

Town Council

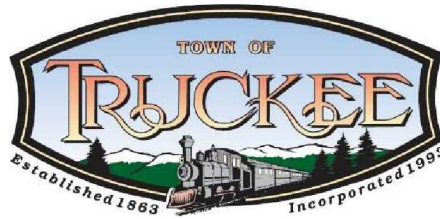
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Andy Morris, Town Attorney

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Denyelle Nishimori, Community Development Director

November 6, 2020

Friends of Truckee Tahoe Waldorf  
Michael Gross  
PO Box 10922  
Truckee, CA 96161

Via email:

**RE: Planning Application 2020-00000057/PAR (Golden Valley Tahoe School Preliminary Application Review); 12640 Union Mills Road (APN 048-080-089)**

Dear Mr. Gross:

Thank you for submitting your application for the Golden Valley Tahoe School Preliminary Application Review on May 19, 2020. The Planning Division has reviewed the information you provided and has prepared the following feedback.

Your application requests preliminary review of a proposed charter school (preschool through fifth grade) located at 12640 Union Mills Road (APN 048-080-089-000). The school would operate out of the existing 4,650 sq. ft. main building and five additional proposed portable classrooms (4,800 sq. ft.). School capacity would increase over the next five years, maxing out at 190 students (with 25 students attending the Little Gems of the Sierra Preschool) and 18 staff members. The project proposes to use an existing septic system and, at a future date when capacity of the original system is reached, recommission an offline septic system. Connection to sewer is not proposed. Water would be provided by an on-site well. You have identified that 31 parking spaces, including 2 accessible spaces, will be provided on site. The current project description indicates that all structures would be located on previously disturbed areas, though a reconfiguration of the parking/drop off area is proposed.

You have requested preliminary review of the school through a minor modification to CUP 01-016/Conditional Use Permit for the Prosser Creek Charter School. The potential permit path for the proposed school will be discussed later in this letter.

The following feedback is provided in response to information you included in your preliminary application submittal, as well as additional information prepared by staff to provide background information on the project site.

### **Project Background**

The project site is a 40.1-acre parcel located at 12640 Union Mills Road. 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. The parcel is zoned RR-0.10 (Rural Residential – 1 dwelling unit per 10 acres) and within the Open Space and Recreation (OSR) land use designation of the 2025 General Plan. Onsite improvements include a 4,650 sq. ft. school building, water well and access road, gravity septic system, propane tanks for heating, paved access and parking areas.

The existing site is shown in the aerial view below:



Aerial of Project Site

### **Past Land Use Approvals**

#### *Cedar Smoke School – 94-022/CUP*

In 1994, the Town of Truckee approved a Conditional Use Permit (94-022/CUP) for the development of a private education facility. 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, 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 Creek 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.

#### Phase One

Prosser Creek Charter School's Phase One proposal included the following improvements:

- Installation of nine portable buildings
- Installation of a softball and soccer and track field
- Installation of septic system to accommodate 165 people
- Realign the access driveway
- Enlarge Parking Area
- Provide 208 on-site parking spaces
- Chip seal Union Mills Road

Build-out of Phase One proposed site disturbance of 20% and an onsite capacity of 215 students and administrators. Phase One was modified as the project was not consistent with General Plan Policies regarding scenic vistas and preservation of open space. Some improvements were moved out of scenic vistas, and 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. It is important to note that staff and the Planning Commission did not consider the recreation fields as open space. These elements were counted towards site disturbance as a condition of final project approval.

#### Phase Two

Improvements for Phase Two of Prosser Creek Charter School included:

- Installation of water and sewer onsite
- Paving of Union Mills Road
- Construction of two buildings (24,100 sq. ft.)
- Removal of one portable building
- Relocation of existing Sierra Pacific power poles

Phase Two included an increase of 100 people onsite for a maximum capacity of 315 people.

#### Phase Three

The third and final phase of the Prosser Creek Charter School included the construction of two additional buildings (39,700 sq. ft.) and the removal of all remaining portable buildings.

