

PLANNING COMMISSION STAFF REPORT

Meeting Date: January 17, 2023

To: Town of Truckee Planning Commission

From: Chantal Birnberg, Associate Planner

RE: 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

Approved by: Jenna Gatto, Planning Manager

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:

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

Project Summary: The applicant is proposing to operate a 240 student Waldorf school (Transitional Kindergarten through 8th grade), at 12640 Union Mills Road (APN 048-080-089-000). The school would operate out of the existing 4,560-sf building and proposes to install seven modular buildings on permanent foundations to create four additional classrooms. The proposed project also includes widening the existing 12-foot paved entrance road (Union Mills Road) to a 24-foot roadway with a two-foot-wide shoulder on both sides. A reconfiguration of the parking/drop off area is also proposed as part of the project. An additional 13 parking stalls would be developed on-site, for a total of 22 surface parking stalls, including two accessible stalls.

The following land use permits are required: 1) **Development Permit** for projects with 7,500 sq. ft. of floor area in the RR (Rural Residential) zoning district; 2) **Development Permit** to disturb 26,000 sq. ft or more of the site; and 3) **Use Permit** to permit "Schools-Public and Private" as a conditionally allowed use in the RR zoning district.

Major Discussion Topics: Staff has identified specific discussion topics for consideration in the *Discussion/Analysis* section of this staff report. Topics include the inclusion of Conditions of Approval which address emergency evacuation, road maintenance, and mitigation for the potentially significant impact related to Vehicle Miles Traveled (VMT). The following questions are provided to help guide the Planning Commission's discussion and to address comments made by the general public:

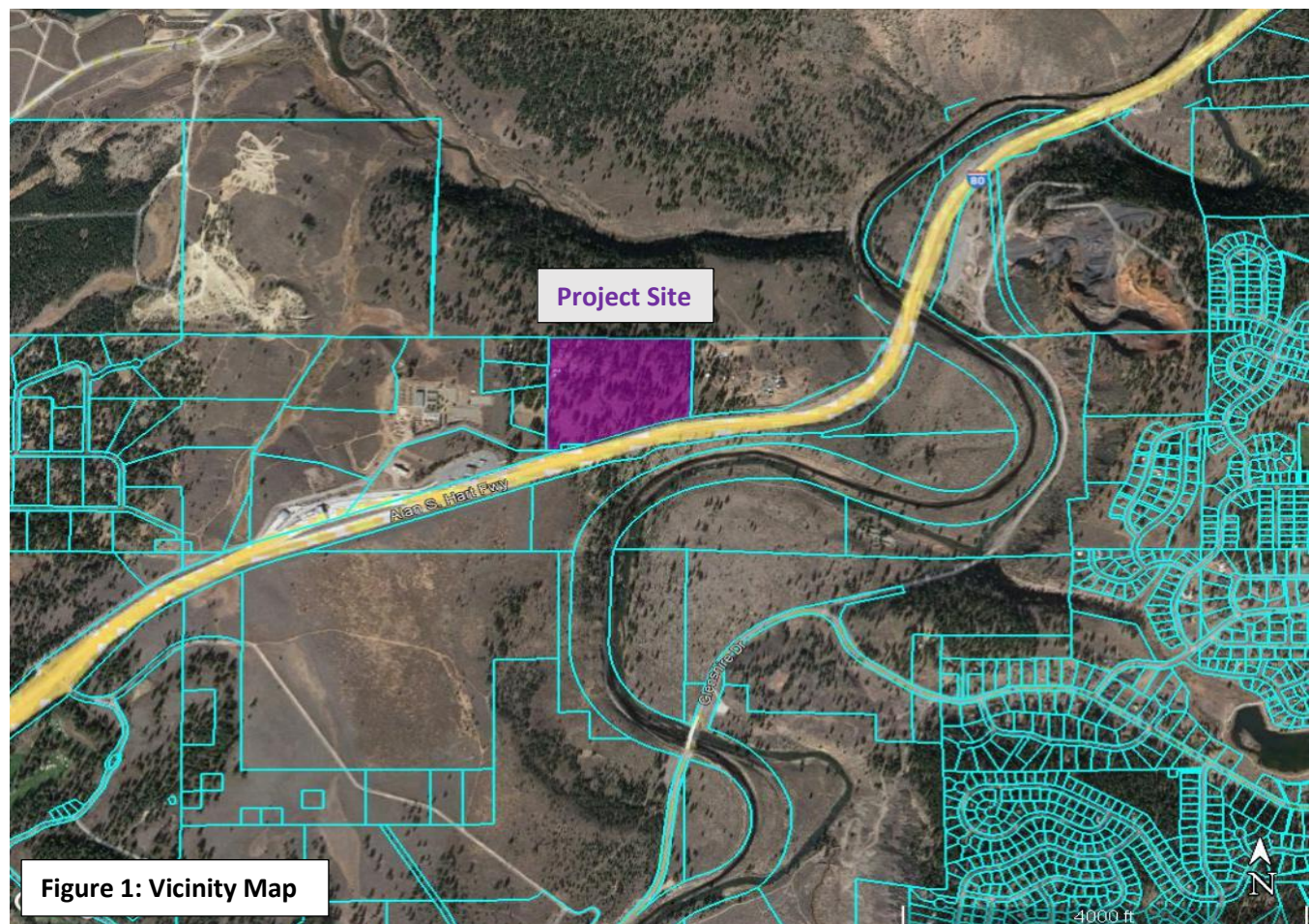
- Does COA #35 and #65 adequately address evacuation of a 240-student school in the event of a wildfire?
- Does COA #24 adequately address access and road maintenance issues with approving a school on a private roadway?
- Does the Commission have concerns regarding VMT impacts and/or mitigation measures?
- Is the school expansion compatible with existing and future land uses in the vicinity?
- Can the Commission make a similar use finding to allow for one monument sign for the project?

In addition to being identified as major discussion topics, these questions are areas where the Planning Commission has discretion in its decision-making. Should the Commission wish to discuss any or all of these questions, the Commission has the discretion to modify, add or delete recommended conditions of approval as a way to make the required findings. If the Commission is unable to make the required findings, the Commission would need to deny the project or request that the applicant return at a later date to address Commission concerns.

Planning Commission's Role: As the review authority for the proposed project, the Planning Commission's role is to review the proposed development for compliance with the Town's goals and policies, including consistency with the Development Code and General Plan.

Location/Setting: The project site is located at 12640 Union Mills Road (Figure 1). The parcel has rolling slopes ranging from 10-14 percent, open terrain and vegetation consisting of juvenile and mature Jeffrey Pines with sagebrush understory. The site is bounded by Interstate 80 to the south, US Forest Service land to the north and residential properties to the east and west.

Onsite improvements include a 4,560 sq. ft. school building, water well and access road, gravity septic system, propane tanks for heating, paved access and parking areas. A 20-foot Sierra Pacific powerline easement transects the property. Existing development and infrastructure are clustered in the northwest corner of the property.



Project Site Information:

General Plan Designation:	Open Space and Recreation (OSR)
Zoning District:	Rural Residential, 1 dwelling unit per 10 acres (RR-0.10)
Project Site Size:	40.1-acre parcel

Discussion/Analysis:

Background

Friends of Tahoe Truckee Waldorf (FOTTW) purchased 12640 Union Mills Road in 2019 with plans to relocate an existing Waldorf School, Golden Valley Tahoe School (GVTS), onto the property. GVTS was originally located in Placer County (Northstar), chartered through Newcastle Elementary School District, and operated by Golden Valley Charter Schools. FOTTW planned to lease the site to the charter school.

