

**18.30.070 - Fences, Walls, and Hedges**

The following standards shall apply to the installation of fences, walls and hedges, regardless of whether a permit or Town approval is required by this Section, except where an applicable Specific Plan establishes different standards. The provisions of this Section shall not apply to a fence or wall required by a law or regulation of the Town, State or an agency thereof. For the purposes of brevity, the term “fence” as used in this Section shall mean “fence, wall or hedge.”

- A. Permit requirement.** Fences require Zoning Clearance in compliance with Chapter 18.72 in all zoning districts except where exempted from this requirement by following Subsection B.
- B. Exemptions from permit requirement.** The following fences and walls do not require Zoning Clearance, but shall otherwise comply with all applicable provisions of this Development Code:
  - 1. Fences on developed parcels within the residential zoning districts are exempt, provided that they comply with the height limits in following Subsection C.
  - 2. Retaining walls less than 48 inches in height measured from the bottom of the footing to the top of the wall. Retaining walls are exempt only in compliance with this height limit, and where they retain earth only with no surcharge, and are not required by Title 15 of the Municipal Code to have a Building Permit.
- C. Fence, height limitations.**
  - 1. Fences are subject to the height limitations shown in Table 3-1, based on the area of the site and the location of the fence on the site relative to the required setbacks established by Article II (Zoning Districts and Allowable Land Uses). See Figure 3-1.

**TABLE 3-1  
HEIGHT LIMITS FOR FENCES, WALLS, AND HEDGES**

Parcel Size	Maximum Allowed Height Based on Location			
	Within Front or Street-Side Setback	Within Side or Rear Setback	Within Rear Setback on Through Lot	Outside Setback Areas (1)
Less than 1 acre	3 ft. (1,2,3)	6 ft.	3 ft.	6 ft. (4,6)
1 acre or more	3 ft. (2,5)	6 ft. (6)	6 ft. (2)	6 ft. (4,6)

**Notes: (continued on next page)**

- (1) Open fences up to a maximum of four feet in height may be allowed in front and street-side setbacks if the Town Engineer finds that the fence will not adversely affect a front or street-side setback traffic safety visibility area or interfere with street snow removal operations. An open fence shall be defined as a split board or rail fence (not exceeding three boards or three rails high), woven wire or chain link that does not impair sight visibility.
- (2) Fences up to a maximum of six feet in height may be allowed in street-side setbacks if the fence is located outside the traffic safety visibility area.

- (3) Fences up to a maximum of six feet in height may be allowed in front and street-side setbacks on residential properties that face commercial or industrial properties if the Town Engineer finds that the fence will not adversely affect a front or street-side setback traffic visibility area or interfere with snow removal operations.
  - (4) Fences up to a maximum of 20 feet in height may be allowed for tennis and other outdoor recreational courts outside the required setback areas with Minor Use Permit, in compliance with Chapter 18.76 (Use Permits and Minor Use Permits). Also see Section 18.58.220.I.
  - (5) On parcels of one acre or larger, fences up to a maximum of six feet in height may be allowed in front and street-side setbacks if the Town Engineer finds that the fence will not adversely affect a front or street-side traffic safety visibility area or interfere with street snow removal operations;
  - (6) An open agricultural fence shall be allowed to a maximum height of eight feet in the side and rear setbacks and outside the required front and street-side setback areas for property located in the RR and RC districts, provided that the Director first determines that the fence is essential to a legitimate agricultural operation or animal keeping on the site. An open agricultural fence shall be defined as an agricultural board fence or split rail (not exceeding three boards or three rails high), barbed or woven wire or chain link that does not impair sight visibility.
2. Entry features over front yard gates (e.g., arches and trellises), with a maximum height of eight feet, provided that the entry features are no wider than six feet.
  3. Retaining walls shall be subject to the height and setback limits established by Section 18.30.120.F.6 (Setback Requirements - Retaining Walls). The maximum allowed height of a retaining wall is six feet unless additional height is approved through a Variance in compliance with Development Code Chapter 18.82 (Variances and Historic Variances). The maximum height shall include the combined height of terraced retaining walls. In order to qualify for a retaining wall height in excess of six feet, the proposed project must comply with all the requirements of Chapter 18.36 (Hillside Development Standards).
  4. These height limits shall not apply to the following:
    - a. Official governmental warning signs or signals;
    - b. Public utility poles;
    - c. Saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave, at all seasons, a clear and unobstructed cross-view;
    - d. Supporting members of appurtenances to permanent structures existing on the effective date of this Development Code; and
    - e. Trees trimmed (to the trunk) to a line at least six feet above the elevation of the intersection.
  5. Parcels with grade differential.
    - a. Where there is a difference in the ground level between two adjoining parcels of less than two feet, the height of a fence constructed along the common property line shall be determined by using the natural grade of the highest contiguous parcel.

- b. When there is a difference in the ground level between two adjoining parcels of two feet or more, the maximum allowed height of a fence on the property line shall be determined by the Director.

**E.** Allowed materials. For projects requesting Streamlined Residential Review (Chapter 18.79), all fences shall be two-sided and made of wood or a dark wrought iron. No spikes or ornamental features shall be used. Only orthogonal designs shall be allowed.—

**F.** **Prohibited materials.** The use of barbed wire, electrified fence or razor wire fence in conjunction with a fence, wall or hedge, or by itself within any zoning district, is prohibited unless:

- 1. Approved as part of the land use permit, based upon a finding that the material is necessary for the security of the facility or is required by a law or regulation of the Town, State or an agency thereof; or
- 2. The fence is a simple, one-strand horse electric fence in the RR and RC districts.

### 18.30.080 - Grading and Vegetation Removal

**A. Preservation of the natural vegetation.** To prevent premature grading of the existing terrain and to ensure preservation of the natural vegetation within the Town, grading and/or removal of natural vegetation shall not occur before the issuance of a land use permit (e.g., Zoning Clearance, Use Permit, etc.) and required grading or building permit authorizing development on the subject parcel, except for the following:

1. Vegetation and tree removal on an existing developed single-family residential subdivision lots. This exemption also applies to accessory dwelling units on existing developed single-family residential subdivision lots. Tree removal associated with an approved building permit for a single-family residence, accessory dwelling unit is also exempt. This exemption does not apply to vacant single-family residential subdivision lots;
2. Removal of vegetation done within an open space area by a subdivision homeowner's association or similar organization or a public agency in order to maintain the health of the forest and/or enhance fire safety. Documentation from a registered forester or other similar licensed professional shall be provided to Planning Division staff for review prior to any tree removal;
3. Removal of vegetation to comply with the fuel clearance regulations of the Truckee Fire Protection District. Documentation from a registered forester or other similar licensed professional shall be provided to Planning Division staff for review prior to any tree removal; and
4. Removal of vegetation to comply with the active defensible space program of a subdivision homeowner's association. Documentation from a registered forester or other similar licensed professional shall be provided to Planning Division staff for review prior to any tree removal.

**B. Building and Grading Permits.** A Grading Permit shall not be issued until the associated Building Permits are issued, unless grading is secured with an appropriate performance guarantee in compliance with Section 18.84.040 (Performance Guarantees).

**C. Commission requirements.** As part of the approval of a Development Permit or Use Permit involving grading, the Commission shall make one of the following findings:

1. Performance guarantees in compliance with Section 18.84.040 (Performance Guarantees) shall be required prior to issuance of any grading or building permits for the project to guarantee restoration of the site if the project is not completed;
2. There is sufficient evidence demonstrating there is adequate financing for the project to guarantee that the project will be completed; or
3. Performance guarantees are not necessary, given the particular circumstances of the application.

**D. Maximum site disturbance for single-family residential uses.** For parcels that are 1.5 acres or greater but less than five acres with or proposed to be developed with single-family residential dwellings, the maximum allowed site disturbance shall be 40% or 1.5 acres, whichever is greater. For parcels that are five acres or greater, with or proposed to be developed with single-family residential dwellings, the maximum allowed site disturbance shall be 30%. For purposes of this standard, disturbance for septic systems shall be exempt from the site disturbance calculation if the area is revegetated with unirrigated septic-appropriate native landscaping. No maximum site disturbance standard is required for single-family residential uses on parcels smaller than 1.5 acres; development standards related to site coverage, setbacks, snow storage areas, etc. apply.

### 18.30.090 - Height Measurement and Height Limit Exceptions

All structures shall comply with the following standards relating to height, except for fences and walls, which are instead subject to the provisions of Section 18.30.070 (Fences, Walls and Hedges).

- A. Maximum height of structures.** The height of structures shall not exceed the standard established by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses).
- B. Height measurement.**

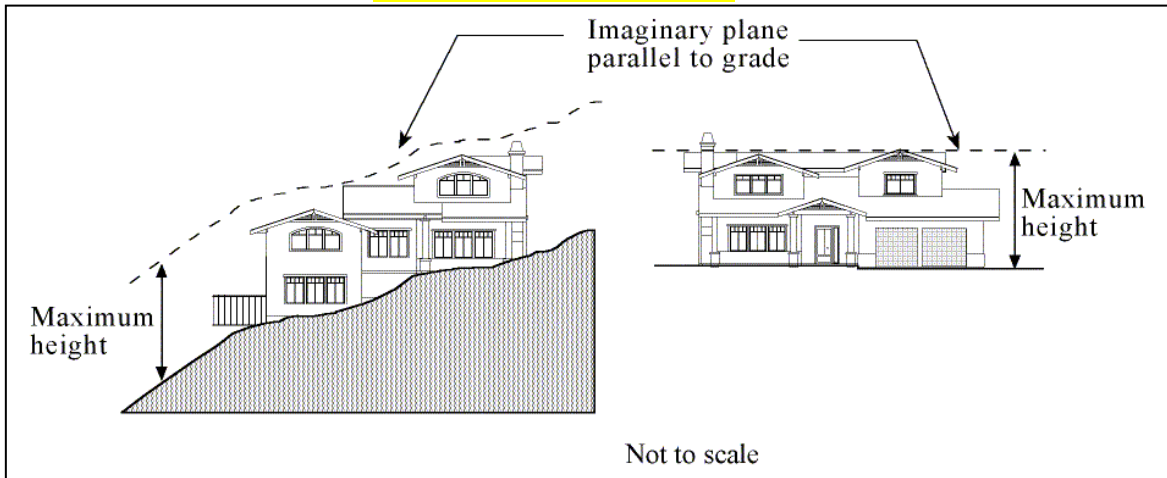
~~1. Measurement of Height. The height limit for buildings and structures established by Article II or other provisions of this code shall be measured as the vertical distance from the highest point of the structure to the average of the highest and lowest points where the exterior walls touch the natural grade as shown in Figure 3-2.~~

~~2. Where the structure has a split roof(s) 10 or more feet below the highest point of the structure and the floor area underneath the split roof extends at least 20 feet out from the remainder of the structure, the height limit for the structure shall be measured as the vertical distance from the highest point of the structure and the highest point of the split roof to the average grade of the development envelope. The average of these two measurements will determine the height of the structure. In order to be eligible for this allowance, the split roof area shall be at least 30 percent of the entire roof area of the structure.~~

3. In no case shall the height of any portion of a structure exceed a height greater than five feet above the standard established by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses) as measured as the vertical distance from the natural grade of the site to an imaginary plane located the allowed number of feet above and parallel to the grade. See Figure 3-3.



**FIGURE 3-2  
HEIGHT MEASUREMENT**



**FIGURE 3-3  
MAXIMUM HEIGHT**

C. Exceptions to height limits. The height limits of this Development Code may be exceeded as follows:

1. Fire or parapet walls may extend up to four feet above the allowable height limit of the structure.
2. Belfries, chimneys, cupolas, domes, flag poles, gables, monuments, penthouses, scenery lofts, spires, towers (e.g., hose, radio, utility, water, etc.), water tanks, similar structures

~~and necessary mechanical appurtenances may be authorized to exceed the height limit established for the applicable zoning district, subject to the approval of a Minor Use Permit in compliance with Chapter 18.76.~~

~~3. Telecommunication facilities, including antennae, poles, towers and necessary mechanical appurtenances, may be authorized to exceed the height limit established for the applicable zoning district, in compliance with Section 18.58.250 (Telecommunications Facilities).~~

~~The height of a single-family dwelling in a residential zoning district as measured in accordance with Sections 18.30.090.B.1 and B.2 may be increased up to an additional five feet, when the average slope of the parcel within the building pad is 25 percent or greater.~~

**D. Director exceptions to height limits.** ~~The Director may authorize exceptions to the height limits for single-family dwellings in a residential zoning district, as follows:~~

~~On building sites with slopes less than 25 percent, the Director may approve an average height limit not to exceed 38.5 feet.~~

~~On building sites with slopes greater than 25 percent, the Director may approve an average height limit not to exceed 44 feet.~~

~~No portion of a single-family dwelling shall exceed a height greater than five feet above the average height limit approved by the Director. For example, if the Director approves an average height limit of 37 feet, no portion of the single-family dwelling may exceed 42 feet.~~

~~The Director may approve the additional height, as follows:~~

~~1. The Director finds all of the following:~~

~~a. There are unique circumstances associated with the property or the structure design that necessitate an increase in the height limit to prevent an unnecessary hardship or to overcome practical difficulties in constructing the dwelling;~~

~~b. The structure height and design is compatible with the neighborhood;~~

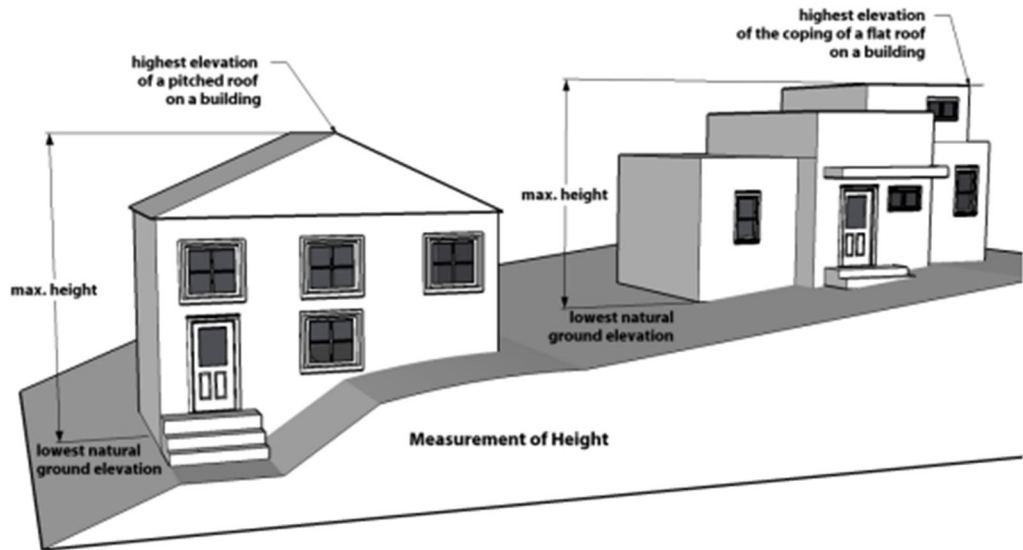
~~e. The additional height of the structure will not significantly impair views from surrounding properties; and~~

~~d. The structure height is not substantially taller than other structures in the neighborhood.~~

~~2. Prior to approving an exception to the height limit, notice of the Director's intent to approve an exception to the height limit shall be issued in conformance with Chapter 18.72 (Zoning Clearance), including the requirement to mail notice of the Director's intent to properties within 500 feet of the project site.~~

**A. Maximum height of structures.** The height of structures shall not exceed the standard established by the applicable zoning district in Article II (Zoning Districts and Allowable Land Uses).

