

## APPEAL INFORMATION SHEET

### GENERAL INFORMATION

This information sheet explains how an appeal may be filed, how the appeal will be processed, what fees you must pay, and what information you must submit as part of an appeal. If you have any questions after you have read this information, please contact the Planning Division.

### WHAT DECISIONS MAY BE APPEALED?

Any land use decision made by the Community Development Director, Zoning Administrator or Planning Commission in accordance with the Town Development Code may be appealed by the applicant or other interested party. (Decisions made by the Town Council cannot be appealed.) The Truckee Development Code establishes an appeal period of ten (10) calendar days for any decision made by the Director, Administrator or Commission. The appeal must be filed within the 10-day appeal period. If the appeal period ends on a weekend or a Town government holiday, the appeal period is extended until the end of the next Town business day.

Land use decisions do not become effective for a period of time after the decision is made to provide time for the filing of an appeal. The land use decision becomes effective the day after the appeal period has ended unless an appeal has been filed or a Town Council member has requested the review of the land use decision. The land use decision shall be placed on hold pending the final decision on the appeal.

### WHO MAY FILE AN APPEAL?

A land use decision may be appealed by the applicant or any interested person who submits a complete appeal request application. The Town Manager may appeal any decision of the Zoning Administrator or the Planning Commission. The Town Council, by majority vote, may appeal any decision of the Community Development Director, Zoning Administrator and Planning Commission. A Council member must request within the 10-day appeal period the opportunity to review and discuss the decision rendered by the Director, Zoning Administrator or Commission, and this request will be considered by the Council at their next available meeting. A majority vote of the Council is required to initiate the appeal.

### HOW YOUR APPEAL WILL BE PROCESSED

The steps involved in reviewing your appeal are summarized below:

1. When an appeal has been filed with all information listed in the "Appeal Submittal Checklist" below, the Community Development Director will review the appeal to determine if it has been filed within the applicable appeal period and the information in the appeal request is complete. If the appeal has not been timely filed, the appeal will be rejected for processing. If the appeal is incomplete, the Director will notify the appellant of the information that is required to complete the appeal, and the appellant will have seven days to provide the additional information. If the

appellant does not submit the additional information within seven days of being notified, the appeal will be rejected for processing.

2. When an appeal has been filed and determined to be timely and complete, the Director will schedule the appeal for consideration by the appropriate appeal body. Appeals of decisions by the Community Development Director are considered by the Planning Commission, while appeals of decisions by the Zoning Administrator and Planning Commission are considered by the Town Council.
3. If the land use decision being appealed originally required a public notice, a public hearing notice will be published in the newspaper and/or provided by mail to surrounding property owners and other interested parties. Town staff will then complete a staff report that includes a staff recommendation on the approval or denial of the appeal and the land use decision being appealed. The staff report on the appeal will be provided in writing to the appellant and applicant at least five days prior to the appeal hearing.
4. For those applications for which the Planning Commission or Town Council is the review authority, a sign(s) with the notice shall be posted on or near the location of the real property no later than 15 days after the application is determined complete. Please see Truckee Development Code Chapter 18.180 for more information.
5. At the appeal hearing, the appeal body will consider the staff report and all written and verbal input submitted on the appeal by the appellant, applicant and any other interested party. The appeal body may consider any issue involving the matter being appealed in addition to the specific grounds of the appeal. At the conclusion of the hearing, the appeal body may affirm, affirm in part, or reverse the land use decision of the original review authority. The appeal body may impose additional conditions that may address issues of the appeal.
6. Any decision made by the Planning Commission on an appeal may be appealed to the Town Council.

## FEES

The filing fee for an appeal to Planning Commission is \$789.00. The filing fee for an appeal to Town Council is \$1,180.00.

## SUBMITTAL REQUIREMENTS

The items listed in the "Appeal Submittal Checklist" must be submitted as part of the application package in order for an appeal to be considered complete for processing. The signed checklist must also be submitted with the appeal. Your appeal will not be accepted if all of the items listed are not submitted.

Electronic files may be submitted by email (if less than 15 MB) or Dropbox to [PlanningDivision@townoftruckee.com](mailto:PlanningDivision@townoftruckee.com). The application fee may be paid over the phone with a credit card, by mailing a check to the Planning Division, or via an in-person payment at Town Hall with cash, check or credit card. Checks must be made payable to the Town of Truckee.

