

**Town of Truckee
California**

TOWN COUNCIL RESOLUTION 2022-71

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE
UPHOLDING PLANNING COMMISSION DECISION AND DENYING APPEAL ON
FERWERDA SB9 URBAN LOT SPLIT APPEAL**

WHEREAS, the Town of Truckee has received a timely appeal of a Planning Commission determination on the conditions required for an SB9 Urban Lot Split located at 14379 East Reed Avenue; and upholding Community Development Director decision and denying appeal on Ferwerda SB9 Urban Lot Split Appeal

WHEREAS, the determination was made following the review by the Town of Truckee and relevant departments and agencies of an application for an SB9 Urban Lot Split; and

WHEREAS, the Community Development Director conditionally approved the application for a Senate Bill 9 Urban Lot Split and the applicant appealed the conditions to the Planning Commission; and

WHEREAS, the Planning Commission denied the appeal and the appellant submitted an appeal of their decision; and

WHEREAS, the Town Council is responsible for the review and consideration of appeals of Planning Commission determinations; and

WHEREAS, in 2021, the California Legislature approved, and the Governor signed into law Senate Bill 9 ("SB9"), which among other things, adds Government Code sections 658852.21 and 66411.7 to impose new limits on local authority to regulate urban lot splits and two-unit developments; and

NOW THEREFORE BE IT RESOLVED, the Town Council hereby takes the following actions on Application 2021-00000118 (Ferwerda SB9 Urban Lot Split Appeal):

1. Uphold the determinations of the Community Development Director and Planning Commission that all conditions included in the April 13, 2022 approval letter are required for recordation of the SB9 Urban Lot Split located at 14379 East Reed Avenue.
2. Deny the appeal.
3. Approve the Urban Lot Split with originally-imposed conditions of approval.
4. Determine the Community Development Director and Planning Commission decisions to be exempt pursuant to CEQA Guidelines Section 15061(b)(3), which states that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

BE IT FURTHER RESOLVED, the Town Council adopts the findings set forth in Exhibit A (Findings), in support of the Council's decision to uphold the Community Development Director's and Planning Commission's determinations and to Planning Commission's decision to deny the appeal.

PASSED AND ADOPTED by the Town of Truckee Town Council on this 13th day of December, 2022 by the following vote:

AYES:

NOES:

ABSENT:

Courtney Henderson, Mayor

ATTEST:

Judy price, MMC, Town Clerk

Attachments:

Exhibit A— Findings

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EXHIBIT A

**APPLICATION NO. 2022-00000118
Ferwerda SB9 Urban Lot Split
PLANNING COMMISSION DETERMINATION APPEAL**

FINDINGS

1. The Town Council finds that, with imposition of the below conditions of approval, all requirements of Chapter 18.95 (Urban Lot Split and Two-Unit Projects), have been satisfied to approve an Urban Lot Split for the property at 14379 East Reed Avenue (Application 2022-00000004). The Town Council finds that imposition of the below conditions of approval are required to ensure compliance with Chapter 18.95 and the Subdivision Map Act and concurs with all conditions of approval initially applied to the proposed Urban Lot Split. The Town Council now acts as the review authority due to the appeal of the Community Development Director's decision being denied by the Planning Commission on September 20, 2022.

CONDITIONS OF APPROVAL

General Conditions of Approval-Urban Lot Split for 14379 East Reed Avenue (Application 2022-00000004)

- Please submit a Deed Restriction allowing for utilities to be provided from Donner Avenue to the resultant northern parcel on East Reed Avenue. The Deed Restriction shall include a legal description and exhibit map showing the proposed utility easements to be recorded upon sale of either property. This will be reviewed by Town Staff and shall be recorded prior to recordation of the Final Map.
- The parking pad on the southern side of the property was permitted through Building Permit 2016-00000587 as 240 square feet (10' X 24'). The current configuration is shown as 550 square feet. This shall be brought back into compliance with the original approval.
- Please submit a Deed Restriction accomplishing each of the following for review by Town Staff:
 - Expressly prohibits any rental of any dwelling on the property for a period of less than 30 days.
 - Expressly prohibits any non-residential use of the lots created by the urban lot split.
 - Expressly prohibits any separate conveyance of a primary dwelling on the property, any separate fee interest, and any common interest development within the lot.
 - States that the property is formed by an urban lot split and is therefore subject to the Town's urban lot split regulations, including all applicable limits on dwelling size and development.
- Existing electric facilities run parallel (East/West) along the southern parcel line. The applicant shall verify that those existing utilities are located in the right of way or a utility

easement, ensuring that they are in a protected location. **(Truckee Donner Public Utility District)**

- There is no existing water meter box or service lateral intended to service the newly created lot (Parcel 2 on the Tentative Map). Installation of a new service lateral and meter box shall be required at the expense of the owner/developer. **(Truckee Donner Public Utility District)**
- Construction of a new residence on Parcel 2 will be subject to the District's nominal fee schedules and procedures associated with construction of a single-family residence. **(Truckee Donner Public Utility District)**
- Please be aware that any lot created through a Senate Bill 9 Urban Lot Split cannot be sold or transferred until the Final Parcel Map has been recorded.
- Due to Donner Avenue being a private road, please provide evidence of legal access from the property to the closest public road (Donner Pass Road).

In order to continue processing your application, please provide the following information for routing to the Town Surveyor:

- **Legal Descriptions** for each resultant parcel prepared and stamped by a licensed land surveyor or qualified engineer.
- **Final Map** conforming to the approved application and tentative plat. The exhibit map must include all information required for a tentative exhibit map, be prepared by a licensed land surveyor or qualified engineer, include the wet stamp and signature of the surveyor or engineer preparing the map.
- **Closure Calculations** showing that the resultant parcels legal descriptions property lines reconnect at the point of origin.