

TOWN OF TRUCKEE
California

RESOLUTION NO. 2001-25

**A RESOLUTION OF THE TRUCKEE TOWN COUNCIL
APPROVING LAND USE APPLICATION 00-111/PD-CUP-PD-LLA-ABN
(THE PIONEER COMMERCE CENTER)**

WHEREAS, the Pioneer Commerce Center has submitted an application for a planned development, conditional use permit, development permit, lot line adjustment, and easement abandonment for the construction of a 11 building industrial/mixed-use development; and

WHEREAS, the Planning Commission, acting in an advisory role, has recommended to the Town Council to conditionally approve land use application 00-111/PD-CUP-DP-LLA-ABN; and

WHEREAS, on May 17, 2001 the Town Council considered a Planning Commission recommendation to approve the Pioneer Commerce Center development located on Assessor Parcel Number 19-420-25, 31, 32, 39 in a duly noticed hearing at which all interested parties had an opportunity to present evidence and testimony; and

WHEREAS, in accordance with Section 15051 of the C.E.Q.A. Guidelines the Town of Truckee was identified as the lead agency for the preparation of the environmental documentation for the project; and

WHEREAS, an Initial Study was prepared for the project, the Initial Study concludes the project will not have a significant effect on the environment upon incorporation of mitigation measures into the project, and a Mitigated Negative Declaration is proposed for the project; and

WHEREAS, a 30-day public review period was provided on the Mitigated Negative Declaration to allow Federal, State, through the State Clearing House, and local agencies, interested persons and organizations, and other members of the public to review and comment on the adoption of a Mitigated Negative Declaration; and

WHEREAS, a public notice was published in the *Sierra Sun* and mailed to property owners within 300 feet of the project site informing the public of the availability of the Mitigated Negative Declaration and the date, time, and location of the public hearing for the consideration of the adoption of the Mitigated Negative Declaration and the approval or denial of the planned development, conditional use permit, development permit, and lot line adjustment; and

THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TRUCKEE, that land use application 00-111/PD-CUP-DP-LLA-ABN (The Pioneer Commerce Center) is hereby approved with the following actions:

1. Adopt a Mitigated Negative Declaration for the project;
2. Pursuant to Section 21089 of the California Public Resources Code and Section 711.4 et seq. of the California Fish and Game Code, finds the project will have an adverse impact on wildlife resources and is subject to the DFG environmental filing fee;
3. Approve a planned development for the project as set forth in Exhibit A (Planned Development Provisions) attached hereto and incorporated herein, thereby making modifications to 2000 Development Code Ordinance requirements for this project;

4. Approve the conditional use permit and development permit for the project, subject to the conditions of approval set forth in Exhibit B (Use Permit and Development Permit Conditions of Approval) attached hereto and incorporated herein; and
5. Approve the lot line adjustment for the project, subject to the conditions of approval set forth in Exhibit C (Lot Line Adjustment Conditions of Approval) attached hereto and incorporated herein;
6. Approve the easement abandonment, subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated herein.
7. Adopts the findings set forth in Exhibit D (Findings), in support of the adoption of the Initial Study/Mitigated Negative Declaration and approval of the planned development, conditional use permit, development permit, and lot line adjustment.

BE IT FURTHER RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF TRUCKEE, the project staff report, resolution, and minutes of the May 9, 2001 public meeting are incorporated by reference and provide a factual basis for approval of the project.

* * * * *

The foregoing Resolution was introduced at a regular meeting of the Town Council of the Town of Truckee, held on the 17th day of May, 2001, by Council member ***** who moved its adoption, which motion being duly seconded by Council member ***** was upon roll call carried and the Resolution adopted by the following vote:

AYES: Council member(s)

NOES: Council member(s)

ABSENT: Council member(s)

Don McCormack, Mayor

Attest:

Pat Osborne, CMC, Town Clerk

EXHIBIT "A"

APPLICATION NO. 00-111 THE PIONEER COMMERCE CENTER

PLANNED DEVELOPMENT

1. The following modifications to the 2000 Development Code are hereby approved for Application No. 00-111, commonly referred to as The Pioneer Commerce Center. If conflicts occur between the requirements of the Development Code and the requirements of the Planned Development, the requirements of the Planned Development shall control. This planned development shall apply to Application No. 00-111, and the approval of this planned development shall expire if the use permit for Application No. 00-111 expires.
2. The Scenic Corridor Standards pursuant to Section 18.46.070 of the Development Code is modified as follows:
 - (a) Allow structures and parking areas to be distances less than 100 feet from Interstate 80 as depicted on the approved site plan.
 - (b) Allow buildings to be greater than 25 feet in height within the Scenic Corridor Setback as depicted on the approved site plan and building elevations.
3. The commercial land use activities that are not otherwise allowed in the "M" zoning district pursuant to Table 2-6 of the Development Code is modified to allow only the following uses:
 - (a) Health/Fitness Facilities, Ice Skating Rinks, Indoor Recreation Center, Libraries and Museums, Membership Organizational Facilities, Outdoor Commercial Recreation, Schools- public/private, Theatres, Meeting Halls, Alcoholic Beverage Sales other than Beer and Wine, Auto Part Sales, Convenience Store, Furniture, Furnishing and Equipment Stores, Plant Nurseries and Garden Supply Stores, Restaurants-Counter Service/Table Service, Retail Stores-General Merchandise, Bars and Drinking Establishments, Second Hand Stores, Automated Teller Machines (ATM), Banks and Financial Services, Business Support Services, Car Wash, Medical Services-Clinics and Labs, Business and Professional Offices, Personal Services, Repair/Maintenance-Consumer Products, and Broadcasting Studios.
4. The aforementioned uses are only approved to be located in either the designated office, retail, and/or restaurant areas of the development, depending on that land use category they fall under (i.e., service uses, retail trade uses, recreation uses, etc.) per Table-2-6 of the 2000 Development Code.

