

## PLANNING COMMISSION STAFF REPORT

Meeting Date: September 27, 2023

To: Town of Truckee Planning Commission

From: Laura Dabe, Associate Planner

RE: Application 2022-00000091/EXT (Elements Project Amendment Time Extension); 10414 Panamint Place (APN 044-340-008) and 10476 Panamint Place (APN 044-340-009); Applicant/Owner: Boulder Diversified, LLC

Approved by: Denyelle Nishimori, Community Development Director

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**Recommended Action:** That the Planning Commission adopt Resolution 2023-13, taking the following actions:

- 1) Determining the project to be exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines; and
- 2) Approving a two-year time extension for the previously approved Elements Project Amendment.

**Project Summary:** Pursuant to the Development Code Section 18.84.055 (Time Extensions), the maximum time extension that can be granted is two years.

**Major Discussion Topics:** Can the required findings to approve the requested Time Extension be made?

**Planning Commission's Role:** Under Development Code Section 18.84.055 (Time Extensions), the review authority which approved a land use entitlement may grant extensions up to a total of two years for each approved land use application. The Planning Commission was the original review authority for the Elements Project Amendment; therefore, the Planning Commission is the review authority for the Time Extension request.

**Location/Setting:** The 10-acre project site is comprised of two parcels located at 10414 Panamint Place (APN 044-340-008; 5 acres) and 10476 Panamint Place (APN 044-340-009; 4.99 acres). The site is located in the Tahoe Donner Subdivision on the south side of Teton Way, approximately 200 feet west of Skislope Way.

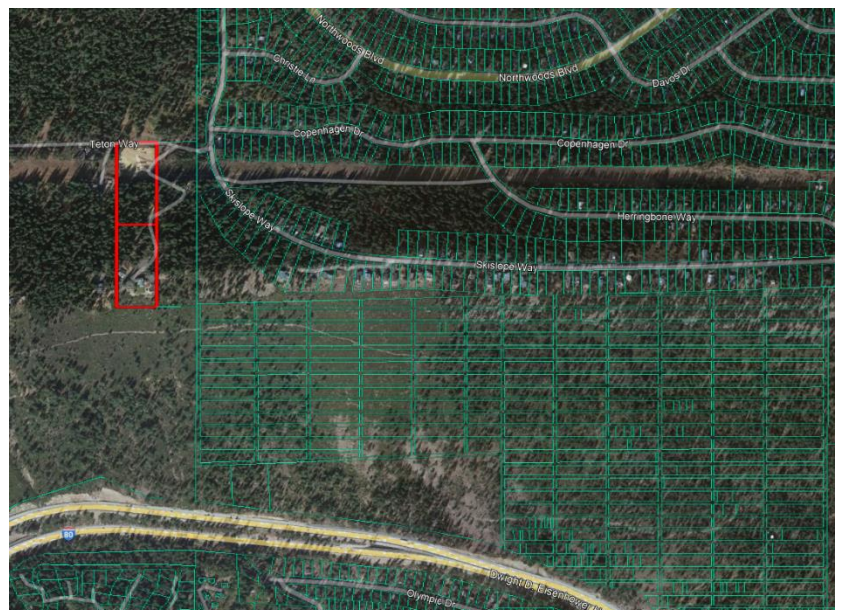


Figure 1: Project Location

**Project Site Information:**

General Plan Designation: Tahoe Donner Plan Area  
Zoning District: RR-0.67 (Rural Residential, 1 Dwelling Unit Per 1.5 Acres)  
Project Area: Approximately 10 acres (2 parcels – 5 acres and 4.99 acres)  
Utilities: Public sewer and water

**Discussion/Analysis:*****Background***

The Elements Project Amendment was approved by the Planning Commission on July 21, 2020 (Town of Truckee Application 2020-0000017, Commission Resolution 2020-12). The Project Amendment combined previously approved Use Permits for Waltman Construction and SnowTech, which merged into a single company known as the Elements Mountain Company, and approved proposed modifications to the operations on the Panamint Place site located at 10414 Panamint Place (APN 044-340-006).

The amended Use Permit was requested to address the combined operations for the new company by incorporating conditions of approval that were approved by the Planning Commission under Resolution 2016-07 (Waltman Use Permit and Tentative Map Time Extension) and Resolution 2009-11 (SnowTech Project Amendment), as well as approving project modifications to approve an increase in services and equipment at the Panamint Place location, adding defensible space and painting/staining services to the allowed uses, increasing the amount of approved equipment, and increasing the amount of onsite fuel storage to 20,000 gallons. The 2016 Waltman Use Permit approved the operation of a snow removal and driveway sealing business with 40 pieces of equipment and construction of a 22,164 sq. ft. building with two workforce housing units and 25 parking spaces at the Panamint Place site.

