

ARTICLE IV

Land Use and Development Permit Procedures

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CHAPTER 18.70 - APPLICATIONS, PROCESSING AND FEES

Sections:

- 18.70.010 - Purpose of Article
- 18.70.020 - Authority for Land Use and Zoning Decisions
- 18.70.030 - Concurrent Permit Processing
- 18.70.040 - Application Preparation and Filing
- 18.70.050 - Application Fees
- 18.70.060 - Initial Application Review/Environmental Assessment
- 18.70.070 - Application Review and Decision
- 18.70.080 - Appeals
- 18.70.090 - Post Approval Procedures

18.70.010 - Purpose of Article

This Article provides procedures and requirements for the preparation, filing and processing of applications for land use permits and other entitlements required by this Development Code.

18.70.020 - Authority for Land Use and Zoning Decisions

Table 4-1 (Review Authority) identifies the Town official or body responsible for reviewing and making decisions on each type of application, land use permit and other entitlements required by this Development Code.

18.70.030 - Concurrent Permit Processing

When a single project incorporates different land uses or features so that this Development Code requires multiple land use permit applications, an applicant submits multiple land use permit applications for a project or on the same site, and/or the project involves a land use permit application and a Tentative Map, all the applications shall be reviewed and approved or denied, concurrently by the highest level review authority assigned by Table 4-1 to any of the required applications. (For example, a project that requires a Zoning Map amendment and a Use Permit shall be reviewed and approved or denied by the Council, where a Use Permit application by itself would normally be reviewed and acted upon by the Commission.)

**TABLE 4-1
REVIEW AUTHORITY**

Type of Decision	Role of Review Authority (1)			
	Director (2)	Zoning Administrator (2)	Planning Commission	Town Council
Development Code Administration				
Development Agreement			Recommend	Decision
Development Code amendment			Recommend	Decision
General Plan amendment			Recommend	Decision
Interpretations	Decision		Appeal	Appeal
Master Plan			Recommend	Decision
Specific Plan			Recommend	Decision
Zoning Map amendment			Recommend	Decision
Land Use and Development Permits				
Certificate of Appropriateness	Decision		Appeal	Appeal
Certificate of Economic Hardship			Decision	Appeal
Demolition Review (3)			Decision	Appeal
Development Permit			Decision	Appeal
Historic Variance		Decision		Appeal
Minor Use Permit		Decision		Appeal
Planned Development			Decision	Appeal
Reasonable Accommodation (4)	Decision		Appeal	Appeal
Sign Permit	Decision		Appeal	Appeal
Temporary Use Permit	Decision		Appeal	Appeal
Use Permit			Decision	Appeal
Vacation (5)				Decision
Variance		Decision		Appeal
Zoning Clearance	Decision		Appeal	Appeal
Subdivision Applications				
Certificate of Compliance		Decision		Appeal
Final Map	Decision (6)			
Lot Line Adjustment (2-4 parcels)	Decision		Appeal	Appeal

**TABLE 4-1
REVIEW AUTHORITY**

Type of Decision	Role of Review Authority (1)			
	Director (2)	Zoning Administrator (2)	Planning Commission	Town Council
Parcel Map	Decision (6)			Appeal
Reversions, 2-4 parcels		Decision		Appeal
Reversions, 5+ parcels			Decision	Appeal
Tentative Map, 2-4 parcels		Decision		Appeal
Tentative Map, 5+ parcels			Decision	Appeal
Voluntary Parcel Merger	Decision		Appeal	Appeal

Notes:

- (1) "Recommend" means that the review authority makes a recommendation to a higher decision-making body; "Decision" means that the review authority makes the final decision on the matter; "Appeal" means that the review authority may consider and decide upon appeals of an earlier decision, in compliance with Chapter 18.140 (Appeals).
- (2) The Director and the Zoning Administrator may refer any matter subject to their decisions, without making a decision, to the Commission so that the Commission may instead make the decision.
- (3) The Director may authorize the removal or demolition of a historic resource that poses an immediate danger in accordance with Section 18.83.020.C.
- (4) The procedures for the review and approval or denial of a reasonable accommodation are set forth in chapter 18.218 (Reasonable Accommodation).
- (5) The review authority for the release of covenant of easement shall be the review body that imposed the requirement of the covenant. The review authority for vacations considered through a tentative map application shall be the review authority of the subdivision application.
- (6) The review authority for parcel map and final map is the Town Engineer.

18.70.040 - Application Preparation and Filing

A. Application contents. The preparation and filing of applications for land use permits, amendments (e.g., General Plan, Zoning Map, or Development Code) and any other matters pertaining to this Development Code shall comply with the following requirements:

- 1. Applications shall include the forms provided by the Department and all information and materials required by the Application Content Requirements list provided by the Department for the specific type of application;
- 2. Applications shall be filed with the Department; and
- 3. It is the applicant's responsibility to provide evidence in support of the findings required for the approval of the application by this Article.

B. Eligibility for filing. Applications may be made by the owner of the subject property or by a lessee or any other person, with the written consent of the property owner.

- C. Time for filing.** Any land use permit required by this Development Code shall be filed with the Director, processed and approved before the approval of any Building, Grading, or other construction permit or other authorization required by the Municipal Code or this Development Code for the proposed use or structure.

18.70.050 - Application Fees

The Council shall, by resolution, establish a schedule of fees for permits, amendments and other matters pertaining to this Development Code. The schedule of fees may be changed or modified only by resolution of the Council. Processing shall not commence on any application until all required fees have been paid.

- A. Refunds and withdrawals.** Recognizing that filing fees cover the costs of public hearings, mailing, posting, transcripts and staff time involved in processing applications, refunds due to a denial are not allowed, except in the case of an appeal hearing by the Council in compliance with Section 18.140.030 (Filing and Processing of Appeals). In the case of a withdrawal, the Director may authorize a partial refund based upon the Director's determination of pro-rated costs to-date and the status of the application at the time of withdrawal.
- B. Council payment of fees.** The Council may elect to pay the filing fees in only the following situations:
1. Applications made by tax supported Governmental agencies (e.g., school district, etc.);
 2. Applications made by charitable organizations as defined by resolution of the Council;
or
 3. Applications made in compliance with established Council policy on the Council's payment of fees.

18.70.060 - Initial Application Review/Environmental Assessment

All applications filed with the Department in compliance with this Development Code shall be initially processed as follows:

- A. Completeness review.** The Director shall review all applications for completeness and accuracy before they are accepted as being complete for processing.
1. **Notification of applicant.** The applicant shall be informed within 30 days of submitting an application, as required by the State law (Government Code Section 65943), either that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in writing, shall be provided before it can be accepted for processing.
 2. **Appeal of determination.** Where the Director has determined that an application is incomplete and the applicant believes that the application is complete and/or that the information requested by the Director is not required, the applicant may appeal the determination in compliance with Chapter 18.140 (Appeals).

3. **Environmental information.** The Director may require the applicant to submit additional information needed for the environmental review of the project in compliance with Subsection C., below, after the application is determined complete and is accepted for processing.
 4. **Expiration of application.** If the applicant does not provide sufficient information to complete an application within 90 days after notification that the application is incomplete, the application shall be deemed withdrawn, unless an extension is granted by the Director. A new application, including fees, plans, exhibits and other materials that will be required to commence processing of any development project on the same property, may then be filed in compliance with this Article.
- B. Referral of application.** At the discretion of the Director, or where otherwise required by this Development Code, State or Federal law, any application filed in compliance with this Development Code may be referred to any public agency that may be affected by or have an interest in the proposed land use activity.
- C. Environmental assessment.**
1. All development applications shall be reviewed as required by the California Environmental Quality Act (CEQA), to determine whether the proposed project is exempt from the requirements of CEQA or is not a project as defined by CEQA, whether a Negative Declaration may be issued, or whether an Environmental Impact Report (EIR) shall be required.
 2. These determinations and, where required, the preparation of environmental documents shall comply with the CEQA Guidelines.

18.70.070 - Application Review and Decision

- A. Project review procedures.** Each application shall be analyzed by the Director to ensure that the proposed uses/activities and development are consistent with the content, purpose and intent of this Development Code, any applicable design guidelines, the CEQA Guidelines, the General Plan and any applicable Specific Plan. Additionally, any application which may involve substantial grading shall require the submittal of preliminary grading plans for review and recommendation by the Town Engineer.
- B. Notice and hearings.** A land use permit application will be scheduled for a public hearing only after the Director has determined the application complete, in compliance with Section 18.70.060.A (Completeness Review). Noticing of the public hearing will be given in compliance with Chapter 18.180 (Public Hearings).
- C. Expiration of Inactive Land Use Applications.** An application shall expire and be considered abandoned 180 days after the last date that additional information, revisions, or funds are requested, if the applicant has failed to provide the items requested and the project has not been diligently/actively pursued, except that:

1. Special Studies. Whenever special studies (e.g., CEQA, etc.) are requested by the Town that are reasonably expected to take longer than 180 days to complete, the application will not be considered inactive on the basis of the time required to complete such special studies. Staff will estimate a completion date and should these studies be delayed beyond the initial projected completion date, a new projected date of completion shall be established after which the application shall expire and be considered abandoned in 180 days if no action occurs on the project.
2. The Planning Director may grant one 90-day extension if the following criteria are met:
 - a) A written request for extension is submitted at least 30 days prior to the expiration date;
 - b) The applicant demonstrates that circumstances beyond the control of the applicant prevent timely submittal of the requested revisions or information; and
 - c) The applicant provides a reasonable schedule for submittal of the requested revisions or information.
3. Applications made as a result of a code enforcement action may be expired in less than 180 days if the applicant does not proceed through the application process in a timely manner. Expiration of a permit application sought as a result of a code enforcement action does not relieve the responsible parties from the requirement to obtain the permits necessary to abate violations of the Town Municipal Code. An active application does not authorize any requested activity.
4. The Town shall notify the applicant in writing of the intent to close the inactive land use application, a minimum of 45 days prior to closing the application.
5. The Director may extend an expiration date when additional time for Town processing or scheduling of appointments is required, when information or responses from other agencies is needed, or under other similar circumstances.
6. Activities that require legislative decision such as adoption of a specific plan or master plan, or amendments to the zoning ordinance, are exempt from Section 18.70.070.C as they do not constitute a land use application.

18.70.080 - Appeals

The decision of the Director, Zoning Administrator, or Commission, as applicable, to approve or deny any land use permit shall be considered final unless an appeal is filed in compliance with Chapter 18.140 (Appeals). The decision of the Director, or any condition of approval, is appealable to the Commission; the decision of the Zoning Administrator, or Commission, or any condition of approval, is appealable to the Council.

18.70.090 - Post Approval Procedures

The following procedures shall apply following the approval of the permit or entitlement.

- A. **Expiration and extensions.** Time limits for the expiration of approved land use permits and procedures for obtaining extensions of time are established by Chapter 18.84 (Permit Implementation, Time Limits and Extensions).
- B. **Phasing.** Requirements for the development of approved projects in multiple phases are established by Chapter 18.84 (Permit Implementation, Time Limits and Extensions).
- C. **Building Permit.** Building Permits may be issued after all applicable terms and conditions of the land use permit approval have been satisfied. Any land use permit issued in compliance with this Development Code shall conform to all applicable provisions of this Development Code.
- D. **Certificate of Occupancy.** The Certificate of Occupancy may be issued after all conditions have been fulfilled to the satisfaction of the Director.
- E. **Minor changes.** The Director may approve minor changes to required conditions and operating standards of an approved land use permit. The minor changes shall be in compliance with Section 18.84.070 (Changes to an Approved Project).
- F. **Major changes.** The original review authority may approve major changes to required conditions and operating standards of an approved permit or entitlement, in compliance with Section 18.84.070 (Changes to an Approved Project). The requirements and procedures contained in this Development Code shall apply to any application for a major change, which shall constitute a project requiring environmental review under CEQA.
- G. **Performance guarantee.** The applicant/owner may be required to provide adequate performance security in compliance with Section 18.84.040 (Performance Guarantee) for the faithful performance of any/all conditions of approval imposed by the review authority.
- H. **Revocation.** The original review authority may revoke or modify a land use permit approval in compliance with Chapter 18.190 (Revocations and Modifications).

