



## **BOARD MEETING AGENDA SUBMITTAL**

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**TO:** GCSB Board of Directors

**FROM:** Peter Kampa, General Manager

**DATE:** February 11, 2025

**SUBJECT: Agenda Item 6B: Board Review and Discussion Pertaining to the District's Response to the Tuolumne County Planning Commission Regarding the Tiny House Village Project**

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### **RECOMMENDED ACTION:**

#### **Staff recommends the following action:**

*Staff recommends that the Board review the attached legal counsel letter and consider options for further engagement with the County to address the ongoing concerns regarding unmitigated impacts to GCSB fire services from developments outside District boundaries.*

### **BACKGROUND:**

In December 2022, the District received a stakeholder notification from the County Community Development Department regarding a proposed recreational resort project on Sprague Rd., located just outside of the District's boundaries. The project includes twelve prefabricated guest cabins available for overnight rental, along with a yoga dome and other amenities accessible exclusively to guests. The facility is proposed to operate year-round.

The District responded to the stakeholder notification by informing the County and project applicant that annexation into GCSB would be required to receive services from the District. Subsequently, the project applicant submitted a water service application, prompting the District to initiate discussions with the City and County of San Francisco to explore the process for amending our water supply agreement to include the project, as it lies outside the current water service boundaries.

### **DEVELOPMENTS & CHALLENGES**

Over the following months, the District faced significant challenges in securing a meeting with the City to discuss the necessary amendments to the water service agreement. Additionally, a preliminary cost estimate for extending the water system to the project site indicated potential construction expenses in the millions of dollars.

Due to the extended timeframe required to modify the water supply agreement and the prohibitive infrastructure costs, the project applicant opted to apply to the State for an

independent water supply permit. Simultaneously, the County Community Development Department proceeded with the completion of environmental documentation for the project.

On February 15, 2024, the District submitted comments on the Mitigated Negative Declaration (MND) prepared for the project. Subsequently, on January 22, 2025, the District received the final draft MND along with the County Planning Department's staff recommendation for approval of the project by the County Planning Commission at its scheduled January 29, 2025, meeting.

### **DISTRICT RESPONSE & FIRE SERVICE IMPACTS**

Included with this agenda item is a letter prepared at the Direction of the General Manager by the District's legal counsel, requesting that the Planning Commission either deny the project or postpone a decision pending further discussions between the County, District, and project applicant regarding the project's impacts on GCSD fire services and appropriate mitigation measures.

As outlined in the District's 2020 Fire Services Master Plan update, responding to 911 calls outside GCSD boundaries—particularly in the County Fire response area, where no fire station is present—accounts for 35% of the time GCSD fire personnel are away from the station. The Master Plan also identified that GCSD fire operates at minimum staffing levels to handle calls within its boundaries and recommended that the District negotiate an agreement with the County to mitigate the impact of responding to emergency calls beyond its jurisdiction.

Despite the District's proposal for a long term agreement, the County has yet to act on it. As you will recall, the County executed a short-term agreement based on grant funding, and this agreement has since expired. Compounding this issue, the County continues to approve development projects without requiring mitigation for their impact on GCSD services, while simultaneously asserting that GCSD is obligated to respond outside its boundaries under the countywide mutual aid agreement.

### **PURPOSE OF AGENDA ITEM**

The purpose of this agenda item is to inform the Board of the project and the District's response, which aligns closely with recent responses to the Long Gulch residential subdivision project. Please note that the January 29, 2025, Planning Commission meeting was cancelled on the day of the meeting and has not yet been rescheduled.

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### **ATTACHMENTS:**

- Tiny House Village Project letter to the Tuolumne County Planning Commission

January 29, 2024

**VIA EMAIL ONLY**

Tuolumne County Planning Commission  
Board of Supervisors Chambers  
County Administration Center  
2 S. Green Street  
Sonora, CA 95370

**Re.: Tiny House Village Project  
Comments from the Groveland Community Services District**

To the Tuolumne County Planning Commission:

This office serves as General Counsel to the Groveland Community Services District ("GCSD"), who provides water, sewer, fire, and park & recreation services to the Groveland-Big Oak Flat service area.

This letter expresses GCSD's strong concerns regarding the Tiny House Village project ("Project") and Tuolumne County's ("County") ongoing approval of development projects in the southeastern area of the County. From a legal and planning perspective, the Project is being processed for approval illegally. As currently proposed, the Project is inconsistent with the County's General Plan, requires an Environmental Impact Report ("EIR"), fails to mitigate the impacts of the Project on neighboring residents and agencies such as GCSD, and relies on false or deficient assumptions related to the delivery of fire services. Illegality of the Project aside – as proposed this Project will place the property and lives of those nearby in danger.

