

FINDINGS

Planned Development Permit Revision PD-R21-0002/Conditional Use Permit CUP21-0004/Tentative Parcel Map Time Extension P-E25-0001/Creekside Plaza ARCO Planning Commission/October 9, 2025

1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Supplemental Environmental Impact Report (SEIR) together with the comments received and considered during the public review process. The SEIR reflects the independent judgement of the County and has been completed in compliance with the California Environmental Quality Act (CEQA) and is adequate for this proposal.
- 1.2 The SEIR identified no significant impacts to the environment as a result of this project.
- 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 Planning and Building Department, Planning Division, at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

2.1 The project is consistent with General Plan Policy 2.2.1.2.

General Plan Policy 2.2.1.2 states that the purpose of the Commercial (C) land use category is to provide a full range of commercial retail, office, and service uses to serve the residents, businesses, and visitors of El Dorado County. Mixed use development of commercial lands within Community Regions and Rural Centers which combine commercial and residential uses shall be permitted. Commercially designated parcels shall not be developed with a residential use as the sole use of the parcel unless the residential use is either (1) a community care facility as described in goal HO-4 or (2) part of an approved mixed-use development as allowed by Policy 2.1.1.3 and 2.1.2.5, within an area zoned to allow for a mix of uses. Numerous zone districts shall be utilized to direct specific categories of commercial uses to the appropriate areas of the County. This designation is considered appropriate within Community Regions, Rural Centers and Rural Regions.

Rationale: The project site is located within the Diamond Springs-El Dorado Community Region, with a General Plan land use designation of C, and in the Community Commercial with Planned Development Combining Zone (CC-PD). The proposed project to develop a convenience store, fueling station, and carwash would be consistent with the uses allowed in the C land use designation and CC zone district which allows for retail sales, office, and service needs of the residents residing within the surrounding community and accommodates the commercial and service needs of visitors to the County. The proposed project is consistent with this policy.

2.2 The project is consistent with General Plan Policy 2.2.1.5.

General Plan Policy 2.2.1.5 states the General Plan shall provide for the following building intensities in each land use designation as shown in Table 2-3:

Table 2-3 - Building Intensities (only Commercial land use designation shown)

Land Use Designation	Floor Area Ratio (FAR)
Commercial	.85

Rationale: As shown in General Plan Table 2-3, Building Intensities, the Commercial land use designation shall have a FAR of .85. Ratio is the allowable floor area (square footage) to site area (square footage). The FAR can be calculated over an entire integrated development rather than on a project-by-project basis under the following circumstances: 1) the aggregate average FAR within applicable land use designations does not exceed the General Plan maximum; or 2) satisfactory evidence is provided that demonstrates on a site-specific basis that measures will be imposed to keep traffic at levels associated with the applicable FAR threshold. The proposed project would be developed on a 1.5-acre parcel which is 65,340 square feet. The new convenience store would be approximately 2,880 square feet. Therefore, the building intensity FAR would be 4.4 percent. The project is consistent with this policy.

2.3 The project is consistent with General Plan Policy 2.2.3.1.

General Plan Policy 2.2.3.1 states that the Planned Development (-PD) Combining Zone District allows for residential, commercial, and industrial land uses consistent with the density specified by the underlying zoning district with which it is combined. Primary emphasis is placed on furthering uses and/or design that (1) provide a public or common benefit on- or off-site, (2) cluster intensive land uses or lots to conform to the natural topography, (3) minimize impacts on various natural and agricultural resources, (4) avoid cultural resources where feasible, (5) minimize public health concerns, (6) minimize aesthetic concerns, and (7) promote the public health, safety, and welfare.

Rationale: The proposed project would develop an ARCO am/pm with fuel facility and carwash which is a permitted use in the -PD Combining Zone. As discussed under Policy 2.2.1.5, the building intensity FAR would be 4.4 percent which meets the 0.85 FAR requirement. The subject site is undeveloped and is primarily situated adjacent to a ravine containing an intermittent stream fed by water flows from storm runoff and irrigation water through a culvert under Forni Road that comes from developed parcels to the east. A portion of the site has since been graded and filled flat on the south side of the creek, adjacent to Missouri Flat Road.

The project is designed in such a way that off-site stormwater would be routed through the site inside an underground four-foot diameter pipe and into the existing creek channel. On-site stormwater is proposed to be collected through a network of underground storm water pipes and drains conveyed to the northerly portion of the site where it will be filtered through a hydrodynamic separator using Continuous Deflective Separation (CDS) (a filtering device), in order to ensure water quality is preserved and, thereby, minimizing impacts to its natural resources. The project is consistent with this policy.

2.4 The project is consistent with General Plan Policy 2.2.5.2.

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan.

Rationale: The proposed project is consistent with applicable General Plan policies as discussed throughout this Findings section. The project is consistent with this policy.

2.5 The project is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by the 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.

Rationale: The proposed project has been designed to meet applicable development standards including setbacks to property lines, building height, and FAR. The project design includes fencing, retaining walls, and landscaping. The project is designed to comply with the County's outdoor lighting standards, which require that all outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property lines or into the public right-of-way. An Environmental Noise & Vibration Assessment (Exhibit O) was conducted to assess potential noise impacts, and Mitigation Measures are included to mitigate temporary construction noise and long-term operational noise. The revised location of the convenience store, fuel station, and carwash to the northern area of the project site would be further away from the nearby middle school as preferred by the school district. The project has been designed to be compatible as practically possible with the adjoining residential and commercial land uses. With implementation of the Conditions of Approval and mitigation, the project is consistent with this policy.

