
STAFF REPORT

Date: July 14, 2022

To: TRPA Hearings Officer

From: TRPA Staff

Subject: St. Clare's Tahoe / St. Francis of Assisi Catholic Church - Temporary Use (School),
701 Mt. Rose Highway, Incline Village, Washoe County, Nevada,
Assessor's Parcel Number 124-031-62, TRPA File Number ERSP2022-1017

Proposed Action:

Hearings Officer action on the proposed project and related findings based on this staff report and the draft permit (Attachment A).

Staff Recommendation:

Staff recommends the Hearings Officer make the required findings and approve the project subject to the special conditions in the draft permit.

Project Description:

St. Clare's Tahoe is an existing Catholic Montessori school that has operated previously in the North Shore region of Lake Tahoe. The school operates five days per week, offering daycare, and preschool through 8th grade education. They are currently proposing to utilize the classroom space at the St. Francis of Assisi Catholic Church in Incline Village, Nevada on a temporary basis.

This permit allows for a 20-child capacity in the daycare, and 22 students in the preschool through 8th grade school. The school will operate from 7:45 AM until 3:45 PM five days per week during the school year. St. Clare's events shall not take place during times that conflict with St. Francis of Assisi religious education classes. No changes are proposed to the structure. St. Clare's will utilize the existing classroom space that exists for St. Francis activities. Parking for the project will be accommodated with the existing onsite parking.

The current proposal is to allow the daycare and school to operate as a temporary use for a six-month period, with an option to extend for one additional second six-month period, which will allow the school to operate for one full school year.

Site Description:

The proposed location is owned by the St. Francis of Assisi Catholic Church, located at 701 Mt. Rose Highway in Incline Village, Nevada. The site is fronted on the north by Mt. Rose Highway, to the west and south by Kelly Drive, and to the east by residential properties. The parcel is part of a two-parcel project area, which includes a nine-acre parcel across Kelly Drive that houses the St. Francis rectory, as well as overflow parking for the church. There is an access driveway onto Mt. Rose Highway, as well as onto Kelly Drive. Vehicles can circulate within the parcel from one driveway to the other.

Physical improvements are not currently proposed. The proposed project will utilize the existing onsite parking spaces. Although no physical improvements are proposed at either location, all activity will take place in areas verified as Bailey Land Capability Class 4. The parcel has been certified for Best Management Practices (BMPs) (Certificate #11984; September 21, 2009).

Issues:

“Daycare Centers/Preschools” are permissible as a special use in the “Wood Creek Regulatory Zone.” “Schools – kindergarten through secondary” are not currently listed as a permissible use in the Wood Creek Regulatory Zone. TRPA Code Section 22.4 allows for uses not listed as permissible to be considered as a temporary use and shall be reviewed as a special use. The proposed project involves a special use determination and therefore requires Hearing Officer review in accordance with Chapter 2, Subsection 2.2.2.a of the TRPA Code. All other issues are discussed in the staff analysis below.

Staff Analysis:

- A. Environmental Documentation: TRPA staff completed the Initial Environmental Checklist (IEC) and “Project Review Conformance Checklist and Article V(g) Findings” in accordance with Chapter 4, Subsection 4.3 of the TRPA Code of Ordinances. All responses contained on said checklists indicate compliance with the environmental threshold carrying capacities and TRPA staff recommends the Hearings Officer make a Finding of No Significant Effect. A copy of the completed checklists will be made available at the Hearings Officer hearing and at TRPA.
- B. Plan Area: The proposed project location is located within Washoe County’s Tahoe Area Plan, in the “Woodcreek Regulatory Zone.” “Daycare Centers/Preschools” are permissible as a special use. “Schools – kindergarten through secondary” are not currently listed as a permissible use in the Wood Creek Regulatory Zone. TRPA Code Section 22.4 allows for uses not listed as permissible to be considered as a temporary use and shall be reviewed as a special use.
- C. Land Coverage: The project will not result in the creation of additional coverage, nor will it result in the relocation of coverage on either proposed site. Although no changes to coverage are proposed with this project, all proposed activity will take place in areas verified as Bailey Land Capability Class 4.
- D. Height: No physical changes to structures are proposed with this project.
- E. Scenic Quality: Although this location is visible from Nevada State Route 431 (TRPA Scenic Travel Route Unit 23, Mount Rose Highway), no physical changes are proposed as a part of this project. Therefore, the project will not affect scenic quality along this travel route.
- F. Traffic: The Project Impact Assessment (PIA) tool shows was run for this project in this location. The PIA tool show that this project “screens,” which means that it would not require additional Vehicle Miles Travelled (VMT). Pursuant to the TRPA Code, projects approved on a temporary basis are not subject to mitigation fee requirements. No additional mitigation will be required for this project.
- G. Parking: Parking associated with the proposed project will be provided onsite and accommodated with the existing parking spaces. The daycare land use would require 10 parking spaces. The school could require up to 40 parking spaces per Washoe County Parking Demand standards. The existing church parking lot has more than 60 parking spaces available onsite, in addition to overflow parking in the lot across Kelly Drive.

