



Planning Commission Meeting Minutes

January 17, 2023, 5:00 PM

Town Hall – Administrative Center | 10183 Truckee Airport Road, Truckee, CA

1. **Call to Order** at 5:02 PM
2. **Roll Call**- Chair Gove, Vice Chair Tarnay, Commissioner Riley, Commissioner Fraiman, Commissioner Clarin
3. **Pledge of Allegiance**
4. **Swearing in of New Commissioner**- Mitch Clarin
5. **Public Comment**: Chair Gove opened public comment at 5:06 PM. Seeing none, public comment was closed at 5:06 PM.
6. **Approval of Minutes**

6.1 September 20, 2022 Minutes - Regular Meeting

Commissioner Riley made a motion and seconded by Commissioner Fraiman to approve the September 20, 2022, minutes as submitted; and carried the following vote:

Ayes: Vice Chair Tarnay, Commissioner Riley, Commissioner Fraiman

Noes: None

Absent: Chair Gove

Abstain: Commissioner Clarin

6.2 October 18, 2022 Minutes - Regular Meeting

Vice Chair Tarnay made a motion and seconded by Commissioner Riley to approve the October 18, 2022, minutes as submitted; and carried the following vote:

Ayes: Chair Gove, Vice Chair Tarnay, Commissioner Riley

Noes: None

Absent: Commissioner Fraiman

Abstain: Commissioner Clarin

The motion passed unanimously.

6.3 November 15, 2022 Minutes - Regular Meeting

Chair Gove made a motion and seconded by Commissioner Riley to approve the November 15, 2022 minutes as submitted; and carried the following vote:

Ayes: Chair Gove, Commissioner Riley, Commissioner Fraiman

Noes: None

Absent: Vice Chair Tarnay

Abstain: Commissioner Clarin

The motion passed unanimously.

7. Public Hearings (Minor Review)

8. Public Hearings (Major Review)

8.1 Application No: 2014-0000008, Martis Valley Quarry Two-Year Review and Project Amendment; Owner/Applicant: Teichert Aggregates; Agent: Michael Smith; 13879 Joerger Drive, APN 049-330-006-000

Recommended Action: That the Planning Commission conduct the required 2-Year review of the Martis Valley Quarry and adopt Resolution 2022-15 thereby taking the following actions:

- Approve a Project Amendment to change the review date to prior to December 1st and allowing the quarry review process to remain on a biennial timeframe; and
- Determine the Project Amendment exempt from the California Environmental Quality Act (CEQA) Guidelines per Section 15061(b)(3) (General Rule Exemption).

Applicant Presentation given by Michael Smith and Nick Armstrong with Teichert.

Clarifying Questions for Staff:

- Why didn't staff follow up with the air quality district?
 - Staff did, but the contact at the district who was working with the Teichert project retired.

Following questions answered by Joe Fish, Sierra Air Quality Management District

- Reads "Rule 205; Nuisance" from the Northern Sierra Air Quality Management District and questions if it is the Air Quality Management District that enforces the nuisance and annoyance?
 - Stated in his 36 years of experience with the company he has never seen that rule enforced. It is hard to get to the site in time to verify the complaints.
- Is Teichert compliant with their permit?
 - Yes.
- Do you have sensors on the site or any monitoring from your district?
 - No, monitoring is expensive. There are samplers on the roof of the fire station on old 267 and have been monitoring there since 1988; those monitors cost twenty-two thousand dollars for one. The district does not have the money to add them. They would also require internet access, a webcam security, which is why the samplers are on secure safe locations to avoid vandalism.
- When you test, what does that look like?
 - We sample on a continuous basis at the Truckee fire station. It is not that simple as "reading the air". Odor complaints are notorious to being hard to track down and take lots of staff time. There is no health risk to the sulfur amounts. Action isn't taken until the score is at ten, Truckee is measuring a score of less than one.
- Prior to the office closing in 2012; are you aware if there was a different or more hands-on approach to monitor the site?
 - We instructed an employee to keep an eye on Teichert because we were aware of the complaints. Overall, we get a lot of complaints, take the staff time, and find nothing.
- Regardless of the complaints, there will be no action to the complaints, correct?
 - There will only be an action taken by the district if the applicant is in noncompliance with their permit. Stated California Health and Safety Code 41700.

- Does a “nasal ranger”, help detect smells?
 - Never heard of this.