2.6 General Plan Policy TC-Xa does not apply.

Except as otherwise provided, the following TC-Xa policies shall remain in effect indefinitely unless amended by voters:

1. Traffic from residential development projects of five (5) or more units or parcels of land shall not result in, or worsen, Level of Service (LOS) F (gridlock, stop-and-go) traffic congestion during weekday, peak-hour periods on any highway, road, interchange or intersection in the unincorporated areas of the County.

Rationale: The project will not create residential units; therefore, this policy does not apply.

2. The County shall not add any additional segments of U.S. Highway 50, or any other highways and roads, to the County's list of roads from the original Table TC-2 of the 2004 General Plan that are allowed to operate at LOS F without first getting the voters' approval.

Rationale: This is not applicable as the project is not requesting any modifications to Table TC-2.

3. Intentionally blank (Resolution 125-2019, August 6, 2019)
4. Intentionally blank (Resolution 159-2017, October 24, 2017)
5. The County shall not create an Infrastructure Financing District unless allowed by a 2/3rds majority vote of the people within that district.

Rationale: This is not applicable as the project is not requesting the County create an Infrastructure Financing District.

6. Intentionally blank (Resolution 159-2017, October 24, 2017)
7. Before giving approval of any kind to a residential development of five (5) or more units or parcels of land, the County shall make the finding that the project complies with the policies above. If this finding cannot be made, then the County shall not approve the project in order to protect public health and safety as provided by state law to assure that safe and adequate roads and highways are in place as such development occurs.

Rationale: This policy is not applicable as the project will not result in five (5) or more units or parcels of land for residential development.

2.7 **General Plan Policy TC-Xb does not apply.**

To ensure that potential development in the County does not exceed available roadway capacity, the County shall:

- A. Every year prepare an annual Capital Improvement Program (CIP) specifying expenditures for roadway improvements within the next 10 years. At least every five (5) years prepare a CIP specifying expenditures for roadway improvements within the next 20 years. Each plan shall contain identification of funding sources sufficient to develop the improvements identified;
- B. At least every five (5) years, prepare a Traffic Impact Mitigation (TIM) Fee Program specifying roadway improvements to be completed within the next 20 years to ensure compliance with all applicable LOS and other standards in this plan; and
- C. Annually monitor traffic volumes on the County's major roadway system depicted in Figure TC-1.

Rationale: This policy is not applicable as this policy refers to the County preparing a CIP, preparing a TIM Fee Program, now the TIF program, and monitoring traffic volumes.

2.8 General Plan Policy TC-Xc does not apply.

Developer paid traffic impact fees (TIF) combined with any other available funds shall fully pay for building all necessary road capacity improvements to fully offset and mitigate all direct and cumulative traffic impacts from new development during peak hours upon any highways, arterial roads and their intersections during weekday, peak-hour periods in unincorporated areas of the County (Resolution 201-2018, September 25, 2018).

Rationale: This policy is not applicable as this policy directs how the County will pay for building the necessary road capacity.

2.9 The project is consistent with General Plan Policy TC-Xd.

LOS for County-maintained roads and State highways within the unincorporated areas of the County shall not be worse than LOS E in the Community Regions or LOS D in the Rural Centers and Rural Regions except as specified in Table TC-2. The volume to capacity ratio of the roadway segments listed in Table TC-2 shall not exceed the ratio specified in that table. LOS will be as defined in the latest edition of the Highway Capacity Manual (Transportation Research Board, National Research Council) and calculated using the methodologies contained in that manual. Analysis periods shall be

based on the professional judgement of the Department of Transportation which shall consider periods including, but not limited to, Weekday Average Daily Traffic (ADT), AM Peak Hour, and PM Peak hour traffic volumes.

Rationale: The project is located in the Diamond Springs - El Dorado Community Region and the LOS threshold is E. Flecker Associates completed a peer-reviewed Traffic Impact Analysis dated October 19, 2023 (Exhibit S). It concludes that the proposed project will result in a continued deficiency at the intersection of China Garden Road and Missouri Flat Road. The County determined that a signal at China Garden Road is not a practical alternative based on the installation of the traffic signal installed at Industrial Drive as part of the El Dorado County Public Safety Facility Project, and that right turn only access along China Garden Road is the preferred alternative. Implementation of the right-turn only restrictions along China Garden Road would result in LOS E or better conditions. Consistent with TC-Xf, these improvements are included with CIP 36105011 – Diamond Springs Parkway – Phase 1B. Consistent with TC-Xf, the improvements are included in the County’s 20-year CIP, therefore payment of the project’s TIF would satisfy the project’s fair share obligation towards this improvement.

2.10 The project is consistent with General Plan Policy TC-Xe.

For the purposes of this Transportation and Circulation Element, “worsen” is defined as any of the following number of project trips using a road facility at the time of issuance of a use and occupancy permit for the development project:

- A. A two (2) percent increase in traffic during the AM Peak Hour, PM Peak Hour, or daily; or
- B. The addition of 100 or more daily trips; or
- C. The addition of ten (10) or more trips during the AM Peak Hour or the PM Peak Hour.

