

PLANNING COMMISSION STAFF REPORT

Meeting Date: November 21, 2023

To: Town of Truckee Planning Commission

From: Laura Dabe, Associate Planner

RE: Application 2023-00000015/MM-AMD-ZC (11118 Trails End Recorded Map Modification, Project Amendment and Zoning Clearance); 11118 Trails End Road (APN 019-920-006); Applicant/Owner: Aaron and Simone Jensen; Agent: Bill Quesnel, Acumen Engineering

Approved by: Denyelle Nishimori, Community Development Director

Recommended Action: That the Planning Commission adopt Resolution 2023-21, taking the following actions:

- 1) Determining the project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines; and
- 2) Approving the Recorded Map Modification, Project Amendment and Zoning Clearance, subject to the recommended conditions of approval.

Project Summary: The applicant is requesting modifications to the previous approvals for Lot 5 of the Pioneer Commerce Phase III Subdivision. A Tentative Map and Planned Development for Phase III were approved by the Planning Commission on February 9, 2005 (Town of Truckee Application #00-111, Resolutions 2005-02 and 2002-05), which included restrictions on Lots 4-9 to address the location of the lots within the I-80 Scenic Corridor (including establishing height and setback standards, requiring Planning Commission review for all future development projects, and prohibiting outdoor retail, storage and activity areas). On October 20, 2005, the Phase III map was recorded (PM 19 175) with the restrictions on Lots 4-9. A temporary construction contractor's yard on the site was approved by the Planning Commission in September 2010 (Town of Truckee Application #09-035), which included fencing, landscaping and grading. This temporary approval has since expired and the applicant is requesting approvals to establish a permanent use on the property, which requires the following land use entitlements: **1) Recorded Map Modification** to modify the notes on Lot 5 of the recorded Pioneer Commerce Phase III Subdivision Parcel Map (PM 19 175); **2) Project Amendment** to remove the restriction on outdoor uses on Lot 5 in the Pioneer Commerce Center Planned Development amended on May 21, 2019 (Application #2019-0000050, Commission Resolution 2019-10); and **3) Zoning Clearance** to establish a permanent outdoor construction contractor's yard on the property.

Planning Commission's Role: Under Development Code Section 18.84.070 (Changes to an Approved Project), major changes to an approved project shall only be authorized by the original review authority for the project. Development Code Section 18.98.140 (Amendments to Recorded Maps) states that any proposed modification of a Parcel or Final Map shall require a public hearing before the review authority that reviewed the Tentative Map. The Planning Commission was the original review authority for the Pioneer Commerce Phase III Subdivision; therefore, the Commission is the review authority for the requested project amendment and map modifications, as well as the associated Zoning Clearance.

Location/Setting: The project site is located on Lot 5 in Phase III of the Pioneer Commerce Center industrial subdivision, on the southeast side of Trails End, approximately 1,500 feet southwest of Pioneer Trail (11118 Trails End; APN 19-920-06). The property is bounded to the north, east, and west by vacant industrial parcels, and to the south by Interstate 80 West.

