

**Town of Truckee
California**

**PLANNING COMMISSION RESOLUTION 2023-13
A RESOLUTION OF THE TOWN OF TRUCKEE PLANNING COMMISSION
APPROVING APPLICATION #2022-00000091/EXT
(ELEMENTS PROJECT AMENDMENT TIME EXTENSION)**

WHEREAS, on October 23, 1996, the Town of Truckee Zoning Administrator approved a Conditional Use Permit to operate a snow removal service business with storage and maintenance of snow removal equipment at 10414 Panamint Place, which was then identified as Assessor's Parcel Number 17-020-08 and later identified as Assessor's Parcel Number 044-340-006-000, as part of Planning Application #96-090 (Waltman Snow Removal Services); and

WHEREAS, on October 12, 2005, the Planning Commission adopted Resolution 2005-27, approving a Conditional Use Permit for the construction of one new commercial building consisting of 8,074 sq. ft. of snow plow tractor storage and 1,452 sq. ft. of ancillary office at 17356 Northwoods Boulevard, which was then identified as Assessor's Parcel Number 45-180-28 and is now Assessor's Parcel Number 045-790-029-000, as part of Planning Application #05-036 (SnowTech) and adopted a Mitigated Negative Declaration for the project; and

WHEREAS, on November 14, 2007, the Planning Commission approved a Time Extension for the SnowTech project (Planning Application #05-036) under Resolution 2007-20; and

WHEREAS, on November 17, 2009, the Planning Commission adopted Resolution 2009-11, approving a Project Amendment for SnowTech, allowing an increase in snow removal equipment to 28 pieces of equipment and installation of a 1,000 gallon above-ground fuel tank at 17356 Northwoods Boulevard Assessor's Parcel Number, as part of Planning Application #05-036(c) (SnowTech Project Amendment)

WHEREAS, on January 21, 2010, the Town of Truckee Town Council adopted Resolution 2009-73, approving a Conditional Use Permit for the construction and operation of a snow removal business and driveway sealing business in the Rural Residential (RR)zoning district located at 10414 Panamint Place (then known as APN 17-020-08, now known as APN 044-340-00-0006), concurrent with a Vesting Tentative Map, Zoning Map Amendment, and Development Code Text Amendment under Planning Application #09-024 (Waltman Construction Amendments/Use Permit); and

WHEREAS, on January 21, 2010, the Town of Truckee Town Council adopted Resolution 2009-74 to approve a Vesting Tentative Map to subdivide 10414 Panamint Place (then known as APN 17-020-08, now known as APN 44-340-06) into two parcels of 5.00 and 4.99 acres each, concurrent with a Use Permit, Zoning Map Amendment, and Development Code Text Amendment under Planning Application #09-024 (Waltman Construction Amendments/Use Permit);

WHEREAS, on February 4, 2010, the Town of Truckee Town Council adopted Ordinance 2009-07, modifying the zoning district on the property known as APN 17-020-38 (now APN 044-340-006-000) from RS-1 (Single-family Residential, one dwelling unit per acre) to RR-0.67 (Rural Residential, one dwelling unit per 1.5 acres), concurrent with a Vesting Tentative Map, Use Permit, and Development Code Text Amendment under Planning Application #09-024 (Waltman Construction Amendments/Use Permit); and

WHEREAS, on February 4, 2010, the Town of Truckee Town Council adopted Ordinance 2009-08 to modify Table 2-2 (Allowed Uses and Permit Requirements for Residential Zoning Districts) and Section 18.220.020 (Definitions of Specialized Terms and Phrases) of Title 18, Development Code, of the Truckee Municipal Code to allow seasonal contractors yards as an accessory use to snow removal businesses in the RR (Rural Residential) zoning district concurrent with a Tentative Map, Use Permit and Development Code Text Amendment under Planning Application #09-024 (Waltman Construction Amendments/Use Permit; and

WHEREAS, the Zoning Map Amendment and Development Code Text Amendment were introduced at the January 21, 2010 Town Council meeting and adopted on February 4, 2010; and

