

**EL DORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**

Agenda of: July 13, 2006

Item No.: 10.a.

Staff: Jason R. Hade

REZONE / PLANNED DEVELOPMENT

FILE NUMBER: Z01-0006 and PD02-0001/El Dorado Card Lock Fueling Facility

APPLICANT: Luke and Debra Miller

AGENT: KDL Engineering/Keith De Lapp

REQUEST: Request to rezone from One-acre Residential (R1A) to Commercial – Planned Development (C-PD) and a proposed development plan for a commercial card lock fueling facility with four fueling stations pumping both gasoline and diesel fuel.

LOCATION: On the north side of U.S. Highway 50 and the south side of Echo Lane, immediately west of the intersection with El Dorado Road, in the El Dorado area (Exhibit A).

APN: 327-090-03

ACREAGE: 1.22 acres

GENERAL PLAN: Commercial (C) (Exhibit B)

ZONING: One-acre Residential (R1A) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration prepared

SUMMARY RECOMMENDATION: Recommend approval

BACKGROUND: The applicant submitted the rezone application in 2001 (Z01-0006). The application was deemed incomplete and placed on hold. After several meetings with staff, the applicant determined that utilizing the planned development process would limit the environmental and project review to the proposed card-lock fueling center. The application remained on hold while the applicant had a traffic study and air quality analysis completed for the project. The application was reactivated on July 9, 2002, and staff resumed processing the application.

While processing applications under the Writ of Mandate, Planning Services generally screened all rezone applications to determine if the land use designation on the property was consistent between the Public Review Draft General Plan land use map and the 1996 General Plan land use map. The Writ of Mandate required this consistency in order to approve a project. In this case, staff misread the Public Review Draft General Plan land use map, and mistakenly identified the project as having the Commercial land use designation on both the Public Review Draft General Plan land use map and the 1996 General Plan land use map. Properties surrounding the subject property are designated Commercial on the Public Review Draft General Plan land use map.

Additional review has determined the subject property was designated Medium Density Residential (MDR) on the Greenstone Area Plan land use map and zoned Residential. Research also shows that the property was designated Medium Density Residential on the Public Review Draft General Plan land use map. The subject property is designated Commercial on the 1996 General Plan land use map as well as the 2004 General Plan land use map.

There is no record of a specific request to amend the General Plan land use designation on the subject property. It appears that the property was designated Commercial on the 1996 General Plan land use map because the properties to the north, east, and west are also designated Commercial on the 1996 General Plan land use map. The designation of the subject property as Commercial is consistent with General Plan Policy 2.5.2.2 recommending the development of new commercial services adjacent to existing commercial services.

The applicant was advised of the inconsistency between the Public Review Draft General Plan land use designation and the 1996 General Plan land use designation. The applicant requested that the application be processed and brought forward to the Planning Commission for consideration.

The Planning Commission continued the application off-calendar on February 27, 2003, pending the adoption of a new General Plan and subsequent lifting of the Writ of Mandate. After the adoption of the 2004 General Plan on July 19, 2004, and discharging of the Writ of Mandate, the applicants submitted additional project information on November 9, 2005. The application was deemed reactivated for processing on November 23, 2005.

STAFF ANALYSIS

Project Description: Request to rezone property from One-acre Residential (R1A) to Commercial – Planned Development (C-PD) and a proposed development plan for a commercial card lock fueling facility with four fueling stations pumping both gasoline and diesel fuel. The four fueling stations are proposed to be located under a 38-foot by 52-foot canopy. Two 15,000-gallon underground gasoline storage tanks and one 10,000-gallon diesel storage tank located in the

southwest corner of the property will serve the fuel dispensing stations. In addition, there will be an approximate 160-square-foot utility building, which will house restroom facilities and control equipment. The site will also contain on-site parking and landscaping.

Site Description: The project site contains a relatively level pad sloping steeply to the south towards U.S. Highway 50 and a significant drainage course. The site is currently below the grade of Echo Lane, and developing a pad on the site will result in a large fill slope. Visibility of the site from east and westbound traffic on U.S. Highway 50 is somewhat blocked by the westbound on-ramp descending from the El Dorado Road interchange. Vegetation on the parcel is limited to grasses and brush. A large amount of vegetation and trees (willows and cottonwoods) are located within the drainage course adjacent to the westbound highway on-ramp. Access to the site is from Echo Lane, which fronts the property along the northern boundary. The subject site is within the Missouri Flat Master Circulation and Financing Plan area.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
North	C-PD	Commercial	RV Storage Yard
South	Highway 50	Highway 50	Highway 50
East	CP-PD	Commercial	Retail
West	R3A	MDR	Undeveloped

General Plan: The General Plan land use map designates the subject site as Commercial. This designation permits a range of commercial and office uses. Additionally, the following General Plan policies also apply to this project:

Policy 2.2.5.3: The County shall evaluate future rezoning: (1) To be based on the General Plan’s general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

- 1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;*

Discussion: An El Dorado Irrigation District (EID) Facility Improvement Letter dated December 21, 2005, states that adequate existing water and sewer facilities are available to serve the proposed project.