Clarifying Questions for Applicant:

- Have there been any changes to the operations facility since we approved this 2 years ago?
 - The biggest change would be the insulation of the blue smoke system. It had just been put in place, but it wasn't operating yet. It has now been more finely tuned and operating.
- Is the vehicle wheel washer not in use?
 - It is on site but not in use. We have found that water trucks do a better job of keeping down the dust. The wheel wash would help with track-out leaving the facility, but we don't have a track-out issue. It just becomes a waste of water.
- The drivers are getting the education materials after they leave, not when they arrive to the property, correct?
 - Yes, because they are not captured as they are coming into the property based on the way they are routed but most of the drivers are returning customers who have received this pamphlet and are familiar with it.
- Is there any way to capture the drivers as they are coming on the property?
 - Not really because they are going straight to the plant itself, but as they enter there is a large sign with the rules listed and they are reminded again with the pamphlet.
- When was the rock crusher moved?
 - It has been moved a number of times, the last time was 2017. It was moved from the north to south due to noise complaints.
- Have you noticed the number of complaints decrease since the movement?
 - Yes.
- How does lining the tanks reduce odor?
 - If there are fugitive emissions like small cracks or any type of airhole the asphalt oil can escape so it is made air tight. The oil is also not being heated as much. everything is staying insulated and less burning of fuel is done.
- Can we enforce all trucks to require a cover?
 - We don't own the trucks so we cannot make that requirement because the State of California doesn't require them.
- If you have a speed limit and enforce that onsite, why can't you enforce a cover?
 - We have had this discussion before and don't feel it's our call to require them to tarp.

Public Comment:

- Mark Pato, resident near quarry site.
 - Feels the air quality testing is not accurate to the quarry. Suggested measuring the ecosorb and checking if the carbon filter is being replaced as often as it should to help mitigate the odor produced by the quarry.
- Georgia Smith, resident near quarry site.
 - Agree with staff's recommendation for an additional 2-year review of the quarry. Feels the site is unhealthy. States Truckee residences have been complaining about this odor for at least the past 20 years and there should be action taken. Asks the town to formally request the NSAQMD initiate enforcement actions in the next two years.
- Celia Sutton-Pato, resident near quarry site.
 - Stated the industry confirms asphalt fumes must be labeled as a carcinogenic by Prop. 65. Stated concern to the fumes and the possible health impacts.

Deliberation:

- I agree it may be in their prevue to require the trucks to be covered. Can we as the town require this rule?
- Teichert has the ability to help the odor by adding tarps.
 - The town does not have the ... it can be a voluntary decision for the applicant.
- In support of Mitch's proposal to make a request of requiring tarps for the asphalt trucks in addition to the two-year review of the quarry.
- Would like to ask Teicher to voluntarily tarp
- If we can enforce this, we can ask the town attorney.
- Feel like we are in a position of low authority but also agree with the proposal to asking the applicant to cover the trucks.
- Also assumes the odor is mostly from the quarry not the trucks.
- Can we ask from Teichert how often the carbon filter are to be changed per the requirements. And the amount of ecosorb used.
- Staff can ask but again it must be voluntary.

Commissioner Clarin made a motion and seconded by Chair Gove to adopt Resolution 2022-15 thereby taking the following actions: Approve a Project Amendment to change the review date to prior to December 1st and allowing the quarry review process to remain on a biennial timeframe; and determine the Project Amendment exempt from the California Quality Act (CEQA) Guidelines per Section 15061(b)(3) (General Rule Exemption),

Ayes: Chair Gove, Vice Chair Tarnay, Commissioner Riley, Commissioner Fraiman

Noes: None

Absent: None

Abstain: None

The motion passed unanimously.

Chair Gove and Community Development Director, Denyelle Nishimori, recused themselves for Item 8.2, Friends of Tahoe Truckee Waldorf School

Chair Gove called a 10-minute recess at 6:28 PM

The meeting reconvened at 6:38 PM

- 8.2 Application No. 2021-000000095/DP-UP (Friends of Tahoe Truckee Waldorf School FKA Golden Valley Tahoe School; 12640 Union Mills Road; APN 048-210-012-000); Owner/Applicant: Friends of Tahoe Truckee Waldorf; Agent: Martin Wood, SCO Planning**

Recommended Action: That the Planning Commission adopt Resolution No. 2022-16, approving the following actions based on the recommended findings and subject to the recommended conditions of approval:

- Adopt a Mitigated Negative Declaration (State Clearinghouse No. 2022110252):
- Approve the Use Permit; and
- Approve the Development Permit.