This Project is just the latest in this southeastern area of the County to be presented for approval without significant dialogue or input from GCSD. The County has allowed development projects that are inside and outside the Sphere of Influence ("SOI") of GCSD to continue to move forward without mitigation or requiring annexation into GCSD. Homes and businesses are developing where GCSD will almost always be the first to respond despite these projects being located outside of GCSD's service area. Such uncoordinated development can only occur because County development projects are not subject to LAFCO approval.

Despite the clear impacts to GCSD and its taxpayers, the County is still obligated to process these projects lawfully and to mitigate impacts on GCSD and others. This includes the County's obligation to mitigate the impact to GCSD of being the overwhelming-likely first agency to respond to any emergency-related call through the agencies' existing mutual aid agreement.

GCSD is requesting that the Planning Commission deny or reprocess the Project in consultation with GCSD. The comments submitted by GCSD to the County on the mitigated negative declaration for the Project are also enclosed with this letter.

### The Tiny House Village Project

This Project involves the following:

1. Site Development Permit for a recreational development consisting of twelve (12) guest cabins, swimming pool, yoga dome, and associated infrastructure on 14.1-acre parcel.
2. Approval of a Mitigated Negative Declaration ("MND") for the Project.

### The Project in Relation to GCSD Boundaries and Facilities

We encourage you to refer to the attachments enclosed with this letter, depicting GCSD's boundaries and the public facilities in the area.

The Project is located just outside of GCSD boundaries and its SOI.

GCSD's fire station (Fire Station No. 78) is located approximately 5.9 miles from the Project and has an 8-minute travel time to the site. The Tuolumne County Fire Department's nearest fire station is located approximately 27.2 miles from the Project and has a 40-minute travel time to the site.

In the interests of responsible service provision, we hope the Planning Commission will revisit this Project at a later date, after further review and coordination with GCSD.

### GCSD Comments

- 1. Fire protection will fall on GCSD resources, and the Project fails to include mitigation to offset the impact.**

Contrary to statements in the Project report and the MND, fire protection to the Project site will be provided by GCSD without adequate water supply. Nearby residents will be in danger, and GCSD will be made less responsive to incidents in its own service area.

GCSD's fire station is only 8 minutes away and will be the first to respond to emergency and fire incidents at the site. Although the County currently provides a Fire Engine at GCSD's station, there is no long-term funding established for this arrangement. With the failure of Measure Z for the sales tax increase and Tuolumne County's budget challenges, GCSD has little confidence that this Fire Engine will remain at GCSD's station. Without long-term funding or a new fire station in this region, GCSD cannot meet its adopted response times (Resolution No. 27-2020), and its fire resources will continue to be overtaxed at the expense of its own residents.

Further, water supply at the site will be deficient if a fire occurs. The Project is proposed with a private groundwater well with fourteen (14) connections, supported by a 50,000-gallon water tank. Although the Hydrogeologic Analysis found that there will be sufficient water supplies for the Project to operate (MND, at p. 105-107), the MND fails to describe in any meaningful way the available water sources to combat a fire event.

To illustrate water availability at the site in response to a fire, a Fire Engine would exhaust its water supply within one (1) minute. Pumping water from the swimming pool would drain the pool in under twelve (12) minutes. It is highly likely that GCSD would need to call a water tender to the site, but it would take at least thirty (30) minutes for a water tender to arrive, and the water tender would be drained in five (5) minutes. All this leaves GCSD with local water sources that last a maximum of twenty (20) minutes. Also, given that these particular units will be mobile home units, there will be no sprinklers in the units to put out an in-unit fire. There may be enough water to operate the Project, but fighting and containing a fire requires a longer water supply than a 20-minute duration. Without further analysis showing the available water supplies in a fire event, the fire danger and risk to nearby residents remains significant.

Additionally, the analysis of predicted emergency calls is inadequate and unclear. Based on the "Fire Impact Analysis" referenced in the MND, County staff estimates that one (1) annual call is predicted for fire or emergency medical service to the Project site. (MND, at p. 77.) This estimate requires more explanation and is not supported by GCSD's many documented responses to other project sites in the area. Responses are not limited to fire incidents – nearly 90% of GCSD responses are for other emergency and medical events.

GCSD resources will absorb the impact of the Project, but there are no mitigation conditions imposed on the Project. No revenue-sharing agreements are in place, and GCSD sees none of the fire impact fee revenue collected by the County. It appears that the County plans to offload the service responsibilities of this Project onto GCSD, while taking all fire-related revenue to provide fire services in other parts of the County. Not only is this illegal, but it unnecessarily places the property and lives of residents in this area at risk. Further, there is no ongoing funding mechanism for providing fire services to the Project site. Please let it be known that GCSD's concerns over development in this area continue to be dismissed as financial impacts accrue.

