

**TOWN OF TRUCKEE**

**California**

**ORDINANCE 2025-01**

**AN ORDINANCE OF THE TOWN OF TRUCKEE  
AMENDING THE TRUCKEE MUNICIPAL CODE, TITLE 18, DEVELOPMENT CODE,  
ADDING CHAPTER 18.217 RELATING TO BY RIGHT HOUSING**

**WHEREAS**, the Town Council adopted the 2019-2027 Housing Element on August 13, 2019 thereby establishing goals, policies, and actions to further State and local housing goals; and

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

**WHEREAS**, as part of the Housing Element, the State required that the Town include a program that allows, by right, housing in which at least 20% of the units are affordable to lower-income households on certain properties that were identified in previous Housing Elements (Government Code 65583.2); and

**WHEREAS**, Program H-1.1 was included in the Housing Element requiring adoption of a by right housing ordinance to ensure compliance with State law; and

**WHEREAS**, the adoption of ordinances including Development Code amendments requires action by the Town Council and the Planning Commission is charged with responsibility of reviewing the draft amendments and forwarding a recommendation to the Town Council on the adoption of the amendments; and

**WHEREAS**, the Planning Commission reviewed all proposed by right housing amendments at its October 29, 2024 and December 17, 2024 public hearings and recommended approval to the Town Council; and

**WHEREAS**, on or about January 17, 2025, an 1/8<sup>th</sup> page public notice was published in the *Sierra Sun* and forwarded to all other interested persons, including the property owners of the identified eligible by right housing sites, informing the public of the date, time, and location of the public hearing for the Council's consideration of the adoption of the new By Right Housing Ordinance; and

**WHEREAS**, the Town Council held a public hearing on the matter at its regularly scheduled Town Council meeting beginning and ending on January 28, 2025 and considered all information, and public comment related thereto; and

*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 set forth in Exhibits A and 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 October 29, 2024 and December 17, 2024 Planning Commission staff reports and meeting minutes are hereby incorporated herein by reference and provide a factual basis for the findings.

- a. The proposed amendments directly implement the 2019-2027 Housing Element and are internally consistent with the goals, policies, and actions of all elements of the 2040 General Plan.
- b. The proposed amendments would not be detrimental to the public interest, health, safety, convenience, or welfare of the Town.
- c. With the proposed amendment, adequate and available sites remain to mitigate the loss of any residential density to accommodate the Town of Truckee's fair share regional housing need in compliance with State law (Government Code Section 65863[b]).

## 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.

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The foregoing ordinance was introduced at a regular meeting of the Truckee Town Council held on the 28<sup>th</sup> day of January 2025, and adopted at a regular meeting of the Truckee Town Council on the \_\_\_\_ day of \_\_\_\_\_, 2025; Council Member \_\_\_\_\_ moved for the adoption, the motion was seconded by Council Member \_\_\_\_\_, and was carried by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

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**Jan Zabriskie, Mayor**

**ATTEST:**

**APPROVED AS TO FORM:**

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**Kelly Carpenter, Town Clerk**

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**Andy Morris, Town Attorney**

**Attachments:**

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

Exhibit B – Title 18, Development Code Amendments

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**ORDINANCE 2025-01**

**EXHIBIT “A”**

**Title 18, Development Code Amendments (Summary)**

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

Addition of Article VII, Chapter 18.217 (By Right Housing) as designated in Exhibit “B” attached hereto and incorporated herein.

**ORDINANCE 2025-01**

**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):

## **CHAPTER 18.217 – BY RIGHT HOUSING**

### **Sections:**

18.217.010 – Purpose and Intent

18.217.020 – Applicability

18.217.030 – By Right Housing Requirements

18.217.040 – Review Authority and Procedure

18.217.050 – Review Process

### **18.217.010 – Purpose**

**A. Purpose.** The purpose of this Chapter is to ensure that the Town is in compliance with the State Housing Element law (Government Code Section 65583.2) to ensure streamlined ministerial review of housing development projects by requiring by right housing on sites that were identified in previous Housing Elements.