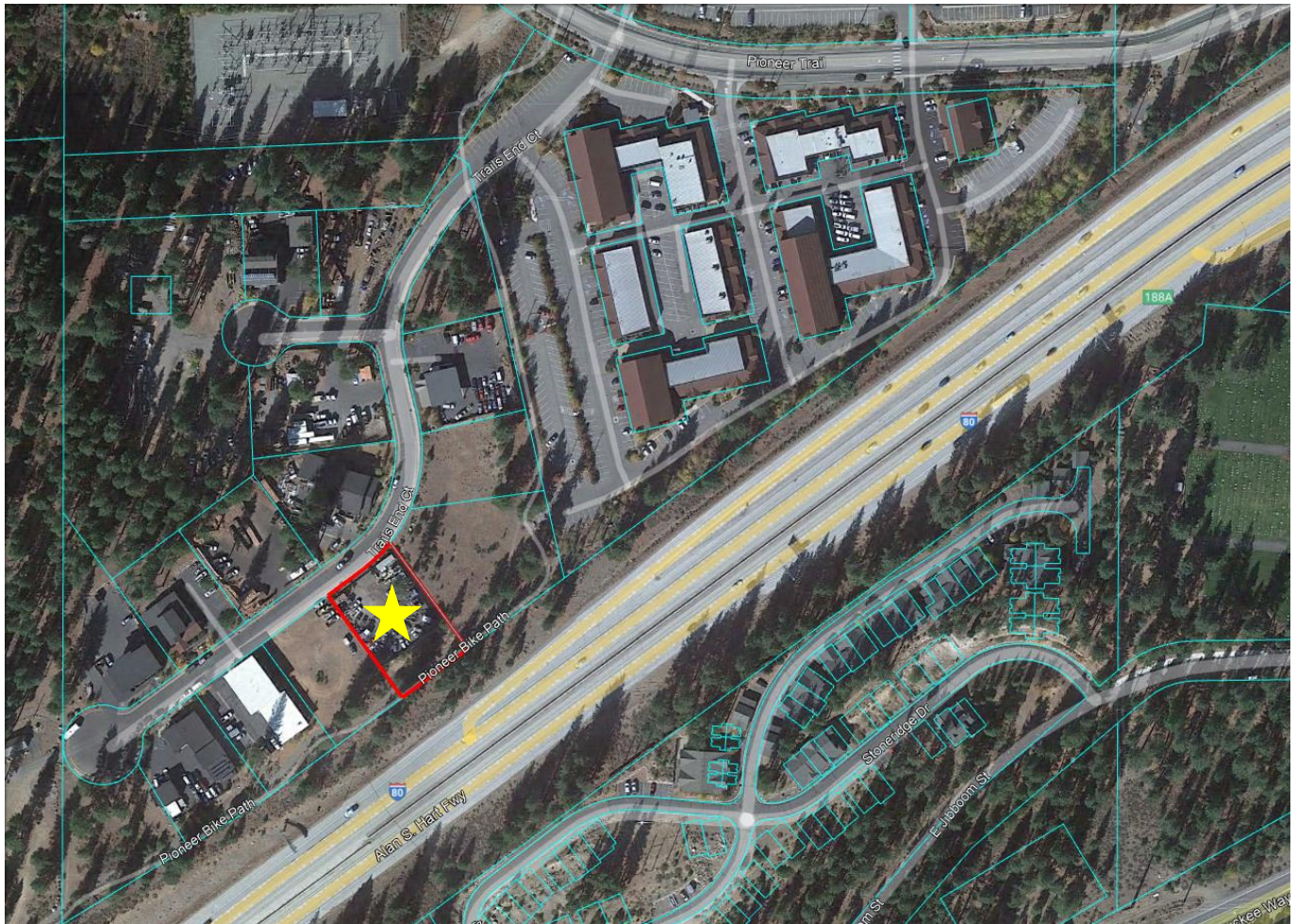


Figure 1: Project Location

Project Site Information:

General Plan Designation:	Industrial
Zoning District:	M (Manufacturing)
Parcel Size:	0.54 acres
Utilities:	Public sewer and water

Discussion/Analysis:

Background

In 2005 the Planning Commission reviewed Application No. 00-111/AMD, approving a Planned Development and Tentative Map for Pioneer Commerce Center Phase III. Phase III consisted of one utility parcel and 16 industrial parcels to be sold and developed by individual owners. These parcels are located along Pioneer Trail with six parcels backing directly to Interstate 80 right-of-way. Due to the location of the property within the Interstate 80 scenic corridor, the Commission required conditions of approval placing restrictions on Lots 4-9 (including establishing height and setback standards, requiring Planning Commission review for all future development projects—including Zoning Clearances for which the Community Development Director is normally the review authority—and prohibiting outdoor retail, storage and activity areas on Lots 4-9). The Jensen property is Lot 5 of Phase III (see Figure 2 below).

Following recordation of a Final Map for the Phase III industrial lots, the owners of Lots 5-9 began to look at the restrictions placed upon their parcels more closely. There was strong demand at the time for more outdoor storage and contractor yard-type uses, which were difficult to accommodate on Lots 5-9 with the recorded restrictions. In 2009, the owners collectively worked together to submit a project amendment to the Planning Commission to eliminate some of the use limitations (Town of Truckee Application #09-035). On May 12, 2010, the Commission took action to adopt Resolution 2010-01, approving a Certificate of Map Correction to modify Note 6 on Sheet 5 of Parcel Map 00-176B and a Project Amendment to modify Planning Commission Resolution 2005-02, Condition of Approval #8 to allow for outdoor storage on Lots 4-9, exclusive of buildings, and denied the Zoning Clearance request to allow for contractor's yards without buildings on Lots 5 and 6 on a temporary basis for up to five years (with the potential for the Community Development Director to extend the approval an additional five years).