CHAPTER 18.72 - ZONING CLEARANCE

Sections:

- 18.72.010 - Purpose of Chapter
- 18.72.020 - Applicability
- 18.72.030 - Review and Decision
- 18.72.040 - Conditions of Approval

18.72.010 - Purpose of Chapter

- A. This Chapter establishes procedures for the review and approval or denial of Zoning Clearances, 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 and any design guidelines applicable to the land use or the zoning district of the site.
- B. The review process begins with the recognition that the proposed use/construction is allowed in the zoning district and focuses on issues related to site layout and design in order to arrive at the best utilization of the subject site and compatibility of design with surrounding properties.
- C. The process includes the filing of a building permit application or land use permit application with the Director to verify compliance with all applicable land use development standards, any applicable design guidelines and the requirements of other Town departments.

18.72.020 - Applicability

Where Article II (Zoning Districts and Allowable Land Uses) requires Zoning Clearance, the Director shall evaluate the proposed use or structure in compliance with this Chapter.

- A. **Eligibility for Zoning Clearance.** A Zoning Clearance may be issued by the Director for land use activities or structure(s) identified in Article II (Zoning Districts and Allowable Land Uses) as an allowed use as follows:
 1. For projects of a single-family dwelling, accessory dwelling unit, and/or residential accessory structure, a change in land use, creation of a timeshare, new structures or additions to existing structures with a total gross floor area of less than 7,500 square feet (less than 5,000 square feet in Downtown Residential and Downtown Commercial and Manufacturing zoning districts); or
 2. For non-residential projects, a change in land use, new structures, or additions to existing structures with a total gross floor area of less than 7,500 square feet (less than 5,000 square feet in Downtown Residential and Downtown Commercial and Manufacturing zoning districts); or
 3. For multi-family residential projects, a change in land use, new structures, or additions to existing structures with ten or less residential units; and/or

4. For all projects, a change in land use, new structures, additions to existing structures, new improvements, or additions to existing improvements with site disturbance (grading, impervious surfaces, and/or the removal of natural vegetation) of less than 26,000 square feet.
- B. Streamlined Zoning Verification.** For projects with a change of use that falls within the Zoning Clearance criteria in terms of floor area and site disturbance, but does not represent an expansion of the square footage and/or intensification of use, the project may qualify for a streamlined Zoning Verification review. This review shall verify that the proposed use is allowed in the zoning district in which the use is proposed, does not create significant impacts (e.g., parking, noise, solid waste storage, or environmental degradation), and does not require review by utility agencies, special districts, or departments, as determined by the Community Development Director. Streamlined Zoning Verifications require a public notice sign to be posted at the parcel from the time of application submittal until 10 days after approval of the application.
- C. Other permits.** A Zoning Clearance 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.
- D. Incremental or phased development projects.** Incremental or phased developments shall be treated on a cumulative basis. The approval of a Development Permit, in compliance with Chapter 18.74 (Development Permits) shall be required for additions to projects that would bring (1) the total project gross floor area for non-residential structure(s) to 7,500 square feet or more (5,000 square feet or more for projects located within the Downtown Residential and Downtown Commercial and Manufacturing zoning districts; (2) the total site disturbance area to 26,000 square feet or more; or (3) the total number of multi-family residential units to eleven or more units.

18.72.030 - Review and Decision

- 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, any applicable design guidelines, the General Plan and any applicable Specific Plan.
- B. Issuance of a Streamlined Zoning Verification.**
1. **Time for decision.** The Director shall take appropriate action on the Zoning Verification within 30 days of finding the application complete in compliance with Section 18.70.060 (Initial Application Review/Environmental Assessment).
 2. **Public notice.** Streamlined Zoning Verifications require a public notice sign to be posted at the parcel from the time of application submittal until 10 days after approval of the application.
 3. **Required findings.** The Director may approve a Streamlined Zoning Verification, with or without conditions, only if all of the following findings can be made:

- a. The proposed project is:
 - (1) 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
 - (2) 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.
 - b. The proposed project is located in an existing building and the tenant space was previously occupied by a permitted use for which no complaints have been received.
 - c. No changes are proposed to the exterior of the building except signage or repairs consistent with the underlying land use approval.
 - d. The Zoning Verification approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources; and
 - e. There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water and public utilities to ensure that the proposed development would not be detrimental to public health and safety. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land and all development fees have been paid prior to occupancy of buildings and the land.
 - f. The subject site is:
 - (1) Physically suitable for the type and density/intensity of development being proposed;
 - (2) Adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards and other features required by this Development Code; and
 - (3) Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.
 - g. The proposed development is consistent with all applicable regulations of the Nevada County Environmental Health Department and the Truckee Fire Protection District for the transport, use and disposal of hazardous materials.
4. **Effective date.** The Streamlined Zoning Verification shall not be valid until the companion Building and/or Grading Permit is issued or, where no Building and/or Grading Permit is required, a written determination is made by the Director.

5. **Appeals.** Appeals shall be submitted in writing and filed with the Town Clerk, on a Town application form, within 10 days from the date of the Director's action on the issuance of the Streamlined Zoning Verification, in compliance with Chapter 18.140 (Appeals).

C. Issuance of a Zoning Clearance.

1. **Time for decision.** The Director shall take appropriate action on the Zoning Clearance within 30 days of finding the application complete in compliance with Section 18.70.060 (Initial Application Review/Environmental Assessment).
2. **Public notice.** Notice of the Director's intent to take action on the issuance of a Zoning Clearance shall be required for all new multi-family residential, commercial and industrial projects and substantial additions, expansions, and/or intensifications (e.g., an addition of at least 25 percent of the gross floor area of the existing structure) in the following manner:
 - a. Notice shall include:
 - (1) A general explanation of the matter to be considered; and a general description, in text or by diagram, of the location of the real property that is the subject of the notice;
 - (2) The date on which the Director may take action on the issuance of the Zoning Clearance; and
 - (3) The location and available times that the application may be reviewed by the public.
 - b. The notice shall be mailed or delivered to:
 - (1) The owner(s) of the property being considered or the owner's agent and the applicant, if different from the owner;
 - (2) All owners of real property as shown on the County's latest equalized assessment roll within 500 feet of the boundary of the property which is the subject of the Zoning Clearance; and
 - (3) Any person who has filed a written request for notice with the Director and has paid the fee set by the most current Council's Fee Resolution for the notice.
 - c. The notice shall be posted in Town Hall;
 - d. The notice shall be mailed, delivered and posted at least 14 days prior to the Director taking action on the issuance of the Zoning Clearance.
 - e. The Director may provide any additional notice in regards to content and/or method of distribution as the Director determines is necessary or desirable.

- f. The Director may require a re-noticing of the application if the applicant makes substantial revisions to the land use permit, entitlement or matter being considered.
- 3. Required findings.** The Director may approve a Zoning Clearance, with or without conditions, only if all of the following findings can be made:
- a. The proposed development is:
 - (1) 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
 - (2) 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.
 - b. If applicable, the proposed development is consistent with the design guidelines, achieves the overall design objectives of the design guidelines and would not impair the design and architectural integrity and character of the surrounding neighborhood;
 - c. The Zoning Clearance approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted; and
 - d. There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water and public utilities to ensure that the proposed development would not be detrimental to public health and safety. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land and all development fees have been paid prior to occupancy of buildings and the land.
 - e. The subject site is:
 - (4) Physically suitable for the type and density/intensity of development being proposed;
 - (5) Adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards and other features required by this Development Code; and
 - (6) Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.

- f. The proposed development is consistent with all applicable regulations of the Nevada County Environmental Health Department and the Truckee Fire Protection District for the transport, use and disposal of hazardous materials.
- 4. **Effective date.** The Zoning Clearance shall not be valid until the companion Building and/or Grading Permit is issued or, where no Building and/or Grading Permit is required, a written determination is made by the Director.
- 5. **Appeals.** Appeals shall be submitted in writing and filed with the Town Clerk, on a Town application form, within 10 days from the date of the Director's action on the issuance of the Zoning Clearance, in compliance with Chapter 18.140 (Appeals).
- D. **Time limits, expiration.** The Zoning Clearance shall be valid for the same time period that the companion Building and/or Grading Permit is in force or 120 days, where no Building and/or Grading Permit is required. Construction shall commence and shall be completed in accordance with the time limits established by Section 18.84.050 (Time Limits, Phasing and Extensions).

18.72.040 - Conditions of Approval

In approving a Zoning Clearance, 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, as the Director finds are reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 18.72.030.B.2 (Required Findings).

CHAPTER 18.74 - DEVELOPMENT PERMITS

Sections:

- 18.74.010 - Purpose of Chapter
- 18.74.020 - Applicability
- 18.74.030 - Findings and Decision
- 18.74.040 - Conditions of Approval

18.74.010 - Purpose of Chapter

- A. This Chapter establishes procedures for the review and approval or denial of Development Permits, which are required by Article II (Zoning Districts and Allowable Land Uses) for land use activities, excluding single-family dwellings and single-family residential parcels, with the following: total project floor area of 7,500 square feet or more (5,000 square feet in the Downtown Study Area); total disturbance area of 26,000 square feet or more; or eleven or more residential units.
- B. The review process begins with the recognition that the proposed use/construction is allowed in the zoning district and focuses on issues related to site layout and design in order to arrive at the best utilization of the subject site and compatibility of design with surrounding properties.
- C. The process includes the filing of a land use permit application with the Director to verify compliance with all applicable land use development standards, any applicable design guidelines and the requirements of other Town departments.

18.74.020 - Applicability

- A. **When required.** Development Permit approval may be granted by the Commission for land use activities or structure(s) identified in Article II (Zoning Districts and Allowable Land Uses) as an allowed use as follows:
 1. An existing, new, or modified non-residential structure(s) that contains or would contain 7,500 square feet or more of total gross floor area (5,000 square feet or more in the Downtown Residential and Downtown Commercial and Manufacturing zoning districts) is proposed to be used or constructed; or
 2. Disturbance of 26,000 square feet or more of the subject site. Disturbance includes graded areas, landscaped areas, parking and access areas, structures and other portions of the site to be improved; and/or
 3. An existing, new, or modified residential structure(s) that contains, would contain, or is part of a multi-family residential development of eleven or more residential units is proposed to be used or constructed.

- B. Incremental or phased development projects.** Incremental or phased developments shall be treated on a cumulative basis. Additions to projects that would bring the total project square footage to 7,500 square feet or more (5,000 square feet or more in the Downtown Residential and Downtown Commercial and Manufacturing zoning districts), or the total disturbance area to 26,000 square feet or more, or the total number of multi-family residential units to eleven or more requires the approval of a Development Permit. Modifications or additions to single family dwelling, accessory dwelling unit, residential accessory, or non-residential structure(s) that contain 7,500 square feet or more of total gross floor area (5,000 square feet in the Downtown Residential and Downtown Commercial and Manufacturing zoning districts) or multi-family residential structure(s) or developments that contain eleven or more residential units shall require the approval of a new Development Permit or modifications of a Development Permit unless the modifications or additions may be authorized by the Director as a minor change to an approved project in compliance with Section 18.84.070(B)(1).
- C. Other permits.** A Development Permit shall be required before the approval of any Building, Grading, or other construction permit, or other authorization required by the Municipal Code or this Development Code for the proposed use or construction.