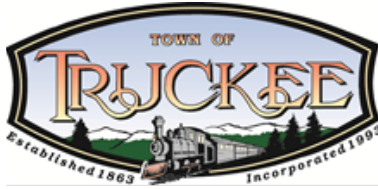
**Applicant must fill out the checklist below by placing a check mark in the boxes listed under Column A (for Applicant) and signing below. Column S is for staff to verify that your submittal requirements have been met. Your application will not be accepted if all items listed below are not submitted.**

**A S**

- ☒ ☐ 1. Completed Appeal Application.
- ☒ ☐ 2. Appeal Request Form.
- ☒ ☐ 3. Filing fee. Checks must be made payable to the Town of Truckee; cash and credit cards are also accepted.

Applicant Signature:  [Dustin W. Smith \(Feb 29, 2024 13:49 PST\)](#)

I certify that I have completed and have included all material checked above in the attached application submittal.



## APPEAL REQUEST FORM

Project Number/Name of Decision being Appealed: 2023-00000154/SB9 (10198 Thomas Drive SB9 Two-Unit Development); 10198 Thomas Drive; APN 018-520-029-000

Type of Decision: (i.e. similar use determination, use permit, tentative map, variance, etc.) Height Limit

Variance, other

Description of Decision: \_\_\_\_\_

The decision being appealed pertains to the height limit imposed on our SB9 housing project by the local planning authority.

I/we hereby appeal the decision as follows:

Appeal Description (**Attach additional sheets if necessary**):

1. Detail what is being appealed and what action or changes you seek. Specifically address the findings, mitigation measures, conditions and/or policies with which you disagree.  
We are seeking an adjustment to the existing SB9 height limit (16ft) to the standard 35ft limit. This adjustment will enable us to effectively meet the housing needs of our community.
2. State why you are appealing—be specific. Reference any errors or omissions. Attach any supporting documentation.  
We respectfully disagree with the current height limit imposed on SB9 units. The 16ft limit presents significant challenges in meeting the needs of our community and complying with our project goals. Our housing project is situated in an area where the existing built environment and topographical features warrant flexibility in height restrictions. The topography of the site, coupled with surrounding structures, justifies a variance from the prescribed height limit to ensure the viability and success of the project.
3. Please provide a summation of your arguments in favor of the appeal.  
The proposed increase in height aligns with the growing demand for housing in our community.  
By allowing for additional height, we can maximize the number of units within the development, addressing the pressing need for affordable housing options and promoting sustainable urban development.
4. State the changes or action requested of the appeal body.

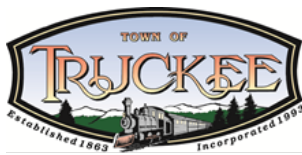
We respectfully request that the appeal body consider the following changes or actions: 1) Adjustment of Height Limit: We request an adjustment to the existing height limit imposed on our housing project. Specifically, we seek approval for a height increase to 35ft as outlined in our submitted plans. 2) Variance Approval: Alternatively, we request approval of a variance from the prescribed height limit to accommodate the unique site conditions and project goals. Granting a variance would enable us to develop a housing project that meets the needs of our community while maintaining compliance with relevant regulations and policies.

I/we certify that I/we are the: ☒ Legal owner(s) ☒ Authorized Legal Agent(s) ☐ Other Interested Persons

Name: Dustin Walsh Telephone: 702-538-6540

Address: PO BOX 550005 - South Lake Tahoe CA 96155

Appellant(s) Signature:  [Dustin Walsh, 2024 13:49 PST]



## APPEAL APPLICATION FORM

### DEPARTMENT USE ONLY

APPLICATION NUMBER: 2023 - 00000154/SB9 CDD FEE COLLECTED: \$ \$789.00  
 (10198 Thomas Drive, Truckee CA)

### APPEAL TYPE

- ☒ Appeal to Planning Commission  
☐ Appeal to Town Council

### APPELLANT TO COMPLETE

APPELLANT NAME(S) Dustin Walsh

APPELLANT EMAIL dwalsh81@gmail.com PHONE 702-538-6540

APPELLANT ADDRESS PO BOX 550005 CITY South Lake Tahoe STATE CA ZIP 96155

AGENT NAME(S) Christian Bratt


AGENT EMAIL christian@harlequin-designs.com PHONE 530-412-3742

AGENT ADDRESS 3780 Beach Loop Dr SW CITY Bandon STATE OR ZIP 97411

NAME OF PROJECT BEING APPEALED 10198 Thomas Drive - SB9 Two Unit Development

APPLICATION NUMBER OF PROJECT BEING APPEALED 2023-00000154/SB9

PROJECT ADDRESS 10198 Thomas Drive Truckee, CA ASSESSOR'S PARCEL NO. 018-520-029-000

APPELLANT'S SIGNATURE  DATE Feb 29, 2024

If more than one appellant is listed on the application, please provide a list of appealing parties on a separate sheet.