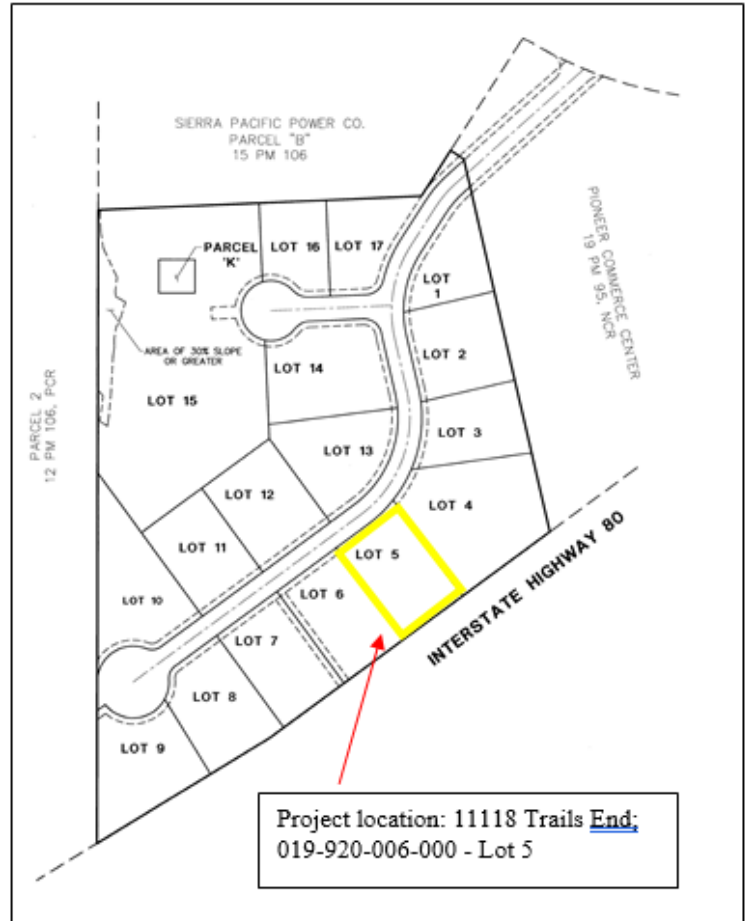


Figure 2: Lot 5 of Parcel Map 19 175

The applicant appealed the Commission's denial of the Zoning Clearance to the Town Council, which considered the appeal on June 17, 2010. The Council concurred with the Commission's deliberations regarding implications for outdoor storage not shielded by structures; however, the Council majority believed there was merit in further consideration of temporary contractor's yards on Lots 5 and 6, exclusive of buildings. The Council discussed several aspects of the project regarding the lack of outdoor storage for commercial uses, alternative screening options for the lots (including berms and landscaping), and how the impacts would need to be addressed under CEQA. The Council found the requested temporary contractor's yards (storage only, no buildings) to have merit and determined that there was a need for these types of uses within the Town. The Council referred the project back to the Planning Commission to work with the appellant on visual appropriateness/effective screening for contractor's yards, and incentives or measures to promote relocation of non-conforming industrial uses from the river corridors to these properties.

The Planning Commission reviewed a revised plan on September 8, 2010 that included a combination of berms, fencing, and landscaping to provide additional screening for the outdoor storage. The Commission added conditions of approval to the temporary contractor yard Zoning Clearance, which included requiring additional evergreens at a height of 10' to 20'; requiring maintenance and irrigation of all required landscaping; enforcing a 14' equipment height limit; and requiring Planning Commission review of any future requested Zoning Clearances and Time Extensions for Lots 5 and 6. These additional conditions were placed on the project in order to make the required findings including General Plan and Development Code consistency. With the appeal, the Council approved the originally requested Zoning Clearance for temporary contractor's yards on Lots 5 and 6 for a timeframe extending to September 21, 2015 (Resolution 2010-01). The property owner (Aaron Jensen) submitted a building permit in 2010 for Lot 5 and began operating a contractor's yard on November 9, 2010. The Town has periodically inspected the property since its establishment and generally found the property to be in compliance with the conditions of approval.