EXHIBIT “B”

APPLICATION NO. 00-111 THE PIONEER COMMERCE CENTER

USE PERMIT/DEVELOPMENT PERMIT CONDITIONS OF APPROVAL

General Conditions of Approval

1. This conditional use permit/ development permit is approved for the construction of 11 building industrial/mixed use development project as detailed on the site plan dated March 8, 2001 and on file in the Community Development Department. The applicant is responsible for complying with all conditions of approval and providing evidence to the Planning Division of compliance with the conditions. The project shall comply with the time limits established by Chapter 18.84 of the Development code and the following:
 - a) The use permit/development permit for Phase 1 shall be exercised within two years from the date of approval of the land use permits. The permits shall not be deemed exercised until the applicant has obtained the necessary building permits for construction and, at a minimum, the installation of the infrastructure and foundations for all structures within that phase have been completed.
 - b) Construction for Phase 2, consisting of obtaining the necessary permits and initiating grading or building construction, shall commence within two years after the construction is initiated on Phase 1. If construction for Phase 2 is not commenced within these time frames, the land use permits shall be deemed expired for Phase 2. Phase 2 shall be completed within two years after construction for Phase 2 has commenced.

The Town Council may approve a time extension to the above time frames to establish the approved use in accordance with Section 18.84.050(c) of the Development Code. **(Planning Division)**

2. The following conditionally permitted uses are approved as part of the development: Churches/Places of Worship; School-Specialized Education and Training; Employee Housing; Live/Work Quarters; Child Day Care Facilities; Veterinary clinics, Animal Hospitals, Kennels, and Boarding Uses; and Commercial Parking and Vehicle Storage. Other conditional uses listed in Table 2-6, allowed Uses and Permit Requirements, of the Development Code will require a conditional use permit prior to occupancy of the tenant space. **(Planning Division)**

3. The Town Planner 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. Major changes and alterations to the approved plans and conditions of approval shall be reviewed and approved by the Town Council in accordance with Section 19.84.070(B)(2) of the Development Code. **(Planning Division)**
4. Except as modified by the specific provision and conditions of approval of Exhibits A and B of this resolution, the project at each phase shall comply with all applicable provision and standards of the 2000 Development Code, including, but not limited to the following:
 - General Development Standards as contained in Table 2-4 including site coverage, setbacks, and height limits;
 - Air Emissions in accordance with Section 18.30.030;
 - Drainage and stormwater runoff in accordance with Section 18.30.050;
 - Fences and walls in accordance with Sections 18.30.070 and 18.30.110(c);
 - Building height in accordance with Section 18.30.090;
 - Snow Storage in accordance with Section 18.30.130;
 - Solid Waste and recyclable materials storage for all residential and non-residential units in accordance with Section 18.30.150;
 - Open Space in accordance within Chapter 18.46;
 - Parking in accordance with Chapter 18.48;
 - Bicycle Parking in accordance with Section 18.48.090;
 - Exterior lighting in accordance with Section 18.30.060;
 - Scenic Corridor standards in accordance with Section 18.46.070;
 - Outdoor Display and Sales in accordance with Section 18.58.190;
 - Outdoor Storage and Work Areas in accordance with Section 18.58.200.

The provision and standards of the 2000 Development Code that shall be applied to this project shall be those provision and standards in effect on November 6, 2000. **(Planning Division)**

5. Any fees due to the Town of Truckee for processing this project shall be paid to the Town within thirty (30) calendar days of final action by the approval authority. 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)**
6. 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)**

