



Planning Commission Meeting Minutes

September 20, 2022, 5:00 PM

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

1. Call to Order 5:01PM

2. Roll Call - Vice Chair Tarnay, Commissioner Fraiman, Commissioner Riley. Chair Gove is noted as absent.

3. Pledge of Allegiance

4. Public Comment:

Vice Chair Tarnay opened public comment at 5:02PM. Seeing none, public comment was closed at 5:02PM.

5. Approval of Minutes - None.

6. Public Hearings (Minor Review) - None.

7. Public Hearings (Major Review)

7.1 ITEM TO BE CONTINUED: Application #2021-00000097/DP-PD AMD-UP-ZC (Soaring Ranch Phase 3; 10701 Soaring Way (APN 019-620-067-000); Applicant: J-MAR 2, LLC; Owner: JMAR-3, LLC; Agent: Rob Wood, Millennium Planning and Engineering

The applicant is requesting approval of land use entitlements for Soaring Ranch Phase 3, a mixed-use commercial and residential project located at 10701 Soaring Way (APN 019-620-067-000) within the Joerger Ranch Specific Plan Area. The applicant requests the following land use approvals:

- Development Permit for projects that involve new non-residential structure(s) with 7,500 square feet or more of total gross floor area, 26,000 square feet or more of site disturbance, and/or 11 or more multi-family residential units;
- Planned Development Amendment to revise the overall Soaring Ranch site plan to integrate the Phase 3 mixed-use development;
- Use Permit to allow for multi-family residential units in the CR (Regional Commercial) zoning district at a density of 12 dwelling units per acre, consistent with the General Plan and Joerger Ranch Specific Plan, and to permit an accessory daycare use as a residential amenity for the tenants; and
- Zoning Clearance to permit 7,834 sq. ft. of retail space in the CR zoning district.

Recommended Action: That the Planning Commission adopt Resolution 2022-12, determining the project consistent with the adopted Joerger Ranch Specific Plan and thereby precluding any further environmental review consistent with CEQA Section 15183 (Projects Consistent with a

Community Plan, General Plan or Zoning) and Public Resources Code Section 21166 and CEQA Guidelines Section 15162 (Lead agency prohibition to require subsequent reports for a certified project unless specific events occur), and approving the Development Permit, Planned Development Amendment, Use Permit and Zoning Clearance, based on the recommended findings and subject to the recommended conditions of approval.

At the August 16, 2022 Planning Commission hearing, review of the Soaring Ranch Phase 3 project was continued at the request of the applicant. On September 1, 2022, the applicant team submitted a revised Affordable Housing Plan requesting two density bonus concessions as part of the proposed project. A staff memo has been included in this packet to address this new information.

Public Comment:

Vice Chair Tarnay opened public comment at 5:03PM. Seeing none, public comment was closed.

7.2 Application No. 2022-00000050/APL (Ferwerda Urban Lot Split Appeal); 14379 East Reed Avenue (APN 017-316-004); Appellant: Robert Ferwerda

The appellant, Robert Ferwerda, has requested to appeal three conditions of a conditionally approved Senate Bill 9 Urban Lot Split. On January 4, 2022, the appellant applied to subdivide his 5,000 square foot, Single-Family Residential, no further subdivision (RS-X) zoned lot into two lots of 3,000 square feet and 2,000 square feet through the Senate Bill (SB) 9 Urban Lot Split process adopted by Town Council through Urgency Ordinance 2021-10 on December 14, 2021. The application for this project was deemed complete on February 1, 2022 and was conditionally approved on February 23, 2022. The conditions for the project were required to be satisfied prior to a map being recorded with Nevada County's Clerk Recorder's Office, which would finalize the two-lot subdivision.

Recommended Action: That the Planning Commission adopt Resolution 2022-11 thereby taking the following actions:

- Deny the appeal to remove the stated conditions of approval for Planning Application 2022-00000004 (Ferwerda Urban Lot Split) on the basis that the conditions are allowed pursuant to the Town of Truckee's Development Code, the State of California's Senate Bill 9 and the Subdivision Map Act;
- Uphold the decision of the Community Development Director in approving the requested Urban Lot Split and related conditions of approval.
- Determine the Community Development Director's determination exempt from the California Environmental Quality Act (CEQA) Guidelines per Section 15061(b)(3) (General Rule Exemption).

