

**Town of Truckee  
California**

**DRAFT PLANNING COMMISSION RESOLUTION 2022-06  
A RESOLUTION OF THE TOWN OF TRUCKEE PLANNING COMMISSION  
APPROVING APPLICATION 2021-00000132/VAR  
(THE ROCK GOLF NET VARIANCE)**

**WHEREAS**, the Town has received an application requesting approval of a Variance to construct a 320 lineal foot, 50-foot-high golf net across 11249, 11177 Brockway Road and 10031 Reynold Way (APNs 019-450-018, 019-950-023, -029) in the CG (General Commercial) and REC (Recreation) zoning districts. A Variance is required for modifications and adjustments to the standards of the Development Code when, because of special circumstances applicable to the property, the strict application of the Development Code deprives the property owner privileges enjoyed by other property owners in the vicinity and under identical zoning districts;

**WHEREAS**, the Planning Commission is responsible for the review and consideration of this Variance per the Community Development Director's decision to elevate this to Commission review; and

**WHEREAS**, Nevada County approved the Ponderosa Golf Course in 1962; and

**WHEREAS**, the Planning Commission on August 14, 2002 adopted Resolution No. 2002-18, approving Ponderosa Village/The Greens at Ponderosa, and a Development Permit and Use Permit for the construction of six mixed-use buildings, including residential, and 22 townhomes, a Planned Development to reduce setbacks and open space requirements and increase allowed site coverage, and a Vesting Tentative Map; and

**WHEREAS**, the Planning Commission on April 14, 2004 approved Project Amendment #1 to change the Greens at Ponderosa townhomes to single-family residences, decrease the total from 22 to 19 homes, and to modify the construction phasing plan and timeline; and

**WHEREAS**, the Planning Commission on November 14, 2007 approved Project Amendment #2 to consolidate the 13 residential units approved within mixed-use buildings C and F to Building F and transfer 5,793 square feet commercial floor area to Building C adopted; and

**WHEREAS**, the Planning Commission on August 14, 2002 adopted Resolution No. 2002-18 adopting a Mitigated Negative Declaration (SCH#2002099009); and

**WHEREAS**, the Planning Commission on April 17, 2018 adopted Resolution No. 2018-018 approving a Development Permit for the cumulative size of The Rock's commercial building floor area and for the cumulative amount of site disturbance to construct a new 5,395 square foot commercial building and a new 624 square foot café; and

**WHEREAS**, the Planning Commission held a public hearing on March 15, 2022 on the requested Variance, and without a quorum, continued the hearing; and

**WHEREAS**, the Planning Commission held a public hearing on May 17, 2022 on the requested Variance, and considered all public comment, testimony and evidence; and

**WHEREAS**, a 10-day public review period was provided to allow Federal, State, and local agencies, interested persons and organization, and other members of the public to review and

comment on the project; and

**WHEREAS**, a public notice was published in the *Sierra Sun* and mailed to property owners within 500 feet of the project site informing the public of the date, time, and location of the public hearing for consideration of the approval or denial of the Variance; and,

**NOW THEREFORE BE IT RESOLVED**, the Planning Commission hereby takes the following actions on Application #2021-00000112/VAR (The Rock Golf Net Variance):

1. Approves the Variance to construct a 320 lineal square foot, 35-foot-high golf net across 11249, 11177 Brockway Road and 10031 Reynold Way (APNs 019-450-018, 019-950-023, -029) in the CG (General Commercial) and REC (Recreation) zoning districts, as shown in Exhibit A, subject to the conditions of approval set forth in Exhibit B (Conditions of Approval), attached hereto and incorporated herein; and
2. Determines the project exempt from further environmental review in accordance with Section 15303 of the California Environmental Quality Act Guidelines.

**BE IT FURTHER RESOLVED**, the Planning Commission adopts the findings set forth in Exhibit C (Findings), in support of approval of these actions.