WHEREAS, the legislative portion of the project, for which Town Council is the review authority, has been adopted and enacted and no longer is required to review subsequent changes to the project; and

WHEREAS, on May 17, 2016, the Planning Commission adopted Resolution 2016-07, approving a two-year time extension to the originally approved Use Permit to expand a snow removal business and establish a driveway sealing business in the RR (Rural Residential) zoning district and Vesting Tentative Map to subdivide a 10-acre parcel into two parcels of 4.99 and 5.00 acres on Assessor's Parcel Number 044-340-06-000, also known as 10414 Panamint Place, under Planning Application #2016-00000018 (Waltman Use Permit and Vesting Tentative Map Time Extension); and

WHEREAS, on August 21, 2018, the Planning Commission adopted Resolution 2018-14, approving a four-year time extension to the originally approved Vesting Tentative Map to subdivide a 10-acre parcel into two parcels of 4.99 and 5.00 acres on Assessor's Parcel Number 044-340-06-000, also known as 10414 Panamint Place, under Planning Application #2018-00000018 (Waltman Vesting Tentative Map Time Extension); and

WHEREAS, on July 21, 2020, the Town of Truckee Planning Commission adopted Resolution 2020-12, approving the Elements Project Amendment (Application #2020-00000017) by taking the following actions: 1) Approved a Project Amendment to combine the two Use Permits previously approved for SnowTech and Waltman Construction, which merged into a single company known as the Elements Mountain Company, 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); and 2) Determined the project exempt from further environmental review in accordance with Section 15301 (Existing Facilities), which applies to projects involving negligible or no expansion of the existing or former use, and Section 15061(b)(3) of the California Environmental Quality Act Guidelines, which applies to projects 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; and

WHEREAS, on July 25, 2022, the Town of Truckee received Application #2022-00000091, requesting approval of a two-year Time Extension to the previously approved Elements Project Amendment; and

WHEREAS, on August 24, 2022, a Parcel Map was recorded to complete the subdivision of the property into two parcels of 5.0 acres (10414 Panamint Place, APN 044-340-008) and 4.99 acres (10476 Panamint Place, APN 044-340-009) under Application #2020-00000098 (Legare Parcel Map); and

WHEREAS, the Town Council found the Waltman Construction Amendments/Use Permit project (Planning Application #09-024) and the Planning Commission found the subsequent time extensions (Planning Applications #2016-00000018 and #2018-00000018) exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines, 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; and

WHEREAS, the Planning Commission adopted a Mitigated Negative Declaration for the SnowTech project (Planning Application #05-036) and found the SnowTech Project Amendment (Planning Application #05-036(c)) exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3) of the CEQA Guidelines, 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; and

WHEREAS, the Truckee Development Code allows Time Extension approvals for a period or periods not exceeding a total of two years; and

WHEREAS, the Planning Commission is responsible for the review and consideration of Time Extensions for projects previously reviewed and approved by the Commission; 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, public notice was published in the *Sierra Sun* and mailed to property owners within 500 feet of the project site, informing the public about the project and the date, time, and location of the public hearing for consideration of the approval or denial of the Elements Project Amendment Time Extension; and

WHEREAS, the Planning Commission held a public hearing on the matter at their specially scheduled Planning Commission meeting beginning and ending on September 27, 2023, and considered all public comment, testimony, evidence, and information related thereto.

THEREFORE BE IT RESOLVED, the Planning Commission hereby takes the following actions on Application 2022-00000091/ EXT (Elements Project Amendment Time Extension):

1. Approves a Time Extension for a period of two additional years from the effective date of approval of the Time Extension, as shown on the plans approved by the Planning Commission on July 21, 2020, incorporated herein, and subject to the conditions of approval set forth in Exhibit A (Conditions of Approval).
2. Determines the two-year Time Extension approval to be exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3); and

BE IT FURTHER RESOLVED, the Planning Commission adopts the findings set forth in Exhibit B (Findings) in support of the approval of the time extension.