Rationale: The project is anticipated to exceed 100 daily trips and more than ten (10) trips during both the AM and PM Peak Hours. Flecker Associates completed a peer-reviewed Traffic Impact Analysis dated October 19, 2023 (Exhibit S).

2.11 The project is consistent with General Plan Policy TC-Xf.

At the time of approval of a Tentative Parcel Map for a single-family residential subdivision of five (5) or more parcels that worsens (defined as a project that triggers Policy TC-Xe [A], [B], or [C]) traffic on the County road system, the County shall do one (1) of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element based on existing traffic plus traffic generated from the development plus forecasted traffic growth at 10-years from project submittal; or (2) ensure the commencement of construction of the necessary road improvements are included in the County’s 10-year CIP.

For all other discretionary projects that worsen (defined as a project that triggers Policy TC-Xe [A], [B], or [C]) traffic on County road system, the County shall do one (1) of the following: (1) condition the project to construct all road improvements necessary to maintain or attain LOS standards detailed in this Transportation and Circulation Element; or (2) ensure the construction of the necessary road improvements are included in the County’s 20-year CIP.

Rationale: The project will not create five (5) or more residential units. The project is a commercial discretionary project. Flecker Associates completed a peer-reviewed Traffic Impact Analysis dated October 19, 2023 (Exhibit S). It concludes the proposed project will result in a continued deficiency at the intersection of China Garden Road and Missouri Flat Road because the project contributes more than ten (10) peak-hour trips and this intersection operates at LOS F without the project. Improvements at this intersection are included with CIP 36105011 – Diamond Springs Parkway – Phase 1B. Consistent with TC-Xf, the improvements are included in the County’s 20-year CIP, therefore payment of the project’s TIF would satisfy the project’s fair share obligation towards this improvement.

2.12 The project is consistent with General Plan Policy TC-Xg.

Each development project shall dedicate right-of-way, design and construct or fund any improvements necessary to mitigate the effects of traffic from the project. The County shall require an analysis of impacts of traffic from the development project, including impacts from truck traffic, and require dedication of needed right-of-way and construction of road facilities as a condition of the development. This policy shall remain in effect indefinitely unless amended by voters.

Rationale: The project is consistent with TC-Xg.

2.13 General Plan Policy TC-Xh does not apply.

All subdivisions shall be conditioned to pay the TIF in effect at the time a building permit is issued for any parcel created by the subdivision.

Rationale: The project would not subdivide the existing parcel. However, the project would pay TIF at the time building permit(s) are issued.

Resolution 073-2025 of the Board of Supervisors (Board) of El Dorado County states, “*Applicants shall pay the TIF rate in effect at the time of building permit issuance or at the time of approval of an application for a change in the use of a building or property as provided in County Code Chapter 12.28 and the TIM Fee Administration Manual*”.

2.14 General Plan Policy TC-Xi does not apply.

The planning for the widening of U.S. Highway 50, consistent with the policies of this General Plan, shall be a priority of the County. The County shall coordinate with other affected agencies, such as the City of Folsom, the County of Sacramento, and Sacramento Area Council of Governments (SACOG) to ensure that U.S. Highway 50 capacity enhancing projects are coordinated with these agencies with the goal of delivering these projects on a schedule agreed to by related regional agencies.

Rationale: This policy is not applicable to the project as the project does not include any U.S. Highway 50 capacity enhancements.

2.15 The project is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 states prior to the approval of any discretionary development, the approving authority shall make a determination of the adequacy of the public services and utilities to be impacted by that development. Where, according to the purveyor responsible for the service or utility as provided in Table 5-1, demand is determined to exceed capacity, the approval of the development shall be conditioned to require expansion of the impacted facility or service to be available concurrent with the demand, mitigated, or a finding made that a CIP project is funded and authorized which will increase service capacity.

Rationale: The Diamond Springs-El Dorado Fire Protection District, El Dorado Irrigation District (EID), and Pacific Gas & Electric (PG&E) reviewed the project and provided comments to confirm adequate availability for public services and utilities. Both water and sewage disposal for the proposed project would be served by connecting to EID. EID reviewed the proposed project and provided comments in the Facility Improvement Letter (FIL) verifying water and sewer connectivity, recommended improvements, and adequacy of the existing system for fire service and fire hydrants. The revised project would be required to connect to an existing 10-inch water line adjacent to the site in Forni Road. The Diamond Springs-El Dorado Fire Protection District would review the improvement plans at time of building permit submittal to verify the project meets required fire flow at that time. There is a 6-inch sewer line located on the project site which has adequate capacity to serve the proposed development. In order to receive service from this line, an extension of facilities of adequate size would be constructed on the project site. Proposed water lines, sewer lines, and

related facilities shall be located within an easement and shall remain accessible by conventional maintenance vehicles. Easements for any new EID facilities constructed by the project must be granted to EID prior to approval of water and sewer improvements, whether onsite or offsite. For reference, a Preliminary Utility Plan (Exhibit H) illustrates existing and proposed water and sewer improvements. These requirements have been incorporated as Conditions of Approval (COA). The project is consistent with this policy.

2.16 The project is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

Rationale: The proposed project was reviewed by Diamond Springs-El Dorado Fire Protection District and EID for adequate supply for all uses. Water supply and conveyance facilities are currently available and sufficient to serve the proposed project. The project is consistent with this policy.

