


**EL DORADO COUNTY BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL
Meeting of August 22, 2006**

AGENDA TITLE: Rezone Z01-0006/PD02-0001 (District III)
El Dorado Card Lock Fueling Facility

DEPARTMENT: Development Services/Planning	DEPT SIGNOFF: 	CAO USE ONLY:
CONTACT: Gregory L. Fuz/Jason Hade		
DATE: 08/03/2006 PHONE: 5445/5874		

DEPARTMENT SUMMARY AND REQUESTED BOARD ACTION: Hearing to consider applications submitted by LUKE and DEBRA MILLER (Agent: Keith DeLapp/KDL Engineering) to rezone property from One-acre Residential (RIA) to Commercial-Planned Development (C-PD) and development plan for a commercial card lock fueling facility with four fueling stations pumping both gasoline and diesel fuel. The property, identified by Assessor's Parcel Number 327-090-03, consists of 1.22 acres, is located 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.

RECOMMENDATION: The Planning Commission recommends the Board take the following action: 1. Adopt the mitigated negative declaration, as prepared; 2. Adopt the Mitigation Monitoring Program in accordance with CEQA Guidelines, Section 15074(d) incorporated as conditions of approval; 3. Approve Z01-0006 (Continued)

CAO RECOMMENDATIONS:

Financial impact? () Yes (X) No	Funding Source: () Gen Fund (X) Other
BUDGET SUMMARY:	Other:
Total Est. Cost _____	CAO Office Use Only:
Funding	4/5's Vote Required () Yes () No
Budgeted _____	Change in Policy () Yes () No
New Funding _____	New Personnel () Yes () No
Savings _____	CONCURRENCES:
Other _____	Risk Management _____
Total Funding _____	County Counsel _____
Change in Net County Cost _____	Other _____

*Explain

BOARD ACTIONS: AUG 22 2006

Vote: Unanimous _____ Or _____ Ayes: _____ Noes: _____ Abstentions: _____ Absent: _____ Rev. 04/05	I hereby certify that this is a true and correct copy of an action taken and entered into the minutes of the Board of Supervisors Date: _____ Attest: Cindy Keck, Board of Supervisors Clerk By: _____
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**EL DORADO COUNTY
BOARD OF SUPERVISORS
AGENDA TRANSMITTAL
MEETING OF AUGUST 22, 2006**

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Memo to Board of Supervisors
August 3, 2006**

RECOMMENDATION (continued)

Rezoning Assessor's Parcel Number 327-09003 from One-acre Residential (R1A) to Commercial-Planned Development (C-PD), based on the findings listed on Attachment 1; and 4. Approve PD02-0001, based on the findings listed on Attachment 1, subject to the conditions listed on Attachment 2.

DISCUSSION

These applications were considered on July 13, 2006, unanimously recommended for approval. Four residents from the neighborhood gave input. Concerns identified were lighting from the proposed facility, increased traffic, decrease in property values, and safety to the neighborhood due to gasoline on the site. A suggestion was made to place a "Not a Through Road" sign on Echo Lane which has been included as a condition of approval (Condition 38). There were no new significant issues discussed other than those in the staff report.

GLF:JCB:jcb

ATTACHMENTS

Attachment 1 – Findings for approval
Attachment 2 – Conditions of approval
Attachment 3 – Minutes from Planning Commission hearing on Staff Report

Findings

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:

ATTACHMENT 1

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.

Z01-0006/PD02-0001 – As recommended by the Planning Commission July 13, 2006

Mitigation Measures/Conditions

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.
38. A “Not a Through Road” sign shall be placed on Echo Lane beyond the project, subject to approval by the Department of Transportation, prior to final occupancy.

Diamond Springs – El Dorado Fire Protection District

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

Environmental Management Department – Hazardous Materials Division

42. 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.

FROM THE MINUTES OF JULY 13, 2006

10. REZONE/PLANNED DEVELOPMENT (Public Hearing)

- a. **Z01-0006/PD02-0001/El Dorado Card Lock Fueling Facility** submitted by LUKE and DEBRA MILLER (Agent: Keith De Lapp/KDL Engineering) to rezone property from One-acre Residential (R1A) to Commercial-Planned Development (C-PD) and development plan for a commercial card lock fueling facility with four fueling stations pumping both gasoline and diesel fuel. The property, identified by Assessor's Parcel Number 327-090-03, consists of 1.22 acres, is located 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.** (Mitigated negative declaration prepared)

Jason Hade presented this item with a recommendation for approval.