18.74.030 - Findings and Decision

Following a public hearing, the Commission shall record the decision in writing with the findings upon which the decision is based. The Commission may approve a Development Permit application, with or without conditions, only if all of the following findings can be made:

- A. The proposed development is:
1. Allowed by Article II (Zoning Districts and Allowable Land Uses) within the applicable zoning district with the approval of a Development Permit and complies with all applicable provisions of this Development Code, the Municipal Code and the Public Improvement and Engineering Standards; and
 2. 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.
- B. The proposed development is consistent with the design guidelines, achieves the overall design objectives of the design guidelines and would not impair the design and architectural integrity and character of the surrounding neighborhood;
- C. The Development Permit approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted; and
- D. There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of

development and in operation prior to occupancy of buildings and the land and all development fees have been paid prior to occupancy of buildings and the land;

- E. The subject site is:
 - 1. Physically suitable for the type and density/intensity of development being proposed;
 - 2. Adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards and other features required by this Development Code; and
 - 3. Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.
- F. The proposed development is consistent with all applicable regulations of the Nevada County Environmental Health Department and the Truckee Fire Protection District for the transport, use and disposal of hazardous materials.

18.74.040 - Conditions of Approval

In approving a Development Permit, the Commission may impose specific development conditions relating to the construction (both on- and off-site improvements), establishment, maintenance, location and operation of the proposed activity, as it finds are reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 18.74.030 (Findings and Decision)

CHAPTER 18.75 – MINOR MODIFICATIONS

Sections:

- 18.75.010 - Purpose of Chapter
- 18.75.020 - Applicability
- 18.75.030 - Findings and Decision
- 18.75.040 - Conditions of Approval

18.75.010 - Purpose of Chapter

- A. This Chapter establishes procedures for the review and approval or denial of Minor Modifications, which are required by the Town to verify that a requested modification to the applicable standards of this Development Code is an allowed modification and complies with the development standards and any design guidelines applicable to the land use or the zoning district for the site.
- B. The review process begins with the evaluation of the proposed modification of the applicable Development Code regulations to determine if the modification should be allowed on the subject site.
- C. The process includes the filing of a land use permit application to verify compliance with all applicable land use development standards, any applicable design guidelines and the requirements of other Town departments.

18.75.020 - Applicability

- A. **When required.** Minor Modification may be issued by the Director for land use activities or structures identified within this section as an allowed modification as follows:
 - 1. Side yard setbacks may be reduced up to a maximum of 20 percent of the minimum setback area for permitted uses within the applicable zoning district identified in Article II (Zoning Districts and Allowable Land Uses) with the following exceptions:
 - a. Side yard setback reductions over 20 percent of the minimum setback area shall require Variance approval in compliance with Chapter 18.82 (Variances);
 - b. Minor Modifications to side yard setbacks shall not be used in addition to Development Code Section 18.30.120.F.7.b;
 - c. Minor Modifications to side yard setbacks shall not be used in addition to the “Allowed projections into setbacks” identified by Table 3-2 of Development Code Section 18.30.120.E. For example, a three-foot projection into a reduced eight-foot side yard setback (five feet from the property line) is not allowed. If a three-foot projection into a standard 10-foot side yard setback is allowed (seven feet from the property line), then a projection into the reduced side yard setback may

be located no closer than seven feet from the property line;

- d. Setback reductions for additions or modifications to a single-family dwelling that encroaches into the side yard setback shall be reviewed in compliance with Development Code Section 18.30.120.F.7.c (Side setbacks for nonconforming structure); and
- e. Parcels adjacent to Donner Lake are not eligible for Minor Modifications to side yard setbacks and shall comply with Development Code Section 18.38.050 (Donner Lake Development Standards).

18.75.030 - Review and Decision

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, any applicable design guidelines, the General Plan and any applicable Specific Plan.

B. Issuance of a Minor Modification.

- 1. **Time for decision.** The Director shall take appropriate action on the Minor Modification within 30 days of finding the application complete in compliance with Section 18.70.060 (Initial Application Review/Environmental Assessment).
- 2. **Public notice.** Notice of the Director's intent to take action on the issuance of a Minor Modification shall be required for all projects in the following manner:
 - a. Notice shall include:
 - (1) A general explanation of the matter to be considered; and a general description, in text or by diagram, of the location of the real property that is the subject of the notice;
 - (2) The date on which the Director may take action on the issuance of the Minor Modification; and
 - (3) The location and available times that the application may be reviewed by the public.
 - b. The notice shall be mailed or delivered to:
 - (1) The owner(s) of the property being considered or the owner's agent and the applicant, if different from the owner;
 - (2) All owners of real property as shown on the County's latest equalized assessment roll within 500 feet of the boundary of the property which is the subject of the Minor Modification; and

- (3) Any person who has filed a written request for notice with the Director and has paid the fee set by the most current Council's Fee Resolution for the notice.
 - c. The notice shall be posted in Town Hall;
 - d. The notice shall be mailed, delivered and posted at least 14 days prior to the Director taking action on the issuance of the Minor Modification.
 - e. The Director may provide any additional notice in regards to content and/or method of distribution as the Director determines is necessary or desirable.
 - f. The Director may require a re-noticing of the application if the applicant makes substantial revisions to the land use permit, entitlement or matter being considered.
 - 3. **Required findings.** The Director may approve a Minor Modification, with or without conditions, only if all of the following findings can be made:
 - a. The proposed development is:
 - (1) 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
 - (2) 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.
 - b. The requested modification is minor in nature and the proposed development is consistent with the design guidelines, achieves the overall design objectives of the design guidelines and would not impair the design and architectural integrity and character of the surrounding neighborhood; and
 - c. The Minor Modification approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted.
 - 4. **Effective date.** The Minor Modification shall not be valid until the companion Building and/or Grading Permit is issued or, where no Building and/or Grading Permit is required, a written determination is made by the Director.
 - 5. **Appeals.** Appeals shall be submitted in writing and filed with the Town Clerk, on a Town application form, within 10 days from the date of the Director's action on the issuance of the Minor Modification, in compliance with Chapter 18.140 (Appeals).
- C. **Time limits, expiration.** The Minor Modification shall be valid for the same time period that

the companion Building and/or Grading Permit is in force or 120 days, where no Building and/or Grading Permit is required. Construction shall commence and shall be completed in accordance with the time limits established by Section 18.84.050 (Time Limits, Phasing and Extensions).

18.75.040 - Conditions of Approval

In approving an application for a Minor Modification, the review authority may impose conditions relating to the construction (both on- and off-site improvements), establishment, maintenance, location and operation of the proposed activity, as it finds are reasonable and necessary to ensure that the approval will be in compliance with the finding

CHAPTER 18.76 - USE PERMITS AND MINOR USE PERMITS

Sections:

- 18.76.010 - Purpose of Chapter
- 18.76.020 - Applicability
- 18.76.030 - Findings and Decision
- 18.76.040 - Conditions of Approval

18.76.010 - Purpose of Chapter

- A. This Chapter establishes procedures for the review and approval or denial of Use Permits and Minor Use Permits, which are required by Article II (Zoning Districts and Allowable Land Uses) for land use activities which may be desirable in the applicable zoning district and compatible with adjacent land uses, but whose effects on a site and surroundings cannot be determined before being proposed for a particular location.
- B. The review process begins with the evaluation of the proposed use/construction to determine if the activity should be allowed on the subject site.
- C. The process includes the filing of a land use permit application to review the configuration, design, location and potential impact(s) of the proposed use/construction by comparing it to established development standards and design guidelines.

18.76.020 - Applicability

A Use Permit shall be required before the approval of any Building, Grading, or other construction permit or other authorization required by the Municipal Code or this Development Code for the proposed use or construction in the following manner:

- A. **Minor Use Permits.** A Minor Use Permit may be granted by the Zoning Administrator for the following land use activities in addition to those listed in Article II (Zoning Districts and Allowable Land Uses) as requiring a Minor Use Permit:
 1. Soil remediation activities which are intended to last 30 days or more; and
 2. A single-family dwelling, accessory dwelling unit, residential accessory structures and improvements, or additions to existing structures and improvements that result in a total gross floor area of more than 7,500 square feet on the project site (more than 5,000 square feet in Downtown Residential and Downtown Commercial and Manufacturing zoning districts); or single-family residential parcels with new structure(s), additions to existing structures, new improvements or additions to existing improvements that result in site disturbance (grading, impervious surfaces and/or the removal of natural vegetation) of 26,000 square feet or more.

- B. Use Permits.** Use Permits may be granted by the Commission for any land use activity or structure(s) identified in Article II (Zoning Districts and Allowable Land Uses) as requiring a Use Permit.
- C. Other permits.** A Use Permit or Minor Use Permit shall be required before the approval of any Building, Grading, or other construction permit, or other authorization required by the Municipal Code or this Development Code for the proposed use or construction.

18.76.030 - Findings and Decision

Following a public hearing, the review authority shall record the decision in writing with the findings upon which the decision is based. The Zoning Administrator may refer a Minor Use Permit application to the Planning Commission for review and decision. The review authority may approve a Use Permit application, with or without conditions, only if all of the following findings can be made:

- A. The proposed development is:
1. Allowed by Article II (Zoning Districts and Allowable Land Uses) within the applicable zoning district with the approval of a Use Permit and complies with all other applicable provisions of this Development Code, the Municipal Code and the Public Improvement and Engineering Standards; and
 2. 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.
- B. The size and operating characteristics of the proposed development would be compatible with the existing and future land uses in the vicinity;
- C. The proposed development would not be detrimental to the public health, safety, or welfare of the Town, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;
- D. The Use Permit approval is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted;
- E. The site for the proposed use is:
1. Physically suitable for the type and density/intensity of development being proposed;
 2. Adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards and other features required by this Development Code; and

3. Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.
- F. There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land and all development fees have been paid prior to occupancy of buildings and the land.
- G. The proposed development is consistent with all applicable regulations of the Nevada County Environmental Health Department and the Truckee Fire Protection District for the transport, use and disposal of hazardous materials.

18.76.040 - Conditions of Approval

- A. **Review authority may impose conditions.** In approving a Minor Use Permit or Use Permit, the Zoning Administrator or Commission may impose specific development conditions relating to the construction (both on- and off-site improvements), establishment, maintenance, location and operation of the proposed activity, as it finds are reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 18.76.030 (Findings and Decision).
- B. **Examples of appropriate conditions.** Appropriate conditions may include but not be limited to buffers, hours of operation, landscaping and maintenance, lighting, off-site improvements, parking, performance guarantees, periodic review of the permit with authority to modify or add new conditions based on the results of the review, property maintenance, signs, specified duration for the permit, surfacing, traffic circulation, etc.

CHAPTER 18.77 - HISTORIC DESIGN REVIEW

Sections:

- 18.77.010 - Purpose of Chapter
- 18.77.020 - Applicability of Historic Design Review
- 18.77.030 - Historic Design Review Procedures
- 18.77.040 - Findings and Decision for Certificate of Appropriateness
- 18.77.050 - Conformance to Plans
- 18.77.060 - Certificate of Economic Hardship

18.77.010 - Purpose of Chapter

This Chapter establishes procedures for the comprehensive review of development to implement the requirements of the -HP District and the goals and policies of the General Plan and Downtown Specific Plan, including the Historic Resources Element.

18.77.020 - Applicability of Historic Design Review

- A. When required.** All projects that require a land use or building permit or will affect the exterior appearance of any building or property within the -HP district shall be subject to Historic Design Review in compliance with this Chapter. In addition, public projects such as sidewalk installation, traffic circle installation and other streetscape and pedestrian / bicycle improvement projects within the -HP district shall be subject to Historic Design review.

Certain exterior changes or materials may be exempted from Historic Design Review. For exterior changes or materials found to be consistent with those included in the adopted “Green Light” list, the following are exempt from Historic Design Review:

- Fencing in residential zone districts
- Seasonal outdoor dining, including the required ABC fencing
- Roofing materials
- Residential landscaping
- Retaining walls less than 24 inches tall
- Signs
- Exterior light fixtures

For materials found to be consistent with those included in the adopted “Yellow Light” list, staff will determine if they can be exempted from Historic Design Review on a case-by-case basis after further review of the Historic Design Guidelines. If the material is found to be consistent with the Historic Design Guidelines, the material shall be exempt from Historic Design Review. If the material is determined to be inconsistent with the Historic Design Guidelines, the project and/or material shall be subject to Historic Design Review. For any material found to be inconsistent with those included in the adopted “Red Light” list, that material shall be subject to Historic Design Review. The adopted “Green Light”, “Yellow Light”, and “Red Light” templates are available on the Town’s website at: <http://www.townoftruckee.com/government/community-development/planning-division/historic-preservation>.

