



County of Yolo

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PLANNING AND PUBLIC WORKS DEPARTMENT

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PLANNING COMMISSION STAFF REPORT

FEBRUARY 9, 2012

FILE #2011-046: Amendment to the Planned Development No. 51 (PD-51) overlay zone to allow the establishment of a Love's Travel Center. The facility would include 13,000 square feet of buildings, consisting of two fast-food restaurants, a market, a tire barn, and 24 fuel pumps. Development would be served by an on-site domestic water system, waste water treatment pond, and storm water detention pond.

APPLICANT: Love's Truck Stops and Country Stores, Inc.
Attn: Kym Van Dyke
10601 North Pennsylvania Avenue
Post Office Box 26210
Oklahoma City, OK

OWNERS: Stars Holdings Co. LLC
Post Office Box 5728
Concord, CA. 94524

Richard and Suzanne Cordes
Post Office Box 685
Alamo, CA. 94507

LOCATION: The project is located at 28700 County Road 6, at the northwest corner of the interchange with Interstate 5, in the community of Dunnigan (APNs: 051-160-04 and -05)

SUPERVISOR DISTRICT: 5
(Supervisor Chamberlain)

GENERAL PLAN: Commercial General

ZONING: Highway Service Commercial –
Planned Development No. 51 (C-H/PD-51)

FLOOD ZONE: 0.2% chance annual flood hazard, X (area not within the 100-year or 500-year flood plains), and AE (area within the 100-year flood with a determined base flood elevation)

SOILS: Hillgate loam (HdA) (Class III); Myers clay (MS) (Class II); Sycamore complex (SV) (Class II); and Tehama loam (TaA) (Class II).

FIRE SEVERITY ZONE: None

ENVIRONMENTAL DETERMINATION: Mitigated Negative Declaration

REPORT PREPARED BY:

David Morrison, Assistant Director

RECOMMENDED ACTIONS

That the Planning Commission recommend the following actions to the Board of Supervisors:

1. **HOLD** a public hearing and receive comments;
2. **ADOPT** the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan as the appropriate level of environmental review in accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines (Attachment C);
3. **ADOPT** the Findings (Attachment D);
4. **ADOPT** an Ordinance amending the Highway Service Commercial/Planned Development No. 51 (C-H/PD-51) Zone (Attachment E); and
5. **ADOPT** a Resolution allocate 10 percent of future sales and gas tax revenues derived from the project site to the Special Road Maintenance District #3 (Attachment to be prepared prior to consideration by the Board of Supervisors).

REASONS FOR RECOMMENDED ACTIONS

The proposed project is consistent with both the 2030 General Plan, as well as the Dunnigan Community Plan. The travel center would provide 25 – 50 new jobs, which would improve the existing jobs/housing balance within Dunnigan. The Economic Development Manager estimates that the project could generate more than \$400,000 annually in new revenue to the County. The project would redevelop an existing abandoned gas station, including removal and clean-up of the underground fuel storage tanks.

As recommended, the project would also provide several community benefits. The new on-site water well, equipment, and right-of-way would be dedicated for future use in a municipal water system, if one is developed in the future. The northern 1.2 acres of the property would also be provided to the County in an irrevocable offer of dedication, for future development as the Dunnigan Open Space Area. Annexation of the site into the Dunnigan Road District and the County Service Area would bring additional revenues into these programs. Finally, staff is recommending that the Planning Commission recommend adoption of a resolution that would annually allocate ten percent of sales and gas tax revenues generated by the project (estimated at approximately \$41,000 per year) into the Dunnigan Road District, to be used for maintenance of local roads and roadside ditches within the community.

BACKGROUND

Project Description

The applicant has requested to develop an 18.8-acre site as a Love's Travel Center. This would include: two fast-food restaurants, a convenience market, a tire installation facility, and 24 fuel pumps (16 auto and 8 truck). The total building area is estimated at approximately 13,000 square feet, as follows.