GVTS operated on the site through March 2021. In March, Golden Valley Charter Schools revoked the school's charter, and it is staff's understanding that the Waldorf school has been operating as a private school/homeschool consortium since that time. As the school is no longer affiliated with Golden Valley Charter Schools, they have requested that the Golden Valley name be removed from this project, and as such, staff will use the name Friends of Tahoe Truckee Waldorf School (FOTTW school) throughout this staff report.

In September 2022, FOTTW school submitted a charter application to the Truckee Tahoe Unified School District (TTUSD). The charter application was denied after review by both District staff and the Board of Trustees. Staff assumes the school will operate as a private Waldorf school. The Development Code does not distinguish between public or private schools for the use requested by this Use Permit.

Previous Land Use Approvals

Cedar Smoke School – 94-22 CUP

In 1994, the Town of Truckee approved a Conditional Use Permit (94-022/CUP) for the development of a private education facility at the project site. Cedar Smoke School was a 40-student private junior and senior high school. Phase one included the construction of a 4,180 sq. ft. building (the existing building noted above), a production well, septic system, access road and parking for 33 cars. Phase 2 included an additional building and parking but was never constructed. A Mitigated Negative Declaration was adopted as part of this approval.

Prosser Charter School – 01-016/CUP

In 2001, the Town approved a Conditional Use Permit to construct and operate a charter school for primary and secondary students. This project, the Prosser Creek Charter School, proposed the construction of four new buildings, adding approximately 63,800 sq. ft. of floor area to accommodate 500 students, teachers and administration. A Mitigated Negative Declaration was adopted for this project. Due to the large size of this project and required infrastructure upgrades, three phases were proposed.

Aspects of the Prosser Charter School project approval related to the FOTTW school include the determination that site development was not allowed to disturb an area greater than 10% of the project area, as dictated by the Open Space and Recreation (OSR) designation of the General Plan, and that the Planning Commission did not consider playgrounds and recreation fields as open space. These elements were counted towards site disturbance as a condition of final project approval. Also, the project was required to connect to public utilities (sewer and water) and pave Union Mills Road.

Prosser Creek Charter School Amendment (2003) - 01-016/CUP-AMD

Prosser Creek Charter School returned to the Planning Commission in 2003 to request a continuance of Phase One for an additional year and to remove Phase Two and Three and the requirements associated with those additional phases. The school would be relocating for the 2004 school year and would not be pursuing build-out as previously proposed.

The project amendment was approved, removing most of the previous conditions of approval and adding additional conditions. The new conditions required the removal of all portable buildings, deactivation of the newly installed septic system and chip sealing of Union Mills Road for the additional Phase One school year.

Golden Valley Tahoe School Pre-Application Review – Application No. 2020-00000057

In Spring 2020, the applicant submitted a two-part pre-application request. The first request was to find a pathway to allow the Golden Valley Tahoe School to open as soon as possible on the newly purchased property and the second request was to determine the necessary entitlements to permit a 300-person K-5 school and a preschool (Little Gems of the Sierra) on the Union Mills property. Over the course of the summer, staff worked on permit approvals to allow 44 students onsite (See Minor Change to Approved Project below). Staff also processed a Temporary Use Permit (TUP 2020-00000057) to allow the school to operate outdoors while the existing school building (built under the 1994 permit) was brought up to current Building Codes. Staff prepared a Pre-Application Review letter (November 2020 – Attachment #2) outlining the steps towards requesting an expansion of the school use.

Golden Valley Tahoe School Outdoor Session Temporary Use Permit (2020-00000057/TUP)

During the Pre-Application process, it was determined that the 94-22 CUP was valid and the applicant could operate a 40-student school under this permit. However, tenant improvements were required to bring the existing, vacant school building up to code and additional permits were required to operate the water and septic systems before children could be onsite. The applicant hoped to have children attend school at the start of the 2020-2021 school year. Staff worked with the applicant to find a solution to allow outdoor school while the applicant prepared to rehabilitate the school building and utilities. Staff permitted a three-month temporary outdoor school use which included a tent and portable restroom facilities all located on previously disturbed land. This permit remained valid through December 2020.

Minor Change to Approved Project 2021

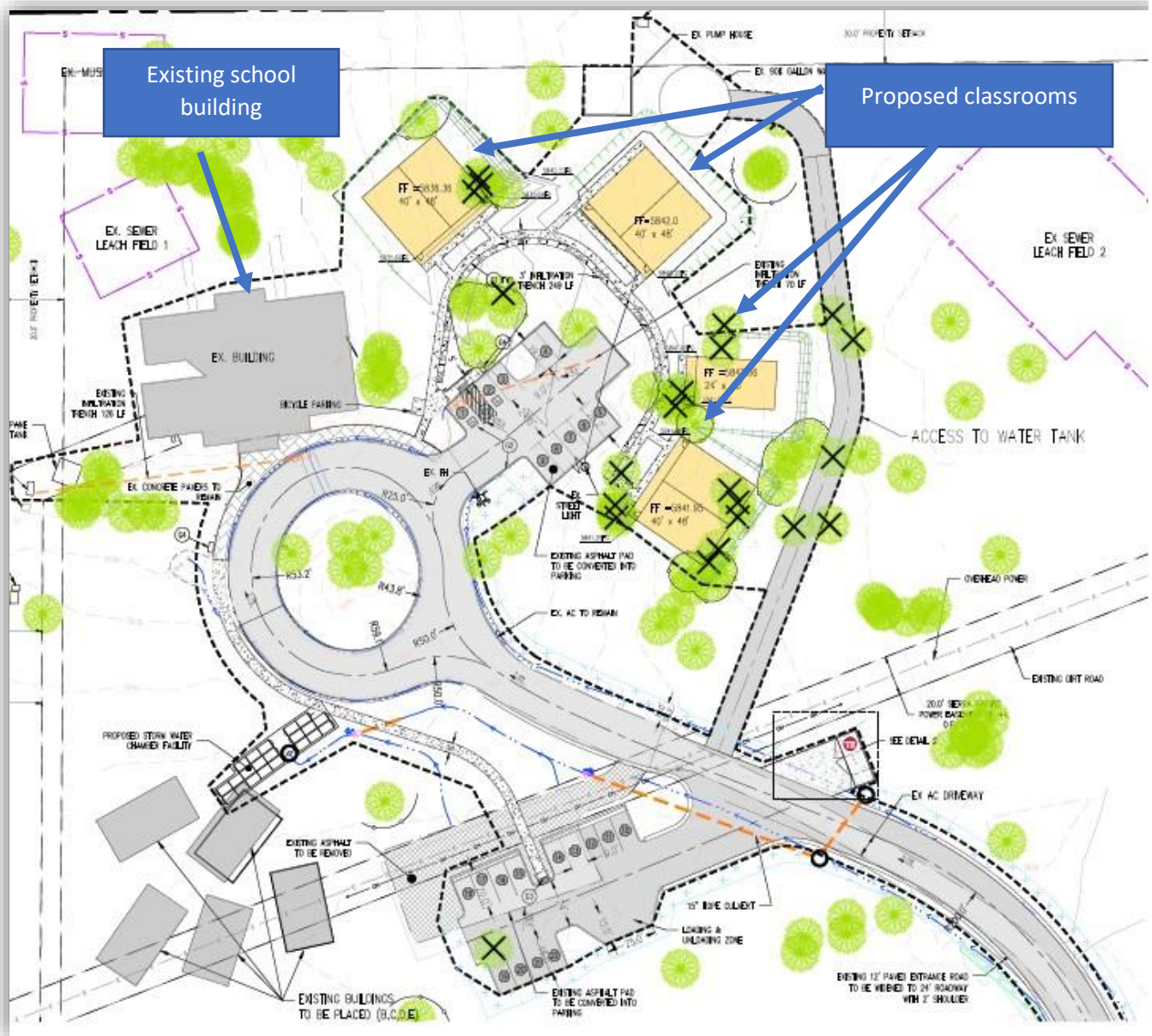
As the applicant progressed towards submitting a Tenant Improvement building permit application for interior modifications to bring students indoors, the Community Development Director approved a minor change to the existing Use Permit that would allow for a 10% increase in student capacity from what was allowed with the underlying 1994 CUP. The Development Code allows the Director to conditionally approve minor changes to approvals without returning to the responsible review authority (Planning Commission). The applicant would need to secure a new Use Permit to expand capacity beyond the new maximum of 44 students.