Grading and Drainage

7. A drainage study shall be submitted to analyze the existing and projected storm water runoff from the project site and the capacity of off-site drainage facilities from the project site. If the drainage facilities do not have sufficient capacity, the drainage study shall identify drainage improvements (both on-site and off-site) to decrease the amount of stormwater runoff from the site and/or increase the capacity of Town and/or Caltrans drainage facilities to accommodate the project's stormwater runoff. The study shall conclude that the project's stormwater runoff will not result in flooding impacts on Interstate 80 or surrounding properties. **(Mitigation Measure 7a)**
8. A drainage and erosion control plan shall be prepared by a licensed engineer in accordance with the requirements of the Town Building Code and Development Code and any requirements imposed by the Chief Building Official and Town Engineer. No grading shall occur on the site and no grading or building permits shall be issued for the project until the plan is submitted to and approved by both the Chief Building Official and Town Engineer. The plan shall:
 - Incorporate all requirements and standards of the Lahontan Regional Water Quality Control Board (RWQCB) including requirements and standards following the Project Guidelines for Erosion Control for the Truckee River Hydrologic Unit as adopted by the Regional Board, the Storm Water Pollution Prevention Plan, and the National Pollution Discharge Elimination System permit.
 - Include, but not be limited to, calculations of existing runoff coefficient conditions; complete culvert design, including loss calculations, at each affected crossing; runoff calculations of existing runoff and potential runoff from the construction of structures and other impervious surfaces; calculations for 20-year and 100-year floods of the drainage course both before and after project completion; off-site flows which are conveyed through the project site; location of off-site discharge points; ability of drainage courses to accommodate expected runoff volumes; boundaries of all existing drainage easements.
 - Analyze the existing and projected stormwater runoff from the project site and the capacity of off-site drainage facilities from the project site to determine if the existing drainage facilities have sufficient capacity to accommodate the increased stormwater runoff from the project site. If the drainage facilities do not have sufficient capacity, the plan shall identify drainage improvements (both on-site and off-site) to decrease the amount of stormwater runoff from the site and/or increase the capacity of Town drainage facilities to accommodate the project's stormwater runoff. The plan shall conclude that the project's stormwater runoff will not result in flooding impacts on Deerfield Drive or surrounding properties.
 - Incorporate any and all improvements necessary to comply with the Town Building Code, Development Code, provisions of this condition, and the requirements of the Lahontan RWQCB.**(Planning Division, Engineering Division)**

9. Construction work associated with the replacement of Town and/or Caltrans drainage facilities required as part of this project shall comply with the erosion control regulations of Section 18.30.050(C) of the Development Code. The Town Engineer shall verify that temporary and permanent erosion control measures consistent with Section 18.30.050(C), the Regional Water Quality Control Board's Truckee River Hydrologic Unit Project Guidelines for Erosion Control, and the State of California Stormwater Best Management Practices Handbook are incorporated into the project's improvement plans prior to their approval and all work is done in accordance with the approved improvement plans. **(Planning Division, Engineering Division)**
10. Prior to issuance of any grading or building permits for a project phase, the applicant shall provide performance guarantees with sufficient legal commitments and financial sureties to guarantee the faithful performance of any and all conditions of approval and completion of the phase or to guarantee the restoration of the site if the phase is not completed. The form, manner, and amount of the guarantee shall comply with the requirements of the Town Planner and the Town Attorney and shall be reviewed and approved by the Community Development Director prior to issuance of permits. **(Planning Division)**
11. If soil contamination is uncovered during construction activity, all construction activities shall cease. The Town Planner and the Nevada County Environmental Health Department shall be notified, and the Nevada County Environmental Health Department shall conduct a site investigation, determine the extent of the contaminated material found, and establish an appropriate method of disposal of the contaminated soil. Construction shall not recommence until authorized by the Town planner. **(Mitigation Measure 6a)**

Street and Infrastructure Improvements

12. The overhead electrical power line to serve the subject property, exclusive of the Sierra Pacific Transmission Power Lines, and any appurtenant utility lines, along the Pioneer Trail from the project site's eastern property line to its western property line shall be undergrounded in accordance with the requirements of the Sierra Pacific Power Company and the Town Engineer. The entirety of this work shall be completed as part of Phase 1 and shall be included in the engineered improvement plans prepared for Phase 1 of this project unless the Sierra Pacific Power Company and Town Engineer defer the undergrounding of the electrical power line to a later phase so it may be coordinated with other utility improvements planned along the street frontage. **(Engineering Division)**
13. Sewage facilities shall be reviewed and approved by the Truckee Sanitary District (TSD). Connection fees and service charges will be payable to the TSD and Tahoe-Truckee Sanitation Agency prior to connection to the sewer collection system.
14. Water, gas and electrical facilities shall be reviewed and approved by the Truckee Donner Public Utility District (TDPUD), Southwest Gas Corporation, and the Sierra Pacific Power Company. Connection fees and service charges will be payable to the aforementioned utility companies prior to connect to the water, gas and/or electrical systems. **(Planning Division)**