- Love's Country Store – 6,280 square feet
- McDonald's – 3,027 square feet

- Tire Barn – 2,400 square feet
- Subway – 1,229 square feet

The site would operate 24-hours/day and employ between 25 and 50 people. There would be 120 truck parking spaces, 81 auto parking spaces, and 3 RV parking spaces. Tires would be sold and installed only; no repairs or oil changes would occur on site. No overnight centralized power/air conditioning facilities are proposed. There would be approximately 80,000 gallons of on-site fuel storage, which would be located above-ground. The applicant has also requested for approval of a 60-foot high free-standing sign.

The facility would be served by an on-site domestic water system, waste water treatment pond, and storm water detention pond. Access would be provided by a private driveway onto County Road 6.

Prior Approval

Ordinance No. 681.185, establishing Planned Development Overlay Zone No. 51 (PD-51) for the project site, was adopted by the Board of Supervisors on August 29, 2000 (Zone File No. 97-044). The applicant was Manilal, inc. The PD-51 Zone only applied to APN: 051-160-005, the northern parcel. The southern parcel (051-160-04) was under separate ownership at the time, and was operated as an active gas station. The purpose and intent of the PD-51 zone is to allow for the highway commercial development and subdivision of the project site. Principal, accessory, and conditional uses allowed under the PD-51 zone include those provided for in the C-H (Commercial Highway) Zone. Any highway service commercial subdivision within the PD-51 zone is subject to specific conditions of approval and mitigation measures.

The project originally approved for the PD-51 zone proposed a Tentative Subdivision Map for five parcels and a remainder on a 16.2-acre property. The site was to be developed into eight free-standing highway commercial uses, including three fast-food restaurants, a 12-pump service station, two sit-down family restaurants, a 60-room motel, and a general store. The proposed building area totaled approximately 45,000 square feet. Businesses would have been served by a private street, domestic water system, waste water treatment pond, and storm water detention pond.

As described in the Mitigated Negative Declaration certified for establishment of the PD-51 zone, commercial trucks and recreational vehicles were anticipated to make up a considerable portion of the overall trips generated by the proposed development. Mitigation Measure 6.d.1 specifically required the approval of a plan designating the number of truck spaces to be incorporated into the project, as well as circulation and turn-around design to ensure safe maneuvering by trucks using the facility.

The existing easement serving the northern property at the time was 40 feet wide. In order to develop the full street width needed to provide safe access to the project, a 60-foot easement was required, which necessitated the acquisition of 20 feet of easement from one of two adjoining landowners. Manilal Inc. was not able to secure the additional easement and applied for an extension of the Tentative Parcel Map, which was granted by the Planning Commission in November, 2003. A second request for an extension was made in 2004, as the additional easement has not yet been secured. The Planning Commission denied this request in October of 2004, based on the lack of progress shown by the applicant over the previous four years. The applicant appealed the Commission's decision. On December 14, 2004, the Board of Supervisors upheld the Commission's denial.

STAFF ANALYSIS

General Plan Consistency

There has been substantial confusion among some regarding whether the proposed project is consistent with the 2030 General Plan and/or the 2001 Dunnigan Community Plan. In particular, the interpretation has been expressed several times that truck-related commercial uses are limited to the Road 8 interchange within Dunnigan. This is true in so far as it relates to Expansion Areas 1 and 2. Expansion Area 1, located north of Road 6 and east of Interstate 5, was intended to primarily serve auto-related highway commercial uses. Expansion Area 2, located around the Road 8 / Interstate 5 interchange, was intended to serve truck-related commercial uses. However, the subject site is not included within either designated Expansion Area. The 2001 Dunnigan Community Plan considered the project site to be infill, not new growth. This was appropriate as the site at that time was an active gas service station. As such, the policies relating to auto and truck-related uses are not applicable to the project site.

