

**TOWN OF TRUCKEE  
California**

**DRAFT ORDINANCE 2022-05**

**AN ORDINANCE OF THE TOWN OF TRUCKEE  
AMENDING THE TRUCKEE MUNICIPAL CODE, TITLE 18, DEVELOPMENT CODE  
FOR CLEAN-UP AMENDMENTS**

**WHEREAS**, the Town Council adopted the 2025 General Plan on November 16, 2006 thereby establishing the Council's policy on future growth, development, and conservation of natural resources; and

**WHEREAS**, the Council adopted the 2025 General Plan Implementation Program on November 16, 2006, establishing the priorities, responsibilities and timelines for implementing the actions and programs of the General Plan; and

**WHEREAS**, a number of actions and programs are to be implemented through the Development Code and will require amendments to the Development Code; and

**WHEREAS**, the Council may initiate amendments to the Development Code, and the Planning Commission is an advisory body to the Council on matters concerning land use regulation and the Development Code; and

**WHEREAS**, the Planning Commission adopted Resolution 2007-10 on June 13, 2007 recommending to the Council that the Council initiate a comprehensive update to Title 18, Development Code, of the Municipal Code; and

**WHEREAS**, the Town Council adopted Resolution 2007-36 on July 19, 2007 initiating a comprehensive update to Title 18, Development Code, of the Municipal Code; and

**WHEREAS**, on April 12, 2022, the Town Council adopted amendments to the Short-Term Rental Ordinance (Municipal Code Title 5, Chapter 5.02) which requires amendments to the Development Code (Municipal Code Title 18) to ensure consistency among Town regulations; and

**WHEREAS**, the Development Code is reviewed regularly to ensure consistency with recently adopted State law,

**WHEREAS**, clean-up amendments are incorporated in order to help provide accurate and consistent review of all projects; and

**WHEREAS**, the Planning Commission reviewed all proposed amendments at its April 19, 2022 public hearing and recommended approval to the Town Council.

*The Town Council of the Town of Truckee Does Ordain as Follows:*

**Section 1.**

Enactment. Title 18, Development Code, of the Municipal Code is hereby amended as designated in Exhibit "A" and Exhibit "B" attached hereto and incorporated herein by reference.

**Section 2.**

Findings. The Council hereby adopts the following findings in support of adoption of this ordinance and the amendments to Title 18, Development Code. The May 10, 2022 Town Council staff report and meeting minutes, and the April 19, 2022 Planning Commission staff report and meeting minutes, are hereby incorporated herein by reference and provide a factual basis for the findings.

a. The proposed amendments directly implement and are internally consistent with the goals, policies, and actions of all elements of the 2025 General Plan. The proposed changes are clean-up amendments to ensure consistency with State law, the Town's recently amended Short Term Rental Ordinance, and to clarify and streamline Development Code requirements. Section 18.58.260 (Time-Share Uses) is incorporated to codify the Town's historical determination that time-share uses are considered commercial uses and to outline the application process, development standards and enforcement and violation protocols for these uses.

b. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town.

**Section 3.**

CEQA Findings. The Council has determined that the proposed Development Code amendments were assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the environmental regulations of the Town. The amendments are not subject to CEQA because the adoption of this ordinance is not a "project" pursuant to Sections 15060(c)(2) and 15060(c)(3) of Title 14 of the California Code of Regulations. Moreover, under Section 15061(b)(3) of the State CEQA Guidelines, the amendments are exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment.

**Section 4.**

Summary Publication. The Town Clerk is hereby directed to publish this ordinance in accordance with the law.