2.17 The project is consistent with General Plan Policy 5.3.1.7.

General Plan Policy 5.3.1.7 states in Community Regions, all new development shall connect to public wastewater treatment facilities. In Community Regions where public wastewater collection facilities do not exist project applicants must demonstrate that the proposed wastewater disposal system can accommodate the highest possible demand of the project.

Rationale: The proposed project is located within the Diamond Springs-El Dorado Community Region. The proposed project would connect to a public wastewater system operated by EID. The project is consistent with this policy.

2.18 The project is consistent with General Plan Policy 5.4.1.1.

General Plan Policy 5.4.1.1 requires storm drainage systems for discretionary development that protect public health and safety, preserve natural resources, prevent erosion of adjacent and downstream lands, prevent the increase in potential for flood hazard or damage on either adjacent, upstream or downstream properties, minimize impacts to existing facilities, meet the National Pollution Discharge Elimination System

(NPDES) requirements, and preserve natural resources such as wetlands and riparian areas.

Rationale: The project would be subject to the County's Grading, Erosion, and Sediment Control Ordinance, Design and Improvement Standards Manual (DISM), Drainage Manual, and Stormwater Management Plan and Stormwater Quality Ordinance. The project is required to implement erosion control and water quality Best Management Practices (BMP) to avoid or substantially reduce the potential for pollutant contributions. The development of the project would also be required to adhere to the Fuel Dispensing Requirements of the County's Stormwater Management Plan. The project would include construction of a site-specific storm drainage system. The project's storm drainage system is designed to protect public health and safety, preserve natural resources (particularly those identified in or adjacent to the open space parcel), prevent erosion of adjacent and downstream lands, prevent the increase in potential for flood hazard or damage offsite, minimize impacts to existing facilities, meet the NPDES requirements, and preserve natural resources such as wetlands and riparian areas. Preliminary Grading and Drainage Plans for the proposed project have been submitted to the County and show the location of proposed development including the storm drains/drain inlets. In addition, a drainage study was prepared for the project site and determined the revised project site would not substantially increase peak runoff compared to the approved project due to increase in impervious surfaces such as asphalt pavement and building roofs. On-site stormwater would be collected through a stormwater detention system designed to detain stormwater discharges. The stormwater detention system would consist of two (2) barrels of ADS MC 3500 chambers and a flow control box to ensure water quality is preserved. The flow control box would be fitted with a discharge manifold with two orifices (at varying elevations) and an overflow weir. All collected stormwater runoff would be directed to an ADS Bay Filter proprietary system (stormwater filter designed to effectively remove pollutants such as total suspended solids, phosphorus, metals, nitrogen, trash and hydrocarbons) prior to being discharged from the site. Stormwater would then be released at a controlled rate and outlet to the natural wetland located onsite as approved previously by El Dorado County. The project is consistent with this policy.

2.19 The project is consistent with General Plan Policy 5.4.1.2.

General Plan Policy 5.4.1.2 states 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.

Rationale: The project would be subject to the County's Grading, Erosion, and Sediment Control Ordinance, DISM, Drainage Manual, and Stormwater Management Plan and Stormwater Quality Ordinance. The project is required to implement erosion control and water quality BMP to avoid or substantially reduce the potential for pollutant contributions. The development of the project would also be required to adhere to the Fuel Dispensing Requirements of the County's Stormwater Management Plan. Drainage control for impervious surfaces and drought-tolerant site landscaping are also required. The project would include construction of a site-specific storm drainage system. The project's storm drainage system is designed to preserve natural resources in or adjacent to the open space parcel. Preliminary Grading and Drainage Plans for the proposed project have been submitted to the County and show the location of proposed development including the storm drains/drain inlets. The project is consistent with this policy.

2.20 The project is consistent with General Plan Policy 5.5.2.1.

General Plan Policy 5.5.2.1 states concurrent with the approval of new development, evidence will be required that capacity exists within the solid waste system for the processing, recycling, transformation, and disposal of solid waste.

Rationale: El Dorado Disposal distributes municipal solid waste to Forward Landfill in Stockton and Kiefer Landfill in Sacramento. Pursuant to El Dorado County Environmental Management Department (EMD), Solid Waste Division staff, both facilities have sufficient capacity to serve the County. The project will be conditioned to meet the requirements by the EMD. The project is consistent with this policy.

2.21 The project is consistent with General Plan Policy 5.6.2.1.

General Plan Policy 5.6.2.1 requires energy conserving landscaping plans for all projects requiring design review or other discretionary approval.

Rationale: The project design includes Preliminary Landscape Plans (Exhibit I) which shows proposed landscape is designed in compliance with the state's Model Water Efficient Landscape Ordinance (MWELO) and Zoning Ordinance Section 130.33 (Landscaping Standards). The project is consistent with this policy.

2.22 The project is consistent with General Plan Policy 5.7.1.1.

General Plan Policy 5.7.1.1 requires that prior to approval of new development, the applicant will be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development.

Rationale: The Diamond Springs-El Dorado Fire Protection District reviewed the revised project and COA are included. Documentation from EID verified the revised project would meet required fire flow. According to EID's hydraulic model, the existing water system could deliver the required fire flow. The Improvement Plans would be reviewed for approval by the Diamond Springs-El Dorado Fire Protection District at time of grading and building permit review. The project is consistent with the policy.