Similarly, the interpretation has been made that the 2030 General Plan prohibits truck related uses in Dunnigan outside of the Road 8 / Interstate 5 interchange. Policy CC-3.10.D states that commercial trucking uses shall be concentrated at Road 8. It does not say that commercial trucking uses are limited to Road 8. This indicates that commercial trucking uses are allowed at other locations within the Dunnigan Community Plan area. Indeed, there are numerous policies in the 2030 General Plan which specifically encourage the development of tourist and highway commercial uses along designated interchanges along Interstate 5. In addition, both the Dunnigan Community Plan and the 2030 General Plan, as well as the Yolo County Code, all acknowledge that the Planned Development overlay zone can be used to allow for a broader range of uses that would otherwise be allowed to occur.

The PD-51 zone, as it was originally established in 2000, intended that trucks would use the project. The County imposed a Condition of Approval at the time requiring the development of a plan to show where truck parking spaces would be located within the original development, as well as truck turning radii to ensure safe traffic movements for the cul-de-sac at the end of the private road. Although trucks were not the primary intended users of the proposed development in 2000, they were clearly included. The current proposal to amend the PD-51 zone would allow for more truck traffic than was proposed 12 years ago, but it is consistent with the history of allowing truck-related uses at this site.

Specific Plan Consistency

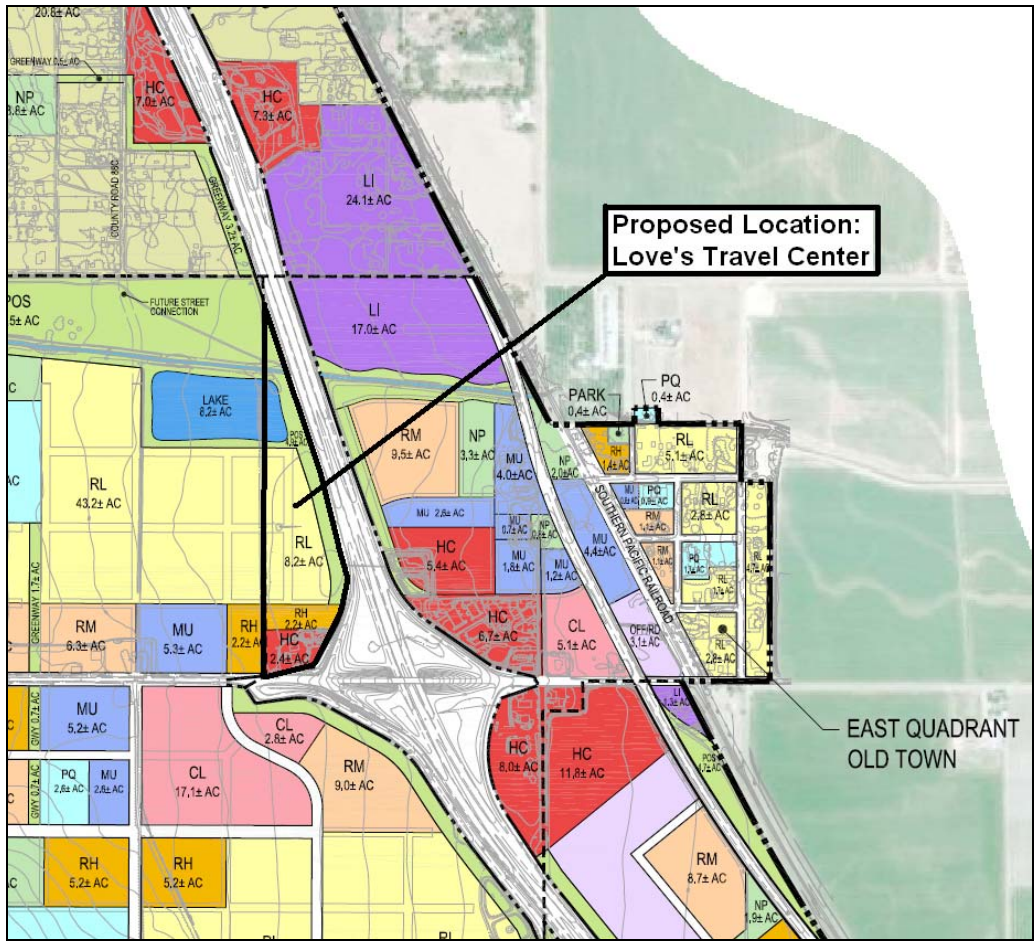
The 2030 Yolo Countywide General Plan includes policies that call for the development of a Specific Plan for the Dunnigan community. This includes 2,254 acres designated as "Specific Plan" in the 2030 General Plan, which applies to existing agricultural land proposed to be converted to urban development, as well as an additional 927 acres designated as "Specific Plan Overlay," which applies to the existing developed areas. The project site is designated as Specific Plan Overlay.