- 2. Availability and capacity of public treated water system;*

Discussion: As discussed above, EID has adequate water facilities to serve the projected needs of the project.

- 3. Availability and capacity of public waste water treatment system;*

Discussion: As discussed above, EID has adequate sewer facilities to serve the projected needs of the project.

4. *Distance to and capacity of the serving elementary and high school;*

Discussion: As the proposed project is a commercial use, it will not impact elementary and high school enrollment.

5. *Response time from the nearest fire station handling structure fires;*

Discussion: The Diamond Springs-El Dorado Fire Protection District is responsible for providing fire protection to the subject site. As such, the District has reviewed the proposal and indicated that adherence to the applicable building and fire codes, as well as conditions of approval, will satisfactorily address all fire related safety issues. No response time concerns are present.

6. *Distance to nearest Community Region or Rural Center;*

Discussion: The project site is located within the El Dorado/Diamond Springs Community Region. As proposed, the commercial project is compatible with the surrounding commercial land uses.

7. *Erosion hazard;*

Discussion: The Natural Resources Conservation Service (NRCS) has mapped soils on the subject site as Mixed alluvial land (*Soil Survey of El Dorado Area, California, 1974*). The *Soil Survey of El Dorado Area, California, 1974*, did not indicate that the project site was located on expansive soil or prone to any erosion hazards. Based upon this information, the impact from expansive soils or erosion hazards is less than significant.

8. *Septic and leach field capability;*

Discussion: The project will be served by EID public sewer facilities.

9. *Groundwater capability to support wells;*

Discussion: The project will be served by EID public water facilities.

10. *Critical flora and fauna habitat areas:*

Discussion: Construction of the proposed project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The subject parcel has no identified biological resources pursuant to the Important Biological Resources Map located in Planning Services.

11. *Important timber production areas:*

Discussion: The project is not located in or near an important timber production area.

12. *Important agricultural areas;*

Discussion: The project is not located in or near an important agricultural area.

13. *Important mineral resource areas;*

Discussion: The project will not impact an important mineral resource area.

14. *Capacity of the transportation system serving the area;*

Discussion: The El Dorado County Department of Transportation reviewed the submitted traffic study and determined it was complete and adequate. No additional traffic analysis is required. The review completed by the Department of Transportation resulted in the development of conditions of approval that apply to the project, as revised April 3, 2006. The Department of Transportation also determined that the traffic study did not identify any significant impacts to Level of Service (LOS) conditions on surrounding roadways.

15. *Existing land use patterns;*

Discussion: The project area is surrounded by existing commercial and transportation uses. Staff has determined that the proposed project is consistent with existing land use patterns within the project area.

16. *Proximity to perennial water course;*

Discussion: The United States Department of the Interior National Wetlands Inventory Maps were reviewed to determine if any identified wetland or riparian habitat areas exist on or adjacent to the project site. This review indicates that there is a mapped Palustrine Scrub-shrub seasonally flooded (PSSC) wetland area that is part of a branch of Indian Creek flowing into a swale that parallels U.S. Highway 50 along the southern boundary of the project parcel. The swale is on the other side of the boundary fence and is located within the U.S. Highway 50 right-of-way and as such will not be disturbed as a result of the project.

17. *Important historical/archeological sites;*

Discussion: The applicant had a “*Cultural Resource Assessment of a Parcel Proposed for a Card Lock Fuel Station, APN 327-090-03, El Dorado County, California*” prepared by Peak and Associates on May 2, 2001. The Cultural Resource Assessment includes a Records Research conducted by the North Central Information Center that established that there are no known mapped historic or pre-historic sites on the parcel or within one-quarter of a mile of the site. The project site was also field surveyed by Peak and Associates with five-meter transects with negative results for historic or pre-historic debris or resources. The El Dorado County Cultural Resource Preservation

Commission reviewed the Cultural Resource Assessment on August 13, 2002, and concurred with the conclusion that there will not be a significant impact to cultural resources.

