



PLANNING COMMISSION STAFF REPORT

Meeting Date: October 29, 2024

To: Town of Truckee Planning Commission

From: Laura Dabe, Associate Planner

RE: Planning Application #2024-00000092 (Rocker Memorial Skate Park Time Extension); 10695 Brockway Road (APN 019-450-054); Applicant: Colin Robinson; Owner: Truckee Donner Public Utility District; Agent: Robert Wood, Millennium Planning and Engineering

Approved by: Denyelle Nishimori, Community Development Director

Recommended Action: That the Planning Commission adopt Resolution 2024-14, 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 Rocker Memorial Skate Park project, subject to the recommended conditions of approval.

Project Summary: The applicant is requesting approval of a two-year Time Extension for the previously approved Rocker Memorial Skate Park project, which was approved by the Planning Commission on June 21, 2022 (Town of Truckee Application #2020-00000084). Pursuant to the Development Code Section 18.84.055 (Time Extensions), the maximum time extension that can be granted is two years.

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 Rocker Memorial Skate Park project; therefore, the Planning Commission is the review authority for the Time Extension request.

Location/Setting: The project site is located at the southeast corner of the Truckee River Regional Park in Truckee, at the intersection of Brockway Road and Estates Drive (10695 Brockway Road, APN 019-450-054). The primary access to the site is via Estates Drive to the north, a publicly owned and maintained street. The site is located across Estates Drive from the rodeo grounds and to the east of the existing skate park, on an undeveloped parcel located adjacent to the future site of the Estates Meadows Housing Development project, which was approved by the Planning Commission on May 17, 2022 (Town of Truckee Application #2020-00000135). Surrounding existing land uses include the Truckee River Regional Park to the north and west, multi-family residences to the northeast, and a pond and the Ponderosa Golf Course to the southeast. To the south and southwest, the site abuts undeveloped land, some of which supports fairly extensive wet meadows. See Figure 1 below for a Vicinity Map:



Figure 1: Project Location

Project Site Information:

General Plan Designation: Open Space Recreation
 Zoning District: PF (Public Facilities)
 Project Site Size: Approximately 2 acres of an 11.29-acre parcel

Discussion/Analysis:

Background

The Rocker Memorial Skate Park project was approved by the Planning Commission on June 21, 2022 (Town of Truckee Application #2020-00000084; Commission Resolution 2022-10). The project included construction of a new outdoor skateboarding park at the Truckee River Regional Park. The project site is located across Estates Drive from the existing skate park, which was constructed in 1999. The proposed site is an approximately two-acre portion of an 11.29-acre parcel located at 10695 Brockway Road (APN 019-450-054), within the Open Space Recreation land use designation of the 2040 General Plan and the PF (Public Facilities) zoning district. The project area is located directly to the south and east of Estates Drive, on an existing undeveloped dirt lot that has been previously used for informal parking and seasonal events. The project required approval of the following land use entitlements:

- 1) **Development Permit** for projects with 7,500 square feet or more of floor area and/or 26,000 square feet or more of site disturbance;
- 2) **Minor Use Permit** for disturbance within 200 feet of a wetland; and
- 3) **Zoning Clearance** for a “Parks and Playgrounds” use, which is a permitted use in in the PF zoning district when operated by a public agency.

The Planning Commission took action to adopt Resolution 2022-10, approving the land use entitlements and adopting an Initial Study/Mitigated Negative Declaration (SCH #2022050334) for the project. (See Attachment #4 for links to the June 21, 2022 staff report and meeting minutes and final Resolution 2022-10.)

As identified in Condition of Approval #2, the effective date of approval for the project was July 5, 2022. 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 July 5, 2024 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.