- B. Building permits.** No building permit shall be issued for any project until the project has been evaluated through the Historic Design Review process, a Certificate of Appropriateness or Certificate of Economic Hardship has been granted and the appropriate land use permit has been issued.

18.77.030 - Historic Design Review Procedures

- A. Commencement of review.** The Historic Design Review process is initiated when the Director receives a complete application. The application package shall include all plans, elevations, specifications, sample materials, etc. as specified in the application and any additional information required by the Director in order to conduct a thorough review of the proposed project.
- B. Review with other permits.** Historic Design Review for projects that require the approval of a discretionary permit (e.g. Conditional Use Permit, Variance, etc.) shall occur concurrently with the review of the discretionary permit application and the final determination shall be made by the highest level of review authority acting on the project application. The Director shall prepare a report for the review authority outlining the findings and any conditions relating to the Historic Design Review prior to the review authority's consideration of the project. The report containing findings and any conditions shall also be forwarded to the applicant prior to consideration by the review authority.
- C. Review by Historic Preservation Advisory Commission.** The Historic Design Review application shall be forwarded to the Historic Preservation Advisory Commission (HPAC) for review. The HPAC shall review the application in accordance with the requirements of this Chapter and the Historic Design Guidelines and forward a recommendation of approval, conditional approval, or denial to the review authority. The Director may exempt applications from review by the HPAC if the application is minor in nature or a quorum of the HPAC cannot be called within a reasonable period of time for the review authority to review the land use permit within the time limits imposed by this Development Code. The following projects are considered exempt from HPAC review:
1. Color schemes acceptable for repainting, including acceptable trim combinations
 2. Maintenance projects involving replacement with like materials and like colors
 3. Replacement of doors and windows with doors or windows of the same size, like materials and similar style
 4. Replacement of roof of similar color and material
 5. Replacement of sign lettering which is similar is type style and color to previous sign lettering.
 6. Other minor projects similar to those listed above, as determined by the Community Development Director.

- D. Factors to be considered.** In conducting a Historic Design Review for a particular project, the review authority shall consider the location, design, site plan configuration and the overall effect of the proposed project upon surrounding properties and the Downtown Study Area in general. Historic Design Review shall be conducted by comparing the proposed project to applicable General Plan policies, the Downtown Specific Plan, adopted development standards, Historic Design Guidelines and other applicable ordinances and policies of the Town.
- E. Reference to Historic Design Guidelines.** In reviewing projects subject to the requirements of this Section, the Director shall refer to Chapter 18.26 (Historic Preservation Design Guidelines) in order to provide guidance to applicants seeking to comply with the requirements of this Chapter.
- F. Action, conditions.** The review authority may approve a certificate of appropriateness in accordance with Section 18.77.040 (Findings and Decision) or a certificate of economic hardship in accordance with Section 18.77.060 (Certificate of Economic Hardship). The review authority may impose conditions to ensure that the project would meet all of the required findings. Conditions may relate to both on- and off-site improvements that are necessary to mitigate project-related impacts and to carry out the purpose and requirements of the respective zoning district.
- G. Revised plans.** Where conditions are imposed that may substantially alter a proposed project, the applicant may be requested to submit revised plans at the discretion of the Director.

18.77.040 - Findings and Decision for Certificate of Appropriateness

- A. Approval.** The review authority may grant a Certificate of Appropriateness with or without conditions, only if all of the following findings can be made:
1. The project, including its character, scale and quality of design, are consistent with the purpose of this Chapter and all applicable development standards and historic design guidelines;
 2. With regard to a designated historic resource, the proposed work will neither adversely affect the significant architectural features of the designated historic resource nor adversely affect the character of historical, architectural, or aesthetic interest or value of the designated resource and its site;
 3. With regard to any property located within the District, the proposed work conforms to the historic design guidelines for the district and does not adversely affect the character of the district;
 4. In case of construction of a new improvement, addition, building, or structure upon a designated historic resource site, the exterior of such improvements will not adversely affect and will be compatible with the use and exterior of existing designated historic resources, improvements, buildings, natural features and structures on said site.
 5. The proposed project is consistent with the General Plan, the Downtown Specific Plan and any applicable master plan.

- B. Denial.** A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for denial. The Director shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the review authority to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the review authority. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Director.

18.77.050 - Conformance to Plans

- A.** All work performed under a Building Permit for which project drawings and plans received a Certificate of Appropriateness shall conform to the approved drawings and plans and any conditions of approval.
- B.** Any modifications to or deviations from the drawings and plans approved under this Chapter shall be approved by the Director. In the case of a discretionary permit, the Director may approve minor modifications but the original review authority shall review and approve any major modifications in accordance with Section 18.84.070 (Changes to an Approved Project).

18.77.060 - Certificate of Economic Hardship

- A. Purpose.** This section establishes procedures for the review of requests to reduce or waive the standard, guidelines and findings for a certificate of appropriateness if such standards, guidelines and findings will cause an immediate extreme hardship because of conditions peculiar to the particular structure involved and the damage to the property owner is unreasonable in comparison to the benefit conferred to the community. This section also establishes procedures for the review of requests to remove, relocate, tear down, or demolish a Category A, B, or C historic resource as set forth in Chapter 18.83 (Demolition Review). The certificate of economic hardship shall be reviewed and approved in accordance with the requirements of this section.
- B. Application filing, processing and review.** An application for a certificate of economic hardship shall be processed in the same manner as Variances except as modified by the requirements of this section. Prior to the review authority taking action on the application, the application shall be forwarded to the Historic Preservation Advisory Commission for review. The HPAC shall review the application in accordance with the requirements of this section and the Historic Design Guidelines and forward a recommendation in writing of approval in whole or in part, conditional approval, or denial to the review authority.
- C. Additional materials.** The Director shall be authorized to request the applicant to furnish material evidence supporting their request for a Certificate of Economic Hardship or shall furnish evidence or testimony to complete the application for Certificate of Economic Hardship including any or all of the following:
1. Cost estimates of the proposed construction, alteration, demolition, or removal and an estimate of the additional cost(s) that would be incurred to comply with the conditions for approval and issuance of a Certificate of Appropriateness.

2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
3. Estimated market value of the property in its current condition; estimated market value after completion of the proposed construction, alteration, demolition, or removal, in accordance with the Certificate of Appropriateness; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property and its market value for continued use after rehabilitation.
5. For income-producing properties, information on annual gross income, operating and maintenance expenses, depreciation deductions and annual cash flow after debt service, current property value appraisals, assessed property valuations, real estate taxes and any other information considered necessary to determine whether substantial evidence of economic hardship exists.
6. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years.
7. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing, or ownership of the property.
8. Amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property is purchased and any terms of financing between the seller and buyer; any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years.
9. Assessed value of the property according to the two most recent assessments.
10. Real estate taxes for the previous two years.
11. Form of ownership or operation of the property, whether sole proprietorship, for profit or non-profit corporation, limited partnership, joint venture, or other.
12. Any other information considered necessary for a determination as to whether the property yields or may yield a reasonable return to the owners.

D. Plan to relieve economic hardship.

1. An application for a certificate of economic hardship shall be accompanied by a plan developed by the Town and/or applicant to relieve economic hardship. This plan may include, but is not limited to, property tax relief, loans or grants from the Town or other private sources, acquisition by fee purchase or eminent domain, use of the State Historic

Building Code, development fees for historic preservation, changes in applicable zoning regulations, transfer of unused development rights, or relaxation of the provisions of this Chapter sufficient to allow reasonable beneficial use or return from the property. The Director and the review authority shall have a period not to exceed 120 days to make recommendations and develop and adopt a plan in order to relieve economic hardship and to allow the applicant a reasonable use of and economic return from, the property or otherwise preserve the subject property.

2. If, by the end of this 120-day period, the review authority has found that without approval of the proposed work, the property cannot be put to a reasonable economic return therefrom, then the review authority shall issue a Certificate of Economic Hardship approving the proposed work. If the review authority finds otherwise, it shall deny the application for a Certificate of Economic Hardship and the Director shall notify the applicant by mail of the final denial.

E. Findings and Decision. Following a public hearing, the review authority may grant a Certificate of Economic Hardship with or without conditions, only if all of the following findings can be made:

1. The denial of the demolition request or the Certificate of Appropriateness for the proposed work, or compliance with any conditions of approval, will cause an immediate extreme hardship because of conditions peculiar to the particular structure or other feature involved;
2. The denial of the demolition request or the Certificate of Appropriateness for the proposed work will deny the property owner all reasonable use of or return from the property; (In this context, personal, family, or financial difficulties, loss of prospective profits and neighboring violations are not justifiable hardships.)
3. The denial of the demolition request or the Certificate of Appropriateness for the proposed work will diminish the value of the subject property so as to leave substantially no value;
4. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in this zone;
5. An adaptive reuse study has been conducted and found that utilization of the property for lawful purposes is prohibited or impractical;
6. Rental at a reasonable rate of return is not feasible;
7. The denial of the demolition request or the Certificate of Appropriateness for the proposed work would damage the owner of the property unreasonably in comparison to the benefit conferred on the community;
8. All means involving Town-sponsored incentives, such as transfer of development rights, tax abatements, financial assistance, building code modifications, changes in the zoning ordinance, loans, grants and reimbursements, have been explored to relieve possible economic disincentives.

9. In the case of a proposed demolition, the designated resource cannot be remodeled or rehabilitated in a manner which would allow a reasonable use of or return from the property to the property owner.

F. Condition of demolition permit. If approval of a Certificate of Economic Hardship will result in the demolition of a historic resource, the applicant shall be required to provide documentation of the historic resource proposed for demolition to the standards of the Historic American Building Survey. Such documentation may include photographs, floor plans, measured drawings, archaeological survey, or other documentation stipulated by the Director.

CHAPTER 18.78 - PLANNED DEVELOPMENTS

Sections:

- 18.78.010 - Purpose of Chapter
- 18.78.020 - Applicability
- 18.78.030 - Application Filing
- 18.78.040 - Findings and Decision
- 18.78.050 – Mandatory Project Features
- 18.78.060 - Conditions of Approval

18.78.010 - Purpose of Chapter

- A. This Chapter is intended to allow consideration of innovation in site planning and other aspects of project design and more effective design responses to site features, land uses on adjoining properties and environmental impacts, than the development standards of the underlying zone would produce without adjustment.
- B. Planned Developments are encouraged and expected to produce a comprehensive development of greater quality including more effective and attractive pedestrian orientation, environmental sensitivity, energy efficiency and the more efficient use of resources, than that normally resulting from the more traditional development review process, while protecting the public health, safety, welfare, integrity and character of the Town and ensuring consistency with the General Plan and any applicable Specific Plan.
- C. Project review shall determine whether the proposed planned development should be approved by weighing the public need for and the benefit(s) to be derived from, the proposed development against the potential negative effect(s) it may cause.

18.78.020 - Applicability

- A. **Use of Planned Development.** A Planned Development may be requested by a property owner for any residential development project in any residential zoning district, any commercial development in any commercial zoning district, any industrial/manufacturing development project in any manufacturing zoning district, or any development in the Public zoning district.
 - 1. The approval of a Planned Development may adjust or modify, where necessary and justifiable, all applicable development standards (e.g., development envelope, off-street parking, street layout, etc.) identified in this Development Code, with the exception of the following:
 - a. The residential density and floor area ratio (FAR) standards of Tables 2-4, 2-8 and 2-10;
 - b. The maximum density of residential development standards of Section 18.08.050 (Minimum Lot Area and Maximum Density);

- c. The floor area ratio standards of Section 18.12.050 (Floor Area Ratio Criteria); and
 - d. Any other density/intensity provisions which limit residential density or floor area.
2. A Planned Development may authorize a land use activity that is not otherwise allowed in the applicable zoning district by Article II (Zoning Districts and Allowable Land Uses) provided the review authority finds that the primary uses of the planned development are allowed in the applicable zoning district and the planned development maintains the characteristics and purpose of the applicable zoning district; and
 3. Approval of a Planned Development shall be required before the approval of any Building, Grading, or other construction permit, or other authorization required by the Municipal Code or this Development Code for the proposed use or construction.