The foregoing Resolution was introduced by Commission member \_\_\_\_\_ and seconded by Commission member \_\_\_\_\_ at a Regular Meeting of the Truckee Planning Commission held on the 17th day of May 2022 and adopted by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

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Dave Gove, Chair  
Town of Truckee Planning Commission

ATTEST:

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Kayley Metroka, Secretary

Attachments:

Exhibit A - Approved Plan Set  
Exhibit B - Recommended Conditions of Approval  
Exhibit C - Findings

**RESOLUTION 2022-06  
EXHIBIT A**

**2021-00000112/VAR  
THE ROCK GOLF NET VARIANCE**

**APPROVED PLAN SET**

(See attachment)

**RESOLUTION 2022-06  
EXHIBIT B**

**2021-00000112/DP-VAR  
THE ROCK GOLF NET VARIANCE**

**DRAFT CONDITIONS OF APPROVAL**

**General Conditions of Approval**

1. A Variance is hereby approved to construct a 320 lineal foot, 35-foot-high golf net at 11249, 11177 Brockway Road and 10031 Reynold Way (APNs 019-450-018, 019-950-023, -029) in the CG (General Commercial) and REC (Recreation) zoning districts. This increase in height for golf netting will also be applicable to future golf net requests on the adjacent Ponderosa Meadows site. The applicant is responsible for complying with all conditions of approval and providing evidence to the Community Development Director of compliance with each condition. ***(Planning Division Recommendation)***
2. The effective date of approval shall be June 1, 2022, unless the approval is appealed to the Town Council by 5:00 pm on May 28, 2022. ***(Planning Division Recommendation)***
3. In accordance with Section 18.84.050 of the Development Code, the approval of the Variance shall be valid for 24 months after its effective date (by June 1, 2024). At the end of that time, the approval shall expire and become null and void unless the time limits of the land use permit is extended per Section 18.84.055 of the Development Code. ***(Planning Division Recommendation)***
4. The Community Development Director may authorize minor alterations to the approved plans and conditions of approval in accordance with Section 18.84.070.B.1 of the Development Code only if the Community Development Director finds such changes and alterations to be in substantial compliance with the approved project. For minor project modifications and design elements not addressed by the Planning Commission in their design approval of the project, the Community Development Director may impose additional requirements on the site to ensure consistency with the Town Design Guidelines and Town Development Code. Major changes and alterations to the approved plans and conditions of approval shall be reviewed and approved by the Planning Commission in accordance with Section 18.84.070.B.2 of the Development Code. ***(Planning Division Recommendation)***
5. The project shall comply with all applicable provision and standards of the Development Code in effect on May 27, 2021 except where specifically modified by these conditions of approval. It is the applicant's responsibility to demonstrate compliance to the Planning Division prior to issuance of any grading or building permits. The provisions and standards include, but are not limited to, the following:
  - General Development Standards as contained in Table 2-7 including site coverage, setbacks and height limits;
  - Air Emissions in accordance with Section 18.30.030;
  - Drainage and Stormwater runoff in accordance with Section 18.30.050;
  - Exterior Lighting and Night Sky in accordance with Section 18.30.060;

- Fences, Walls and Hedges in accordance with Section 18.30.070;
  - Building Height in accordance with Section 18.30.090;
  - Property Maintenance in accordance with Section 18.30.100;
  - Setback Requirements and Exceptions, including requirements for Retaining Walls in accordance with Section 18.30.120;
  - Snow Storage in accordance with Section 18.30.130;
  - Solid Waste/Recyclable Materials in accordance with Section 18.30.150;
  - Tree Preservation in accordance with Section 18.30.155;
  - Undergrounding of Utilities in accordance with Section 18.30.130
  - Hillside Development Standards in accordance with Section 18.36
  - Landscaping in accordance with Chapters 18.40 and 18.42;
  - Open Space in accordance with Section 18.46.060;
  - Parking in accordance with Chapters 18.48 and 18.50; ***(Planning Division Recommendation)***
6. Any fees due to the Town of Truckee for processing this project shall be paid to the Town within thirty (30) calendar days of issuance of a final invoice. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted by this action. No permits, site work, or other actions authorized by this determination shall be permitted, authorized, or commenced until all outstanding fees are paid to the Town. ***(Planning Division Recommendation)***
7. The applicant shall defend, indemnify, and hold harmless the Town and its agents, officers, and employees from any claim, action, or proceeding against the Town to attack, set aside, void, or annul the approval of the Town Council, which action is brought within the time period provided for by State law. ***(Planning Division, Town Attorney)***
8. If artifacts, paleontological or cultural, or unusual amounts of stone, bone, or shells are uncovered during construction activity, all construction activities shall cease within a 200-foot radius of the find. The Community Development Director shall be notified of the find, and an archaeologist shall investigate the find and determine the extent and location of the discovered materials. The archaeologist shall amend the cultural resources evaluation conducted on the site to determine the significance of the discovered materials and to identify Mitigation Measures to eliminate or reduce any significant effects to a less than significant level in accordance with the CEQA Guidelines. The Community Development Director shall require the Mitigation Measures to be incorporated into the project and to be implemented prior to recommencement of construction activity. Construction shall not recommence until authorized by the Community Development Director. ***(Planning Division Recommendation)***
9. ***Construction Hours:*** Hours of operation of construction activities shall be limited to Monday through Saturday from 7 a.m. to 7 p.m. or dusk, whichever occurs first, unless the Community Development Director authorizes an extension of the time limitations based on the finding that the noise levels from the construction activities will not negatively affect the residential uses in the surrounding area. No construction shall be permitted on Sundays or designated holidays set by the Town. If a noise complaint is received after the construction time limits are extended, the Community Development Director has the ability to render the extended time limits null and void and the applicant shall revert to the aforementioned hours of operation time limitations. Interior construction activities may occur after these hours if such activities will not result in exterior noise audible at property