**2. The Project is inconsistent with the Tuolumne County General Plan, and the Planning Commission cannot make the findings to approve the Project.**

Because of the risks to public safety and inconsistencies with the General Plan, the County cannot make the findings required for the Project.

As the Planning Commission well knows, the General Plan is the constitution to which future development must conform, and land use decisions must be made in harmony with the General Plan. (*DeVita v. County of Napa* (1995) 9 Cal.4th 763, at 773, 783.) Further, under the County's zoning ordinance, the Planning Commission must find that the Project will not be detrimental to the health, safety, or general welfare of persons residing or working in the neighborhood of the proposed use. (See Tuolumne County Code, 17.100.030).

Even a cursory review of the General Plan's public safety element would show that this Project was not formulated in harmony with General Plan policies. Below are just a few of the policies that should have involved further consultation with GCSD and mitigation for fire impacts:

- A. Recognize that the County has a unique role to collaborate with special districts/stakeholders within the County to promote the delivery of efficient and cost-effective public services. (OAV3)
- B. Appropriate measures should be formulated and implemented to reduce the safety concerns and fire hazards which could result from approval of the application. Recommendations should specify the source of funding for implementation and maintenance of identified fire protection measures. (Program 9.A.a)
- C. Determine the impact proposed development will have on the provision of fire protection services and maintain the established level of service. (Policy 9.G.3)

As it pertains to the findings for the Site Development Permit, the proposed use will indeed cause harm to the health and safety of persons and property in the area. Groveland residents will also be harmed, as responses to the Project site will further draw GCSD resources outside its boundaries, leaving fewer resources available to respond to incidents within GCSD boundaries.

Despite staff's attempts to find in favor of the Project, a more honest effort points toward denial. Public safety policies in the General Plan have been ignored, impacts will be felt by nearby residents and property, and there is no mitigation to the fire agency most responsive to the site. This Project and the conditions of approval must be revisited.

**3. An EIR is required, as there are clearly significant impacts caused by the Project that require further analysis and mitigation.**

At the “heart of CEQA” is the requirement that public agencies prepare an EIR for any project that “may have a significant effect on the environment.” (*Friends of College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 944.) If it can be fairly argued that a project may have a significant effect on the environment, an EIR must be prepared. (*Id.* At 957.) The fair argument standard sets forth a low threshold for requiring an EIR, reflecting a preference for resolving doubts in favor of environmental review. (*Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, 370.)

An MND is insufficient for this Project, given evidence in the record concerning impacts to fire resources and other environmental impacts.

Many comments were submitted on the MND and in advance of the Planning Commission meeting. GCSO explained in detail its concerns for fire safety and water supply. The Central Sierra Environmental Resource Center cited various concerns, including (a) well failure, (b) potential septic system failure, (c) fire hazard and inadequate water supply, and (d) traffic and emergency evacuation along the Highway 120 corridor. Comments from nearby residents expressed similar concerns over fire impacts, strain on GCSO resources, and congestion along evacuation routes.

While County staff provided responses to why none of the comments amount to “substantial evidence,” this is not the standard under CEQA. A decision not to require an EIR “can be upheld only when there is no credible evidence to the contrary.” (*Georgetown Preservation Society v. County of El Dorado* (2018) 30 Cal.App.5th 358, 370.) The record contains credible contentions of significant environmental impact. For projects such as these with well-documented concerns over significant impacts, an EIR is required to scope potential impacts, fully analyze identified impacts, and provide a formal comment and response period.

Additionally, contrary to the conclusions of the Project report and MND, it indeed could be the case that a new fire station will be required as a result of the Project (especially when evaluated in light of cumulative development in the surrounding area). Staff’s analysis may have concluded that a new fire station is not necessary, but it has been presented with substantial evidence to the contrary.

The MND and staff responses to comments are not an acceptable substitute for an EIR when it is legally required. The County must follow the required process under CEQA and allow for conflicting analysis to be fully vetted through an EIR.

Conclusion

We appreciate the Planning Commission's attention to our comments. GCSD believes the Project as proposed is illegal and unnecessarily places the property and lives of nearby and future residents at risk. The Planning Commission cannot make the legally required findings for this Project without sending it back to staff for further review and analysis.

We hope the Planning Commission will revisit this Project under an EIR and with alterations incorporated that allow the required findings to be made.