2.23 The project is consistent with General Plan Policy 5.7.4.1.

General Plan Policy 5.7.4.1 requires that prior to approval of new development, the applicant shall be required to demonstrate that adequate medical emergency services are available, and that adequate emergency vehicle access will be provided concurrent with development.

Rationale: The proposed project was reviewed by the El Dorado County Emergency Medical Services Authority and the El Dorado County Sheriff's Office. The project is unlikely to increase demand for fire and police response to a significant level and any potential additional service calls would be accommodated by existing facilities. Circulation and sight distance analyses were conducted for the project. All roadway improvements shall be compliant with all applicable roadway design requirements. In the event of an emergency, emergency vehicles would be able to access the site from Forni Road, County Road 2233, or Missouri Flat Road. All street improvements will be designed with adequate width, turning radius, and grade to facilitate access by County's firefighting apparatus, and to

provide alternative emergency ingress and egress. The Improvement Plans would be subject to review by the Diamond Springs-El Dorado Fire Protection District to ensure proper access for fire and emergency response is provided and required fire suppression features are included. The project is consistent with this policy.

2.24 The project is consistent with General Plan Policy 6.5.1.2.

General Plan Policy 6.5.1.2 states where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design.

Rationale: A project-specific Environmental Noise & Vibration Assessment was prepared by Bollard Acoustical Consultants, Inc., dated October 19, 2023 (Exhibit O). The results of the assessment recommended seven (7) Mitigation Measures to reduce noise impacts to less than significant. Activities associated with the ARCO am/pm with fuel facility and carwash could generate noise levels exceeding the performance standards contained within Chapter 130.37 of the Zoning Ordinance, and General Plan Policies. With implementation of the recommended Mitigation Measures, noise associated with the revised project would be reduced to a level of less than significant. Although the SEIR analyzed noise up to 10:00pm, COA are included to limit hours of operation for the carwash drive-through from 7:00am to 10:00pm and the vacuum systems from 7:00am to 7:00pm.

2.25 The project is consistent with General Plan Policy 7.4.2.8.

General Plan Policy 7.4.2.8 states site-specific biological resources technical report will be required to determine the presence of special-status biological resources that may be affected by a proposed discretionary project.

Rationale: An Updated Biological Resources Assessment was prepared by Salix Consulting, Inc., dated June 23, 2021 (Exhibit Q). The Study Area was determined to be essentially unchanged from the previous evaluation in 2016. The new information discovered during the updated analysis did not affect the previous findings contained in the Creekside Plaza Final EIR

(FEIR). With implementation of the mitigation measures, the Creekside Plaza FEIR determined that the approved project would have a less-than-significant impact related to biological impacts.

2.26 The project is consistent with General Plan Policy 7.4.4.4.

General Plan Policy 7.4.4.4 requires all new non-exempt development projects that would result in impacts to oak resources to be mitigated in accordance with the standards of the Oak Resources Management Plan (ORMP).

Rationale: An Oak Resources Technical Report was prepared by Salix Consulting, dated October 11, 2023 (Exhibit P). The vegetation has matured more since the previous evaluation; however, the site is essentially unchanged from the previous evaluation conducted for the approved project. Mitigation measures are included to require oak tree protection, protection of the wetlands, and pre-construction surveys for migratory bird species. An updated Oak Resources Technical Report would be submitted and reviewed again at time of grading and building permit submittal for compliance with the ORMP to mitigate impacts to oak woodland and individual oak trees. With implementation of the mitigation, the project is consistent with this policy.

2.27 The project is consistent with General Plan Policy 7.5.1.3.

General Plan Policy 7.5.1.3 states cultural resource studies shall be conducted prior to approval of discretionary projects.

Rationale: A Cultural Resources Assessment was prepared by First Carbon Solutions dated April 29, 2016. The results of the assessment indicated low potential for locating pre-historic period cultural resources in the immediate vicinity of the proposed project area, low potential for locating historic-period cultural resources in the immediate vicinity of the proposed project area, and that the proposed project area is not sensitive. Further archival and/or field study by a cultural resource professional was not recommended. A memo update was provided to the County dated August 13, 2021, with the same results. Mitigation is included with the COA that would reduce potential impacts to undiscovered cultural resources and/or tribal cultural resources to a level of less than significant. With implementation of mitigation, the project is consistent with this policy.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.22.010 C.4.

130.22.010 C.4 Commercial Community (CC): The CC zone provides for the retail sales, office, and service needs of the residents residing within the surrounding community and accommodates the commercial and service needs of visitors to the County. Mixed use development compatible with General Plan densities is appropriate in this zone.

Rationale: The project site is zoned CC within the -PD Combining Zone. The proposed use to develop an ARCO am/pm with fuel facility and carwash would be a consistent use in the CC zone, and the project is consistent with the requirements for a development plan permit. Zoning Ordinance Section 130.22.020, Allowed Uses and Permit Requirements for the Commercial Zones, requires a Conditional Use Permit (CUP) for the proposed carwash facility. The proposed car wash use is considered under the use, Automotive Repair shops, and would require a CUP. Also, the car wash facility contains drive-through facilities, which would require a CUP if the subject parcels containing the drive-through facility are adjacent to any residential zoned lot or residential use. The project is consistent with this section.

