

10 MASTER PLAN ADMINISTRATION

PURPOSE

The purpose of this chapter is to provide administrative procedures for adoption and maintenance of this Master Plan, and to provide guidelines for project approval for buildings and uses within the Master Plan area. Adherence to the provisions of this chapter will ensure that development within the Railyard Area complies with the goals and policies of the Railyard Master Plan.

10.1 ADOPTION OF THE MASTER PLAN

This Master Plan is adopted under the authority of Chapter 18.174 of the Town of Truckee Development Code, which establishes provisions for Master Plans when required by the Downtown Specific Plan. As indicated by Truckee Development Code Sections 18.174.030 and 18.174.060, the Planning Commission must conduct a public hearing to consider the adoption of the Railyard Master Plan, and forward a written recommendation to the Town Council. The Town Council shall then conduct a public hearing to take action on the Master Plan. The Town Council may approve the plan, deny the plan, or may adopt the plan with changes, subject to all of the following findings:

- A. The uses, activities, and densities of the Master Plan shall be compatible and sensitive to the immediate environment, neighborhood, and adjacent properties relative to architectural design, scale, bulk, building height, buffer zones, identity, character, visual integrity, and orientation.
- B. The uses, activities, and densities of the Master Plan shall provide a compatible, efficient, and workable relationship with surrounding uses and activity.
- C. Appropriate parking and loading shall be established for all uses.
- D. The Master Plan is consistent with the Development Code, the General Plan, and the Downtown Specific Plan.
- E. Natural and/or geologic hazards that affect the property shall be identified and mitigated.
- F. Site plan, building design and location, and open space provisions shall be designed to produce a functional development responsive and sensitive to natural features, vegetation, and overall aesthetic quality of the community.
- G. The circulation system shall be designed to address on and off-site traffic circulation for both vehicles and pedestrians.
- H. Functional and aesthetic landscaping and open space shall be incorporated into the Master Plan to optimize and preserve natural features, recreation, views and function.
- I. The phasing and subdivision plan shall provide a workable, functional, and efficient relationship throughout the development of the Master Plan.

10.2 AMENDMENTS TO THE MASTER PLAN

Major and minor amendments to this Master Plan are defined and permitted as detailed below.

a. Minor Amendment

Minor amendments to this Master Plan include adjustments to right-of-way alignments and dimensions, location and configuration of parks and open spaces, modifications to design guidelines, and the transfer of density permitted by the Maximum Allowable Development between Districts.

Minor modifications consistent with the Master Plan findings listed within this Chapter, may be approved by the Community Development Director. All minor modifications shall be indicated on a revised development plan, and approved changes shall be noted, signed, dated, and filed by the Director. Notification of a proposed minor amendment and the Director's action on the amendment shall be provided to all property owners within or adjacent to the Master Plan area that may be affected by the amendment as determined by the Director. The notification shall include a statement describing the amendment and the action of the Director.

b. Major Amendment

Major modifications include changes to the Master Plan Area boundary (e.g., to include or remove property from the Master Plan Area), changes to development standards, changes to goals and policies of this Master Plan, and an increase in the Maximum Allowable Development.

Requests for major amendments to a Master Plan shall be reviewed and approved by the Town Council. A proposed major amendment shall be subject to public hearings before both the Commission and Council before its approval, as follows:

1. Commission hearing. The Director shall schedule a public hearing on the proposed major amendment. The hearing shall receive public notice and be conducted in compliance with Truckee Development Code Chapter 18.180 (Public Hearings). After the hearing, the Commission shall forward a written recommendation, with appropriate findings to the Council.
2. Council's action.
 - a. A public hearing on the major amendment shall be scheduled before the Council. The hearing shall be noticed and conducted in compliance with the Truckee Development Code Chapter 18.180 (Public Hearings).
 - b. After the hearing, the Council may approve the amendment, may deny the amendment, or may approve the amendment with changes, with appropriate findings in compliance with Truckee Development Code Section 18.174.060 (Findings and Decision).

