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TO: Board of Supervisors

FROM: Anna Quan, Senior Planner

RE: CUP-A25-0003 Appeal of CUP23-0007 Durock Road AM/PM

Agenda of: February 3, 2026

Legistar No.: 26-2068

Recommendation

Based on the analysis of CUP-A25-0003, staff recommends the Board of Supervisors take the following action:

Uphold the Planning Commission approval of Durock Road AM/PM Conditional Use Permit CUP23-0007 (deny appeal CUP-A25-0003), including adoption of the Mitigated Negative Declaration and Mitigation Monitoring Reporting Program based on the Initial Study, prepared by staff in accordance with the California Environmental Quality Act (CEQA) Guidelines, based on the Findings (Attachment D), subject to the Conditions of Approval (Attachment E).

Alternative Action

Reverse the Planning Commission's approval of Durock Road AM/PM Conditional Use Permit CUP23-0007 (approve appeal CUP-A25-0003) with Findings of Denial based upon the Board of Supervisors direction.

Project Description

The project proposes the construction and ongoing operation of a new ARCO AM/PM that would consist of a 3,349-square-foot convenience store, a 100-foot-long automatic car wash, a 4,606-square-foot fuel canopy with six (6) fuel islands and twelve (12) fueling positions, and three (3) underground storage tanks. The project is located on two adjacent parcels (Assessor's Parcel Numbers 109-080-012 and 109-080-013) at the southwest corner of the intersection between South Shingle Road and Durock Road, in the Shingle Springs Community Region.

The two (2) parcels are zoned Commercial, Community (CC) with a Commercial (C) General Plan Land Use Designation. The CC zone permits a gas station by right and requires a Conditional Use Permit (CUP) for a car wash use, which is categorized as Automotive and Equipment, Repair

Shops. The use of a gas station without carwash (i.e., retail convenience store and vehicle fuel sales), is permitted by right and would not be subject to any discretionary planning entitlements.

A standalone gas station could immediately apply for building and grading permits. Because the proposed project includes both a new car wash and a gas station, the scope of the CUP and the corresponding environmental review includes the project in its entirety.

The project has been proposed prior to construction of El Dorado County's US-50 / Ponderosa Road Interchange Phase 1B – Durock Road Realignment project (Capital Improvement Plan [CIP] 36104008). Therefore, the project proposes "Interim" site access, before the CIP is complete, and "Ultimate" site access, after the CIP is complete (Attachment F, Exhibit G). A private driveway is proposed with this project to allow vehicles to access the site. Below are descriptions for the interim and ultimate site access conditions:

In the interim condition, access to the private driveway will be through Durock Road and South Shingle Road. An interim left-turn pocket will be created to allow vehicles to make a left turn from South Shingle Road into the site. Left-turn egress onto South Shingle Road will be prohibited.

In the ultimate condition, Durock Road will be re-aligned, and the Park-and-Ride will become adjacent to the project site. Vehicles would be able to exit the site through the Park-and-Ride entrance or through South Shingle Road. In addition to making a right turn onto South Shingle Road, vehicles would be able to turn left onto the new two-way left-turn lane, created as part of the CIP.

An Initial Study and Mitigated Negative Declaration was prepared, with public comments received during the comment period from September 18, 2025 to October 17, 2025 and a final proposed Mitigation and Monitoring Reporting Plan (Attachment G, Exhibit Q).

Project History

CUP23-0007 was heard by the Planning Commission on November 12, 2025. Public comments were received on the project, mostly regarding traffic congestion and traffic safety. A motion was made by Commissioner Costello, seconded by Chair Williams, to deny to the project, but no vote was taken.

A second motion was made by Commissioner Hansen, seconded by Commissioner Spaur, to approve all of staff's recommendations with the addition of Condition of Approval #71: The CUP is modified to delay the opening of the carwash until completion of County CIP #36104008 or January 1, 2030, whichever occurs first. The second motion passed 3-2.

The Planning Commission report documentation, and written comments are available here: County of El Dorado – [Legistar File #:](#) [25-1835](#).

The recording of the Planning Commission public hearing is available here: https://eldorado.granicus.com/player/clip/2513?view_id=2&redirect=true Materials available through these links are part of the record on appeal.

Appeal Filed

Appeal CUP-A25-0003 (Attachment A) was submitted in a timely manner by Jeannette Maynard, a representative of the community-based organization, Shingle Springs Community Alliance. As stated in the appeal, the appellant is specifically appealing the approval of the project based upon concerns pertaining to (1) health, safety, and welfare and the project's injuriousness to the neighborhood and compliance with the General Plan, including (2) General Plan Policy 2.1.1.7; the appellant states that the Conditional Use Permit findings may not be made. The appellant is also stating that (3) the Mitigated Negative Declaration is inadequate.

For the above reasons, the appellant states that the Planning Commission's approval was in error, and the appellant requests that the Board deny the project. The appellant did not provide additional supporting information.

1. The project would be detrimental to public health, safety, and welfare, or injurious to the neighborhood.

Staff Response: The appellant states that the project would be harmful to public health, safety, or injurious to the neighborhood. Because no further information was provided by the appellant on how or why the project would be harmful to the public health, safety, and welfare, or injurious to the neighborhood, this memo does not include specific detailed response to this assertion.

