



Date: September 13, 2022

Honorable Mayor and Council Members:

Author and title: Denyelle Nishimori, Community Development Director

Title: Extension of temporary moratorium on the issuance of processing of applications for prohibited land uses and prohibited land use study update report

Approved By: \_\_\_\_\_ Jen Callaway, Town Manager

**Recommended Action:**

1. Conduct a public hearing to introduce, waive oral reading and adopt Urgency Ordinance 2022-08 extending until March 13, 2023 the moratorium imposed in existing Ordinance 2022-06 related to the processing of applications for land uses prohibited under the Draft 2040 General Plan; and
2. Approve the draft Land Use Study Update Report and provide direction to staff to issue this report on behalf of Town Council.

**Discussion:**

***Background***

The public review Draft 2040 General Plan was released on June 3, 2022, presenting draft policies and actions proposed to shape Truckee's future through 2040. The Town Council reviewed the draft Land Use Element on July 12, 2022. This element is intended to reflect the community's vision, promote thoughtful, equitable, and accessible distribution of different land uses (residential, commercial, industrial, open space, etc.) and align well with other General Plan elements. The draft Land Use Element contains several goals, policies and action items which would prohibit future land uses that have been identified as inconsistent with the General Plan vision and goals for future development in Truckee, as identified in Goal LU-1 (Efficient and Sustainable Land Use Patterns) and Goal LU-3 (Commercial and Mixed-Use Development). The policies and action items under these goals propose to prohibit inefficient land uses (including gas stations and mini-storage facilities) and limit the size for a single retailer to a maximum floor area of 20,000 square feet.

On August 9, 2022, the Town Council adopted an urgency ordinance establishing a 45-day moratorium to temporarily limit approval of any new development applications for three prohibited uses (gas stations, mini-storage facilities, and single retailers with more than 20,000 square feet of gross floor area) in order to provide the Town time to complete the General Plan update work (see Attachment 1: August 9, 2022 staff report and Ordinance 2022-06). This temporary moratorium was adopted in part to avoid a "rush to the counter" scenario. When revisions to a General Plan are proposed, the number of applications received often increases, as applicants attempt to fall under the old regulations and avoid imposition of the new regulations. Granting approvals and entitlements for such applications could result in land use application approvals that run counter to Town Council's ultimate direction for the types of land uses to be prohibited or regulated differently under the 2040 General Plan.

### **Government Code Section 65858 – Urgency Ordinance**

Article XI, Section 7 of the California Constitution and Section 65858(a) of the California Government Code 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 zoning proposal that the Town Council, planning commission or the planning department is considering or studying or intends to study within a reasonable time. Pursuant to Government Code section 65858(b), the urgency ordinance can be adopted for an initial 45-day period. After notice pursuant to Government Code section 65090 and a public hearing, the Council may by a four-fifths vote extend the interim ordinance for up to an additional 10 months and 15 days provided such action is taken prior to the expiration of the initial 45-day period. The Council can later extend the ordinance again for up to an additional 12 months.

As noted above, on August 9, 2022, the Town Council adopted an urgency ordinance establishing a moratorium on the approval of any new development applications for three prohibited uses (gas stations, mini-storage facilities, and single retailers with more than 20,000 square feet of gross floor area) for an initial 45-day period, pursuant to Section 65858 of the California Government Code. Staff recommends that Town Council extended the temporary moratorium for six months (until March 13, 2023) in order to provide time for the Town to complete the 2040 General Plan work.

Findings to support the adoption of the urgency ordinance extending the moratorium until March 13, 2023 are included in Attachment 2. These focus on the need to need to protect health, safety and welfare while the Town Council considers and studies potential regulations for land uses in Truckee to ensure that all future development is consistent with the vision and goals of the 2040 General Plan.

### **Land Use Study Report**

Government Code Section 65858(d) requires that the Town Council issue a written report not later than 10 days prior to the expiration of the Town's adopted moratorium ordinance describing the measures taken to alleviate the conditions which led to the adoption of this ordinance. To meet this requirement, staff has provided a draft of this report for Town Council's consideration and approval (see Attachment 3: Land Use Study Report). Once approved by Town Council, the Town will release this report on behalf of Town Council.

### **Priority:**

<input type="checkbox"/> Enhanced Communication	<input checked="" type="checkbox"/> Climate and Greenhouse Gas Reduction	<input type="checkbox"/> Housing
<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Emergency and Wildfire Preparedness	<input checked="" type="checkbox"/> Core Service

**Fiscal Impact:** The impact of extension of the moratorium on land use permits and other entitlements and new development applications would be the temporary reduction of potential application fees from any new land use applications for a gas station, mini storage facility or single retailer of more than 20,000 square feet of gross floor area. Under the current Development Code, these uses require a Zoning Clearance (\$1,000 deposit) or Development Permit (\$8,750) depending on the size and scope of the proposed project, and a Use Permit (\$4,000) for projects in zoning districts where the use is conditionally allowed.

**Public Communication:** Agenda posting and legal notice published in the Sierra Sun on September 2, 2022.

### **Attachments:**

1. August 9, 2022 staff report and Ordinance 2022-06 available at:  
<https://portal.laserfiche.com/Portal/DocView.aspx?id=59587169&repo=r-6a91ddbc>
2. Ordinance 2022-08
3. Land Use Study Report