Under Resolution 2020-12, the rights granted under the Use Permit were required to commence within two years from the effective date (by no later than August 3, 2022) or the approval would expire. On July 25, 2022, the applicant submitted a Time Extension application requesting approval from the Planning Commission of a two-year time extension to allow additional time to complete construction of the equipment storage building and workforce housing units. A Parcel Map to complete the subdivision of the property into two parcels of 5.0 acres and 4.99 acres, as shown on the approved Tentative Map, was recorded on August 24, 2022 under Application 2020-0000098 (Legare Parcel Map). A building permit for the project was issued on December 22, 2022 (Building Permit #2019-00001568) and a grading permit to complete the outdoor storage areas was issued on August 21, 2023 (Grading Permit #2023-00000197).

In accordance with the Town's timeframes for land use entitlements pursuant to Development Code Section 18.84.050 (Time Extensions), the project approvals expire on August 3, 2022 unless a Time Extension request is submitted. Prior to the expiration date of the entitlements, a Time Extension application was filed by the applicant with the Town of Truckee. Approval by the Town is now required to extend the life of the land use entitlements.

***Project Description***

The applicant submitted a justification letter in support of the Time Extension request, which is included in this staff report as Attachment #2. The letter identifies that the extension is necessary to complete construction of the proposed project. According to the applicant letter, the Time Extension is requested due to delays associated with COVID and the construction market and economy, including extreme fluctuations in material costs, supplies/material delivery delays, and lending difficulties. The letter notes that grading, paving and utility infrastructure work has been completed. The applicant letter identifies anticipated grading work to continue over the next year and work on the building foundation to occur in late 2023 or early 2024.

As noted above, building permits for the project have been issued, including a building permit for the project on December 22, 2022 (Building Permit #2019-00001568) and a grading permit to complete the outdoor storage areas on August 21, 2023 (Grading Permit #2023-00000197).

### ***General Plan Consistency***

The Elements Project Amendment was approved under the 2025 General Plan, and the Time Extension application was deemed complete for processing prior to adoption of the 2040 General Plan. This means the project is reviewed for consistency with the 2025 General Plan. No changes are proposed to the approved project, and no new General Plan policies were adopted under the 2025 General Plan since approval of the project. It is staff's opinion that the project remains consistent with the adopted 2025 General Plan.

There have been no changes in the character of the site or its surroundings that affect how the policies of the General Plan and Development Code apply to the project. Additionally, all applicable special districts, utility companies, and Town departments with an interest in this application have been notified. No objections were filed and no new concerns were raised.

### ***Development Code Consistency***

Staff reviewed the Time Extension application for consistency with the relevant Development Code standards, as discussed below.

#### *Time Extensions*

Time extensions may be granted by the review authority to extend the time to establish an approved use, as identified in Development Code Section 18.84.055 (Time Extensions). The extension request is required to be filed with the Town in advance of the expiration date. The burden of proof is on the applicant to establish, with substantial evidence, why the permit should be extended.

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 for the applicable land use permit and to bring the project into compliance with the General Plan and Development Code.

In accordance with Section 18.84.055, the Commission may grant an extension of up to two years to the initial time limit, only if all the following findings can be made:

1. The permittee has made a good faith effort to exercise the permit and has exercised due diligence in seeking to establish the permit; and
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.

The Code identifies that the entitlement for the first phase of development shall not be deemed exercised until the permittee has obtained all necessary building permits for the first phase and has diligently pursued construction. Diligent pursuit requires, at a minimum, the completion of the installation of foundations for all structures in the first phase of the project.

The applicant has requested a two-year time extension for the land use entitlements, consistent with the Development Code time extension limits, and believes the findings can be made to support this request. Based on staff's understanding of the Time Extension request, staff believes the applicant has made a good faith effort to effectuate the land use entitlements by pursuing building and grading permit issuance and completing site work on the property. As noted above, staff recommends a two-year time extension to allow the applicant additional time to complete the work that is required to establish the use, consistent with the requirements of Section 18.84.055.

#### *Development Standards*

The Development Code has been amended following approval of the project in 2020; however, these updates do not necessitate any changes to the project conditions, except as identified below:

#### Bicycle Parking

The requirements of Development Code Section 18.48.090 (Bicycle Parking and Support Facilities) were updated in May 2021. At the time the project was approved, no bicycle parking was required. The current Development Code requires bicycle parking based on the following standards:

1. **Multi-family bicycle parking.** All multi-family residential projects shall provide long-term bicycle parking spaces at a rate of one space per residential unit, with additional short-term bicycle parking provided for guests at a rate of one space per ten residential units (a minimum of two guest spaces shall be provided in all cases). Guest parking requirements may be waived by the Director for residential units located within a mixed-use project. Residential units with fully enclosed garages are exempt from the long-term bicycle parking requirement.
  
2. **Non-residential bicycle parking.** All non-residential projects shall provide bicycle parking spaces at a rate of fifteen percent of the number of vehicle parking spaces required by Section 18.48.040 (Number of Parking Spaces Required) and as calculated before any parking reductions are applied through a Planned Development, density bonus, or shared use reduction. A minimum of three spaces is required in all cases.

