CARSON CITY PLANNING DIVISION
PROCEDURES FOR FILING AN APPEAL

Attached is a copy of Carson City Municipal Code (CCMC), Section 18.02.060 Appeal.

If you wish to file an appeal, please read the attached material over VERY CAREFULLY and be sure to follow the procedures exactly as they are stated. Remember:

1. A decision of the Planning Division staff, the Planning Commission, the Hearing Examiner, or the Historic Resources Commission can be appealed provided the appeal is filed within 10 days of the date of the decision.

2. Only those people who participated in the hearing process are eligible to file an appeal. Participation includes testifying at the original hearing and/or providing written comments regarding the item in question before or during the public hearing.

3. Only issues addressed at the original public hearing can be raised as a basis for an appeal. Comments submitted after the original hearing has concluded will be considered new information and, as such, cannot be considered as a basis for an appeal.

4. An appeal is filed by way of submitting a letter to the Planning Director. The letter must include:

   a. The appellant's name, mailing address, daytime phone number;

   b. Must be accompanied by a **$250 filing fee + noticing fee (to be paid at the time of application)** + $60/hr over 4 hours; if paid by check, please make check payable to Carson City;

   c. Shall specify the project or decision for which the appeal is being requested;

   d. SHALL INDICATE WHICH ASPECTS OF THE DECISION ARE BEING APPEALED. No other aspect of the appealed decision will be heard.

   e. MOST IMPORTANT: Shall include necessary facts or other information that support the appellant's contention that an error was made by the Planning Division staff or the Planning Commission, etc., in consideration of findings supporting a decision.

5. Once an appeal has been submitted and determined to be complete, the Planning Division shall request time on the next available Planning Commission agenda (in the event of a staff decision) or the next available Board of Supervisors agenda (in the event of a Planning Commission, Hearing Examiner or Historic Resources Commission decision).

6. Appeals and the accompanying fee should be addressed to:

Lee Plemel, AICP
Planning Division Director
108 E. Proctor Street
Carson City, NV 89701

Should you have any questions, please call the Planning Division at 775-887-2180 for further information.

18.02.060 Appeals

1. **Appeals of Staff Decisions.** An administrative decision of the Director may be appealed by the applicant or any aggrieved party to the Commission following the procedures in Subsection 4 of this Section within ten days of the date of the decision. The Commission may affirm, modify or reverse the decision

2. **Appeals of Commission, Hearing Examiner or Historic Resources Commission (HRC).** Any decision of the Commission, hearing examiner or the HRC may be appealed to the Board by the applicant, any aggrieved party, or any member of the Board, by following the procedures in Subsection 4 of this Section within ten days of the date of the decision. The Board may affirm, modify or reverse the decision. In reviewing the decision, the Board shall be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.020.

3. **Appeals of Board Decisions.** A decision of the Board is final. Any appeal of its decision shall be in a court of competent jurisdiction within the time frames established by the NRS.

4. **Procedures for Filing an Appeal.**

   a. **Standing for Filing an Appeal.** Any project applicant or any aggrieved party may file an appeal as specified in this Section provided that the appellant has participated in the administrative process prior to filing the appeal.

   b. **Issues for an Appeal.** Issues not addressed in the public hearing stage of the administrative process for a project which is being appealed may not be raised as a basis for the appeal unless there is substantial new evidence which has become available accompanied by proof that the evidence was not available at the time of the public hearing. If new information is submitted to the Board, the application shall be referred back to the Commission for further appeal, review and action.

   c. **Appeal Application. -** All appeal applications shall be filed in writing with a letter of appeal to the Director.

      (1) The letter of appeal shall be submitted within ten days of the date of the staff or Commission decision for which an appeal is requested.

      (2) The appeal letter shall include the appellant's name, mailing address, daytime phone number and shall be accompanied by the appropriate fee.

      (3) The letter shall specify the project or decision for which the appeal is being requested. The letter shall indicate which aspects of the decision are being appealed. No other aspect of the appealed decision shall be heard.

      (4) The letter shall provide the necessary facts or other information that support the appellant's contention that the staff or Commission erred in its consideration or findings supporting its decision.

   d. **Decision.** The Commission or Board, whichever has jurisdiction over the appeal, shall render its decision on the appeal within 60 days of the submittal of a complete appeal application.

   e. **Notice of Appeals.** Notice of time and place of Appeal hearings shall be published in a newspaper of general circulation in Carson City, not less than ten days prior to the date of such hearing. Upon application for an Appeal, the City shall mail to the applicant, to all property owners of record, as shown on the latest equalized assessment rolls, within 300 feet of the exterior boundaries of the subject property, to all unique property owners of land within such area proposed for rezoning, and to each tenant of a mobilehome park if that park is located within 300 feet of the property in question, written notice of the time, place and date of such hearing and the general location of the property of the addressee with reference to the property proposed for change, not less than ten days prior to the public hearing date. At least 30 unique property owners nearest the subject site must be noticed if there are not 30 unique property owners within 300 feet of the subject site.