Kind regards,

**White** Brenner LLP

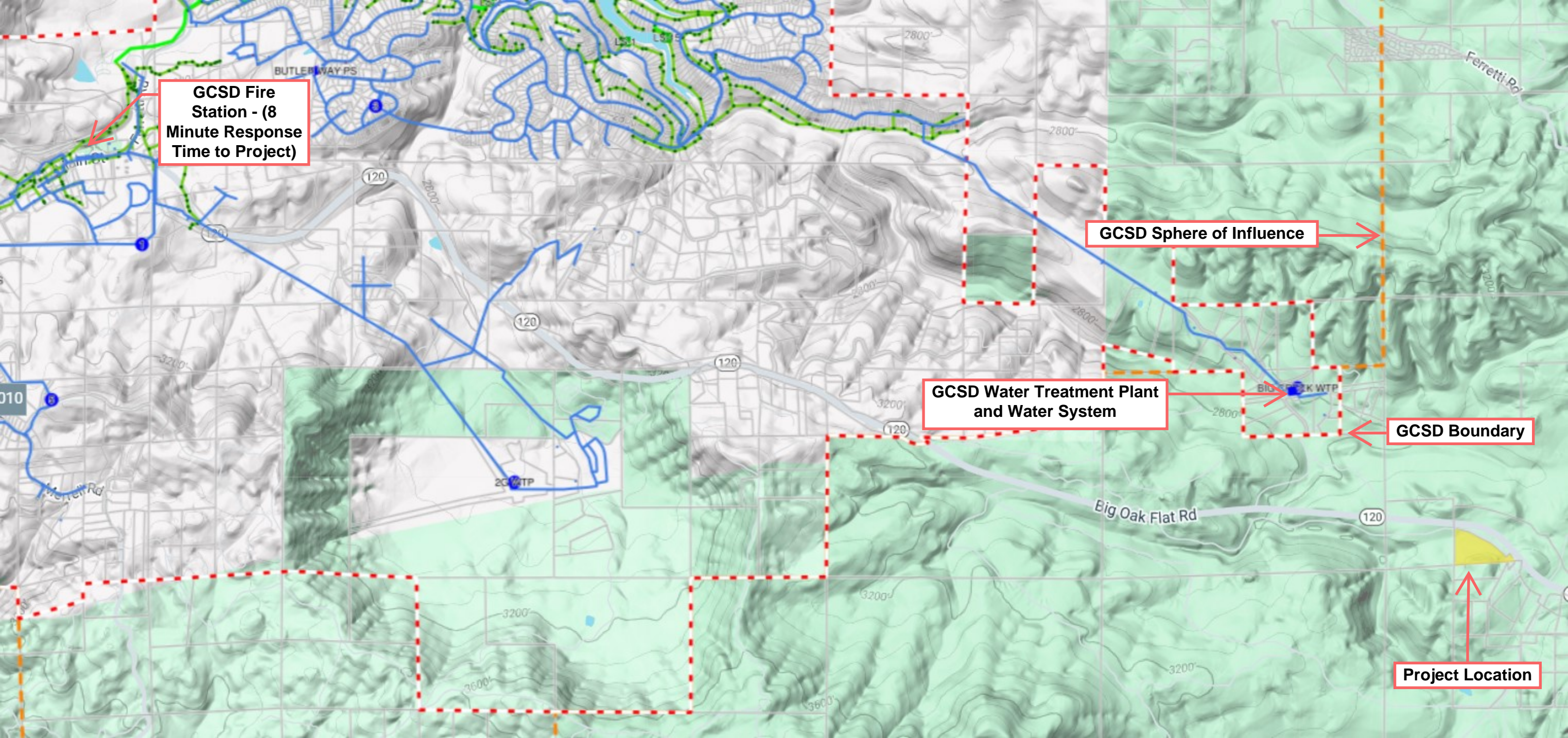


Josh G. Varinsky  
JGV/bnh

Enclosures:

1. Project location and nearest GCSD and County fire stations
2. County project approvals in southeastern area of County near GCSD
3. GCSD Comment Letter on the MND