10.3 MONITORING THE M.A.D.

The Town will monitor and publish the amount of development that occurs after adoption of the Master Plan in a form to be determined by the Community Development Director. Updates to this summary of development will occur each time new development is proposed or approved within the Master Plan Area. When the M.A.D. is reached in any District, either in housing units or square footage, no further development in that category may be permitted without an amendment to the M.A.D. provisions.

- (1) **Tracking the M.A.D.** Upon issuance of a Building Permit, a project shall be deemed to be

entitled to the number of dwelling units or square footage specified in the Building Permit, but such entitlement shall expire unless construction commences for such units or square footage within one year of the date of issuance of the Building Permit and is pursued reasonably to completion as determined by the Chief Building Official. No Building Permit may be issued to allow a net increase in development in excess of the M.A.D. in any category as specified in the Master Plan.

- The Community Development Department shall at all times maintain a publicly available record of:
- The total number of allowable units and square footage in each District within the Master Plan
- The total number of units and square footage in each District for which entitlement has been granted
- The total number of allowable units and allowable square footage in each District remaining available.

(2) Modifying the M.A.D. Not later than 30 days after the granting of entitlement to 80% or more of the Allowable Units or any of the Allowable Square Footage totals in any District, the Community Development Director shall report to the Town Council the crossing of the 80% threshold and the Town Council may, but is not required to, initiate consideration of an amendment to the Master Plan to increase the M. A. D. Such an action would require additional CEQA review.

Transferring M.A.D between Districts (e.g., reducing units in the Downtown Extension and increasing permitted units in the Trout Creek) is permitted subject to approval of a Minor Master Plan Amendment.

10.4 PROJECT APPROVAL PROCESS

Each application for a project within one of the Districts defined by this Master Plan (See Chapter 5) will be reviewed by the Town for conformity with the Railyard Master Plan Standards and Guidelines described within Chapter 5, Development Standards and Guidelines. Land within the Master Plan Area that is designated as an existing Truckee Development Land Use Zone including property designated: Downtown High Density Residential (DRH), Downtown Mixed Use (DMU), Downtown Manufacturing/Industrial (DM), Downtown Railroad (DRR), Public Facilities (PF), Open Space (OS) and Recreation (REC) is subject to the project approval process outlined in the Truckee Development Code.

a. Project Review

Applications for development approvals shall be filed with the Community Development Department. Proposed projects must conform to all District "Standards." Applications will be deemed incomplete if they do not conform to the District Standards and will be returned to the applicant for revision. Applications must strive to meet the District "Guidelines", but applicants may propose alternate ways to achieve the goals of the Guidelines. Prior to submitting a formal application, the project applicant may request a pre-application conference to discuss the project and Master Plan issues that may effect its design. Submittal requirements provided in the "Pre-Application Checklist" must be submitted in order for the pre-application conference to be scheduled. Applications that the Community Development Department have determined to be complete shall be processed as follows:

1. The preparation and filing of applications for land use permits shall include the appropriate land use application forms provided by the Community Development Department, and all information

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and materials required by the Application Submittal Checklist list provided by the Community Development Department for the specific land use application.

2. Applications shall be filed with the Community Development 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 Chapter.
4. 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.
5. Any land use permit required by this Master Plan 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 the Development Code for the proposed use or structure.

(1) Large Projects - Over 15,000 square feet or more of gross floor area. Large projects shall be reviewed and approved by Development Permit. Incremental or phased developments shall be treated on a cumulative basis.

Application and Authority. Applicants for large projects shall file a Development Permit Application with the Community Development Department.

- Development Permit approval is subject to review and approval by the Town Planning Commission.
- The review process begins with the recognition that the proposed use/construction is allowed in the District, and focuses on issues related to site layout and design in order to determine compatibility with the goals and policies of the Railyard Master Plan, and the subject District.
- The process includes the filing of a Development Permit application with the Director to verify compliance with all applicable District Development Standards, applicable Design Guidelines, and the requirements of other Town departments.
- The Town Planning Commission shall issue a Development Permit, with or without conditions of approval, only if the required findings can be made. Findings for Development Permit approval within the Master Plan are included in this Chapter.
- 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 the Development Code for the proposed use or construction.

Noticing Requirements. Public hearing notice of the Planning Commission hearing to consider an application for Development Permit shall follow the procedures prescribed by the Truckee Development Code Chapter 18.180.