Commissioners Disclosures:

Vice Chair Tarnay: A board member of the school donated to her campaign and spoke with multiple parents of the school.

Commissioner Riley: Had a phone conversation with Brian Hess.

Commissioner Fraiman: Spoke with multiple parents of the school.

Commissioner Clarin: Spoke with multiple parents of the school.

Applicant Presentation

Martin Wood, SCO Planning & Engineering

Billy Griffin, Board of Directors of Friends of Tahoe Truckee Waldorf School

Public Comment:

- Indigo Etchison, Student of Friends of Tahoe Truckee Waldorf School. Expressed support of approval of project.
- Mina Z. Jacoby, Student of Friends of Tahoe Truckee Waldorf School. Expressed support of approval of project.
- Orland Hess, Student of Friends of Tahoe Truckee Waldorf School. Expressed support of approval of project.
- Wild River Students, Expressed support of approval of project via song.

Clarifying Questions for Staff:

- What is a Construction Mitigation Monitoring Fee?
 - Fee put in place when projects are subject to a CEQA document and it provides funding to ensure all the mitigation measures that are required are adhered to.
- Condition #14 states construction hours state hours Monday-Sunday 9:00am-6:00pm, but also says no construction hours on a Sunday; which is correct?
 - No construction work on Sundays is correct.
- Condition #16 mentions locating drainage from adjacent properties, how do you do that?
 - Identify overall drainage patterns for the area, not only specific to the site but also sites which may effect this property.
- Condition #18 feels redundant, would like it to be deleted.
- Condition #21 is asking for yearly BMP Inspections, is that common to ask someone to do that on an annual basis? When did that start? Does the applicant have to hire a professional to come in?
 - Yes, it is common, the town stormwater permit requires any commercial use to provide annual reporting being they're maintaining their stormwater infiltration facilities. This started in either 2013 or 2018. They do not necessarily have to hire a professional; the original stormwater report which actually the property applicant team has prepared some of them, would identify the different stormwater treatment devices on the property. As part of that there is a standardized reporting form that any property manager could go out and perform a self-evaluation and report it to the town.
- Condition #34 mentions coming across human remains while excavating, it states if the remains are Native American they have to follow a process, but if it's a crime scene- nothing?

Nick Pappani, Vice President with Raney Planning and Management:

- A crime scene goes under the jurisdiction of the Sheriff's Office so it would go through a different pathway. The actual section of the government code does spell this out further.
- Condition #57 repeats Condition #37, verbatim.
 - #37 is the noise mitigation that came out of the CEQA Document and #57 is the Development Code requirement.
- Condition #60 and #61 has two different acronyms for the Nevada County Health Department.
 - Nevada County changed their name; therefore, the acronym changed in the last 10 years.
- If the commission was in an agreement to increase the student count to add the additional the twenty-one students the applicant is requesting, what would that look like?
 - Unsure if the commission has the ability to change the Development code standards. The applicant could change the request to sixty-five students, but the commitments in the Development Code and the mitigation measures in CEQA in the CEQA document must remain. There isn't a planned development, there is not a request to change development code standards so unsure if we can make that change in using a use permit. There might be some things that can be changed.
- The applicant can't sign a waiver?
 - No. Chantal reads email from Steve Kessmann, Truckee Fire Marshal, stating Truckee Fire does not support any increase in capacity on the current road and site per the fire code.
- How does this project compare to usage and vehicle trips at Piping Rock?
 - Piping Rock was approved in the early 2000's and in 2016 there was an approval process to essentially legalize structures and uses that had been built without permits. So, the usage goes back over 20 years and the fire district's attention on wildfires has significantly changed in that time. They have always had to require with the road maintenance agreement, that was a condition of the 2016 permit and has been applied to that project. There is not a different standard between this project and Piping Rock.
 - Union Mills is 20 feet wide at Piping Rock until Overland Trail Pass and the school parcel is when it goes to 12 feet.
- Are you including the road all the way up?
 - For this permit it's entering into the property and then the driveway to the school. The road then accesses one residential unit so they can have a private driveway standard and it is not 240 capacity school. That resident had to pave it to 12 feet to meet private driveway standards for that home.
- There was a past PC meeting regarding a commercial plow business in Tahoe Donner and the applicant was using an unpaved parking lot and were required to pave it and staff helped them phase the paving into their project.
 - They were not phasing it in, they were required to provide all of their equipment parking and material storage on a parking surface. They had a period of time where they were allowed to operate until that occurred to come in compliance with our stormwater permit.
- How long was that period of time?
 - Plans were required to be submitted to the town by the end of the year for a grading permit and improvements were required to be constructed before October 15th of the following year.
- They had at least 10 months after the plans were approved and then by October?
 - Yes, to improve an existing use on the site to bring it into compliance with the stormwater permit that wasn't in effect at the prior time of it being approved.
- Is that an example of the town allowing an applicant 10 months to do that?
 - Yes, that is an example.