\* \* \* \* \*

**The foregoing Ordinance was introduced at a regular meeting of the Truckee Town Council held on the 10<sup>th</sup> day of May, 2022, and adopted at a regular meeting of the Truckee Town Council on the 24<sup>th</sup> day of May, 2022, by Council Member Polivy, who moved its introduction, which motion was seconded by Council Member Zabriskie was upon roll call carried by the following vote:**

- AYES:** Mayor Henderson, Vice Mayor Romack, Council Member Klovstad, Council Member Polivy, Council Member Zabriskie
- NOES:** None
- ABSENT:** None

\_\_\_\_\_  
**Courtney Henderson, Mayor**

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
**Judy Price, MMC, Town Clerk**

\_\_\_\_\_  
**Andrew Morris, Town Attorney**

**Attachments:**

Exhibit A – Title 18, Development Code Amendments (Summary)

Exhibit B – Title 18, Development Code Amendments

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## **ORDINANCE 2022-05**

### **EXHIBIT "A"**

#### **Title 18, Development Code Amendments**

Title 18. Development Code, of the Truckee Municipal Code is hereby amended as follows:

Amendments to Article II, Section 18.08.030, Tables 2-2 and 2-3 (Allowed Uses and Permit Requirements for Residential Zoning Districts and Downtown Residential Zoning Districts), Section 18.12.030, Tables 2-7 and 2-8 (Allowed Uses and Permit Requirements for Commercial and Manufacturing Districts); Article III, Section 18.30.056.B (Easements), Section 18.30.120, Table 3-3 (Setbacks), Section 18.30.150 (Solid Waste/Recyclables Materials Storage), Section 18.58.025 (Accessory Dwelling Units), Section 18.58.070 (Bed and Breakfast Inns), Section 18.58.100 (Detached Living Areas), Section 18.58.220 (Residential Accessory Uses and Structures), Section 18.58.260 (Time-Share Uses); Article IV, Chapter 18.72 (Zoning Clearances), Section 18.88.030 (Vacations); Article V, Section 18.95.020 (Urban Lot Split Height Restrictions), Section 18.96.150 (Extensions of Time for Tentative Maps); Article VI, Section 18.200.040 (Enforcement); and Amendments to Article VIII, Chapter 18.220 (Definitions/Glossary) are hereby amended as designated in Exhibit "B" attached hereto and incorporated herein.

## DRAFT ORDINANCE 2022-05

### EXHIBIT “B”

#### Title 18, Development Code Amendments

Title 18, Development Code, of the Truckee Municipal Code is hereby amended to read as follows (additions are shown by underline type; deletions are shown in ~~striketrough~~ type; Commission modifications are shown in red underlined type; minor technical edits made by staff are shown in underline type):

- a. **Allowable ground locations.** If ground-mounted, the antennas shall not be located between a structure and an adjoining street and shall be screened from public view and surrounding parcels;
  - b. **Screening.** If roof-mounted, the antennas shall be screened from ground view by a parapet or other type of screening. The minimum height and design of the parapet, wall or screening shall be subject to the approval of the Director;
  - c. **Size limitations.** The diameter of the ground-mounted antenna shall not exceed 12 feet. This provision may be modified by the Director if strict compliance would result in no/poor satellite reception;
  - d. **Height and location.** The height and location of the antennas shall comply with the requirements of the applicable zoning district. The height provision may be modified by the Director if strict compliance would result in no/poor satellite reception; and
  - e. **Setbacks.** If the subject parcel adjoins a residential zoning district, the antenna shall be set back a minimum distance from the property line that is equal to or greater than the height of the antenna, unless otherwise screened from public view to the satisfaction of the Director.
- C. **Single pole/tower amateur radio antennas.** Single pole/tower amateur radio antennas shall be designed, constructed/installed and maintained in the following manner:
- 1. **Location requirements.** Antennas shall not be located in a front or side yard.
  - 2. **Mounting.** Antennas may be ground- or roof-mounted.
  - 3. **Height limit.** The maximum height shall not exceed 50 feet, measured from finish grade.
  - 4. **Size limitations.** Any boom or other active element/accessory shall not exceed 25 feet in length.
- D. **Television and radio broadcasting towers.** These towers shall be allowed in compliance with Chapter 18.76 (Use Permits and Minor Use Permits).
- E. **Effects of development on antenna reception.** The Town shall not be liable if subsequent development impairs antenna reception.
- F. **Variiances.** Telecommunications facilities not complying with the requirements of this Section may be authorized only in compliance with Chapter 18.82 (Variiances).