Project Description

The applicant is proposing a 240-student elementary/middle school (TK-8) at 12640 Union Mills Road. The school will operate out of the existing 4,560-sf building and add four new buildings created from seven modular classrooms, increasing the floor area by 7,000 square feet. Three of the buildings will be constructed by combining two modulars, and one building would consist of one standard size modular. The project will reconfigure the existing parking lots to add 13 parking spaces, with a total of 22 parking spaces provided (the asphalt used for the parking spaces installed in 1994 has deteriorated and the spaces are no longer available). The school is not currently proposing any transportation infrastructure (i.e bussing).

Access to the school is solely provided by Union Mills Road, a private roadway, and a paved entrance driveway. As part of the project, the school is required to bring a portion of Union Mills Road and the paved entrance drive up to public road standards by widening the existing 12-foot road to a 24-foot roadway with a two-foot-wide shoulder on both sides. Monument signage is proposed at the Union Mills Road entrance.

The project site is not served by public sewer or water utilities. The site has an existing septic system permitted by Nevada County Department of Environmental Health (NCEHD). According to NCEHD, the existing system can service approximately 89 students and staff, without a cafeteria, gym or showers (See Routing Comments – Attachment #3). The applicant is proposing to reactivate the additional septic system decommissioned as part of the Prosser Creek Charter School Amendment. NCEHD states that, if the system can be recommissioned, the combined septic systems would have a capacity of 254 students and staff. NCEHD is also responsible for permitting the drinking water system. Potable water is provided by a commercial well drilled in 1994 and the applicant currently holds a County of Nevada Domestic Drinking

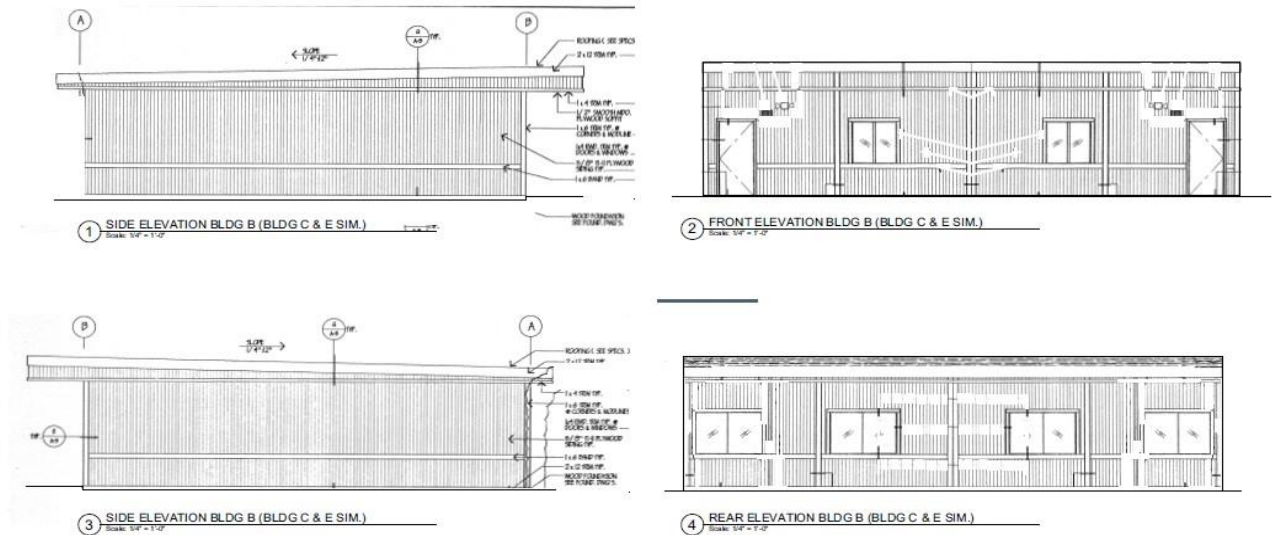


Water Permit for a maximum of 44 students. A 90,000-gallon water tank is located on site for drinking water and fire suppression. A new water permit and expanded water storage will be required as part of this approval. The applicant will also be required to pave the water tank access road for maintenance access.

The proposed modular classrooms will be set on permanent foundations and meet the California Building Code in effect at time of building permit submittal. The applicant states that the modular units “will be updated to blend” with the existing rustic alpine design for the existing school building. The elevations provided show modulares with vertical plywood siding and horizontal trim bands. The body of the buildings will be painted in sage green (Benjamin Moore “Herb Bouquet”) and trimmed in brown (Benjamin Moore

“Buckhorn”) with door painted navy blue (Benjamin Moore “Blue Note”. Full-sized elevations are included in Attachment #1.

Figure 3: Modular Classroom Elevation Example



Phasing Plan

In August 2022, the applicant team reached out to staff to discuss the potential to allow for an increase in student capacity in the existing school building before installation of the modular classrooms. Staff agreed to review a phasing plan if submitted by the applicant. A phasing plan was not submitted prior to agendizing the project for the December 2022 Planning Commission hearing. The applicant requested to continue the hearing to submit a phasing plan and submitted this plan to staff on December 28, 2022 (Attachment 5).

The applicant is requesting three phases for the project. The first phase requests to increase student capacity from the 44 students allowed under the 1994 Use Permit to 95 students, which the applicant states is the capacity allowed by building code. Staff notes that the maximum occupant load is determined by the Fire Marshal utilizing information provided by the applicant. For the purposes of project approval, the increase in capacity will be dictated by the allowable capacity of the existing building per TFPD approval. The first phase proposed by the applicant would not include widening the driveway to current road width standards, installation of required BMPs, required parking improvements, nor installation of solid waste screening. Phase two involves the completion of roadway, driveway and drainage requirements, and installation of five modulars classrooms. The final phase includes the installation of the two additional modulars and all associated improvements.

Staff is unable to support the proposed phasing plan as requested. A discussion of staff's reasoning is provided below.

Phase 1: As the existing school is operating under a 1994 Use Permit, the school and school site are currently out of compliance with many Town requirements, including but not limited to, roadway and drainage improvements. State law does not allow the Town to require that the existing project (and project site) install improvements to bring the site into compliance as long as the applicant operates under the current Use Permit. However, any intensification of the use or development on the site would trigger the need to bring the site into compliance as part of the new approval.

Increasing the capacity of the existing school building necessitates the need to provide required parking, solid waste facilities, appropriate roadway widths and conditions, evacuation and safety planning, and satisfaction of all mitigation measures proposed in the MND. The Commission would need to make all required findings for each phase.

Driveway Widening

The existing 12-foot-wide driveway serving the school does not meet the Town's Public Improvement and Engineering Standards and is required to be widened to 24 feet prior to any intensification onsite. This requirement was relayed to the applicant in November 2020. As the applicant team was concerned about permitting and approval timelines, in April 2021, staff suggested that the applicant begin work on the driveway widening as the driveway permit would not be contingent on Use Permit approval. In other words, staff supported bringing the driveway up to current engineering standards for use by the existing 44 student school. The applicant did not apply for the grading permit until September 2022 and was not able to complete the widening before winter weather arrived.