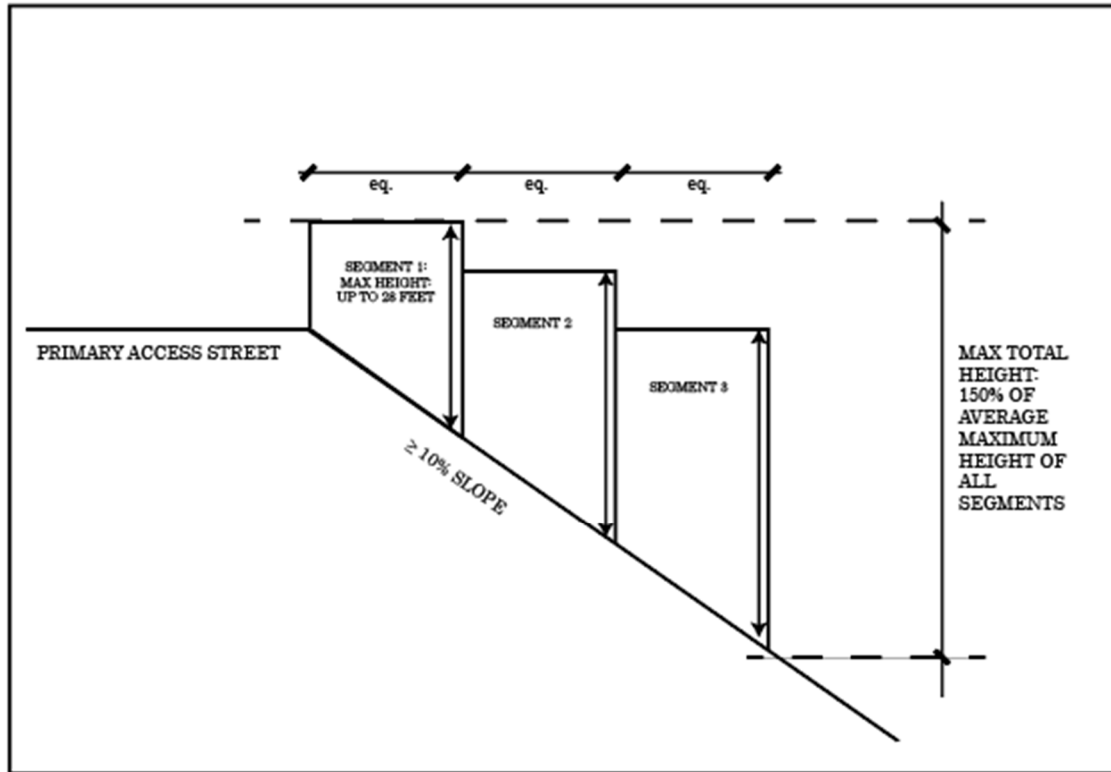
**B. Height measurement.** The height limit for buildings and structures established by Article II or other provisions of this code shall be measured as the difference between the point of lowest natural grade along an exterior wall of the building or building segment pursuant to Section 18.30.090.C, and the elevation of the highest point of the building.



**FIGURE 3-2 – HEIGHT MEASUREMENT**

**C. Maximum Height for Single-Family Residential Dwellings on Slopes.** For a single-family residential building located on a sloping site with a percent cross slope retained across the building site of 10% or greater, the following applies:

- a. For purposes of measuring height, the building may be divided into up to three distinct, attached segments (e.g., steps or terraces), equidistant in width, perpendicular to the elevation facing the front property line;
- b. Each segment of the building shall comply with the base maximum height permitted by Section 18.30.090.B, except that the building segment closest to the street providing primary access to the building shall not exceed 28 feet in height.
- c. The total maximum height of the building as measured from the lowest point of the structure to the highest point on the structure shall not exceed 150% of the average maximum height of each of the building segments.



**FIGURE XX – HEIGHT MEASUREMENT FOR SINGLE-FAMILY DWELLINGS ON SLOPES**

**D. Exceptions to height limits.** The height limits of this Development Code may be exceeded as follows:

- a. **Chimneys and other rooftop appurtenances.** Chimneys, flues, vents, antennas, and similar mechanical appurtenances may be erected to a height ten percent greater than the otherwise permissible maximum height of a building or five feet, whichever is less.
- b. **Telecommunication facilities.** Telecommunication facilities, including antennae, poles, towers and necessary mechanical appurtenances, may be authorized to exceed the height limit established for the applicable zoning district, in compliance with Section 18.58.250 (Telecommunications Facilities).

### 18.30.100 - Property Maintenance

- A. **Purpose.** This Section provides for the abatement of conditions which are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction to or interference with the comfortable enjoyment of adjoining property, or hazardous or injurious to the health, safety or welfare of the general public in a manner which may constitute a nuisance.

- b. Landscaping shall be designed to visually screen the commercial development from the residences and to effectively break up the otherwise long, flat appearance of the wall. Trees shall be provided at a rate of one for every 20 lineal feet of landscaped area, and shrubs shall be provided at a rate of one for every five lineal feet of landscaped area. Additional trees and shrubs may be required by the review authority as determined on a case by case basis.
  - c. The use of the landscaped setback for passive activities (e.g., lunch area, pedestrian path, snow storage) shall be subject to the approval of the Director.
- 4. **Exceptions to screening and buffer requirements.** The requirements of this subsection may be modified or waived through the approval of a Minor Use Permit in compliance with Chapter 18.76.
- C. **Screening and buffer between multi-family and single-family residential uses.** Wherever a multi-family residential project adjoins a site developed with or zoned for a single-family residence, but is not separated by a street, a six-foot high solid wood fence or decorative masonry wall shall be constructed along the property line adjoining the single-family residential use. The review authority may modify or waive the requirements for the fence or wall if the review authority finds the characteristics of the site or vicinity would make the required screening and buffer unnecessary or the fence or wall would adversely affect neighborhood compatibility and other screening and buffer methods have been incorporated into the project to achieve the same effect of the required fence or wall.
- D. **Equipment.** Any equipment in multi-family and non-residential zoning districts, whether on a roof, the side of structure or ground, and any loading docks, service yards, trash and storage areas, and utility services shall be properly screened from public view.
  - 1. The method of screening shall be architecturally compatible with other on-site development in terms of colors, materials, shape and size.
  - 1. The screening design and construction shall be subject to the approval of the Director, and shall blend with the design of the structures and include appropriately installed and maintained landscaping when on the ground.

### 18.30.120 - Setback Requirements and Exceptions

This Section provides standards for the use and minimum size of required setbacks. These standards are intended to provide open areas around structures for: visibility and traffic safety; access to and around structures; access to natural light, ventilation and direct sunlight; separation of incompatible land uses; and space for privacy, landscaping and recreation.

- A. **Setback requirements.** All structures shall comply with the setback requirements of the applicable zoning district established by Article II (Zoning Districts and Allowable Land Uses), and with any special setbacks established for specific uses by this Development Code, except as otherwise provided by this Section. No portion of a structure, including eaves or roof overhangs, shall extend beyond a property line, or into an access easement or street right-of-

way. Each required setback shall be open and unobstructed from the ground upward, except as provided in this Section.

**B. Exemptions from setback requirements.** The minimum setback requirements of this Development Code apply to all uses except the following:

1. Fences or walls six feet or less in height above the natural grade of the parcel, except on corner lots and within front yards in compliance with Section 18.30.070;
2. Decks, earthworks, free-standing solar devices, hot tubs, steps, swimming pools/spas, terraces and other site design elements which are placed directly upon the finish grade and do not exceed a height of 18 inches above natural grade at any point;
3. Retaining walls less than four feet in height above the surrounding finish grade at any point;
4. Parking pads with railings four feet or less in height; and
5. Basketball baskets and supports.

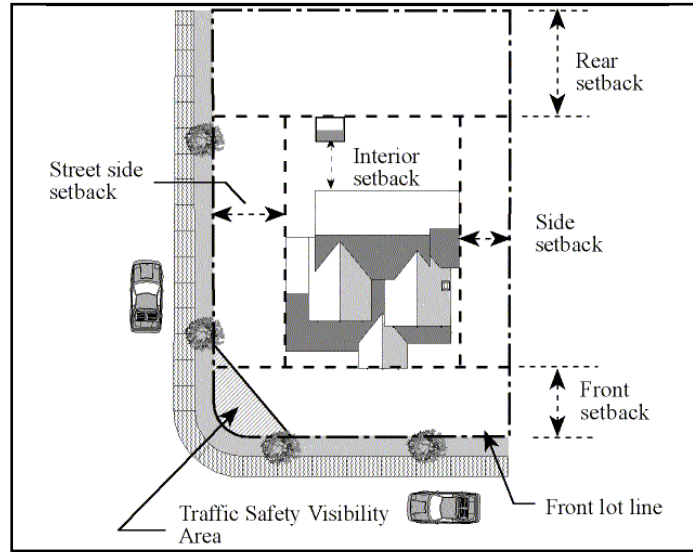
**C. Allowable setback reductions.**

1. The Director may approve a side yard setback reduction up to 20 percent of the minimum required setback for permitted uses and structures on residential lots in compliance with Development Code Section 18.75 (Minor Modifications).
2. The required street-side setback may be reduced by the Town Engineer by a maximum of five feet on residential lots that are less than 80 feet wide if the Town Engineer finds that the reduced setback will not adversely affect a traffic safety front or street-side visibility area or interfere with street snow removal operations.

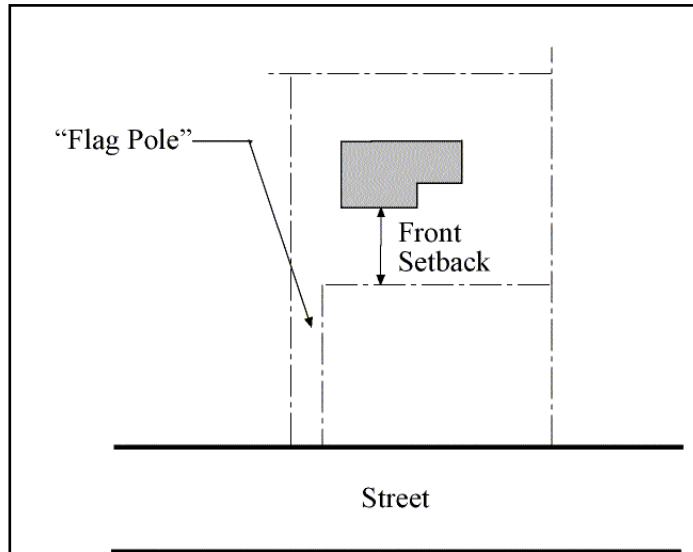
**D. Measurement of setbacks.** Setbacks shall be measured as follows. See Figure 3-4.

1. **Front yard setbacks.** The front yard setback shall be measured at right angles from the nearest point on the front property line of the parcel to the nearest line of the structure, except as follows: whenever a future right-of-way width line is officially established for a street, required setbacks shall be measured from the established lines.
  - a. **Corner parcels.** The measurement shall be taken from the nearest line of the structure to the nearest point of the property line adjoining the street which has the narrowest parcel frontage. Whenever a future right-of-way width line is officially established for a street, required setbacks shall be measured from the established line(s); and
  - b. **Flag lots.** The measurement shall be taken from the nearest line of the structure to the point where the access strip meets the bulk of the parcel, establishing a building line parallel to the lot line nearest to the public street or right-of-way. See Figure 3-5.

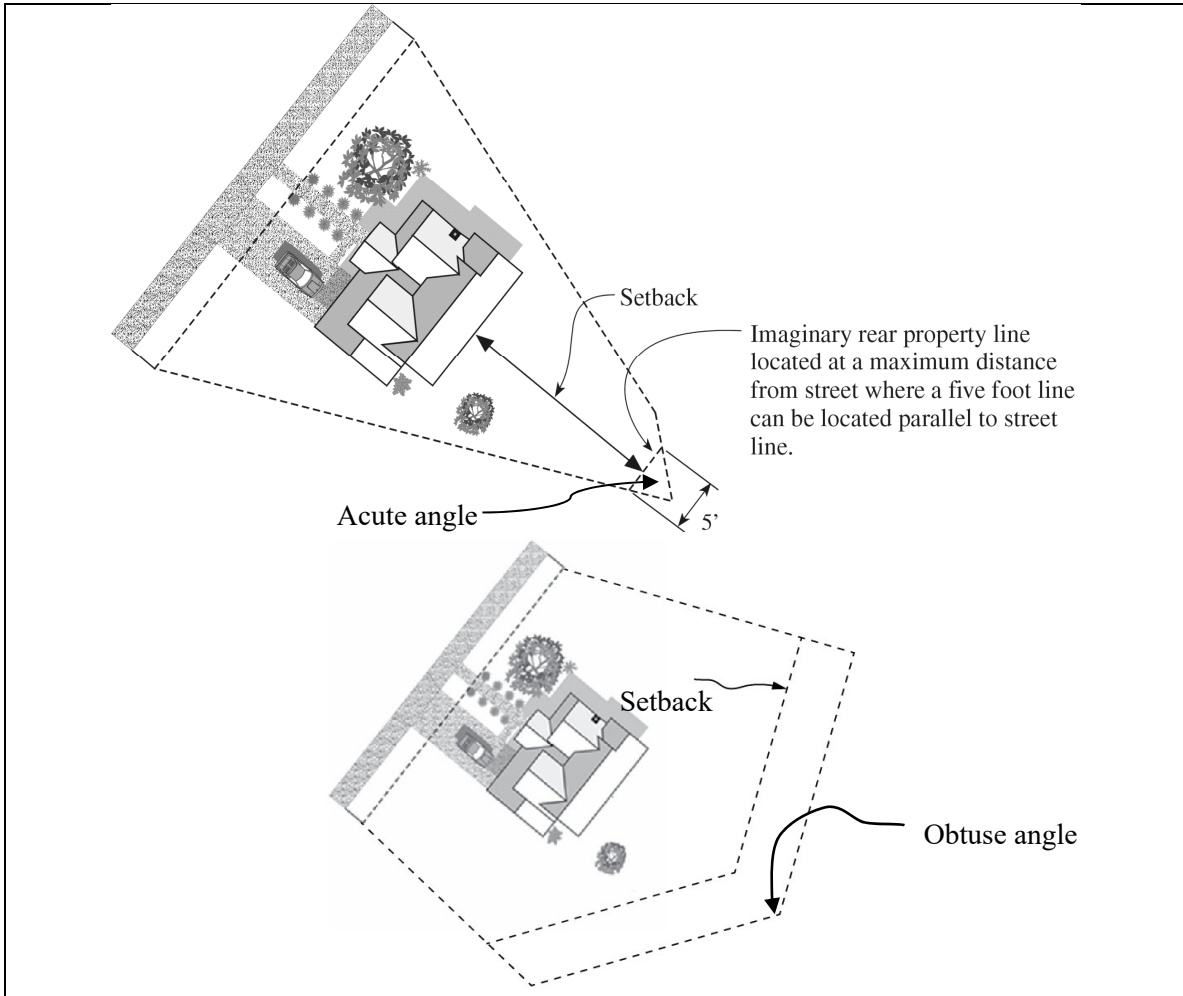
2. **Side yard setbacks.** The side yard setback shall be measured at right angles from the nearest point on the side property line of the parcel to the nearest line of the structure, establishing a setback line parallel to the side property line, which extends between the front and rear yards.
3. **Street-side setbacks.** The setback on the street-side of a corner parcel shall be measured from the nearest point of the property line adjoining the street to the nearest line of the structure. Whenever a future right-of-way width line is officially established for a street, required setbacks shall be measured from the established lines.
4. **Rear yard setbacks.** The rear yard shall be measured at right angles from the nearest point on the rear property line of the parcel to the nearest line of the structure, establishing a setback line parallel to the rear property line, which extends between the side yards, except:
  - a. On a through lot, both lot lines are front lot lines, and the lot is considered to have no rear lot line; or
  - b. Where the side lot lines converge to a point and the angle of convergence is 90 degrees or less (acute), a line five feet long within the parcel, parallel to and at a maximum distance from the front lot line, shall be deemed to be the rear lot line for the purpose of determining the depth of the required rear yard. See Figure 3-6. Where the side lot lines converge to a point and the angle of convergence is greater than 90 degrees (obtuse), the side property lines that converge to this point are both considered the rear property line for the purpose of determining the depth of the required rear yard. See Figure 3-6.