The foregoing Resolution was introduced by _____ and seconded by Commission Member _____ at a regular meeting of the Truckee Planning Commission held on the 27th day of September 2023 and adopted by the following vote:

AYES:

NOES:

ABSENT:

Dave Gove, Vice Chair
Town of Truckee Planning Commission

ATTEST:

Kayley Metroka, Secretary

Attachments:

Exhibit A – Conditions of Approval

Exhibit B – Findings

**RESOLUTION 2023-13
EXHIBIT A**

**APPLICATION #2022-0000091/EXT
ELEMENTS PROJECT AMENDMENT TIME EXTENSIONS**

CONDITIONS OF APPROVAL

General Conditions of Approval

1. A Time Extension for a period of two additional years is approved for the previously approved Elements Project Amendment, which included the operation of a snow removal business with ancillary driveway sealing, defensible space and painting/staining services, an increase in onsite fuel storage to 20,000 gallons, and construction of a 22,164 sq. ft. building with two workforce housing units and 25 parking spaces at 10414 Panamint Place (APN 044-340-008) and 10476 Panamint Place (APN 044-340-009), previously known as original APN 044-340-006, as described in the Planning Commission staff report dated July 21, 2020 on file in the Community Development Department and as shown on the plan set approved by the Planning Commission on July 21, 2020, except as modified by these conditions of approval. 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. All applicable conditions of approval in Planning Commission Resolution 2020-12 adopted on July 21, 2020, shall be incorporated into this Time Extension approval, with the following modifications:
 - A. Condition No. 3 shall be replaced to read: “The effective date of approval shall be October 10, 2023, unless the approval is appealed to the Town Council by 5:00 pm on October 9, 2023.” ***(Planning Division Recommendation)***
 - B. Condition No. 4 shall be replaced to read: The rights granted under this Use Permit shall commence within 24 months from the effective date of the Time Extension (by no later than October 10, 2025). At the end of that time, if such rights have not been exercised, the approval shall become null and void.” ***(Planning Division Recommendation)***
 - C. Condition No. 7 shall be modified to require compliance with the Development Code standards and provisions in effect on June 23, 2022, the Development Code in effect at the time the Elements Project Amendment Time Extension application was determined to be complete for processing. ***(Planning Division Recommendation)***
 - D. Condition No.56 shall be added:

“A minimum of four short-term bicycle parking spaces and two long-term bicycle parking spaces are required for the project in accordance with Development Code Section 18.48.090 (Bicycle Parking and Support Facilities). No guest parking for the residential uses within the mixed-use project is required as allowed under Development Code Section 18.48.090.B.1. Short-term bicycle parking spaces shall be provided in racks or devices that allow secure locking and are located in a visible location near building entrances. Long-term bicycle parking 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 the ground level. The bicycle parking and support facilities shall comply with all requirements of Development Code Section 18.48.090. Revised plans identifying the bicycle parking shall be submitted for review by the Planning Division. Approval of the bicycle parking is required prior to issuance of temporary or final certificate of occupancy. 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. 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)***

3. 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)***
4. 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 Recommendation)***

**RESOLUTION 2023-13
EXHIBIT B**

**APPLICATION #2022-00000091/EXT
ELEMENTS PROJECT AMENDMENT TIME EXTENSION**

FINDINGS

TIME EXTENSION

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

This finding is supported by the discussion section contained in the “Discussion/Analysis” section of the Planning Commission staff report dated September 27, 2023. Grading and building permits have been issued for the project. Additionally, the applicant has begun site work for the project, including grading, paving and infrastructure work.

- 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.**

This finding is supported by the discussion section contained in the “Discussion/Analysis” section of the Planning Commission staff report dated September 27, 2023. Conditions of approval have been included in the Time Extension approval to address all Development Code standards that have been amended since the original date of approval for the project, ensuring the project’s ongoing consistency with the Development Code. The project remains in compliance with the 2025 General Plan, which was in effect at the time of the original project approval as well as at the time the project was deemed complete for processing. The project is not located within a Specific Plan or Master Plan area.