In 2011, Aaron Jensen submitted a Zoning Clearance application requesting to add a tow yard for use to the previously approved temporary contractor's yard (Town of Truckee Application #11-028/ZC). Cal-Nevada Towing proposed to continue to operate their office out of 10990 Industrial Way, but to store vehicles on a temporary basis at the Jensen property. At the December 14, 2011 Planning Commission hearing, the Commission adopted Resolution 2011-12, allowing the temporary tow yard in conjunction with the temporary contractor's yard. This approval was specifically for a five-year time frame, in line with the approved temporary contractor's yard, with the option to apply for a single five-year time extension. On September 15, 2015, a Time Extension application was filed requesting an additional five years to operate the temporary contractor's yard and tow yard at 11118 Trails End Road. Staff noted in the Planning Commission staff report that if the Commission determined that the Zoning Clearances were no longer appropriate or consistent with the previous approvals, General Plan, etc., then both Zoning Clearances would be deemed expired and all operations would be required to discontinue. To re-establish these uses, the property owner would need to submit an application to construct a building in conjunction with the uses. The Commission took action on December 15, 2015 to adopt Resolution 2015-16, approving the requested five-year Time Extension, extending the approvals to December 15, 2020. The businesses continued to operate on the site beyond the expiration date in 2020, and a Code Compliance Case was opened on January 7, 2022. This application is intended to remedy the code case.



Figure 3: Existing Site Conditions

Project Description

On February 2, 2023, the applicant submitted the current application requesting modifications to the previous approvals for Lot 5 of the Pioneer Commerce Phase III Subdivision, including the original restrictions placed on Lots 4-9 to address the location of the lots within the I-80 Scenic Corridor (including

establishing height and setback standards, requiring Planning Commission review for all future development projects, and prohibiting outdoor retail, storage and activity areas), and Phase III map that was recorded on October 20, 2005 (PM 19 175) with restrictions on Lots 4-9. The approvals for the temporary uses on the site (including the temporary construction contractor's yard that was approved by the Planning Commission in September 2010, which included fencing, landscaping and grading; the approval to add a temporary tow yard to the allowed uses that was approved by the Commission in December 2011; and the Time Extension that was approved by the Commission in December 2015) have since expired and the applicant is requesting approvals to modify the previous restrictions on Lot 5 and establish a permanent use on the property.

As noted in the applicant justification letter, the applicant believes that the mandate to construct a building on Lot 5 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 at this time due to the cost of construction, uncertainty of the economy, and impacts to his existing tenants. The applicant believes that the screening, landscaping and fencing that was installed as a condition of approval for permitting the temporary contractor's yard meets the scenic corridor standards of the Development Code and that nothing would be gained by construction of a building since the site is already effectively screened from Interstate 80.

In reviewing the current proposal, staff considered a number of factors related to this site including the history of the Phase III subdivision, the types of development that have occurred in the area over the years, past Council and Commission feedback, current Town development standards and General Plan policies, and ongoing community needs related to different types of industrial spaces. The original prohibition on outdoor uses on Lots 4-9 was primarily intended to address the aesthetic impacts of these uses by requiring construction of buildings to provide screening from the interstate. While the construction of buildings to support the local need for industrial floor area is still an important goal, staff is aware that there are a number of local businesses which have struggled in recent years to find industrial sites where uses that do not require a building (such as construction contractor's yards) can operate, and acknowledges that there is a current need for locations to support these types of local businesses.

Requested Land Use Approvals

The applicant is requesting approval of the following land use entitlements for the proposed project:

Recorded Map Modification

The applicant is requesting a Recorded Map Modification to amend the notes on Sheet 5 of the recorded Pioneer Commerce Phase III Subdivision Parcel Map (PM 19 175) to eliminate the applicability of Note 6 with respect to Lot 5. This note currently prohibits "outdoor retail, storage, and activity areas" on Lots 4-9. The Parcel Exhibit prepared by the applicant team (see Attachment #3) includes a number of notes related to development of Lot 5, including the existing map notes related to air quality mitigation fees, prohibition on wood-burning devices, and restrictions on tree removal; adding notes that document the current Planned Development requirements for Lot 5 related to scenic corridor setbacks (buildings, structures and parking areas must be set back a minimum of 50 feet from the Interstate 80 right-of-way) and height (buildings in Phase III that are set back a minimum of 100 feet from the Interstate 80 right-of-way may have a height greater than 25 feet); and replacing Note 6 with a note stating that all outdoor activities, equipment, materials and vehicle storage on the parcel shall be screened from Interstate 80 by a building or landscaping/fencing in compliance with the Town's screening requirements.