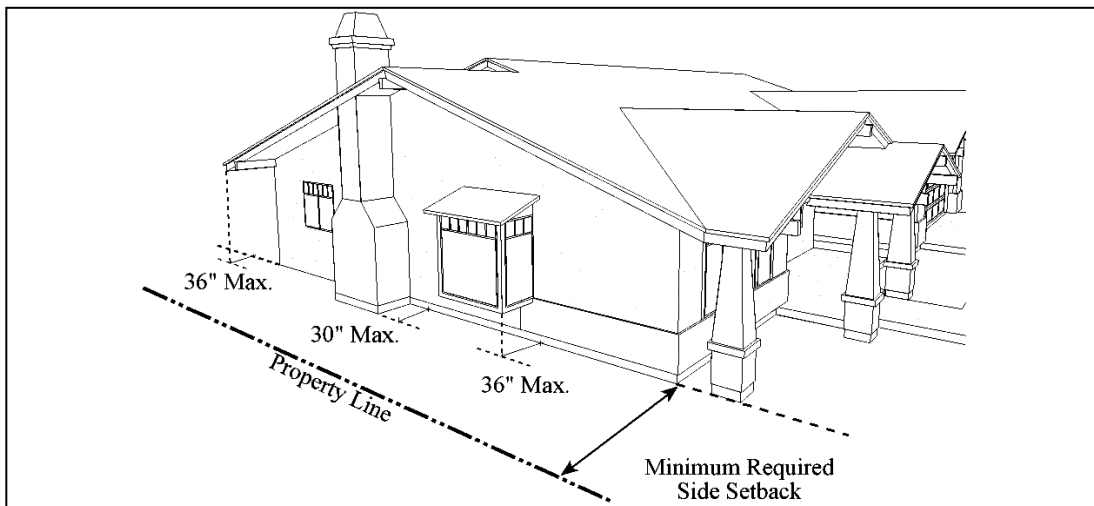
**FIGURE 3-4  
LOCATION AND MEASUREMENT OF SETBACKS**



**FIGURE 3-5  
FLAG LOT SETBACKS**



**FIGURE 3-6  
REAR SETBACK MEASUREMENT ON TRIANGULAR AND IRREGULAR LOTS**



**FIGURE 3-7  
EXAMPLES OF ALLOWED PROJECTIONS INTO SETBACKS**

- E. Allowed projections into setbacks.** Attached architectural features may extend beyond the wall of the structure and into the front, side, street-side and rear setbacks, in compliance with Table 3-2, below. Other portions of single-family dwellings may extend into required setbacks in compliance with Subsection F.7 (Setback requirements for specific structures and situations - Single-family dwellings).

**TABLE 3-2  
ALLOWED PROJECTIONS INTO SETBACKS**

Projecting Feature	Allowed Projection into Specified Setback		
	Front Setback	Side and Street-Side Setback	Rear Setback
Balconies, bay windows and other cantilevered features at least ten feet above average natural grade at the location of the feature.	36 in.	36 in. (1)	5 ft.
Chimney/fireplace, 6 ft. or less in width	30 in.	30 in. (2)	30 in. (2)
Canopy, cornice, eave, roof overhang	36 in.	36 in. (3)	5 ft.
Deck, porch, which may be roofed but is otherwise unenclosed, 18 in. or more above natural grade (4)	6 ft.	36 in. (1)	6 ft.
Stairway, not attached to a deck, not enclosed, and does not extend above the ground floor as measured from the driveway grade adjacent to the garage or house	6 ft. (5)(6)	36 in. (1)	6 ft.

**Notes:**

- (1) Feature may project no closer than seven feet to any side property line. Feature may not project into the side yard setback in the DRS and DRM districts. See Section 18.30.120(F)(7) for exceptions.
- (2) Feature may project no closer than three feet to any side or rear property line.
- (3) Feature may project no closer than seven feet to any side property line; or three feet to any side property line in the DRS, DRM and DRH districts only if the structure has a non-shedding roof. See Section 18.30.120(F)(7) for exceptions.
- (4) Decks less than 18 inches above natural grade are exempt.
- (5) Covered walkways and stairways adjoining garages within the front yard setback may project into the front yard setback up to the front of the garage.
- (6) For steep lots that qualify for a 50 percent reduction of the front yard setback in accordance with Section 18.30.120.F.7.a, a six-foot encroachment into the reduced 10-foot setback will be permitted for an uncovered stairway necessary to provide access to the residence, including railings that do not exceed current Building Code height requirements. This reduction shall not apply to covered stairs or walkways which may only project into the front yard setback up to the front of the garage or residence. Additionally, this reduction shall not apply to areas within recorded easements or where special setbacks are recorded on the subdivision map.

**F. Setback requirements for specific structures and situations.**

- 1. Dwelling groups.** An inner court providing access to a multi-family dwelling group (constructed and located face-to-face) shall provide a minimum width of 10 feet between the rows for single-story structures with an additional five feet of width for each additional floor above the first floor.
- 2. Fences.** See Section 18.30.070 (Fences, Walls and Hedges).

**3. Garages.**

- a. Except on flag-shaped lots, a garage for a single-family residence, including detached and attached accessory dwelling units, may be located within the front yard or street-side setback area, up to one foot from the front or street-side property line. When the face of a garage entrance, situated approximately parallel to a front or street-side property line adjoining a street, the garage shall be set back a minimum of 20 feet from the edge of the pavement of the adjoining street, including sidewalks. In other cases, the garage shall be set back a minimum of 10 feet from the edge of the pavement of the adjoining street.
- b. The garage shall not be located within a traffic safety visibility area.
- c. Except for a vehicle entry door, there shall be no windows or other openings (e.g. door entry) on the garage elevation that is parallel to and facing the street and within the front setback area.
- d. Whenever a future right-of-way width line is officially established for a street, required yards shall be measured from the established line(s).
- e. A garage within the front yard setback shall not exceed one story or 20 feet in height, whichever is less, as measured from the driveway grade at the garage entry door.
- f. The use of the garage shall be limited to laundry facilities, parking of vehicles, personal work areas and storage. Living space such as a recreation room, home office, bedroom, living room and kitchen shall not be allowed in conjunction with a garage within the front or street-side setback area, except that living space may be authorized below the garage, on a down sloping parcel in compliance with the minimum setback for a garage in Section 18.30.120.F.3.a. Uncovered decks with railings four feet or less in height may be allowed on the top of the garage.
- g. A cornice, eave or roof overhang for a garage may extend up to a maximum of 36 inches into the 20-foot from edge of pavement setback required by Section 18.30.120.F.3.a, but shall be located at least one foot from the property line.

**4. Hot tubs, swimming pools/spas and other site design elements.**

- a. Site design elements less than 18 inches above natural grade are exempt from setback requirements.
- b. Detached decks, earthworks, freestanding solar devices, hot tubs, steps, swimming pools/spas, terraces and other site design elements, and which equal or exceed a height of 18 inches above natural grade at any point, shall conform to the setback requirements. Swimming pools, or other recreational pools or landscape ponds, may be located in a required front, rear or side yard, subject to the approval of a Minor Use Permit, in compliance with Chapter 18.76, and applicable Building and Health Codes.

5. **Residential accessory uses and structures.** Residential accessory uses and structures shall be provided setbacks in compliance with Table 3-3 (Required Setbacks - Accessory Uses and Structures).

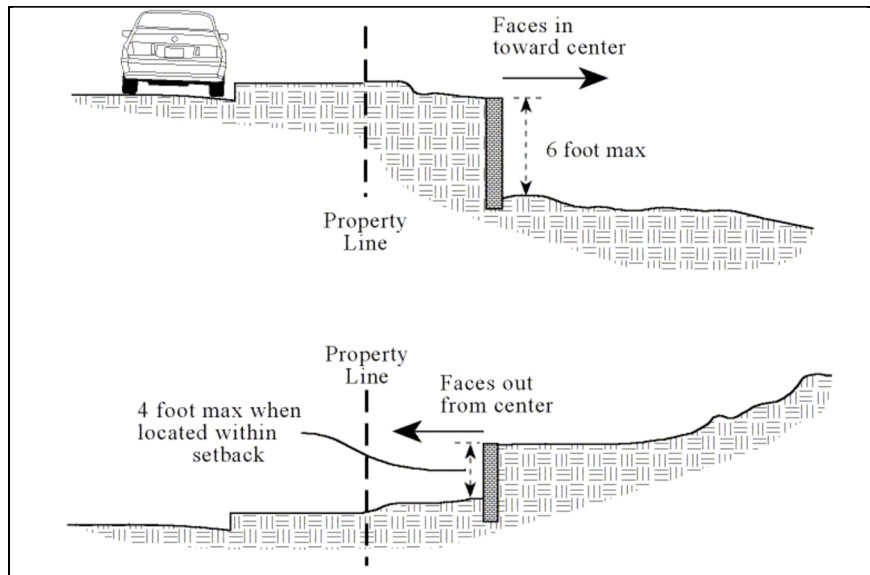
**TABLE 3-3  
REQUIRED SETBACKS - RESIDENTIAL ACCESSORY USES AND STRUCTURES**

<b>Accessory Use/Structure</b>	<b>Type of Setback (1)</b>	<b>Required Setback (2)</b>
Air conditioning equipment, pool and spa equipment, ground-based antennas, generators	Sides, rear	5 feet
Garage	Front, street-side	1 foot and 20 feet from edge of street pavement
Gazebo, greenhouse, patio cover	Front, street-side	15 feet
	Rear	15 feet for single-family dwelling, 10 feet for multi-family dwellings
	Interior (3)	6 feet
Propane tank	Front, street-side	As required for main structure.
	Sides, rear	0 feet (4)
Stationary barbecue, fire pit	Sides, rear	5 feet
Swimming pool, spa, fish pond, outdoor play equipment	Street-side	As required for main structure.
	Sides, rear	5 feet
Other structures greater than 120 square feet	Front, street-side, sides, rear	As required for main structure.
Non-habitable structures less than 120 square feet and greater than 6 feet in height	Front, street-side	As required for main structure.
	Sides, rear	5 feet
Structures less than 120 square feet and 6 feet or less in height and not covered elsewhere in this section	Front, street-side, sides, rear	0 feet

**Notes:**

- (1) When a setback is not specified, the setback shall be as required for the main structure. Where a parcel is situated so that the front, side or rear property lines are not readily determinable, required setbacks shall be established by the Director.
- (2) A structure, projection or equipment shall not be placed or occur beyond the property lines of the subject parcel.
- (3) Chapter 18.220 (Definitions, Glossary) for the definition of interior setback.
- (4) Propane tanks must comply with the side, rear and interior setback requirements of the Town Building Code and the Truckee Fire Protection District.

6. **Retaining walls.** (Retaining walls up to four feet in height are exempt from setback requirements.)
- Retaining walls from four to six feet in height may be located within a required setback provided the exposed side of the wall faces into the subject parcel; and
  - Retaining walls greater than six feet in height, or retaining walls greater than four feet in height where the exposed side of the wall faces out from the subject parcel, shall conform to the setback requirements.
  - Retaining walls greater than four feet in height for driveways and driveway structures may be located within a required front yard setback if the Town Engineer finds that the wall will not adversely affect a front or street-side traffic visibility area or interfere with street snow removal operations.



**FIGURE 3-8**  
**RETAINING WALLS IN SETBACK**

7. **Single-family dwellings.** Single-family dwellings may extend into required setbacks as follows:
- Front setbacks.** Where an existing sloping parcel contains 40,000 square feet or less in net area, setback requirements are not specified on the recorded subdivision map, and the average difference in elevation in the first 60 feet of the parcel measured perpendicularly between the edge of the pavement or traveled way and the structure is one vertical foot for every four horizontal feet (1:4) or more, the front yard setback for a single-family dwelling may be reduced up to 50 percent of that required for other parcels in the same zoning district, provided that the rear setback is increased by the amount of the requested reduction. For example, where a single-family residential parcel has a 20-foot standard front yard setback and is requesting a reduction of a front-yard setback to 12 feet (eight-foot reduction), the rear yard

setback would be increased from the standard 20-foot rear yard setback to a 28-foot rear yard setback (addition of the eight-foot reduction to the rear setback).

For single-family residential dwellings on through lots that have two front yard setbacks, only one front yard setback may be reduced up to 50 percent of that required for other parcels in the same zoning district provided that the other (opposite) front yard setback is increased by the amount of the requested reduction. For through lots, only one front yard setback may be granted this reduction. On through lots with garages in the front setback, the reduction may only be granted to the front setback where the garage is located, if applicable.

The reduced front yard setback applies to all structures including the main structure, decks, eaves, etc. If the reduced front yard setback is used, the allowed projections of Table 3-2 (Allowed Projections into Setbacks) do not apply. Living space is permitted below a garage within the front yard setback in compliance with Section 18.30.120.F.3.f.

- b. Side setbacks.** A single-family dwelling and related accessory structures may extend up to two feet into a required side yard setback but no closer than eight feet to a side property line, and allowed projections as listed in Table 3-2 (Allowed Projections Into Setbacks) may be located up to five feet into a required side setback, but no closer than five feet to any side property line only as follows:

- (1) The average width of the parcel at the building pad is 80 feet or less;
- (2) The wall of the structure is located no closer than 15 feet to the wall of any structure on an adjoining parcel;
- (3) The pitch of any portion of the roof within the side yard setback is not directed toward the side property line or the structure has a non-shedding roof with a deed restriction recorded on the property that limits the type of roofing materials to a non-shedding roof material and/or snow retention mechanism for the life of the structure; and
- (4) Windows and other wall openings of the structural wall within the side setback are limited to five percent or less of the total area of the wall.