lines. Improvement, grading, and building plans shall note these limited hours of construction. **(Planning Division Recommendation)**

10. Prior to grading or building permit issuance, the applicant shall demonstrate compliance with all conditions and requirements of the following agencies, including, but not limited to:
  - Town of Truckee Engineering Division
  - Town of Truckee Building Division
  - Truckee Donner Public Utility District
  - Truckee Sanitary District
  - Truckee Fire Protection District
  - Nevada County Department of Environmental Health
  - Southwest Gas **(Planning Division Recommendation)**

### **Project-Specific Conditions of Approval**

12. The applicant shall designate a contact person to release wildlife entrapped by the golf netting. This contact information shall be provided to all tenants as well as posted on signs along the 320 lineal feet of netting. Signage shall be no larger than two square feet and the design and text shall be approved by the Planning Division prior to grading or building permit issuance. **(Planning Division Recommendation)**
13. The golf netting shall be properly maintained, including but not limited to, repair of tears, missing panels, and appearance of structural supports. The applicant shall designate the party responsible for maintenance and repairs and provide this information to the Planning Division prior to grading or building permit issuance. **(Planning Division Recommendation)**
14. The proposed golf netting installation shall not interfere with any existing electric facilities located within the project scope. Proper working clearances to all electric facilities must be maintained; three feet on three sides and 10 feet in front of doors on all UG electric enclosures must remain clear. **(TDPUD Recommendation)**
15. Because the golf netting is proposed between properties under separate ownership, the Building Division recommends a covenant be executed between owners. This note is advisory unless the property ownership changes hands. **(Building Division Recommendation)**

### **Other Conditions of Approval**

16. Prior to grading or building permit issuance, a tree protection plan shall be submitted for review and approval by the Community Development Director which shall make every reasonable effort to avoid creating conditions averse to a tree's health, in compliance with Development Code Section 18.30.155 (Tree Preservation). **(Development Code Section 18.30.155)**
17. There shall be no removal of trees outside the construction/disturbance areas of the proposed development. **(Planning Division Recommendation)**

18. All graded areas shall be protected from wind and water erosion. Interim erosion control plans shall be required, certified by the project engineer, and reviewed and approved by the Town Engineer prior to building permit issuance. Permanent erosion control measures in accordance with Best Management Practices of the “Project Guidelines for Erosion Control for the Truckee River Hydrologic Unit” as adopted by the Lahontan Regional Water Quality Control Board shall be reviewed by the Town Engineer prior to building permit issuance. Prior to building permit final, the permanent erosion control shall be reviewed and approved by the Building Division. ***(Planning Division Recommendation)***
19. The applicant shall use methods other than open burning for the disposal of site-cleared vegetation. Alternatives include chipping, grinding, cutting for firewood, and hauling to an appropriate disposal site. ***(Planning Division Recommendation)***
20. A dust suppression plan is required prior to building or grading permit issuance, in compliance with Development Code Section 18.30.030 (Air Emissions), including, but not limited to, the following:
  - The applicant shall be responsible for ensuring that all adequate dust control measures are implemented in a timely manner during all phases of project development and construction.
  - All material excavated, stockpiled, or graded shall be sufficiently watered, treated, or covered to prevent fugitive dust from leaving the property boundaries and causing a public nuisance or a violation of an ambient air standard. Watering should occur at least twice daily, with complete site coverage.
  - All areas with vehicle traffic shall be watered or have dust palliative applied as necessary for regular stabilization of dust emissions.
  - All land clearing, grading, earth moving, or excavation activities on a project shall be suspended as necessary to prevent excessive windblown dust when winds are expected to exceed 25 mph.
  - All inactive portions of the development site shall be covered, seeded, or watered until a suitable cover is established. Alternatively, the applicant shall be responsible for applying non-toxic soil stabilizers to all inactive construction areas (previously graded areas which remain inactive for 96 hours) on accordance with the local grading ordinance.
  - All material transported off-site shall be either sufficiently watered or securely covered to prevent public nuisance.
  - Paved streets adjacent to the project shall be swept or washed at the end of each day, or as required to remove excessive accumulations of silt and/or mud which may have resulted from activities at the project site.
  - Prior to final occupancy, the applicant shall re-establish ground cover on the site through seeding and watering in accordance with the local grading ordinance
  - Acceptable materials that may be used for chemical soil stabilization include petroleum resins, asphaltic emulsions, acrylics, and adhesives which do not violate Regional Water Quality Control Board or California Air Resources Board standards.
  - Grading activities shall be scheduled to ensure that repeated grading will not be required, and that implementation of the desired land use will occur as soon as possible after grading, clearing, earth-moving.
  - On-site roads shall be paved as soon as feasible; graded areas shall be revegetated as soon as possible.