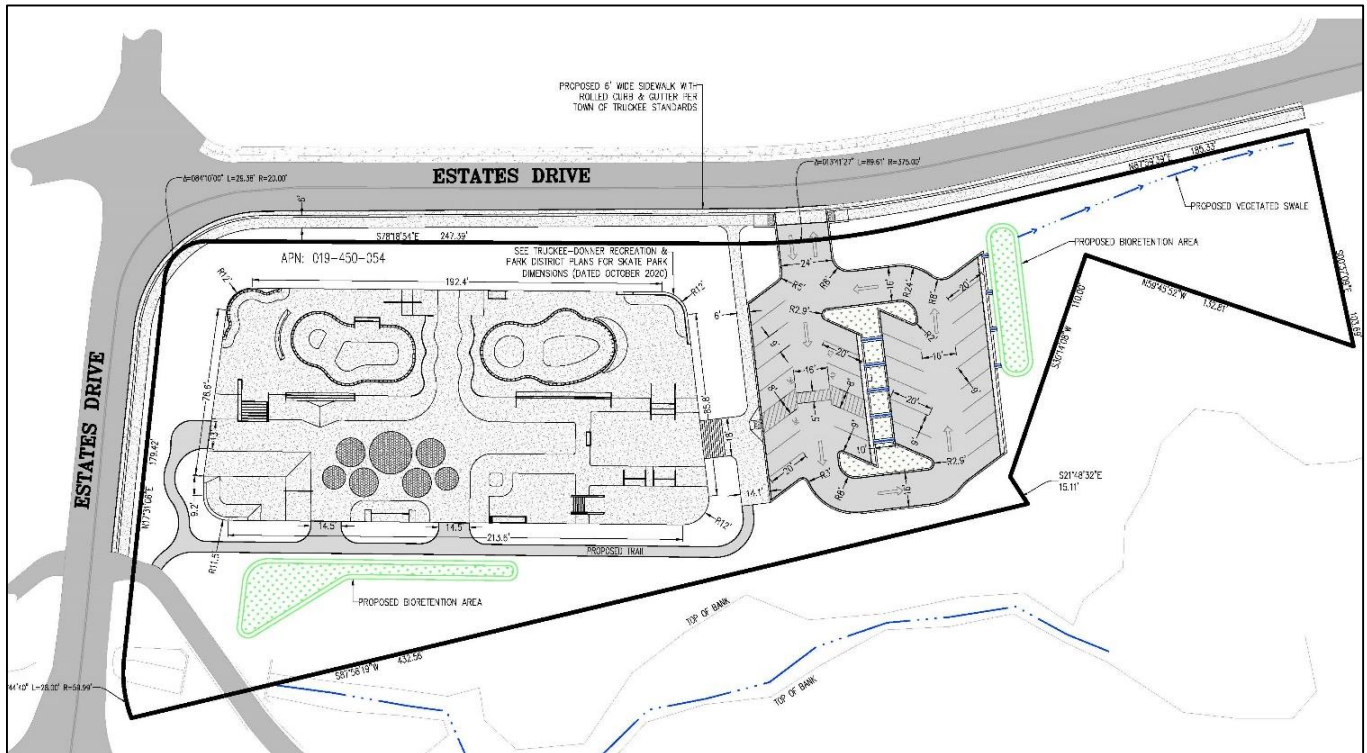


Figure 2: Approved Site Plan

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 and address the remaining conditions of approval. The letter states that the applicant has worked diligently to pursue grading/building permit(s) but needs additional time for fundraising to bring the project to fruition. A grading permit application was submitted on September 15, 2022 (Permit #2022-00001228).

General Plan Consistency

The Rocker Memorial Skate Park project was approved under the 2025 General Plan. On May 9, 2023, the 2040 General Plan was adopted. In accordance with Town practice, staff reviewed the Time Extension application for consistency with the current General Plan policies and standards, as discussed below.

At the time of project approval, the land use designation of the site was Public. With adoption of the 2040 General Plan, the land use designation was changed to Open Space Recreation. This designation allows recreational uses compatible with the natural resources in the area, such as skiing, camping, existing golf courses, horseback riding, and clustered residential or lodging uses. In addition, public recreation uses, such as park and recreation facilities, libraries, and community centers, are permitted. This designation is intended to minimize suburban and rural residential sprawl; protect significant vistas, wildlife movement

corridors, and biological resource areas; and accommodate recreational uses. The General Plan identifies that 90 percent of the land shall be preserved as open space; up to one dwelling unit per 10 acres of residential density is allowed; and an average FAR of 0.2 applies for non-open-space land.