- Regarding the workforce housing requirement – Tahoe Truckee Lumber moved from one location to another and got larger but were exempted from the workforce housing requirement. Why were they exempted?
 - That was part of the incentives built into the Joerger Ranch Specific Plan to incentivize industrial businesses to relocate from Downtown Truckee to Joerger.
- So, there was an instance where the town allowed an applicant to not comply with that?
 - The Joerger Ranch Specific Plan allows applicants to not comply, so they did comply with that plan. The town did not make a change in the development standard or change a rule- the specific plan adopted by Council allows for that.
- Condition of Approval #1 for the phasing - what does “exercised” mean?
 - It means when it has started.
- So you don’t get 2 years to finish the phase, you get 2 years to submit to begin the next phase?
 - Correct. Basically, it keeps it in line with a permit time period of six years.
- On page 3 of the staff report - the Planning Commission did not categorize playgrounds and recreation fields as open space. Are golf courses being categorized as open space, but the town isn’t allowing playground to be?
 - The determination on whether or not golf courses are open space seems to be up in the air with Town Council. In order for the town to say is okay to operate a 240-person school on an open space land use designation, the site disturbance needs to be limited to 10%. The applicant has not proposed a playground, a playground is not part of the project.
- Under our current general plan- are golf courses considered open space or not?
 - Unsure, but the town is not permitting a golf course, playground or ballfield so if they want to propose that, it can be looked into further.
- Can Planning Commission make the change to the 10% site disturbance?
 - No, the 10% is in the General Plan Consistency Rule.
- Staff is saying they can not allow an increase to the 45th student without improvements to the road, drainage, and the other 21 conditions?
 - 44 students is the current use permit. The moment they increase or intensify the use on site, it has to meet our Development Code Standards, safety standards, mitigations measures. There isn’t a route around that. Staff did the best they could with the phasing plan.
- Does the applicant have the space right now to be paved to meet the standard?
 - That hasn’t been proposed.
- The applicant has performed the required VMT by not having their students on campus as much, correct?
 - No, to get the VMT, they will need to submit a calendar. They are currently operating at the 44 students so they don’t currently have to decrease their VMT.
- If they reduce their VMT, does that make them eligible for a reduction in Traffic Impact Fees?
 - The traffic impact fees are based on a trip generation for a site. are a town program. There are standardized traffic impact fee tables that can be found on the town website that are based on schools. If the applicant wants to propose an alternative trip generation rate based on their school that would be different than the standard is for schools, the town can look at that and modify the traffic impact fee accordingly. Most schools offer a bussing option.
- Does the traffic impact fee still matter if this project is mostly on a private road directed to the highway?
 - The traffic impact fee program is town wide. For example, a traffic impact fee in Tahoe Donner could still be applied to a project at the Truckee Airport.
- Condition #44 requires bicycle spaces – how many bike parking spaces is it?
 - That is under our older Development Code, and it is 3 parking spaces that are required.