H. Required Findings: The following is a list of the required findings as set forth in Chapters 4 and 21 of the TRPA Code of Ordinances. Following each finding, agency staff has summarized the evidence on which the finding can be made.

1. Chapter 4 – Required Findings:

- (a) The project is consistent with and will not adversely affect implementation of the Regional Plan, including all applicable Goals and Policies, Plan Area Statements and maps, the Code and other TRPA plans and programs.

The project is located within Washoe County's Tahoe Area Plan (Wood Creek Regulatory Zone). The proposed use of this site for a daycare center and school will be utilizing an existing structure. The proposed temporary use is consistent with the requirements of the Regional Plan.

- (b) The project will not cause the environmental threshold carrying capacities to be exceeded.

TRPA staff has completed the "Article V(g) Findings" in accordance with Section 4.4.2 of the TRPA Code of Ordinances and incorporates the checklist into this analysis. All responses contained in the project indicate compliance with the environmental threshold carrying capacities. In addition, the applicant has completed an Initial Environmental Checklist (IEC), which is hereby incorporated into this analysis. Staff has concluded that the project will not have a significant effect on the environment. A copy of the completed checklist and IEC will be made available on the TRPA website, and through the Parcel Tracker.

- (c) Wherever federal, state, or local air and water quality standards applicable for the Region, whichever are strictest, must be attained and maintained pursuant to Article V(g) of the TPRA Compact, the project meets or exceeds such standards.

The project, as conditioned, will not have an adverse impact on applicable air and water quality standards for the Region. The project is proposed as a Temporary Use and does not include any physical changes to the site. Additional vehicle trips will be generated at the project location. The project screens for the TRPA Mobility Mitigation requirement related to regional daily Vehicle Miles Travelled (VMT).

2. Chapter 21 – Special Use Findings:

- (a) The project, to which the use pertains, is of such a nature, scale, density, intensity and type to be an appropriate use for the parcel on which, and surrounding area in which, it will be located.

The nature of the proposed project is consistent with the uses within the Area Plan. The existing site currently houses St. Francis of Assisi Catholic Church, including a classroom area that is used for religion education purposes related to the church. Churches and Daycare Centers are currently permissible as special uses in the Area Plan.

There is another church with a preschool less than one-half mile from the proposed location. There is a County Sheriff and Maintenance facility less than half-mile in the other direction. Other than the church and public service uses, all other surrounding land uses are residential. This location is on the edge of the Wood Creek Regulatory Zone, which is bordered by the Mount Rose Highway.

- (b) The project to which the use pertains, will not be injurious or disturbing to the health, safety, enjoyment of property, or general welfare of persons or property in the neighborhood, or general welfare of the region, and the applicant has taken reasonable steps to protect against any such injury and to protect the land, water, and air resources of both the applicant's property and that of surrounding property owners.

The proposed project does not include any physical changes to either proposed location. The proposed use will generate additional daytime vehicle traffic at the proposed location. The VMT Project Impact Assessment (PIA) tool shows that the project "screens" for the mobility mitigation requirements. No additional VMT mitigation is required with the project. Given the project's location the edge of the Wood Creek Regulatory Zone, with direct access to Mount Rose Highway, the proposed use will not be injurious or disturbing to the health, safety, enjoyment of property or general welfare of persons or property in the neighborhood.

- (c) The project, to which the use pertains, will not change the character of the neighborhood or detrimentally affect or alter the purpose of the applicable planning area statement, community plan and specific or master plan, as the case may be.

The temporary site for the St. Clare's Tahoe school will not change the character of the neighborhood. The project is located within "Wood Creek Regulator Zone" with the Washoe County Tahoe Area Plan. The proposed uses are being considered as a special use. St. Francis of Assisi Catholic Church already exists. The proposed project is to utilize the existing classroom space as classrooms for the St. Clare's Tahoe school.

Contact Information:

For questions regarding this project please contact Bridget Cornell, TRPA Current Planning, by telephone at (775) 589-5218 or via email to bcornell@trpa.gov.