The project is consistent with the 2040 General Plan policies related to accommodating recreational uses. One of the guiding principles of the Conservation and Open Space Element is to “ensure the availability of a diverse range of recreational opportunities for Truckee’s existing and future population.” The General Plan states that parks and recreational open space areas typically include developed and maintained recreation facilities offering opportunities for active and passive use. Areas in Truckee are maintained and operated both publicly and privately, including the Truckee River Regional Park. Following are specific policies that are applicable to the project:

- **Conservation and Open Space Element Goal 9 – Parks and Recreation:** Ensure the availability of and equal access to a diverse range of recreational opportunities for Truckee’s existing and future population through comprehensive planning and collaboration.
- **Conservation and Open Space Element COS-9.3 – Cooperation with the Truckee Donner Recreation and Park District:** Cooperate with the Truckee Donner Recreation and Park District to improve and maximize the use of existing parks, trails, and recreational facilities; identify needs for new facilities and/or improvements; and effectively plan for the future park and recreation needs of Truckee residents, workers, and visitors.
- **Conservation and Open Space Element COS-9.5 – Recreational Opportunities for All:** Encourage new and existing private recreational facilities to provide opportunities for access and enjoyment by the wider community. Efforts may include locating new parks near affordable housing; ensuring accessible design for picnic areas, viewing points, or trails; and providing low-cost programs for all age levels.

The intent of changing the land use designation of the Regional Park to Open Space Recreation was to better align the land use designation with existing and future uses within the park, with the understanding that changing the zoning of the site would require some consideration due to the fact that the site would not meet the 90 percent open space requirement based on the amount of existing development within the park (which includes the existing skate park, ball fields, rodeo grounds, tennis courts, amphitheater, community garden, playground, parking areas, maintenance buildings, restrooms and other facilities), nor with future intended uses within the park which were envisioned as part of the Truckee River Regional Park Master Plan that was adopted in January 2020. The Master Plan addressed existing uses within the park as well as future anticipated uses, including the Rocker Memorial Skate Park. While much of the park remains open space areas under the current conditions, less than 90 percent of the park is currently open space. Understanding the current and proposed uses within the park, the new zoning that is established for the site will need to include enough flexibility to allow for parks such as the Regional Park to accommodate the types of recreational facilities that are commonly found in a regional park facility in addition to providing open space areas, in order to achieve the General Plan goals of ensuring the availability of and access to recreational opportunities for the community.

It is staff’s opinion that the project is consistent with the intent of the Open Space Recreation land use designation, the specific policies related to parks and recreational uses, and the vision of the adopted 2040 General Plan, and that the required findings to approve the project related to General Plan consistency can be made.