15. The applicant shall offer for dedication to the Town the Pioneer Trail street right-of-way that will encompass the first segment of the Tahoe Donner Third Access Road. If any of the required frontage improvements, including sidewalks and/or trails, are not located within the Town right-of-way, the applicant shall offer for dedication to the Town the appropriate easement or right-of-way for these improvements as depicted on the approved site plan. The type, width, and location of the offers of dedication shall be determined by the Town Engineer, and the dedications shall be offered in accordance with the requirements of the Town Planner prior to issuance of a certificate of occupancy or other Town approval for occupancy. **(Engineering Division)**
16. The following easements and/or offers for dedication shall be recorded prior to issuance of a certificate of occupancy or other Town approval for occupancy:
 - a. Drainage easements throughout parcel number 19-420-25 shall be granted to the Town of Truckee in order to provide access to Town and/or Caltrans drainage facilities, subject to approval by the Town Engineer.
 - b. The applicant shall offer for dedication to the Town a 20 feet wide pedestrian trail easement connection that will lead pedestrian towards the Downtown. Improvements of the trail shall be approved by the Town Engineer and installed prior to issuance of a certificate of occupancy.
 - c. The applicant shall provide easements and improvements, to be approved by the Town Engineer and installed prior to issuance of a certificate of occupancy, for pedestrian connections from Building H to the eastern right-of-way connection and Building J to the western right-of-way connection. The easements shall be recorded and detailed on the improvements plans.
17. Prior to the abandonment of the existing 60 feet wide road and public utility easement, a new 60 feet wide road and public utility easement shall be relocated on parcels 19-420-25 and parcel number 19-420-39. The easement shall be consistent with the requirement from the Truckee Donner Public Utility District per the letter dated April 11, 2001, and subject to approval by the Town Engineer and the Truckee Donner Public Utility District. The relocated easement shall be recorded simultaneously with the easement abandonment. **(Engineering Division)**
18. The applicant shall receive approval from the Truckee Donner Public Utility District (TDPUD) to relocate the existing access easement the agency has to access parcel number 19-420-21. A revised easement agreement, approved by the TDPUD and the Town Engineer, shall be recorded prior to issuance of any building permit. **(Engineering Division)**
19. Engineered improvement plans for frontage improvements, drainage facilities, and utility lines within or adjacent to the Pioneer Trail right-of-way and additional trails shall be prepared and signed by a registered engineer. The improvements shall be designed in accordance with the requirements of the Town Engineer, and the improvement plans shall be approved by the Town Engineer prior to commencement of any work and prior to issuance of any building permits. **(Engineering Division)**

20. The Traffic Impact Fee adopted by the Town of Truckee, creating and establishing the authority for imposing and charging traffic impact fee, within the Town, shall be paid prior to occupancy of the building. The fee shall be based on the latest fee schedule adopted by the Town Council in effect at the time of building permit issuance. The amount of said fee as of May 17, 2001 is \$822,826 dollars. **(Engineering Division)**
21. The applicant shall remove the center south-side driveway along Pioneer Trail, or limit the subject driveway to right-turn only movements subject to design and improvement plans approved by the Town Engineer. **(Mitigation Measure 13a))**
22. Left turn channelization shall be constructed for all intersections that provide access into the project driveways along Pioneer Trail. The cost associated with the installation of the left turn channelization, as determined by the Town engineer, shall be credited against the project applicants traffic impact fees. **(Mitigation Measure 13b, Engineering Division)**

Site and Building Design

23. Prior to commencement of any work on the site, the applicant shall obtain a building permit(s) for grading and construction of the building (s). Complete building plans and engineering in accordance with the Town Building Code will be required for all structures. The building plans shall include details and elevations for all State of California, Title 24, handicap regulations. **(Building Division)**
24. The final site and building designs for the project shall comply with the site plans and building elevations approved on May 17, 2001 on file in the Community Development Department. For project modifications and design elements not addressed by the Town Council in their design approval of the project, the Town Planner may impose additional requirements on the site and building designs to ensure consistency with the Town Design Guidelines. **(Planning Division)**
25. Any mechanical equipment and trash enclosures shall be screened from public view. Screening shall be compatible in color with adjacent building materials. All flashing, vents, and gutters shall be painted in a color to blend with adjacent building colors. The trash enclosures shall be screened by a wooden fence with the same finish materials and colors as the buildings or a wall with split-face concrete masonry unit or similar material. **(Planning Division)**
26. The project shall comply with all applicable Truckee Fire Protection District ordinances and requirements as determined by the District Fire Marshal. These ordinances and requirements may include, but not be limited to, installation of fire hydrants, minimum fire flow, automatic sprinkler systems for buildings, driveway and turnaround specifications, fuel clearance, and payment of fire mitigation fees. **(Planning Division)**