Development Code, Section 18.98.140 (Amendments to Recorded Maps) requires that any proposed modification of a Parcel or Final Map be decided at a public hearing before the review authority that approved the Tentative Map for the project. The Tentative Map for the Pioneer Commerce Center Phase III Subdivision was approved by the Planning Commission on February 9, 2005 (Town of Truckee Application #00-111, Resolution 2002-05); therefore, the proposed modifications to the recorded Parcel Map are required to be heard by the Commission. Upon approval of the requested modification by the review authority, the applicant is required to submit to the Town Engineer a Notice of Modification or other documents as the Town Engineer determines to be appropriate, and the documents are required to be

recorded with the Nevada County Recorder within 24 months after approval. Once recorded, the exhibit plat with the updated notes would replace Sheet 5 of the recorded subdivision map as it relates to Lot 5.

Project Amendment

The applicant is requesting Project Amendment approval to remove the restriction on outdoor uses on Lot 5 in the Pioneer Commerce Center Planned Development (amended on May 21, 2019 under Town of Truckee Application #2019-0000050, Commission Resolution 2019-10). Under the current Planned Development, Condition #8 prohibits outdoor retail, storage, and activity areas on Lots 4-9. Staff also recommends amending the language in Condition #7 of the Planned Development, which currently requires Planning Commission approval for all land use applications, including Zoning Clearances, on Lots 4-9. If approved as described above, the amendments would remove the references to Lot 5 from Conditions #7 and 8, thereby removing the prohibition on outdoor uses from Lot 5 and allowing future Zoning Clearance approvals for Lot 5 to be processed at the staff level, consistent with the Town's ministerial process for Zoning Clearances. If deviations from Town standards are requested in the future, review and approval of a Planned Development by the Planning Commission would be required.

Development Code Section 18.84.070 (Changes to an Approved Project) states that major changes to an approved project shall only be authorized by the original review authority for the project. The Planning Commission was the review authority for the Planned Development amendments in 2019, and is therefore the review authority for the proposed changes to the approved project. If the owners of the other lots within the Phase III subdivision are interested in similar amendments related to their lots in the future, they would have the option to submit a Project Amendment application requesting those modifications.

Zoning Clearance

Zoning Clearance approval is requested to establish a permanent outdoor construction contractor's yard on the property, which is a permitted use in the M (Manufacturing) zoning district. Development Code Chapter 18.72 (Zoning Clearances) provides the standards for the review and approval or denial of Zoning Clearances, which are required to verify that a requested land use activity and/or structure is an allowed use within the applicable zoning district and complies with the development standards and any design guidelines applicable to the land use or the zoning district of the site. The review process begins with the recognition that the proposed use/construction is allowed in the zoning district and focuses on issues related to site layout and design in order to arrive at the best utilization of the subject site and compatibility of design with surrounding properties.

Each of the above land use entitlements has required findings that must be made in order for the Commission to approve the project. The required findings are addressed in Draft Resolution 2023-21, Exhibit C (see Attachment #1).

General Plan Consistency

The proposed project is subject to the requirements of the 2040 General Plan. The General Plan designates the Jensen parcel as Industrial (IND). The Industrial land use designation is applied to areas of existing industrial uses and to areas determined appropriate for new industrial development based on their proximity to existing industrial development and major transportation facilities, as well as their distance from potential land use conflicts. These areas are intended to provide for relocation of existing industrial uses located along West Rier Street near the Truckee River and to accommodate projected industrial growth. The density and intensity standards include up to four dwelling units per acre and a maximum 0.35 FAR.

The 2040 General Plan identifies that Truckee's industrial sector is a central component to creating a strong four-season economy by providing residents with year-round jobs and livable wages. The Land Use Element aims to support the industrial sector by providing sufficient land for new industrial development and encouraging modernization and redevelopment of existing industrial areas. The Industrial land use designation applies to existing industrial areas and to areas determined to be appropriate for new industrial development based on their proximity to existing industrial development and major transportation facilities,

as well as their distance from potential land use conflicts. The designation allows a broad range of industrial uses, including manufacturing, processing, warehousing and distribution, with a maximum FAR of 0.35.