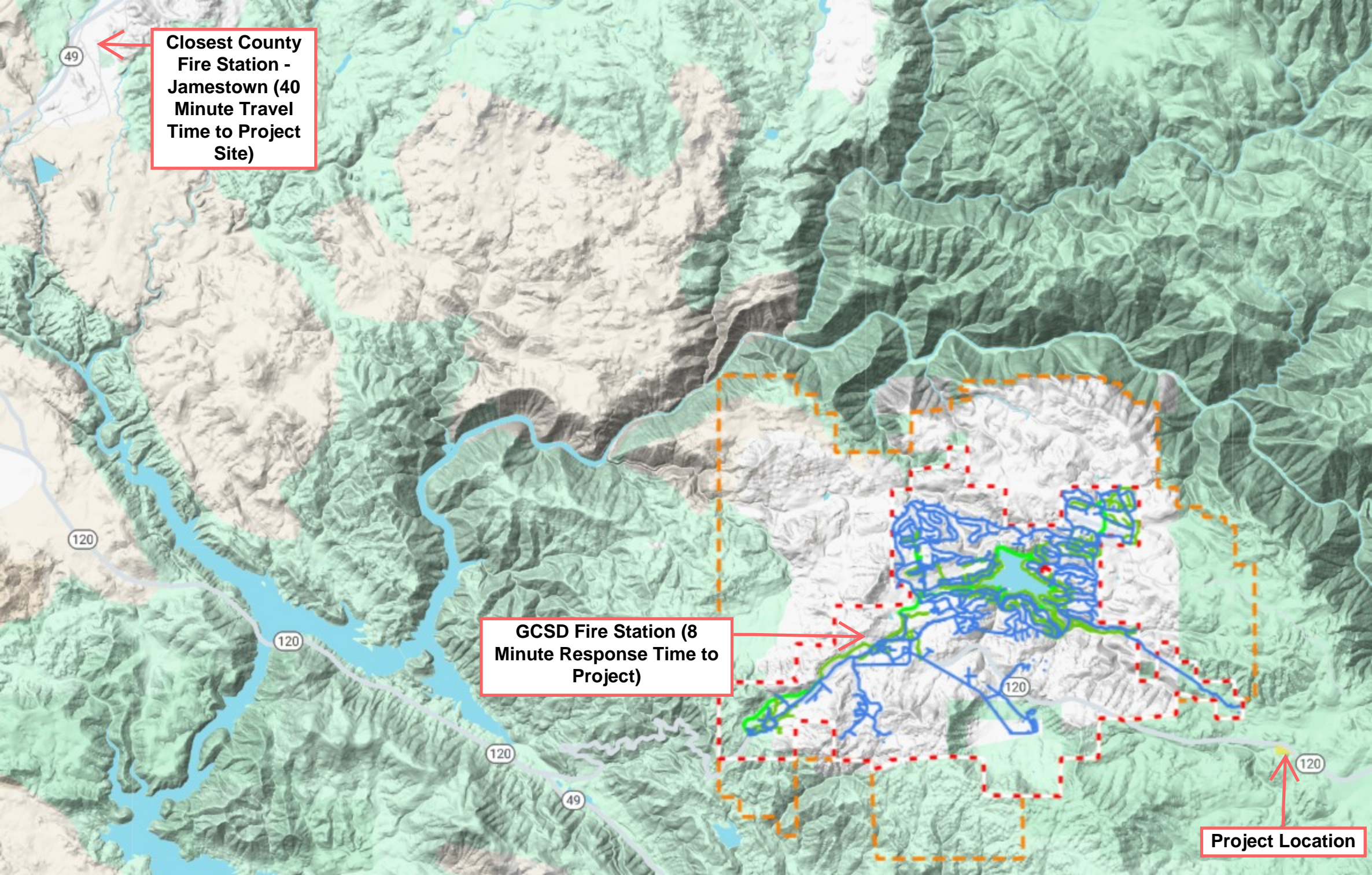
**GCSD Fire Station - (8 Minute Response Time to Project)**

