

EL DORADO COUNTY
PLANNING AND BUILDING DEPARTMENT
ZONING ADMINISTRATOR
STAFF REPORT



Date: April 17, 2024

Staff: Benjamin Koff

CONDITIONAL USE PERMIT REVISION

FILE NUMBER: CUP-R23-0020/Second Propane Storage Tank

APPLICANT/AGENT: Hunt Propane c/o David Sarantopoulos

OWNER: Dennis Burnworth and Deborah Brisky

REQUEST: Conditional Use Permit Revision to allow the installation of a second 30,000-gallon propane storage tank for additional on-site storage.

LOCATION: Located on the north side of Pleasant Valley Road, approximately 0.5 mile east of the intersection with Mother Lode Drive, in the El Dorado area, Supervisorial District 3 (Exhibit A).

APN: 331-020-058 (Exhibit B)

ACREAGE: 1.65 acres

GENERAL PLAN: Industrial (I) (Exhibit C)

ZONING: Industrial, Light (IL) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically Exempt pursuant to Section 15301(b) of the California Environmental Quality Act (CEQA) Guidelines (Existing Facilities).

RECOMMENDATION: Staff recommends the Zoning Administrator take the following actions:

1. Find Conditional Use Permit Revision CUP-R23-0020 Exempt under Section 15301(b) of the CEQA Guidelines; and
2. Approve Conditional Use Permit Revision CUP-R23-0020, based on the Findings and subject to the Conditions of Approval as presented.

EXECUTIVE SUMMARY

Approval of this Conditional Use Permit Revision would allow the installation of a second 30,000-gallon propane storage tank for additional on-site storage.

BACKGROUND/HISTORY

The original permit, Special Use Permit S96-0025, for the installation and operation of a 30,000-gallon propane storage tank for distribution purposes was approved by the Zoning Administrator on March 5, 1997. Additionally, the original approval authorized an outdoor storage area for the storage of smaller tanks used for residential and commercial uses and parking for distribution trucks. When first approved, the parcel, identified by Assessor's Parcel Number 331-020-010, consisted of 10.77 acres. The parcel included multiple uses, including a Recreational Vehicle (RV) storage yard, several industrial/commercial buildings, and a Kamp's Propane sales office. Special Use Permit, S96-0025, permitted the use of a 1.0-acre portion of the total 10.77-acre parcel for storage and distribution purposes. As conditioned, the total area shall not exceed one (1.0) acre and the area shall be fenced with a minimum six-foot chain link security fence with screening slats. One June 22, 2007, findings of substantial conformity, as approved by the Deputy Planning Director, Lawrence Appel, allowed for minor modifications to S96-0025, authorizing the installation and operation of a 12-foot by 60-foot office space for employees, porch and ramp improvements to said office space, a 10-foot by 16-foot shed, a 10-foot by 20-foot shed, and replacement of the previously approved 30,000-gallon propane tank. As indicated in the letter from Lawrence Appel, no further changes beyond the items specifically identified in the letter would be allowed without approval of a revised Special Use Permit. This application, CUP-R23-0020, constitutes the first formal submittal to make modifications to the facility that requires revisions to the Special Use Permit.

EXISTING CONDITIONS/SITE CHARACTERISTICS

The project site is located on the north side of Pleasant Valley Road, approximately 0.5 mile east of the intersection with Mother Lode Drive, in the El Dorado area. The site is previously disturbed, surfaced with an aggregate base, and vegetative or combustible materials have been removed. The existing compound is entirely fenced, including screening slats. The existing 30,000-gallon propane tank is located approximately 50 feet from the eastern property line, 56 feet from the northern property line, and within 500 feet of an existing fire hydrant. The western portion of the parcel is home to the existing office, storage shed, and vehicle parking. At the south of the property is a storage area, utilized for the storage of smaller tanks for residential and commercial uses. Surrounding uses include Pleasant Valley Road to the south, vacant land to the east, and commercial/industrial uses to the west and north, including automobile tuning and repair shops. All adjacent parcels, apart from the parcel to the east, are zoned Industrial, Light (IL), as is the project site, and have the same General Plan land use designation as the project site, which is Industrial (I) (Exhibits C and D). The vacant parcel to the east is zoned Multifamily Residential (RM) and carries a General Plan land use designation of Multifamily Residential (MFR).

PROJECT DESCRIPTION

The proposed project includes a Conditional Use Permit Revision request for installation of a second 30,000-gallon propane storage tank for additional on-site storage. The existing 30,000-gallon storage tank was approved under S96-0025. The current proposal would result in an increase to the capacity of on-site propane storage; however, the additional propane storage tank would not result in expansion of existing or former use or require modifications to the existing structures on site.