B. Compliance with General Plan. Strict compliance with the purpose and intent of the General Plan and any applicable Specific Plan shall be required.

18.78.030 - Application Filing

The applicant shall prepare and submit an application and project plan to the Department. The project plan shall be professionally prepared and shall include all information required by the Director.

18.78.040 - Mandatory Project Features.

- A. Applicability.** The review authority may recommend or approve a Planned Development only for a project that incorporates a minimum of one of the following features:
1. A minimum of 25 percent of the residential units within the project are affordable to households of very low, low or moderate income (See Chapter 18.214 for incentives provided for affordable housing development, including density bonuses and possible fee waivers); or
 2. The project will achieve greater energy efficiency than standard developments through the incorporation of green building techniques, scoring at least a Gold rating or Neighborhood Development Certification on the Leadership in Energy and Environmental Design (LEED) or other equivalent rating system; or
 3. The project will achieve a minimum of 30 percent greater energy efficiency than the minimum required by California Code of Regulations Title 24; or
 4. The project will provide a substantial public amenity (e.g., a significant public plaza or park, or public trail) beyond that otherwise required by this Development Code.

18.78.050 - Findings and Decision

Following a hearing the review authority shall record the decision in writing with the findings upon which the decision is based. The review authority may approve and/or modify, in whole or in part, with specific development conditions or deny a Planned Development. The review authority may approve a Planned Development, with or without conditions, only if all of the following findings can be made:

- A. The proposed development is:
 - 1. Allowed within the subject zoning district;
 - 2. Generally complies with all of the applicable provisions of this Development Code and Public Improvement and Engineering Standards relating to both on- and off-site improvements that are necessary to accommodate maximum flexibility in site planning and property development and to carry out the purpose, intent and requirements of the respective zoning district, including prescribed development standards and applicable design guidelines; and
 - 3. 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.
- B. The proposed project would produce a comprehensive development of superior quality (e.g., appropriate variety of structure placement and orientation opportunities, appropriate mix of land uses and structure sizes, high quality architectural design, increased amounts of landscaping and open space, improved solutions to the design and placement of parking facilities, etc.) than which might otherwise occur from the strict application of the provisions and standards identified in this Development Code;
- C. The proposed development is consistent with the design guidelines, achieves the overall design objectives of the design guidelines and would not impair the design and architectural integrity and character of the surrounding neighborhood;
- D. There are adequate provisions for public and emergency vehicle access, sanitation, water and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land and all development fees have been paid prior to occupancy of buildings and the land;
- E. The design, location, size and operating characteristics of the proposed development would not be detrimental to the public health, safety, or welfare of the Town, or injurious to the property or improvements in the vicinity and zoning district in which the property is located;
- F. The approval of the Planned Development is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that could not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted; and
- G. The subject site is:

1. Physically suitable for the type and density/intensity of development being proposed;
 2. Adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards and other features required by this Development Code; and
 3. Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.
- H. The proposed development is consistent with all applicable regulations of the Nevada County Environmental Health Department and the Truckee Fire Protection District for the transport, use and disposal of hazardous materials.
- I. For applicants seeking relief from Section 18.78.040 (Mandatory Project Features), the following additional findings shall be made:
1. The cumulative parcel development consists of less than 5 residential units, less than 7,500 sq. ft. of commercial or industrial gross floor area and less than 26,000 sq. ft. of site disturbance; and
 2. The requested Development Code deviation(s) is the minimum necessary to create a project of superior quality; and
 3. The project achieves other General Plan housing, sustainability, or community enhancement goals than those listed in Section 18.78.040.

18.78.060 - Conditions of Approval

In approving a Planned Development, the Commission may impose specific development conditions relating to the construction (both on- and off-site improvements), establishment, maintenance, location and operation of the proposed activity, as it finds are reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 18.78.040 (Findings and Decision). The conditions may relate to improvements that are necessary to accommodate maximum flexibility in site planning and property development and to carry out the purpose, intent and requirements of the respective zoning district).

CHAPTER 18.80 - TEMPORARY USE PERMITS

Sections:

- 18.80.010 - Purpose of Chapter
- 18.80.020 - Applicability
- 18.80.030 - Findings and Decision
- 18.80.040 - Conditions of Approval
- 18.80.050 - Post Approval Procedures

18.80.010 - Purpose of Chapter

This Chapter provides for short-term commercial activities that may not meet the normal development or use standards of the applicable zoning district, but may otherwise be acceptable because of their temporary nature.

18.80.020 - Applicability

- A. Director's review.** This Chapter establishes a process for the Director's review of a proposed temporary use to ensure basic health, safety and community welfare standards are met and only suitable temporary uses with the minimum necessary conditions or limitations consistent with the temporary nature of the use are approved.
- B. Related provisions.** This Chapter shall be considered and used together with the Allowed Uses and Permit Requirements tables in Article II (Zoning Districts and Allowable Land Uses) and Chapter 18.62 (Temporary Uses and Events), which identifies the following additional information regarding the applicability of a Temporary Use Permit:
 1. Exempt Temporary Uses and Events;
 2. Allowable Temporary Uses and Events; and
 3. General Requirements for all Temporary Uses.

18.80.030 - Findings and Decision

The Director may approve or conditionally approve a Temporary Use Permit application, with or without conditions, only if all of the following findings can be made. The Director may instead refer any Temporary Use Permit application to the Zoning Administrator or Commission for review and decision.

- A. The temporary use will take place for no more than 90 days in any calendar year;
- B. Adequate temporary parking facilities, pedestrian and vehicular circulation, including vehicular ingress and egress and public transportation, if applicable, will be provided in compliance with Chapter 18.48 (Parking and Loading Standards). Temporary parking will

be provided in areas not located within the public right-of-way or affecting an existing parking area so as to interfere with more than 10 percent of on-site parking spaces, established disabled accessible parking, or with vehicular or pedestrian circulation;

- C. The proposed temporary use is in compliance with all applicable Town, State and Federal laws;
- D. The Fire Chief has determined that the proposed use would not create a fire safety hazard;
- E. The subject property is located within a commercial, industrial, or public use zoning district;
- F. If the use is occurring on Town owned property, permission from the Town Manager or their designee has been obtained;
- G. Operation of the use would not create adverse traffic safety impacts nor result in detrimental impacts upon the neighborhood in which it is to be located;
- H. The establishment, maintenance, or operation of the temporary use would not be detrimental to the public health, safety, or welfare of persons residing or working in the neighborhood of the proposed use; and
- I. Approved measures for removal of the use and site restoration have been required to ensure that no changes to the site will limit the range of possible future land uses otherwise allowed by this Development Code.

18.80.040 - Conditions of Approval

In approving a Temporary Use Permit, the Director may impose any conditions deemed reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 18.80.030 (Findings and Decision). Standards for floor areas, heights, landscaping areas, off-street parking, setbacks and other structure and property development standards that apply to the category of use or the zoning district of the subject site shall be used as a guide for determining the appropriate development conditions/standards for the temporary use. However, the Director may grant an adjustment from the specific requirements as deemed necessary or appropriate.

18.80.050 - Post Approval Procedures

The following procedures, in addition to those identified in Chapters 18.70 (Applications, Processing and Fees) and 18.84 (Permit Implementation, Time Limits and Extensions), shall apply following the approval of a Temporary Use Permit:

- A. Condition of site following temporary use.** Each site occupied by a temporary use shall be cleaned of debris, litter, or any other evidence of the temporary use upon completion or removal of the use and shall thereafter be used in compliance with the provisions of this Development Code. The Director may require a cash surety as a condition of approval to ensure the site restoration and adequate cleanup after the use is finished; and
- B. Revocation.** The Director may revoke or modify a Temporary Use Permit with only a 24-hour notice, in compliance with Chapter 18.190 (Revocations and Modifications).

CHAPTER 18.82 - VARIANCES AND HISTORIC VARIANCES

Sections:

- 18.82.010 - Purpose of Chapter
- 18.82.020 - Applicability
- 18.82.030 - Findings and Decision
- 18.82.040 - Conditions of Approval
- 18.82.050 - Historic Variances

18.82.010 - Purpose of Chapter

This Chapter provides for modifications and adjustments of the standards of this Development Code only when, because of special circumstances applicable to the property, including location, shape, size, surroundings, or topography, the strict application of this Development Code deprives the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts.

18.82.020 - Applicability

- A. Adjustments allowed.** The Zoning Administrator may grant an adjustment from the requirements of this Development Code governing only the following development standards, unless the requested adjustment(s) involves a project that is otherwise part of a permit, entitlement, or modification requiring Commission action. In those instances, the Commission shall have the authority to review and decide the Variance application at the same time that they consider the companion permit, entitlement, or modification:
1. Dimensional standards (e.g., building coverage, distance between structures, landscape, parcel area and paving requirements, parcel dimensions, setbacks and structure heights);
 2. Number and dimensions of off-street parking and drive areas, loading spaces and landscaping, lighting, or parking requirements, except as otherwise provided in this Development Code; and
 3. Sign regulations (other than prohibited signs).
- B. Adjustments prohibited.** The power to grant Variances does not include the authority to allow a use of land not normally allowed in the applicable zoning district by Article II (Zoning Districts and Allowable Land Uses), or to modify residential density regulations.
- C. Historic Variances.** Variances from the requirements of this Development Code applicable to historic resources are subject to Section 18.82.050 (Historic Variances).

18.82.030 - Findings and Decision

Following a public hearing, the review authority shall record the decision in writing with the findings upon which the decision is based, in compliance with State law (Government Code Section 65906). The Zoning Administrator may refer a variance application to the Planning Commission for review and decision. The review authority may approve a Variance with or without conditions, only if all of the following findings can be made:

A. General findings. All of the following findings are required for all Variances:

1. There are special circumstances applicable to the property (e.g., location, shape, size, surroundings, or topography), so that the strict application of this Development Code deprives the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts;
2. The variance authorized does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district;
3. The approval of the Variance is in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that could not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted;
4. Granting the Variance:
 - a. Does not allow a use or activity which is not otherwise expressly allowed in the applicable zoning district;
 - b. Would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and zoning district in which the property is located; and
 - c. Is consistent with the General Plan and any applicable Specific Plan and/or Master Plan.
5. The variance is the minimum departure from the requirements of this Development Code necessary to grant relief to the applicant, consistent with Subsections 1. and 2., above.

B. Findings for off-street parking variances. For a nonresidential development project proposing to locate a portion of the required parking at an off-site location, or provide in-lieu fees or facilities instead of the required on-site parking spaces, the following findings shall be made in a positive manner, in compliance with State law (Government Code Section 65906.5):

1. The Variance will be an incentive to and a benefit for, the subject nonresidential development; and
2. The Variance will facilitate access to the subject nonresidential development by patrons of public transit facilities.

18.82.040 - Conditions of Approval

In approving an application for a Variance, the review authority may impose conditions relating to the construction (both on- and off-site improvements), establishment, maintenance, location and operation of the proposed activity, as it finds are reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 18.82.030 (Findings and Decision).

18.82.050 - Historic Variances

A. Purpose. This Section provides for modifications and adjustments of the development standards of this Development Code only when the strict application of this Development Code may impair the ability of a historic resource to be properly used for adaptive reuse and/or to be altered in a manner that will have the least impact upon its historic character and the surrounding area. The intent of this Chapter is to grant Historic Variances only to the extent that they are necessary to achieve the objectives stated and no further.