### 18.58.260 – Time-Share Uses

- A. Purpose This Section establishes standards for the operation of time-share uses in commercial zones. The Town classifies time-share uses as commercial uses and the intent of these standards is to ensure compatibility of time-share uses, which are located in existing residential units, with any adjoining residential and commercial uses.

**B. Inapplicability of Section to Existing Time-Share Uses.** Nothing in this Section shall be deemed to apply to time-share properties existing as of the effective date of this Section or to render such time-share properties nonconforming with this code, provided that such time-share properties were approved by the Town as such, and have been owned and operated as such, prior to the effective date of this Section.

**C. Definitions.** For purposes of this Section, the following words and phrases shall have the meaning respectively ascribed to them by this paragraph C:

“Accommodation” means any dwelling, apartment, condominium or cooperative unit, hotel or motel room, or other structure constructed for residential use and occupancy, including but not limited to a single-family dwelling, or unit within a multi-family dwelling as defined in Section 18.220.020.

“Dwelling” shall have the meaning ascribed to it by Section 18.220.020.

“Management entity” means the person who undertakes the duties, responsibilities and obligations of the management of a time-share plan.

“Person” means a natural person, corporation, limited liability company, partnership, joint venture, association, estate, trust, or other legal entity, or any combination thereof.

“Time-share interest” means the right to exclusively occupy a time-share property for a period of time on a recurring basis pursuant to a time-share plan, regardless of whether or not such right is coupled with a property interest in the time-share property or a specified portion thereof.

“Time-share plan” means any arrangement, plan, scheme, or similar device, whether by membership agreement, bylaws, shareholder agreement, partnership agreement, sale, lease, deed, license, right to use agreement, or by any other means, whereby a purchaser, in exchange for consideration, receives the right to exclusive use of an accommodation or accommodations, whether through the granting of ownership rights, possessory rights or otherwise, for a period of time less than a full year during any given year, on a recurring basis for more than one year, but not necessarily for consecutive years.

“Time-share property” means one or more accommodations subject to the same time-share plan, together with any other property or rights to property appurtenant to those accommodations.

“Time-share use” means the use of one or more accommodations or any part thereof, as a time-share property pursuant to a time-share plan.

**D. Time-share Uses Restricted to Existing Single-Family Dwellings in General Commercial (CG) and Neighborhood Commercial (CN) Districts.** Time-share uses are permitted uses within the Town’s General Commercial (CG) District and Neighborhood Commercial (CN) District, subject to issuance of a Zoning Clearance applied for and approved in conformance with this Section and Chapter 18.72. Time-share uses are not permitted in all other zoning districts in Truckee and are not permitted in multi-family dwellings.

### E. Application Process and Development Standards.

1. Application Process. Approval of a Zoning Clearance for time-share uses in the General Commercial (CG) District and Neighborhood Commercial (CN) District shall be required in accordance with the requirements of this Section and Chapter 18.72. In addition to any application requirements established by this Section and any other applicable requirements of this code, the following information shall be submitted as part of any application to develop or establish a time-share use:
  - a. A description of the method of management of the time-share use and indication of the management entity for the time-share property.
  - b. Any restrictions on the use or occupancy of the accommodations.
  - c. Any other information or documentation the applicant or Town staff deems reasonably necessary to the consideration of the time-share use.
2. Development Standards and Operational Requirements. Notwithstanding any other provision of this chapter, the following conditions must be met by any time-share use in the General Commercial (CG) District or Neighborhood Commercial (CN) District:
  - a. Development Standards. The time-share use shall comply with all development standards for the zone in which it is located.
  - b. Parking. Two off-street parking spaces shall be provided for each time-share property.
  - c. Noise. All time-share properties are subject to Chapter 18.44 (Noise) with the exception of Section 18.44.050 (Residential Interior Noise Standards). Time-share properties where the ambient noise levels may exceed 70 dB(A) CNEL are subject to Section 18.44.040.F.
  - d. Solid Waste. All time-share properties are subject to Section 18.30.150.A.2 (Required storage area for non-residential structures and uses).