Following are the current bicycle parking demands that apply to the project, per Development Code Table 3-11 (Bicycle Parking Requirements by Land Use):

Type of Land Use	Short-Term Parking	Long-Term Parking
<b>RESIDENTIAL USES</b>		
Multi-family residential projects and residential units within mixed-use projects	1 space per 10 units (minimum 2 spaces)	1 space per unit <sup>1</sup>
<b>NON-RESIDENTIAL USES</b>		
All non-residential uses, other than public/community uses.	15% of required parking spaces per Development Code Chapter 18.48 (minimum 3 spaces) <sup>2</sup>	

The project was approved with a total of 25 spaces for the non-residential uses. Based on the current standards, the following calculations apply to the project:

- Non-residential uses: 4 short-term spaces ( $15\% \times 25 = 3.75$ , rounded up to next whole number per Development Code Section 18.03.020.C, Calculations–Rounding)
- Residential uses:
  - Short-term parking: 2 spaces ( $2 / 10 = 0.2$  space; minimum 2 spaces required)
  - Long-term parking: 2 spaces ( $1 \times 2$  units)
- **Total: 6 short-term spaces and 2 long-term spaces**

The review authority has the option to waive the bike guest parking requirements for multi-family units within a mixed-use project under Development Code Section 18.48.090.B.1. Due to the location of the project site, staff believes it would be appropriate to grant this waiver in this case, reducing the number of bicycle parking spaces as follows:

- **Total: 4 short-term spaces and 2 long-term spaces**

The Development Code defines short-term bicycle parking as spaces intended for periods of two hours or less that are targeted to visitors, customers and other short-term users. Racks or devices that allow secure locking should be located in a visible location, as near as possible to entrances. Long-term bicycle parking is defined as storage intended to be used for periods longer than two hours, which are targeted to residents and other long-term users. The storage is required to be either located within a locked enclosure that is covered from the elements or within a secure area internal to a building and located at ground level.

In order to ensure compliance with the Town's current bicycle parking requirements, staff recommends Condition of Approval #2.D, requiring the project to comply with all requirements of Development Code Section 18.48.090 (Bicycle Parking and Support Facilities) with the approved waiver of guest bike parking spaces within the mixed-use project.

***Special Districts and Utilities***

All applicable special districts, utility companies, and Town departments with an interest in this application have been notified. No objections were filed and all conditions of approval have been incorporated. The project will be required to be in compliance with all utility and special agency requirements. Copies of all agency comment letters are included as Attachment #3.

**Environmental Review:** Staff recommends that the Planning Commission find the Time Extension exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of the CEQA Guidelines, which states that where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**Public Communication:** The public hearing notice was published in the *Sierra Sun* on September 15, 2023, and mailed on to all affected property owners within 500 feet of the project site as shown on the latest current tax roll of Nevada County. The applicant posted an onsite sign indicating a notice of application, and information was posted about the date and time of the public hearing. As of the date of publication of this staff report, no public comment has been received on the application.

**Staff Summary and Recommendation:** Staff recommends approval of a two-year time extension for the Elements Project Amendment, as allowed under the Development Code time extension limits. A two-year time extension would extend the expiration date for the project to October 10, 2025.

All relevant conditions of approval from the previous approval have been incorporated into draft Planning Commission Resolution 2023-13, and the proposed conditions of approval address any Development Code standards that have been amended since the time of the original project approval to ensure the project's ongoing consistency with the Development Code. No changes to the project have been proposed by the applicant, and the project remains consistent with the 2025 General Plan. With incorporation of the recommended conditions of approval and recommended findings, it is staff's opinion that the required findings to approve the Time Extension can be made.

**Alternative Actions:** Other actions that the Planning Commission may take as an alternative to the recommended action include:

1. Continue the public hearing to a date and time certain. The Planning Commission may request additional information from the applicant and/or staff. (If new information is presented at the next meeting, the public portion of the hearing must be reopened on the new information submitted.)
2. Find that an exemption to CEQA is not suitable and require the preparation of an Initial Study in accordance with CEQA.
3. Land Use Permits
  - a. Approve the Time Extension subject to adding, modifying, or eliminating any provision or condition of approval of the project.
  - b. Deny the Time Extension on the basis that one or more of the required findings cannot be made.

**Attachments:**

1. Draft Planning Commission Resolution 2023-13
2. Applicant-Provided Letter of Justification
3. Agency Comment Letters
4. July 21, 2020 Planning Commission Meeting Links:
  - Staff Report: <https://app.laserfiche.com/laserfiche/DocView.aspx?repo=r-6a91ddbc&customerId=140032387&id=59465983>
  - Resolution 2020-12: <https://app.laserfiche.com/laserfiche/DocView.aspx?repo=r-6a91ddbc&customerId=140032387&id=59495335>
  - Meeting Minutes: <https://app.laserfiche.com/laserfiche/DocView.aspx?repo=r-6a91ddbc&customerId=140032387&id=59507130>