REQUEST FOR LAND CAPABILITY CHALLENGE FORM

All applications are subject to an information technologies (IT) surcharge.

How to Apply for a Tahoe Regional Planning Agency (TRPA) Permit

This packet explains the TRPA process for challenging the TRPA’s determination of the Land Capability of a parcel. The TRPA uses the best available science and planning practices to review each project individually so that Lake Tahoe can continue to be an Outstanding National Resource Water 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 Monday through Friday, 9:00 a.m. to 5:00 p.m. Front counter hours are Monday, Wednesday, Thursday, Friday 9:00 a.m. to 12:00 p.m. and 1:00 p.m. to 4:00 p.m. Closed Tuesdays.

Applications are accepted until 3:00 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 request.

Please complete and sign the attached Land Capability Challenge request form and checklist and return it to TRPA offices with original signatures. Forms without an original signature from the property owner will not be accepted. Faxed signatures and xerox copies will not be accepted.

Getting Started

The included application checklist is your guide to a complete application and all items listed there must be included for your application to be considered. Among these things, the application must include a list of names, mailing addresses, and Assessor’s Parcel Numbers (APNs) of property owners within 300 feet of the subject parcel boundaries, and stamped envelopes addressed to the property owners on the list. The correct application fee and IT surcharge must also be included. For current application fees, please refer to the filing fee schedule available at TRPA offices or online at www.trpa.org.

A field evaluation of your parcel will be completed as soon as possible, weather permitting. Please keep in mind, the season in which field evaluations are completed is normally between May and October. To ensure that the accurate boundaries of the parcel are evaluated, please mark all parcel corners as described in the flagging instructions included in this packet. For evaluations of parcels greater than one acre, an additional fee may be needed for TRPA staff to complete the evaluation.

Once the fieldwork has been completed and the necessary reports written, you will be notified when your Land Capability Challenge is scheduled to be heard by an independent Hearings Officer.

Three copies of a new topographic survey map must be included with your challenge application. The new topographic survey can be derived from prior survey maps if it fulfills all the requirements of the checklist at the end of this document.

If you have questions regarding this procedure, please feel free to contact TRPA Environmental Review Services at (775) 588-4547.
Soil Test Pit & Notification

TRPA staff will need to describe the soil profile on your property as part of this application. In some instances, TRPA soil experts can hand auger a soil boring, however, there are many instances when a test pit or series of pits must be dug. In the event that digging is needed, excavation must be carried out by the owner or their representative. TRPA staff will notify you if test pits should be dug and will give direction on location and depth.

Within 30 days of submittal, TRPA staff will review this application for completeness. If additional items or more information is needed, a letter will be sent to you and/or your representative indicating whether soil test pits will be required. In certain instances, TRPA will not be able to determine the need for the soil test pit until it conducts an initial site visit. In that case, TRPA will notify the applicant as soon as practical. If the application is determined to be complete, a notice will be sent to you or your representative. Once complete, your application is now ready to be reviewed by TRPA staff for conformance with TRPA rules and regulations. A complete application notice is NOT a conceptual approval of your application, nor is it a determination that the information submitted for review is accurate or approvable.

Soil Test Pit “How To” Instructions

If it is determined that a test pit or a series of pits are required, TRPA will indicate on a topographic map where the pit or pits should be located. The applicant and a representative from TRPA will coordinate a date and time to examine the pit or pits (which will be excavated by the applicant prior to the meeting.) The process and specifications for excavating test pits are as follows:

1. Excavation is not permitted between October 15th and May 1st without TRPA written consent.
2. The applicant will need to confirm that the requested test pit location does not interfere with any existing utilities, irrigation, etc.
3. Dimensions – The test pit or series of pits should measure 3 feet (in length) x 2 feet (in width) x 5 feet (in depth). The depth requirement of 5 feet (60 inches) is critical to the analysis; bedrock refusal may result in termination of a test pit shallower than 5 feet.
4. If groundwater (water beneath the surface of the ground) is encountered, immediately stop excavation and contact the TRPA.
5. Excavated ground material (duff, dirt, etc.) must be stored in a manner that is consistent with TRPA Temporary Best Management Practices (BMPs).
6. The ground surface on one side of the test pit (or one side on each of the individual pits) must be left undisturbed (i.e. no disturbance of surface soil or vegetation caused by standing on the surface, storing excavated ground material or equipment, etc.)
7. Proper safety flagging and coverage of the test pit (or pits) will be in place to prevent accidents or injury (see TRPA indemnification below.)
8. The applicant will backfill the test pit (or pits) within 48 hours of TRPA review.