- c. Side setbacks for legal, nonconforming single-family structures.** An addition or modification to an existing legal non-conforming single-family dwelling that encroaches into the side setback may extend up to five feet into a required side setback, but no closer than five feet to a side property line required setback may extend up to five feet into a required side, as follows:

~~(1) The Director finds all of the following:~~

~~(1) (a) The height and design of the addition or modification is compatible with the existing structure;~~

~~(2)~~

~~(3)(1) (b)~~—The side yard setback for the addition or modification is equal to or greater than the side yard setback for the existing **legal, non-conforming** dwelling;

~~(2) (e)~~—The lineal feet of the addition or modification within the side yard setback does not exceed the lineal feet of the existing dwelling within the side yard setback;

~~(4)(3)~~ **The wall of the structure is located no closer than 15 feet to the wall of any structure on an adjoining parcel; and**

~~(4) (d)~~ **The pitch of any portion of the roof within the side yard setback is not directed toward the side property line or the structure has a non-shedding roof with a deed restriction recorded on the property that limits the type of roofing materials to a non-shedding roof material and/or snow retention mechanism for the life of the structure. The addition or modification will not exacerbate any problems resulting from the side yard encroachment (e.g. roof shedding of snow onto adjacent property).**

~~(5)~~ **Windows and other wall openings of the structural wall within the side setback are limited to five percent or less of the total area of the wall.**

~~(2) — A Zoning Clearance shall be issued in conformance with Chapter 18.72 (Zoning Clearance), including the requirement to mail notice of the Director's intent to properties within 500 feet of the boundary which is the subject of the Zoning Clearance. The applicant shall submit evidence of the date when the original noneconforming use was established.~~

**8. Traffic safety visibility areas.** Structures shall not be altered, constructed, erected or moved, so that they are located closer to a street line than is necessary to provide adequate space for on-site traffic/vehicle maneuvering and the structures shall not be located within a traffic safety visibility area except for fences as permitted by Section 18.30.070.C (Fence Height Limitations). See Figure 3-4.

**G. Structures in front yard setback.** Any damage sustained to any fence, garage, wall, barrier or other building or structure located within the front yard setback as the result of snow removal operations other than direct contact by snow removal equipment shall be the sole responsibility of the property owner and the Town shall have no liability whatsoever therefore.

### 18.30.130 - Snow Storage

All development and proposed land uses that are planned with off-street parking and circulation areas shall be designed and constructed to provide snow storage areas in compliance with the minimum standards of this Section.

**A. Application content requirements.** All land use permit applications subject to this Section shall include identification of required snow storage areas on the required site plan.

### Section 18.58.025 - Accessory Dwelling Units

This Section establishes standards for the development and operation of accessory dwelling units, previously known as secondary residential units and hereafter referred to as “ADUs.” For information specific to junior accessory dwelling units (JADUs), see Subsection O below.

- A. Applicability.** Accessory dwelling units (ADUs) are allowed in all zoning districts that allow single-family and multifamily dwelling residential uses (i.e., DRS, DRM, DRH, RR, RS, RM, DMU, DC, DM, DVL, CN, CG, CS, M, RC and REC zoning districts) subject to compliance with the development standards of the underlying zoning district for the primary dwelling and the requirements of this Section. If a conflict arises between the general development standards and the development standards applicable to ADUs, the development standards of this Section shall supersede any conflicting development standard of Article II or Article III.
- B. Types of ADUs.**
- 1. Attached ADU.** An attached ADU is within or directly connected to an existing or proposed primary dwelling or its attached garage, having a wall and/or other conditioned space in common. This can include remodeling an existing permitted living space into an ADU, converting existing non-living space into an ADU, adding square footage or an additional floor to the primary dwelling or its attached garage to create an ADU, etc.
  - 2. Detached ADU.** A detached ADU is physically separated from an existing or proposed primary dwelling and its attached garage, not sharing a common wall or other conditioned space. This includes converting an existing detached structure into an ADU, adding square footage or an additional floor to an existing detached structure to create an ADU, constructing a new detached structure to create an ADU, etc.
  - 3. Junior ADU (JADU).** A JADUs is a smaller type of attached dwelling unit that is no more than 500 square feet in size. Standards for JADUs are described in Subsection O below.
- C. Number of units allowed.** An ADU that conforms to the development standards in this Section is deemed to be an accessory use and/or an accessory structure and will not be considered to exceed the allowable density for the lot upon which it is located.
- 1. Single-family parcels.** One accessory dwelling unit (attached or detached) and one junior accessory dwelling unit (JADU) shall be permitted on a legal parcel developed with one single-family dwelling. An ADU and/or JADU may be developed concurrently with a new single-family dwelling; however, final occupancy of the ADU/JADU shall not be issued prior to final occupancy of the new main dwelling.
  - 2. Multifamily parcels.** JADUs are prohibited on multifamily lots. On a lot with existing multifamily dwellings, the property owner of the underlying parcel may choose one or both of the following methods to create ADUs:
    - a. Detached ADUs.** Up to two detached ADUs shall be permitted with 16-foot height limits and 4-foot rear and side yard setbacks.

- b. Converted ADUs.** Converted ADUs within portions of existing multifamily dwelling structures that are not used as livable space (e.g., storage rooms, boiler rooms, passageways, attics, basements, attached garages) shall be permitted; the number of converted ADUs permitted shall be one unit per existing multifamily development or up to 25 percent of the existing unit count in the building, whichever is greater.

For example, a multifamily property with 12 existing units could add two detached ADUs and three new attached ADUs converted from within the existing, non-livable space.

**D. Size and location standards.**

- 1. Development envelopes and easements.** For ADUs constructed on lots where the recorded subdivision map established development/building envelopes and/or where there are recorded easements on the property, the building envelope and easement restrictions shall take precedence over any setback reductions provided within Subsection D.3 (Size limits, setbacks and standards) below.
- 2. Proximity.** A detached ADU shall be located within 100 feet of the main dwelling, unless a greater distance is determined to be necessary by the Director to avoid on-site septic systems, water supply systems, geographic constraints, and/or environmentally sensitive areas as defined in Section 18.46.030.B (Environmentally Sensitive Areas).
- 3. Size limits, setbacks and standards.** ADU size (i.e., floor area and height), setbacks, and development standards are directly correlated, therefore they are combined in this Subsection D.3 (Size limits, setbacks and standards). Where side yard setback reductions are allowed in this Subsection, these reductions do not apply to street-side setbacks on corner lots. Additionally, on a through lot, both lot lines facing streets are front lot lines and subject to standard front yard setback standards; the lot is considered to have no rear lot line in accordance with the Development Code definition of "Lot Line."

**a. Standard ADUs.**

- (1) Standard maximum floor area.** The gross floor area of an attached or detached ADU is subject to the following standards:
  - (a)** For single-family parcels under 1 acre in size and all multifamily parcels, the maximum gross floor area of an ADU shall not exceed the following:
    - i)** 850 square feet\* for an efficiency unit, studio or 1-bedroom ADU; or
    - ii)** 1,000 square feet\* for an ADU with two or more bedrooms.
  - (b)** For single-family parcels of 1 acre or more, the maximum gross floor area of an ADU shall not exceed 1,200 square feet\*, regardless of the number of bedrooms within the unit.

*\* The actual gross floor area of a standard ADU may be limited to less than these maximum sizes based on the application of the setbacks, height limits, and general development standards described in Subparagraphs (2) and (3) below.*

*For example, a 2-bedroom ADU may be limited to 900 square feet in order to comply with the maximum allowable site coverage on the property.*

- (2) **Setbacks and height.** Any portion of an ADU that is 16 feet in height or less is permitted to be constructed with reduced side and rear yard setbacks, no closer than 4 feet to the side and/or rear property lines, including eaves. Any portion of an ADU structure that exceeds 16 feet in height from natural grade, shall comply with standard side and rear setbacks and height limits applicable to the main dwelling. (Note: Detached ADUs on multifamily lots shall not be permitted to exceed 16 feet in height per Section 18.58.025.c.2.a above.) ADUs shall comply with the standard front yard and street-side setbacks applicable to the main dwelling regardless of ADU height. The following standards shall apply to ADUs within the reduced side and/or rear yard setbacks:
- (a) **Roof design and materials.** The pitch of any portion of the roof within the reduced setback shall not be directed toward the side or rear property line, or the structure shall have a non-shedding roof material and/or snow retention mechanism for the life of the structure. The Town of Truckee finds that, in accordance with Truckee Municipal Code Sections 15.03.080 (Declaration as High Snow Area) and 15.03.110 (Snow Loads) which declare that all of the Town of Truckee is classified as a severe climate and "high snow" area, the aforementioned design standards shall apply to roofs within setback areas to address snow-related issues associated with life safety, structural integrity, and property damage prevention.
- (b) **Architectural projections.** All architectural projections shall comply with Table 3-2 (Allowed Projections in Setbacks) based on the standard setbacks for the zoning district, excluding eaves which are allowed up to 4 feet from side and rear property lines. For example, on a standard single-family residential lot in the RS zoning district, a deck may project up to 3 feet into the 10-foot side yard setback or 6 feet into the 20-foot rear yard setback. Projecting features shall not be permitted unless they comply with development standards (i.e., site coverage, floor area ratio, and open space).
- (3) **Other development standards.** ADUs shall comply with all other general development standards applicable to the main dwelling, including site coverage, floor area ratio, and open space unless an exception is provided elsewhere in this Subsection D.3 (Size limits, setbacks and standards).
- b. **Deviations for smaller ADUs.** An attached or detached ADU that has both a maximum gross floor area of 800 square feet and a maximum height of 16 feet from natural grade shall be permitted with the deviations to general development standards below. (An ADU that exceeds either 800 square feet of gross floor area or 16 feet in height from natural grade shall comply with Paragraph D.3.a (Standard ADUs) above.)
- (1) **Setback reductions.** This category of smaller ADU, including eaves, is permitted to be constructed with reduced side and rear yard setbacks, no closer than 4 feet to the side and/or rear property lines. ADUs within the reduced side

and/or rear yard setbacks shall comply with Subparagraphs D.3.a.2.a (Roof design and material) and D.3.a.2.b (Architectural projections) above.

- (2) **Deviations to development standards.** This category of smaller ADU is permitted to deviate from the site coverage, floor area ratio, and open space standards applicable to the property. Any deviation(s) shall be the minimum necessary to accommodate the floor area of the ADU living space, not to exceed an 800-square-foot deviation, and any existing nonconforming conditions to the zoning/development standards proposed to be exacerbated by the creation of an ADU must be legal.
- c. **Conversion ADUs.** An existing legally constructed portion of a single-family dwelling or residential accessory structure that is converted to or replaced with an ADU shall not be required to meet additional setbacks beyond those that were required at the time the original structure was built. For replacements, if the structure is partially or completely demolished and replaced with a structure for a new ADU, the replacement structure shall be in the same location and shall not exceed the dimensions of the original structure, including footprint, floor area, and height, except as permitted below. The maximum gross floor area of the ADU portion of a converted or replaced structure shall not exceed the size limitations of Paragraph D.3.a.1 (Standard maximum floor area) above. For example, if the converted or replaced structure is 1,500 square feet, the ADU portion of the structure shall not exceed 1,000 square feet of gross floor area for a 2-bedroom ADU, and the remainder may be used for other residential accessory uses.
- (1) **Garage conversions.** In addition to Paragraph D.3.c (Conversion ADUs) above, an existing legally constructed garage located within a front yard or street-side setback that is approved for conversion to or replacement with an ADU shall not include any windows, doors, or other wall openings on the elevation(s) that is/are parallel to and facing the street(s) within the standard setback area. The Town of Truckee finds that the incorporation of this standard is in accordance with Truckee Municipal Code Chapter 10.17 (Snow Removal) and is necessary for life safety to protect residents within or exiting the ADU during snow removal operations as large ice chunks can be projected through the air into front and street-side setbacks and toward buildings and windows within those areas.
- (2) **Roof modifications.** If the converted or replaced structure is within the standard setbacks applicable to the main dwelling, and if substantial modifications are proposed to the existing roof design or surface/material as a part of the ADU creation, the modifications shall comply with Subparagraph D.3.a.2.a (Roof design and material).
- (3) **Expansions of conversion ADUs.** If a conversion ADU is less than the maximum allowable floor area for an ADU, an expansion/addition may be approved; however, any expansions shall be subject to the standard unit size, height limit, setbacks, site coverage, floor area ratio, open space, and other development standards that would be applicable to a new ADU.

(4) **Ingress/Egress for conversions.** In addition to any expansion allowed under Subparagraph D.3.c.3 (Expansions of conversion ADUs), a conversion ADU may include an expansion of the existing structure up to 150 square feet for the purpose of accommodating ingress and egress to/from the ADU. This is permitted only for space that is unconditioned and not fully enclosed (e.g., front porch, covered stairway, breezeway, wheelchair ramp). This space is allowed to deviate from site coverage, floor area ratio, and open space standards applicable to the property up to 150 square feet, and, if relevant, may be used in addition to the deviations permitted for smaller ADUs in Subparagraph D.3.b.2 (Deviations to development standards) above.

(a) **Setbacks for ingress/egress.** A new ingress/egress feature for a conversion ADU shall be no closer than 4 feet to the side or rear property line and shall not extend further into standard front yard or street-side setbacks than the walls of the conversion ADU unless the feature is an architectural projection in compliance with Table 3-2 (Allowed Projections in Setbacks).

d. **Minimum floor area.** A minimum floor area of 150 square feet is required for all ADUs.

#### E. Parking and driveways.

- a. **Parking standard.** One on-site parking space shall be provided for each ADU, in addition to any parking required for the main dwelling unit, in compliance with Chapter 18.48 (Parking and Loading Standards), unless an exemption is provided below:
- b. **ADU garage size.** If a garage or carport for an ADU is proposed, it shall not exceed 500 square feet, shall comply with all general development standards applicable to garages and carports, including site coverage, floor area ratio and open space, and shall be consistent with Section 18.58.220.F.1.c (Residential Accessory Uses and Structures – Garages).
- c. **Parking exemptions.** The one on-site parking space for the ADU shall not be required if any of the following situations apply:
  - a. The ADU is located within a half mile walking distance of a transit stop or within the Downtown Specific Plan Area General Plan Land Use Designation;
  - b. The ADU is part of an existing or proposed primary residence or an existing accessory structure; or
  - c. When on-street parking permits are required but not offered to the occupant of the ADU.
  - d. A car share vehicle station is located within one block of the ADU.
- d. **Replacement parking exemption.** When a legally constructed garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or is converted to an ADU, replacement parking for the main dwelling is not required.