The applicant is requesting to increase capacity from 44 students to 95 students before the completion of the driveway widening. Staff does not support approving this increase for the following reasons:

- Safety/Evacuation: As discussed in the Environmental Analysis section below, the project site presents unique challenges to evacuation due to location (dead-end private roadway) and lack of group transportation (the school does not provide bus/van transportation for students). In the event of an off-site evacuation, parents would need to drive onto campus to retrieve students and then drive out to evacuate. Due to this safety issue, staff finds it extremely important that the driveway serving the school is wide enough to allow for vehicles to safely pass each other and for large emergency vehicles to pass parent vehicles. Staff reached out to TFPD Fire Marshal Steve Kessman and Town Emergency Operations Manager Robert Womack for comment on this proposal. Kessman relayed that for TFPD, the need for improved access is centered around fire season evacuation but was not told by the agent that the applicant was proposing additional building occupancy and that "increasing the load factor on the building without the proper access is suboptimal." He visited the site to review the access and noted that the snow removal on the school driveway was substandard and he was required to pull into a snowbank to allow a car to pass, which resulted in almost stranding his four-wheel drive vehicle. Emergency Operations Manager Womack highlighted that no increase in capacity could occur before the review and acceptance of the evacuation plan per CEQA requirements.
- Violation of Town NPDES (National Pollutant Discharge Elimination System) Permit: The applicant has suggested that though the existing driveway is 12 feet wide, the additional 12 feet of compacted base that surrounds the pavement could be used in the event of an emergency. While this situation may be passable with a vehicle, approval of the use of this unpaved area as a driving surface would not be consistent with Town Engineering standards that are representative of the State NPDES permit requirements. The NPDES permit requires that all Town-approved driving surfaces be paved with an appropriate all-weather surface.
- Use Permit Findings: As discussed later in this report, the findings to approve the project include:

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. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land and all development fees have been paid prior to occupancy of buildings and the land, and;

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.

Staff believes this finding cannot be made unless the driveway is widened to 24 feet with an appropriate all-weather surface (i.e. paved).

Widening of the driveway is required prior to an increase in student capacity per COA #23.

Road Maintenance Agreement

As previously mentioned, Union Mills Road is a private roadway. The Town is not responsible for road maintenance, access, or snow removal. However, staff believes there is a Town obligation to review the availability of safe passage for residents and project users prior to approving a project on this site. Also, staff does not believe the finding discussed above can be made without assurance for continued access on Union Mills Road. As such, prior to increasing capacity on the site, staff is requiring documentation that demonstrates the availability of legal access and the provision of road maintenance for the entirety of Union Mills Road from Overland Trail to the project site.

Solid Waste

Prior to increasing capacity, the applicant must provide proof of appropriate solid waste service (trash dumpster, cardboard and recycling) and demonstrate that the solid waste facilities are stored on paved surfaces. As long as the location of the solid waste facilities are not viewable from public vantage points, staff supports delaying solid waste screening until the second phase of development.

Parking

To allow for an increase in occupancy in the existing school building, the applicant will need to provide required parking for the existing five classrooms. Per Chapter 18.48 (Parking and Loading Standards), the parking demand for elementary/junior high/middle schools is two spaces per classroom, plus one space per every 200 square feet of assembly area in an auditorium. A five-classroom project would require 10 parking spaces (no auditorium was identified in the submitted floor plans). Accessible parking spaces and an accessible path of travel to the building will also be required. Parking spaces must be paved and striped to the dimension required per Town regulations. Additionally required parking (beyond the 10 required) could be installed in further phases as classrooms are added.

Stormwater Treatment

Development of the entire project requires treatment of all existing and proposed impervious areas. However, for Phase 1 (occupancy increase), only treatment for new Phase 1 impervious surfaces would be required. Existing areas would be treated during Phases 2 or 3.

Septic/Water Permits

The applicant would need to demonstrate that they have the required permits from NCEHD that match the occupancy limit of the existing school building for Phase 1. Additional permits would be required to address capacity for Phases 2 and 3.

Other Conditions of Approval

To increase capacity in the existing school building, all remaining conditions of approval would need to be met.

Phase 2: The applicant proposes the second phase to include completion of the roadway, driveway and drainage improvements, installation of five classrooms and trash enclosure. As discussed above, the

driveway, road maintenance agreement and a portion of the parking must be addressed in the Phase 1. Staff supports Phase 2 including the installation of five classrooms, solid waste screening, required additional parking/sidewalks and drainage improvements.

Phase 3: Staff supports the installation of 2 modulars and required associated improvements.

If approved, permits expire two years from the effective date. If the applicant chooses to phase the modular building installation, and this is approved by the Planning Commission, the life of the permit could be extended to a total of six years. Diligent pursuit of the first phase would need to occur within two years, with diligent pursuit of the following phase within two years of the date the first phase is exercised and diligent pursuit of the third phase within two years of the date the second phase is exercised. Otherwise the approval shall become null and void unless an extension of time is granted by the Planning Commission, in compliance with Section 18.84.055 (Time Extensions). Time Extension findings require the project to be consistent with the General Plan and Development Code as the time of the request. This could be problematic for the applicant as the draft 2040 General Plan requires all new development to connect to public sewer and water and the applicant team has stated they do not want to be subject to this requirement.

Staff will write the permit to allow for the phasing as discussed above. Of course, the applicant could choose to exercise all phases at once or combine phases.

Land Use Approvals

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

- **Development Permit:** Development Permit approval is required for projects with projects with 7,500 square feet or more of floor area and/or 26,000 square feet or more of cumulative site disturbance. In reviewing Development Permit applications, the focus is on site layout and site/building design to ensure the best utilization of a site as well as compatibility with surrounding properties. The Planning Commission acts as the review authority for consideration of Development Permits and approval of this type of request is discretionary.
- **Use Permit:** Use Permit approval is requested to permit “Schools – Public and Private” in the RR (Rural Residential) zoning district, which is a conditionally allowed use with approval of a Use Permit by the Planning Commission. The purpose of a Use Permit is to review proposed land use activities which may be desirable in the applicable zoning district and compatible with adjacent land uses but whose effects on a site and surroundings cannot be determined before being proposed for a particular location. The review process includes evaluating the proposed use to determine if the activity should be allowed on the subject site, and reviewing the configuration, design, location and potential impact(s) of the proposed use by comparing it to the established development standards and design guidelines, as identified in Development Code Chapter 18.76 (Use Permits and Minor Use Permits). The Planning Commission acts as the review authority for consideration of Use Permits and approval of this type of request is discretionary.

General Plan Consistency

Staff believes that the project, with incorporation of the proposed Conditions of Approval, is consistent with the goals and policies of the General Plan. Further discussion of specific General Plan consistency issues can be found below.

Land Use

The General Plan Designation for the site is Open Space Recreation (OSR). Lands designated OSR are intended to minimize suburban and rural residential sprawl; to protect significant vistas, wildlife movement corridors, biological resource areas; and to accommodate recreational uses. The General Plan dictates that all development in the OSR land use designation shall preserve 90% of the land area on the parcel as open space. To remain consistent with the OSR designation, disturbance to the project site cannot exceed 4.01 acres. According to the proposed plans, project site disturbance is limited to 3.83 acres. Staff notes that disturbance refers to any area of grading, development, or removal of natural vegetation. Examples of

site disturbance include playgrounds, gardens, leach fields and BMPs, as well as structures and impervious surfaces.