(2) Small Projects - Less than 15,000 square feet of gross floor area. Small project shall be reviewed and approved by Zoning Clearance.

Application and Authority. Applicants for small projects shall file a Zoning Clearance Application with the Community Development Department.

- Zoning Clearance Permit approval is subject to review and approval by the Town Community Development Director.
- An application for Zoning Clearance shall be analyzed by the Director to ensure that the application is consistent with the content, purpose, and intent of this Master Plan, and the applicable Development Standards and Design Guidelines.
- The Director shall issue the Zoning Clearance, with or without conditions of approval, only if the required findings can be made. Findings for Zoning Clearance approval within the Railyard Master Plan area are included in this Chapter.
- The Director shall take appropriate action on the Zoning Clearance within 30 days of finding the application complete.

Notice Requirements. Notice of the Director's intent to take action on the issuance of a Zoning Clearance shall be required for all Zoning Clearance applications approved within the Railyard Master Plan Area, including new multi-family residential, commercial, and industrial projects and substantial additions (e.g., an addition of at least 25 percent of the gross floor area of the existing structure) in accordance with Truckee Development Code Chapter 18.180.

(3) Use Permits - Are required for specific land uses defined with Chapter 5 (Development Standards and Guidelines) that may be desirable in the applicable District, but whose effects on a site and surroundings cannot be determined before being proposed for a particular location.

Application and Approval Authority. Applicants for a Use Permit shall file a Use Permit Application with the Community Development Department. Use Permit approval is subject to review and approval by the Town Planning Commission.

- The Use Permit review process begins with the evaluation of the proposed use/construction to determine if the activity should be allowed on the subject site. The process includes the review of the configuration, design, location, and potential impact(s) of the proposed use/construction by comparing it to established District Development Standards and Design Guidelines as well as, the potential impact(s) on existing development within the Master Plan Area.
- The Planning Commission shall issue the Use Permit, with or without conditions of approval, only if the required findings can be made. Findings for Use Permit approval within the Railyard Master Plan area are included in this Chapter.
- A Use Permit must be granted before the approval of any Building, Grading, or other construction permit, or other authorization required by the Municipal Code or this Master Plan for the proposed use or construction.
- The Town shall act on the Use Permit Application consistent with the Permit Streamline Act.

Noticing Requirements. Public hearing notice of the Planning Commission hearing to consider an application for Use Permit shall follow the procedures prescribed by the Truckee Development Code Chapter 18.180.

(4) Minor Use Permits - Are required for specific land uses defined with Chapter 5 (Development

Standards and Guidelines) that may be desirable in the applicable District, but whose effects on a site and surroundings cannot be determined before being proposed for a particular location.

Application and Approval Authority. Applicants for Minor Use Permit shall file a Minor Use Permit Application with the Community Development Department. Minor Use Permit approval is subject to review and approval by the Town Zoning Administrator.

- The Minor Use Permit review process begins with the evaluation of the proposed use/construction to determine if the activity should be allowed on the subject site. The process includes the review of the configuration, design, location, and potential impact(s) of the proposed use/construction by comparing it to established District development standards and design guidelines.
- The Zoning Administrator shall issue the Minor Use Permit, with or without conditions of approval, only if the required findings can be made. Findings for Minor Use Permit approval within the Railyard Master Plan area are included in this Chapter.
- A 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 Master Plan for the proposed use or construction.

Noticing Requirements. Public hearing notice of the Zoning Administrator hearing to consider an application for Use Permit shall follow the procedures prescribed by the Truckee Development Code Chapter 18.180.

(5) Temporary Use Permits - Are required for short-term activities that may not meet the development or use standards of the applicable Districts, but may otherwise be acceptable because of their temporary nature. Temporary Use Permits are subject to the regulations of Development Code Section 18.80.