3.2 The project is consistent with Section 130.22.030.

130.22.030 Commercial Zones Development Standards.

Rationale: The project site is zoned CC. The standard setbacks for the CC zone require ten (10) feet from the front, five (5) feet from the sides, and five (5) feet from the rear property lines. The maximum building height for the CC zone is 50 feet. The proposed project meets the development standards for setbacks and height. The project is consistent with this section.

3.3 The project is consistent with 130.33.020.

130.33.020 Applicability: all ministerial and discretionary development for industrial, research and development, commercial, multi-unit residential, civic, or utility uses shall provide landscaping for the areas of a lot that do not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other

pervious or impervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Rationale: As shown on the Preliminary Landscaping Plans (Exhibit I), landscape and irrigation for the revised project would comply with Zoning Ordinance Chapter 130.33 (Landscaping Standards), and the County MWEL. The project is consistent with this section.

In addition to the Zoning Ordinance, Community Design Standards and Guidelines for Landscaping and Irrigation Standards (LIS) apply. The preliminary landscaping must meet LIS 1.6 (C) standards (Exhibit I), which is reflected in the Conditions of Approval. As conditioned, the project is consistent with this section.

3.4 **The project is consistent with 130.34.020.**

130.34.020 Outdoor Lighting Standards: All outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way.

Rationale: The project is designed to be consistent with Zoning Ordinance Chapter 130.34 (Outdoor Lighting). Proposed lighting would utilize LED technology and manufactured to U.L. Specifications (Exhibit J). Chapter 130.34, Outdoor Lighting Standards, states that all outdoor lighting shall be located, adequately shielded, and directed such that no direct light falls outside the property line, or into the public right-of-way. Some of the proposed light poles exceed the 15-foot-tall height specified in the Missouri Flat Design Guidelines. To meet the requirements of the guidelines, a COA has been included requiring final photometric plans be designed to meet the applicable lighting standards for commercial development. A final Photometric Plan shall be reviewed and verified for conformance to applicable standards prior to issuance of building permit.

In addition to the Zoning Ordinance, Community Design Standards and Guidelines for Outdoor Lighting Standards apply. The lighting along the shared property line with the conservation area would be equal to or less than what was approved on the original PD. As shown on the required Appendix A lighting inventory form, total lumen output for the site is beneath the 264,000 limit which includes the subject parcel acreage and

area of the adjacent conservation easement for 2.64 acres total x 100,000 lumens per acre for 264,000 lumens allowed (Exhibit J). The project is consistent with this section.

3.5 The project is consistent with Section 130.35.010, specifically the adopted Parking and Loading Standards, Section 4.4.H.

Section 4.4.H of the Parking and Loading Standards (Drive-Through Facilities) prescribes site specific development standards for drive-through facilities. The development standards in this Section are intended to supplement the standards of the zoning district. The project must be consistent with the following:

1. A drive-through facility shall be located at the rear or side of a commercial structure and not within any front setback area.

Rationale: The project site is located in the zoning district CC, which has a front setback of ten (10) feet. The car wash drive-through entrance is at least a hundred (100) feet from the front property line. The car wash drive-through facility is located in the north and northwest of the site and is located at the side and rear of the convenience store.

2. Ingress to and egress from a drive-through facility shall be prohibited from driveway(s) directly facing a residential zone.

Rationale: One (1) of the subject parcels is adjacent to a residential-zoned parcel to the northeast. A proposed conservation easement/wetland is directly east of the project site. There is an approved tentative parcel map (P10-0012), which is proposed to be extended as part of this project, that subdivides the parcels to allow for a parcel that would be subject to a conservation easement. A retaining wall and landscaping along the northern and eastern boundary lines are proposed to create a buffer between the project site and the proposed conservation easement parcel. These features will further reduce project site impacts from adjacent residential zones (Exhibits B, F, I, X). The project is consistent with this design standard. Ingress to and egress from the car wash drive-through facility are not located from driveways directly facing a residential zone.

3. A drive-through facility, including stacking areas for vehicles awaiting service, shall be a minimum of 50 feet from the nearest property line of any residentially zoned lot.

Rationale: The car wash drive-through facility, including stacking areas for vehicle awaiting service, is approximately a hundred (100) feet from the nearest property line of any residentially zoned lot. Furthermore, the project site, including the car wash drive-through facility, is adjacent to a conservation easement area that serves to buffer the project site from adjacent residentially zoned parcels.

4. Stacking lane(s) shall be physically separated from other traffic circulation on the site by concrete or asphalt curbing. The stacking lane(s) shall accommodate a minimum of (4) four cars per drive-through window in addition to the car receiving service. The lanes shall be a minimum width of ten feet.

Rationale: The carwash entrance is located in the center/southern area of the site and separated from parking areas by the carwash structure, curbs, planters, and landscaping.

As described in the Traffic Impact Analysis (Exhibit S), a total of 16 to 20 cars would be able to stack within the two (2) stacking lanes. The dual stacking lane area is approximately 180 feet in length with an additional 200 feet of single stacking lane length. In addition to stacking lane space, the project proposes a total of three (3) parking stalls with one (1) being Americans with Disabilities Act (ADA) compliant, 12 vacuum accessible parking stalls, with one (1) being ADA compliant. These totals exceed the minimum parking and stacking requirements. The project is consistent with this design standard.

