

**EL DORADO COUNTY  
PLANNING AND BUILDING DEPARTMENT  
ZONING ADMINISTRATOR  
STAFF REPORT**



<b>Agenda of:</b>	December 16, 2020
<b>Item No.:</b>	11.a.
<b>Staff:</b>	Bret Sampson

**Conditional Use Permit**

**FILE NUMBER:** CUP20-0009/Tractor Supply

**APPLICANT/OWNER:** PacTrust

**ENGINEER:** Rod Hawkins Engineering

**REQUEST:** Conditional Use Permit to develop a Permanent Outdoor Sales Area to support a Tractor Supply store.

**LOCATION:** On the west side of Latrobe Road, approximately 300 feet north of the intersection with Golden Foothill Parkway, in the El Dorado Hills Business Park, Supervisorial District 1 (Exhibit A).

**APN:** 117-210-052

**ACREAGE:** 3.13 acres

**GENERAL PLAN:** Research & Development (R&D) (Exhibit B)

**ZONING:** Research & Development – Design Control (R&D–DC) (Exhibit C)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Sections 15303(e) and 15304(a) of the California Environmental Quality Act (CEQA) Guidelines (New Construction and Minor Alterations to Land)

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

1. Find Conditional Use Permit CUP20-0009 exempt under Sections 15303(e) and 15304(a) of the CEQA Guidelines; and

2. Approve Conditional Use Permit CUP20-0009, based on the Findings and subject to the Conditions of Approval as presented.

## **EXECUTIVE SUMMARY**

The proposed project includes a Conditional Use Permit request to develop an approximately 16,191 square foot Permanent Outdoor Sales Area to support a 19,034 square foot Tractor Supply Store. This Conditional Use Permit only addresses the development of the Permanent Outdoor Sales Area as development and operation of the Tractor Supply Store building is an "Allowed Use" on this property under the zoning designation Research and Development and with the General Plan land use designation of Research & Development (R&D).

## **OTHER PROJECT CONSIDERATIONS**

**Community Design Review Zoning Overlay (-DC):** The project parcel is mapped within a Community Design Review (-DC) combining zone district (Exhibit C). However, under Title 130 Section 130.27.050.D.1 (Exemptions), typical structures and site development within an R&D zone that is combined with a (-DC) designation are exempt from County Design Review permits and therefore, no County design oversight applies to this project. It is important to note that although this CUP only addresses the development and operation of the Permanent Outdoor Sales Area, the Tractor Supply building and overall site underwent a design review through the El Dorado Hill Business Park Association.

## **BACKGROUND/HISTORY**

The project parcel is located within the El Dorado Hills Business Park, a campus-like setting for high technology, manufacturing uses and business offices, established in the early 1980's.

## **EXISTING CONDITIONS/SITE CHARACTERISTICS**

The project site consists of 3.13 acres and is located within the El Dorado Hills Business Park. The site is relatively flat, and ranges in elevation from approximately 510 feet above mean sea level to approximately 520 feet. The project site is currently vacant and has been graded in the past. The majority of the neighboring properties are similarly zoned and designated as R&D with residential uses to the east adjacent to Latrobe Road (Exhibit C). Much of the surrounding area has been developed.

## **PROJECT DESCRIPTION**

The proposed project includes a Conditional Use Permit request to develop an approximately 16,191 square foot Permanent Outdoor Sales Area to support a 19,034 square foot Tractor Supply Store. This Conditional Use Permit only addresses the development of the Permanent Outdoor Sales Area as development and operation of the Tractor Supply Store building is an "Allowed Use" on this property under the zoning designation Research and Development and with the General Plan land use designation of Research & Development (R&D).

## **ANALYSIS**

**General Plan Consistency:** The project is consistent with all applicable General Plan policies including Policy 2.2.1.2. (Research and Development Land Use Designation), Policy 2.2.5.2 (General Plan Consistency), Policy 2.2.5.21(compatibility with adjoining land uses), Policy 5.1.2.1 (adequacy of public services and utilities), Policy 5.2.1.2 (adequate quantity and quality of water for all uses, including fire protection), Policy 5.7.1.1 (fire protection in Community Regions) and Policy 6.2.3.2 (adequate access for emergencies). 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 Research & Development (R&D) and the project has been analyzed in accordance with all applicable development standards for this zone district.