ANALYSIS

General Plan Consistency: The project is consistent with all applicable General Plan policies including Policy 2.2.1.2. (Industrial Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21 (compatibility with adjoining land uses). Further details are discussed in the Findings section below.

Zoning Ordinance Consistency: Staff has determined that the proposed project, as conditioned, is consistent with all applicable standards and requirements of Title 130 of the County Ordinance Code (Zoning Ordinance). The project parcel is zoned IL, and the project has been analyzed in accordance with all applicable development standards for this zone district. Further details are discussed in the Findings section below. The project was reviewed and recommended for approval at the January 18, 2024 Diamond Springs and El Dorado Community Advisory Committee (DSEDCAC).

AGENCY COMMENTS:

The request for a minor revision was distributed for review to affected departments and agencies including, but not limited to, the El Dorado County Building Division, El Dorado County Environmental Management Department (EMD), El Dorado County Department of Transportation (DOT), El Dorado County Air Quality Management District (AQMD), El Dorado County Surveyor's Office, El Dorado Irrigation District (EID), Pacific Gas and Electric (PG&E), and the Diamond Springs-El Dorado Fire Protection District. New Conditions of Approval are required and are noted in the Conditions of Approval section.

ENVIRONMENTAL REVIEW:

Conditional Use Permit Revision CUP-R23-0020 has been found Categorically Exempt pursuant to Section 15301(b), Existing Facilities, of the CEQA Guidelines. The proposed installation of a second 30,000-gallon propane storage tank would result in no expansion of the existing structures and would not expand the former or existing use. Filing of a Notice of Exemption is required in accordance with CEQA Guidelines Section 15062 to initiate a 35-day statute of limitations on legal challenges to the County's decision that the project is exempt from CEQA. **The applicant shall submit a \$50.00 recording fee within 48 hours of project approval to the Planning Division** in order for the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

Findings

Conditions of Approval

Exhibit A.....Location Map

Exhibit BAssessor's Parcel Map

Exhibit CGeneral Plan Land Use Designation Map

Exhibit D.....Zoning Map

FINDINGS

Conditional Use Permit Revision CUP-R23-0020/Second Propane Storage Tank Zoning Administrator/April 17, 2024

Proposed revisions to the existing Findings under S96-005 shall be indicated in the strikeout/underline format.

FINDINGS

1. The proposed project as conditioned, will not have a significant effect on the environment.
2. The use is authorized by Section 17.24.030 C of the El Dorado County Zoning Ordinance.
3. The use is found to comply with the requirements of Chapter 17.22, Special Use Permits, as contained in the El Dorado County Zoning Ordinance.
4. The use is found to be in conformance with the El Dorado County General Plan.
5. The use is not considered detrimental to the public health, safety, and welfare, nor injurious to the neighborhood.

1.0 CEQA FINDINGS

- 1.1 Conditional Use Permit Revision CUP-R23-0020 has been found Categorically Exempt pursuant to Section 15301(b), Existing Facilities, of the California Environmental Quality Act (CEQA) Guidelines. The proposed use would result in no expansion of existing or former use and would not require substantial exterior modifications to the existing structures on site.
- 1.2 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 identifies that the purpose of the Industrial land use designation is to provide a full range of light and heavy industrial uses. Types of uses that would be permitted include manufacturing, processing, distribution, and storage.

Rationale: The proposed project is a request to allow the installation of a second 30,000-gallon propane storage tank for additional on-site storage. No other changes to the site are proposed. Hazardous materials handling is permitted by way of a Conditional Use Permit in this zone; this use was established under S96-0025. Therefore, the proposed project is compatible with the land use designation.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

General Plan Policy 2.2.5.2 requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

Rationale: Staff has prepared this section on General Plan findings to document the project's consistency with the policies of the General Plan.

2.3 The project is consistent with General Plan Policy 2.2.5.21.

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

Rationale: The project site is fully developed with a 30,000-gallon propane tank, office building, storage shed, customer and distribution truck parking area, and additional outdoor storage area. The proposed Conditional Use Permit Revision to install a second 30,000-gallon propane storage tank for additional on-site storage would not result in incompatibility with other uses within the vicinity. The project site is entirely fenced and screened, as required by the Conditions of Approval of S96-0025. Therefore, the project location and design would be compatible with adjoining land uses.

3.0 ZONING FINDINGS

3.1 The project is consistent with Section 130.23.010 B.1

Rationale: 130.23.010 B.1 – Industrial – Light (IL): The IL zone is applied to lands for manufacturing and associated retail or service activities, wholesaling, and other industrial uses, where the primary activity is conducted within a building or buildings, or in outdoor storage or activity areas. Conditional Use Permits shall be required for those uses which, by their nature, have the potential to produce or emit noise, odor, fumes, dust, smoke, vibrations, glare, heat, electrical interference, or waste material beyond the confines of the property boundaries. The proposed Conditional Use Permit Revision to install a second 30,000-gallon propane storage tank for additional on-site storage would be consistent with uses allowed in the IL zone and therefore is consistent with this section.