- On page 74 of the MND – Isn't the Class 1 bike path separated from the road, so it shouldn't matter how wide the road is?
 - That section of the MND applies to the 2025 General Plan. There is no requirement for a class 1 trail along Union Mills Road. It is an improvement over the existing. The MND is referring to widening the roadway from 12 to 24 feet, that provides improvement for bicyclists to share the roadway with vehicles. (Not a 12-foot-wide roadway, a 24-foot-wide roadway).
- Condition #48 says sign doesn't meet standards, why?
 - The sign provided is not to scale and had an additional exterior light. Schools also can't have signs in rural residential. If the commission can make that similar use finding, that can easily be updated when they come in for a building permit to install their sign.
- If the PC were to propose the applicants building that bike path and that being part of their mitigation to connect to the end?
 - Unfortunately, the state has determined the nexus has to be vehicle miles traveled. Don't think there is a way to numerically show they're reducing VMT. We currently do not have a program to show the reduction in that way.
 - As part of the VMT process, they are providing a reduction for bicycling to the campus so it's not necessarily that they aren't receiving any reduction because there isn't a class one trail. They are providing a reduction because it is currently using a shared roadway.
- Can you explain the comment regarding unpaved surface having an environmental impact?
 - Our statewide stormwater permit requires the town to require any drivable surfaces to be finished with an all-weather surface to limit the amount of sediment into our water bodies.
- Is that a condition we can ignore until summertime when asphalt plants are open like we did with the Elements project in Tahoe Donner?
 - We like to get the stormwater permit into compliance as quickly as possible, noting sometimes things like that do occur. In this case, the stormwater permit is secondary to the life safety requirements for widening the roadway. We shouldn't be approving drivable surfaces on a non-all-weather surfaces.
- Is the VMT Mitigation triggered by a certain number of students?
 - It is based on a reduction per student average. They would have to reduce the VMT by 23% per the number of students. Any increase above the 44 students, the reduction would need to be met.
- If they had a formalized carpool plan in place would that contribute towards the mitigation?
 - Part of the VMT analysis included carpooling and that created a significant reduction.
 - We went around the carpool situation and the problem with the CEQA measure is it has to be measurable. Carpooling is hard to measure. Another options is having a bus option.
- Commission disagrees a bus is an accurate way to measure because plenty of students have a bus pass they do not use.
- Regarding the road maintenance agreement – have we seen that before?
 - Yes, there is an existing one for the mid to eastern section of Union Mills. It is from the subdivision boundary to Overland Trail that is in question.
- Could they implement their own road maintenance team?
 - Yes. There is an option in the condition if they are unable to work with the adjacent property owners to develop a mutual road maintenance agreement in the short term they could have the sole responsibility to provide that maintenance until they we able to come up with a more mutual road maintenance agreement. There is an option for them to move forward. The concern from the applicant is it would take

too long to come to an agreement with their neighbors, but they can move forward by themselves in the interim.

- Is that a temporary scenario?
 - No, that would run in perpetuity because someone has to maintain the roadway so if they agree to it and they are unable to work with their neighbors to develop a maintenance agreement it would be recorded against their property that they would be doing maintenance in perpetuity.
- What are the bare minimum requirements for them to get to 65 students? Evacuation plan, pave the road, and a road maintenance plan?
 - Yes, and also the parking and solid waste service.
- Are those things we can say can be done later just to get them through the school year?
 - Unfortunately, no. Once they exceed the 44 students we've left the 94 use permit and we are on a new use permit and a new development permit and they need to come up to the standards as if they were applying for the 65 students from the beginning.
- Would a planned development alleviate the issues of tonight?
 - If they would have done a planned development, they could request some changes to some leeway in the Development Code and they would have to provide one of the public benefits that are listed on the project. They would also have to show they have a superior project because of change in development standards.
 - The discussions between the applicant and staff were always to go straight to 240 students.
- Can staff explain the speed limits and speed enforcements on private roads?
 - The police on a private roadway are only able to cite for traffic violations that are misdemeanor or felony violations such as a reckless driving being a misdemeanor or a DUI would be a felony. Typical speed limits are not something a police officer can enforce on a private roadway.

Clarifying Questions for Applicant:

- What is the timeframe for the draft emergency evacuation plan?
 - The plan is to get the draft after the appeal period and in the hands of all the stakeholders. Likely 90 days to get comments from everyone and make the revisions.
- What are your thoughts on the general discussion with staff?
 - We wanted to get the road paved but couldn't get it paved. We are asking for a building that was already built that has an occupant load of 95 people. We are asking for 65. This is a different situation, it is a school that is already operating, the road is paved just not to the standard. The staff report's conditions are harsh and feels like it's coming across harder than other projects.
- Do you have evidence or can recall a planned development project where the road width was approved to be modified or minimized below the development code standards?
 - Can't say one in recent history but Union Mills Road for the majority is 20 feet and doesn't meet the standard and was approved for other sections so that was a reduced width.
 - *Staff response to above applicant comment: The 20 feet width is the town's existing private road standard. The fire code indicates certain width requirements which is typically 12 feet per lane. The town has many matrixes that play in. Bare minimum would be 20 feet for a private roadway. are for a private road which is what the rest of Union Mills is currently operating at and that has two foot shoulders (base rock shoulders) on it.*