5. Signage shall be provided to indicate the entrance, exit, and one-way path of drive.

Rationale: As shown on the Revised Uniform Sign Program (Exhibit M), directional signage is included. The project is consistent with this design standard.

6. Stacking areas shall not block access to any parking area or space required of a business. Lane striping to separate drive-through traffic from parking areas shall be provided from the nearest point of site access, as feasible, to the stacking lane(s).

Rationale: The drive-through lanes are separated from the parking area with most of the drive-through lanes being adjacent to the carwash structure. Parking is located near the carwash structure, opposite the drive-through. The

carwash entrance is located in the center/southern area of the site and separated from parking areas by the carwash structure, curbs, planters, and landscaping. The carwash entrance lanes travel northward and then curve and exit along the northern property boundary. The project is consistent with this design standard.

7. Where a facility exceeds the standards of Paragraphs 1 through 6 above and is not located within a development that is subject to a discretionary permit, such as a Conditional Use, Design Review, or Development Plan Permit, a CUPt shall be required.

Rationale: The proposed car wash drive-through facility meets the standards of Paragraphs 1 through 6 above. The project is consistent with this standard.

8. When a drive-through facility requires a CUP or is within a development that is subject to a discretionary permit, the review authority may impose a greater setback than is required under Paragraph 3 above, when it is determined necessary to mitigate impacts from noise, air pollution, lights, or other land use conflicts. The review authority may deny any application for a drive-through facility if it finds that the facility will add to the cumulative air quality impacts for a specified pollutant and the County is found to be in non-attainment status of either federal or state air quality standards for that pollutant.

Rationale: The car wash drive-through facility includes COA and mitigation to reduce impacts from noise, air pollution, lights, or other land use conflicts:

An Environmental Noise & Vibration Assessment (Exhibit O) was conducted for the project. The results of the study confirmed the project would not exceed County noise thresholds. Further, the carwash does not include the use of drive-through speaker systems. The project is consistent with this design standard.

The project includes COA and mitigation measures to limit the hours of operation for the drive-through carwash and vacuum systems. Although the SEIR evaluated noise up until 10:00pm, COA are included to limit hours of operation for the carwash drive-through from 7:00am to 10:00pm and the vacuum systems from 7:00am to 7:00pm. The project is consistent with this design standard.

The project area is in nonattainment for ozone, PM10, and PM2.5. The approved Project would not exceed the El Dorado County Air Quality Management District (EDCAQMD) significance criteria during short-term construction after implementation of fugitive dust control measures or during long-term operations. The approved Project would comply with the existing air quality plans and all applicable air district rules and regulations. Therefore, the Creekside Plaza FEIR determined that construction and operation of the approved Project would not result in a cumulatively considerable increase of criteria pollutant emissions, and impacts were determined to be less than significant.

The proposed project is conditioned to meet the County lighting requirements, including Community Design Standards and Guidelines for Outdoor Lighting Standards.

COA are included to require maintenance in perpetuity of Creekside Plaza.

The project is consistent with the design standards.

3.6 The project is consistent with Table 130.35.030.

130.35.030 Parking and Loading Requirements for commercial Food and Beverage requires one (1) per 200 square feet of active use area (AUA); plus one (1) per check stand; plus one (1) per 600 square feet of storage area.

Rationale: As shown on the Site Plans (Exhibit F), the project would provide 11 standard parking spaces, 12 spaces under the fueling canopy, four (4) electric vehicle (EV) spaces, 14 vacuum spaces, and one (1) air/water space. The project would also provide two (2) ADA compliant parking spaces. In addition to the parking requirements contained in the Zoning Ordinance, there are also parking and loading standards contained in the Community Design Standards, Parking and Loading Standards. The project is designed to be consistent with both. The project is consistent with this section.

3.7 The project is consistent with 130.36.070.1b.

130.36.070.1b Community Region Area Signage Standards for Permanent On-Site Signs: For Commercial Zone Districts (CC), size criteria for freestanding signage for an Integrated Development is one (1) multi-tenant sign per public street frontage as follows: First street frontage: 80 square feet maximum area, 20 feet maximum height. Other street frontage(s): 40 square feet maximum area, 10 feet maximum height. (A Uniform Sign Program as part of a Planned Development Permit may request to slightly deviate from these signage standards).

Rationale: As shown on the Revised Uniform Sign Program (Exhibit M), the project includes two (2) freestanding monument signs to identify the project. Monument Sign A would be located along Missouri Flat Road. The sign would measure eight (8) feet by 10.5 feet for 84.0 square feet sign area and height of 10.5 feet (which would be slightly above the 80-square-foot maximum area allowed and below the 20 feet maximum height allowed) and is internally illuminated. Monument Sign B would be located along Forni Road. The sign would measure eight (8) feet by 10.5 feet for 84.0 square feet sign area and height of 10.5 feet (which would be above the 40-square-foot maximum area allowed and slightly above the ten (10) feet maximum height for other street frontage) and is internally illuminated. The project also includes Tenant Wall Signs, Office Building Wall Signs, and Landscape Wall Center I.D. Lettering. The project is consistent with this section.

4.0 DEVELOPMENT PLAN PERMIT FINDINGS

4.1 The project is consistent with Section 130.52.040 E.1.

Section 130.52.040 E.1 states that the proposed development plan is consistent with the General Plan, any applicable specific plan, and Chapter 130.28 (Planned Development [-PD] Combining Zone) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title.