The Applicant, Mr. Ferwerda gave a presentation

Questions for Staff:

- Is it possible when the town granted the permit for the north side of the lot, they didn't look at the south side?
 - The pad was approved, it was the expansion to the pad that is not allowed. A 24 x 10-foot parallel parking pad was approved. The town does not allow encroachments beyond 24 feet and it's also legal nonconforming. It was signed off

- in 2016 by accident and therefore received a legal nonconforming status. Since it was approved, it can exist but cannot be expanded.
 - As a condition of approval, the town would like to see the parking pad put back to what was originally approved; a 24 x10 parking pad with a riprap retaining wall and retention.
- What is our definition of a “roadway encroachment”?
 - Anything that is melded to the paved driving surface in the right of way. So in this case- this parking pad is connected to Donner Avenue, the roadway itself. It comes into the right of way and connects to the roadway, therefore, considered an encroachment.
- Is East Reed and Donner Avenue a town-maintained road?
 - No.
- Do we have the rights to make a decision on the road if it is not maintained by the town?
 - Yes, the town’s engineering department still issues encroachment permits whether it is a private or public road. Part of that is to ensure safety for everyone that is accessing that roadway because it is publicly accessed.
- Why do we only allow one encroachment for a lot less than 2 acres?
 - It is a development code standard. Mainly for safety and snow storage and snow removal, having more driveway encroachments reduces the amount of snow storage accessible.
- Can you fit two cars on the parking pad?
 - Our typical car space is 10x20.
- What are the minor modifications that are being required that aren’t present right now? What is specifically missing from the map?
 - It’s technical type information that is required when you record with the county recorder. It is reviewed by the surveyor.
- Once this is made into two properties, then they would be allowed two encroachments, correct?
 - Correct, they would be allowed two encroachments, but they cannot exceed 24 feet.
- Are all the lots on the map presented by the applicant nonconforming?
 - That cannot be confirmed, but this subdivision predates building permits, so there are likely many legal nonconforming infrastructures in this development. We believe it was approved in 1951, Nevada County’s building department didn’t come into effect until 1962.

Questions for Applicant:

- You built the house, correct? And when you built it the parking pad was 10 x 24?
 - Yes.
- It looks like fresh grading on the hillside on the photo provided, was it built to the original plan and then changed at some point or was it always this way?
 - There was additional excavating done in the past six months. The applicant requested the riprap to be deleted during the time of construction because the hillside is all rock and stands by itself and doesn’t need retainage.

Appellant Rebuttal:

- Is willing to do rock excavation to add an additional living unit on his property.
- Has preliminary plans and believes they are very buildable.
- Explains he takes money from the neighbors to pay a snow removal contractor to maintain their road and the parking pads.
- Doesn’t think there is a reason to limit to one driveway especially on a through-lot.

- Feels the lot can be subdivided without a survey map.
- States a SB9 lot split is no different than any other subdivision. It applies to any subdivision.
- This subdivision dates from 1918 – there should be a separate provision in the code for this subdivision and others like it.

Public Comment:

Vice Chair Tarnay opened public comment at 5:46PM. Seeing none, public comment was closed.

Deliberation:

- Sees both pros and cons, likes the applicant wants to build an ADU.
- Have a hard time not supporting what the town is asking the applicant to do. Believes the lot should be surveyed. Especially since there is desire to put more development on the remaining part.
- Feels like it sets a bad precedent while we are encouraging the creation of ADUs. Doesn't think it should be a process that is without thought and concern for the things that impact the community; whether that's topography, access, storage, drainage, etc.
- As much as the applicant is heard, doesn't think what the town is asking is overreaching.
- Don't think the conditions of approval are unreasonable for the town to request these things from the applicant.
- Feels they should follow staff recommendations.

A motion was made by Commissioner Fraiman and seconded by Commissioner Riley to adopt Resolution 2022-11 upholding the CDD's determination to deny the appeal and approve the requested urban lot split with all the original conditions of approval.

Ayes: Vice Chair Tarnay, Commissioner Fraiman, Commissioner Riley

Noes: None

Absent: Chair Gove

The motion passed with a 3-0 vote.

8. Staff Reports

Meeting next Tuesday joint – comments and feedback and proposed changes. Second meeting to October 11th. Planning Commission meeting likely Soaring Ranch.

9. Information Items

10. Commission Member Reports

None.

11. Adjournment. 5:56PM To the next meeting of the Planning Commission, October 18, 2022 at 5:00 PM at 10183 Truckee Airport Road, Truckee, CA 96161.

Respectfully submitted,

Kayley Metroka