27. The project shall provide landscaping in accordance with Chapters 18.40 and 18.42 of the Development Code except as modified as follows:
- a. Prior to issuance of the temporary or final certificate of occupancy for each phase, the applicant shall request an on-site inspection from the Planning Division and submit a landscape inspection fee in the amount established by the Town Fee Schedule. All landscaping shall be installed in accordance with the approved landscape plan and these landscape conditions prior to issuance of a temporary certificate of occupancy OR installation of the landscaping shall be guaranteed by a performance guarantee or other acceptable security prior to issuance of a temporary certificate of occupancy and installation shall be completed prior to issuance of a final certificate of occupancy.
(Planning Division)
28. The applicant shall provide evidence to the Town Planner that the landscaping for the project will adequately screen the parking area located on the south side of Building B. If the Town Planner determines the subject parking area cannot be adequately screened, the parking area shall be removed and replaced with landscaping. **(Planning Division)**
29. Trees removed greater than 6 inches in diameter measured from the circumference breast height shall be replaced at a ratio of 1:2 (one replacement tree for every 2 removed) to a maximum of 100 replacement trees total, exclusive of trees for parking areas and along Pioneer Trail with the exception of the proposed trees to be planted along the southern property line that runs parallel with Interstate 80. The majority of replacement trees shall consist of native evergreens. Replacement trees shall be primarily located within areas screening parking and driveway area from adjoining properties and public rights-of-way and within parking areas. Off-site planting of replacement trees will be permitted within the surrounding area if adequate landscape area is not available within the project site, contingent upon the receiving land owner/manager consent. Replacement tree locations, species and sizes shall be detailed on the final landscape plan. Replacement trees shall be required to be a minimum of 15 gallons. **(Mitigation Measure 3a)**
30. The applicant shall submit to the Planning Division a complete maintenance contract providing for proper maintenance of all landscaping and irrigation. The property owner shall maintain all plantings and irrigation, and in any case where required plantings have not survived, the property owner shall be responsible for replacement with equal or better plant materials. **(Planning Division)**
31. All proposed trees to be planted within the public right-of-way, as depicted on the landscape plan, shall be required as proposed and shall be located a minimum three (3) feet from any and all edges of the proposed sidewalk. Modifications to the preliminarily approved landscape plan within the right-of-way will need to be approved by the Town Planner and Town Engineer. **(Engineering Division)**
32. All proposed trees to be planted within the Pioneer Trail right-of-way shall be appropriate for the site and utilize root barriers and/or root guards to ensure that the roots of the trees will not

interfere with the proposed side walks and road pavement. Additionally, the Town Engineer, prior to the installation of the landscaping, shall approve all tree types within a right-of-way. **(Engineering Division)**

33. If the proposed trees within the right-of-way cause damage to the existing road and pedestrian infrastructure on Pioneer Trail due to uprooting trees, the applicant and/or subsequent property owners shall be responsible to maintain and/or repair the proposed sidewalk and pavement where necessary. If damage is found within the subject right-of-way, the Town Engineer shall assess the damage and determine the appropriate course of action to remedy the cause (i.e., damage caused by roots or natural decay of infrastructure). **(Engineering Division)**
34. Prior to issuance of any building permit, the applicant shall submit a comprehensive signage plan for all signage to be located within the development, including monument/ground-mounted and building signage. The comprehensive signage plan shall include all information necessary to demonstrate compliance with the Town signage specifications as detailed in the Development Code. Furthermore, no signage shall be visible from I-80. **(Planning Division)**
35. Prior to issuance of a building permit, the applicant shall submit a comprehensive fence plan, identifying the exact location, dimensions, and materials. The comprehensive fence plan shall demonstrate compliance with the Town signage specifications as detailed in the Development Code and shall require approval by the Town Planner. **(Planning Division)**

Airport Restrictions

36. Prior to temporary or final occupancy of the buildings, the property owner shall grant an aircraft overflight easement to the Truckee Tahoe Airport District. The easement shall include the language shown in the "Typical Overflight Easement" sample provided in Exhibit D2 of the Airport Land Use Planning Handbook (CalTrans Division of Aeronautics, December 1993). The easement shall be reviewed and approved by the Town Planner prior to its recordation in the Nevada County Recorder's Office. **(Airport District Regulation)**
37. The subject parcel is located within a 60 dBA CNEL contour as specified by the Truckee Tahoe Comprehensive Land Use Plan. All residential buildings within the 60 dBA CNEL contour shall comply with the interior noise level standard of 45 dBA CNEL. Mitigation measures such as acoustical rated windows and acoustical rated building materials shall be incorporated into the design of the building to reduce the interior noise levels to 45 dBA CNEL. Prior to issuance of any building permits, a noise analyst shall certify on the building plans that noise mitigation measures have been incorporated into the building design to reduce interior noise levels to 45 dBA CNEL and such measures are shown on the building plans. **(Mitigation Measure 10a)**
38. As part of any lease agreement for the rental of a residential unit, the following language shall be included in the lease:

This property is in the area subject to overflights by aircraft using the Truckee Tahoe Airport, and as a result, residents and guests may experience

inconvenience, annoyance or discomfort arising from the noise of such operations. State law (Public Utilities Code Section 21670 et seq.) establishes the importance of public use airports to protection of the public interest of the people of the State of California. Residents and guests of property near a public use airport should therefore be prepared to accept such inconvenience, annoyance or discomfort from normal aircraft operations.