At time of building permit submittal, the proposed project will be required to submit a survey prepared by a licensed land surveyor which accounts for the location and dimensions of all site disturbance and impervious surfaces. According to communication from NCEHD, the second septic system that is proposed to be brought online has not been inspected and it is possible that the leach field associated with that system cannot be used. If a new leach field is necessary, the site disturbance for that field would be added to the total. Additional disturbance beyond 4.01 acres will not be approved and would be inconsistent with the General Plan

General Plan Land Use Policy 4.3 requires that new development be approved only when adequate services are available and requires connection to public sewer. However, in the 2025 General Plan, this policy only applies to new residential subdivisions creating more than four lots, and all new commercial and industrial uses. The proposed use, "Schools – Public and Private" is in the "Recreation, Education and Public Assembly Uses" land use type category and is not subject to this policy. Staff believes that the General Plan did not contemplate a school of this size located outside of Public Facility (PF) zoning. PF zoned parcels are located in areas with access to public utilities.

Community Character

One of the key Community Character Element Guiding Principles is the conservation and protection of the natural beauty, scenic landscapes and open space resources of the Town, including the Truckee River, Donner Lake, ridges and hillsides, scenic corridors and vistas and views of the night sky. Goal CC-1 works to preserve open space in Truckee that contributes to the town's scenic mountain community character. Goal CC-3 protects and enhances public views within and from Truckee's designated scenic corridors. The project site is visible from a designated scenic corridor, Interstate 80. The project is designed to ensure that new buildings and parking areas are not visible from I-80 and do not negatively impact the identified scenic vista.

Noise

The General Plan lists noise compatibility guidelines for various land uses. For residential and school uses, noise levels 60 dB CNEL or less are considered to be "normally acceptable". Levels 60-65 dB CNEL are "conditionally acceptable", and levels 65-75 dB CNEL are "normally unacceptable". If worst-case noise levels fall in the conditionally acceptable or normally unacceptable categories, development may be allowed if an acoustical analysis shows that mitigation measures can be applied that will reduce noise exposure to an acceptable range. The interior noise standard set by the Town is 45 dB CNEL or less. Goal N-1 requires minimization of community exposure to excessive noise by ensuring compatible land uses relative to noise sources. Goal N-2 requires noise issues to be addressed through the planning and permitting process.

The project site is located within an area identified on the General Plan's Noise Contour Map as being between 60-70 dB CNEL. This falls within the conditionally acceptable to normally unacceptable range for sensitive receptors (school and residential uses). An acoustical analysis was completed for the project site and is included in Appendix B of the MND (Attachment #1). The analysis found that the school site is predicted to be exposed to exterior transportation noise levels up to approximately 55 dBA, which complies with the 60 dBA limit set in the General Plan. The acoustical analysis also reviewed the potential for the proposed project to increase noise levels for nearby sensitive receptors (residential uses). Children playing outdoors and traffic circulation are considered to be the primary noise sources for the project. The analysis found that the project would not increase noise levels beyond 47 dBA L₅₀, which meets the Town's daytime standard of 50 dBA L₅₀.

Housing

Housing Element Goal H-2 requires the provision of affordable housing to all segments of the community. Policy H-2.7 continues to implement the Town's Workforce Housing Ordinance (Development Code

Chapter 18.216). This ordinance requires projects that create jobs to provide affordable housing for a portion of their projected workforce or to pay an in-lieu fee. The school will be required to comply with adopted Workforce Housing Requirements in the Development Code, discussed in detail in the *Development Code Consistency* section.

Safety

Safety Element Goal SAF-4 protects lives and property from risks associated with wildland and urban fire. Policy 4.4 requires new development to incorporate adequate emergency water flow, emergency vehicle access and evacuation routes. Adequate emergency water flow will be required and inspected by Truckee Fire Protection District (TFPD). TFPD has reviewed the road plans and confirmed the proposed driveway and parking areas meet emergency vehicle access standards. As Union Mills Road is a private dead-end roadway, staff is requiring provisions for road maintenance and access to be provided as COA #24. Staff notes that expanding student capacity to 240 students poses the need for a robust evacuation plan in the event of a wildfire. An emergency evacuation plan, prepared by an emergency evacuation professional, is required in COA #35 and COA #36. Also, proposed Mitigation Measure IX-1 limits the amount of vehicles allowed into the site for evacuation, limiting the impact on the surrounding Union Mills properties.

Development Code Consistency

The project site is zoned RR-0.10 (Rural Residential – 1 dwelling unit per 10 acres). The RR zoning district is applied to areas intended for rural living, including the keeping of animals, with supporting corrals and barns. Parcels in the RR zoning district area are appropriate for clustered infill development away from environmentally sensitive areas, and to preserve open space. The RR zoning district is applied to areas in Truckee appropriate for agricultural, resource, open space and residential land uses. An elementary/middle school is considered under the “Schools-Public and Private” use and is conditionally allowed in the RR zoning district with approval of a Use Permit. The following discussion provides specific elements that staff has identified requiring further review by the Planning Commission. Other than the items identified, staff finds the project to be consistent with the Development Code standards.

Code Compliance Actions

The Town’s Development Code outlines requirements for the development and use of private and public land, buildings and structures within the Town. Unpermitted development and uses are reported to Code Compliance officers who work with property owners to bring their properties into compliance. Currently, there are two open/unresolved Code Compliance cases on the Union Mills property. Typically projects on properties with active Code Cases are not brought for review and approval, however, staff anticipates both cases will be resolved as part of project approval. The two cases are described below:

Unpermitted Outdoor Storage and Work Area – February 2021 - 2021-00000012

The Town received a complaint regarding the storage of trailers at 12640 Union Mills Road. The applicant purchased portable classrooms and stored them onsite near the western property line. This is not allowed in the Rural Residential zoning district. As the applicant is hoping to use the portable classrooms for the school expansion, staff allowed the classrooms to remain onsite as long as the applicant applied for Use Permit approval. The classrooms must be removed if the Planning Commission does not approve the Use Permit or installed in the proposed locations if the permit is approved. If the applicant chooses to phase the project, the classrooms will need to be stored off site until the second phase of the project has begun. As this off-site location is currently unknown and unapproved, the applicant may need to seek approval for this storage as well as part of a future land use entitlement.

Unpermitted Operation of Child Care Facility – September 2022 – 2022-00000105

In the 2020 Preliminary Application 2020-00000057/PAR, the applicant requested information on the land use approvals required to run a 25-child preschool, Little Gems of the Sierra, along with a K-8 charter school at the Union Mills property. In the Pre-Application letter, the applicant was informed that the addition of the Little Gems childcare facility would require approval of a new use “Child day care centers – 13 or more children.” The letter also outlined the requirements of Development Code Section 18.58.50, which establishes standards for Town review of childcare facilities in compliance with State law. Subsection C applies standards for both indoor and outdoor play areas. These standards include, but are not limited to,

outdoor play areas having at least 75 square feet for each child and being enclosed with a six-foot high solid decorative fence or wall. A child day care center with 25 children would be required to provide at least 1,875 sq. ft. of fenced outdoor play area. When the applicant applied for this Use Permit, their Letter of Justification stated that "...a preschool on the property is no longer a consideration."

In August 2022, the Town received information that the Little Gems of the Sierra Preschool was in operation at the proposed school site. California Department of Social Services reports reveal that the childcare facility proposed a change of location from the previous address in Northstar to the Union Mills location. License Program Analysts with the Department of Social Services performed a facility evaluation in July of 2022 in response to Little Gems of the Sierra's application requesting, "a preschool license to serve 24 preschool children with a toddler option to serve 20 children ages 18 months to 36 months. The program will operate Monday through Friday from 8:30 AM- 4:00 PM." A second inspection conducted by the Department of Social Services took place on August 23rd, 2022. The cause for inspection was reportedly "for the purpose of a capacity increase inspection. Licensing representative has requested to increase the current capacity from 44 to 65, which would include 31 toddlers and 34 preschool aged children. LPA observed 29 children (16 preschoolers and 13 toddlers) supervised by nine staff in four separate classrooms." As discussed earlier, a total of 65 students exceeds the current maximum allowed number by 21 students.