The Planning Department staff report recommended approval of CUP23-0007, concluding that the project complies with applicable General Plan policies and Zoning Ordinance requirements. As part of standard permit processing procedures, the project was distributed to applicable agencies for review, including but not limited to El Dorado County Department of Transportation (DOT), Environmental Management Department (EMD), Surveyor's Office, Stormwater Division, El Dorado County Fire Protection District (EDCFPD), El Dorado County Air Quality Management District (AQMD), El Dorado Irrigation District (EID), California Department of Transportation (Caltrans), and Pacific Gas & Electric (PG&E). No objections were raised by any of the reviewing agencies. Comments provided by reviewing agencies were implemented as part of the project's conditions of approval.

The proposed gas station and associated retail uses are permitted by right within the project site's CC zoning designation. A CUP is required for the use and operation of a car wash. Because the project comprises a gas station with associated retail uses and a car wash, the entire project is subject to the CUP.

Staff continues to assert that through review and in consultation with reviewing agencies and departments that the project would not be detrimental to public health, safety, and welfare, and would not be injurious to the neighborhood.

2. *The project violates the General Plan, including General Plan Policy 2.1.1.7.*

Staff Response: The appellant states that the project would violate the General Plan, including General Plan Policy 2.1.1.7. The proposed project is within a Community Region, and below is the Objective context within which Policy 2.1.1.7 is found:

OBJECTIVE 2.1.1: COMMUNITY REGIONS

Purpose: The urban limit line establishes a line on the General Plan land use maps demarcating where the urban and suburban land uses will be developed. The Community Region boundaries as depicted on the General Plan land use map shall be the established urban limit line.

Provide opportunities that allow for continued population growth and economic expansion while preserving the character and extent of existing rural centers and urban communities, emphasizing both the natural setting and built design elements which contribute to the quality of life and economic health of the County.

Policy 2.1.1.7 Development within Community Regions, as with development elsewhere in the County, may proceed only in accordance with all applicable General Plan Policies, including those regarding infrastructure availability as set forth in the Transportation and Circulation and the Public Services and Utilities Elements. Accordingly, development in Community Regions and elsewhere will be limited in some cases until such time as adequate roadways, utilities, and other public service infrastructure become available and wildfire hazards are mitigated as required by an approved Fire Safe Plan.

The above policy is not a standalone policy, nor is there any mandate within the policy. The project was reviewed for and found consistent with all applicable General Plan policies, including but not limited to, consistency with the Commercial Land Use Designation; compatibility with adjoining land uses; adequacy of public services and utilities; adequate quantity and quality of water for all uses, including fire protection; connection to public water and wastewater systems; adequate stormwater drainage systems; solid waste system capacity; adequate access for emergencies; oak resources mitigation; adequate level of service; developer's responsibility for transportation improvements; and traffic impact fees.

The project was distributed to reviewing agencies, which include but are not limited to DOT, Stormwater, EMD, EID, EDCFPD, Caltrans, and PG&E. No objections were raised by the reviewing agencies regarding inconsistency with applicable General Plan Policies, including infrastructure availability. The reviewing agencies have provided comments that have been incorporated as conditions of approval for this project.

The traffic impact study (October 2025) demonstrates that the project would not result in Level of Service (LOS) worse than LOS E in a Community Region, as described in General Plan Policy TC-Xd. All study intersections and study roadway segments operate at acceptable LOS during the weekday AM and PM peak hours under all scenarios analyzed (i.e., existing, existing-plus-project, near-term, near-term plus project, cumulative, cumulative plus project).

The project is within the Moderate Fire Hazard Severity Zone and does not require a Fire Safe Plan per General Plan Policy 6.2.2.2. Nevertheless, the applicant has provided a Fire Safe Plan, which assesses the project site and provides recommended Fire Safe mitigation for the project.

Staff continues to assert that through review and in consultation with reviewing agencies and departments that the project is consistent with applicable policies of the General Plan, including but not limited to General Plan Policy 2.1.1.7.

3. The Mitigated Negative Declaration is inadequate.

Staff Response: The appellant states that the Mitigated Negative Declaration is inadequate, without providing further reasoning as to why the Mitigated Negative Declaration and Initial Study should be considered inadequate.

Staff analyzed the project's environmental impacts and recommended that the Planning Commission adopt the Mitigated Negative Declaration and the Mitigation Monitoring Reporting Program, based on the Initial Study. Specific mitigation measures included restriction of on-site truck delivery hours to be between 7 am to 7 pm; pre-construction special-status plant and nesting bird / raptor monitoring and appropriate protection in the event of detection; and greenhouse gas emissions mitigation through best management practices or specified alternatives.

Absent being provided a specific reason to reconsider CEQA analysis, staff has focused the remainder of this response on traffic congestion and traffic safety concerns, which was the subject of the most frequent public comments heard through the Planning Commission hearing.

Following are important points for the Board to consider for this topic:

- a) Automobile delay and LOS may no longer be used as the performance measure to determine transportation impacts of land development under the California Environmental Quality Act (CEQA).
- b) The project would not conflict with a transportation plan, policy, or ordinance, having been designed in coordination with County DOT and in consistency with the County's CIP project.
- c) The project would not increase Vehicle Miles Traveled (VMT), as demonstrated by the analysis in the traffic impact study.

- d) The project would not create significant design hazards or issues with emergency access because it would be required to follow all DOT and EDCFPD requirements and conditions of approval.
- e) The addition of project traffic is not projected to cause the interchange off-ramp facilities to exceed available storage space nor spill back onto mainline US Highway 50.

Staff continues to assert that the project's Initial Study has thoroughly reviewed the project's environmental impacts, and the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are adequate to address the impacts of the project.

Conclusion

Staff recommends the Board of Supervisors hear and consider testimony on the appeal and determine if the project should be approved (via a denial of the appeal).