Timeline for Appeals

If an applicant wishes to appeal a final decision by TRPA, pursuant to Rule 11.2 of the TRPA Rules of Procedure, a Notice of Appeal form and filing fee must be submitted within twenty-one (21) days from the date TRPA issues its final decision (date on correspondence). After 21 days, no appeals can be made and the Agency’s decision is final.
Flagging of Lots

In order to locate the lots that are to be reviewed, it is necessary to “flag” them. With the varied topography of the Basin, it is difficult to write all-purpose instructions. The basic idea is to identify the lot by its parcel number and to indicate its boundaries. The TRPA field inspectors will have parcel maps with them that show the shape and approximate size of each lot.

Staking is the usual way of identifying a lot. One by two inch boards about 3 feet long are sharpened at one end and driven solidly into the ground at the corners of the property. In cases where there is heavy brush or tree cover, “surveyor tape” (brightly colored plastic ribbon) is tied to the tree or shrub nearest the stake. Information such as parcel number and last name can be written on the stakes with an indelible marker.

The diagram below indicates a properly marked lot. The assessor’s parcel number (APN) must be written on the stakes at the front of the parcel. The assessor’s parcel number (APN) is printed on your tax bill (not the street address or subdivision number). Print your last name on the stake as well.
# REQUEST FOR LAND CAPABILITY CHALLENGE

**Applicant**

- Mailing Address:  
- City:  
- State:  
- Zip Code:  
- Email:  
- Phone:  
- FAX:  

**Representative or Agent**

- Mailing Address:  
- City:  
- State:  
- Zip Code:  
- Email:  
- Phone:  
- FAX:  

**Owner**

- 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):  

**Brief Description of Project:**

**Plan Area Statement/Community Plan:**

**Property Restrictions/Easements** (List any deed restrictions, easements or other restrictions):

- None  
  
  (initial here): I hereby declare under penalty of perjury that all property restrictions and easements have been fully disclosed.

**Prior Approvals** (List any prior CTRPA/TRPA approvals/permits for the subject property):

- None  
  
  Description:  
  TRPA File No:  
  Date:  

  Description:  
  TRPA File No:  
  Date:  

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DECLARATION:
I hereby declare under penalty of perjury that this application and all information submitted as part of this application is true and accurate to the best of my knowledge. I am the owner of the subject property, or have been authorized in writing by the owner(s) of the subject property to represent this application, and I have obtained authorization to submit this application from any other necessary parties holding an interest in the subject property. I understand it is my obligation to obtain such authorization, and I further understand that TRPA accepts no responsibility for informing these parties or obtaining their authorization. I understand that should any information or representation submitted in connection with this application be inaccurate, erroneous, or incomplete, TRPA may rescind any approval or take other appropriate action. I hereby authorize TRPA to access the property for the purpose of site visits. I understand that additional information may be required by TRPA to review this project. (Edited 7/10)

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.)

Person Preparing Application At County Date:

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: ____________________________

__________________________

__________________________

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LAND CAPABILITY CHALLENGE CHECKLIST

APPLICANTS 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 available at our offices or online: Master Checklist and Design Criteria Document Refer to the Master Checklist for more information on any item.

PROJECT NAME: ____________________________________________________________

CURRENT ASSESSOR’SParcel NUMBER (APN): ____________________________________

PREVIOUS ASSESSOR’SParcel NUMBER (APN): __________________________________

Applicant TRPA

_____ _____ 1. Complete Application with original signed authorization and checklist.

_____ _____ 2. Application Fee: Please refer to the TRPA Filing Fee Schedule available at TRPA offices or online.

Filing Fee: $ ___________ + Information Technology (IT) surcharge: $ _____ = $ ________________

_____ _____ 3. Three (3) new copies of site plan or topographic map minimum size of 18”x 24” on blackline or blue print paper. The maps must include the following information:

_____ _____ a. All property lines.

_____ _____ b. Map scale (from 1:10 to 1:50) and north arrow.

_____ _____ c. Assessor’s Parcel Number (APN) and property address.

_____ _____ d. Property owner’s name(s).

_____ _____ e. Contour lines at two-foot intervals.

_____ _____ f. Parcels over one acre require identification of building site or proposed coverage.

_____ _____ 4. For projects requiring Hearings Officer or Governing Board review:

_____ _____ a. A list of names, addresses, and Assessor’s Parcel Numbers of property owners within 300 feet of the perimeter of the project area, addressed envelopes to same (with no return addresses), and postage (stamped, not metered).

_____ _____ b. Two copies of 8 1/2” x 11” plan reductions of site plan.

_____ _____ 5. Parcel staked and flagged per attached instructions.