- Regarding the erosion comment brought up – we do have an asphalt section that is the primary use and a widened section that is based but where two cars would pass you'd be driving on there so it would be minimally used.
- Why do you think the fire chief said yes and staff thinks the fire chief said no?
 - I called Steve Kessmann, Fire Marshal, in December and received it verbally. I am pretty clear on these things; I didn't get it wrong.
 - Steve's concern was paramount out there, he wanted the road plowed to ensure a fire truck would be able to pass through. The school made sure the road was plowed to the standard from Steve.
 - Believes the crux of the issue is the fire department's concern is the widening of the road. The road is widened, it is 24 feet wide now. We would like to cone it off so we are not encouraging regular driving on the road but if a fire truck or an emergency vehicle needed to utilize the road, they could.
- I don't believe we have the authority to overstep the fire department.
- It sounds like what you need is 10 spaces and one ADA space. Is the existing pavement enough space to stripe and create those spaces including one ADA space?
 - Yes, had one of staff check today.
 - *Staff Response: Martin might be correct, but we would need a scaled site plan to check.*
- Is the water tank on site filled by well or by a tanker that comes to fill it?
 - Yes, it is on site and it is from a well.
- I think the state said it was only permitted as drinking water for 44 students, is that correct?
 - *Staff Response: Nevada County informed staff there are two tanks. A separate fire flow tank and a separate drinking water tank.*
 - John Valdez, parent of student at school: Staff is correct, there are two tanks. One is a domestic water supply about 1,500 gallons. The other tank is for fire use only and is 90,000 gallons. The fire tank has a fire pump and supplies from the fire hydrant. The quantity the health department approved is based upon what the town has approved the school for. The current system in play can handle much more than 44 children. The permit is based on the count of the students.
- Is increasing the pumping from that well going to affect the neighbors' access to water?
 - Trent Baldwin, water operator for school: A consultant assessed and the ground water in that location is very strong. When the well was run at full capacity, the cone of depression only dropped 3 feet so there should be no impact on neighbors or water sources in the area.
- If this were to somehow be delayed or reinstated after the adoption of the new General plan and go under another application; and would have to connect to city water and sewer, how far away is the nearest connection?
 - That is a significant distance, in excess of half a mile. That would be in excess of one million dollars where recommission was simpler. Truckee Sanitary District said they do not want our parcel on their system and the county has agreed it needs to stay on septic.
- Condition #24 requiring road maintenance agreement; isn't there some sort of agreement already in place?
 - The easterly portion of Union Mills Road has a maintenance agreement that several parties are party to. The very westerly portion of Union Mills Road- no one has found a maintenance agreement for that section. Currently there are parties that are utilizing that roadway like Caltrans that are participating and have indicated they want to continue to participate. We have an email from Caltrans to that effect. But nothing is solid in writing yet.
- Condition 35 & 65 – Have you started working with emergency professional for the evacuation plan?
 - Yes, they have the consultant working on that plan. It is in the works now.

- If the extra students were permitted through June, we wouldn't be in a wildfire situation, so that would significantly reduce the need. If we need to have buses on the property for those emergency situations we would be open to doing that.
- We are hoping to have 2 buses on site 24/7 during the fire season. We have someone on our team already looking to secure buses.
- And licensed drivers?
 - Of course.
- Condition 45 requires a solid waste plan. What have you been doing with your solid waste?
 - They have trash service, a dumpster and a recycling program. If you look on the site plan there is a new trash enclosure and recycling location for Phase 2.
 - Staff: The school did not have solid waste service this summer, it was pickup only. The town just wants to see proof of service. As long as the dumpsters are on pavement, and we see it is TTSA approved/serviced.
 - We can provide that.