#### *Prosser Creek Charter School Environmental Review*

As noted, a Mitigated Negative Declaration was adopted as part of project approval. An Initial Study identified potentially significant environmental impacts that, through the incorporation of mitigation measures, were reduced to below significant levels. Though these impacts and associated mitigation measures may differ from those required for approval of the Golden Valley Tahoe School, it is worthwhile to investigate the potentially significant impacts as they relate to developing a school on the project site. The following mitigation measures were incorporated as conditions of approval and major concerns are discussed below.

#### Aesthetics

The Prosser Creek Charter School project, as originally proposed, including recreation fields, parking lots and large buildings visible from Interstate 80 and neighboring properties. A



landscape plan and a mitigation measure removing the recreation fields and parking, visible from the scenic corridor, were suggested to minimize impacts on scenic vistas. This mitigation measure was edited during project approval, and allowed for development in an alternate area not exceeding 10% of the project area.

#### Air Quality

Mitigation measures to lessen air quality impacts from re-entrained road dust, vehicle emissions and wood combustion included paving Union Mills Road, the addition of a Class 1 bike lane and a prohibition of woodstoves and other wood- burning appliances.

#### Biological Resources

In order to protect wildland species and the continuity of wildlife habitat, the project was required to cluster development around and within existing disturbed areas, submit a landscape plan and replace trees (6-inch dbh or greater) at a 1:1 ratio.

#### Hydrology and Water Quality

Due to the size of the project, a National Pollution Discharge Elimination System (NPDES) permit was required. The major issue highlighted in the Initial Study review was the installation of a second, *temporary*, septic system to accommodate Phase Two development. Three main concerns were discussed. First, septic systems can fail and create a health hazard. Second, an increase in nitrogen levels from the leach field could enter the ground water supply and negatively impact the water quality of the Little Truckee and Truckee Rivers. The Town's General Plan Land Use Policy 4.3 requires that sewer be provided for all commercial uses. Though the use of septic systems were proposed as a temporary stop-gap measure while funding was secured for sewer connections, the Town was concerned with both the potential for health and safety issue, but also with temporarily approving development that conflicted with the General Plan. The following Mitigation Measures were developed to ensure the temporary nature of the septic system:

*Mitigation Measure 7a will require the applicant to enter into a development agreement to either bond for the installation of the sewer and water infrastructure and/or bond for the removal of the septic system and the temporary portable buildings two years after the subject septic system is installed in order to reduce the long term effects on ground water from the septic system.*

*Mitigation Measure 7b will require either a 125% bond for the cost to install the sewer and water infrastructure or a 125% bond for the cost associated with the removal of installing the subject septic system and the temporary buildings.*

*Mitigation Measure 7c will require the maximum on-site population to remain at 50 persons if the sewer and water infrastructure cannot be connected to the site when the septic system is required to be removed. Mitigation Measure 7c will require the existing habitat for the location of the proposed septic system to be repaired and brought back to its original state once the septic system is removed.*

#### Land Use, Planning, Population and Housing

In order to comply with General Plan policies and avoid potentially significant impacts, multiple mitigation measures were proposed to maintain consistency with the General Plan and

Development Code. These measures include reducing the scale of development to not exceed ten percent of the parcel and a requirement that water, sewer and road infrastructure are brought the site no more than two years from project approval date.

#### Noise

The main impact discussed in the Noise section of the Initial Study was the potential for noise impacts on the surrounding residential parcels. The General Plan's Technical Noise Study identifies that 60 CNEL is "normally acceptable" for single-family residential areas. Mitigation Measure 10a required an acoustical analysis to determine noise impacts from the school use on adjacent single-family residential parcels. If the analysis was unable to identify mitigation measure to reduce noise levels to "normally acceptable" ranges, prior to Phase Two, the applicant was instructed to return to the Planning Commission for review and potential redesign of the project.

#### *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 insured the removal of all portable buildings and the newly installed septic system and the chip sealing of Union Mills Road for the additional Phase One school year.

