

**TOWN OF TRUCKEE**  
**California**

**ORDINANCE 2022-08**

**AN INTERIM URGENCY ORDINANCE OF THE TOWN OF TRUCKEE  
ESTABLISHING A MORATORIUM ON LAND USES PROHIBITED UNDER THE  
DRAFT 2040 GENERAL PLAN PURSUANT TO GOVERNMENT CODE SECTION  
65858**

**WHEREAS**, the Town Council in 2018 initiated an update to the Truckee General Plan;  
and

**WHEREAS**, the public review Draft 2040 General Plan was released on June 3, 2022,  
presenting draft policies and actions proposed to shape Truckee's future growth through 2040;  
and

**WHEREAS**, on July 12, 2022, the Town Council reviewed the draft Land Use Element of  
the 2040 General Plan, which is intended to reflect the community's vision and promote thoughtful,  
equitable, and accessible distribution of different land uses; and

**WHEREAS**, the Land Use Element will align well with other General Plan elements, as  
well as improve public health, reduce infrastructure costs, enhance local economies, address  
long-term environmental issues such as climate change, help resolve conflicts and identify trade-  
offs in land use decisions; and

**WHEREAS**, the draft Land Use Element of the Draft 2040 General Plan contains goals,  
policies and action items which would prohibit future land uses that are inconsistent with the  
Town's vision for future development in Truckee, including gas stations, mini-storage facilities,  
and single retail uses of 20,000 square feet or greater; and

**WHEREAS**, it is in the interest of the Town and its residents that the Town complete the  
General Plan process and implement the goals, policies and action items which are determined  
to be necessary to further the Town's goals in shaping future development in Truckee; and

**WHEREAS**, California Government Code Section 65858 expressly authorizes the Town  
Council to adopt by four-fifths (4/5) vote, without following the procedures otherwise required for  
the adoption of a zoning ordinance, an urgency ordinance "prohibiting any uses that may be in  
conflict with a contemplated general plan...that the legislative body...is considering...", which is  
necessary for the immediate protection of the public health, safety, and welfare; and

**WHEREAS**, the Town Council finds that allowing land uses which are inconsistent with  
the Draft 2040 General Plan would undermine the vision and goals of the Draft 2040 General  
Plan, and finds that processing applications for such land uses will impede the ability of Town staff  
to meet the Council's established timeline for General Plan adoption in November 2022; and

**WHEREAS**, the Town Council finds that because the intent of the draft General Plan is to protect the Truckee community from land uses that are inconsistent with the community character or with the Town Council's environmental goals, there is a current and immediate threat to the public health, safety, and/or welfare associated with allowing land uses that are inconsistent with the vision and goals of the Draft 2040 General Plan, and processing applications for such uses, while the Town Council completes its review and consideration of measures to regulate future development in Truckee, since allowing such land uses to be established, and processing applications for such land uses, would exacerbate the threat and diminish or postpone the effectiveness of such regulations; and

**WHEREAS**, on August 9, 2022, the Town Council did adopt, pursuant to California Government Code Section 65858, an urgency ordinance creating a 45-day moratorium on the establishment of prohibited uses identified in the Draft 2040 General Plan, and the processing of applications for such uses, in order to provide time for the Town to review proposed land use regulations and complete the work on the General Plan Update process; and

**WHEREAS**, on September 13, 2022, the Town Council considered the adoption of this urgency ordinance at a properly noticed public hearing; and

**WHEREAS**, the Town Council finds that it is necessary to adopt this urgency ordinance extending the existing moratorium on land uses which are inconsistent with the Draft 2040 General Plan except as set forth herein, in order to provide time for the Town to review proposed land use regulations and complete the work on the General Plan Update process and possibly adopt such regulations; and

**WHEREAS**, pursuant to California Government Code Section 65858, this ordinance shall take effect immediately upon its adoption by at least a four-fifths vote of the Town Council, and shall remain in effect until March 13, 2023 unless it is extended following notice and a hearing pursuant to Section 65858; and

**WHEREAS**, the Town Council finds that this ordinance does not have "the effect of denying approvals needed for the development of projects with a significant component of multifamily housing" within the meaning of California Government Code Section 65858(c); and

**WHEREAS**, pursuant to California Government Code Section 65858(d), the Town Council has issued a written report describing the measures taken to alleviate the condition which led to the adoption of the initial moratorium ordinance;

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF TRUCKEE DOES ORDAIN AS FOLLOWS:**

**Section 1.** The recitals above are incorporated herein as the Town Council's findings of urgency and necessity for the adoption of this ordinance.

**Section 2.** The Town Council hereby places a moratorium on the processing of development applications for three types of land uses that are proposed to be prohibited under the Draft 2040 General Plan: (1) Gas stations; (2) Mini-storage facilities; and (3) Single retailers with more than

20,000 square feet of gross floor area. Notwithstanding the foregoing, applications which were received prior to the adoption of this ordinance may be processed, but no land use permits or other entitlements shall be granted in connection with such applications during the term of the moratorium adopted hereunder, as it may be extended.

**Section 3.** The Town Council hereby enacts this interim urgency ordinance by not less than a four-fifths vote, and in light of the findings set forth herein, under the authority granted to it by Article XI, Section 7 of the California Constitution and Section 65858(a) of the California Government Code, which allows the Town to adopt an interim urgency ordinance, in order to protect the public safety, health, and welfare, prohibiting any uses that may be in conflict with a contemplated general plan which the Town Council is considering.

**Section 4.** The Town Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to the following provisions of Title 14 of the California Code of Regulations: Section 15060(c)(2) (the adoption of this ordinance will not result in a direct or reasonably foreseeable indirect physical change in the environment); Section 15060(c)(3) (the adoption of this ordinance is not a project as defined in Section 15378); and Section 15061(b)(3) (it can be seen with certainty that there is no possibility that the adoption of this ordinance may have a significant effect on the environment).

**Section 5.** The Town Council hereby directs Town staff to continue considering and studying possible land use regulations as part of the 2040 General Plan process, and to present the final 2040 General Plan to Town Council for adoption prior to the expiration of this ordinance.

**Section 6.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

**Section 7.** This ordinance shall become effective immediately upon adoption and shall be in effect until March 13, 2023 unless extended by the Town Council as provided for in Government Code Section 65858.

**Section 8.** Pursuant to Government Code Section 65858(d), the Town Council will issue a written report not later than 10 days prior to the expiration of this ordinance describing the measures taken to alleviate the conditions which led to the adoption of this ordinance.

**Section 9.** Posting and Publications: The Town Clerk is hereby directed to publish this ordinance in accordance with the law.

\* \* \* \* \*

**The foregoing urgency ordinance was introduced at a regular meeting of the and adopted at a regular meeting of the Truckee Town Council, on the 13th day of September, 2022; \_\_\_\_\_ moved for the adoption, the motion was seconded by \_\_\_\_\_ and was carried by the following vote:**

**AYES:**

**NOES:**

**ABSENT:**

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

**ATTEST:**

**APPROVED AS TO FORM:**

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

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