18. *Seismic hazards and present active faults; and*

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, or seismic ground failure or liquefaction are considered to be less than significant. Any potential impact caused by locating buildings in the project area will be offset by the compliance with the Uniform Building Code earthquake standards.

19. *Consistency with existing Conditions, Covenants, and Restrictions.*

Discussion: No Conditions, Covenants, and Restrictions are effective within the project area or are needed for the proposed project.

Policy 2.2.5.21: *Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.*

Discussion: As proposed, the planned card lock fueling center fits within the context of the surrounding commercial land uses. The proposed retaining wall will be less visually intrusive because of existing and planned landscaping and topography than the existing retaining wall at the commercial development east of the subject site.

Policy 2.4.1.4: *Strip commercial development shall be precluded in favor of clustered contiguous facilities. Existing strip commercial areas shall be developed with common and continuous landscaping along the street frontage, shall utilize common driveways, and accommodate parcel-to-parcel internal automobile and non-automobile circulation where possible.*

Discussion: The proposed development is a commercial development located adjacent to U.S. Highway 50. Additional commercial development is located on the east side of El Dorado Road (retail/office), as well as on the north side of Echo Lane (RV storage yard). The proposed project is a stand-alone commercial card lock fueling facility.

Policy 2.5.2.2: *New commercial development should be located near by existing commercial facilities to strengthen existing shopping locations and avoid strip commercial.*

Discussion: The proposed neighborhood card lock fueling center is located adjacent to existing commercial development on the north side of U.S. Highway 50 at El Dorado Road. This commercial development includes a former retail lumber and building supply outlet now utilized as retail space and a mini-storage and RV storage facility.

Policy TC-Xb: *To ensure that potential development in the County does not exceed available roadway capacity, the County shall:*

C. Review development proposals to ensure that the development would not generate traffic in excess of that contemplated by the Capital Improvement for the next ten years or cause levels of service on any affected roadway segments to fall below the levels specified in this plan.

Discussion: The applicant submitted a copy of *Traffic Impact Study for the Proposed Card-lock Gas Station in Placerville in El Dorado County* prepared by TJKM Transportation Consultants on June 17, 2002, and subsequently revised on October 21, 2002. This traffic analysis contained data on trip generation for the project and data on existing Level of Service (LOS), project plus existing Level of Service, and cumulative Level of Service. The traffic analysis was reviewed by the El Dorado County Department of Transportation (DOT) and it was determined the project will not create a significant impact to the Level of Service on adjoining County roadways. Upon project re-activation, DOT reviewed the previously prepared traffic study and determined it was complete and adequate.

Policy 5.2.1.3: *All medium-density residential, high-density residential, multifamily residential, commercial, industrial and research and development projects shall be required to connect to public water systems when located within Community Regions and to either a public water system or to an approved private water systems in Rural Centers.*

Discussion: The project is proposing to connect to public water. A 12-inch water transmission main is located in El Dorado Road adjacent to the subject parcel according to an updated El Dorado Irrigation Facility Improvement Letter dated December 21, 2005.

Policy 5.4.1.2: *Discretionary development shall protect natural drainage patterns, minimize erosion, and ensure existing facilities are not adversely impacted while retaining the aesthetic qualities of the drainage way.*

Discussion: A significant drainage course flows along the southern boundary of the project site and U.S. Highway 50. This drainage course is a branch of Indian Creek and contains significant riparian vegetation. A condition of approval has been developed requiring the applicant to minimize the impacts to the drainage and the existing vegetation. The project requires significant grading to raise the site and to expand the size of the site to accommodate the proposed development.

Policy 7.3.3.4: *Until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands. These interim standards may be modified in a particular instance if more detailed information relating to slope, soil stability, vegetation, habitat, or other site-or project-specific conditions supplied as part of the review for a specific project demonstrates that a different setback is necessary or would be sufficient to protect the particular riparian area at issue.*

For projects where the County allows an exception to wetland and riparian buffers, development in or immediately adjacent to such features shall be planned so that impacts on the resources are minimized. If avoidance and minimization are not feasible, the County shall make findings, based on documentation provided by the project proponent, that avoidance and minimization are infeasible.

Discussion: The water feature along the southern boundary of the project site is a Caltrans drainage culvert, not a perennial stream, river, lake or intermittent stream or wetland. As such, it is not subject to the setbacks required pursuant to General Plan Policy 7.3.3.4.

Conclusion: As discussed above, staff finds that the project, as conditioned, conforms to the General Plan.