The Specific Plan would affect 3,181 acres, and would include up to 8,281 new residential units,

and 700 acres of commercial and industrial development. Provisions will be included for municipal water, sewer, and storm drainage infrastructure, as well as amenities such as parks, schools, fire stations, a sheriff substation, library, grocery store, and medical services. The Specific Plan will include several policies and requirements to guide development within the Dunnigan area including: jobs/housing balance, jobs housing match, jobs housing phasing, vehicle miles traveled (VMT) thresholds, mode split targets, water and energy efficiency requirements, smart growth design features, park development thresholds, residential density minimums and maximums, floor area ratios for non-residential uses, and many other community design goals.

The applicant for the Specific Plan initiated the process in 2009; however, it was later put on hold in early 2010. The process was revived in late 2011 and a complete application is expected in early 2012. The materials submitted to date include a draft land use plan. The first large phase of development within the Specific Plan would include approximately 2,500 residential units, approximately 125 acres of commercial and industrial development, wastewater treatment facility, storm water detention, municipal water system, roads, parks, and other associated infrastructure and amenities. The proposed Travel Center is located within the proposed first phase of development.

As shown on the graphic below, the proposed project site is designated in the draft Specific Plan land use map as HC (Highway Commercial), RH (Residential High Density), RL (Residential Low Density), Lake, and POS (Public Open Space). Although the proposed project would be consistent with the HC and a portion of the POS designation, it would be inconsistent with the remaining proposed land uses.



Road 6 is designed to serve as both the primary gateway to the Dunnigan community, as well as the “town center.” It is envisioned to consist of neighborhood serving retail and mixed use development. The location of an 18-acre truck stop and travel center would not complement this concept. However, it should be strongly emphasized that the Dunnigan Specific Plan is still in its preliminary stage. The application has not yet been accepted as complete. Although the concept land use map has received public input, the plan text and development standards have not yet been made available to the public. The draft Specific Plan has not undergone environmental, fiscal, or policy review. Nor has it been formally considered by either the Planning Commission or the Board of Supervisors. As the Specific Plan has not yet been adopted, it is not certain what land use designations will ultimately be assigned to the project site and surrounding lands. While a comparison of the proposed travel center with the draft Specific Plan is an informative exercise, consistency with the draft Specific Plan should not be used as the basis for a decision regarding the subject project.

Sign Height

As a part of their proposal, the applicant has requested a free-standing sign, 60 feet in height, at the southeast corner of the subject site. Section 8-2.2406 of the Yolo County Code limits the maximum height for a sign within the C-H zone to 40 feet. However, Section 8-2.2003 of the County Code allows proposed projects in the PD zone to exceed normally required height regulations, where the

development will be improved by a deviation from the regulation. Given the line-of-sight characteristics of the project site from Interstate 5, the proposed development would benefit from the requested increased sign height.

Condition of Approval No. 22 allows for the free-standing, 60-foot high sign. It also requires the applicant to install a "Welcome to Dunnigan" sign above the advertising space, in exceedance of the 60-foot limit and the 200 square-foot area requirement.

Revenue Allocation

Policy E-3 of the 2001 Dunnigan Community Plan states that: "Increased revenues produced by development within the scope of the adopted Dunnigan General Plan, as amended, should be encouraged to be reinvested into the Dunnigan community for the establishment and/or provisions of sustained services for the Dunnigan community." This concept was raised during approval by the Board of Supervisors of the Ritchie Brothers Auction Yard in 2003. At that time, the Board of Supervisors voluntarily pledged to allocate general fund money to address service deficiencies in the Dunnigan community. County funds were used to establish the Dunnigan Community Park and to assist with improvements for the Dunnigan Fire District. However, as the County began to encounter budget difficulties in the ensuing years, support ended.