Attachments:

- A. Draft Permit
- B. Project Plans

Attachment A

Draft Permit

APN 124-031-62
FILE NO. ERSP2022-1017

Security Posted (1): Amount \$ 1,000.00 Type: _____ Paid _____ Receipt No. _____

Security Administrative Fee (1): Amount \$ _____ Paid _____ Receipt No. _____

Notes:

(1) See Special Condition 3.D., below.

Required plans determined to be in conformance with approval: Date: _____

TRPA ACKNOWLEDGEMENT: The permittee has complied with all pre-construction conditions of approval as of this date and is eligible for a county building permit:

TRPA Executive Director/Designee

Date

SPECIAL CONDITIONS

1. This permit specifically authorizes the temporary use of the St. Francis of Assisi Catholic Church in Incline Village, NV to be used to house a school for St. Clare's Tahoe. St. Clare's Tahoe will include daycare and a school for pre-K through 8th grade. This permit allows for a 20-child capacity in the daycare, and 22 students in the preschool through 8th grade school. The school will operate from 7:45 AM until 3:45 PM five days per week during the school year. St. Clare's events shall not take place during times that conflict with St. Francis of Assisi religious education classes. No changes are proposed to the structure. St. Clare's will utilize the existing classroom space that exists for St. Francis activities. Parking for the project will be accommodated with the existing parking spaces on site.

This site has been certified for Best Management Practices (BMPs). (Certificate #11984; September 21, 2009).

The current proposal is to allow the daycare and school to operate as a temporary use for a six-month period, with an option to extend for one additional second six-month period, which will allow the school to operate for one full school year.

2. The Standard Conditions of Approval listed in Attachment Q shall apply to this permit.
3. Prior to permit acknowledgement, the following conditions of approval must be satisfied.

A. Site Plan:

- (1) Please identify on the site plan any outdoor space that will be used for the purpose of St. Clare's Tahoe school education.

- (2) Please identify on the site plan where students will be dropped off each school day. If the school is proposing a particular circulation pattern, please identify the proposed circulation pattern on the site plan.
 - (3) Please identify which parking spaces will be designated for use by the school.
 - (4) Please identify where an enclosed garbage dumpster will be provided for use by the school.
 - B. Please provide a floor plan that shows what portions of the internal space will be used by the school
 - C. IF a temporary sign is proposed, please submit a temporary sign plan for review and approval. Temporary Sign Plan shall include all temporary signage to be placed onsite and shall comply with TRPA Code of Ordinances.
 - D. The security for this proposed project will be \$1,000.00. Security shall be released upon completion of the project, and satisfaction of all permit conditions. Please see Attachment J, Security Procedures, for appropriate methods of posting the security and the applicable security administration fee (currently \$223).
 - E. The permittee shall submit final plans to TRPA electronically, incorporating the changes outlined above.
4. If any complaints are brought to the attention of the applicant or to TRPA while the school is in operation, these complaints shall be documented and submitted in writing to TRPA within seven calendar days of the complaint. Permittee shall explain in writing how these complaints were addressed, and any changes that were made to the project as a result.
 5. The permit expiration may be extended by one six-month period pursuant to Section 22.5 of the Code of Ordinances if a request to extend the permit is received in writing prior to the permit expiration date. This permit does not authorize the permanent use or placement of structures. A separate permit for a permanent use is required if the permittee proposes to continue the use beyond the permit expiration date. The granting of one six-month extension is at the discretion of TRPA and will be evaluated based on the permittee's compliance with permit conditions, adherence to proposed operation plan and compatibility with surrounding land uses.
 6. Parking is limited the paved, marked spaces onsite.
 7. All temporary structures and materials shall be removed prior to expiration date.
 8. Any change to the temporary use requires approval of a TRPA plan revision permit prior to changes being made to any element of the project.
 9. This approval is based on the Permittee's representation that all plans and information contained in the subject application and associated materials are true and correct. Should any information or representation submitted in connection with the project application be incorrect or untrue, TRPA may rescind this approval, or take other appropriate action.