Zoning: The subject parcel is currently zoned One-acre Residential (R1A). This zone district is not compatible with the Commercial General Plan land use designation. As such, the applicant is requesting a rezone to a compatible zone district. The proposed rezone is for the Commercial (C) Zone District with the Planned Development (PD) overlay. The Commercial Zone District does allow a service station such as what is proposed. The applicant is utilizing the planned development overlay to limit the review to the proposed use. Significant changes to the proposed use will require a planned development revision application with further environmental review.

Access and Parking: Access to the project site is proposed via two driveway encroachments onto Echo Lane. The easternmost access driveway is angled due to the curve in Echo Lane. It is designed to accommodate tanker trucks entering the site to fill the underground storage tanks. The western access drive way is perpendicular to Echo Lane and is wide enough to accommodate two-way traffic on and off the site.

The submitted site plan was reviewed to verify compliance with Zoning Ordinance on-site parking requirements. Section 17.18.060 of the Zoning Ordinance lists the parking requirements by use. The project as proposed includes a 160 square foot utility building with a restroom within the building. No office or other buildings are proposed on the property. Generally, any commercial retail establishment requires a minimum of one parking space per 300 square feet of retail area. In this case, staff recommends a minimum of two on-site parking spaces be provided on the site. The submitted site plan includes two parking spaces, one of which is a handicapped accessible parking space.

Aesthetics: The project is adjacent to U.S. Highway 50 and is partially visible from the highway. In order to develop the site with a useable building pad, retaining walls must be used along the U.S. Highway 50 frontage. Additionally, there is a significant drainage course containing riparian vegetation and mature trees. The preliminary Grading Plan submitted shows a retaining wall along the U.S. Highway 50 frontage ranging from seven feet to 23 feet in height. This portion of U.S. Highway 50 is not designated as a State scenic highway.

A mitigation measure (#2 in Attachment 1) is included requiring landscaping to provide screening and the use of a keystone or stepped retaining wall to allow landscaping. In addition, a condition of

approval has been included limiting the grading impacts to the drainage and the existing vegetation adjacent to the drainage. Photos of the project site are attached as Exhibit K.

Lighting and Glare: All proposed on-site lighting is required to comply with the provisions contained in Section 17.14.170 of County Code. Outdoor lighting must be shielded in order to reduce glare and light escaping off the site onto neighboring parcels and right-of-ways. The lighting shown under the proposed canopy consists of 350-watt metal halide light fixtures protruding down from the canopy. Typically, these types of fixtures create significant glare. It is recommended that recessed lighting fixtures be utilized under the canopy. A condition of approval has been included requiring the canopy lights be recessed in order to limit glare from the project site.

Signs: The Commercial (C) Zone District allows the following sign sizes by right:

- One 50-foot-tall (or less) freestanding pole or monument sign with 80 square feet of sign message area, or
- Two 50-foot-tall (or less) freestanding pole or monument signs each with 50 square feet of sign message area.
- Wall signs are limited to 20 percent of the total wall area on which the sign(s) are located, and are limited to two such signs per building.

The site plan submitted by the applicant includes an approximate 10-foot tall monument sign with 36 total square feet of display area. The monument sign is to feature a rock base and be located adjacent to Echo Lane, as shown on Exhibit F. A conceptual monument sign plan is attached as Exhibit H. Additional signage is shown on the western and southern elevations of the canopy proposed over the fueling pumps. This signage does not appear to exceed 20 percent of the area of the canopy.

Development Plan: The proposed development plan consists of Exhibit E: Conceptual Site and Grading Plan; Exhibit F: Conceptual Landscaping and Lighting Plan; Exhibit G: Building and Fueling Canopy Elevations; and Exhibit H: Conceptual Monument Sign Plan. These exhibits illustrate the proposed card-lock facility site layout.

Section 17.04.030 (B) of County Code establishes that “*The planning commission shall not approve or conditionally approve a development plan nor recommend the establishment of a PD zone unless it makes the following findings:*

1. *That the PD zone request is consistent with the general plan;*

Discussion: The proposed zone change request to rezone the property from R1A to C-PD is consistent with the General Plan land use map and policies. The General Plan land use map designates the property as Commercial. Additionally, the General Plan contains several policies pertinent to the project (see above discussion under General Plan).

2. *That the proposed development is so designed to provide a desirable environment within its own boundaries;*

Discussion: The proposed development is designed to be compact and provide a specific service to residents of the surrounding area. The site will be landscaped around the site perimeter and will not be obtrusive.

3. *That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;*

Discussion: No exceptions to the Zoning Ordinance development provisions have been requested or are necessary for the proposed development.