- The applicant shall minimize dust emissions and avoid causing a dust nuisance through watering of the site as needed to prevent dust traveling into any populated area and sweeping visible accumulations of track-out dirt from adjacent roadways at least once a day, or as often as need to prevent dust generation from passing vehicles. ***(Planning Division Recommendation)***

**RESOLUTION 2022-06  
EXHIBIT C**

**2021-00000112/VAR  
THE ROCK GOLF NET VARIANCE**

**DRAFT FINDINGS**

**Variance**

- 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.**

The Planning Commission finds that there are unique challenges presented by developing property adjacent to an existing golf course. Other commercial properties on Brockway Road do not experience the potential property damage from stray golf balls, and as such would not require increased fencing heights to provide property protection. The Commission acknowledges that not supporting additional height for golf netting deprives the applicant from the privileges (no errant golf balls) enjoyed by other property owners not adjacent to the golf course. However, the property owners of Ponderosa Meadows (residential units adjacent to The Rock) are adjacent to the golf course and in the same CG zone district. Similar to the applicant's property, these homeowners risk property damage from stray golf balls and are not protected by golf netting. The Commission wishes to apply the Variance include these properties. This finding is supported by the discussion contained in the "Discussion and Analysis" section of the March 15, 2022 Planning Commission staff report.

- 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**

The Planning Commission finds that the variance does not constitute a grant of special privilege, with the inclusion of the Ponderosa Meadows properties, as supported by the discussion contained in the "Discussion and Analysis" section of the March 15, 2022 Planning Commission staff report.

- 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.**

The development is exempt pursuant to Section 15303 of the California Environmental Quality Act Guidelines, which exempts accessory (appurtenant) structures, such as garages, carports, patios, swimming pools and fences, as supported by the discussion contained in the "Discussion and Analysis" section of the March 15, 2022 Planning Commission staff report.

4. **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.**

The public utility districts and agencies have indicated that they will be able to provide for public electricity, sewer and water. The Truckee Fire Protection District has reviewed the proposed project and no objections were filed.

5. **Granting the Variance:**

- a. **Does not allow a use or activity which is not otherwise expressly allowed in the applicable zoning district;**

The golf net is an accessory fence for the existing Ponderosa Golf Course. Existing golf courses are allowed in the REC zone 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**

The golf netting is being requested to increase safety and protect improvements for tenants and patrons of The Rock commercial center.

- c. **Is consistent with the General Plan and any applicable Specific Plan and/or Master Plan.**

The Planning Commission finds that the proposed fence conforms with the General Plan goals and policies relating to the project site. This finding is supported by the discussion contained in the "Discussion and Analysis" section of the May 17, 2022 Planning Commission staff report memo.

6. **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.**

The Planning Commission finds the variance is the minimum departure from the requirements of this Development Code necessary to grant relief to the applicant. In the absence of data on varying golf net heights and the frequency of errant golf balls, the Commission finds that a 35-foot height limit based on the maximum height allowed in the REC zone district provides the minimum departure from the requirements of the Development Code. This finding is supported by the discussion contained in the "Discussion and Analysis" section of the March 15, 2022 and May 17, 2022 Planning Commission staff report and memo.