Several goals and policies are identified within the General Plan Land Use and Economic Development that establish a framework for this site. Goal LU-4 is aimed at supporting a strong, diverse, four-season economy by maintaining a robust industrial and maker base that provides jobs for residents and is compatible with surrounding uses. Goal ED-2 aims to foster business retention and expansion efforts in key economic sectors. The following policies therefore apply:

- Land Use Policy 4.1—Ensure adequate industrial land to support a four-season economy and to facilitate relocation of existing industrial uses outside of West River District.
- Land Use Policy 4.3—Ensure the primary use of industrial designated lands is for industrial and discourage the development of commercial or office uses within industrial designations.
- Economic Policy 2.1—Ensure the availability of sufficient manufacturing, business park and light industrial space to support the resilience and diversity of local businesses in key economic sectors.
- Economic Policy 2.2—Encourage entrepreneurship and local business ownership.
- Economic Policy 2.5—Support the retention of Truckee businesses that provide resident serving goods and services.

The Housing Element requires that new industrial developments provide housing based on the number of jobs created by the project. This parcel (and its future development) was included when Bay Area Economics conducted the jobs-housing analysis for the Planned Development approval of Pioneer Commerce Center phases I, II, and III. The analysis resulted in a project condition of approval which required the construction of 39 two-bedroom residential units (or equivalent number of bedrooms). This condition was met with the Planning Commission's approval of Town of Truckee Application #04-072 for the nearby Spring Creek subdivision.

Development Code Consistency

The project site is located within the M ("Manufacturing") zoning district. The M zoning district is applied to areas appropriate for manufacturing/industrial uses. A "construction contractor's yard" is identified as a permitted use in the M zoning district with approval of a Zoning Clearance.

Staff has reviewed the proposed project for compliance with the Development Code standards which were in place at the time the application was deemed complete for processing on June 26, 2023, as discussed below.

Scenic Corridor

Development Code Section 18.46.080 (Scenic Corridor Standards) provides standards for projects along major roadways identified by the General Plan where views should be preserved and the appearance of projects regulated within the viewshed of the roadway. New development along these corridors requires sensitivity and special attention in project design, including additional landscape screening, minimizing native vegetation removal, and minimizing disruption of hillside views, prominent slope exposures, ridgelines, scenic vistas or other environmental features. Proposed development and new land uses within scenic corridor areas and visible from the scenic highway shall be designed and constructed in compliance with the minimum requirements; if the proposed development is not visible from the scenic highway, then the review authority may reduce or waive these development standards.

The requirements include setbacks (modified by the Pioneer Commerce Planned Development to require buildings, structures, and parking areas on Lots 4, 5, 6, 7, 8 and 9 in Phase III to be setback a minimum of 50 feet from the Interstate 80 right-of-way), building height (modified by the Planned Development to state that buildings and structures in Phase III that are set back a minimum of 100 feet from the Interstate 80 right-of-way may have a height greater than 25 feet), density, mass and scale of structures, exterior lighting, grading, and enhanced landscaping.

No structures are proposed as part of the current project, so the standards related to density, mass and scale, and building height are not applicable. Additionally, no exterior lighting or new grading are proposed, which means that the standards related to these design features are also not applicable to the current project. With the previous approval for the temporary construction contractor's yard, additional screening was required (through berms, landscaping and fencing) to ensure compliance with the above standards related to enhanced landscaping.

While the above standards were put in place to address the aesthetic impacts of projects along the Town's scenic corridors, staff notes that a number of projects have been granted deviations from the scenic corridor standards over the years, with flexibility allowed for development projects where it was deemed appropriate. In the case of the current project, the applicant is not proposing any changes to the scenic corridor standards that relate to setbacks, height, etc., all of which would apply to future development of the site if structures are proposed at that time. Allowing future Zoning Clearances on the site to be reviewed at the staff level, consistent with the Town's standard practices for Zoning Clearances, would provide a more streamlined process that could help incentivize future development of a building on the site.

Landscaping

As noted above, the temporary construction contractor's yard, additional screening was required (through berms, landscaping and fencing) to ensure compliance with the scenic corridor standards related to enhanced landscaping. The existing landscaping is shown in the site photos below:



Figure 4: Existing Landscaping on Trails End



Figure 5: Existing Landscape Berm and Screening from I-80

With the temporary construction contractor's yard project review in 2010, the Planning Commission raised concerns about protecting the scenic corridor in its denial of the Zoning Clearance in May 2010. When the Town Council referred the project back to the Commission for further review, it discussed alternative screening options (including berming and landscaping) and provided direction for the Commission to work with the applicant on the visual appropriateness of the project and effective screening. The applicant provided an alternative design that included the use of berming, fencing and landscaping to provide additional screening for the outdoor storage, including a 6'8" tall wooden fencing on the south side of Lot 5 facing Interstate 80. Staff determined that the proposed screening was consistent with the Development Code standards and recommended approval of the Zoning Clearance, which was subsequently approved by the Commission. The photo in Figure 5 above shows the current conditions on the site with the wood fence, berm and landscaping that were installed as part of that project.