(Planning Division)

Noise

39. Hours of operation of construction activities shall be limited from 7 a.m. to 7 p.m. or dusk, whichever occurs first, Monday through Saturday. No construction shall be permitted on Sundays. Interior construction activities may occur after these hours if such activities will not result in exterior noise audible at property lines. Improvement, grading, and building plans shall note these limited hours of construction. **(Mitigation Measure 10b)**

Air Quality

40. A dust suppression plan shall be prepared concurrently with and made a part of the improvement, grading, and construction plans for the project. The dust suppression plan shall note any and all methods necessary to comply with the following:
- a. Open burning of site-clearing vegetation shall be prohibited. Site cleared vegetation shall be treated by other legal means including, but not limited to, chipping, shredding, and grinding. The dust suppression plan shall note how site cleared vegetation will be disposed.
 - b. Clearing, earth-moving, and excavation operations and other grading activities shall cease when the wind speed exceeds 20 miles per hour averaged over one hour.
 - c. During clearing, demolition, earth-moving, and excavation operations and other grading activities, fugitive dust emissions shall be controlled by dust-preventative measures to ensure regular stabilization of dust emissions. Materials excavated or graded shall be sufficiently watered or applied with dust palliatives to prevent amounts of dust. If watering is used, areas with disturbed soils shall be watered at least twice daily, in the late morning after excavation and grading has commenced and after work is done for the day. Materials transported off-site shall be either sufficiently watered or securely covered to prevent excessive amounts of dust.
 - d. Graded areas that will not be covered with structures or other improvements shall be revegetated to minimize dust and erosion. Revegetation shall occur within one month after completion of grading and excavation for the project. Portions of the construction site to remain active longer than three months after completion of the project shall be seeded and watered until grass cover is grown and maintained.
 - e. The Town Planner may require other best available control measures (BACM) to control particulate matter emissions from the site during construction.

(Planning Division)

41. A particulate matter emissions study shall be prepared in order to estimate the amount of

emissions generated from vehicle tail pipes and re-entrained road dust. **(Mitigation Measure 2a)**

42. To offset PM_{10} emissions from vehicle tail pipes and re-entrained road dust to a level of zero from these sources, the applicant shall have the option to pay either an air quality mitigation fee not to exceed \$2000.00 per ton of particulate matter, or provide implementation measures to reduce on and/or off-site emissions in order to prevent no net increase in particulate matter emissions. **(Mitigation Measure 2b)**
43. To offset project contributions to cumulative air quality degradation in the area, woodstoves and other wood-burning devices shall be prohibited within the project. **(Mitigation Measure 2c)**

Other Conditions of Approval

44. If artifacts, paleontological or cultural, or unusual amounts of stone, bone, or shell are uncovered during construction activity, all construction activities shall cease within a 200-foot radius of the find. The Town Planner shall be notified of the find, and an archaeologist shall investigate the find to determine the extent and location of the discovered materials. The archaeologist shall amend the cultural resources evaluation conducted on the site to determine the significance of the discovered materials and to identify mitigation measures to eliminate or reduce any significant effects to a less than significant level in accordance with the CEQA Guidelines. The Town Planner shall require the mitigation measures to be incorporated into the project and to be implemented prior to recommencement of construction activity. Construction shall not recommence until authorized by the Town Planner. **(Mitigation Measure 4a)**
45. Prior to issuance of a building permit, a letter from the Nevada County Department of Environmental Health shall be submitted to the Town Planner. The letter shall state that the applicant has provided the Department of Environmental Health with “will serve” letters from the appropriate public agencies for water and sewer. **(Building Division)**
46. Prior to issuance of a certificate of occupancy, a letter from the Nevada County Department of Environmental Health shall be submitted to the Town Planner. The letter shall state that the applicant has provided the Department of Environmental Health with “proof of service” from the appropriate public agencies for water and sewer and solid waste storage for the project complies with Department of Environmental Health regulations. **(Building Division)**
47. Pursuant to Section 21089 of the California Public Resources Code and Section 711.4 et seq. of the California Fish and Game Code, fees in the amount of \$1,250.00 and \$32.00 shall be submitted to the Planning Division within five (5) working days of this permit approval of the project. A check in the amount of \$1,282 shall be made payable to the County of Nevada and submitted to the Town Planning Division. No grading or building permits shall be issued until the fees are paid. The fees are required to be collected on behalf of the Department of Fish and Game and are not for Town purposes. **(Planning Division)**

48. The applicant shall pay all required impact fees as required by each respective District, including fire, school, and recreation fees. The requirements of the responsible agencies and special districts commenting on this project are attached to this approval and incorporated by reference. Enforcement and clarification to any of these agency / district requirements and the necessary timing for satisfying these requirements is at the discretion of the respective agency / district. Commenting agencies include:
- Nevada County Department of Environmental Health
 - Truckee Fire Protection District
 - State of California Regional Water Quality Control Board, Lahontan Region
 - Northern Sierra Air Quality Management District
- (Planning Division)**
49. Any fees due to the Town of Truckee for processing this project shall be paid to the Town within thirty (30) calendar days of final action by the approval authority. Failure to pay such outstanding fees within the time specified shall invalidate any approval or conditional approval granted by this action. **(Planning Division)**
50. The applicant shall submit a comprehensive Solid Waste Storage Area Plan to the Town Engineer prior to the issuance of a building permit for the construction of the Pioneer Commerce Center. The storage size for the solid waste and recyclables shall comply with the Development Code, unless the requirements are reduced by the Town Engineer. **(Mitigation Measure 14a)**
51. Prior to issuance for any building permit for buildings associated with Phase 2 of the development, the applicant shall provide an employee estimation of the project and enter into an agreement with the Town to address any affordable housing need. If the employee sum generated from both Phase 1 and Phase 2 exceeds 100 employees, the applicant shall mitigate the housing need by entering into a development agreement for service level employees through the construction of affordable and/or market housing that serves the income level of individuals employed on site. The housing may be located either on or off-site. Employees generated from the relocation of the existing business from one location in Truckee to this site shall not be counted towards the total new employee generation. If such relocations result in additional employees, only those new employees will be counted. **(Planning Division)**