**GCSD Sphere of Influence**

**GCSD Water Treatment Plant and Water System**

**GCSD Boundary**

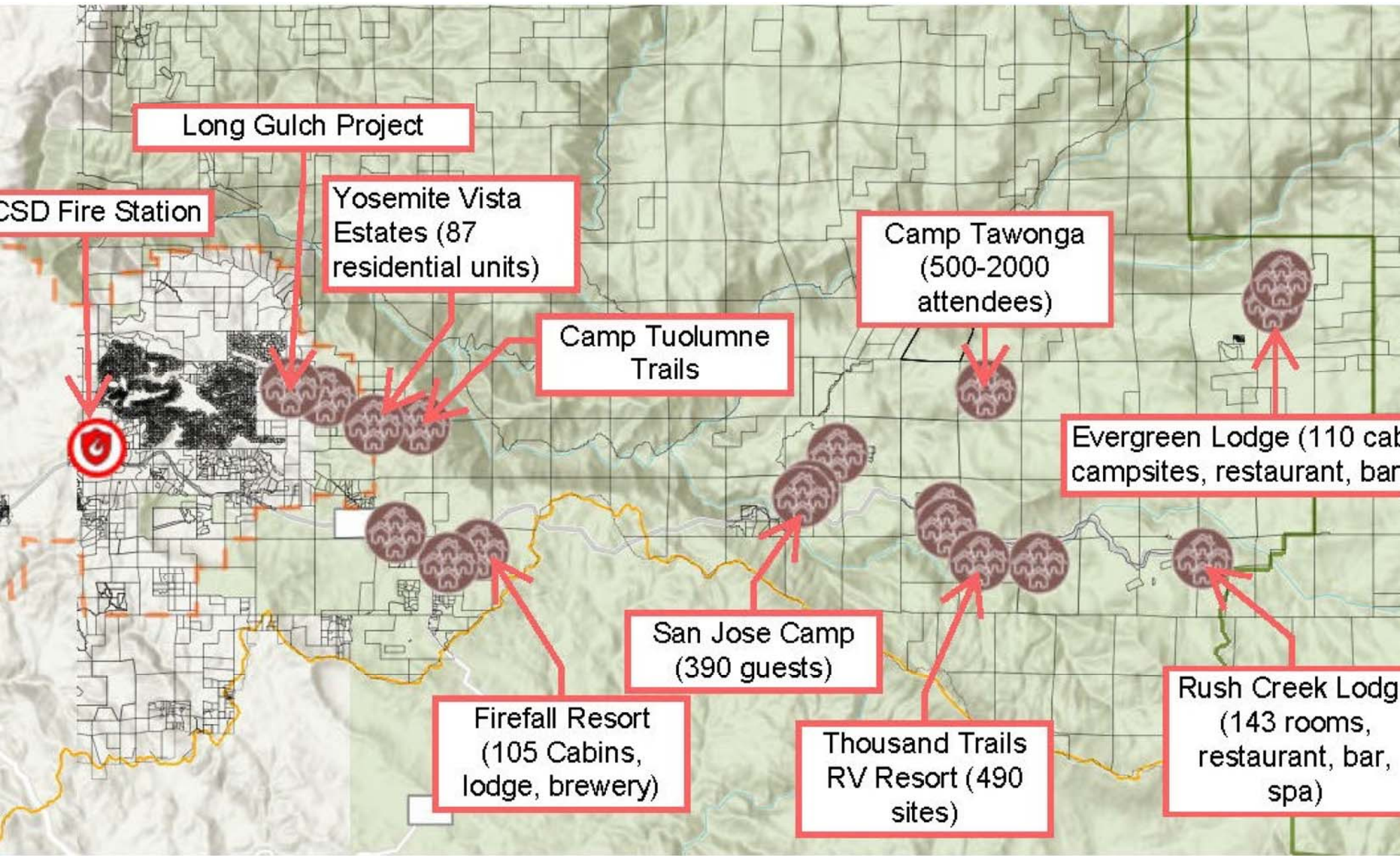
**Project Location**



**Closest County  
Fire Station -  
Jamestown (40  
Minute Travel  
Time to Project  
Site)**

**GCSD Fire Station (8  
Minute Response  
Time to  
Project)**

**Project Location**



Long Gulch Project

CSD Fire Station

Yosemite Vista Estates (87 residential units)

Camp Tuolumne Trails

Camp Tawonga (500-2000 attendees)

Evergreen Lodge (110 cabins, campsites, restaurant, bar)

San Jose Camp (390 guests)

Firefall Resort (105 Cabins, lodge, brewery)

Thousand Trails RV Resort (490 sites)

Rush Creek Lodge (143 rooms, restaurant, bar, spa)

February 15, 2024

Clark Sintek  
Community Development Department  
Tuolumne County Community Development Department  
2 South Green Street,  
Sonora, CA 95370

RE: Mitigated Negative Declaration, Tiny House Village, Site Development Permit SDP22-006

Dear Mr. Sintek,

The Groveland Community Services District has reviewed the Mitigated Negative Declaration for the above referenced project in detail and has provided its comments surrounding the project and document below.

HAZARDS AND HAZARDOUS MATERIALS Section:

*Q: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?*

**District Response:**

The document failed to evaluate and document the ability of the Groveland Community Services District Fire Department (GCSD or District) to meet its adopted emergency response standards for emergency calls occurring within the District boundaries when an emergency call occurs at the project location. If the District Fire Department were to respond to an emergency call at the project site, the ability to implement its own emergency response plan standard would be impaired and creates a hazard to life and property.

There is no fire station, other than GCSD Station 78, within 45 minutes travel time of the project location, with a guaranteed fire engine, staffed full time, year round and able to respond to emergency calls at the project site. The Tuolumne County Fire engine currently collocated at the GCSD Station 78 is only contracted to be in that location until August 2024. The preparer of the environmental documents never contacted the District to discuss the availability of the Groveland Fire Department or its ability to respond to the project site.