B. Applicability.

1. No property shall be eligible for a Historic Variance unless and until such property is designated as a historic resource by the Town Council.
2. In the event that a property loses its status as a historic resource, the provisions of this Chapter shall thereafter be rendered inapplicable to such property.
3. Variances to the development standards of Chapter 18.77 (Historic Design Review) and Chapter 18.26 (Historic Preservation Design Guidelines) shall be processed in accordance with their respective provisions.

C. Application filing, processing and review. An application for Historic Variance shall be processed in the same manner as Variances as described in Section 18.82.030, except as modified by the requirements of this Section. Prior to the review authority taking action on the application, the application shall be forwarded to the Historic Preservation Advisory Commission for review. The HPAC shall review the application in accordance with the requirements of this Section and Chapter 18.26 (Historic Preservation Design Guidelines) and forward a recommendation to the review authority.

D. Findings and decision. Following a public hearing, the review authority shall record the decision in writing with the findings upon which the decision is based. The Zoning Administrator may refer a historic variance application to the Planning Commission for review and decision. The review authority may approve a Historic Variance with or without conditions, only if all of the following findings can be made:

1. The Historic Variance is necessary to provide for the appropriate adaptive reuse of an existing historic resource building, and/or to provide for the design and alteration of a historic resource building in a manner that will enhance its historic and functional use and utility;

2. The historic resource is being preserved or will retain its integrity as a historic resource. Any improvements, alterations, or modifications shall not cause the survey rating category of the historic resource to be downgraded;
3. The Historic Variance will not prevent the use from being able to adequately function on the site;
4. The Historic Variance will not adversely impact property or public rights-of-way within the neighborhood and -HP District;
5. The Historic Variance is the minimum departure from the requirements of this Development Code necessary to grant relief to the applicant, consistent with subsections D.1 and D.2 above; and
6. The granting of the Historic Variance is consistent with the General Plan and the Downtown Specific Plan.

E. Conditions of approval. In approving an application for a Historic Variance, the review authority may impose conditions relating to the construction (both on- and off-site improvements), establishment, maintenance, location and operation of the proposed activity, as it finds are reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 18.82.050(D) (Findings and Decision).

CHAPTER 18.83 - DEMOLITION REVIEW

Sections:

- 18.83.010 - Purpose of Chapter
- 18.83.020 - Applicability of Demolition Review
- 18.83.030 - Demolition Review Procedures
- 18.83.040 - Findings and Decision
- 18.83.050 - Enforcement

18.83.010 - Purpose of Chapter

This Chapter establishes procedures and criteria for the review of demolition requests to historic resources in order to implement the requirements of the -HP District and the goals and policies of the Historic Resources Element of the Downtown Specific Plan.

18.83.020 - Applicability of Demolition Review

- A. **When required.** Any and all actions that will result in the removal, relocation, tearing down, or demolition of a historic resource, or portion thereof, shall be subject to Demolition Review in compliance with this Chapter. This includes but is not limited to total demolition of a resource, or portion thereof, or partial demolition that is so extensive that it would result in the lowering of the survey rating for the resource.
- 5. **Building permits.** No building permit shall be issued for any demolition until the demolition has been evaluated through the Demolition Review process and a Certificate of Economic Hardship or other approval required by this Chapter has been granted.
- 6. **Exemption.** The Director may exempt a Demolition Review application from the requirements of this Chapter and authorize the removal or demolition of a historic resource if the Director finds the historic resource poses an immediate danger to the health, safety, or welfare of the occupants, the owner, or that of the general public and immediate action must be taken on the application to safeguard the public health, safety and welfare. The Director may require that the materials of the demolished historic resource be used in a new development on the site and/or that the historic building form of the original historic resource be replicated in development on the site.

18.83.030 - Demolition Review Procedures

- A. **Commencement of review.** The Demolition Review process is initiated when the Director receives completed applications for Demolition Review and for a Certificate of Economic Hardship. The application packages shall include all plans, elevations, specifications, sample materials, etc. as specified in the application and any additional information required by the Director in order to conduct a thorough review of the proposed demolition.

- B. Review with other permits.** Demolition Review in conjunction with projects that require the approval of a discretionary permit (e.g. Conditional Use Permit, Variance, etc.) shall occur concurrently with the review of the discretionary permit application and the final determination shall be made by the highest level of review authority in compliance with Table 4-1 (Review Authority) and Section 18.70.030 (Concurrent Permit Processing). The Director shall prepare a report for the review authority outlining the findings and any conditions relating to the Demolition Review prior to the review authority's consideration of the project. The report containing findings and any conditions shall also be forwarded to the applicant prior to consideration by the review authority.
- C. Review by Historic Preservation Advisory Commission.** The Demolition Review application shall be forwarded to the Historic Preservation Advisory Commission (HPAC) for review. The HPAC shall review the application in accordance with the requirements of this chapter and the Historic Design Guidelines and forward a recommendation of approval, conditional approval, or denial to the Director.
- D. Factors to be considered.** In conducting a Demolition Review for a particular project, the Director shall consider the classification category of the historic resource (Category A, B, or C) and the location and the overall effect of the proposed demolition upon surrounding properties and the Downtown Study Area in general. Demolition Review shall be conducted by comparing the proposed demolition to applicable General Plan policies, the Downtown Study Area Specific Plan, adopted development standards, design guidelines and other applicable ordinances of the Town.
- E. Reference to Certificate of Economic Hardship and Historic Design Guidelines.** In reviewing demolitions subject to the requirements of this Chapter, the review authority shall consider the standards and guidelines of Section 18.77.060 (Certificate of Economic Hardship) and Chapter 18.26 (Historic Preservation Design Guidelines).
- F. Action, conditions.** The review authority may approve a proposed demolition in compliance with Section 18.83.040 (Findings and Decision). The Director or review authority may impose conditions upon the demolition to ensure that the project would meet all of the required findings. The review authority may require that the materials of the demolished historic resource be used in a new development on the site and/or that the historic building form of the original historic resource be replicated in development on the site.

18.83.040 - Findings and Decision

- A. Category A (Essential Rating) and Category B (Contributing Rating) Resources.** Following a public hearing, the review authority may grant Demolition Review approval with or without conditions, only if one of the following findings can be made:
1. The findings for a Certificate of Economic Hardship can be made and a Certificate of Economic Hardship is granted in compliance with Section 18.77.060 (Certificate of Economic Hardship); or

2. In conjunction with the findings for a land use permit for a replacement structure or use, the historic resource must be removed from the site in order for the property to be utilized for a public structure or use which substantially benefits the public.

B. Category C (Supporting Rating) Resources. Following a public hearing, the review authority may grant Demolition Review approval, with or without conditions and authorize the demolition of a Category C historic resource only if one of the following findings can be made:

1. Maintaining the resource is not economically feasible based on policies, criteria and guidelines adopted by the Town Council. The review authority may determine that only a portion of the documentation cited in Section 18.77.060.C is required to demonstrate economic feasibility;
2. Within one year of the demolition of the resource, the resource will be replaced by a building reconstructed to replicate the resource from a period of the historic significance of the resource and the reconstruction of the building is done in accordance with the “Standards for Reconstruction and Guidelines for Reconstructing Historic Buildings” as set forth in the Secretary of the Interior’s Standards for the Treatment of Historic Properties; or
3. The historic resource must be removed from the site in order for the property to be utilized for a public structure or use which substantially benefits the public.

18.83.050 - Enforcement

In addition to the legal remedies set forth in Section 18.200.070, the Town may choose to undertake any or all of the following legal actions to impose sanctions for violations of this Chapter.

- A. Any conviction of an infraction or misdemeanor under the provisions of this Development Code for violating any provision of this Chapter shall be punishable by a fine of not more than Ten Thousand Dollars (\$10,000), or by imprisonment in the County jail for a period not exceeding six (6) months, or by both such fine and imprisonment.
- B. Within 18 months of the date of demolition of a historic resource demolished in violation of this Chapter, or permits issued in compliance with this Chapter, the owner of the property shall replace the historic resource with a building reconstructed to replicate the resource from a period of the historic significance of the resource and the reconstruction of the building shall be done in accordance with the “Standards for Reconstruction and Guidelines for Reconstructing Historic Buildings” as set forth in the Secretary of the Interior’s Standards for the Treatment of Historic Properties.
- C. On properties on which an historic resource has been demolished in violation of this Chapter, or permits issued in compliance with this Chapter, the Town shall not approve or authorize any change in the use of land or structures, including non-structural uses such as parking lots, for a period of five years from the date of demolition of the historic resource. The Town shall not approve or authorize an increase in floor area or lot coverage which was in existence prior to demolition of the historic resource for an approved replacement use for a period of five years from the date of demolition of the historic resource.

CHAPTER 18.84 - PERMIT IMPLEMENTATION, TIME LIMITS, AND EXTENSIONS

Sections:

- 18.84.010 - Purpose of Chapter
- 18.84.020 - Effective Date of Permits
- 18.84.030 - Applications Deemed Approved
- 18.84.040 - Performance Guarantees
- 18.84.050 - Time Limits and Phasing
- 18.84.055 - Time Extensions
- 18.84.060 - Time Extensions for Building Permits
- 18.84.070 - Changes to an Approved Project
- 18.84.080 - Resubmittals
- 18.84.090 - Covenants of Easement

18.84.010 - Purpose of Chapter

This Chapter provides requirements for the implementation or "exercising" of the land use permits or entitlements specified by this Development Code, including time limits and procedures for granting extensions of time.

18.84.020 - Effective Date of Permits

- A. **Effective after appeal period.** Permits and other entitlements specified by this Development Code shall become effective the day after the appeal period has ended, provided that no appeal of the review authority's approval has been filed in compliance with Chapter 18.140 (Appeals).
- B. **Appeal of Director's action.** If the appeal of a decision by the Director is filed in a timely manner, the permit or entitlement shall be placed on hold pending the final decision on the appeal by the Commission.
- C. **Commission's action.** If the appeal of a decision by the Director is denied by the Commission, the permit or entitlement shall become effective on the day after the appeal period has ended, provided that no appeal of the Commission's action has been filed.
- D. **Appeal of Zoning Administrator's and Commission's action.** If the appeal of a decision by the Zoning Administrator or Commission is filed in a timely manner, the permit or entitlement shall be placed on hold pending the final decision on the appeal by the Council.
- E. **Council's action is final.**
 - 1. If the Council denies the appeal on a decision by the Zoning Administrator or Commission, or modifies the approval of the permit or entitlement, the permit or entitlement shall become effective immediately following the Council's action.

2. If the appeal of a decision by the Commission is approved and the permit or entitlement is denied by the Council on appeal, the permit or entitlement shall be deemed void.

18.84.030 - Applications Deemed Approved

Any land use permit application deemed approved in compliance with State law (Government Code Section 65956) shall be subject to all applicable provisions of this Development Code, which shall be satisfied by the applicant before any Building Permit is issued or a land use not requiring a Building Permit is established.

18.84.040 - Performance Guarantees

A permit applicant may be required by conditions of approval, or by action of the Director, to provide adequate performance guarantees (e.g., bonds, cash deposits, certified letter of credit, etc.) to ensure the faithful performance of any or all conditions of approval imposed by the review authority. The Director shall be responsible for setting the amount of the required performance guarantee, after consultation with the Town Building Official.

