

Ms. Laura Dabe, Associate Planner
Town of Truckee Community Development Department
10183 Truckee Airport Road
Truckee, California 96161

June 22, 2023

Re: Jensen Contractor's Yard, Application 2021-00000039
11118 Trails End Road, Nevada County APN 019-920-006
Recorded Map Modification, Project Amendment and Zoning Clearance

Ms. Dabe:

Thank you for your time on June 12th to discuss the Town's proposed permitting process and required documentation to support Planning Commission consideration and approval of a permanent Contractors Yard on Lot 5 of the Pioneer Commerce Center Phase III subdivision.

Enclosed are the following:

- This letter including background and justification information;
- Completed *Land Use Zoning Application*;
- Completed *Recorded Map Modification Checklist*;
- Completed *Project Amendment Checklist*;
- Completed *Zoning Clearance Checklist*;
- *Development Code Consistency Matrix*;
- *Parcel Exhibit*;
- *Preliminary Title Report* prepared by Placer Title Company;
- *Grading and Landscape Plans (July 13, 2010 version)* updated to reflect current conditions; and
- *Drainage Plan (November 30, 2011)*.

A check in the amount of \$3,500.00 as deposit toward the cost of processing the application was previously submitted.

History

The Pioneer Commerce Center Phase III (PCC III) Subdivision was approved by the Town of Truckee Planning Commission on February 9, 2005. The Parcel Map (PM01-076B) created 18 individually owned Lots plus a Common Area (Area J) for the construction of Trails End Road and Trails End Court. Design Guidelines were prepared by Hidden Lake Properties (the Developer) and included as a condition of the approval. The Guidelines were applicable to all 18 parcels with more detailed standards (above and beyond what is required by the Development Code) for the parcels (4-9) that abut the Interstate 80 right-of-way including:

- Building setback from I-80 and building design limits including height, wall articulation, materials, colors, signage and lighting; and
- The prohibition of outdoor storage, retail and similar activities on the parcels.

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During the Planning Commission review/discussion of the PCC III application, the prohibition was eliminated and ultimately the original version of Note 6 of the Parcel Map was amended in December 2013 to say:

6. ALL OUTDOOR ACTIVITY, OUTDOOR RETAIL ACTIVITY, EQUIPMENT, MATERIALS AND VEHICLE STORAGE, SHALL BE PROHIBITED ON THE REAR PORTION OF LOTS 4-9. OUTDOOR STORAGE AND RELATED OUTDOOR USES MAY ONLY BE PERMITTED IN THE FRONT OF BUILDINGS, UNLESS A ZONING CLEARANCE IS APPROVED BY THE PLANNING COMMISSION.

In September 2010, the Planning Commission approved a Zoning Clearance (09-035 /AMD/ZC) to allow PCCIII Lots 5 and 6 to construct contractor yards, without structures, the entitlement expiring in 2015 unless an extension was approved by the Planning Commission. The yard on Lot 5 was constructed, the Owner of Lot 6 did not move forward with improvements on that parcel. The approval included:

- A fenced 14,700 sf enclosure. Chainlink fencing (with privacy slats) on the north (front), east and west sides and a wood fence on the south side (rear);
- Landscaping along the front and rear boundaries and retention of five large Pine trees; and
- Grading, placement of a combination of asphalt and compacted asphalt grindings as the finished surface and a stormwater basin. Grading also included construction of a four-foot high mound to supplement the wood fence and landscaping in screening the project from Interstate 80.

In December 2011, replacement of the stormwater basin with an underground infiltration system, drainage inlet and 1,000 gallon sand/oil interceptor was approved by the Town.

Note 6 was created to ensure adequate screening of all activities on Lots 4-9 with respect to the Interstate 80 Scenic Corridor (Code 18.46.080) through a combination of structure(s), landscaping and fencing. As shown on the following photographs, the mounding, landscape and fence approved in 2010 demonstrated that a structure was not necessary. The fence is approximately 50-feet from the Interstate 80 right-of-way and 130-feet from the north edge of the westbound on-ramp. While the mound and fence are somewhat visible from the Interstate 80 on-ramp, neither the equipment/materials in the yard or the surrounding fence can be seen.