Due to the fact that there is existing mature landscaping on the site that was installed as part of the previous project, staff is not recommending the installation of additional landscaping as part of the current application but recommends Condition of Approval #33 requiring maintenance of the existing landscaping and irrigation.

Screening

Development Code Section 18.58.200 (Outdoor Storage and Work Areas) establishes the standards for uses with outdoor storage and work yard areas, including construction contractor's yards and required screening. The perimeter of the storage and/or work yard is required to be enclosed and screened by a

solid, sight-obscuring masonry wall or metal or wood fence with a minimum height of six feet and a maximum height of eight feet. The type and design of the wall or fence shall be approved in advance of construction or installation as part of the land use permit. The wall or fence shall include operable gate(s) to be used as the only entrance(s) and exit(s) for the property. The wall, fence, and gate(s) shall be properly maintained to continuously conform to the conditions established by the review authority.

The standards also state that all operations in conjunction with the uses, including the loading and unloading of equipment and materials, must be conducted entirely within the walled or fenced area(s). All equipment and materials, including storage containers, trailers and trucks are required to be stored within the walled or fenced area(s) and must not be visible above the height of the sight-obscuring wall or fence from any exterior property line except for mechanical equipment (including cranes, crushers and loaders), which may be of a height which may be visible beyond the limits of the property; except for equipment designed to move under its own power, all mechanical equipment with a height exceeding the sight-obscuring wall or fence shall be located a minimum distance of 40 feet from any exterior property line.

As part the temporary contractor's yard use, a solid wood fence was installed at the rear of the property to provide screening from Interstate 80 and the installation of a vinyl slat fence was allowed along the other three sides of the property. This type of fencing is not consistent with the current Development Code screening requirements. Based on a site visit, staff observed the existing fencing has become warped in places, as shown in the site photo below:



Figure 6: Existing Fencing

Staff recommends Condition of Approval #29, requiring the existing fencing on the site to be upgraded to a six-foot-tall wood fence to match the fencing that was previously installed on the rear of the property, as well as Condition of Approval #28 requiring all outdoor storage to comply Development Code Section 18.58.200 (Outdoor Storage and Work Areas).

Exterior Lighting

The application states that no exterior lighting is proposed. Staff recommends Condition of Approval #34 stating that no exterior lighting is approved for the current project and requiring review and approval by the Community Development Director, with compliance with Development Code Section 18.30.060 (Exterior Lighting), for any future lighting on the site.

Solid Waste

No solid waste requirements were included in the prior approvals for the property, including the temporary construction contractor's yard. Staff recommends Condition of Approval #35, requiring the property owner to provide minimum trash service (one trash cart and one recycling cart) for use while employees are on-site, with the storage containers required to be screened from public view, along with maintenance requirements in compliance with the Town's solid waste and recycling standards.

Parking

Development Code Chapter 18.48 (Parking and Loading Standards) does not have a standard parking demand for construction contractor's yards. Staff recommends Condition of Approval #31 stating that employee vehicle parking must occur onsite on a paved area and that no employee parking is allowed in the right-of-way, and Condition of Approval #30 limiting vehicle storage to large equipment and vehicles used as part of the contractor's business with no storage of personal vehicles, recreational vehicles, or boats allowed.

Engineering Conditions

The Engineering Division reviewed the proposed project and provided comments related to driving/maneuvering/material storage surfaces, stormwater and the pedestrian access trail. All of the Engineering comments have been addressed with the exception of the requirements related to the trail location. In reviewing the proposed application, the Engineering Division found that the trail had not been constructed entirely within the pedestrian access easement (PAE), as required. In their routing comment letter from July 2023, the Engineering Division noted that the entirety of the trail needed to be located within the existing, or a proposed, public pedestrian access easement. This could be accomplished either by the property owner relocating the entirety of the trail within the existing PAE or by the property owner offering an additional PAE to the Town, so that the entirety of the public trail is located within the PAE. The Engineering Division has provided a draft condition of approval (Condition of Approval #19) to address these requirements. All of the draft conditions of approval prepared by the Engineering Division are included in Draft Resolution 2023-21.