- e. **Parking location.** The Town of Truckee finds that in accordance with Truckee Municipal Code Chapter 10.17 (Snow Removal) and due to Truckee's unique winter climate, the necessity to provide fast and efficient snow removal operations to accommodate emergency response vehicles and enhance driver safety, and the need to minimize property damage to parked vehicles during snow removal operations, required parking for ADUs and any required replacement parking for the main dwelling shall meet the following criteria:
  - a. All required parking shall be entirely on the private property and not in the right-of-way (Development Code 18.78.070.A, Location [of off-street parking]);
  - b. No required parking shall be located within a snow storage easement (Municipal Code Section 10.17.030, Obstructing snow removal equipment prohibited). Required parking shall be prohibited within easements unless either: (i) the easement is amended, with the consent of all entities with an interest in the easement, to clarify that the parking can remain in place in perpetuity notwithstanding any other provision of the easement; or (ii) all entities with an interest in the easement provide written consent for the parking to remain in place in perpetuity, which such consent is absolute, irrevocable, permanent, supersedes the easement to the extent it is inconsistent with the easement, and is recorded in the official records of Nevada County;
  - c. No required parking shall be located within five feet of side property lines (Public Improvements and Engineering Standards Section 4.07, Driveways); and
  - d. Unless otherwise restricted by the above requirements, tandem parking and/or parking within setback areas is permitted.
- f. **On-street parking restriction.** Nothing within Subsection E (Parking and driveways), including the exemptions, shall be deemed to permit on-street parking during any time when such parking is prohibited. This includes, but is not limited to, the on-street parking restriction throughout Truckee from November 1 to April 30 annually (Truckee Municipal Code Section 10.17.030, Obstructing Snow Removal Equipment Prohibited).
- g. **Shared driveway.** An ADU shall be served by the same driveway encroachment as the main dwelling unit. A second driveway for an ADU will be permitted only if all of the following standards are met: 1) The ADU is located on a corner lot or through lot where the ADU will be accessed from a street other than the street providing access to the primary residence, or the ADU is on a lot with road frontage exceeding 150 lineal feet; 2) the proposal shall demonstrate compliance with the maximum allowable site coverage applicable to the property; and 3) the proposal shall comply with all other applicable Development Code standards and Public Improvement and Engineering Standards for single-family driveways and required off-street parking locations, except as modified within Subsection E (Parking and driveways).

**F. ADU design features.**

1. **ADU entrance.** The ADU shall have an exterior entrance separate from the main entrance to the proposed or existing main dwelling; this egress/entrance shall include a continuous and unobstructed path of travel to/from the public way. Additionally, the ADU may share with the main dwelling and/or JADU a single interior entryway (e.g., airlock, mudroom) not to exceed 80 square feet that provides direct, private access to each unit; however, in no case shall the primary entrance to the ADU be through the main dwelling living area, JADU, garage, or other interior space. A shared entryway is considered part of the main dwelling and is subject to general development standards applicable to the main dwelling, including setbacks, height limit, site coverage, floor area ratio, and open space.
2. **Interior access.** Interior access between the ADU and the main dwelling, attached or detached garage for the main dwelling, and/or other residential accessory structures shall be allowed, in compliance with all applicable California Building Standards Code requirements, as adopted by the Town of Truckee. If interior access is proposed, the tenant of the ADU shall be able to lock the shared door from the interior of the ADU for privacy.
3. **Kitchen or cooking facilities.** An ADU shall include a permanent kitchen or cooking facility, consistent with the Development Code definition of a kitchen (Section 18.220.020.K, Kitchen or Cooking Facilities, Residential). At a minimum, an ADU kitchen shall include the following equipment:
  - a. Cooking facilities (i.e., a standalone cooking appliance with at least two burners that is connected to a gas stub or 220 electric volt outlet; does not include portable cooking accessories such as hot plates and other temporary heat sources);
  - b. A refrigerator (no minimum size); and
  - c. A sink for dishwashing and sanitation purposes.

**G. Design standards for ADUs in the –HP Overlay District.** Any detached or attached ADUs larger than 800 square feet or greater than 18 feet in height within the –HP overlay district that is newly constructed or requires exterior modifications shall be consistent with standards outlined in this section. Designs that do not meet the standards of this section may request Historic Design Review (Chapter 18.77) and shall be subject to the requirements of the Downtown Truckee Plan Historic Design Guidelines.

1. **Setbacks.** ADUs shall not be located between the primary residence and the front property line, unless the ADU falls under the standards of Section 18.58.025.D.3.b. Setbacks for an ADU shall be in compliance with the standards of the zoning district for the primary dwelling or as otherwise indicated in this section.
2. **Orientation.** The ADU shall be parallel to the side property lines.
3. **Siding.** Painted or semi-solid stained wood siding shall make up over 60% of the exterior wall material. Transparent stained wood siding is prohibited. A maximum of three types of siding shall be used on the ADU. The allowed siding types for any ADU shall be:
  - a. Horizontal wood lap or clapboard siding, four to six inches of wide.

- b. Brick in a running bond pattern for a large field (greater than 25% of the building wall) or used in any pattern as an accent (10% of any building wall).
  - c. Stone for wainscot, up to a third of the wall's height, including the cap or any moldings.
  - d. Wood shingles on gable ends.
- 4. **Siding for a detached ADU.** For detached ADUs, in addition to the siding material allowed above, the following materials may be used, however the maximum quantity of siding types remains three:
  - a. Board and batten with two- to four-inch battens and six- to eight-inch boards.
  - b. Weathered or powder-coated corrugated metal. If powder-coated metal is used, earthtone colors (shades of brown, green, and warm gray) are required.
  - c. Non-reflective hot-rolled steel.
- 5. **Windows.** All windows shall be wood or aluminum clad wood. One window material shall be used for all windows on the ADU. The following standards apply to windows on ADUs:
  - a. Windows on facades visible from the public right-of-way shall be vertically proportioned, with at least a 2:1 ratio. "Vertically proportioned" means that the vertical dimension is at least two times the length of the horizontal dimension.
  - b. Only rectangular windows are allowed (e.g., circular, triangle, octagonal, arched windows are not permitted).
  - c. Divided lights are not required, but if used, the divided lights shall be true divided lights or simulated divided lights. True divided lights are constructed with muntin bars between individual panes of insulated glass. Simulated divided lights are constructed with muntin bars permanently adhered to the surface both sides of the glass that create three-dimensional relief on the surface of the window glass.
  - d. Window openings are limited to 30% of the area of each building wall.
  - e. Painted wood window trim of at least two inches in width shall be required
- 6. **Doors.** The following standards apply to exterior doors:
  - a. Doors shall be painted wood.
  - b. Doors shall only have window openings up to 20% of the door area.
- 7. **Roofs.**
  - a. **Materials.** All roof material shall have a matte, non-reflective finish and shall be an

earthtone color (shades of brown, green, and warm grays). The following materials are allowed:

- (1) Sawn wood shingles.
- (2) Composition shingle with uniform shingle shapes. Cutaway corners, scalloped-edge, and other irregular shapes are prohibited. Faux shake shingles are prohibited.
- (3) Non-reflective corrugated metal.
- (4) Metal standing seam roofing with a one-inch seam height.

b. **Shape.** If the ADU is detached, roofs shall be the same pitch and shape as the main dwelling and the primary ridge line shall be perpendicular to the street. Mansard, flat, and false front roofs are prohibited. The following roof shapes are allowed:

- (1) Gable. Slopes shall be between 7:12 and 9:12. Gable ends shall face the street.
- (2) Shed. Slopes shall be 4:12 to 12:12.

c. Accessories. The following requirements apply to roof accessories:

- (1) A maximum of two dormers are allowed.
- (2) Skylights shall be flush with the roof plane. Bubbled or domed skylights are prohibited.
  - (a) Drains, gutters, and vents shall be painted to match the color of the roof or the wall on which it is located.
  - (b) Snow fences or guards shall be metal, non-reflective, and painted the color of the roof.

8. Decks, balconies, and patios. The following standards apply to decks, balconies, or patios on ADUs:

- a. Railings may be wood, steel, or cable metal.
- b. Glass, plastic, and plexiglass railings are prohibited.
- c. Crusher screen is prohibited.

9. Exterior lighting.

- a. Materials. All exterior light fixtures shall be non-reflective natural metal or earthtone colors (shades of brown, green, or warm gray) or black. The following materials are allowed for exterior lights:

(1) Non-reflective or powder-coated aluminum.

(2) Cast iron.

(3) Baked Enamel or porcelain.

(4) Oxidized copper.

b. A maximum of two light fixtures are allowed on an ADU.

~~G. ADU historic design standards. (Reserved for future use.)~~

**H. Water supply and sewage disposal.** All water supply and sewage disposal shall be provided by an established community system or by an on-site system approved by the Nevada County Environmental Health Department. An ADU shall not be allowed on a parcel that is served by an on-site septic system unless approval is obtained from the Nevada County Environmental Health Department and the unit complies with the Lahontan Regional Water Quality Control Board.

**I. Occupancy and rental requirements.** The short-term rental of an ADU for a term of less than 31 consecutive days is prohibited. There are no occupancy restrictions for long-term rentals of 31 days or more on either the primary dwelling unit or the ADU.

**J. Sale of unit prohibited.** No ADU shall be subdivided from the main dwelling through a condominium plan, community apartment plan, housing cooperative, or other subdivision. The sale or conveyance of an ADU independent and/or separate from the main dwelling shall be prohibited.

**K. Deed Restriction Requirements.** Prior to the issuance of a temporary or final certificate of occupancy, an ADU requires the recordation of a deed restriction in a form approved by the Town of Truckee, which shall run with the land, and shall include the following:

- a. A prohibition on the sale of the accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers;
- b. A restriction on the size and attributes of the accessory dwelling unit in compliance with this Section; and
- c. A prohibition on the short-term rental of the accessory dwelling unit for a period of less than 31 consecutive days.

**L. Building code requirements.** Each ADU and JADU shall obtain a building permit from the Town of Truckee and shall be constructed in compliance with all applicable California Building Standards Code requirements, as adopted by the Town of Truckee.

1. **Fire sprinklers.** ADUs are not required to provide fire sprinklers if sprinklers are not required for the primary dwelling unit.

2. **Manufactured home, tiny homes, etc.** A manufactured home (a.k.a. mobile home), modular home (a.k.a. factory-built or prefabricated home), tiny home, park model home, or similar unit may be used as an ADU if it is permanently attached to a foundation and complies with the California Building Standards Code, as adopted by the Town of Truckee. A tiny home on a chassis or park model home on a chassis is not permitted for use as an ADU unless it is modified to meet the aforementioned standards.
  3. **Movable units.** A recreational vehicle (e.g., motorhome, campervan, truck camper, travel trailer, pop-up trailer, fifth wheel trailer, toy hauler), travel van, or other movable habitable space generally cannot be approved as an ADU; however, it may be approved if it is permanently attached to a foundation and complies with the California Building Standards Code, as adopted by the Town of Truckee.
- M. Illegal accessory dwelling units.** This Section shall not validate any existing illegal ADU. To convert an unpermitted ADU to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed ADU, including the rental restrictions described in Subsection I (Occupancy and rental requirements) above.
- N. ADU reversions.** If an ADU or JADU is legally permitted and constructed with deviations to the development standards that would otherwise be applicable to the property, as permitted by the Subsections D (Size and location standards) and/or E (Parking and driveways) above, and the ADU is subsequently reverted or converted to another use other than an ADU/JADU, any deviations from development standards (e.g., setbacks, site coverage, floor area ratio, open space, parking) shall be brought into compliance with the standards in effect at the time a complete application for a reversion or conversion of the space is submitted to the Community Development Department.
- O. Junior Accessory Dwelling Units (JADUs).**
1. **Applicability.** JADUs are allowed in all zoning districts that allow single-family residential uses (i.e., RS, RR, DRS, DMU, RC and REC zoning districts), subject to compliance with the requirements of this Section.
  2. **Number of units allowed.** A maximum of one junior accessory dwelling unit (JADU), in addition to one attached or detached ADU, shall be allowed on a parcel with an existing or proposed single-family dwelling.
  3. **Location on site.** A JADU must share at least one wall, floor, and/or ceiling with the living space of the attached main dwelling. A JADU may be created by converting existing space within the walls of an existing single-family residence, built as an attached addition to an existing residence, or constructed concurrently as an attached unit to a new single-family residence. If a JADU is created as an addition to an existing residence or concurrent with a new residence, the JADU shall comply with all development standards applicable to the main dwelling, including setbacks, height limits, site coverage, floor area ratio, open space, etc.
  4. **Floor area limitation.** The gross floor area of the JADU shall not exceed 500 square feet and shall not be less than 150 square feet.

5. **JADU separate entrance.** A JADU shall have an exterior entrance separate from the main entrance to the existing or proposed single-family residence; this egress/entrance shall include a continuous and unobstructed path of travel to/from the public way. Additionally, the JADU may share with the main dwelling and/or ADU a single interior entryway (e.g., airlock, mudroom) that provides direct, private access to each unit; however, in no case shall the primary entrance to the JADU be through the main dwelling living area, ADU, garage, or other interior space. A shared entryway is considered part of the main dwelling and is subject to general development standards applicable to the main dwelling, including setbacks, height limit, site coverage, floor area ratio, and open space.
6. **Interior access.** Interior access from the JADU to the main dwelling may be maintained; however, if the sanitation facilities are shared with the main dwelling as allowed in Subsection 8 below (Sanitation Facilities), unrestricted interior access to the sanitation facilities is required at all times. If interior access is proposed, the tenant of the JADU shall be able to lock the shared door from the interior of the JADU for privacy.
7. **Cooking facilities.** The JADU shall include an efficiency kitchen, which shall include the following:
  - a. A cooking facility with appliances. (Note: Government Code Section 65852.22(a)(6) does not permit local jurisdictions to specify exactly what “a cooking facility with appliances” must include for JADUs. This standard can be met with basic plug-in kitchen appliances (e.g., microwave, hot plate, mini-fridge) or with a full, high-end kitchen (e.g., gas range, double oven, large sink with disposal, commercial refrigerator). Therefore, a JADU is not required to comply with the Development Code definition of a “Kitchen or Cooking Facility,” which specifies several types of appliances required in residential kitchens.)
  - b. A food preparation counter and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.
8. **Sanitation facilities.** A JADU may include separate sanitation facilities, or may share sanitation facilities with the existing structure.
9. **Water supply and sewage disposal.** A JADU shall not be considered a separate or new dwelling unit for the purposes of providing service for water, sewer or power.
10. **Parking.** No additional parking shall be required for a JADU.
11. **Occupancy and rental requirements.**
  - a. **Short-term rental restriction.** The short-term rental of a JADU for a term of less than 31 consecutive days is prohibited for all JADUs, including after-the-fact permits for existing illegal ADUs described in Subsection 13 (Illegal junior accessory dwelling units) below.
  - b. **Owner occupancy.** On a parcel with a primary dwelling unit and a JADU, only one of the units may be rented; the owner must reside in either the remaining portion of

the main dwelling or in the JADU. For example, the owner could reside in the main dwelling and long-term rent the JADU, or the owner could reside in the JADU and choose to long-term or short-term rent the main dwelling. Owner-occupancy is not required if the owner is a governmental agency, land trust, or housing organization.