4. *That the site is physically suited for the proposed uses;*

Discussion: The subject parcel is located between Echo Lane and a branch of Indian Creek that runs parallel to U.S. Highway 50. The parcel is 1.22 acres in size with a portion of the property consisting of steep topography sloping down to the branch of Indian Creek. The area adjacent to the branch of Indian Creek cannot be developed without significantly modifying the property and the drainage course. According to the preliminary grading plan, the site will be raised up to the level of Echo Lane and pushed out 20 to 25-feet horizontally by using retaining walls adjacent to the drainage. This grading and fill may be potentially damaging and disruptive to the flow of waters within the identified branch of Indian Creek. The site is marginally suitable for the proposed use if the grading is controlled and the appropriate permits from the Department of Fish and Game and Caltrans are issued.

5. *That adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities;*

Discussion: Adequately sized water and sewer lines are located adjacent to the property. A condition of approval has been included requiring the connection to adequately sized water lines for potable and fire flows, and adequately sized sewer lines capable of serving the project.

6. *That the proposed uses do not significantly detract from the natural land and scenic values of the site;*

Discussion: The project is adjacent to U.S. Highway 50 and is partially visible from the highway (view is blocked by westbound on-ramp). In order to develop the site with a useable building pad, retaining walls must be used along the U.S. Highway 50 frontage. The preliminary grading plan submitted shows a retaining wall along the U.S. Highway 50 frontage ranging from 7 feet to 23 feet in height. This portion of U.S. Highway 50 is not designated as a State scenic highway. However, a branch of Indian Creek flows along the southern boundary of the parcel paralleling the westbound on-ramp of U.S. Highway 50. The grading proposed for the project may result in impacts to the vegetation and trees adjacent to the drainage. Removal of this vegetation would result in a significant impact to the scenic value of the area. Mitigation measures and conditions of approval have been developed for the project addressing the potential aesthetic impacts resulting from the project

Agency and Public Comments: The following agencies provided comments on this application:

California Department of Transportation (Caltrans): Caltrans reviewed the project and provided comments regarding a left turn lane requirement on El Dorado Street to Echo Lane and potentially using fill material rather than a retaining wall along the south and east property line.

Cultural Resources Preservation Commission: The Cultural Resources Preservation Commission reviewed the cultural resource study prepared for the site at the August 13, 2002, Cultural Resource Preservation Commission meeting.

Discussion: The Cultural Resource Preservation Commission determined that the project will not have a significant impact on historic or prehistoric resources on the site or in the area.

Department of Transportation: The Department of Transportation reviewed the proposed project for consistency with the El Dorado County Design and Improvement Standards, Grading, Erosion and Sediment Control Ordinance, the County of El Dorado Drainage Manual and the County Minor Subdivision Ordinance. The Department of Transportation also reviewed the Traffic Impact Study prepared by TJKM Transportation Consultants.

Discussion: The review completed by the Department of Transportation resulted in the development of conditions of approval that apply to the project, as revised April 3, 2006. The Department of Transportation also determined that the Traffic Impact Study did not identify any significant impacts to Level of Service (LOS) conditions on surrounding roadways.

Diamond Springs-El Dorado Fire Protection District: The Fire District reviewed the project regarding access, fire hydrant location, and fire lane installation. All Fire District concerns are addressed within the project's conditions of approval attached as Attachment 1.

El Dorado County Resource Conservation District (EDC RCD): No project concerns were reported by the EDC RCD. Erosion control specifications are included as Exhibit I.

Environmental Management/Air Quality Management District: The Air Quality Management District reviewed the *Air Quality Impact Analysis for the El Dorado Card Lock Project* prepared by Daniel Ballanti dated June 2002.

Discussion: The Air Quality Management District determined that the project would not have significant impacts to air quality as long as the standard mitigation measures were included in the project design.

Environmental Management/Solid Waste Hazardous Materials: Environmental management expressed concerns over hazardous materials associated with the fueling facility and issues over maintaining water quality control.

Discussion: The concerns expressed by Environmental Management were included as mitigation measures which have been agreed to by the applicant and must be incorporated into the project design.

Pacific Gas and Electric (PG & E): PG & E reviewed the proposal and had no comments.

At the time of the preparation of this report, staff had not received any comments from the public. New issues may arise as a result of the public notice of the hearing which will be discussed at that time.

ENVIRONMENTAL REVIEW

Staff has prepared an Initial Study (Environmental Checklist attached as Exhibit L) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect on aesthetics, air quality, hazardous materials and hydrology/water quality. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study that will reduce the impacts to a level considered less than significant. Therefore, a Mitigated Negative Declaration has been prepared.

