereby authorize TRPA to access the property for the purpose of site visits. I hereby declare under penalty of perjury that this application and all information submitted as part of this application are true and accurate to the best of my knowledge. I am the owner of the subject property or I have been authorized in writing by the owner(s) of the subject property to represent this application and understand that should any information or representation be submitted in connection with this application be incorrect or untrue, TRPA may rescind any approval or take other appropriate action. I further understand that additional information may be required by TRPA to review this project.

I understand that I am responsible for all fees set forth in the TRPA Filing Fee Schedule (including cost recovery, filing fees and deposit accounts) associated with this application.

Signature: (Original signature required.)

_____ At _____ Date: _____
Person Preparing Application County

AUTHORIZATION FOR REPRESENTATION (Original signatures required):

The following person(s) own the subject property (Assessor's Parcel Number(s) _____) or have sufficient interest therein to make application to TRPA:

Print Owner(s) Name(s):

I/We authorize _____ to act as my/our representative in connection with this application to TRPA for the subject property and agree to be bound by said representative. I understand that additional information may be required by TRPA beyond that submitted by my representative to review this project. Any cancellation of this authorization shall not be effective until receipt of written notification of same by TRPA. I also understand that should any information or representation submitted in connection with this application be incorrect or untrue, TRPA may rescind any approval or take other appropriate action. I further accept that if this project is approved, I, as the permittee, will be held responsible for any and all permit conditions.

Owner(s) Signature(s): (Original signature required.)

_____ Date: _____
_____ Date: _____

FOR OFFICE USE ONLY

Date Received: _____ By: _____

Initial Filing Fee: \$ _____ Receipt No: _____

Per the TRPA Filing Fee Schedule, additional costs/fees may apply

Comments: _____

NOTICE OF APPEAL CHECKLIST

APPLICATIONS LACKING ANY OF THE FOLLOWING ITEMS WILL NOT BE ACCEPTED. TRPA OR YOUR LOCAL JURISDICTION MAY REQUIRE ADDITIONAL INFORMATION ABOVE AND BEYOND THE CHECKLIST ITEMS TO REVIEW THIS APPLICATION.

Each item and number corresponds to TRPA's [Master Checklist](#) (784 k download) available at our offices or online. Refer to the *Master Checklist* for more information on any item.

PROJECT NAME: _____

CURRENT ASSESSOR'S PARCEL NUMBER (APN): _____

PREVIOUS ASSESSOR'S PARCEL NUMBER (APN): _____

Applicant TRPA

- | | | |
|-------|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| _____ | _____ | 2. Complete Application with <u>original</u> signed authorization and checklist. |
| _____ | _____ | 3. Application Fee: Please refer to the TRPA Filing Fee Schedule (275k pdf) available at TRPA offices or online.
Filing Fee: \$ _____ + Information Technology (IT) surcharge: \$ _____ = \$ _____ |
| _____ | _____ | 22. Written Statement including the following: |
| _____ | _____ | a. TRPA File Number. |
| _____ | _____ | b. Action which is the subject of appeal. |
| _____ | _____ | c. The basis and argument for the appeal. |
| _____ | _____ | d. Documentary evidence supporting the appeal. |