18.84.050 - Time Limits and Phasing

- A. **Time limits.** Unless conditions of approval establish a different time limit, any land use permit or entitlement (with the exception of Use Permits and Minor Use Permits) not exercised within two years of approval, including any extension(s), whichever is greater, shall be deemed expired.
 1. The permit shall not be deemed exercised until the permittee has obtained all necessary Building Permits and diligently pursued construction, or has actually commenced the allowed use on the subject property in compliance with the conditions of approval, for uses that do not require a Building Permit. Diligent pursuit shall require, at a minimum, the completion of the installation of the foundation(s) for all structure(s) on the property.
 2. For permits or entitlements without provisions for phasing, the use of the property including the construction of all structures and other features of the project, as shown in the approved permit, shall be completed within four years from the date of approval of the land use permit. Projects granted one two-year extension, in compliance with Section 18.84.055 (Time Extensions), below, shall require completion within six years from the original date of approval of the land use permit. Land use permits not completed within these time periods shall be deemed expired.
 3. Use Permits and Minor Use Permits shall not be subject to the standard expiration timeframes for land use permits. The conditions of approval for the Use Permit or Minor Use Permit shall specify a timeframe under which the approved use shall commence. If the use is not exercised within the identified timeframe, the project shall be deemed to be out of compliance with the approved conditions of approval, and the Town may begin the process to revoke the permit in accordance with Development Code Chapter 18.190 (Revocations and Modifications).

B. Phasing.

1. **Authorization for phasing required.** Where the land use permit or entitlement provides for development in two or more phases or units in sequence, the permit or entitlement shall not be approved until the review authority has approved the final development plan for the entire project site. The project applicant shall not be allowed to develop one phase in compliance with the pre-existing base zoning district and development standards and then develop the remaining phases in compliance with this Development Code.
2. **Time limits for first phase.**
 - a. Unless conditions of approval establish a different time limit, the land use permit or entitlement for a phased development, including the first phase and any subsequent phases, shall be deemed expired if the land use permit or entitlement for the first phase is not exercised within two years of approval, including any extension(s), whichever is greater. The permit or entitlement for the first phase shall not be deemed exercised until the permittee has obtained all necessary Building Permits for the first phase and diligently pursued construction, or has actually commenced the allowed use on the subject phase in compliance with the conditions of approval, for uses that do not require a Building Permit. Diligent pursuit shall require, at a minimum, the completion of the installation of the foundation(s) for all structure(s) in the first phase.
 - b. The use of the property in the first phase including the construction of all structures and other features of the project in the first phase shall be completed within four years from the date of approval of the land use permit. Projects granted one two-year time extension, in compliance with Subsection C., below, shall require completion of the first phase within six years from the original date of approval of the land use permit. Land use permits not completed within these time periods shall be deemed expired.
3. **Time Limits for subsequent phases.**
 - a. Unless conditions of approval establish a different time limit, the land use permit or entitlement for each subsequent phase shall be deemed expired if the land use permit or entitlement for the phase is not exercised within two years after the land use permit has been exercised on the previous phase, or the land use permit for the phase and any subsequent phases shall be deemed expired. If the application for the land use permit also involves the approval of a Tentative Map, the phasing shall be consistent with the Tentative Map, and the permit or entitlement shall be exercised before the expiration of the companion Tentative Map.

18.84.055 - Time Extensions

- A. **Extensions of time.** Upon the filing of a request for extension by the applicant, the original review authority may extend the time to establish an approved use.
 1. The applicant shall file a written request for an extension of time with the Director in advance of the expiration date, together with the filing fee required by the Council's Fee Resolution. If the application also involves the approval of a tentative map, the land use permit extension shall be consistent with the tentative map extension timeframes, and the

tentative map extension shall be processed in accordance with State law (Government Code Section 66452.6) and Section 18.96.150 (Extensions of Time for Tentative Maps).

2. The burden of proof is on the applicant to establish, with substantial evidence, why the permit should be extended.
3. If the permit or approval being considered for extension originally required a noticed public hearing, the review authority shall hold a public hearing on the proposed extension of a permit and give notice, in compliance with Chapter 18.180 (Public Hearings).
4. The review authority may impose conditions on the approved extension deemed reasonable and necessary to ensure that the approval will remain in compliance with the findings required by this Article for the applicable land use permit and to bring the project into compliance with the General Plan and this Development Code.
5. The review authority may grant extensions up to a total of two-years, but no more than two-years for each approved land use application. If the application includes an approved tentative map, the review authority may approve extensions consistent with Section 18.96.150 (Extensions of Time for Tentative Maps) and in compliance with State law (Government Code Section 66452.6).

B. Findings and decision. The review authority may approve an extension of time for land use entitlements, with or without conditions, only if all of the following findings can be made (note: Tentative Map extensions are only subject to the findings in Section 18.96.150, Extensions of Time for Tentative Maps):

1. The permittee has made a good faith effort to exercise the permit and has exercised due diligence in seeking to establish the permit.
2. The land use permit(s) and approved use are in compliance with this Development Code, the General Plan and any applicable Specific Plan and/or master plan.

18.84.060 - Time Extensions for Building Permits

- A. Director's review. The Director shall review all applications for time extensions for Building Permits before they are granted by the Building Official.
- B. Purpose of review. The Director's review shall determine that the development project, covered by the Building Permit, remains in full compliance with this Development Code.
- C. Findings. The Building Official shall not grant the requested time extension if:
 1. Substantial work in compliance with the original permit has not occurred; and
 2. The Director finds that the project described in the Building Permit is not in compliance with any applicable provision of this Development Code.

18.84.070 - Changes to an Approved Project

Any development or new land use authorized through a Development Permit, Planned Development, Temporary Use Permit, Use Permit, or Variance shall be established only as approved by the review authority and subject to any conditions of approval imposed on the project, except where changes to the project are approved in compliance with this Section.

- A. Application requirements.** An applicant shall request desired changes in writing and shall also furnish appropriate supporting materials and an explanation of the reasons for the request. Changes may be requested either before or after construction, or establishment and operation of the approved land use.
- B. Extent of changes allowed.** Generally, minor changes to an approved project may be authorized by the Director while major changes shall only be authorized by the original review authority, unless expressly stated otherwise by the conditions of approval imposed on the project, as follows:
- 1. Minor changes.** The Director may authorize minor changes to an approved site plan, architecture, or the nature of the approved use if the changes:
 - a. Are consistent with all applicable provisions of the Development Code;
 - b. Do not involve a feature of the project that was a specific consideration by the review authority in taking action in the adoption of findings in a negative declaration or environmental impact report (EIR) for the project;
 - c. Do not involve a feature of the project that was a basis for conditions of approval for the project that imposed limitations, restrictions, or requirements upon the feature above and beyond the requirements of this Development Code or that was a specific consideration by the review authority in taking action in the approval permit;
 - d. Do not result in an expansion of the use greater than 10 percent of the total floor area, 10 percent of any outdoor activity area(s), or 10 percent of the total site disturbance area(s); and
 - e. Do not involve a substantial change to the site plan or the building design.
 - 2. Major changes.**
 - a. Major changes to the project which involve features described in Subsections B.1.b., B.1. c., B.1.d. and B.1.e, above, shall only be approved by the review authority through a new land use permit application or modification of a land use permit, processed in compliance with this Development Code.
 - b. If a new land use permit application, or modification of a land use permit, is subsequently approved by the review authority, any previously approved land use permit shall be deemed void and superseded by the new land use permit, or modification.

- c. If any of the matters identified above originally required a noticed public hearing, the review authority shall hold a public hearing on the proposed/requested change(s) and give notice, in compliance with Chapter 18.180 (Public Hearings).

18.84.080 - Resubmittals

- A. **Time limit for resubmittals.** When an application for a land use permit, or modification to a land use permit, is denied, no application for the same or substantially similar permit or modification for the same site shall be filed in whole, or in part, within six months of the date of denial, except as may be specified at the time of denial.
- B. **Action of Director.** The Director shall determine whether the new application is for a land use permit, or modification, which is the same or substantially similar to the previously denied permit, or modification.
- C. **Effective date.** The decision of the Director shall become effective the day after the appeal period has ended, provided that no appeal of the Director's decision has been filed in compliance with Chapter 18.140 (Appeals).

18.84.090 - Covenants of Easement

- A. **Covenant may be required.** When necessary to achieve the land use goals of the Town, the Town may require a property owner(s) holding property in common ownership to execute and record a Covenant of Easement in favor of the Town and providing for air access, emergency access, landscaping, light, parking access, avigation, open space, or similar requirements. The Covenant may be imposed as a condition of approval by the Director, Zoning Administrator, Commission, or Council.
- B. **Form of Covenant.** The Covenant of Easement shall describe the real property to be subject to the easement and the real property and entity to be benefited by the easement. The Covenant shall also identify the approval or permit granted which relied upon or required the Covenant. The form of the Covenant shall be approved by the Town Attorney.
- C. **Effect of Covenant.** The Covenant shall be effective when recorded and shall act as an easement in compliance with State law (Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the Civil Code), except that it shall not merge into any other interest in the real property. Civil Code Section 1104 shall be applicable to conveyance of the affected real property. From and after the time of its recordation, the Covenant shall impart notice to all persons to the extent afforded by the recording laws of the State. Upon recordation, the burdens of the Covenant shall be binding upon and the benefits of the Covenant shall inure to, all successors-in-interest to the real property.
- D. **Enforceability of Covenant.** The Covenant shall be enforceable by the successor(s)-in-interest to the real property benefited by the Covenant and the Town. Nothing in this Section creates standing in any person, other than the Town and any owner of the real property burdened or benefited by the Covenant, to enforce or to challenge the Covenant or any requested amendment or release.

- E. Release of Covenant.** The Covenant may be released by the Town, at the request of any person, in accordance with Chapter 18.88 (Vacations).

CHAPTER 18.86 - LOT LINE ADJUSTMENTS

Sections:

- 18.86.010 - Purpose of Chapter
- 18.86.020 - Applicability
- 18.86.030 - Adjustment Application and Processing
- 18.86.040 - Lot Line Adjustment Standards
- 18.86.050 - Approval or Denial of Adjustment
- 18.86.060 - Conditions of Approval
- 18.86.070 - Completion of Adjustment

18.86.010 - Purpose of Chapter

This Chapter provides procedures for the preparation, filing, review and approval or denial of applications for Lot Line Adjustment between four or fewer existing adjoining parcels, in compliance with Government Code Section 66412(d).

18.86.020 - Applicability

The Lot Line Adjustment procedure shall be used only for the purpose of relocating lot lines between four or fewer adjoining parcels, where land taken from one parcel is added to an adjoining parcel and where no more parcels are created than originally existed. A Lot Line Adjustment may be used to voluntarily merge parcels thereby resulting in fewer parcels than originally existed. A Lot Line Adjustment shall be processed in compliance with this Chapter. For the purposes of this Chapter, an "adjoining parcel" is one that directly touches at least one of the other parcels involved in the adjustment.

A lot line adjustment(s) between five or more adjoining parcels shall comply with the provisions of Sections 66410 et seq. of the Government Code (Subdivision Map Act) and Article V of this Development Code. Incremental or phased lot line adjustments shall be treated on a cumulative basis. The addition of a parcel(s) to previous or proposed lot line adjustments of adjoining parcels that would bring the total number of parcels involved in the lot line adjustment to five or more shall comply with the provisions of Sections 66410 et seq. of the Government code (Subdivision Map Act) and Article V of this Development Code.

18.86.030 - Adjustment Application and Processing

A Lot Line Adjustment application shall be prepared, filed and processed in compliance with this Section.

- A. Application content.** A Lot Line Adjustment application shall include all information and other materials prepared as required by the Lot Line Adjustment Preparation and Contents instruction list, provided by the Department.

- B. Processing.** Lot Line Adjustment applications shall be submitted to the Director and shall be processed according to the procedures specified by Chapter 18.70 (Applications, Processing and Fees). An environmental assessment in compliance with Section 18.70.060 (Initial Application Review/Environmental Assessment) may not be required, in compliance with Section 15305 of the CEQA Guidelines.

