

April 18, 2022

## APPEAL OF CONDITIONS FOR SB9 URBAN LOT SPLIT

1. This is an appeal of 3 conditions related to an urban lot split issued April 13, 2022 for 14379 East Reed Avenue. The conditions being objected to are:

“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 permit.

“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 District)**”

Requirements for both a Legal Description and a Final Map.

### 2. **Parking Pad**

There is no reason to connect this issue with the urban lot split. None of the provisions of Chapter 18.95-URBAN LOT SPLIT AND TWO-UNIT PROJECTS (SENATE Bill 9) establish or enable such a requirement. This appears to be unnecessary overreaching.

This original situation was created when Town Engineering incorrectly deemed this parking pad a driveway. A driveway is “a short private road which provides vehicular access from a public street to a building or to a garage.” This parking pad does neither. A demand to remove a portion of the existing pavement is unreasonable and unnecessary. This parking pad provides 2 on-site parking spaces and does not exceed the allowable site coverage. This parking pad was in place when the Building and Grading Permits were finalized.

A very simple fix would be to obtain a permit for the additional coverage. However, I do not believe a permit is required for the placement of impervious coverage if it does not exceed the allowable lot coverage of 50%.

### **Electrical Facilities**

There is a existing overhead secondary electrical line crossing the urban lot split parcel. It encroaches a few feet onto the parcel. This line has been in place openly and notoriously for a period of time greater than 5 years. Thus the TDPUD has established a basis for a prescriptive easement. Again nothing in Chapter 18.95 gives the Town standing to require resolution of this matter. This appears to be over reaching.

### **Legal Description/Final Map**

This is a duplication to require both items. This should be an either/or requirement. Section 18.98.030.A. of the Development Code provides for: "Waiver of a Parcel Map may be requested by a subdivider and granted by the Zoning Administrator for a subdivision that results in the creation of only two parcels, and the boundaries of the original parcel has been previously surveyed and a map recorded, and are certain and recorded." The original parcel was surveyed as part of the Lakeview Subdivision.

The requirement for a Final Map is an unnecessary expense that has no benefit with regards to an urban lot split.

### **3. Basis for Appeal**

The parking pad is a separate issue and should not be a condition of the urban lot split. The parking pad does not violate any provisions of the Development Code.

The electrical facility easement is not a Town issue. The TDPUD erred when the poles were installed by failing to have the line surveyed. The PUD refuses to cooperate on resolving the encroachment.

A Final Map should only be required by the Town when there are compelling circumstances.

4. All 3 conditions should be deleted from the urban lot split for 14379 East Reed Avenue.