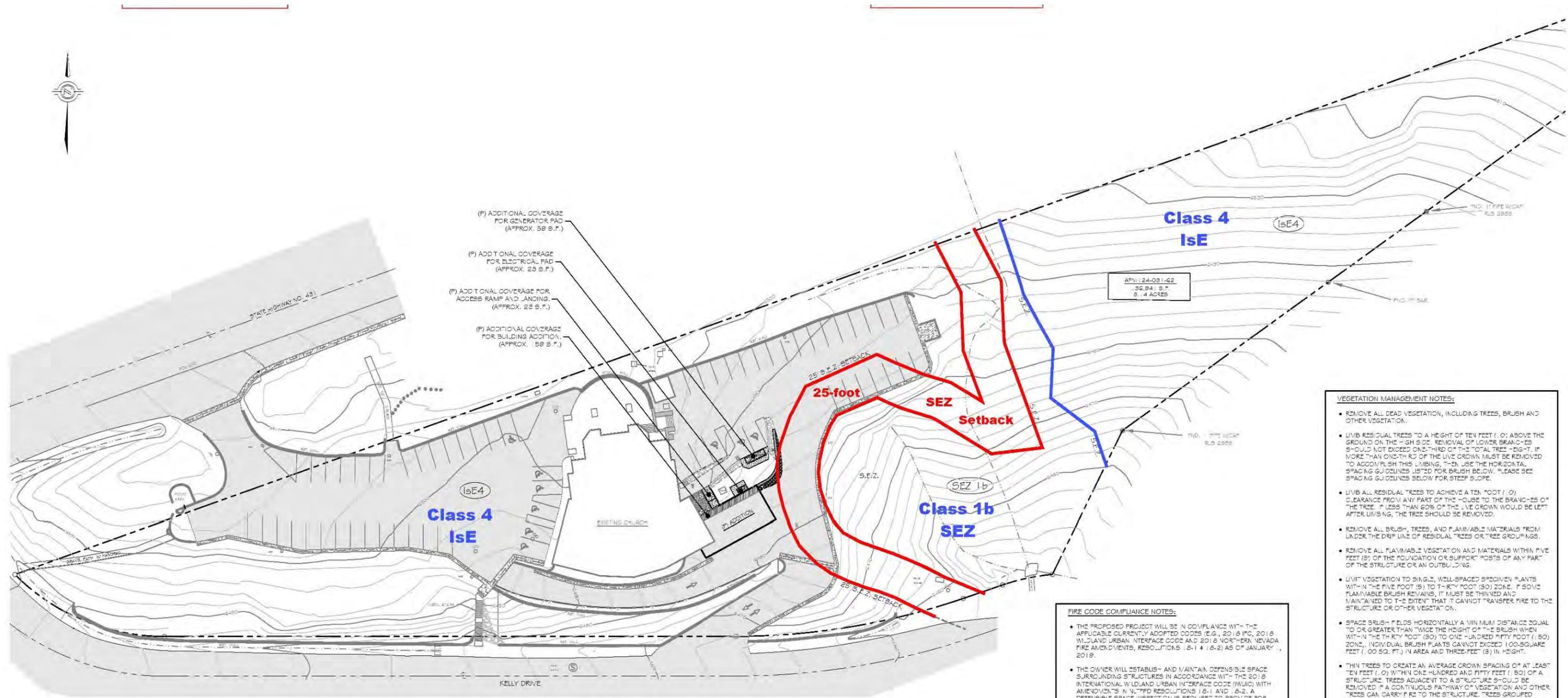
10. TRPA reserves the right to amend any portion of this permit or construction operation while in progress if it is determined that the project construction is causing significant adverse effects.
11. To the maximum extent allowable by law, the Permittee agrees to indemnify, defend, and hold harmless TRPA, its Governing Board (including individual members), its Planning Commission (including individual members), its agents, and its employees (collectively, TRPA) from and against any and all suits, losses, damages, injuries, liabilities, and claims by any person (a) for any injury (including death) or damage to person or property or (b) to set aside, attack, void, modify, amend, or annul any actions of TRPA. The foregoing indemnity obligation applies, without limitation, to any and all suits, losses, damages, injuries, liabilities, and claims by any person from any cause whatsoever arising out of or in connection with either directly or indirectly, and in whole or in part (1) the processing, conditioning, issuance, administrative appeal, or implementation of this permit; (2) any failure to comply with all applicable laws and regulations; or (3) the design, installation, or operation of any improvements, regardless of whether the actions or omissions are alleged to be caused by TRPA or Permittee.

Included within the Permittee's indemnity obligation set forth herein, the Permittee agrees to pay all fees of TRPA's attorneys and all other costs and expenses of defenses as they are incurred, including reimbursement of TRPA as necessary for any and all costs and/or fees incurred by TRPA for actions arising directly or indirectly from issuance or implementation of this permit. TRPA will have the sole and exclusive control (including the right to be represented by attorneys of TRPA's choosing) over the defense of any claims against TRPA and over their settlement, compromise or other disposition. Permittee shall also pay all costs, including attorneys' fees, incurred by TRPA to enforce this indemnification agreement. If any judgment is rendered against TRPA in any action subject to this indemnification, the Permittee shall, at its expense, satisfy and discharge the same.