*Q: Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?*

**District Response:**

The document failed to evaluate and document the ability of the Groveland Community Services District Fire Department (GCSD or District) to meet its adopted emergency response standards for wildland fire calls occurring within the District boundaries when an emergency call occurs at the project location. If the District Fire Department were to respond to an emergency call at the project site located outside the District boundaries, the ability of the District would

be impeded to respond to an evolving wildfire scenario within the District boundaries, indirectly exposing people to a significant risk of loss, injury or death while the fire burns unchecked until the single District engine and crew can respond back from the project location to the incident scene.

The County Policy 9.A.1 **was not followed:** *Actively involve fire protection agencies within Tuolumne County in land use planning decisions.*

The District, who is listed as a fire department that would respond to emergency calls on the project site, was never consulted to discuss the availability of the Groveland Fire Department or its ability to respond to the project site.

The County Policy 9.E.3 **was not followed:** *Require new development to be consistent with State and County regulations and policies regarding fire protection.*

The District, who is listed as a fire department that would respond to emergency calls on the project site, was never consulted to discuss the need for emergency responses to the project site and their potential impact on the emergency call response times of the Groveland Fire Department or its ability to even respond to the project site.

The document states that the estimated water needs for the site would be up to 140 gallons per day with the pool requiring up to 30,000 gallons per year to operate. Is the 140 gallons per day a per-cabin water usage estimate or overall daily demand for all cabins, which is not possible?

There is currently no water tender located within the project location or Groveland fire station. It will take at least ½ hour for a water tender to arrive, and in a fire situation, the water tender will be drained within 5 minutes. In addition, the water tender will take 20-30 minutes to refill using fire hydrants located within the District boundaries at least five minutes away. The onsite swimming pool would be pumped dry in less than 12 minutes.

Although the groundwater well is reported to produce an adequate supply of water using a two hour pump test, there is no analysis to show the ability of the well to continue to pump the required amount of water beyond the two hours, when it will run continuously, around the clock at that rate throughout the summer.

**PUBLIC SERVICES Section:**

*Q: Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of these public services?*

The document states *“Fire and emergency response is provided to this site by the County of Tuolumne, with support from regional partners including Groveland Community Services District (GCSD)”*.

**District Response:**

The County of Tuolumne does not operate a fire station in the Groveland area, nor does it currently fund the CAL FIRE Amador Plan in Groveland, which provided a non-fire season staffed engine to respond to 911 calls. The County currently funds the cost to collocate a staffed fire engine at the Groveland CSD Fire Station 78, under an agreement through August 2024. Without a county fire station in the area and lacking a perpetual agreement for the staffed county fire engine to remain in Groveland, there is no assurance that the project will be provided fire protection services by the County. Without a County staffed engine within 45 minutes of the project site, they cannot provide effective mutual aid, and the District is left as the only responding fire department unless a staffed CAL FIRE engine is located in its Merrell Road Station. The GCSD fire department will respond to the project site under the Mutual Aid Agreement, so long as a staffed County fire engine is located permanently in Groveland. The project must annex to the boundaries of GCSD for the District fire department to respond to emergency calls on the project site as the first-in, or only engine.

As stated above, the analysis did not contact or review the impact on services provided by GCSD, or its ability to meet its adopted emergency response time standards should it respond to that “one” estimated call at the project site. While on that “one” call to the project site and with no County engine, a simultaneous call for a cardiac arrest in Big Oak Flat would render the District department unable to meet its service commitments and obligations to its taxpayers, unfairly risking the lives and property of our citizens, and those who pay for this service.

The project is located one-half mile outside the GCSD boundaries. The project site is not served by the Groveland CSD. The Tuolumne County LAFCo and the California Government Code have responsibility to determine the appropriate service provider when a project requiring services is located outside the boundaries of the local service provider.

The Project analysis states: *“The project is not required to receive fire protection services from GCSD since they are not located within their district.”*

This statement is not consistent with LAFCo law and the District is not required to provide services to the site BECAUSE the project is located outside its boundaries.

The project evaluation goes on to state: *“Fire protection will be provided to the site as it currently receives services under either agreement, and annexation is not required for the site to receive fire protection response.”*

This statement is only correct if a County funded engine and crew is permanently located in Groveland; in a new staffed County fire station or collocated with GCSD permanently (with station improvements). Otherwise, this is a false and inaccurate statement.