Rationale: The proposed Planned Development Revision, PD-R21-0002, is consistent with the original, PD10-0005, and with applicable General Plan Policies and applicable standards of Chapter 130.28, as discussed in the Findings and throughout this Staff Report. The project is consistent with this section.

4.2 The project is consistent with Section 130.52.040 E.2.

Section 130.52.040 E.2 states that the site is adequate in shape and size to accommodate proposed uses and other required features.

Rationale: The site is adequate in shape and size to accommodate proposed uses and other required features. The project is consistent with this section.

4.3 The project is consistent with Section 130.52.040 E.3.

Section 130.52.040 E.3 states that any exceptions to the development standards of the zone are justified by the design or existing topography.

Rationale: The project does not request any exceptions to any of the development standards. The project is consistent with this section.

4.4 The project is consistent with Section 130.52.040 E.4.

Section 130.52.040 E.4 states that adequate public services and facilities exist or will be provided to serve the proposed development including, but not limited to, water supply, sewage disposal, roads, and utilities.

Rationale: Adequate public services and facilities exist and can serve the proposed development. Agencies including Diamond Springs-El Dorado Fire Protection District, EID, PG&E, and County agencies such as Planning Division, Building Division, and Department of Transportation (DOT), would review improvement plans at time of grading and/or building permit review to ensure compliance. As conditioned, the project is consistent with this section.

4.5 The project is consistent with Section 130.52.040 E.5.

Section 130.52.040 E.5 states if mixed-use development is being proposed, the development conforms to the standards in Section 130.40.180 (Mixed Use Development) in Article 4 (Specific Use Regulations) of this Title.

Rationale: The proposed project is not considered a mixed-use development. The project is consistent with this section.

4.6 The project is consistent with Section 130.52.040 E.6.

Section 130.52.040 E.6 states that the proposed development complies with the provisions of the -PD Combining Zone Section 130.28.010 (Planned Development [-PD] Combining Zone Established) in Article 2 (Zones, Allowed Uses, and Zoning Standards) of this Title.

Rationale: The proposed development complies with the provisions of the -PD Combining Zone Section as discussed in the Findings and throughout this Staff Report. The project is consistent with this section.

5.0 CONDITIONAL USE PERMIT FINDINGS

5.1 The issuance of the permit is consistent with the General Plan.

The proposed use is consistent with the policies and requirements of the General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0 above.

5.2 The proposed use would not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood.

The proposed use is consistent with the policies and requirements of the General Plan as discussed in the General Plan section of the Staff Report. The proposed use is consistent with all applicable policies as set forth in Finding 2.0 above.

5.3 The proposed use is specifically permitted by CUP.

A CUP is required for the car wash use, Revised Uniform Sign Program (multi-tenant, three [3] or more businesses), and for the Drive-Through Facilities (carwash) adjacent to residential uses. The proposed project complies with the requirements of Zoning Ordinance Section 130.36.080 B. (Uniform Sign Program), Section 130.22.020 (Matrix of Allowed Uses)), 130.35.010 ([Parking and Loading] Content), and Section 4.4.H of the Parking and Loading Standards.

6.0 TENTATIVE PARCEL MAP TIME EXTENSION FINDINGS

6.1 The request for extension of the approved Tentative Parcel Map complies with County Subdivision Ordinance (Subdivision Ordinance) Section 120.74.030.A.

The project includes a time extension (P-E25-0001) for the originally approved Tentative Parcel Map P10-0012 (Exhibit X). Section 120.074.030 of the Subdivision Ordinance regulates the time extension of approved tentative maps. The Subdivision Ordinance limits the extension to a maximum of six (6) one-year discretionary time extensions. The applicant has not commenced any activity satisfying the Conditions of Approval of P10-0012 due to the processing of the proposed project. Staff recommends the Planning Commission grant six (6) one-year time extensions, subject to the original COA. Given that there are no changes to the approved Tentative Parcel Map, P10-0012, the map remains consistent with the applicable policies of the General Plan and provisions of the Zoning and Subdivision Ordinances. If approved, the Tentative Parcel Map expiration date would be extended from November 19, 2022, to November 19, 2028. Additionally, an Errata to the SEIR is included with the project to include the time extension (Exhibit U). As conditioned, the project is consistent with this finding.

6.2 The request for extension of the approved tentative subdivision map complies with Subdivision Ordinance Section 120.74.030.B.

The project includes a time extension (P-E25-0001) for the originally approved Tentative Parcel Map P10-0012 (Exhibit X). Section 120.074.030 of the Subdivision Ordinance regulates the time extension of approved tentative maps. The Subdivision Ordinance limits the extension to a maximum of six (6) one-year discretionary time extensions. The applicant has not commenced any activity satisfying the Conditions of Approval of P10-0012 due to the processing of the proposed project. Staff recommends the Planning Commission grant six (6) one-year time extensions, subject to the original Conditions of Approval. Given that there are no changes to the approved Tentative Parcel Map, P10-0012, the map remains consistent with the applicable policies of the General Plan and provisions of the Zoning and Subdivision Ordinances. If approved, the Tentative Parcel Map expiration date would be extended from November 19, 2022, to November 19, 2028. Additionally, an Errata to the SEIR is included with the project to include the time extension (Exhibit U). As conditioned, the project is consistent with this finding.