One of the primary concerns expressed by Dunnigan residents in recent years has been local road conditions, including the maintenance of roadside drainages. These concerns are reflected in General Plan policy. Policy CI-3.17 states: "Ensure that funding for the long term maintenance of affected roads is provided by planned development." Similarly, Action CI-A23 states: "Create special districts in Specific Plan areas and other areas where appropriate to fund the operation and maintenance of county roads."

The Board of Supervisors created Special Road Maintenance District #3 (Dunnigan Road District) in August of 1972, wherein assessments are used to maintain existing roads within the Dunnigan community. The District is underfunded, given the scope of its present responsibilities. As a result, staff will be recommending to the Board of Supervisors that they adopt a resolution directing the Auditor's office to annually allocate up to ten percent of the sales and gas tax revenue generated each year by the Love's Travel Center, to the Special Road Maintenance District #3, to maintain streets and roadside drainages within the Dunnigan community.

Although the applicant is required to widen and resurface County Road 6, the volume of future truck traffic will have an ongoing effect on maintaining local roads that serve the proposed Travel Center. With the realignment of transportation funds in recent years to regional projects, the availability of road maintenance funds has greatly diminished. Staff believes that one approach to ensure consistency with the above requirements would be to annex the subject property into Special Road Maintenance District #3. In addition, staff recommends that the Board of Supervisors adopt a resolution directing the County Auditor to allocate ten percent of the sales and gas tax annually generated by the Love's Travel Center directly to the District. This would provide revenues created by the project are reinvested back into Dunnigan, as expressed by Policy E-3 above. Providing an ongoing source of funds to maintain local roads would also provide consistency with Policy CI-3.17 and Action Ci-A23.

SUMMARY OF AGENCY COMMENTS

A Request for Comments was prepared and circulated to interested agencies for the proposed project from November 1, 2011, to November 18, 2011. Additionally, a Courtesy Notice was sent to property owners within 1,000 feet of the project site. The project was also reviewed at the Development Review Committee meeting on November 30, 2011, and again on January 25, 2012, to review the project's Conditions of Approval. The Initial Study/Mitigated Negative Declaration (MND) was circulated for a 30-day public review period beginning January 10, 2012, and ending on February 9, 2012. The Notice of Availability for the MND was sent to property owners within 1,000 feet of the project.

Comments received during the review period from interested agencies/parties are displayed in the table below and have been incorporated into the project as appropriate. Copies of all comment letters are provided in Attachment G.

Date	Agency	Comment	Response
November 1, 2011	Assessor	Before the two parcels can be merged, one parcel needs to be annexed into the Dunnigan Water District.	See Condition of Approval No. 46.
November 4, 2011	Deanna Kirkland	The proposed project is inconsistent with the draft Dunnigan Specific Plan. It should instead be located at Road 8.	Ms Kirkland's comments are noted. Staff believes that the project is consistent with the General Plan. The draft Specific Plan is still in its preliminary stages.
November 4, 2011	LAFCO	The remainder of the project site should be annexed into the Dunnigan Water District.	See Condition of Approval No. 46.
November 10, 2011	California Historical Resources Information System	An archaeological study should be conducted to identify cultural resources. The local Native American tribe should be contacted regarding the proposal. The on-site building should be assessed for its historic value.	See Condition of Approval Nos. 62-64, regarding cultural resource requirements. The building is not listed on the Yolo County Historic Resources Survey, or the State and/or Federal Register of Historic Places.
November 11, 2011	Bill Cotter	Road 6 is not an appropriate location for the proposed truck stop. It should be located at Road 8 and would conflict with the draft Dunnigan Specific Plan.	Staff believes that the project is consistent with the General Plan. The draft Specific Plan is still in its preliminary stages.