EXHIBIT "C"

APPLICATION NO. 00-111 THE PIONEER COMMERCE CENTER

LOT LINE ADJUSTMENT CONDITIONS OF APPROVAL

1. The Lot Line Adjustment is approved as shown on the approved attachment known as MBR No Exhibit B plat map dated on March 8, 2001 for the creation of resultant parcels one (4.31 acres), resultant parcel two (2.62 acres), resultant parcel three (33.52 acres), and resultant parcel 4 (5.06 acres) located entirely within the Town of Truckee's M zoning district.
2. Completion of the approved lot line adjustment will require the submittal and approval of all documents and supporting information required by the Town Engineer and Community Development Director, including:
 - Resultant parcels legal descriptions (2, both originals signed and stamped).
 - Original transferring parcels legal descriptions.
 - Original exhibit plats to be attached to their respective resultant parcel deeds. The plats shall be in a 8 ½ x 11 inch format with a ½ inch minimum border. The applicant, when resizing the sheets, can delete the Trustee's Statement, the list of owner/addresses, the list of proposed acreage, and the term "MBR NO" and "Minor Boundary" and substitute the aforementioned information with "No.00-111/LLA and Lot Line Adjustment".
 - Tax Certificate
3. Each resultant parcel is required to maintain existing and/or be allowed to provide for modified access and utility easements in order to provide means to bring sufficient infrastructure to the individual parcels.
4. The approved lot line adjustment shall be recorded with the County of Nevada prior to the issuance of a certificate of occupancy or other Town approval for occupancy.

EXHIBIT "D"

APPLICATION NO. 00-111 THE PIONEER COMMERCE CENTER

FINDINGS

Conditional Use Permit / Planned Development / Development Permit/ Lot Line Adjustment/Easement Abandonment

Conditional Use Permit / Planned Development / Development Permit

- 1. The proposed development is allowed within the subject zoning district and generally complies with all applicable provisions of the Development Code, Town Municipal Code, and Public Improvement and Engineering standards relating to both on- and off-site improvements that are necessary to accommodate maximum flexibility in site planning and property development and to carry out the purpose, intent, and requirements of the respective zoning district, including prescribed development standards and applicable design guidelines.**

This finding is supported by the discussion contained in the "General Plan and Zoning Consistency" and "Site and Building Design" sections of the Commission staff report dated May 9, 2001, and Section 8 (Land Use, Planning, Population, and Housing) of the Initial Study/Mitigated Negative Declaration.

- 2. The proposed development is consistent with the General Plan, any applicable Specific Plan, the draft Trails Master Plan, and the Particulate Matter Air Quality Management Plan.**

This finding is supported by the discussion contained in the "General Plan and Zoning Consistency" section of the Commission staff report dated January 10, 2001 and in Sections 1 (Aesthetics), 2 (Air Quality), 3 (Biological Resources), 7 (Hydrology and Water Quality), 8 (Land Use, Planning, Population, and Housing), 10 (Noise), 11 (Public Services), 13 (Transportation/Traffic), and 14 (Utilities and Service Systems) of the Initial Study/Mitigated Negative Declaration.

- 3. The proposed development is consistent with the design guidelines, achieves the overall design objectives of the design guidelines, and would not impair the design and architectural integrity and character of the surrounding neighborhood.**

This finding is supported by the discussion contained in the "Site and Building Design" section of the Commission staff report dated May 9, 2001, and Section 1 (Aesthetics) of the Initial Study/Mitigated Negative Declaration.

4. **The land use approvals are in compliance with the requirements of the California Environmental Quality Act (CEQA) and there would be no potential significant adverse effects upon environmental quality and natural resources that would not be properly mitigated and monitored, unless a Statement of Overriding Considerations is adopted.**

The Planning Commission adopts the mandatory findings of significance as stated in the Initial Study/Mitigated Negative Declaration. Although the project may have significant effects on the environment, mitigation measures have been made to the project to eliminate or reduce each of these impacts to a less than significant level. These findings are supported by the discussion contained in the Initial Study/Mitigated Negative Declaration.

The mitigation measures have been incorporated into the project as conditions of approval. The timing, responsible staff person, and inspection and reporting requirements of the mitigation measures are stated in the conditions of approval and implemented through standard Town improvement plan, grading, and building permit procedures and requirements. The Town Planner, or their designee, shall be responsible for ensuring that the mitigation measures are properly implemented prior to issuance of any grading or building permits and prior to issuance of any approvals for occupancy. The Town Engineer and Chief Building Official shall inspect construction of the project at standard inspection timeframes to ensure the mitigation measures are properly implemented during construction.