The Town required that the Little Gems of the Sierra Preschool cease operation at 12640 Union Mills Road within 15 days from the date of the Code Compliance notice (September 9, 2022) and not resume the associated childcare operations until approvals were obtained from the Town of Truckee Planning Division through a separate Use Permit or The Little Gems of the Sierra Preschool was added to the scope of this project. Consistent with Town practice for ongoing code compliance cases, the Town would allow the preschool to remain open while this project was under review and until the Planning Commission made a final decision.

The applicant decided to not move forward with adding the preschool to the current project. The applicant and the preschool operators entered into a Code Compliance Agreement with the Town which stipulates that the Child Day Care Center must cease operations on the property by February 20, 2023 and that the existing and/or newly permitted Waldorf school may not operate on the campus until Little Gems relocates. This is further reiterated in COA #63. If the applicant does not abide by this agreement, the Town may initiate a Use Permit(s) Revocation process for any approvals associated with the property and/or proceed with administrative fines consistent with the adopted Fee Schedule

Signage

Signage is generally not allowed in Residential Zone Districts. There are no allowances for school signage, however, the Planning Commission could make a similar use finding and allow the applicant signage as allowed for Group Day Care in a Residential zoning. One monument sign could be allowed that is a maximum of six feet in height and a maximum of 12 square feet with one exterior light. COA #48 would allow this signage, if agreed upon by the Commission. As the sign would not be visible from the public right of way or neighbors and could be seen as a wayfinding sign, staff supports the similar use finding.

Site Coverage

Staff notes discrepancies between the site plan and the preliminary drainage report submitted by the applicant. These discrepancies can be cleaned up at building permit submittal. As previously mentioned, site disturbance beyond 4.01 acres will not be approved.

Parking and Loading Standards

Per Chapter 18.48 (Parking and Loading Standards), the parking demand for elementary/junior high/middle schools is two spaces per classroom, plus one space per every 200 square feet of assembly area in an auditorium. A nine-classroom project would require 18 parking spaces (no auditorium was identified in the submitted floor plans). The parking standards established in Chapter 18.48 are both minimum and maximum standards. Off-street parking spaces in excess of these standards may be approved only in conjunction with a land use permit, and when additional landscaping and pedestrian improvements are also provided. When a project proposal includes parking in excess of the number of spaces required by this Chapter, the review authority shall approve no more than 20 percent more spaces than otherwise required, or 22 spaces. The applicant is proposing 22 spaces, and staff recommends that the Commission approve this increase as the project is not currently serviced by buses and may require additional spaces for drop off of younger children or other larger school events. Parking spaces 18-22 in the south lot are undersized (no overhang allowed over snow storage) and will be required to be lengthened (COA #40).

Chapter 18.48 also requires the provision of one off-street loading space. The proposed loading space is located in the southern parking lot. Staff has concerns regarding the distance between the school buildings and the loading space (Figure 4). The applicant states they do not anticipate any delivery services requiring a delivery vehicle larger than a van and will not be providing any food services. However, as part of the Social Services inspection of the Child Care Center, the State inspector verified the existence of a kitchen and food service. For the purposes of this approval, if the kitchen and food services remain, staff will require a redesign of the parking area to provide a closer loading space. Food services may require larger refrigerated trucks and staff is concerned that trucks would choose to park in the loop closer to the school rather than in the southern lot. Large delivery trucks unloading at the school entrance could create a safety issue. The provision of food services and use of a kitchen could also affect the applicant's septic permit and would need to be addressed with NCEHD.

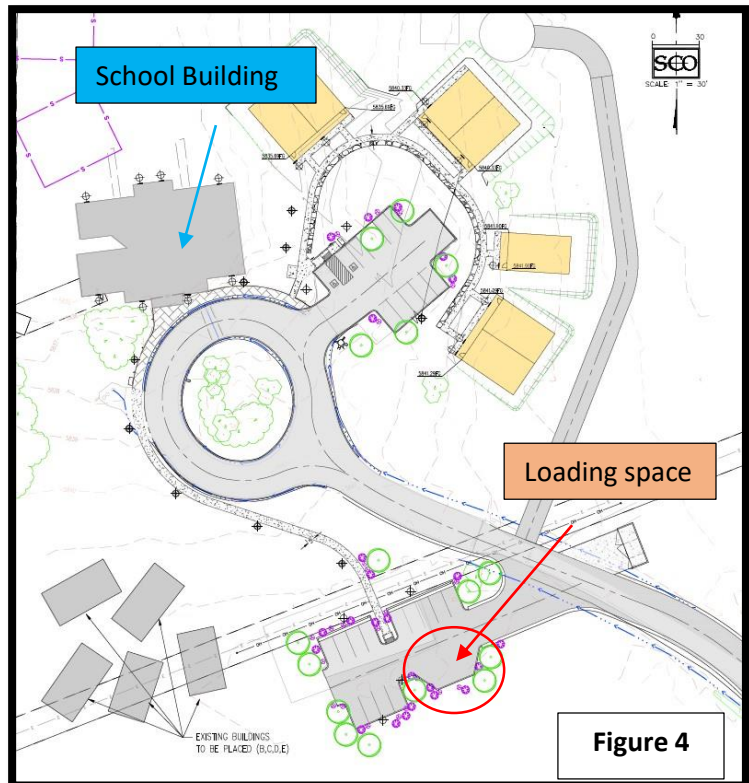


Figure 4

Residential Zoning District Performance Standards – Sewer Requirements

Development Code Section 18.08.060.A requires that all land uses connect to sewer in all residential zone districts, with the exception of existing single-family lots and subdivisions of four or less parcels. This section would require the proposed project to connect to sewer, except that it is inconsistent with the 2025 General Plan which does not require uses listed under "Recreation, Education and Public Assembly Uses" land use type category to connect to public utilities. As the Development Code amendment that created this section was not consistent with the current General Plan, it is not enforceable. The draft 2040 General Plan will require schools to connect to sewer, thus addressing this inconsistency.

Workforce Housing

Development Code Section 18.216.040 requires all commercial, industrial, institutional, recreational, residential resort, and other non-residential projects to include or provide workforce housing. The number of workforce housing units to be constructed and completed for a development project, shall be calculated based on a portion of the full-time equivalent employees generated by the project,

The Development Code does not provide employee full-time equivalent (FTEE) generation rates for institutional uses, and instead directs the review authority to base FTEE generation rates upon a comparison with similar businesses. The Code also allows the developer to submit an independent calculation of the number of employees generated by the proposed development to be used in place of the employee generation rates. Approval of the resulting calculation shall be at the discretion of the review authority. The developer's calculations must include all seasonal and part-time employees.

Staff used FTEE from Glenshire Elementary School (GES) as the comparison business. GES has 504 students and 47 staff members at a total of 42.39 FTEE. Using the ratio of 504/42.39, a 44 student school would have 3.70 FTEE and a 240 student school would have 20.18 FTEE. This demonstrates a 16.49 increase in FTEE from the proposed project. Staff realizes that this calculation does not include administration or transportation FTEE provided by the school district and likely underestimates the FTEE generation rate of the FOTTW school. Staff recommends the Planning Commission approve the staff provided generation rate as FOTTW employee information is not consistent and part-time FTEE was never provided by the applicant.