**12. Deed restriction requirements.** Prior to the issuance of a temporary or final certificate of occupancy, a JADU requires the recordation of a deed restriction in a form approved by the Town of Truckee, which shall run with the land, and shall include the following:

- a. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence, including a statement that the deed restriction may be enforced against future purchasers; and
- b. A restriction on the size and attributes of the junior accessory dwelling unit in compliance with this Section.
- c. A prohibition on the short-term rental of the junior accessory dwelling unit for a period of less than 31 consecutive days.
- d. Requires owner occupancy consistent with Subparagraph M.11.b (Owner occupancy) above.

**13. Illegal junior accessory dwelling units.** This Section shall not validate any existing illegal JADUs. To convert an unpermitted JADU to a legal, conforming unit, the standards and requirements for the conversion shall be the same as for a newly proposed JADU, including the rental restrictions described in Subsection 11 above (Occupancy and rental requirements).

### 18.58.030 - Accessory Retail Uses

This Section establishes standards for the development and operation of retail sales and service establishments within/in conjunction with and accessory to a main commercial and/or manufacturing use where authorized by Article II (Zoning Districts and Allowable Land Uses). For example, these accessory uses include restaurants and pharmacies within hospitals, etc., and the sale of retail merchandise.

- A. General standard.** Accessory retail uses are allowed, provided there will be only minor external evidence of any commercial activity other than the main use of the parcel (e.g., no signs, windows with merchandise visible from adjoining public rights-of-way, etc.), nor access to any space used for the accessory retail use other than from within the main structure.
- B. Commercial and manufacturing zoning districts.** Restaurants and retail sales are allowed in the commercial zoning districts incidental and accessory to offices, hospitals and other medical facilities and pharmacies. Accessory restaurants, retail sales and other services are allowed in the manufacturing zoning district to serve the needs of the employees.
- C. Residential and special purpose zoning districts.** Membership organizations, social or recreational establishments may engage in retail sales for guests only.

## **CHAPTER 18.79 – STREAMLINED RESIDENTIAL REVIEW**

### **Sections:**

18.79.010 - Purpose of Chapter

18.79.020 - Applicability

18.79.030 – Review

18.79.040 – Findings and Decision

18.79.050 - Conditions of Approval

### **18.79.010 - Purpose of Chapter**

A. This Chapter establishes streamlined procedures for the review and approval or denial of multi-family residential projects and new single-family residential subdivisions requesting Streamlined Residential Review consistent with Chapter 18.XX (Objective Design Standards), which are required by the Town to verify that a requested land use activity and/or structure is an allowed land use within the applicable zoning district and complies with the development standards, including any objective design standards, applicable to the land use or the zoning district of the site.

B. The review process begins with the recognition that the proposed use is allowed in the zoning district, is consistent with the definition of “multi-family residential projects,” which applies to projects with two or more residential units only or a mix of multi-family residential and non-residential uses, with at least two-thirds of the square footage of the development designated for residential use and focuses on consistency with the objective standards of this Development Code, including Chapter 18.XX (Objective Design Standards), as required by State law, and other Town requirements.

### **18.79.20 - Applicability**

A. **Eligibility for Streamlined Residential Review.** The following projects are eligible for Streamlined Residential Review:

1. Multi-family residential projects with two or more residential units only;
2. A mixed-use project with multi-family residential units and non-residential uses, with at least two-thirds of the gross square footage of the development designated for residential uses;
3. New single-family residential subdivisions with five or more residential parcels created after **DATE OF ORDINANCE**;
4. For existing projects that are consistent with Sections A.1 and A.2 above, the following projects are eligible for the Streamlined Residential Project Review:

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- a. Any additions to the existing project shall be eligible for the streamlined review; and/or
- b. This Chapter shall apply to the entire building including the existing structure and addition, if the addition requires a demolition of the existing building that is equal to or greater than 50% of the surface area of all existing exterior wall assemblies above finished grade or for additions over 30% of the square footage of the existing building. If the addition requires demolition that is less than 50% of the existing building or the addition is less than 30% of the square footage of the existing building, the Standards shall apply to only the building addition. The design of the addition shall use the same roof form, materials, and color found on the existing building. Category A, B, or C historic resources within the -HP Overlay District shall be exempt from this requirement and preservation of the historic structure shall be maintained per the requirements of Chapter 18.77 (Historic Design Review).

**B. Flexible Design Review.** Projects eligible for Streamlined Residential Review per Chapter 18.25 may request a Flexible Design Review (Chapter 18.25.030.B) process through Chapter 18.72 (Zoning Clearance) and Chapter 18.74 (Development Permit) process, which allows the review authority to apply the criteria set forth in Chapter 18.24 (Design Guidelines) and waive the requirements of Chapter 18.25 (Objective Design Standards) unless specifically stated otherwise. For any project that is not consistent with Section 18.79.030.A above, the standard development review process identified under Article IV shall apply.

**C. Building permits.** A Streamlined Residential Review shall be required before the approval of a Building, Grading, or other construction permit or other authorization required by the Municipal Code or this Development Code for the proposed use or construction.

**18.79.030 - Review**

**A. Project review procedures.** Each application shall be analyzed by the Director to ensure that the application is consistent with the content, purpose and intent of this Chapter, this Development Code, including Chapter 18.25 (Objective Design Standards), the General Plan and any applicable Specific Plan. Application submittal and review procedures shall be consistent with Chapter 18.70 (Applications, Processing and Fees).

- 1. Time for decision.** The Director shall take appropriate action on the Streamlined Residential Review only after the Director has determined the application complete in compliance with Section 18.70.060 (Initial Application Review/Environmental Assessment) and in compliance with Government Code Section 65589.5(h)(6).
- 2. Review with other permits.** Streamlined Residential Review occurs concurrently with the applicable Zoning Clearance or Development Permit application. Streamlined Residential Review shall not be used with Chapter 18.78 (Planned Development).
- 3. Written Notification of Inconsistency.** The Director shall review the project and identify any inconsistencies with any applicable plan, program, policy, ordinance, standard.

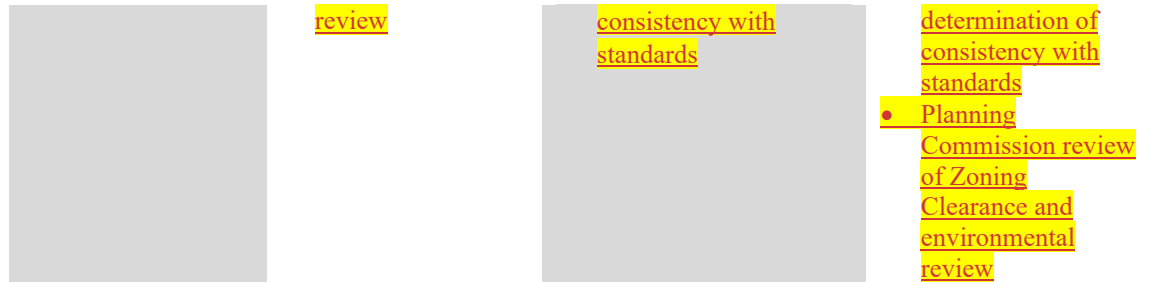
- a. For projects containing 150 or fewer housing units. Within 30 days of the project application being deemed complete, the Director shall provide written documentation of the inconsistencies.
  - b. For projects containing more than 150 housing units. Within 60 days of the project application being deemed complete, the Director shall provide written documentation of the inconsistencies.
4. Determination by the Director. The Director shall review the application in accordance with Chapter 18.25 (Objective Design Standards) and all other Development Code standards and forward a determination of consistency or inconsistency to the appropriate review authority for the associated land use permit (Zoning Clearance, Development Permit, Minor Use Permit, Use Permit, or Variance). If the review authority finds that there is a factual error in the determination, the review authority will direct the Community Development Director to amend the determination as part of the final action. See Tables 4-2 and 4-3 for a chart to help determine the appropriate permit procedure and review authority for projects requesting Streamlined Residential Review.

**TABLE 4-2 – PERMIT PROCESS FOR SMALLER PROJECTS REQUESTING STREAMLINED RESIDENTIAL REVIEW**



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\*Projects not requesting Streamlined Residential review will be subject to the Development Permit or Zoning Clearance process (and any applicable land use permits) and design review will be conducted by the final review authority (Community Development Director for projects that are less than 7,500 s.f. and fewer than 11 residential units with no environmental impacts and the Planning Commission for projects that are greater than 7,500 s.f. and greater than 10 residential units).

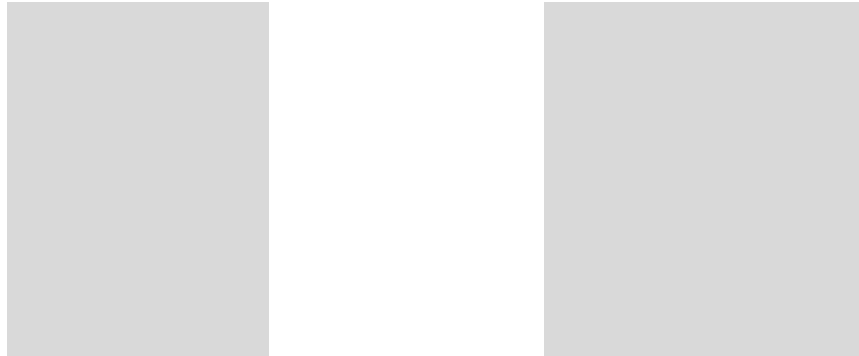
\*\*The Town Council will be the review authority if an Environmental Impact Report is required in all case.

**TABLE 4-3 – PERMIT PROCESS FOR LARGER PROJECTS REQUESTING STREAMLINED RESIDENTIAL REVIEW**

	Project requesting Streamlined Residential Review Project is greater than 7,500 s.f. and more than 10 residential units Consistent with objective standards, including objective design standards			
<b>Project specifics</b>	• There is no potential for environmental impact.	• There is potential for environmental impact.	• Project is within the -HP Overlay District • There is no potential for environmental impact.	• Project is within the -HP Overlay District • There is potential for environmental impact.
<b>Land use process</b>	• Development Permit • Streamlined Residential Review	• Development Permit • Streamlined Residential Review • Environmental review	• Development Permit • Historic Design Review • Streamlined Residential Review	• Zoning Clearance • Historic Design Review • Streamlined Residential Review • Environmental review
<b>Review authority**</b>	• Community Development Director determination of consistency with standards • Planning Commission review of the Development Permit	• Community Development Director determination of consistency with standards • Planning Commission review of the Development Permit and environmental review	• Historic Preservation Advisory Commission recommendation based on the historic design guidelines • Community Development Director determination of consistency with standards • Planning Commission review of the Development Permit	• Historic Preservation Advisory Commission recommendation based on the historic design guidelines • Community Development Director determination of consistency with standards • Community Development

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Director  
determination of  
consistency with  
standards  
• Planning  
Commission review  
of Zoning Clearance  
and environmental  
review

\*Projects not requesting Streamlined Residential review will be subject to the Development Permit or Zoning Clearance process (and any applicable land use permits) and design review will be conducted by the final review authority (Community Development Director for projects that are less than 7,500 s.f. and fewer than 11 residential units with no environmental impacts and the Planning Commission for projects that are greater than 7,500 s.f. and greater than 10 residential units).

\*\*The Town Council will be the review authority if an Environmental Impact Report is required in all case.

**18.79.040 - Findings and Decision**

A. The Director may approve a Streamlined Residential Review, with or without conditions, only if all of the following findings can be made:

1. The proposed development is:
  - a. Allowed by Article II (Zoning Districts and Allowable Land Uses) within the applicable zoning district and complies with all applicable provisions of this Development Code, the Municipal Code and the Public Improvement and Engineering Standards; and
  - b. Generally consistent with the General Plan, any applicable Specific Plan and/or Master Plan, the Trails Master Plan, the Truckee Tahoe Airport Land Use Compatibility Plan and the Particulate Matter Air Quality Management Plan.
2. The proposed development is consistent with the objective standards of the General Plan, Development Code, and any applicable Specific Plan/Master Plan, including any objective design standards.

B. Findings for Denial. When a proposed housing development project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, including design review standards, in effect at the time that the application was deemed complete, the Director may deny the project the project or impose a condition that the project be developed at a lower density, only if the following conditions can be made:

1. The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density; and

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2. There is no feasible method to satisfactorily mitigate or avoid the adverse impact, other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density. Feasible means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

**18.72.050 - Conditions of Approval**

In approving a Streamlined Residential Review, the Director may impose specific development conditions relating to the construction (both on- and off-site improvements), establishment, maintenance, location and operation of the proposed activity to ensure compliance with the findings required by Section 18.79.030.B.3 (Required Findings).

## **CHAPTER 18.214 - INCLUSIONARY HOUSING**

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### **Sections:**

- 18.214.010 - Purpose and Intent
- 18.214.030 - Administrative Fees
- 18.214.040 - Inclusionary Housing Requirements
- 18.214.050 - Development Requirements
- 18.214.060 - Density Bonuses, Incentives, and Concessions
- 18.214.070 - Affordability Controls
- 18.214.080 - Inclusionary Housing Plan
- 18.214.090 - Adjustments and Waivers

### **18.214.010 - Purpose and Intent**

- A. The purpose of this chapter is to establish an inclusionary requirement or an in-lieu fee for residential development projects to mitigate the impacts caused by these development projects on the additional demand for more affordable housing and rising land prices for limited supply of available residential land.
- B. It is intended to implement the Housing Element of the General Plan to provide a permanent supply of affordable housing to meet the needs of very-low, low-, and moderate-income residents, particularly those who live or work in Truckee, while maintaining the Town's character and improving the social and economic quality of life for Truckee residents.

### **18.214.030 - Administrative Fees**

The Council may by resolution establish reasonable fees for the administration of this Chapter.

### **18.214.040 - Inclusionary Housing Requirements**

- A. **Inclusionary Housing Required.** All residential development projects not exempt under Subsection F shall include or provide inclusionary housing as set forth in this chapter. Residential development projects shall include the subdivision of land which is planned, designed, or used for residential purposes, including the subdivision of land for the sale of vacant residential lots. The subdivision of land for the sale of vacant residential lots shall be required to comply with the requirements of this section; subdivisions of seven or more parcels shall comply with the inclusionary housing construction requirements of Subsection B or the alternative equivalent proposal requirements of Subsection D, and subdivisions of six or less parcels shall comply with the in-lieu affordable housing fee requirements of Subsection E.
- B. **Number of Inclusionary Units.** Fifteen percent (15%) of all new dwelling units in a residential development project shall be affordable units which shall be constructed and completed not later than the related market rate units. For fractions of affordable units, the developer may elect, at his or her option, to construct the next higher whole number of affordable units, perform

an equivalent alternative which has received the approval of the review authority pursuant to Subsection D, or pay the in-lieu specified in Subsection E for such fraction.

For purposes of calculating the number of affordable units required by this section, any additional residential units authorized as a density bonus under California Government Code Section 65915 et seq. shall not be counted in determining the required number of inclusionary units.