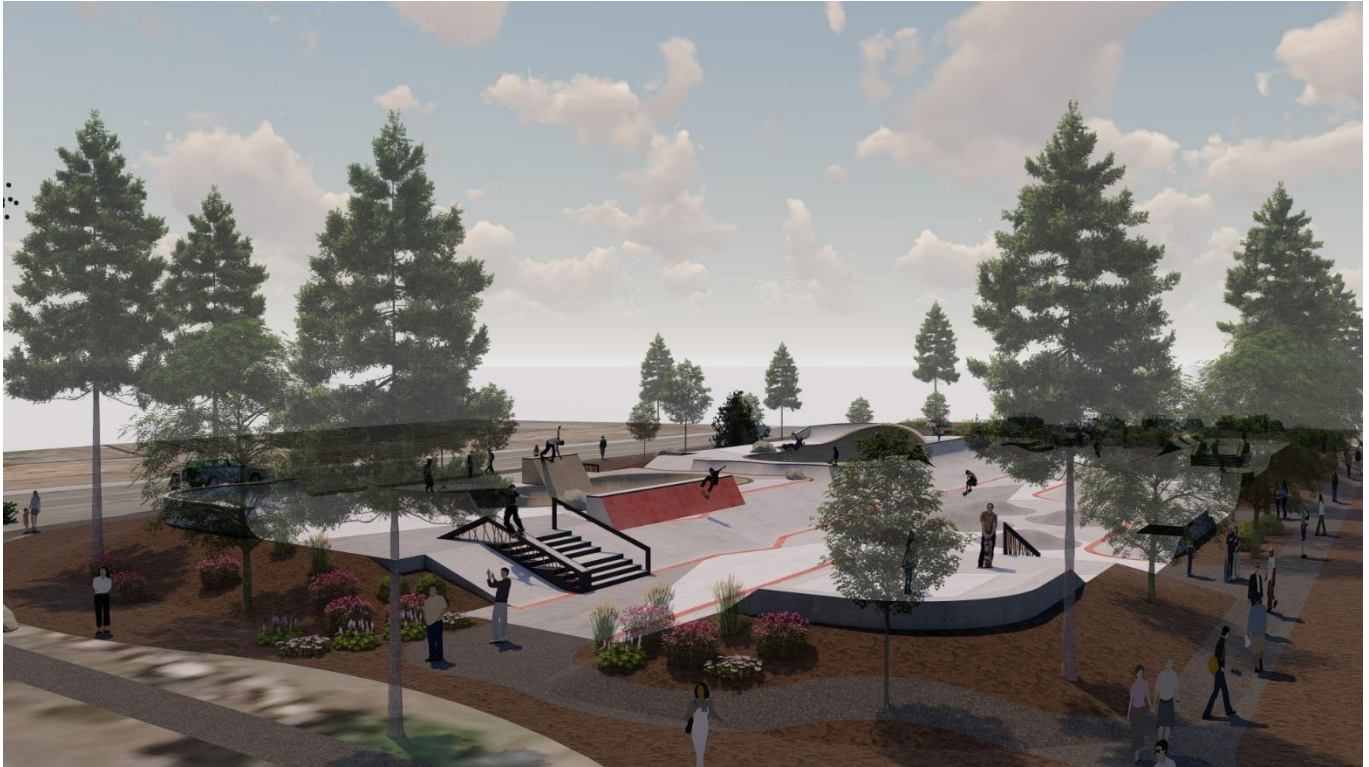


Figure 3: Project Rendering

Development Code Consistency

The current zoning of the project site is Public Facilities (PF). This zoning was consistent with the Public land use designation that was in place at the time of project approval in 2020. The zoning has not yet been updated as part of the General Plan implementation process to match the current Open Space Recreation land use designation. As part of the General Plan implementation process, this zoning will likely be proposed to change to a different type of zoning that would better align with the public park use (such as Recreation) and include specific standards for park facilities that are unique to the Regional Park.

Due to the fact that the zoning has not yet changed, staff reviewed the project for compliance with the PF zoning district standards, as well as the current Development Code standards that were in place at the time that the project was deemed complete for processing on July 29, 2024, 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, or has actually commenced the allowed use on the subject property in compliance with the conditions of approval for uses that do not require a building permit. Diligent pursuit typically requires the completion of the installation of foundations for all structures in the first phase of the project. However, due to the fact that no buildings are proposed as part of this project, commencing the allowed use on the site is considered “diligent pursuit” 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 grading permit issuance. As noted above, staff recommends the two-year time extension to allow the applicant time to complete the work that is required to construct the project, consistent with the requirements of Section 18.84.055.

Development Standards

The Development Code has been amended following approval of the project in 2022; however, these updates do not necessitate any changes to the project conditions of approval.

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: A Mitigated Negative Declaration was adopted by the Planning Commission for the Rocker Memorial Skate Park project (SCH #2022050334). The Mitigated Negative Declaration was routed to State agencies through the State of California’s Office of Planning and Research State Clearinghouse. Identified potential significant environmental impacts included biological resources, cultural resources, geology and soils, hydrology/water quality, noise, transportation/traffic, and tribal cultural resources. However, the Town incorporated mitigation measures to reduce or eliminate the potential impacts, which were included within the project as conditions of approval to mitigate all potentially significant impacts to less than significant levels, and a mitigation monitoring reporting program was created to help aid in the implementation of these mitigation measures. Due to the fact that the Mitigated Negative Declaration analyzed and addressed all potential environmental impacts, and the Time Extension does not have the potential to create any new environmental impacts, 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 October 18, 2024, 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 Rocker Memorial Skate Park project, as allowed under the Development Code time extension limits. A two-year time extension would extend the expiration date for the project to November 12, 2026.

All relevant conditions of approval from the previous approval have been incorporated into draft Planning Commission Resolution 2024-14. No changes to the project have been proposed by the applicant, and the project is consistent with the Development Code and the 2040 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 additional environmental review.
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 2024-14
2. Applicant-Provided Letter of Justification
3. Agency Comment Letters
4. June 21, 2022 Planning Commission Meeting Links:
 - [Staff Report](#)
 - [Resolution 2022-10](#)
 - [Meeting Minutes](#)