

## COMMUNITY DEVELOPMENT DEPARTMENT

**Subject:** FAR In-Lieu Fee

**Issue:** The Development Code establishes a floor area ratio requirement for the CN, CG, CH, CS, and M zoning districts. Section 18.12.050 allows the review authority to increase the FAR requirement if the project provides certain features and specific findings can be met. One of these project features is that the project will provide enhanced public facilities which are needed by the Town beyond those required for the project. It is not clear whether the payment of an in-lieu fee that will fund future public facilities, open space, access, or recreation meets the intent of this feature criteria.

**Reference:** Section 18.12.050 (Floor Area Ratio Criteria)

**Policy/Procedure:** The Town Council on September 5, 2002 adopted Resolution No. 2002-50, a policy interpretation of the Development Code allowing the use of an in-lieu fee payment to allow an increased floor area ratio as provided by Section 18.12.050. Resolution No. 2002-50 establishes the criteria and standards as to when an in-lieu fee may be used to increase the floor area ratio.

**Effective Date:** September 6, 2002

**Attachments:** Council Resolution No. 2002-50

Approved by: \_\_\_\_\_  
John McLaughlin, Director

Date: \_\_\_\_\_

**TOWN OF TRUCKEE**  
California

**RESOLUTION NO. 2002-50**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF TRUCKEE**

**WHEREAS**, the Town Council has received a request from the Planning Commission to consider a formal policy interpretation of the Development Code in accordance with section 18.03.030 of said Code, and

**WHEREAS**, the Community Development Director is the individual charged with the responsibility of rendering such interpretations has determined that this interpretation encompasses policy issues that should be considered by the Planning Commission and Town Council in accordance with Section 18.03.030 C of the Development Code, and

**WHEREAS**, the Planning Commission considered the Policy Interpretation at their regular meeting on August 14, 2002 and recommended its approval.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TRUCKEE AS FOLLOWS:**

A policy interpretation of the Development Code is hereby approved allowing the use of an in lieu fee payment to allow an increased floor area ratio as provided by Section 18.12.050 of the Development Code subject to compliance with the following:

1. The applicant is seeking the payment of the in lieu fee voluntarily and such fee will not be imposed by staff without a specific written request from the applicant.
2. The design of the project has been found to be compatible with the neighborhood and the community in terms of overall size and scale. This decision has been made independent of the potential in lieu fee payment.
3. The payment of the in-lieu fee is the only incentive available to achieve an increase in the floor area as none of the other incentives provided in section 18.12.050 (B) apply to the project.
4. The amount paid shall be equal to the value of the area of commercial property that would be required to meet the .20 floor area ratio for the project. A flat fee of \$7.00 per sq. ft. of property needed to meet the FAR is established.

Floor area shall be measured in accordance with the definition of floor area ratio contained in the Development Code. An in-lieu payment may only increase the allowed

floor area by .05 and cannot be utilized in conjunction with other incentives as provided in section 18.12.050 (B).

5. The payment of the in-lieu fee shall be approved by the hearing body considering the project, at the time the land use permit is approved, unless the issue was not contemplated at the time the land use permit was considered. In this case it may be considered and approved or denied by the Community Development Director subject to the appeal process provided by the Development Code.
6. The in-lieu fee will be utilized for property acquisition or trail construction in accordance with General Plan policies or other similar uses as may be approved by the Town Council.
7. This procedure shall be considered an interpretation of the Development Code in accordance with Section 18.03.030. In accordance with this section an amendment to the Code will be incorporated in the next available cycle to provide the procedures as outlined herein.


\* \* \* \* \*

The foregoing Resolution was introduced at a Regular Meeting of the Truckee Town Council, held on the 5<sup>th</sup> day of September, 2002, and carried and the Resolution adopted by the following vote:

AYES: Councilmembers Susman, Schneider, McCormack, and Vice Mayor Owens

NOES: None

ABSENT: Mayor Florian

  
\_\_\_\_\_  
Ted Owens, Mayor Pro Tem

ATTEST:

  
\_\_\_\_\_  
Patt Osborne, CMC, Town Clerk