## **AGENCY COMMENTS:**

The project was distributed to all applicable local, County and state agencies for review and comment. Comments were received from the El Dorado Irrigation District (EID), the County Surveyor's office, the Air Quality Management District, and Pacific Gas and Electric. None of these agencies expressed any issues or concerns regarding this project and presented standard conditions of approval per their individual regulations.

## **ENVIRONMENTAL REVIEW:**

Conditional Use Permit CUP20-0009 has been found Categorically Exempt pursuant to Sections 15303(e), New Construction, and 15304(a), Minor Alterations to Land of the CEQA Guidelines. The proposed outdoor display area to support the Tractor Supply Store would be exempt from environmental review per Section 15303(e), New Construction or Conversion of Small Structures, of the State CEQA Guidelines which applies to the paving of the outdoor display area and installation of perimeter fencing, and Section 15304(a), Minor Alterations to Land, which applies to the grading of the outdoor display area. Furthermore, none of the exceptions to a Categorical Exemption pursuant to Section 15300.2 apply to the Permanent Outdoor Sales Area. 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 to Planning Services 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 B.....General Plan Map  
Exhibit C.....Zoning Map  
Exhibit D.....Site Plan

# **FINDINGS**

## **Conditional Use Permit CUP20-0009/Tractor Supply Zoning Administrator/December 16, 2020**

### **1.0 CEQA FINDINGS**

- 1.1 Conditional Use Permit CUP20-0009 has been found Categorically Exempt pursuant to Sections 15303(e), New Construction, and 15304(a), Minor Alterations to Land of the CEQA Guidelines. The Permanent Outdoor Sales Area developed to support the Tractor Supply Store is exempt from environmental review per Section 15303(e), New Construction or Conversion of Small Structures, of the State CEQA Guidelines which applies to the paving of the Permanent Outdoor Sales Area and installation of perimeter fencing, and Section 15304(a), Minor Alterations to Land, which applies to the grading of the Permanent Outdoor Sales Area.
- 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 Services 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 Research & Development (R&D) land use designation is to provide areas for the location of high technology, nonpolluting manufacturing plants, research and development facilities, corporate/industrial offices, and support service facilities in a rural or campus-like setting which ensures a high quality, aesthetic environment. Lands designated as R&D can be located in Community Regions and in Rural Centers.

Rationale: Development of the Permanent Outdoor Sales Area is consistent with this policy. The site is within the El Dorado Hills Community Region. The proposed project is compatible with the land use designation.

#### **2.2 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.

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 undeveloped. The adjoining properties to the north, west and south are similarly zoned and designated as R&D. On the east, the site borders Latrobe Road which is adjacent to residential uses. Therefore, the project has been located and designed to be compatible with adjoining land uses.

**2.4 The project is consistent with General Plan Policy 5.1.2.1**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

Rationale: The project proposes to connect into El Dorado Irrigation District (EID) water and sewer services. A Facilities Improvement Letter dated September 30, 2020 identifies water and sewage availability. A 12-inch water line is located in Golden Foothill Parkway and has adequate capacity to serve the parcels. There is an 8-inch sewer line abutting property line in Golden Foothill Parkway. This sewer line is identified as having adequate capacity for the project.

**2.5 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 project was reviewed by the El Dorado Hills Fire Department, and the El Dorado Irrigation District (EID) for adequate public services capacity. The site will need installation into existing EID facilities. The project, as conditioned, is consistent with this policy.

**2.6 The project is consistent with General Plan Policy 5.7.1.1.**

General Plan Policy 5.7.1.1 (Fire Protection in Community Regions) requires the applicant to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection would be provided concurrent with development.

Rationale: The El Dorado Hills Fire Department (department) currently provides fire protection service to the project site. The department has imposed standard conditions of approval to ensure adequate water supply, storage, conveyance and site access for fire protection remains adequate for the project.

**2.7 The project is consistent with General Plan Policy 6.2.3.2.**

Policy 6.2.3.2 (Adequate Access for Emergencies) requires the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Rationale: Both El Dorado Hills Fire Department and CALFIRE reviewed the application materials and have not provided any project specific requirements.

**3.0 ZONING FINDINGS**

**3.1 The project is consistent with Section 130.23.030.**

Section 130.23.030 (Industrial/R&D Zone Development Standards) prescribes site-specific development standards for new lots, allowed uses and associated structures within the R&D Zone District.