END OF PERMIT

Attachment B

Project Plans



SITE PLAN OVERVIEW
SCALE: 1" = 30'-0"

FIRE CODE COMPLIANCE NOTES:

- THE PROPOSED PROJECT WILL BE IN COMPLIANCE WITH THE APPLICABLE CURRENTLY ADOPTED CODES (E.G., 2016 IFC, 2016 WILDLAND URBAN INTERFACE CODE AND 2016 NORTHERN NEVADA FIRE AMENDMENTS, RESOLUTIONS 18-1 & 18-2) AS OF JANUARY 1, 2019.
- THE OWNER WILL ESTABLISH AND MAINTAIN DEFENSIBLE SPACE SURROUNDING STRUCTURES IN ACCORDANCE WITH THE 2016 INTERNATIONAL WILDLAND URBAN INTERFACE CODE (IWUIC) WITH AMENDMENTS N.L.T.P.D. RESOLUTIONS 18-1 AND 18-2. A DEFENSIBLE SPACE INSPECTION IS REQUIRED TO PROVIDE FOR SAFE SEPARATION BETWEEN STRUCTURES AND WILDLAND VEGETATION. ALL ITEMS NOTED DURING THE INSPECTION MUST BE CORRECTED PRIOR TO PERMIT CLOSURE. CONTACT AN N.L.T.P.D. INSPECTOR AT (775) 683-8107 TO SCHEDULE AN APPOINTMENT.

VEGETATION MANAGEMENT NOTES:

- REMOVE ALL DEAD VEGETATION, INCLUDING TREES, BRUSH AND OTHER VEGETATION.
- LIMB RESIDUAL TREES TO A HEIGHT OF TEN FEET (10') ABOVE THE GROUND ON THE HIGH SIDE. REMOVAL OF LOWER BRANCHES SHOULD NOT EXCEED ONE-THIRD OF THE TOTAL TREE HEIGHT. IF MORE THAN ONE-THIRD OF THE LIVE CROWN MUST BE REMOVED TO ACCOMPLISH THIS LIMBING, THEN USE THE HORIZONTAL SPACING GUIDELINES LISTED FOR BRUSH BELOW. PLEASE SEE SPACING GUIDELINES BELOW FOR STEEP SLOPE.
- LIMB ALL RESIDUAL TREES TO ACHIEVE A TEN FOOT (10') CLEARANCE FROM ANY PART OF THE HOUSE TO THE BRANCHES OF THE TREE. IF LESS THAN 60% OF THE LIVE CROWN WOULD BE LEFT AFTER LIMBING, THE TREE SHOULD BE REMOVED.
- REMOVE ALL BRUSH, TREES, AND FLAMMABLE MATERIALS FROM UNDER THE DRIP LINE OF RESIDUAL TREES OR TREE GROUPINGS.
- REMOVE ALL FLAMMABLE VEGETATION AND MATERIALS WITHIN FIVE FEET (5') OF THE FOUNDATION OR SUPPORT POSTS OF ANY PART OF THE STRUCTURE OR AN OUTBUILDING.
- LIMIT VEGETATION TO SINGLE, WELL-SPACED SPECIEN PLANTS WITHIN THE FIVE FOOT (5') TO TEN FOOT (10') ZONE. IF SOME FLAMMABLE BRUSH REMAINS, IT MUST BE THINNED AND MAINTAINED TO THE EXTENT THAT IT CANNOT TRANSFER FIRE TO THE STRUCTURE OR OTHER VEGETATION.
- SPACE BRUSH FIELDS HORIZONTALLY A MINIMUM DISTANCE EQUAL TO OR GREATER THAN TWICE THE HEIGHT OF THE BRUSH WHEN WITHIN THE THIRTY FOOT (30') TO ONE HUNDRED FIFTY FOOT (150') ZONE. INDIVIDUAL BRUSH PLANTS CANNOT EXCEED 100-SQUARE FEET (100 SQ. FT.) IN AREA AND THREE FEET (3') IN HEIGHT.
- THIN TREES TO CREATE AN AVERAGE CROWN SPACING OF AT LEAST TEN FEET (10') WITHIN ONE HUNDRED AND FIFTY FEET (150') OF A STRUCTURE. TREES ADJACENT TO A STRUCTURE SHOULD BE REMOVED IF A CONTINUOUS PATHWAY OF VEGETATION AND OTHER TREES CAN CARRY FIRE TO THE STRUCTURE. TREES GROUPED CLOSE ENOUGH TOGETHER TO ACT AS ONE UNIT MAY BE CONSIDERED AS ONE CROWN FOR SPACING PURPOSES. THE REQUIRED CROWN SPACING MAY BE MODIFIED BY THE FIRE DISTRICT FORESTER OR CODE OFFICIAL BASED ON SITE CONDITIONS.