TAHOE REGIONAL PLANNING AGENCY

Mail
PO Box 5310
Stateline, NV 89449-5310

Location
128 Market Street
Stateline, NV 89449

Contact
Phone: 775-588-4547
Fax: 775-588-4527
www.trpa.gov

NOTICE OF APPEAL INFORMATION PACKET

I. OVERVIEW

This packet shall be used for appealing a decision by the Tahoe Regional Planning Agency (TRPA) or a final decision made by a lead agency regarding an activity or project within a conforming Area Plan pursuant to a Memorandum of Understanding (MOU).

Appeal of a TRPA Decision

Executive Director decisions or actions on projects or other matters may be appealed 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 Officer. Final action by the Executive Director may be appealed to the Governing Board by filing this application with TRPA, including the required appeal fee, no later than 21 days after the final action (date of 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. Appeals will be processed pursuant to Article 11 and 14 of the Rules of Procedure.

Appeal of a Lead Agency Decision

An appeal of a final decision made by a lead agency regarding an activity or project within a conforming Area Plan pursuant to a MOU may only be filed by an "aggrieved person" as defined in Article V(j)(3) of the TRPA Compact. The basis for an appeal shall be limited to whether the decision by a lead agency is in accordance with an approved Area Plan and its implementing ordinances consistent with the Regional Plan and Compact. Appellants who are subject to the exhaustion provision in Compact Article VI(j)(3) shall exhaust all administrative remedies provided by the lead agency prior to appealing a decision to TRPA. An appellant shall file an appeal application to TRPA within 15 calendar days of the final lead agency decision. Decisions by the lead agency under independent local, state, or federal law are not subject to this appeal process. Appeals will be processed in accordance with TRPA Code, Section, 13.9: *Appeals*.

For any questions regarding information within this packet, please call 775-589-5333 or email TRPA@trpa.gov to speak with a permitting technician.

II. NOTICE OF APPEAL CHECKLIST ITEMS

To submit an online Notice of Appeal Application, click here. The following section contains a checklist of items to be submitted with your application.

- ☐ **Completed and signed application form.**
- ☐ **Application filing fee.**
- ☐ **Written statement to support the appeal claim.**
- ☐ **Documentation to support the appeal claim.** Additional documentation may be provided by the lead agency to augment the record.

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NOTICE OF APPEAL APPLICATION

Applications to TRPA can be submitted online through Accela Citizen Access. For assistance submitting a form or application online, please call 775-589-5333 or visit the TRPA front lobby.

Applicant Donna J Mapes 2013 Family Trust/John F. Mapes Power of Attorney

Mailing Address 10804 Rush Road No.4 City Austin State TX

Zip Code 78732 Email john@johnmapesarchitects.com Phone 512-965-1201

Representative or Agent Aubrey Powell, Esq. - Womble Bond Dickinson LLP

Mailing Address 1 East Liberty Street, Suite 300 City Reno State NV

Zip Code 89501 Email aubrey.powell@wbd-us.com Phone 775-321-3452

Owner _____ ☑ **Same as Applicant**

Mailing Address _____ City _____ State _____

Zip Code _____ Email _____ Phone _____

Project Location/Assessor's Parcel Number (APN): 085-252-001

Street Address 225 Rubicon Avenue, Homewood, CA

County Placer Previous APN(s) _____

Local Jurisdiction Contact/Title _____ **Phone** _____

File Number BUOY2025-0665

Property Restrictions/Easements *(List any deed restrictions, easements or other restrictions below in the space provided.)*

☐ None Electric transmission line easement, underground pipeline easement and a PUE.

I hereby declare under penalty of perjury that all property restrictions and easements have been fully disclosed. **Initial here:** AKP

Property Access & Restriction Information: (gates, dogs, etc.) ☐ **YES** ■ **NO**

If yes, describe:

Application Continues on Next Page

SIGNATURES

DECLARATION BY PROPERTY OWNER

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. By submitting this application, I agree to all TRPA regulations regarding Project Review as stated in Article 5 of the TRPA Rules of Procedure and other TRPA regulatory documents, including the TRPA application fee refund policy. I acknowledge that once the application is submitted, if I withdraw it for any reason, I will not be entitled to a full refund, and the amount of any refund will be determined by TRPA.

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.

Signature:

Aubrey K. Powell At Washoe County Date: 6/24/25

Owner or Person Preparing Declaration Form **County**

DECLARATION OTHER THAN PROPERTY OWNER

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 understand that should any information or representation submitted in connection with this application be inaccurate, erroneous, or incomplete, TRPA may take appropriate action. I understand that additional information may be required by TRPA to process this application.

Signature:

Aubrey K. Powell At Washoe County Date: 6/24/25

Person Preparing Declaration Form **County**

AUTHORIZATION FOR REPRESENTATION

Complete this section only if an agent or consultant is submitting this application on behalf of the property owner.

The following person(s) own the subject property **(Assessor's Parcel Number(s)** 085-252-001 **)** or have sufficient interest therein (such as a power of attorney) to make application to TRPA:

Print Owner(s) Name(s): John Mapes

I/We authorize Womble Bond Dickinson LLP 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):

Date: 06.24.25

Date:

June 24, 2025

Graham St. Michel
General Counsel
Tahoe Regional Planning Agency
128 Market Street
Stateline, NV 89449

Womble Bond Dickinson (US) LLP
One East Liberty Street
Suite 300
Reno, NV 89501-2128

VIA ACCELA CITIZEN ACCESS

RE: Appeal of Denial of Application for Existing Mooring Buoy, 225 Rubicon Avenue, Placer County, California, Assessors Parcel Number (APN) 085-252-001, TRPA File Number BUOY2025-0665, Registration Submission Number 11309.

Aubrey Powell
Associate
Direct Dial: 775.321.3452
Direct Fax: 775.823.2929
E-mail: Aubrey.Powell@wbd-us.com

Dear Mr. St. Michel:

This firm represents John F. Mapes, Power of Attorney for the Donna J Mapes 2013 Family Trust, owner and applicant ("Appellant"), in the above-referenced TRPA File Number. We are in receipt of your denial letter dated June 3, 2025, and submit this timely appeal. The Tahoe Regional Planning Agency ("TRPA") has denied the request to permit the Appellant's existing mooring buoy. Under TRPA Code Section 84.3.3.D.3.b, TRPA is permitted to authorize an existing buoy for a non-littoral parcel, provided (i) The non-littoral parcel owner provides clear evidence of the existence of the buoy prior to February 10, 1972, and (ii) The non-littoral parcel owner provides a valid authorization from the applicable federal or state agency with jurisdiction at Lake Tahoe. The Appellant has provided ample, clear evidence to support both required prongs of Section 84.3.3.D.3, including an affidavit statement by Donna Mapes affirming the ownership history of the buoy. Despite this evidence, TRPA contends that the Appellant has not satisfied the second prong Section 84.3.3.D.3, a conclusion we strongly disagree with. This letter is submitted solely for the purpose of timely preserving the Appellant's right to appeal, and we will submit a more detailed appeal statement, including supplemental documentation and legal analysis, within the timeframe allowed by TRPA procedures.

Based on the foregoing, we hereby submit this timely appeal and request that TRPA reverse its denial and approve the mooring permit. We reserve the right to supplement and expand upon the arguments presented here. Please confirm receipt of this appeal and advise us of the timeline for filing additional materials.

Sincerely,

Womble Bond Dickinson (US) LLP

Aubrey Powell

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