18.86.040 - Lot Line Adjustment Standards

The parcels proposed in a Lot Line Adjustment shall be designed to conform with all applicable standards of Articles II (Zoning Districts and Allowable Land Uses) and III (Site Planning and General Development Standards); except that an adjustment involving existing nonconforming parcels and/or parcels with existing nonconforming development may be approved provided that:

- A. The adjustment will not have the effect of creating a greater number of nonconforming parcels than exist before adjustment and will not cause a parcel that was nonconforming before the adjustment to become more nonconforming as a result of the adjustment, except where the review authority determines that the adjustment will substantially improve the conditions of the pre-adjustment parcel and development;
- B. Any existing conforming development on a parcel will not become nonconforming as a result of the adjustment; and
- C. Where existing development was nonconforming before the adjustment, the adjustment itself will not increase the nonconformity, except where the review authority determines that the adjustment will substantially improve the conditions of the pre-adjustment parcel and development.

18.86.050 - Approval or Denial of Adjustment

The review authority may approve a Lot Line Adjustment, with or without conditions, only if all of the following findings can be made:

- A. The Lot Line Adjustment does not create a greater number of parcels than originally existed;
- B. The parcels resulting from the Lot Line Adjustment and development on those parcels conform to all applicable requirements of this Chapter, this Development Code and Title 15 (Building and Construction) of the Municipal Code;
- C. Existing utilities, infrastructure and easements, including but not limited to streets, driveways, sewer mains, water mains and electrical lines, will not be adversely affected by the Lot Line Adjustment, or if utilities, infrastructure, or easements will be adversely affected, conditions have been applied to the approval of the Lot Line Adjustment to facilitate their relocation.

18.86.060 - Conditions of Approval

In approving a Lot Line Adjustment, the review authority as applicable may impose specific development conditions as it finds are reasonable and necessary to ensure that the approval will be in compliance with the findings required by Section 18.86.050.B (Findings and Decision).

18.86.070 - Completion of Adjustment

Within 24 months after approval of a Lot Line Adjustment, the adjustment process shall be completed as set forth in this Section through the recordation of a deed, after all conditions of approval have been satisfied.

A. Completion by deed.

1. A Lot Line Adjustment shall not be considered legally completed until either a grant deed(s) or a quit claim deed(s) signed by the record owners and approved by the Town Engineer has been recorded in compliance with this Section or a certificate of merger for a voluntary parcel merger has been filed by the Town Engineer.
2. The applicant shall submit deeds and a plat map to the Town Engineer for review, approval and signature in compliance with Subsection C., below, before recordation of the grant deed or quit claim deed.
3. The legal descriptions provided in the deeds shall be prepared by a qualified registered civil engineer, or a licensed land surveyor licensed or registered in California.

B. Completion by record of survey. If the Town Engineer determines that a record of survey is required by Section 8762 et seq. of the Business and Professions Code, a Lot Line Adjustment shall not be considered legally completed until a record of survey has been checked by the Town Surveyor and sent to the County Surveyor for approval and to the County Recorder for recordation.

C. Review and approval by Town Engineer. The Town Engineer shall:

1. Examine the deeds to ensure that all record title owners have consented to the adjustment;
2. Examine the deeds to ensure that any deeds of trust or similar encumbrances will be modified to reflect the new parcel descriptions;
3. Verify that all conditions of approval have been satisfactorily completed and that the deeds and plat map are in substantial compliance with the Lot Line Adjustment as approved by the review authority;
4. If satisfied that the deeds and plat map comply with the above requirements, place an endorsed approval upon the plat map; and
5. After approval of the legal descriptions and plat map, assemble the deeds and return them to the applicant for recordation or file a certificate of merger for a voluntary parcel merger.

D. Expiration. The approval of a Lot Line Adjustment, including a Lot Line Adjustment that was approved before the effective date of this Development Code, shall expire and become void if the adjustment has not been completed in compliance with this Section within 24 months of approval.

Lot Line Adjustments

18.86

CHAPTER 18.88 - VACATIONS

Sections:

- 18.88.010 - Purpose of Chapter
- 18.88.020 - Applicability
- 18.88.030 - Findings and Decision

18.88.010 - Purpose of Chapter

This Chapter establishes procedures for the review and approval or denial of the vacation of streets and public easements and the release of covenants of easements, which is required by State law and the Town to ensure that the street or easement is not necessary for present or prospective public use.

18.88.020 - Applicability

Any and all requests for the abandonment, vacation, and/or release of streets and public easements shall be evaluated in compliance with this Chapter. Public streets and public easements within subdivided lands may be abandoned in accordance with Chapter 18.104 (Reversions to Acreage) or Section 66499.20 ½ (Merging and resubdividing without reversion) of the Subdivision Map Act.

18.88.030 - Findings and Decision

A request for the vacation of a street or public service easement or the release of a covenant of easement shall be reviewed and processed in compliance with this section.

- A. Minor street vacation.** A request for the vacation of a street may be approved, with or without conditions, by the Town Council by resolution without public hearing or notice only if the conformity of the request with the General Plan has been considered and one of the following findings can be made:
1. The street has been superseded by relocation of the street and utilities; the relocation of the street would not cut off all access to a person's property which, prior to relocation, adjoined the street; and the street is not necessary for present or prospective public use;
 2. The street has been impassable for vehicular traffic for a period of five consecutive years, no public money was expended for maintenance on the street during such period, there are no in-place public utility facilities that are in use or would be affected by the vacation and the street is not necessary for present or prospective public use; or
 3. The excess right-of-way of the street is not required for street purposes, there are no in-place public utility facilities that are in use or would be affected by the vacation and the excess right-of-way is not necessary for present or prospective public use.

The resolution of summary vacation shall be recorded by the Town with the Office of the County Recorder.

B. Minor public service easement vacation. A request for the vacation of a public service easement may be approved, with or without conditions, by the Town Council by resolution without public hearing or notice only if the conformity of the request with the General Plan has been considered and one of the following findings can be made:

1. The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the requested vacation and the easement is not necessary for present or prospective public use;
2. The date of dedication or acquisition of the easement is less than five years and more than one year, immediately preceding the requested vacation, the easement was not used continuously since that date and the easement is not necessary for present or prospective public use; or
3. The easement has been superseded by relocation, there are no other public facilities located within the easement and the easement is not necessary for present or prospective public use.

The resolution of summary vacation shall be recorded by the Town with the Office of the County Recorder.

C. Major street and public service easement vacation. A request for the vacation of a street or public service easement not meeting the requirements of Subsections A. and B. may be approved, with or without conditions, by the Town Council by resolution if all of the findings can be made:

1. The request was considered at a public hearing and noticed in accordance with the requirements of Sections 8322 and 8323 of the Streets and Highways Code;
2. The request was referred to the Planning Commission for their review and the Commission reported on the conformity of the request with the General Plan;
3. The street or public service easement is not necessary for present or prospective public use.

The resolution of summary vacation shall be recorded by the Town with the Office of the County Recorder.

D. Release of covenant of easement. A covenant of easement may be released, with or without conditions, by the review body if all of the findings can be made:

1. A public hearing was held and noticed in accordance with Chapter 18.180 (Public Hearings) to consider the release of the covenant of easement;
2. The covenant of easement and the restriction on the property are no longer necessary to achieve the land use goals of the Town and the approval of the release is consistent with the General Plan, any applicable specific plan, the Trails Master Plan and the Particulate Matter Air Quality Management Plan.

The release may be effected either by the Zoning Administrator, Planning Commission, or Council, depending upon which review body imposed the requirement of the covenant. A notice of the release of the covenant of easement shall be recorded by the Town Clerk with the Office of the County Recorder.

E. Abandonment of access easement. A request for abandonment of an access easement in which the Town of Truckee is a grantee or otherwise has a legal interest may be approved, with or without conditions, by the Town Council by resolution without public hearing or notice only if the conformity of the request with the General Plan has been considered and the following findings can be made:

1. All property owners with an interest in the access easement have provided written documentation giving the Town of Truckee authorization to abandon the easement on their behalf; and
2. The access easement and the restriction on the property are no longer necessary to achieve the land use goals of the Town and the approval of the release is consistent with the General Plan, any applicable specific plan, the Trails Master Plan and the Particulate Matter Air Quality Management Plan.

The resolution of summary vacation shall be recorded by the Town with the Office of the County Recorder.

F. Fee. The Town may impose fees to recover the Town's reasonable cost of processing a request for a release. Fees for the processing shall be specified in the Council's Fee Resolution.

CHAPTER 18.89 - IMPROVEMENT PLANS

Sections:

- 18.89.010 - Purpose of Chapter
- 18.89.020 - Applicability
- 18.89.030 - Improvement Plans
- 18.89.040 - Installation of Improvements

18.89.010 - Purpose of Chapter

This Chapter establishes procedures and requirements for the review and approval of improvement plans, the installation of improvements and guarantees for their installation.

18.89.020 - Applicability

All new development and land uses not otherwise determined exempt from the requirements of this Chapter by the Town Engineer shall be required to submit improvement plans following land use approval and prior to any construction activity. The requirements of this section do not apply to existing or single-family dwellings, or accessory dwelling units, except where Development Permit or Tentative Map approval is required. Subdivisions shall comply with the requirement of this Chapter and also the requirements of Chapter 18.108 (Subdivision Improvement Plans and Agreements).

18.89.030 - Improvement Plans

Before the construction of any improvements, improvement plans shall be submitted to the Town as follows:

- A. Preparation and content.** Improvement plans shall be prepared by a California registered civil engineer. Improvement plan submittals shall include the following information:
 1. Any drawings, specifications, calculations, design reports and other information required by the Town Engineer;
 2. Detailed cost estimate of all improvements in accordance with the Public Improvement and Engineering Standards.
 3. Grading, drainage, erosion and sediment control plan for the entire subdivision; and
 4. The improvement plan/specification checking and construction inspection fees required by Town Council Resolution.
- B. Submittal of plans.** Improvement plans shall be submitted to the Town Engineer and other reviewing agencies for review and approval.

- C. **Review and approval.** Improvement plans shall be reviewed and approved by the Town Engineer in accordance with the Public Improvement and Engineering Standards
- D. **Effect of approval.** The final approval of improvement plans shall generally be required before construction commencement. The approval of improvement plans shall not bind the Town to accept the improvements nor waive any defects in the improvements as installed.

18.89.040 - Installation of Improvements

Improvements required as conditions of land use approval shall be installed as provided by this Section.

- A. **Timing of improvements.** Required improvements shall be constructed or otherwise installed only after the approval of improvement plans in compliance with Section 18.89.030.
- B. **Inspection of Improvements.** The construction and installation of required improvements shall occur as follows.
 1. **Supervision.** Before starting any work, the contractor engaged by the developer shall designate in writing an authorized representative who shall have the authority to represent and act for the contractor in contacts with the Town. The designated representative shall be present at the work site at all times while work is in progress. At times when work is suspended, arrangements acceptable to the Town Engineer shall be made for any emergency work that may be required.
 2. **Inspection procedures.**
 - a. **Inspections required.** The Town Engineer shall make any inspections as he/she deems necessary to ensure that all construction complies with the approved improvement plans. Where required by the Town Engineer, the developer shall enter into an agreement with the Town to pay the full cost of any contract inspection services determined to be necessary by the Town Engineer.
 - b. **Access to site and materials.** The Town Engineer shall have access to the work site at all times during construction and shall be furnished with every reasonable facility for verifying that the materials and workmanship are in accordance with the approved improvement plans.
 - c. **Authority for approval.** The work done and all materials furnished shall be subject to the inspection and approval of the Town Engineer. The inspection of the work or materials shall not relieve the contractor of any obligations to fulfill the work as prescribed.
 - d. **Improper work or materials.** Work or materials not meeting the requirements of the approved plans and specifications may be rejected, regardless of whether the work or materials were previously inspected by the Town Engineer. In the event that the Town Engineer determines that improvements are not being constructed as required by the approved plans and specifications, he or she shall order the work

stopped and shall inform the contractor of the reasons for stopping work and the corrective measures necessary to resume work. Any work done after issuance of a stop work order shall be a violation of this title.

3. **Notification.** The developer shall notify the Town Engineer upon the completion of each stage of construction as outlined in the approved improvement plans and shall not proceed with further construction until authorized by the Town Engineer.