### C. Affordability of Inclusionary Units.

1. For ownership residential development projects, the inclusionary units may be available for sale or for rent. The inclusionary units shall be available at affordable rents or affordable sales price as follows:
  - a. For ownership inclusionary units, 100% of the units shall be affordable to moderate income households, or one-third of the units shall be affordable to low income households, one-third shall be affordable to moderate income households, and one-third shall be affordable to above moderate income households.
  - b. For rental inclusionary units, 100% of the units shall be affordable to low income households, or one-third of the units shall be affordable to very low income households, one-third shall be affordable to low income households, and one-third shall be affordable to moderate income households.
2. For rental residential development projects, the inclusionary units shall be available for rent at affordable rents as follows:
  - a. 100% of the units shall be affordable to low income households, or one-third of the units shall be affordable to very low income households, one-third shall be affordable to low income households, and one-third shall be affordable to moderate income households.
3. These requirements are minimum requirements and will not preclude a residential development project from providing additional affordable units or affordable units with lowers rents or sales prices than required by this Chapter. The income targets for determining the rent or sale price may be modified through an alternative equivalent action.

### D. Alternative Equivalent Proposal.

1. A developer of a residential development project may propose to meet the requirements of Subsection B and/or Subsection C by an alternative equivalent action, subject to review and approval by the review authority of the project unless Streamlined Residential Review (Chapter 18.79) is requested. A proposal for an alternative equivalent action may include, but is not limited to, the construction of inclusionary units on another site within the Truckee region; the dedication and conveyance of land to the Town or its designee; purchase of inclusionary housing credits from other residential development projects with excess affordable units; and acquisition and enforcement of required rental and/or sales price restrictions on existing standard market-rate dwelling units. A proposal for an

alternative equivalent action may also address, but is not limited to, tenure of units, higher or lower rents or sales prices, and a lesser or greater number of affordable units.

2. An alternative equivalent proposal shall be considered on a case by case basis by the review authority and may be approved at the review authority's sole discretion, if the review authority finds that such alternative will further affordable housing opportunities in the Truckee region to an equal or greater extent than compliance with the express requirements of Subsection B. For dedications of land, the review authority shall find that the land is suitable for the construction of affordable housing and is of equivalent or greater value than is produced by applying the express requirements of Subsection B.

4. Projects requesting Streamlined Residential Review (Chapter 18.79) are not eligible for an alternative equivalent proposal.

**E. In-Lieu Affordable Housing Fee.**

1. A developer of a residential development project may propose to meet the requirements of Subsection B by submitting at the time of application for a discretionary or building permit, whichever comes first, a request to pay the in-lieu fee.
2. Such proposals for payment of an in-lieu affordable housing fee shall be considered on a case by case basis by the review authority and may be approved at the review authority's sole discretion, if the review authority finds that the payment of the in-lieu fee will further affordable housing opportunities in the Truckee region to an equal or greater extent than compliance with the express requirements of Subsection B.
3. Notwithstanding the requirements of Subsection 2, the payment of an in-lieu affordable housing fee for a residential development project of less than seven units or subdivision lots shall be at the discretion of the developer.
4. The amounts, calculation, and timing of payment of the affordable housing in-lieu fee shall be established by resolution of the Town Council.

**F. Exemptions.** The following residential development projects shall be exempt from the requirements of this Chapter:

1. The construction of one single family dwelling unit on a single family lot.
2. The construction of an accessory dwelling unit in accordance with Section 18.58.025.
5. The construction of two attached units on one parcel on a multi-family lot in which the total number of dwelling units on the lot does not exceed two. If additional dwelling units are subsequently constructed on the lot, the single family dwelling unit and two attached units shall be included and calculated towards the inclusionary requirement of Subsection B.
4. The construction of dwelling units in a mixed use project in which the units will be restricted to affordable housing.

5. The reconstruction or replacement of any multi-family residential dwelling unit that has been involuntarily destroyed due to a catastrophic event in accordance with Section 18.130.060.
6. The conversion of residential units into condominiums or other common interest subdivision.
7. Residential development projects that are the subject of a development agreement currently in effect with the Town and approved prior to the effective date of this Chapter where such agreement expressly precludes the Town from requiring compliance with this Chapter.
8. Residential development projects which have received approval of the land use and development permit application prior to the effective date of this Chapter.

### 18.214.050 - Development Requirements

- A. **Location of Inclusionary Units.** Inclusionary units may be built on site within the residential development project or offsite.
- B. **Timing of Development.** Inclusionary units shall generally 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 inclusionary units, including a proportionate share of units by income affordability, must be substantially completed by the time 50% of the market rate units within a residential development project are sold. The review authority at its own discretion may approve an alternative timing plan if the review authority finds the alternative timing plan will further affordable housing opportunities in the Town to an equal or greater extent and the completion of the inclusionary units is secured by a performance bond or other similar security.
- C. **Building Types and Exterior Appearance.** ~~Inclusionary units shall have exteriors that are visually and architecturally consistent with and similar to market rate units in the neighborhood.~~ Exterior building materials and finishes for inclusionary units shall be of the same type and quality as for the market rate units of the project. ~~Generally, the~~ 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 inclusionary housing units are also required to be attached as part of a two-unit building. The living area for the inclusionary units may only be up to 20% smaller than the average living area of all of the market rate units. The review authority may approve building types for inclusionary units that are different than market rate units (e.g., multi-family affordable units for a single family residential development project) if the project is not a “multi-family residential project” or “new single-family residential subdivision” as defined by Section 18.25.020.A or the applicants elect the Flexible Design Review option of 18.25.030.B, and, in both cases, the review authority finds the inclusionary units are compatible with the design and character of the development and neighborhood.
- D. **Common Amenities.** On-site inclusionary units shall have access to all on-site amenities available to market rate units.

- E. **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.
- F. **Maximum Allowed Average Living Area.** In order to ensure an adequate supply of housing to meet the housing needs of all segments of the community, residential subdivisions located in the RM, DRM, and DRH zoning districts shall be required to limit the maximum allowed average living area consistent with the following:
  1. Projects with 30 percent of their total units affordable to very low-, low-, or moderate-income households are exempt from this requirement;
  2. Projects in a zoning district with a maximum allowable density less than six dwelling units per acre are exempt from this requirement;
  3. For projects with less than 30 percent of the total units available to affordable households, the maximum allowed average living area shall be consistent with Table 7-1 below. Examples of small, medium, and large projects are shown in Table 7-2.

**TABLE 7-5  
MAXIMUM AVERAGE LIVING AREA**

Affordable Units Provided (% of total units restricted to very low-, low-, or moderate-income households)	Maximum Allowed Average Living Area Size (sq. ft.)
30% and above	None
26-29 %	2,000
21-25 %	1,815
16-20 %	1,650
15%	1,500

**TABLE 7-6**

**MAXIMUM AVERAGE LIVING AREA EXAMPLES**

	Number of Market Rate Units	Number of Affordable Units	% of Affordable Units Provided	Maximum Allowed Average Living Area Size (sq. ft. )
Small Size Project	4	1	20%	1,650
Formula	Divide the total number of affordable units by the total number of units within the project to determine the percentage of affordable units provided; 1 affordable /5 units =20%			
Medium Size Project	15	5	25%	1,815
Formula	Divide the total number of affordable units by the total number of units within the project to determine the percentage of affordable units provided; 5 affordable /20 units =25%			
Large Size Project	144	56	28%	2,000
Formula	Divide the total number of affordable units by the total number of units within the project to determine the percentage of affordable units provided; 56 affordable /200 units =28%			

**18.214.060 -Density Bonuses, Incentives, and Concessions**

Density bonuses, incentives, and concessions shall be allowed in accordance with Chapter 18.212 (Density Bonuses, Incentives, and Concessions).

**18.214.070 - Affordability Controls**

Inclusionary units shall be restricted in accordance with Chapter 18.210 (Affordable Housing Controls).

**18.214.080 - Inclusionary Housing Plan**

- A. Plan Required.** An inclusionary housing plan shall be submitted with the land use and development permit application for residential development projects. The inclusionary housing plan shall be reviewed as part of the land use and development permit application and shall be approved prior to or concurrently with the approval of the land use and development permit application.
- B. Request for Determination.** A developer of a residential development project may submit a “Request for Determination of Complying with Inclusionary Housing Requirements” prior to submittal of a land use and development permit application. The request shall include all information required for an Inclusionary Housing Plan and any other information deemed necessary by the Community Development Director. The review authority may consider the request and provide comments to the developer on whether the request complies with this Chapter, may comply if revisions are made, or does not comply. Any comments provided by the review authority on the request shall not bind the review authority on any future actions on the Inclusionary Housing Plan and/or land use and development permit application.
- C. Plan Information.** The Inclusionary Housing Plan shall include, but not be limited to, the following information in addition to information otherwise required by the Development Code:
1. A site plan and typical floor plans depicting the location, structure, proposed tenure (rental or ownership), story and floor layout, and size of the proposed market rate and inclusionary units;
  2. The calculations used to determine the number of required inclusionary units;
  3. The income level targets for each inclusionary unit;
  4. The mechanisms that will be used to assure that the inclusionary units will remain affordable;
  5. A phasing plan for the construction and completion of the market rate and inclusionary units;
  6. A description of any requested density bonuses, incentives, and/or concessions;
  7. A marketing plan for the process by which qualified households will be reviewed and selected to either purchase or rent inclusionary units;
  8. Any information necessary to properly describe the alternative equivalent action, if proposed;
  9. Any other pertinent information requested by the Community Development Director.

- D. Plan Approval.** The Inclusionary Housing Plan shall be approved by the review authority of the land use and development permit application and included as part of the residential development project as a condition of approval of the land use and development permit.
- E. Plan Modifications.** Any request for a modification to an approved Inclusionary Housing Plan shall be processed, reviewed, and acted upon in accordance with Section 18.84.070 of the Development Code.
- F. Inclusionary Housing Agreement.** An agreement implementing the provisions of the approved inclusionary housing plan shall be prepared, approved, and recorded in accordance with Section 18.210.090.

### **18.214.090 - Adjustments and Waivers**

- A. Developer Request.** A developer for a residential development project subject to the requirements of this chapter may request of the review authority a reduction, adjustment, or waiver of the requirements based upon a showing of substantial evidence that there is no economically feasible way to comply with the requirements or that compliance with the requirements will not reasonably achieve the purposes for which the ordinance was enacted. Any decision of the review authority must be supported by findings in the administrative record which articulate the reasons for the granting of the waiver, reduction, or adjustment and the evidence in the administrative record supporting the decision to do so.
- B. Developer Burden.** The developer in the request shall set forth in detail the factual and legal basis for the claim of reduction, adjustment, or waiver. The developer shall bear the burden of presenting substantial evidence to support the request including comparable technical information to support the developer's position.
- C. Timing.** To receive an adjustment or waiver, the developer shall submit the request prior to or concurrently with the submittal of the land use and development permit application for the residential development project. The review authority shall consider and take action on the request prior to or concurrently with taking action on the land use and development permit application for the residential development project.

Inclusionary Housing

18.214

## **CHAPTER 18.216 - WORKFORCE HOUSING**

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### **Sections:**

- 18.216.010 – Purpose and Intent
- 18.216.030 – Administrative Fees
- 18.216.040 – Workforce Housing Requirements
- 18.216.050 – Development Requirements
- 18.216.060 – Bonuses, Incentives, and Concessions
- 18.216.070 – Affordability Controls
- 18.216.080 – Workforce Housing Plan
- 18.216.090 – Adjustments and Waivers

### **18.216.010 – Purpose and Intent**

- A. The purpose of this chapter is to establish a workforce housing requirement and an in-lieu fee for commercial, industrial, and other non-residential development projects to mitigate the impacts caused by these development projects on the additional demand for more affordable housing.
- B. It is intended to implement the Housing Element of the General Plan to ensure an adequate supply of housing to meet the housing needs of all segments of the community and provide a permanent supply of affordable housing to meet the needs of very-low, low-, and moderate-income workers generated by new commercial, industrial, institutional, recreational, and residential resort projects.
- C. It is intended to implement Housing Program 1.3.4 of the Housing Element of the General Plan to balance the need for workforce housing for commercial, industrial, and other non-residential development with the other goals and policies of the General Plan including the goals and policies of the Economic Development Element.
- D. It is intended for the Town Council to conduct an annual review of this Chapter and its implementation to consider whether amendments are needed.

### **18.216.030 – Administrative Fees**

The Council may by resolution establish reasonable fees for the administration of this Chapter.

**18.216.040 – Workforce Housing Requirements**

**A. Workforce Housing Required.** All commercial, industrial, institutional, recreational, residential resort, and other non-residential projects not exempt under Subsection G shall include or provide workforce housing as set forth in this Chapter.

**B. Number of Workforce Housing Units.**

1. A development project shall calculate the amount of full-time equivalent employees generated by the project in accordance with Section C.1 of this chapter, and construct and complete workforce housing unit(s) for employees calculated for the project as set forth in Paragraph 2. For fractions of workforce housing units, the developer may elect, at his or her option, to construct the next higher whole number of affordable units, perform an equivalent alternative which has received the approval of the review authority pursuant to Subsection E, or pay the in-lieu fee specified in Subsection F for such fraction.
2. The number of workforce housing units to be constructed and completed for a development project, shall be calculated based on a portion of the full-time equivalent employees generated by the project, in accordance with Section C.1, as follows:

**TABLE 7-7  
WORKFORCE HOUSING REQUIREMENTS**

<b>Project Size</b>	<b>Commercial Project<sup>1</sup></b>	<b>Industrial Project<sup>1</sup></b>	<b>Employee Generation</b>	<b>Workforce Housing Requirement</b>
<b>Smallest Project</b>	3,500 s.f. or less	7,000 s.f.	Less than 7 FTEE	Exempt
<b>Small Project</b>	3,501 s.f. to 9,999 s.f.	7,001 s.f. to 19,999 s.f.	Equal to or more than 7 FTEE, but less than 20 FTEE	3.5% of FTEE
<b>Medium Project</b>	10,000 s.f. to 19,999 s.f.	20,000 s.f. to 39,000 s.f.	Equal to or more than 20 FTEE, but less than 40 FTEE	7% of FTEE
<b>Large Project</b>	20,000+ s.f.	40,000+ s.f.	Equal to or more than 40 FTEE	14% of FTEE

<sup>1</sup>Square footages are provided as examples. Workforce housing requirements are based on the FTEE, as calculated in accordance with Section C.1.

Note: How to calculate the required workforce housing units:

- Determine the amount of FTEE proposed to be generated in accordance with Section C.1;
- Determine size of the project based on FTEE generation in Table 7-7; and
- Multiply the FTEE by the applicable Workforce Housing Requirement.

3. All workforce housing units shall have at least one bedroom, and 50% or more of the workforce housing units shall have two or more bedrooms.
4. The review authority, at its discretion, may reduce the number of required workforce housing units if the units have more than two bedrooms and/or are specialized

dwellings (e.g., dormitories) and the review authority finds that the units will accommodate an equal or greater number of employees than compliance with the express requirements of Subsection 4.

5. For mixed use projects subject to the requirements of Chapter 18.214 (Inclusionary Housing), the Inclusionary Housing requirements and Workforce Housing requirements are cumulative. The requirements shall be added together and implemented rather than applied separately.