Rationale: The proposed use of a Permanent Outdoor Sales Area is allowed within the Research and Development (R/D) zoning designation with approval of a Conditional Use Permit.

# CONDITIONS OF APPROVAL

## **Conditional Use Permit CUP20-0009/Tractor Supply Zoning Administrator/December 16, 2020**

1. This Conditional Use Permit is based upon and limited to compliance with the project description, Conditions of Approval set forth below, and the hearing exhibits marked:

Exhibit D.....Site Plan

Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval would constitute a violation of permit approval.

The project description is as follows:

The project includes a Conditional Use Permit to develop an approximately 16,191 square foot Permanent Outdoor Sales Area to support a 19,034 square foot Tractor Supply Store. This Conditional Use Permit only addresses the development of the Permanent Outdoor Sales Area as development and operation of the Tractor Supply Store building is an "Allowed Use" on this property under the zoning designation Research and Development and with the General Plan land use designation of Research & Development (R&D).

The development, use, and maintenance of the property, the size, shape and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

### **Planning Services Division**

2. **Permit Implementation:** In Compliance with County Code Section 130.54.060, implementation of the project must occur within 24 months of approval of this Conditional Use Permit 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 conditions of approval.
3. **Notice of Exemption (NOE) Recording Fee:** The applicant shall submit to the Planning Services Division a \$50.00 recording fee for the County Recorder to file the Notice of Exemption. Checks shall be payable to El Dorado County. No permits shall be issued or parcel map filed until said fees are paid.



4. **Archeological Resources:** 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 working days from the time the person responsible for the excavation, or in 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. The Native American Heritage Commission will immediately notify the person it believes to be the most likely descendant of the deceased Native American.

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.

5. **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 land owner 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 Parcel Map.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

6. **Change in Ownership:** In the event of any change of ownership of the subject parcel (APN 117-210-052) or any change in primary or accessory use, it is the responsibility of the future property owners to ensure all changes are consistent with this Conditional Use Permit, the El Dorado County General Plan, Zoning Ordinance, and all applicable standards in place at such time.

**Office of the County Surveyor**

7. All boundary monuments disturbed during project construction shall be reset by a Professional Land Surveyor or Qualified Engineer as defined by Section 8771 of the California Business and Professions Code (Land Surveyors Act).

**Air Quality Management Department (AQMD)**

8. **Fugitive Dust:** The project construction will involve grading and excavation operations, which will result in a temporary negative impact on air quality with regard to the release of particulate matter (PM10) in the form of dust. The project shall adhere to the regulations and mitigation measures for fugitive dust emissions during the construction process. In addition, a Fugitive Dust Mitigation Plan (DMP) Application with appropriate fees shall be submitted to and approved by the AQMD prior to start of project construction if a Grading Permit is required from the Building Dept. (Rules 223 and 223.1)
9. **Paving:** Project construction will involve road development and shall adhere to AQMD Cutback and Emulsified Asphalt Paving Materials (Rule 224).
10. **Painting/Coating:** The project construction may involve the application of architectural coating, which shall adhere to AQMD Rule 215 Architectural Coatings.
11. **Open Burning:** Burning of wastes that result 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 (Rule 300 Open Burning).
12. **Construction Emissions:** During construction, all self-propelled diesel-fueled engines greater than 25 horsepower shall be in compliance with the California Air Resources Board (ARB) Regulation for In-Use Off-Road Diesel Fueled Fleets (§ 2449 et al, title 13, article 4.8, chapter 9, California Code of Regulations (CCR)).
13. **New Point Source:** Prior to construction/installation of any new point source emissions units (e.g., tub grinders, conveyors, etc.), Authority to Construct applications shall be submitted to the AQMD. Submittal of applications shall include facility diagram(s), equipment specifications and emission factors. (Rule 501 and 523).
14. **Portable Equipment:** All portable combustion engine equipment with a rating of 50 horsepower or greater shall be registered with the California Air Resources Board (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, daily hours of operations of each piece of equipment.

**El Dorado Hills Fire Department**

15. **Fire Code:** Project plans shall be reviewed and approved by the El Dorado Hills Fire Department for conformance with the current Fire Code and applicable ordinances.