4.0 CONDITIONAL USE PERMIT FINDINGS

4.1 The issuance of the permit is consistent with the General Plan

Rationale: As discussed above in Section 2.0, General Plan Findings, the Conditional Use Permit Revision is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: The use will not significantly conflict with surrounding uses. The proposed use will comply with the Development Standards of the IL zone district. The proposed use is consistent with the surrounding land uses which include other industrial and office uses. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding uses.

4.3 **The proposed use is specifically permitted by Conditional Use Permit**

Rationale: Hazardous Material Handling is specially permitted in the Light Industrial (IL) Zone with the approval of a Conditional Use Permit in compliance with Section 130.23.020. The subject property is located in the IL zone district. The Industrial and Research and Development Zone Districts matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the IL zone district. The matrix includes commercial and industrial uses, specifically Hazardous Materials Handling, which is allowed with a Conditional Use Permit in the IL zone.

CONDITIONS OF APPROVAL

**Conditional Use Permit Revision CUP-R23-0020/ Second Propane Storage Tank
Zoning Administrator/April 17, 2024**

Proposed revisions to the existing Conditions of Approval under S96-005 shall be indicated in the strikeout/underline format.

CONDITIONS OF APPROVAL

Department of Transportation

1. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department of Transportation for review and approval. The plan shall be in accordance with the County of El Dorado *“Design and Improvements 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.
2. The applicant shall be subject to a grading permit fee commensurate with the scope of the proposed project prior to the commencement of any work.
3. The project shall be subject to the traffic impact mitigation (TIM) fee of 1,135.82. Pursuant to Resolution 201-96, said fee shall be due upon issuance of a building permit. If prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.
4. The project shall be subject to the state system infrastructure traffic impact mitigation (TIM) fee of 887.22. Pursuant to Resolution 201-96, said fee shall be due upon issuance of a building permit. If prior to the application for a building permit for said project a revised fee is established, such revised amount shall be paid.
5. The project will require an encroachment permit, Standard Plan 103C with a fee of \$273.00 for the proposed emergency access driveway. The driveway shall be 24 feet wide for two-way access or 12 feet wide for one-way access only. If the grade exceeds 15 percent, the driveway shall be hard-surfaced.
6. The primary access road shall be asphalt concrete paved a minimum of 24 feet in width with two-foot gravel shoulders. The road and existing pad shall be surfaced with aggregate base of sufficient thickness to support a 40,000-pound load.

Planning Department

7. Approval of this use permit authorizes the placement of a 30,000-gallon propane storage and distribution tank, an outside storage area for the storage of smaller tanks used for residential and commercial use, and parking for distribution trucks. The total area shall

not exceed 1 acre and the area shall be fenced with a minimum 6-foot-tall chain link security fence with screening slats. No activity authorized by this special use permit may commence until all of the conditions of approval have been complied with in full.

8. Any proposed changes to the approved site plan shall be submitted to the Planning Director for review and approval.
9. Lighting on site shall be installed with screening to direct the light downward, to prevent glare onto any adjacent roadway or properties.
10. Signage for the site shall be subject to Planning Director approval and shall comply with Chapter 17.16 of the El Dorado County Zoning Ordinance. There shall be no advertising signs on the 30,000-gallon propane tank.
11. **Permit Expiration:** In compliance with County Code Section 130.54.060 (Time Limits, Extensions, and Permit Expiration), implementation of the project must occur within 24 months of approval of this Conditional Use Permit Revision or the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with the Conditions of Approval.
12. **Indemnity:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and landowner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Conditional Use Permit.
13. **Archaeological Resources:** The following shall be incorporated as notes on the grading/improvement plans: In the event archaeological resources are discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50-feet of the discovery until an archeologist can examine the find in place. If the find is determined to be a "unique archaeological resource," contingency funding, and a time allotment sufficient to allow recovering an archaeological sample or to employ one of the avoidance measures may be required under the provisions set forth in Section 21083.2 of the Public Resources Code. Construction work could continue on other parts of the project site while archaeological mitigation takes place.

If the find is determined to be a "unique archaeological resource," the archeologist shall determine the proper method(s) for handling the resource or item in accordance with Section 21083.2(b-k). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume

after appropriate measures are taken or the site is determined a “non-unique archaeological resource.

14. **Human Remains:** In the event of the discovery of human remains, all work shall cease and the County Coroner shall be immediately notified pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. The Coroner shall make his or her determination within two (2) working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the Coroner of the discovery or recognition of the human remains. If the Coroner determines that the remains are not subject to his or her authority and if the Coroner recognizes the human remains to be those of a Native American, he or she shall contact, by telephone within 24-hours, the Native American Heritage Commission.

Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in Section 5097.98 of the Public Resources Code, with the most likely descendants regarding their recommendations. The descendants shall complete their inspection and make their recommendation within 48-hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials or other proper method(s) for handling the remains in accordance with Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Grading and construction activities may resume after appropriate measures are taken

El Dorado County Environmental Management Department

14.15. The project applicant shall be subject to the State requirement of preparing and submitting a hazardous materials business plan for review and approval to the Solid Waste and Hazardous Materials Division of the El Dorado County Environmental Management Department. The hazardous material business plan shall be approved prior to issuance of a building permit.

14.16. The project applicant shall be subject to the Federal requirement of preparing and submitting a risk management program. The risk management program shall contain detailed requirements on hazard assessment, prevention, and emergency response.

The risk management program and implementation of the program shall be submitted for review and approval to the Solid Waste and Hazardous Materials Division of the El Dorado County Environmental Management Department.

17. **EMD CUPA/Hazmat:** Within 30 days of becoming operational the facility will be required to update their CERS reporting to reflect the increased volume of hazardous materials stored onsite.
18. **Construction and Demolition (C&D) Debris Recycling:** State Law mandates that a minimum of 65 percent of the waste materials generated from covered Construction and Demolition projects must be diverted from being landfilled by being recycled or reused on site.

El Dorado County Fire District

- 13.19. The 30,000-gallon tank shall be installed no more than 500 feet from an existing fire hydrant, and a minimum of 50 feet from the northern and eastern property lines. The applicant shall maintain a ten-foot clearance area between the tank and any equipment and any vegetative or combustible material.
- 14.20. The installation and placement of the 30,000-gallon tank must meet all requirements of Uniform Fire Code Article 82 and NFPA 58.
- 15.21. The installation and placement of the 30,000-gallon tank must meet all requirements of Uniform Fire Code Article 82 and NFPA 58.
- 16.22. Uniform Fire Code Standard 10.1 requires a 2A20BC fire extinguisher mounted within 50 feet of the dispensing area.
- 17.23. The applicant shall obtain an approved application from the El Dorado County Fire District for, and install, a knox lock for emergency access to the storage yard from Pleasant Valley Road.
- 18.24. Approved addresses shall be placed in such a position as to be plainly visible from Pleasant Valley Road, and shall contrast with their background.
- 19.25. The storage area for the domestic-sized propane tanks shall be delineated, distinct, and separate from any parking area. Domestic storage tanks shall not be stacked higher than the fence.

El Dorado County Air Quality Management District (AQMD)

26. **Fugitive Dust:** A Fugitive Dust Mitigation Plan (FDP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if during the course of the project a Grading Permit is required from the Building Division. Dust control measures shall comply with the requirements of AQMD Rule 223, Fugitive Dust – General Requirements and Rule 223.1 – Construction, Bulk Material Handling, Blasting, Other Earthmoving Activities and Trackout Prevention.

27. **Open Burning:** Burning of waste vegetation that results from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire. Burning shall adhere to AQMD Rule 300, Open Burning.
28. **Paving:** Road construction shall adhere to AQMD Rule 224, Cutback and Emulsified Asphalt Paving Materials.
29. **Painting/Coating:** The application of architectural coatings shall adhere to AQMD Rule 215, Architectural Coatings.
30. **New Point or Stationary Source:** Prior to construction/installation of any new point/stationary source emissions units (e.g., emergency standby engine greater than 50 horsepower, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emissions estimates, and shall adhere to AQMD Rules 501, General Permit Requirements and 523, New Source Review.
31. **Open Burning:** Burning of waste vegetation that results from "Land Development Clearing" must be permitted through the AQMD. Only dry vegetative waste materials originating from the property may be disposed of using an open outdoor fire. Burning shall adhere to AQMD Rule 300, Open Burning.
32. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (CARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)). The full text of the regulation can be found at CARB's website here: <https://ww2.arb.ca.gov/our-work/topics/construction-earthmoving-equipment>. Questions on applicability should be directed to CARB at 1.866.634.3735. CARB is responsible for enforcement of this regulation.
33. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with CARB. A copy of the current portable equipment registration shall be with said equipment. The applicant shall provide a complete list of heavy-duty diesel-fueled equipment to be used on this project, which includes the make, model, year of equipment, and daily hours of operations of each piece of equipment.

El Dorado County Stormwater Division

34. An Erosion and Sediment Control Plan will need to be included in the plan submittal. Since the project will disturb over one (1) acre of land, the Legally Responsible Person (LRP) is required to obtain Construction General Permit (CGP) coverage through the State Water Resources Control Board (SWRCB). The CGP requires the development and

implementation of a Stormwater Pollution Prevention Plan (SWPPP). CGP requirements can be found at the following link:
https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.html