### **Golden Valley Tahoe School General Plan and Development Code Consistency**

#### General Plan

##### **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 vista, wildlife movement corridors, biological resource areas; and to accommodate recreational uses. The General Plan dictates that any development in the OSR land use designation shall preserve 90% of the land area on the parcel as open space. It should be noted that in the approval of the Prosser Creek Charter School (01-016/CUP), recreational fields were not counted towards the 90% open space requirement and were included as site disturbance.

#### Staff recommendation

*According to the Project Description provided by Golden Valley Tahoe School, the subject site has a total of 10.08 acres of site disturbance. To maintain consistency with the General Plan, any proposed project on the 40.1-acre site would be required to reduce site disturbance to 4.01 acres. Playgrounds/Play areas would likely be counted as site disturbance, this would be determined when design/plans were available for review.*

General Plan Land Use Policy 4.3 requires that new development be approved only when adequate services are available and requires connection to sewer. Table LU-5 of the General Plan states that certain actions are required to be completed at time of development. Applicable portions of this table are included below:

*Table LU-5 (portion) Service Standards and Timing*

<b>Type of Service</b>	<b>Cooperating Agency</b>	<b>Action to be Complete at Time of Development</b>
<b>Water</b>	TDPUD	Distribution facilities to be installed
<b>Sewer</b>	TTSA	Collection facilities to be installed
<b>Fire</b>	Truckee Fire	Distribution and other facilities to be installed
<b>Parks</b>	TDRPD	Fee to be paid
<b>Streets</b>	Town of Truckee	Improvements to be constructed

**Staff recommendation**

*In order for the proposed project to be consistent with the General Plan, connection to sewer and public water is required. These connections were required as mitigation measures for prior approvals, and future environmental review could also recommend the same measures to mitigate potentially significant impacts. This will be determined during preparation of the environmental document.*

*A TDPUD water main is located 1,400 feet from the subject property. Previous non-residential land use approvals on Union Mills Road have been required to connect to public water and staff would recommend that Golden Valley Tahoe School be required to connect to the nearby water main.*

*The project site is located within Tahoe Sanitary District's (TSD) boundaries and the closest sanitary sewer connection is located approximately 1.5 miles from the proposed project. TSD is willing to serve the project, but would require the applicant to fund the required connection to their system. The Town realizes the cost prohibitive nature of the sewer extension, but has not yet found a pathway that demonstrates General Plan consistency for projects proposing septic systems. The General Plan does not include language which recognizes the cost of establishing municipal infrastructure; so this will be a further discussion point if the application is pursued.*

**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.

**Staff Recommendation**

*The project site is visible from a designated scenic corridor, Interstate 80. The project should be designed to ensure that new buildings, parking area and play areas 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.

*Staff recommendation*

*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). Thoughtful site and building design as well as an acoustical analysis would be necessary to ensure that noise from the Interstate does not impact the school and that the proposed project does not adversely affect nearby residential properties.*

## **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.

*Staff recommendation*

*The Golden Valley Tahoe School will be required to comply with adopted Workforce Housing Requirements in effect when the project is deemed complete. Assuming 18 full-time staff members (FTEE), GVTS would be required to provide 3.5% of FTEE (0.63 unit). The developer may choose to round up and provide one affordable housing unit, propose and 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 18 employees, is \$59,083.29:*

$$0.63 \times \$93,783 = \$59,083.29$$

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

Development Code

## **Zoning Consistency**

The zoning the project site is 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.

Within the RR zoning district, the uses proposed in your application submittal require the following land use permit approvals, as identified in Development Code Table 2-2 (Allowed Uses and Permit Requirements for Residential Zoning Districts):

- **Elementary School**– “Schools-Public and Private” is a conditionally allowed use in the RR zoning district with approval of a Use Permit. As previously mentioned, the Town has approved a Use Permit for a school with a maximum capacity of 40 students.

Because the proposed project expands both capacity and development onsite, additional approvals are required.

- **Preschool** – A preschool falls under the Development Code definition of “Child day care centers – 13 or more children.” This is a conditionally allowed use in the RR zoning district with approval of a Use Permit. This is a new use proposed on the project site.