Vice Chair Tarnay called a 5-minute recess at 9:05 PM

The meeting reconvened at 9:11 AM

Public Comment:

Lisa Fielding, Owner of Piping Rock Equestrian Center:

- Is in support of the school. Biggest issue is the size of the school, does not think it should be allowed to be 240 students. Stated in the summer Piping Rock has 100 kids per day for camps and it is scary and dangerous having an unregulated road. When Piping Rock was getting permitted, struggled with staff and the planning department but looking back, glad they were and were not nearly as tough as the fire chief. The fire chief required Piping Rock to put a water line all the way down Union Mills Road to Old Greenwood; which cost one million dollars. Had to get town water to get their permit approved per the fire chief. Have lots of ways to mitigate fire danger and happy to help the school.

Tom Phelan, Resident of home adjacent to the school:

- Feels there are serious safety concerns. When the road narrows to 20 feet width, it is in a residential roadway. Is in support of the school but doesn't feel the road is safe. Supports the staff recommendations and conditions of approvals for this project.

Ed Svendsen, Owner of Piping Rock Equestrian Center:

- The road cannot support a school with a student count of 240. In terms of the maintenance agreement – Piping Rock has sponsored all of the road maintenance. It has cost a lot of money. That many car trips back and forth is going to be a burden on Piping Rock. Also concerned with the safety hazards.

Serenity Enriquez, Parent, Faculty member of school, Sierra County firefighter:

- Parent of two students of program and has a strong commitment to the Waldorf school. Lives in Sierra County and commutes to Truckee for the education. Feels the VMT analysis may not be accurate because the school is offered to Sierra County, Placer County, Truckee, and Nevada County. States the parents utilize carpooling as well. States is on campus during school hours and conducts fire drills and safety planning. Currently undergoing CDL training to drive a bus for the emergency evacuation plan.

Jennifer Drew, Truckee Resident:

- In support of the school. Feels the school system in Truckee is heavily overloaded and states the Waldorf school is a great solution to that problem.

Alanna Hughes, Truckee Resident, Parent of student, Co-Owner of Riverside Studios:

- In support of school. Feels student is thriving in Waldorf school. States the school will make any adjustments to get the school approved.

Shirley Phelan, Resident of home near school:

- In support of the school. Does not think the approval of the school can be based on emotion, but must be based on the facts and provide a safe path forward. Does not want staff to approve school until the school follows all staff recommendations because they were done with safety in mind. Safety must be the number one thing considered. The fire marshal has said it is unsafe.

Deb Baldwin, Parent, Truckee Resident:

- In support of school. Personally tried several schools with own children and feels the Waldorf school is a great option for Truckee.

Kate Panawek, Parent, Truckee Resident:

- In support of school.

Brian Hess, Parent, Truckee Resident, Owner of Bespoke:

- In support of school. Asking the town for an emergency opportunity by adding 21 kids more for 5 months until they can move forward.

Liz Sheperd, Current President of school:

- In support of school. Describes how she bought property and that was the only place in Truckee to fit the original 30 children. Wants to meet all conditions of approval to get school approved.

Heather River, Parent, Truckee Resident, Owner of Bespoke:

- In support of school. Wants the community to work together to make the school work.

Conor Ball, Parent, Truckee Resident:

- Moved to Truckee for work and education for kids. In support of school.

Vice Chair Tarnay closed public comment at 9:41 AM

Staff Comment to Public Comment:

- Scott Mathot: Regarding the road widening- There are other options to meet town standards, though they do require constructing something and an all-weather surface. There is an option to pull asphalt from Reno instead of Truckee. If it was a town-maintained roadway it would not be allowed because it's not meeting temperatures for placing the roadway asphalt, but it is doable. It could also be paved with concrete. Heavy duty pavers are another option.
- Planning Commissioner follow-up question for staff: If there was an indication from the applicant that they would do that, and we were in support; how much time does the town grant the applicant to implement that surfacing?
- Scott Mathot: The expectation wouldn't change on when. Timing would still be prior to intensifying the use on the site. So prior to that 45th student, along with the other requirements that staff has outlined as well.

- Planning Commissioner: We can't grant a temporary allowance in anticipation of surfacing?
- Scott Mathot: Correct, because that brings us back to the situation we are in now, where they are proposing to do it in the springtime. They would also need to stripe the parking lot spaces.