10.5 FINDINGS FOR PERMIT APPROVALS

Land use permits for projects within the Railyard Master Plan shall be subject to the following findings.

a. Zoning Clearance

The Community Development Director shall issue the Zoning Clearance, with or without conditions, only if all of the following findings can be made:

- A. The proposed development is:
 - 1. Allowed by Chapter 5 (Development Standards and Guidelines) within the applicable District; complies with all applicable provisions of this Master Plan, the Development Code, the Municipal Code, and the Public Improvement and Engineering Standards (except as modified by this Master Plan);
 - 2. Within the Maximum Allowed Development area defined in Chapter 5; and
 - 3. Consistent with the goals and policies of this Master Plan, the General Plan, the Downtown Specific Plan, the Trails and Bikeways Master Plan, and the Particulate Matter Air Quality Management Plan.
- B. The proposed development achieves the overall design objectives of the Design Guidelines,

and would not impair the District design and architectural integrity or the character of Downtown Truckee;

- 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 proposed development is consistent with all applicable regulations of the Nevada County Department of Environmental Health and the Truckee Fire Protection District for the transport, use, and disposal of hazardous materials.

b. Development Permit

Following a public hearing, the Planning Commission shall record its 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 Chapter 5 (Development Standards and Guidelines) within the applicable District with the approval of a Development Permit, and complies with all applicable provisions of this Master Plan, the Development Code, the Municipal Code, and the Public Improvement and Engineering Standards (except as modified by this Master Plan);
 - 2. Within the Maximum Allowable Development area defined in Chapter 5; and
 - 3. Consistent with the goals and policies of this Master Plan, the General Plan, the Downtown Specific Plan, the Trails and Bikeways Master Plan, and the Particulate Matter Air Quality Management Plan.
- B. The proposed development achieves the overall design objectives of the Design Guidelines, and would not impair the District design and architectural integrity or the character of Downtown Truckee;
- 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

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prior to occupancy of buildings and the land;

E. The subject site is:

1. Adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this Master Plan; and
2. Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development, or that such streets will be in service prior to occupancy of the proposed development.

F. The proposed development is consistent with all applicable regulations of the Nevada County Department of Environmental Health and the Truckee Fire Protection District for the transport, use, and disposal of hazardous materials.

c. Use Permit

Following a public hearing, the Planning Commission shall record the decision in writing with the findings upon which the decision is based. The Commission 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 Chapter 5 (Development Standards and Guidelines) within the applicable District with the approval of a Use Permit and complies with all other applicable provisions of this Master Plan, the Municipal Code, and the Development Code (except as modified by this Master Plan);
2. Within the Maximum Allowable Development area defined in Chapter 5; and
3. Consistent with the goals and policies of this Master Plan, the General Plan, Downtown Specific Plan, the Trails and Bikeways Master Plan, and the Particulate Matter Air Quality Management Plan.

B. The proposed development achieves the overall design objectives of the Design Guidelines, and would not impair the design and architectural integrity or the character of Downtown Truckee;

C. 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;

D. The design, location, size, and operating characteristics of the proposed development would be compatible with the existing and future land uses in the vicinity;

E. Granting the Use Permit 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 District in which the property is located;

F. The site for the proposed use is:

1. Served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development, or that such streets will be in service prior to occupancy of the proposed use.

- G. 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.
- H. The proposed development is consistent with all applicable regulations of the Nevada County Department of Environmental Health and the Truckee Fire Protection District for the transport, use, and disposal of hazardous materials.

d. Minor Use Permit

Following a public hearing, the Zoning Administrator shall record the decision in writing with the findings upon which the decision is based. The Zoning Administrator may approve a Minor 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 Chapter 5 (Development Standards and Guidelines) within the applicable District with the approval of a Minor Use Permit and complies with all other applicable provisions of this Master Plan, the Municipal Code, and the Development Code;
 - 2. Within the Maximum Allowable Development area defined in Chapter 5; and
 - 3. Consistent with the goals and policies of this Master Plan, the General Plan, Downtown Specific Plan, the Trails and Bikeways Master Plan, and the Particulate Matter Air Quality Management Plan.
- B. The proposed development achieves the overall design objectives of the Design Guidelines, and would not impair the design and architectural integrity or the character of Downtown Truckee;
- C. The Minor 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;
- 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.
- H. The proposed development is consistent with all applicable regulations of the Nevada County Department of Environmental Health and the Truckee Fire Protection District for the transport, use, and disposal of hazardous materials.