### **Child Day Care Center Requirements**

Development Code Section 18.58.50 establishes standards for Town review of child care facilities in compliance with State law. Subsection C applies standards for both indoor and outdoor play areas. When designing the interior space for Little Gems of the Sierra, separate and clearly defined play and activity areas shall be provided for each age group, including infant, toddler, preschool and school age children. Outdoor play areas shall have at least 75 square feet for each child and be 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.

### **Parking Requirements**

The preliminary application indicates that 31 parking spaces would be provided for the proposed uses. Per Chapter 18.48 (Parking and Loading Standards), multiple uses on a site shall provide the aggregate number of parking spaces required for each separate use. The parking demand for elementary schools is two spaces per classroom, plus one space per every 200 square feet of assembly area in an auditorium. A six-classroom project would require 12 parking spaces (no auditorium was identified in the tenant improvement plans submitted to the building department). The parking demand for a child day care center (includes preschools) is one space per seven children, plus adequate drop-off area as approved by the Director. A 25-student preschool would require four parking spaces. (Under Development Code Section 18.48.040, when a calculation of the number of parking spaces required results in a fraction of 0.50 or more, the number of required spaces is rounded up to the nearest whole number.) Total parking demand for the proposed project is 16 parking spaces. Based on these calculations, it appears that 31 parking spaces would exceed the required number of spaces for the proposed project.

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. This could allow up to a total of 19 spaces.

Though full project details, including bussing, staff hours and potential meeting or auditorium space has not been provided, staff believes that 19 spaces may not be sufficient for the combined school and preschool use. Staff will work with the applicant on the parking demand for the project and submit an appropriate recommendation to the Planning Commission.

### **Sewer**

Every Zone and Special District Performance Standard in the Development Code requires that no land use be approved with on-site sewage disposal and that connection to sewer shall be required. Approval of an intensified school use without connection to sewer would not be consistent with the Development Code or General Plan. As indicated above, this issue will



require further discussions with the applicant team should this project move forward.

#### Application Processing

Based on the information provided in the preliminary application submittal, it appears that the following approvals will be required for the project:

- **Use Permit** approval for a school use. The application fee for a Use Permit application is a \$6,500 deposit.
- **Use Permit** approval for a child care center use. The application fee for a Use Permit application is a \$6,500 deposit.
- **Development Permit** approval for projects with 7,500 sq. ft. of more of floor area and a total disturbance area of 26,000 sq. ft. or more. This is calculated on a cumulative basis and includes existing and proposed buildings and disturbance. The application fee for a Development Permit application is a \$6,500 deposit.

When more than one land use entitlement is requested, the application is processed as one application under the highest deposit amount for the individual application types. In this case, the required deposit for all permits is \$6,500. Please note that this is the initial deposit only. The actual costs of processing the application will be charged against the deposit (including staff time, noticing fees, and review by other Town departments and outside agencies), and if the initial deposit is expended, the applicant will be invoiced for additional deposit to cover the full costs of application processing.

The review authority for Use Permit and Development Permit applications is the Planning Commission.

The project, as previously proposed, differs in scope (adding a preschool use, no connection to water/sewer, portable classrooms as permanent development) from the Cedar Smoke School and Phase One of the Prosser Creek Charter School Use Permit approvals. For this reason, staff recommends that the applicant apply for new use permits, as opposed to attempting to amend an older permit. New environmental review and consistency with current Development Code and General Plan standards would be required in either circumstance

#### Agency Comments

The preliminary application was routed for review by all Town departments and outside agencies that may have an interest in the application. Copies of all routing comments received are attached to this letter for reference and are summarized below:

- **Engineering Division** – The Town of Truckee Engineering Division provided standard conditions of approval for the project as well as noting that the existing gravel road would be required to be improved to Town shared driveway standards and all vehicle maneuvering areas or parking would need to be paved and designed to treat stormwater from the paved surfaces. Additional treatment measures may be required for the parking lot activity classification for stormwater pollution prevention. All comments are included in attached letter.
- **Solid Waste Division** – The Town of Truckee Solid Waste Division provided comments identifying that the proposed project will need to comply with waste requirements by subscribing to sufficient waste and recycling services.