### **18.217.020 – Applicability**

**A. Applicability.** This Chapter applies to five properties identified in the 2019-2027 Housing Element, as shown on the map adopted by Town Council Resolution 2025-11:

1. Arnold DMU (APN 019-300-041);
2. Arnold DRH (APN 019-300-042);
3. Winter Creek Multi-family (APN 019-820-001);
4. Joerger Ranch Parcel 4 (the portion zoned RMW-20 of APN 019-620-002); and
5. Upper McIver (APN 019-460-042)

**B. Project type.** This Chapter applies to housing development projects, which are defined as:

1. Development with residential units only.
2. Mixed-use developments consisting of residential and nonresidential uses with at least two-thirds of the square footage designated for residential use.
3. Transitional housing or supportive housing.

**C. Developer's option.** The developer has the following options:

1. The developer may choose to use the provisions in this Chapter to ensure a by right streamlined review of a residential project; or
2. The developer may choose to comply with the provisions of the standard requirements of the underlying zoning district. Residential projects seeking exceptions, waivers, or

modifications to any development standards, excluding modifications granted as part of density bonus concession, incentive, parking reduction, or waiver of development standards pursuant to Chapter 18.212 (Density Bonuses, Concessions and Incentives), shall not be eligible for ministerial and/or streamlined processing contemplated by this chapter, and will be subject to the applicable discretionary review process outlined in Article IV. Projects opting to use the Flexible Design Review outlined in Section 18.25.030.B shall not use this streamlined review process.

### **18.217.030 – By Right Housing Requirements**

**A. Affordable housing.** Projects shall be required to deed-restrict at least 20% of the housing units on site to lower income households or below in perpetuity. “Lower income households” has the same meaning as defined in Section 50079.5 of the Health and Safety Code. All other requirements for the affordable housing units, including submittal of an affordable housing agreement, shall be consistent with the requirements of Chapter 18.210 (Affordable Housing Controls). The affordable housing may be used to comply with the Inclusionary Housing requirements (Chapter 18.214) and/or determine eligibility for Density Bonuses, Concessions and Incentives (Chapter 18.212) if the by right affordable housing units meet the affordability criteria outlined in the applicable Chapters.

1. Location of Inclusionary Units. Affordable housing units required by this Chapter shall be built on site within the residential development project.
2. Timing of Development. Affordable housing units required by this Chapter shall be constructed and offered for sale or rent in accordance with this Chapter concurrently with or prior to completion of market rate units within the residential development project or phase thereof. As used in this Chapter, “concurrently” means that a proportionate share of affordable housing units must be completed by the time 50% of the market rate units within a residential development project are sold.
3. Building Types and Exterior Appearance. Exterior building materials and finishes for affordable housing units required by this Chapter shall be of the same type and quality as for the market rate units of the project. The building types for inclusionary units shall be the same as for market rate units. For example, if the market rate units are attached two-unit buildings, the affordable housing units are also required to be attached as part of a two-unit building. The living area for the affordable housing units may only be up to 20% smaller than the average living area of all of the market rate units.
4. Common Amenities. On-site inclusionary units shall have access to all on-site amenities available to market rate units.
5. Interior Quality. Inclusionary units may have different interior finishes, amenities, and features than the market rate units provided the interior finishes, amenities, and features are durable, of good quality, and consistent with contemporary standards for new housing.

**B. Minimum density.** In all cases, the minimum density required for projects eligible for the streamlined ministerial review is 15 dwelling units per acre. The maximum density is the

density allowed within the applicable zoning district unless a density bonus is requested, consistent with Chapter 18.212.

**C. Development standards.** Projects reviewed under this Chapter shall comply with the development standards of the primary zoning district, including all design standards. For projects on Joerger Ranch Parcel 4 (Portion of APN 019-620-002), the requirement of the Joerger Ranch Specific Plan governs. For all other projects, the Development Code standards shall govern, including Chapter 18.25 (Objective Design Standards).

**D. Projects within the DMU zoning district.** Multi-family residential projects within the DMU zoning district with only residential units shall comply with the requirements of the DRM (Downtown Medium Density Residential) zoning district.

#### **18.217.040 – Review Process**

**A. Review.** Projects reviewed for compliance with the Chapter shall be subject to by right Streamlined Residential Review (Chapter 18.79) and ministerial Zoning Clearance review. Environmental review shall not be required for by right housing projects that are consistent with this Chapter.