With incorporation of the recommended conditions of approval included in Draft Resolution 2023-21, it is staff's opinion that the project is consistent with the Development Code, and that the findings to approve the Recorded Map Modification, Project Amendment and Zoning Clearance can be made.

Trails and Bikeways Master Plan

The project is consistent with the Trails and Bikeways Master Plan in that the Class I Trail as the rear of the parcel was developed with the construction of the Pioneer Commerce Center subdivision.

Air Quality Plan

The proposed project is consistent with the requirements of the Town of Truckee Air Quality Management Plan. As a part of the Planned Development approval for the industrial subdivision, woodstoves and other wood-burning devices were prohibited on all parcels in Phases 1, 2, and 3 of the Pioneer Commerce Center. No changes are proposed that would remove this restriction.

Airport Land Use Compatibility Plan Consistency

The proposed project is located within the influence area of the Truckee-Tahoe Airport and is subject to the land use regulations of the Truckee Tahoe Airport Land Use Compatibility Plan (TTALUCP). The project is located in Compatibility Zone D. Moderate noise impacts are identified in Zone D, which the plan states are more of a concern with respect to individual loud events than with cumulative noise contours. Portions of the peak season, average day 55-CNEL contour extend into the Zone D zone. Maximum allowed densities/intensities are 150 people per acre and 600 people per a single acre. The types listed—uses that attract very high concentrations of people in confined areas—are discouraged in locations below or near the principal arrival and departure flight tracks. Hazards to flight and highly noise-sensitive uses are prohibited, and children's schools, hospitals and nursing homes are discouraged. Airspace review is required for objects over 100 feet tall and an overflight easement is required. The project was routed for review by the Nevada County Transportation Commission (NCTC), which provided no objections. Draft Condition of Approval #51 addresses NCTC's standard requirements related to overflight easements.

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 requested conditions of approval have been incorporated into Draft Resolution 2023-21. 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 #4.

Environmental Review: Staff recommends that the Planning Commission find the Recorded Map Modification, Project Amendment and Zoning Clearance exempt from the California Environmental Quality Act pursuant to Section 15301 of the CEQA Guidelines (Existing Facilities), which addresses project involving negligible or no expansion of existing or former use.

Public Communication: The public hearing notice was published in the *Sierra Sun* on December 8, 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: The applicant is requesting land use approvals for Lot 5 to establish a permanent construction contractor's yard, a use which was previously approved on the site on a temporary basis. The project is located within an existing industrial subdivision, on a lot within the Interstate 80 scenic corridor. Previously raised issues specific to this lot include aesthetics from Interstate 80 and the community need for viable industrial zoning. Both the Planning Commission and the Town Council previously determined that outdoor storage on Lot 5, exclusive of a building, could be approved on a temporary basis (with the installation of enhanced screening measures (including berming, landscaping and fencing). It is staff's opinion that a permanent outdoor contractor's yard would create with no different aesthetic or operational impacts than the temporary contractor's yard that previously operated on the site. Additionally, it is staff's opinion, the Town Council's prior discussions related to outdoor contractor's yards on Lot 5, exclusive of buildings, continues to be relevant today, as well as the Council's ultimate determination that there was a need for these types of uses within the Town. There remains a current shortage of available locations within the Town limits where an outdoor contractor's yard could operate, and this site is appropriately zoned for these types of uses. With the previous project on the site, the applicant successfully worked to address the Planning Commission's concerns related to screening and landscaping, and the temporary use has operated successfully with no complaints received by the Town. Staff has included proposed conditions of approval in Draft Resolution 2023-21 to address the potential aesthetic impacts of the project, consistent with the prior Commission direction, as well as a number of conditions of approval to ensure compliance with current Development Code standards. With incorporation of the recommended conditions of approval, it is staff's opinion that the required findings to approve the Recorded Map Modification, Project Amendment and Zoning Clearance 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 Recorded Map Modification, Project Amendment and Zoning Clearance subject to adding, modifying, or eliminating any provision or condition of approval of the project.
 - b. Deny the Recorded Map Modification, Project Amendment and Zoning Clearance on the basis that one or more of the required findings cannot be made.

Attachments:

1. Draft Planning Commission Resolution 2023-21
2. Applicant-Provided Letter of Justification
3. Proposed Plan Set
4. Agency Comment Letters