Assuming an increase of 16.49 full-time staff members (FTEE), GVTS would be required to provide 3.5% of FTEE (0.58 unit). The developer may choose to round up and provide one affordable housing unit, propose an alternative equivalent proposal or pay an in-lieu housing fee. Depending on timing and scope of project, this requirement could vary slightly. The current in-lieu fee, assuming 16.49 employees, is \$77,959.54:

$$0.58 \times \$134,413 = \$77,959.54$$

(Workforce Housing unit) x (In-Lieu Fee)

Specific Findings for Use Permits and Development Permits (Chapters 18.74 and 18.76)

The Planning Commission may approve a Use Permit and Development Permit application, with or without conditions, only if all of the findings can be made. Staff support for the findings can be found in Resolution 2022-016 (Attachment #1). Findings which staff believes warrant further consideration by the Planning Commission are discussed below:

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. Adequate provisions shall mean that distribution and collection facilities and other infrastructure are installed at the time of development and in operation prior to occupancy of buildings and the land and all development fees have been paid prior to occupancy of buildings and the land.

To increase student capacity beyond the currently permitted limit of 44 students, the applicant will be required to provide evidence of NCEHD water and septic permits in line with the increase in users (COA's #59-#62, #69). TFPD will inspect all fire protection devices, including water flow for sprinklers and fire hydrants. TFPD has reviewed and approved the required driveway widening, confirming that fire apparatus can access the school site. The permit will require that the required infrastructure for each phase (including septic, water, solid waste storage, widened driveway and parking lots) be installed and all fees paid prior to an increase in students on site.

Engineering staff confirms that Union Mills Road is constructed to private roadway standards (until it reaches the subject property) and is of adequate width. Union Mills Road is a paved private roadway, and with the incorporation of COA #24, shall be adequately maintained for access to the proposed project and neighboring parcels.

Special Districts and Utilities

All applicable special districts, utility companies, and Town departments with an interest in this application have been notified. All conditions of approval that were imposed by other agencies have been incorporated into Resolution 2022-16. The project will be required to be in compliance with all utility and special agency requirements and permits.

Environmental Review: An Initial Study/Mitigated Negative Declaration (Exhibit C of Resolution No. 2022-16) has been prepared for the project (SCH #2022110252). The Mitigated Negative Declaration was routed to State agencies through the State of California's Office of Planning and Research State Clearinghouse. Potential significant environmental impacts include air quality, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, noise, transportation, tribal cultural resources, and wildfire. However, the Town has incorporated mitigation measures to reduce or eliminate the potential impacts. Mitigation measures have been developed for inclusion within the project as conditions of approval to mitigate all potentially significant impacts to less than significant levels. A mitigation monitoring reporting program will be created to help aid in the implementation of these mitigation measures. It is staff's opinion that the mitigation measures developed for the project are adequate in meeting the requirements of the California Environmental Quality Act (CEQA) as well as the goals and policies of the General Plan. Due to the unique mitigation measures involved, staff believes two impact areas warrant further discussion.

Transportation - Vehicle Miles Traveled

Section 15064.3 of the CEQA Guidelines provides specific considerations for evaluating a project's transportation impacts. Pursuant to Section 15064.3, analysis of VMT attributable to a project is the most appropriate measure of transportation impacts. The Town of Truckee adopted VMT thresholds of significance on June 23, 2020, pursuant to CEQA Guidelines 15064.7(b). The Town of Truckee's thresholds of significance are based upon the Governor's OPR's Technical Advisory on Evaluating Transportation Impacts In CEQA, which includes screening thresholds to identify when a lead agency may screen out VMT impacts.

The Town of Truckee VMT Thresholds identify different project types that are assumed to cause a less-than-significant transportation impact and for which a detailed VMT study is not necessary. Because school projects are not included in the Town's screening criteria at this time, the preparation of a full VMT analysis was required for the proposed project. The Town's VMT thresholds identify a VMT significant impact when a project produces a daily VMT per unit greater than 85 percent of the Townwide average for the same land use type. VMT measures the distance a vehicle travels to the proposed project. VMT is reduced when development is centrally located, serviced by transit, and easily accessed via non-vehicular methods. As referenced in the Major Discussion Topics, the Planning Commission should discuss the VMT impact of approval of a geographically distant school without transportation infrastructure.

The project's first VMT analysis was prepared by LSC Transportation Consultants in December 2021. This analysis compared the FOTTW school with the only other K-8 charter school in Town, Sierra Expeditionary Learning School (SELS). As SELS is centrally located and provides bussing, SELS VMT was considerably lower than the FOTTW school. According to this first analysis, FOTTW would need to reduce VMT by almost 50%.

The applicant requested to sponsor another VMT analysis using a different transportation consultant and different parameters. As VMT is a relatively new CEQA requirement and the results of the first analysis would have likely led to the project being denied, staff agreed to review and potentially approve a new analysis. The applicant requested that the existing school's VMT be added to the Townwide average and

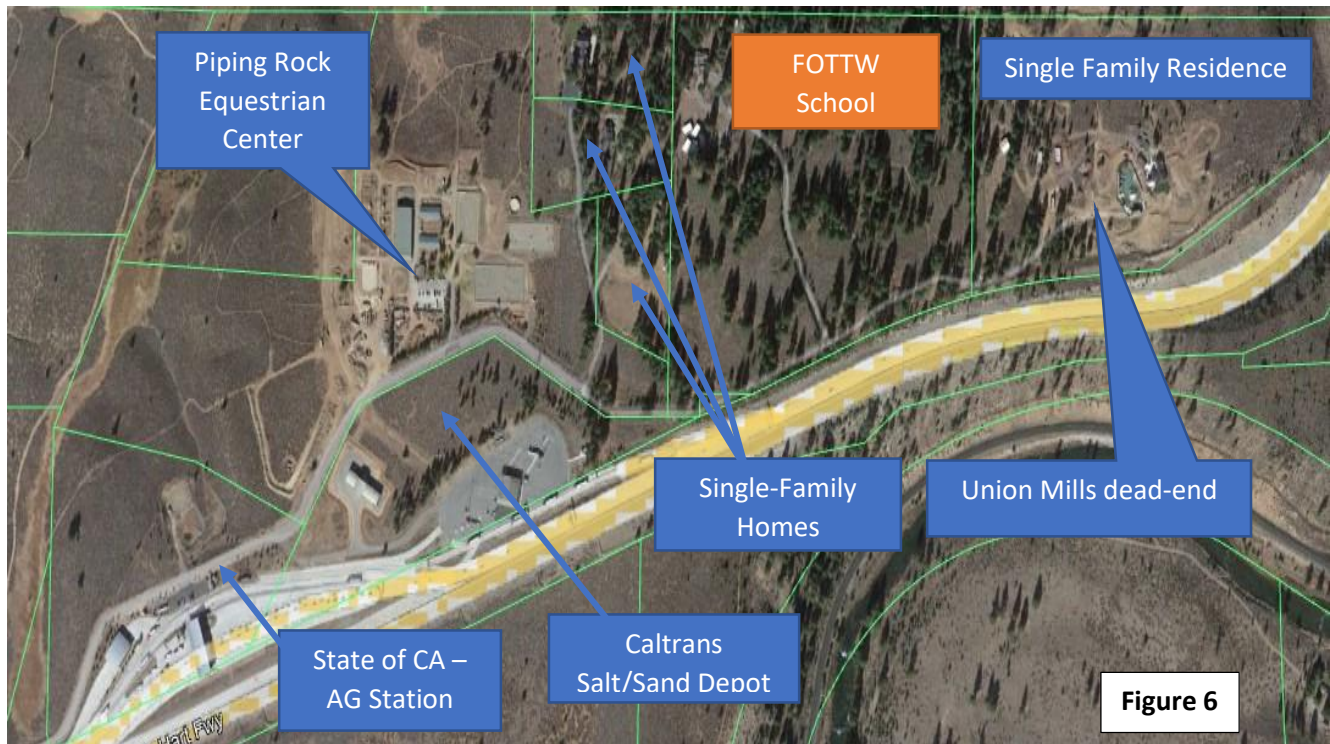
that Forest Charter School also be added to the Townwide average. As the existing school at Union Mills has high VMT due to its distant location and Forest Charter School does not provide bussing, this increased the Townwide average VMT calculation and decreased the amount of mitigation necessary. The applicant provided the first draft of the new VMT analysis from Kimley Horn in early May 2022. A final Kimley Horn VMT analysis was accepted by the Town in August 2022 and used for MND analysis. The Kimley Horn report found that the project needs to reduce project VMT by 23.2% to avoid a significant impact. Therefore, the following mitigation measure was incorporated into the Mitigated Negative Declaration:

Mitigation Measure XVII-1. *Prior to the issuance of grading permits, the project applicant shall provide documentation, subject to review and approval by the Town of Truckee, showing that VMT reduction measures, will be incorporated into project operations. VMT reduction measures may include, but are not limited to, the following:*

- *A corresponding reduction in on-campus school days as compared to the Tahoe Truckee Unified School District's annual number of on-campus school days. This reduction may be provided over the course of the school year to account for part of or the entirety of the required mitigation percentage of 23.2 percent. This measure shall be documented by means of submittal of the school's academic calendar to the Town for review and approval;*
- *School-provided bussing/vanpool program that is monitored based on the number of students and origination point of each student who utilizes the program. This measure may require further study by the applicant and review/approval by the Town prior to implementation; and/or*
- *Other Town programs or measures that become available and demonstrate a 23.2 percent reduction in VMT per student.*

As the applicant does not have a bussing/vanpool program available at this time, COA #38 requires the submittal of a school calendar demonstrating the appropriate reduction of on-campus learning days. As other measures become available, the applicant can submit requested changes to staff. This will likely be in the form of a Project Amendment application, however if the request abides by the mitigation measure and is a simple revision of a Condition of Approval, the request could be approved at the staff level.

Hazards and Hazardous Materials/Wildfire – Emergency Evacuation Plan



The CEQA guidelines ask if a project could impair implementation or physically interfere with an emergency response plan or evacuation plan. As the proposed project is located on a dead-end private roadway and does not have transportation infrastructure (i.e. busses or vans), it is possible that during an evacuation order or warning, the school could interfere with the evacuation of surrounding properties and/or access for emergency personnel. The existing users of Union Mills Road include Piping Rock Equestrian Center, Caltrans, the California Highway Patrol and four residential properties (See Figure 6). For example, if 240 students needed to be physically evacuated from the property, under current conditions, parents would have to be notified and drive onto the property to pick up their children. With a private dead-end roadway that supports State vehicles, Truckee residents and numerous visitors and horse trailers associated with the equestrian center, it can be imagined that the number of caregiver vehicles required to travel into and out of an evacuation situation has the potential to jam Union Mills Roadway and also interfere with emergency personnel, especially in the event of an evacuation order, in which emergency responders would not allow additional people to enter the evacuation area. Though CEQA looks at the impact of the project on the surroundings, staff also is concerned about the safety of the children and staff at the project site. COA #35 and COA #65 requires the submittal and approval of an emergency response/evacuation plan to be prepared by an emergency response professional. This plan will be reviewed by the Town, TFPD and CalFire. Also, to reduce the impact to a less-than-significant impact, the plan must hit two benchmarks: 1) during an evacuation warning, the school must evacuate using no more than 50 vehicles entering the site (this would approximate evacuation under the current Use Permit limit of 44 students) and 2) the school must completely evacuate without any vehicles entering the site during an evacuation order. The plan must account for how additional vehicles would be prevented from entering the site. The following mitigation measure was incorporated into the Mitigated Negative Declaration:

Mitigation Measure IX-1. *Prior to an increase in school capacity beyond 44 students, the applicant shall submit a Town-approved emergency response/evacuation plan outlining the procedure for offsite evacuation of the entire campus. This plan must identify the measures that will be implemented by the school to ensure orderly evacuation of the entire campus population during an evacuation warning or evacuation order (as determined by the California Department of Forestry and Fire Protection [CAL FIRE] and the California Governor's Office of Emergency Services [Cal-OES], and defined by the Cal-OES Evacuation Terminology Working Group), using no more than 50 vehicles. Measures could include but not necessarily be limited to use of on-site shuttles, contracting with a transportation company, and/or a*

establishing a designated classroom evacuation carpool system. The plan should also account for an evacuation order, which requires campus evacuation with vehicles located onsite.

The Mitigated Negative Declaration 30-day comment period ended on December 14, 2022 and staff has not received any comments.

Public Communication: The public hearing notice was published in the Sierra Sun on December 9, 2022 and January 6, 2023 and mailed on December 9, 2022 and January 4, 2023 to all property owners within 500 feet of the project site, as shown on the latest current tax roll of Nevada County. The Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration was mailed out to all property owners within 500 feet of the project site and e-notified on November 14, 2022. Public Comment received for the project can be found at <https://portal.laserfiche.com/Portal/Browse.aspx?id=59637702&repo=r-6a91ddbc>.

During project review, staff had numerous conversations with concerned neighboring property owners who are not in support of the expansion of the school. These neighbors have concerns regarding the use of Union Mills Road, the maintenance of Union Mills Road and issues with compatibility of a larger school adjacent to their rural properties. Though official comments have not been received at the time of publication of this staff report, staff expects the neighbors to provide comments prior to or at the public hearing.

Families currently attending the Waldorf school have provided 20 comment letters in support of the project, three letters of support have been submitted from community members and one letter of concern regarding the evacuation plan has also been submitted. All letters received are available for review in the link above.

Staff Summary and Recommendation: Staff acknowledges the many challenges associated with locating a large school in a geographically distant location and has worked for two years to develop an approach that staff believes can be supported. That being said, we recognize there is considerable opposition from other property owners on Union Mills Road and that the Commission may share these concerns. Staff also acknowledges that wildfire impacts and emergency evacuation is an emerging regional and community issue and that more work is needed to understand this issue. Staff also understands that several of the proposed Mitigation Measures and Conditions of Approval will require extensive monitoring on behalf of the Town of Truckee and most importantly, will require a very high level of effort from the applicant to ensure they are adhering to the required Mitigation Measures and Conditions of Approval.

Staff encourages the Commission to carefully review both the required Use Permit findings and the Mitigation Measures and Conditions of Approval to ensure they adequately address the General Plan and Development Code requirements and the requirements of CEQA. Staff believes that the recommended Mitigation Measures and Conditions of Approval can achieve this goal with careful implementation and through a heightened level of oversight. As mentioned earlier in this staff report, the Commission has full discretion over this project and will need to make all findings associated with both the Development Permit and Use Permit.

Alternative Actions: Actions that the Planning Commission may take as an alternative to the recommended action include:

1. Continue the public hearing to a date and time certain.
 - a. The Planning Commission may request additional information from the applicant and/or staff (if new information is presented at the next meeting, the public portion of the hearing must be reopened on the new information submitted).
2. Land Use Permits
 - a. Add, delete or modify the proposed conditions of approval
 - b. Deny the project on the basis that all of the required findings cannot be made.
3. Require additional environmental review.

Attachments:

Attachment 1: Draft Resolution 2022-16

Exhibit A: Project Plans

Exhibit B: Draft Conditions of Approval

Exhibit C: Initial Study/Mitigated Negative Declaration

Exhibit D: Findings

Attachment 2: Pre-Application Review Letter – November 6, 2020

Attachment 3: Routing Comments

Attachment 4: Applicant Letters of Justification

Attachment 5: Phasing Plan Request – December 28, 2022