NOTE: This project is located within or adjacent to an area, which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$1,285.⁰⁰ after approval, but prior to the County filing the Notice of Determination on the project. This fee, less \$35.⁰⁰ processing fee, is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

RECOMMENDATION

Staff recommends the Planning Commission forward the following recommendations to the Board of Supervisors:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Adopt the mitigation monitoring program in accordance with CEQA Guidelines, Section 15074(d) incorporated as conditions of approval;
3. Approve Zone Change Z01-0006 rezoning Assessor's Parcel Number 327-090-03 from One-acre Residential (R1A) to Commercial-Planned Development (C-PD) based on the findings listed on Attachment 2; and
4. Approve Planned Development PD02-0001 based on the findings in Attachment 2, subject to the conditions in Attachment 1.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Assessor's Parcel Map
Exhibit E	Conceptual Site and Grading Plan
Exhibit F	Conceptual Landscaping and Lighting Plan
Exhibit G	Building and Fueling Canopy Elevations
Exhibit H	Conceptual Monument Sign Plan
Exhibit I	Erosion Control Specifications
Exhibit J	Project Site Photos
Exhibit K	Lighting Specifications
Exhibit L	Environmental Checklist

ATTACHMENT 1
CONDITIONS OF APPROVAL

FILE NUMBER Z01-0006 and PD02-0001

El Dorado County Planning Services

1. The project description is as follows:

A rezone of Assessor's Parcel Number 327-090-03 from One-acre Residential (R1A) to Commercial – Planned Development (C-PD) and a development plan for a commercial card lock fueling facility with four fueling stations pumping both gasoline and diesel fuel. The four fueling stations are to be located under a 38-foot by 52-foot canopy. Two 15,000-gallon underground gasoline storage tanks and one 10,000-gallon diesel storage tank located in the southwest corner of the property will serve the fuel dispensing stations. In addition, there will be an approximately 160-square-foot utility building, which will house restroom facility and control equipment. The site will also contain on-site parking and landscaping. Project signage includes a 10-foot tall monument sign with 36 square feet of display area as well as canopy elevation signage. Minor deviations from this development plan may be approved by the Planning Services Director or designee while major changes to the development plan, such as additional project signage, require a development plan revision to be approved by the original approving authority.

MITIGATION MEASURES FROM MITIGATED NEGATIVE DECLARATION

2. The proposed retaining walls shall be of natural rock materials, or include aesthetic colors or designs. The applicant shall not utilize plain cement masonry blocks for the retaining wall. In addition, the proposed retaining walls along the U.S. Highway 50 frontage shall be designed and installed with steps or niches every 2.5 feet to 5 feet to allow for landscaping of the retaining wall in order to minimize the aesthetic impact. The materials and landscaping shall be approved by Planning Services prior to approval of any building permits for the retaining wall(s).
3. The applicant shall provide a minimum 5-foot-wide landscaping strip along the U.S. Highway 50 frontage in front of the retaining wall containing shrub or tree species that will grow vertically in order to provide visual screening of the site from Highway 50. The applicant shall provide a minimum of one 5-gallon or equivalent shrub and one 15-gallon or equivalent tree alternating every 5 feet along the U.S. Highway 50 frontage. The size and species of the shrubs and trees shall be approved by Planning Services prior to approval of any building permits for the site.
4. The proposed project shall comply with any applicable requirements of the **El Dorado County Air Quality Management District Rule 502: General Conformity Rule**, which requires compliance with the State and National Ambient Air Quality Standards.