Landscaped mound and fence



View of landscaped mound and fence from I-80 on-ramp

In the summer of 2022, the Community Development Department notified the Owner the 2010 Zoning Clearance had expired and there are three options to comply with Note 6:

1. Remove the existing improvements (screening fence & landscaping and the yard's perimeter fencing) and restore the site to its pre-development condition. This action would require the three small business tenants to find a new location to operate;
2. Construct a building on the Lot and reconfigure the storage areas; or
3. Eliminate the requirement that Lot 5 comply with Note 6 and therefore allow the yard as originally permitted and constructed, without a building, to become permanent.

The Owner believes Option 3 is the best approach for the following reasons:

- The mandate to construct a building on Lots 4-9 does not serve the Town's needs with respect to providing affordable space for small construction/industrial users that only require a location to store equipment and/or construction materials;
- The Owner is not willing to consider construction of a building for the foreseeable future given the cost of construction, the uncertainty of the economy and the impact to his tenants; and
- The screening landscaping, mounding and fence installed as a condition of permitting and constructing the existing yard meets Development Code Section 18.46.080 concerning Scenic Corridor development standards. Nothing will be gained by construction of a building since the site is effectively screened from Interstate 80.

Proposal

Town Staff has indicated three approvals are required to allow the Contractors Yard to remain on Lot 5 in perpetuity:

- Modification of Parcel Map PM01-076B to modify the Notes on Sheet 5 to eliminate the applicability of Note 6 with respect to Lot 5;

- Amendment of the Pioneer III Development Permit to remove the restriction on outdoor uses on Lot 5 as identified in the Pioneer Commerce Center Planned Development which was last amended in May 2019 (Planning Commission Resolution 2019-10); and
- Issuance of a permanent Zoning Clearance for the Yard.

Justification

With respect to the Map Modification, the enclosed Parcel Exhibit demonstrates consistency with the original map with respect to:

- Setbacks from Interstate 80;
- Screening and landscape requirements, except that a building is not required;
- Building dimensions and materials, if proposed at a later date;
- Access is provided from Trails End Road;
- Utility infrastructure to serve the parcel is in place;
- There are no slopes greater than 10% (with the exception of the landscape berm);
- Parcel dimensions are unchanged;
- No exceptions to the Development Code are required to approve the Map; and
- Utility, snow storage, drainage and pedestrian easements.
- Modification of the Map does not impose any additional burden(s) on the current or future property owners as the amount of developable area and criteria are unchanged;
- Modification of Map does not alter any right, interest or title in Lot 5 as compared to the original PCC III Parcel Map as the location and parcel size/boundary is unchanged;
- The Map is consistent with the Subdivision Map Act and approval by the Town Surveyor is considered ministerial;
- The property was developed and has been operated as allowed by the Zoning Clearance approved by the Planning Commission and therefore is consistent with the Development Code at the time of approval;
- Modification of the Map does not change the residential development potential of Lot 5 as the zoning is Manufacturing/Industrial and the size of the Parcel is unchanged from the original PCC III Parcel Map; and
- Modification of Map does not change the development potential of the property, includes design criteria concerning development guidelines/restrictions and would not generate any adverse environmental impacts not reviewed during the original CEQA analysis and subsequent issuance of the current permit for the current development.

With respect to the Project Amendment, approval would not change the Pioneer Commerce Center III parcel configuration/layout, allowed uses, easements, site access or intent of the Project to provide space for small contractor operations. The amendment maintains the requirement for screening of activities within the Interstate 80 Scenic Corridor, but provides the flexibility of meeting that mandate by means of fencing, landscaping and mounding without a structure.

ACUMEN ENGINEERING

C O M P A N Y

Approval of the Zoning Clearance is solely to change the status of the Yard from temporary to permanent; none of the criteria that would normally trigger a Zoning Clearance application (changes in use, new structure(s), additions to existing structures, site disturbance/grading) are proposed to change as compared to the 2010 Planning Commission approval. The enclosed *Development Code Consistency Matrix, Site Grading & Landscape Plans* and *Drainage Plan* document how the existing facility meets the requirements of the Development Code that were in effect at the time of the original approval as determined by the Planning Commission.

Thank you in advance for Staff and Planning Commission consideration of the requested actions and do not hesitate to contact the undersigned if any additional information is required to complete the review and approval of the Map Modification, Project Amendment and Zoning Clearance for Lot 5 of the Pioneer III Subdivision.

Sincerely,



Bill Quesnel PE
Principal Engineer

Cc Aaron & Simone Jensen

enclosures

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