- **Truckee Fire Protection District** – The Truckee Fire Protection District provided comments identifying that the proposed project would have to comply with current ordinances including the 2019 Fire Code, 02-2012 Defensible Space ordinance and Fire Mitigation Fees.
- **Truckee Donner Public Utility District, Electric Department** – The TDPUD's Electric Department provided comments indicating that any changes required to the electrical system must be coordinated with the district.
- **Truckee Donner Public Utility District, Water Department** – The TDPUD's Water Department indicates that there is an existing 8-inch District-owned water main 1,400 feet to the west of the 12640 Union Mills Road. Connecting to water service would require the following, at a minimum:
  - Payment of the appropriate Connection Fee and Facilities Fee for new construction.
  - Construction of a pipeline extension to the western property boundary of 12640 Union Mills Road. The water meter serving the property would be connected to this pipeline at the property boundary.
  - Construction of all necessary on-site water piping.
  - Payment of reimbursement to the developer that originally constructed the pipeline in Union Mills Road.
  - If water service is provided to the property by the District, the District will require that the existing water well is abandoned in accordance with State of California standards, or that a backflow prevention device be installed at the point of connection to the property.
- **Nevada County Environmental Health Department** – The Nevada County Environmental Health Department provided comments stating that a valid Domestic Drinking Water permit is required prior to operation of the proposed daycare/school site. The applicant shall provide a current evaluation of the existing gravity septic system by a qualified service provider showing the system is in sound working order and functioning to expected load capacity per permit. NCEDH recommends the installation of risers and filter to existing septic tank to help prolong the life of the septic system. The applicant shall also obtain a Septic Modification permit to restore tanks to Centralized Septic system. Current evaluation of the Centralized Leach field will be required before the Centralized Permit may be restored.
- **Lahontan Regional Water Quality Control Board** – LRWQCB noted that potential permitting and approvals for the proposed project may include a State Stormwater Construction General Permit, 401 Certification Order and Waste Discharge Prohibition Exemption. Please note that the contact on the comment email, Dale Payne, no longer works for LRWQCB and that any questions should be referred to Robert Tucker (contact information provided on comment letter).
- **Truckee Sanitary District** – The proposed project is located within District boundaries, yet sanitary sewer service is not currently provided to Union Mills Road. Town staff and TSD staff met to further discuss the project beyond the comment letter provided by TSD. The closest connection to the sanitary sewer system is located approximately 1.5 miles from the project site. TSD does not finance private line extensions. While the District does have provision for mandatory sanitary sewer connections (buildings within 200 feet of a public sewer), the project site falls outside

of those requirements.

- **California Department of Forestry and Fire Protection** – Cal Fire indicates that the proposed project is located in timberland as defined in Public Resources Code 4526. The project may require a Timberland Conversion Permit and/or Timber Harvest Plan

#### Environmental Review

Staff will review the formal project proposal to determine the level of environmental review required under the California Environmental Quality Act (CEQA). The level of review required would depend on the specifics of the project that is ultimately proposed. Past approvals have required a Mitigated Negative Declaration, so it is safe to assume that the proposed project will at least require the same, if not higher level of review. There are several sections within the CEQA Guidelines that were not part of the analyses done with prior projects, including calculation of greenhouse gas emissions and vehicle miles traveled, evaluating wildfire risk and energy consumption.

#### Next Steps

The Town supports development of the project site with uses that are compatible with the General Plan and Development Code. Our staff will continue to work with you on developing a concept for the site which will ensure that the proposed project is consistent Town goals and policies, and addresses the community's expectations and overall goals for Truckee.

To submit a formal application, please complete a Land Use/Zoning Application form along with the applicable application checklists, and submit the completed documents with the application fee to the Town of Truckee Planning Division.

If you have questions or would like clarification on any of the information contained in this letter, please feel free to contact me at (530) 582-2927 or [CBirnberg@townoftruckee.com](mailto:CBirnberg@townoftruckee.com).

Sincerely,



Chantal Birnberg  
Assistant Planner

Enclosure