5. The project shall adhere to the provisions of **District Rule 223**, and the applicant shall submit a **Fugitive Dust Prevention and Control Plan** to the AQMD prior to any grading activities on the site.
6. The project shall adhere to the provisions contained in El Dorado County Ordinance No. 4548. No grading or excavation activities may take place on site until an Asbestos Hazard Dust Mitigation Plan has been submitted to and approved by the El Dorado County Air Quality Management District.
7. Asphalt surfacing of site access and parking areas shall conform with **El Dorado Air Quality Management Rule 224: Cutback and Emulsified Paving Materials**, which prohibits the atmospheric discharge of volatile organic compounds caused by the use, manufacture, mixing, storage, and/or application of cutback or emulsified asphalt.
8. Pursuant to **El Dorado County Air Quality Management District Rule 501.3(A): Authority to Construct**, the applicant shall receive authorization for construction (Authority to Construct) from the Air Quality Management District prior to commencement of grading and construction activities on the site.
9. Pursuant to **El Dorado County Air Quality Management District Rule 501.3(B): Permit to Operate**, the project proponent shall obtain a written permit from the Air Quality Management Officer prior to the issuance of a building permit.
10. In no case shall daily emissions of ROG, NO_x, and PM₁₀ exceed 82 lbs/day during any construction and grading activities on the site.
11. The proposed project shall comply with all applicable National, State, and local rules and regulations pertaining to Toxic Air Contaminates (TACs) and gasoline stations, specifically Rule IX, Section A relating to benzene emissions.
12. The project applicant shall apply for an Authority to Construct and Permit to Operate from the El Dorado County Air Quality Management District for any major on-site point source emissions in accordance with existing El Dorado AQMD rules and regulations. A health risk assessment shall be prepared for point sources that have the potential to emit toxic air contaminants. Resultant health risks shall not exceed the State of California thresholds for cancer and non-cancer risks.
13. The proposed project shall comply with any applicable requirements of the **El Dorado County Air Quality Management District Rule 238: Gasoline Transfer and Dispensing**, which requires compliance with State vapor recovery requirements and use of Toxic-Best Available Control Technology (TBACT).
14. The site shall be equipped with an automatic monitoring system that has the capability of shutting the entire fueling system down in the event an alarm is activated. An outside audible leak alarm shall be installed on the building. An outside audible overfill alarm shall be

installed on the building, separate from the leak alarm system. All the alarm systems and monitoring equipment shall be connected to a phone modem, which communicates in an immediate manner, with the owner/operator, or representative of the petroleum service company.

15. No runoff from the overhanging area or canopy shall drain onto the fuel area, and downspouts shall be used to route drainage water away from the fueling area.
16. The fuel dispensing area shall be paved with Portland cement concrete, or an equivalent smooth impervious surface. The use of asphalt concrete in the fueling area is prohibited. At a minimum the concrete surface for the fueling area must extend 6.5 feet beyond the corner of each fuel dispenser, or the length at which the nozzle assembly may be operated plus one foot, whichever is less.
17. The fuel dispensing area shall have a 2 percent to 4 percent slope to prevent ponding and must be separated from the rest of the facility that prevents the flow of surface storm water in the fueling area to the greatest extent practicable.

Conditions of Approval

18. All site improvements shall conform to Exhibits E, F, G and H, as attached.
19. All on-site lighting shall comply with the provisions of Section 17.14.170 of County Code.
20. The development plan does not become effective until the rezone is approved by the Board of Supervisors.
21. The proposed development shall connect to both public water and sewer capable of providing the required flows to serve the project needs as determined by the El Dorado Irrigation District and the Diamond Springs - El Dorado Fire Protection District.

Department of Transportation

22. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. A commercial permit is required.
23. The applicant shall be subject to encroachment permits, std. Plan 103G (modified). The encroachments shall be substantially completed, as determined by the Department of Transportation, prior to occupancy of the site.
24. Applicant shall dedicate right of way for the U.S. Highway 50 El Dorado Road interchange by contacting the Department of Transportation Right of Way Agent for instructions, by

preparing legal descriptions and plats, and by submitting an executed deed for approval. No site walls, fences, signs or other improvements shall be placed in the public right of way.

25. Applicant shall construct left turn lanes for northbound El Dorado Road into Echo Lane and southbound El Dorado Road into the existing commercial driveway on the east side of El Dorado Road, prior to occupancy of the project. The dimensions of the turn lanes will be determined by the Department of Transportation using Caltrans standards during the design process.
26. The easterly driveway shall be designated as one-way out only, with signing and stripping shown on the site grading/improvement plans
27. The proposed fueling area shall be canopy covered.
28. Applicant shall show a standard truck turn radius template on the plans to insure that fuel delivery trucks can safely enter and exit the site.
29. Applicant shall pay traffic impact fees in effect at the time a building permit issued for the project.
30. Provide a drainage report at time of grading permit application addressing storm water runoff increases, impacts to downstream facilities and properties to the satisfaction of the Department of Transportation. Mitigation to any significant impacts shall be included in the report and in the project design in accordance with the County Storm Water Management Plan. The report shall include Best Management Practices for water quality (BMP's). The report shall discuss the necessity of storm water detention as mitigation to maintain storm drainage flows to pre-project levels. If needed, the project shall include these detention facilities in the construction design. Parking lot storm drainage shall include facilities to separate oils and grits from storm water in accordance with the recommendations of the Storm Water Quality Task Force's California Storm Water Best Management Practices Handbook and with the Best Management Practices Guide – Retail Gasoline Outlets prepared by the Retail Gasoline Outlet Work Group (California Stormwater Quality Task Force). Stormwater shall flow through landscape areas to the greatest extent possible.
31. If blasting activities are to occur in conjunction with grading or improvements, applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.
32. If burning activities are to occur during the construction of the project improvements, applicant shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
33. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible fire protection district.
34. The emergency vehicle circulation requirements for roads and driveways, and the location of hydrants, shall be shown on the improvement plans, which shall be subject to the approval of

the responsible fire protection district. The Department of Transportation will require plans to meet Fire Safe Standards, but only the responsible fire protection district may waive or relax those Fire Safe Standards.