### F. Violations, Enforcement and Civil Penalties.

1. Any responsible person, including but not limited to an owner of a time-share interest, management entity, agent, or broker who uses, or allows the use of, or advertises or causes to be printed, published, advertised or disseminated in any way and through any medium, the availability for sale or use of an accommodation in violation of this Section is guilty of a misdemeanor for each day in which such accommodation is used, allowed to be used, or advertised for sale or use in violation of this Section. Such violation shall be punishable pursuant to Chapter 1.02.
2. Time-share use, and/or advertisement for time-share use, of an accommodation in violation of this Section is a threat to public health, safety or welfare and is thus declared to be unlawful and a public nuisance. Any such nuisance may be abated and/or restored by Town staff and also may be abated pursuant to Chapter 1.03, except that the civil



penalty for a violation shall be one thousand dollars (\$1,000.00). Each day the violation occurs shall constitute a separate offense.

3. Any responsible person who violates this Section shall be liable and responsible for a civil penalty of one thousand dollars (\$1,000.00) per violation per day such violation occurs. The Town may recover such civil penalty by either civil action or administrative citation. Such penalty shall be in addition to all other costs incurred by the Town, including without limitation the Town's staff time, investigation expenses and attorney's fees.
  - a. Where the Town proceeds by civil action, the court shall have discretion to reduce the civil penalty based upon evidence presented by the responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the court should consider the purpose of this Section to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the responsible person's enrichment or profit as a result of the violation of this Section. In any such civil action the Town also may abate and/or enjoin any violation of this Section.
  - b. Where the Town proceeds by administrative citation, the Town shall provide the responsible person notice of the right to request an administrative hearing to challenge the citation and penalty, and the time for requesting that hearing.
    - i. The responsible person shall have the right to request the administrative hearing within forty-five (45) days of the issuance of the administrative citation and imposition of the civil penalty. To request such a hearing, the responsible person shall notify the Town Clerk in writing within forty-five (45) days of the issuance of the citation. The appeal notification shall include all specific facts, circumstances and arguments upon which the appeal is based.
    - ii. The Town Manager is hereby authorized to designate a hearing officer to hear such appeal. The hearing officer shall conduct a hearing on the appeal within ninety (90) days of the request for the hearing unless one of the parties requests a continuance for good cause. The hearing officer shall only consider those facts, circumstances or arguments that the property owner or responsible person has presented in the appeal notification.
    - iii. The hearing officer shall render a decision in writing within thirty (30) days of the conclusion of the hearing. The hearing officer shall have discretion to reduce the civil penalty based upon evidence presented by the property owner or responsible person that such a reduction is warranted by mitigating factors including, without limitation, lack of culpability and/or inability to pay. Provided, however, that in exercising its discretion the hearing officer should consider the purpose of this Section to prevent and deter violations and whether the reduction of civil penalties will frustrate that purpose by resulting in the property owner's or responsible person's enrichment or profit as a result of the violation of this Section.

- iv. Any aggrieved party to the hearing officer's decision on the administrative appeal may obtain review of the decision by filing a petition for writ of mandate with the Nevada County Superior Court in accordance with the timelines and provisions set forth in Government Code Section 53069.4.
  - v. If, following an administrative hearing, appeal, or other final determination, the owner of the property is determined to be the responsible person for the civil penalty imposed by this Section, such penalty, if unpaid within forty-five (45) days of the notice of the final determination, shall become a lien to be recorded against the property on which the violation occurred. Such costs shall be collected in the same manner as county taxes, and thereafter the property upon which they are a lien shall be sold in the same manner as property now is sold for delinquent taxes.
  - vi. Any violation of this Section may also be abated and/or restored by Town staff and also may be abated pursuant to Chapter 1.03, except that the civil penalty under Chapter 1.03 for a violation shall be one thousand dollars (\$1,000.00).
4. Each day the violation of this section occurs shall constitute a separate offense.
5. The remedies under this section are cumulative and in addition to any and all other remedies available at law and equity.