Applicant Response to Public Comment:

- Could we change the road paving agreement to not the entire length but turnouts to the acceptability of the Truckee Fire Marshal? Maybe we pick the ideal locations for additional width for the next 5 months.
 - Staff: We are dealing with multiple codes here; this is not just an engineering determination on this. We wouldn't be able to make a decision on that tonight.
- Maybe we craft a condition with you and the fire marshal that is acceptable in the interim.
 - Staff: If that is what you would like to pursue, staff's recommendation would be that we continue to have those conversations with fire and our the towns counterparts in engineering and come back with a recommendation if it's even feasible and what it would look like. Those are certainly not conversations staff has had with Mr. Kessmann with Truckee Fire.

Vice Chair Tarnay asked the applicant if they would prefer a continuance or if they would prefer the Planning Commission to vote yes or no.

Applicant response:

They would prefer an answer tonight and would not like to continue the meeting to a later date.

Deliberation:

- If we cannot supersede the fire department, then it doesn't seem like we have an option to say yes.
- Would like to create a way to get the fire department to approve their safety plan so we can comfortably approve this project.
- Scott Mathot: Condition #23 is up to the town engineer to determine if something else is proposed; that can still meet the requirement.
- Would like to add in a condition that only approves the project if the fire department approves it as well.
- Want to support the project and help expedite it want to help them get to the number of students they want.
- Don't feel the safety issues that are being made so prominently.
- Would like to find a way to expand to 65 students until June where at that point the road can be paved.
- Agree across the board and want to see the project move forward but unsure if we can get to that 65 today if we need to get these conditions of approval met.
- Drove the road today and feels the road is wider than the Alder Creek School currently.
- Would all like to find a way to yes.
- Solid waste is not an issue.
- They can stripe the parking stalls.
- Evacuation plan, ask how long until they can submit that draft.
- There is a road maintenance agreement from Piping Rock.
- Applicant has written agreement from Caltrans stating they will continue to clear the road for the remainder of the year.

- *Audren Tawaji, Applicant Lawer:* States the California Civil Code under Section 845 imposes on the owners of an easement over private land an obligation to maintain that easement. Which already imposes the requirement that the easement be maintained and that it be passable. When it said the road could possibly just cease to be maintained actually state law obligates the landowners to maintain the easement and also impose an obligation for the costs of that maintenance to be in proportion to their use. So there's actually almost an implicit road maintenance agreement under state law under Section 845.
- It doesn't seem feasible to get the 65 students in school this year. The items you need to get this approved are out of our hands and need to be approved by other entities.
- If you want to get a yes, that can happen for next year.
- We want to get you there but don't feel like we can.

Commission discussed with staff what is in the commission's prevue to approve on the project; comes to agreement to review and modify the current Conditions of Approval.

The Planning Commission reviewed the Conditions of Approval with Staff and made the following modifications:

- **Condition of Approval # 14:** Removed the restriction regarding construction noise on Sundays.
- **Condition of Approval #18:** Removed duplicative BMP Condition.
- **Condition of Approval #26:** Payment of Traffic Impact Fees (TIF) not required until Phase 2.
- **Condition of Approval #27:** Payment of Facilities Impact Fees (FIF) not required until Phase 2.
- **Condition of Approval #30:** As-Builts not required to be submitted to Engineering Division until Phase 2.
- **Condition of Approval #40:** Payment of affordable housing in-lieu fee for Workforce Housing not required until Phase 2.
- **Condition of Approval #55:** Submittal of Final Landscaping Plan not required until Phase 2.

A motion was made by Commissioner Fraiman and seconded by Commission Clarin to adopt Resolution 2022-16 as amended approving the following actions based on the finding and subject to the conditions of approval:

1. **Adopt a Mitigated Negative Declaration (State Clearinghouse No. 2022110252):**
2. **Approve the Development Permit; and**
3. **Approve Use Permit**

Ayes: Vice Chair Tarnay, Commissioner Riley, Commissioner Fraiman, Commissioner Clarin

Noes: None

Absent: None

Abstain: Chair Gove

The motion passed unanimously.

9. Staff Reports

10. Information Items

Regarding the next Planning Commission meeting on February 21, 2023; Staff will be reaching out to ensure we have a quorum since that date lands on Ski Skate Week.

11. Commission Member Reports

None.

12. Adjournment at 11:39 PM To the next meeting of the Planning Commission, February 21, 2023, 5:00 PM at 10183 Truckee Airport Road, Truckee, CA 96161.

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