Commissioner Machado asked the hours of operation. Under lighting and glare, the lights are rather bright. According to Exhibit K, there are lower light fixtures available. He asked about the commercial designations on the surrounding properties. How long have they been there? The neighbors are concerned about more commercial in the area, but those properties have been zoned Commercial for a long time. If the application is approved, he would like to look at the mitigation measures, lighting, etc.

Commissioner Tolhurst said if you look at the zoning, it is R1. Those kinds of inconsistencies should be looked at with the zoning update.

Luke Miller said this project was started in 2001. He thought the property was zoned Commercial with the General Plan. Mr. Hade said the General Plan designation is Commercial.

Debra Miller said the hours of operation will probably be 24 hours a day, but they do not know about the lighting. That will be decided when they go for their building permit.

Commissioner Tolhurst explained the lighting included in the staff report. It is not a globe light that is putting light out in all directions. Mrs. Miller said currently lighting is on 24 hours a day at the storage facility. Their lighting will not be that bright. Commissioner Machado said the subject property is also lower than that facility. Mr. Miller concurred.

Dave Pratt, resident around the corner from the proposed facility, said the parcel is currently for sale. He has not seen a site plan. It is an odd shaped parcel. Commercial is probably appropriate for this parcel. He would like to see a sign stating "Not a Through Road" on Echo Lane just past this site. He would define the lights in the storage facility as yard lights. Discussion about the lights is necessary. There are more intense commercial operations that

could be placed here. Mr. Pratt said the more it is landscaped the more visually appealing it would be. He also questions the need for cut and fill for this type of facility. The people that will use this facility will know where it is located.

Charleen Thompson, resident on Long View Drive, said they look over the furniture store and storage facility. There is no problem with lighting at the present time. Their main concern is the curve on El Dorado Road where people will be going into the gas station. It is a poor location for a gas station, particularly the large vehicles going into the site. This will decrease the value of their property. There are safety issues being so close to a gas station.

Geraldine Messner, Mrs. Thompson's mother, said a gas station will want a large sign to indicate where they are located. There have been numerous times there have been traffic problems because of the blind curve. There are already professional businesses in the area. Why could there not be more low profile businesses put in this location. This is a low lying area. Echo Lane is not a wide street. This facility would be detrimental to this intersection.

Nancy Christeson said there are other such facilities within the area. She asked how they came up with the number of vehicles that will be using the facility. They are concerned about the lighting and bringing people in that would think it is a traditional gas station. Building the site up would be quite extensive. Mrs. Christeson presented a list of people that would like to be notified of any future hearings on this facility. Mrs. Christeson spoke about the safety issues with the gasoline and people loitering at the facility. There are several residential neighborhoods close to this site. She agreed with placing a dead-end road sign on Echo Lane. It is unclear the number of trees that will be taken out.

Commissioner Machado spoke about the future interchange and shopping center for the area. There are significant changes proposed for El Dorado Road.

Mr. Miller said excavation to the site will be held to a minimum. The existing trees are cottonwood. Mrs. Miller said those trees are not on their property. Mr. Miller said the number of trees being removed is zero.

Mr. Hade said the sign is shown on Exhibit H.

Chair Knight said the lighting will be on the canopy or utility building. There will be no pole sign.

There was no further input.

Commissioner Machado asked that the Department of Transportation explain what will be done to El Dorado Road and Echo Lane. Chuck Collins explained. Chair Knight asked if it would be a problem posting a dead-end street sign. Mr. Collins said that would not be a problem. The road improvements will greatly improve this area.

Mr. Hade said if the use changes on the property they would have to come back to revise the development plan. Ms. Frantz said if the property is rezoned to commercial it would not revert

back to residential if the gas station is not constructed. The development plan would have to be revised for the new use.

Commissioner Machado asked about the Missouri Flat Master Circulation and Funding Plan (MC&FP). Mr. Collins said due to the size of the property it was no included in the MC&FP.

After the motion and before voting, Commissioner Machado said the property is zoned commercial. There is a card lock facility at the base of his driveway. It is not used that often. He would prefer that use than others that could be placed there. He would be more concerned with the redevelopment of the RV site than this site.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED; ADOPT THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH CEQA GUIDELINES, SECTION 15074(d) INCORPORATED AS CONDITIONS OF APPROVAL; APPROVE 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 PROPOSED BY STAFF; AND APPROVE PD02-0001 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.