5. **There are adequate provisions for public and emergency vehicle access, fire protection, sanitation, water, and public utilities and services to ensure that the proposed development would not be detrimental to public health and safety.**

This finding is supported by the discussion contained in Sections 6 (Hazards and Hazardous Materials), 11 (Public Services), and 14 (Utilities and Service Systems) of the Initial Study/Mitigated Negative Declaration.

6. **The subject site is physically suitable for the type and density/intensity of development being proposed, and adequate in size and shape to accommodate the use and all fences and walls, landscaping, loading, parking, yards, and other features required by this Development Code.**

The project complies with all applicable provisions of the Development Code except where noted in the Commission staff reports dated May 9, 2001. The reduction of the scenic corridor setback and authorization of commercial, retail, and service land use activities that are not otherwise allowed in the M zoning district will not adversely affect the project or surrounding properties as supported by the discussion in the "Development Standard Modifications" and "Site and Building Design" sections of the staff report dated May 9, 2001.

7. **The subject site is served by streets adequate in width and pavement type to carry the quantity and type of traffic generated by the proposed development.**

This finding is supported by the discussion contained in the “Traffic and Circulation” section of the Commission staff report dated May 9, 2001 and in Section 13 (Transportation/Traffic) of the Initial Study/Mitigated Negative Declaration.

8. **The proposed development is consistent with all applicable regulations of the Nevada County Department of Environmental Health and the Truckee Fire Protection District for the transport, use, and disposal of hazardous materials.**

This finding is supported by the discussion contained in Section 6 (Hazards and Hazardous Materials) of the Initial Study/Mitigated Negative Declaration.

9. **The design, location, size, and operating characteristics of the proposed development would be compatible with the existing and future land uses in the vicinity.**

This finding is supported by the discussion contained in the “Development Standard Modification-Land Uses” and “Site and Building Design” sections of the Commission staff report dated May 9, 2001, and Sections 8 (Land Use, Planning, Population, and Housing) and 10 (Noise) of the Initial Study/Mitigated Negative Declaration.

10. **The design, location, size, and operating characteristics of the proposed development would not be detrimental to the public health, safety, or welfare of the Town, or injurious to the property or improvements in the vicinity and zoning district in which the property is located.**

This finding is supported by the discussion contained in Sections 2 (Air Quality), 5 (Geology and Soils), 6 (Hazards and Hazardous Materials), 7 (Hydrology and Water Quality), 10 (Noise), of 13 (Transportation / Traffic) of the Initial Study/Mitigated Negative Declaration.

11. **The proposed development would produce a comprehensive development of superior quality than which might otherwise occur from the strict application of the provisions and standards identified in this Development Code.**

This finding is supported by the discussion contained in the “Site and Building Design” section of the Commission staff report dated May 9, 2001.

12. **The discharge of sewage from the proposed subdivision into the community sewer system will comply with the requirements prescribed by the Lahontan Regional Water Quality Control Board.**

This finding is supported by the discussion contained in Section 14 (Utilities and Service Systems) of the Initial Study/Mitigated Negative Declaration.

Lot Line Adjustment

- 13. The Lot Line Adjustment does not create a greater number of parcels than originally existed;**

The subject application consists of four (4) parcels known as assessors parcel numbers 19-420-25, 19-420-31, 19-420-32, 19-420-39. The proposed lot line adjustment will result in a minor boundary line adjustment and will not create more than four (4) resultant parcels as depicted on the attachment titled Exhibit "B" in the staff report.

- 14. The parcels resulting from the lot line adjustment and development on those parcels conform to all applicable requirements of Chapter 18.86 (Lot Line Adjustments), the Development Code, and Title 15 (Building and Construction) of the Municipal Code;**

The subject proposed resultant parcels shall be required to comply with all applicable provisions that relate to Town of Truckee properties located in the M zoning district. Specific conditions of approval have been required as detailed in Exhibit B of the resolution of approval, in order to provide compliance with the Development Code's general development standards. Therefore, staff finds that this finding can be achieved.

- 15. Existing utilities, infrastructure, and easements, including, but not limited to streets, driveways, sewer mains, and electrical lines, will not be adversely affected by the lot line adjustment, or if utilities, infrastructure, or easements will be adversely affected, conditions have been applied to the approval of the lot line adjustment to facilitate their relocation.**

All resultant parcels, both before and after the proposed lot line adjustment has and will be required to provide legal access consistent with Town standards, including, public utility easements that will allow water, sewer, and other utilities to be extended to the property.

Easement Abandonment

- 16. The street and public service easement has been superceded by relocation of the street and utilities; the relocation of the street would not cut off all access to a person's property, which prior to relocation, adjoined the street; the street is not necessary for present or prospective public use; and the public service easement is not necessary for present or prospective public use.**

This finding is supported by the discussion contained in the "Easement Abandonment" section of the Commission staff report dated May 9, 2001.