35. Provide a soils report at time of grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water and pavement section based on TI and R values. The report shall include recommended design criteria for all retaining walls. The location of any import or export to be borrowed or deposited within El Dorado County shall require an additional grading permit.
36. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
37. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.

Diamond Springs – El Dorado Fire Protection District

38. Prior to building permit issuance, the applicant shall meet with the fire district to determine fire lane location and identification.
39. A Knox Box shall be installed pursuant to fire district requirements to be monitored with an electrical shunt prior to building occupancy.
40. Fire hydrants shall be installed, as determined by the fire district, prior to building occupancy.

Environmental Management Department – Hazardous Materials Division

41. Prior to building permit issuance, the applicant shall prepare and submit a hazardous materials business/hazardous waste generator management plan for the site, to include hazardous materials and hazardous waste handling and storage, to the Environmental Management Department – Hazardous Materials Division for review and approval. All applicable fees shall be paid at time of plan submittal as well.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER Z01-0006 and PD02-0001

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can be made:

FINDINGS FOR APPROVAL

1.0 CEQA FINDING

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal. A de minimis finding on the project's effect on fish and wildlife resources cannot be found and the project is therefore subject to the payment of State Fish and Game fees pursuant to State Legislation (California Fish and Game Code Section 711.4).
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

2.0 ADMINISTRATIVE FINDINGS

- 2.1 The project consists of a rezone of Assessor's Parcel Number 327-090-03 from One-acre Residential (R1A) to Commercial – Planned Development (C-PD) and a development plan for a commercial card lock fueling facility with four fueling stations pumping both gasoline and diesel fuel. The four fueling stations are to be located under a 38-foot by 52-foot canopy. Two 15,000-gallon underground gasoline storage tanks and one 10,000-gallon diesel storage tank located in the southwest corner of the property will serve the fuel dispensing stations. In addition, there will be an approximately 160-square-foot utility building, which will house restroom facility and control equipment. The site will also

contain on-site parking and landscaping. Project signage includes a 10-foot tall monument sign with 36 square feet of display area as well as canopy elevation signage.

The project shall only be approved or conditionally approved if all of the following findings are made:

2.2 The proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report.

As proposed and conditioned, the project is consistent with the applicable El Dorado County General Plan policies, specifically pertaining to commercial land uses, compatibility with surrounding land uses, traffic impacts and water and sewer service.

2.3 The use is found to comply with the requirements of Chapter 17.02, and the proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.

The use is consistent with the requirements contained within Chapter 17.02 and will not be detrimental to the public health, safety, and welfare, or injurious to the surrounding commercial uses. Project conditions have been developed to offset potential project traffic impacts.

2.4 The Planned Development request is consistent with the General Plan.

As detailed above, the project is consistent with the applicable El Dorado County General Plan policies, specifically pertaining to commercial land uses, compatibility with surrounding land uses, traffic impacts and water and sewer service.

2.5 The proposed development is designed to provide a desirable environment within its own boundaries.

Mitigation measures have been developed to address aesthetic project issues such as retaining wall screening and landscaping.

2.5 Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.

No exceptions to the standard requirements are required for the proposed planned development.

2.6 The site is physically suited for the proposed uses.

Although an extensive amount of grading is required to create the building pad for the card-lock fueling facility, the site is physically suited to commercial development with the incorporation of the mitigation measures discussed in the prepared Initial Study.

2.7 That adequate services are available for the proposed uses, including but not limited to, water supply, sewage disposal, roads and utilities.

Adequate public services such as water and sewer are available for the proposed use. Project conditions have been developed to offset potential project traffic impacts.

2.8 The proposed uses do not significantly detract from the natural land and scenic values of the site.

The proposed use will not detract from the natural land and scenic values of the site and surrounding areas. Existing topography and vegetation, as well as proposed site landscaping, will serve to screen much of the retaining wall and fueling facility.