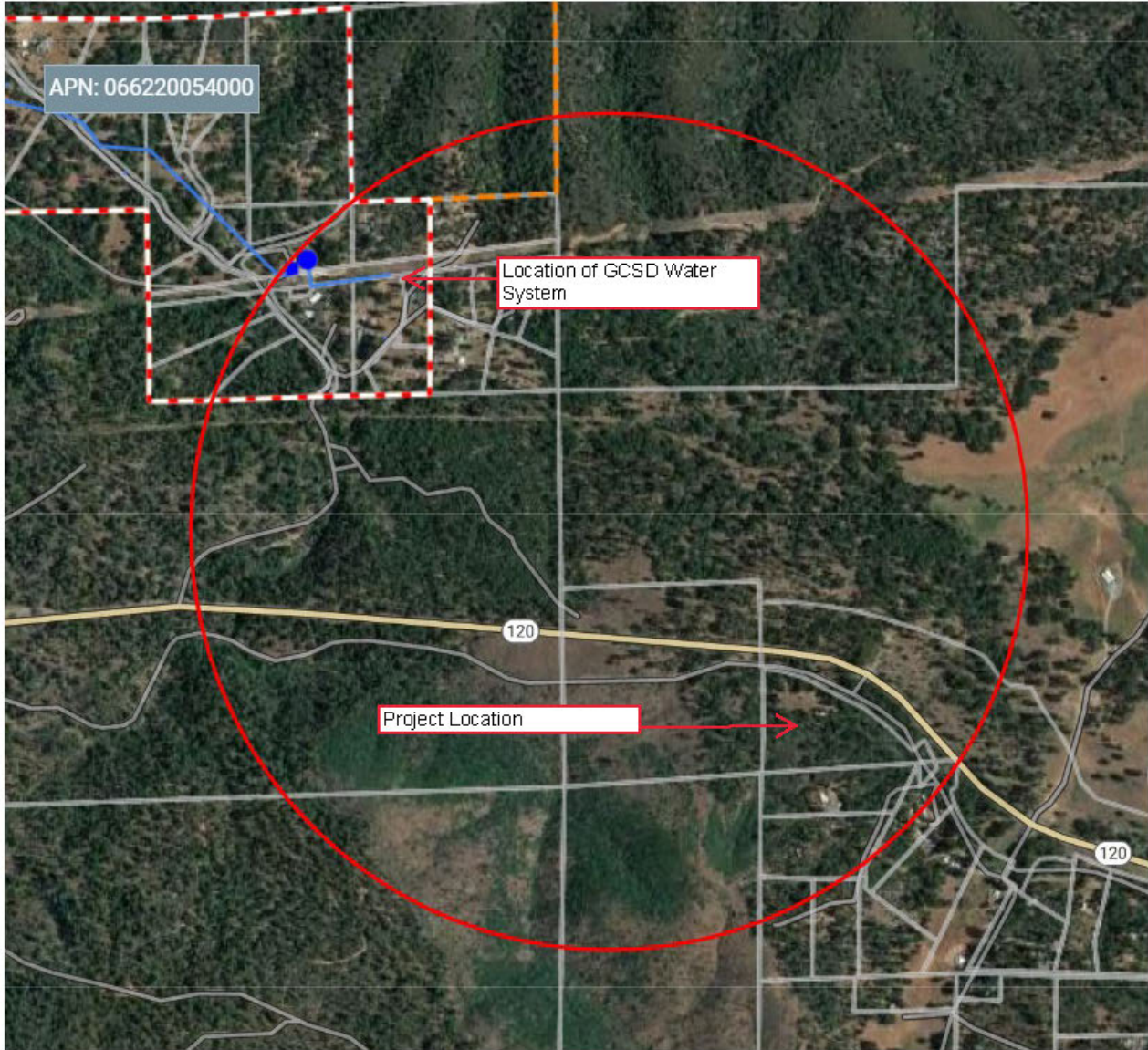
Just as the Terra Vi and Under Canvas resort projects, approval of this project must be conditioned on the payment of its fair share of the cost of providing emergency response services. As the services exist today, without a permanent staffed County Fire engine in Groveland, the project will result in potentially significant impacts to the fire and emergency response services in Groveland. The placement of a permanent staffed County Fire Engine in Groveland will mitigate those impacts to a less than significant level.

Again, directly reaching out to and consulting with GCSD would be the cooperative and efficient way to ensure that service impacts could be agreed upon, for land development projects to which GCSD is expected to provide service.

Sincerely,



Peter Kampa  
General Manager  
Groveland Community Services District



**Groveland Area Dry & Failing Wells**  
**11 Reports Received**  
**2021 - 10**  
**2022 - 1**

● Dry & Failing Wells: 2021-22