**C. Employee Generation.** For the purposes of this Chapter, employees generated by a development project shall be calculated as follows:

1. The standard number of full-time equivalent employees (FTEE) generated by a land use type shall be:

Land Use	FTEE
Commercial including retail, service, office, and restaurant	1 FTEE per 500 s.f. of gross floor space
Industrial, not including uses with substantial outdoor work or activity areas	1 FTEE per 1,000 s.f. of gross floor space
Visitor Lodging	As determined by review authority based upon comparison with similar businesses
Uses Not Listed	As determined by review authority based upon comparison with similar businesses

2. A developer of a development project may submit an independent calculation of the number of employees generated by the proposed development to be used in place of the employee generation rates. Approval of the resulting calculation shall be at the discretion of the review authority. Seasonal full-time employees will be counted as 0.50 of a full-time equivalent employee. Part-time employees will be counted based on the number of hours worked per hour for a 40-hour work week (e.g., a part-time worker who works 30 hours per week would be counted as a 0.75 FTEE).

**D. Affordability of Workforce Housing Units.**

Workforce housing units shall be deed restricted to require two components:

1. Component 1: Employee preference. Employees of the nonresidential business for which the workforce housing units are required shall have first right-of-refusal with the following requirements:
  - a. Prohibit short-term rentals (for both whole units and portions of the unit);

- b. Require the unit to be a primary residence;
  - c. Require a six month initial lease; and
  - d. Require annual monitoring.
2. Component 2: If employees of the nonresidential business for which the workforce housing units are required do not rent the workforce housing units, then 100% of the units shall be affordable to low income households, or one-third of the units shall be affordable to very low income households, one-third shall be affordable to low income households, and one-third shall be affordable to moderate income households and shall have the following requirements:
- a. Prohibit short-term rentals (for both whole units and portions of the unit);
  - b. Require the unit to be a primary residence;
  - c. Require a six month initial lease; and
  - d. Require annual monitoring.

These requirements are minimum requirements and will not preclude a development project from providing additional affordable units or affordable units with lower rents or sales prices than required by this Chapter. The income targets for determining the rent price may be modified through an alternative equivalent action.

#### **E. Alternative Equivalent Proposal.**

1. A developer of a development project may propose to meet the requirements of this Chapter by an alternative equivalent action, subject to review and approval by the review authority of the project, unless Streamlined Residential Review (Chapter 18.79) is requested. A proposal for an alternative equivalent action may include, but is not limited to, the following:
  - a. **Land Donation or Dedication to the Town.** Donation or dedication of land to the Town for affordable housing is allowed. Land donation or dedication of land shall be equal in value to or more than the requirements of the Code. The Town may partner to construct affordable housing on the property or sell the property to create funds for future housing projects. Requirements for consideration:
    - (1) An assessed value report of the developable land with feasibility study will be required to ensure that the land is equal in value to or more than the requirements of the Code.
    - (2) If affordable housing units are required (rather than an in-lieu fee), a pro forma for the potential affordable housing project will be required to ensure that the value of the land is equal to or more than the requirement. A peer review may be required by the Town at the applicant's expense.

- (3) The Town Council shall be the review authority for acceptance of a land donation.

**b. Purchase housing credits from the open market.**

(1) Two options:

- a. Developments that are building or have built housing voluntarily can sell their housing credits to developers who are required to build workforce housing. Non-residential developers may partner with projects that have residential units that are not otherwise required for inclusionary or workforce housing requirements. They may purchase the affordable housing “rights” and apply a deed restriction to the units.
- b. Developers can buy existing market rate housing units in the open market and deed-restrict them. The unit would be required to be income-restricted. If it is income-restricted and the developer does not want to be tied to the unit, the units may be sold with the deed restriction.

(2) Requirements:

- a. The unit(s) would be required to be deed restricted by income consistent with Section 18.216.040.D for rental units or Section 18.216.040.E.1.d;
- b. No existing long-term rentals shall be displaced;
- c. Prohibit short-term rentals (for both whole units and portions of the unit);
- d. Require the unit to be a primary residence;
- e. Require a six month initial lease; and
- f. Require annual monitoring.

(3) Timing:

- a. If developers partner with another developer that has an existing residential unit, the unit should be identified and an agreement with the homeowner shall be submitted as part of the land use application. Proof of a deed restriction shall be required prior to building permit issuance.
- b. If a new unit is proposed to be constructed, an agreement with the property owner shall be submitted as part of the land use permit application. The building permit for the unit shall be submitted prior to or concurrent with the building permit for the non-residential project.

(4) Calculation for housing:

- a. All housing units shall have at least one bedroom, and 50% or more of the workforce housing units shall have two or more bedrooms; and
- b. If a property has a primary home and a secondary home and both will be deed restricted, then the developer shall be credited with two units.
- c. **Accessory dwelling unit partnership.** Developers can partner with homeowners who have or want a legal accessory dwelling unit on their property. Through the partnership, the developer can either pay the homeowner to deed restrict their existing unit or the developer can help construct a new unit on a property. Requirements for consideration:
  - (1) Requirements for deed restriction:
    - a. The unit(s) would be required to be deed restricted by income consistent with Section 18.216.040.D;
    - b. Prohibit short-term rentals (for both whole units and portions of the unit);
    - c. Require the unit to be a primary residence;
    - d. Require a six month initial lease; and
    - e. Require annual monitoring.
  - (2) Timing:
    - a. If developers partner with a homeowner that has an existing legal accessory dwelling unit, the unit should be identified and an agreement with the homeowner shall be submitted as part of the land use application. Proof of a deed restriction shall be required prior to building permit issuance.
    - b. If a new accessory dwelling unit is proposed to be constructed, an agreement with the homeowner shall be submitted as part of the land use permit application. The building permit for the accessory dwelling unit shall be submitted prior to or concurrent with the building permit for the non-residential project.
- d. **Ownership units.** Ownership units can be considered for any project instead of rental units.
  - (1) For ownership units, 100% of the units shall be affordable to moderate income households, or one-third of the units shall be affordable to low income households, one-third shall be affordable to moderate income households, and one-third shall be affordable to above moderate income households. Deed-restrictions shall be required to be recorded on the units.

- (2) All workforce housing units shall have at least one bedroom, and 50% or more of the workforce housing units shall have two or more bedrooms.

~~2.~~ 2.—An alternative equivalent proposal shall be considered on a case by case basis by the review authority and may be approved at the review authority's sole discretion, if the review authority finds that such alternative will further affordable housing opportunities in the Truckee region to an equal or greater extent than compliance with the express requirements of Subsections B and D. In making these findings, the review authority may consider the type of non-residential use(s) being proposed in the development project and whether workforce housing constructed within or adjacent to the development project would be compatible with such uses. The alternatives provided within Section 18.216.040.E provide assurance to developers that the review authority can support these alternatives. The alternatives can be modified or new alternatives can be proposed for review and approval by the review authority.

3. Projects requesting Streamlined Residential Review (Chapter 18.79) are not eligible for an alternative equivalent proposal.

**F. In-Lieu Affordable Housing Fee.**

1. A developer of a development project may propose to meet the requirements of Subsections B and D by submitting at the time of application for a discretionary or building permit, whichever comes first, a request to pay the in-lieu fee.
2. Such proposals for payment of an in-lieu affordable housing fee shall be considered on a case by case basis by the review authority and may be approved at the review authority's sole discretion, if the review authority finds that the payment of the in-lieu fee will further affordable housing opportunities in the Truckee region to an equal or greater extent than compliance with the express requirements of Subsections B and D.
3. Notwithstanding the requirements of Subsection 2, the payment of an in-lieu affordable housing fee for a development project which generates less than 20 full-time equivalent employees or 10 very low, low, and moderate income category employees shall be at the discretion of the developer.
4. The amounts, calculation, and timing of payment of the affordable housing in-lieu fee shall be established by resolution of the Town Council.

**G. Exemptions.** The following development projects shall be exempt from the requirements of this Chapter:

1. Residential development projects which do not include a resort, commercial, or community amenity use that will generate employees.
2. Development projects that generate less than seven full-time equivalent employees as determined in accordance with Subsection C.

3. The conversion of non-residential floor space from one use to another use whereby the new use generates the same or less number of full-time equivalent employees than the previous use.
4. Development projects that are the subject of a development agreement currently in effect with the Town or approved prior to the effective date of this Chapter where such agreement expressly precludes the Town from requiring compliance with this Chapter.
5. Development projects which have received approval of the land use and development permit application prior to the effective date of this Chapter, except the development project shall comply with any conditions regarding affordable housing that were imposed at the time of approval of the land use and development permit.

### **18.216.050 – Development Requirements**

- A. Location of Workforce Housing Units.** Workforce housing units shall be built on site within or adjacent to the development project, or offsite in close proximity to the development project, along or near a major transportation corridor with public transit, and/or near a major service center.
- B. Timing of Development.** Workforce housing units shall generally be constructed and offered for sale or rent in accordance with this Chapter concurrently with or prior to completion of the development project or phase thereof. As used in this Chapter, “concurrently” means that a proportionate share of workforce housing units, including a proportionate share of units by income affordability, must be substantially completed by the time 50% of the development project is occupied. The review authority at its own discretion may approve an alternative timing plan if the review authority finds the alternative timing plan will further affordable housing opportunities in the Town to an equal or greater extent and the completion of the workforce housing units is secured by a performance bond or other similar security.
- C. Building Types and Exterior Appearance.** Workforce housing units shall have exteriors that are visually and architecturally consistent with and similar to market rate units in the neighborhood. Exterior building materials and finishes for workforce housing units shall be of the same type and quality as for market rate units. The building types for workforce housing units shall be compatible with the design and character of the development and neighborhood.
- D. Interior Quality.** Workforce 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 contractor grade for new housing.

### **18.216.060 – Bonuses, Incentives, and Concessions**

The following bonuses, incentives, and concessions shall be made available to development projects constructing all of their workforce housing on site and/or offsite.

- A. **Floor Area Ratio.** The development project shall receive an increase in floor area ratio of 0.05, or 2,200 square feet per acre, above that normally allowed by the zoning district applicable to the parcel. Residential floor space shall not be counted toward the maximum allowed floor area ratio.
- B. **Priority Processing.** The development project shall be given priority over other types of projects and permits by all Town departments in the processing of land use and development permit applications and building permit applications, and in inspections of the project during the construction process.
- C. **Regulatory Concessions.** The review authority, at its own discretion, may reduce regulatory standards of the Development Code and Public Improvement and Engineering Standards (e.g., parking spaces, lot coverage) if the review authority finds that any reduction in the regulatory standards is necessary for the project proposal to accommodate the workforce housing units, will not have an substantial, adverse impact on the neighborhood or surrounding area, and will not result in hazards to the public health or safety, in compliance with Chapter 18.212 (Density Bonuses, Concessions, and Incentives).
- D. **Deferral of Town Impact Fees.** Town impact fees, including impact fees for the Truckee Fire Protection District and the Truckee Donner Recreation and Parks District, required at the time of issuance of a building permit shall be deferred for all portions of the project, including non-residential floor space, to the issuance of the temporary or final certificate of occupancy, whichever occurs first.
- E. **Reduction of Town Impact Fees and Permit Fees.** The review authority may reduce or waive Town impact fees, including impact fees for the Truckee Fire Protection District and the Truckee Donner Recreation and Parks District, and Town permit fees in accordance with Town Council policy adopted by resolution.

### 18.216.070 – Affordability Controls

Workforce housing units shall be restricted in accordance with Chapter 18.210 (Affordable Housing Controls).

### 18.216.080 – Workforce Housing Plan

- A. **Plan Required.** A workforce housing plan shall be submitted with the land use and development permit application for development projects. The workforce housing plan shall be reviewed as part of the land use and development permit application and shall be approved prior to or concurrently with the approval of the land use and development permit application.
- B. **Request for Evaluation.** A developer of a development project may submit a “Request for Evaluation of Complying with Workforce Housing Requirements” prior to submittal of a land use and development permit application. The request shall include all information required for a Workforce Housing Plan and any other information deemed necessary by the Community Development Director. The review authority may consider the request and provide comments to the developer on whether the request complies with this Chapter, may

comply if revisions are made, or does not comply. Any comments provided by the review authority on the request shall not bind the review authority on any future actions on the Workforce Housing Plan and/or land use and development permit application.

**C. Plan Information.** The Workforce Housing Plan shall include, but not be limited to, the following information in addition to information otherwise required by the Development Code:

1. A site plan and typical floor plans depicting the location, size, structure, proposed use(s), and story and floor layout of the proposed non-residential development;
2. A site plan and typical floor plans depicting the location, structure, proposed tenure (rental or ownership), story and floor layout, and size of the proposed workforce housing units;
3. The calculations used to determine the number of required workforce housing units, including floor space of non-residential development, employee generation rates, and employees credited for each workforce housing unit;
4. The income level targets for each workforce housing unit;
5. The mechanisms that will be used to assure that the workforce housing units will remain affordable;
6. A phasing plan for the construction and completion of the non-residential development and the workforce housing units;
7. A description of any requested bonuses, incentives, and/or concessions, in compliance with Chapter 18.212 (Density Bonuses, Concessions, and Incentives);
8. A marketing plan for the process by which qualified households will be reviewed and selected to either purchase or rent workforce housing units;
9. A description of any provisions providing preference for employees employed by the project to the proposed workforce housing units.
10. A description of private and public transit services available to the workforce housing residents and a description of the residents' access to transit facilities and services including walking distance and pedestrian improvements between the workforce housing and transit facilities;
11. Any information necessary to properly describe the alternative equivalent action, if proposed. If an alternative equivalent proposal is requested, the applicant shall provide justification that shows that the alternative equivalent proposal meets the intent and purpose of this chapter; and
12. Any other pertinent information requested by the Community Development Director.

**D. Plan Approval.** The Workforce Housing Plan shall be approved by the review authority of the land use and development permit application and included as part of the development project as a condition of approval of the land use and development permit.

**E. Plan Modifications.** Any request for a modification to an approved Workforce Housing Plan shall be processed, reviewed, and acted upon in accordance with Section 18.84.070 of the Development Code.

**F. Workforce Housing Agreement.** An agreement implementing the provisions of the approved workforce housing plan shall be prepared, approved, and recorded in accordance

with Section 18.210.090.

### **18.216.090 – Adjustments and Waivers**

- A. Developer Request.** A developer for a development project subject to the requirements of this chapter may request of the review authority a reduction, adjustment, or waiver of the requirements based upon a showing of substantial evidence that there is no economically feasible way to comply with the requirements or that compliance with the requirements will not reasonably achieve the purposes for which the ordinance was enacted in compliance with Chapter 18.212 (Density Bonuses, Concessions, and Incentives). Any decision of the review authority must be supported by findings in the administrative record which articulate the reasons for the granting of the waiver, reduction, or adjustment and the evidence in the administrative record supporting the decision to do so.
- B. Developer Burden.** The developer in the request shall set forth in detail the factual and legal basis for the claim of reduction, adjustment, or waiver. The developer shall bear the burden of presenting substantial evidence to support the request including comparable technical information to support the developer's position.
- C. Timing.** To receive an adjustment or waiver, the developer shall submit the request prior to or concurrently with the submittal of the land use and development permit application for the development project. The review authority shall consider and take action on the request prior to or concurrently with taking action on the land use and development permit application for the development project.