November 14, 2011	Garreth Schaad	The project should be denied, as truck oriented businesses should not be located at Road 6, and additional primary waste water treatment facilities should not be permitted. It also conflicts with the draft Dunnigan Specific Plan.	Mr. Schaad's comments are noted. Staff believes that the project is consistent with the General Plan. The draft Specific Plan is still in its preliminary stages.
November 18, 2011	Dunnigan Fire Protection District	The project should be located at Road 8. The District should approve a final fire hydrant plan. On-site water storage should be sized to supply fire apparatus. Knox box(es) should be included in the development plans. An emergency road should extend from Road 5 to Road 6. Auxiliary lanes should be constructed on I-5. A traffic signal should be installed on Road 6. Road 6 should be widened to four lanes.	The preferred location of the project is noted. The fire hydrant plan, water storage requirement, and Knox box are included in Condition of Approval Nos. 47 – 50. There is no road planned at this location between Roads 5 and 6. The conclusions reached in the traffic study (and accepted by both Caltrans and the County) do not warrant improvements to I-5 or a traffic signal. Although four lanes are not warranted, the applicant is required to construct a separate right turn lane on Road 6 (see Condition of Approval No. 68).
November 18, 2011	Yolo-Solano Air Quality Management District	The District suggests the incorporation of several features into the project, including signage informing drivers of idling limits; electrified truck parking; alternative fuel infrastructure; structures and landscaping should meet LEED standards, and bicycle parking should be provided on-site.	LEED standards are generally equivalent to the 2011 CalGreen Building Code, which is required under Condition of Approval No. 27. Provisions for signage, bicycle parking, and alternative fuel infrastructure are required under

			Condition of Approval No. 53.
November 18, 2011	Caltrans	There appears to be a contradiction in the traffic study between the cumulative analysis and 2035 conditions. An Encroachment Permit will be required for any work within the State right-of-way.	The traffic study has been revised to address the concern by Caltrans. The requirement for an Encroachment Permit is in Condition of Approval No. 56.
November 18, 2011	Dunnigan Water District	Access should be maintained to the on-site 30-inch water deliver line, for repairs and maintenance. The waste water pond should be adequately separated from the water line. There are concerns regarding the effect of the project on flooding in Dunnigan creek.	See Condition of Approval Nos. 17, 51, and 52.
December 5, 2011	Yolo County Natural Heritage Program	The proposed Swainsons hawk mitigation is acceptable	The comment is noted.
December 5, 2011	Environmental Health	Existing underground fuel tanks will need to be removed or placed back into service under permit.	See Condition of Approval No. 46.
January 3, 20112	Caltrans	The traffic study, as revised, has satisfied our prior concerns. We have no further comments.	The comment is noted.
January 12, 2012	Yolo County Resource Conservation District	The proposed location of the truck stop is inconsistent with the General Plan. Monitoring wells should be required for the waste water treatment pond.	The District's comments are noted. Staff believes that the project is consistent with the General Plan. Regarding the waste water treatment plant, see Condition of Approval No. 69.
January 18, 2012	Karen Diepenbrock, on behalf of Grant	The proposed project is inconsistent with the General Plan and should instead be located at the	See detailed staff responses in Attachment F.

	Development	County Road 8/ Interstate 5 interchange.	
January 20, 2012	Yolo-Solano Air Quality Management District	The District suggests the incorporation of several features into the project, including signage informing drivers of idling limits; electrified truck parking; alternative fuel infrastructure; and structures and landscaping should meet LEED standards. They also note that Yolo County is in partial nonattainment for PM 2.5, and that alternative fuel infrastructure requires District permits.	LEED standards are generally equivalent to the 2011 CalGreen Building Code, which is required under Condition of Approval No. 27. Provisions for signage and alternative fuel infrastructure are required under Condition of Approval No. 53.
January 23, 2012	Central Valley Regional Water Quality Control Board	The proposed project may require a Construction Storm Water General Permit; Municipal Storm water Sewer System Permits; Industrial Storm Water Permit; Section 404 Permit; Section 401 Permit; and Waste Discharge Requirements.	See Condition of Approval Nos. 17, 34, 43, and 69.
January 30, 2012	Karen Diepenbrock, on behalf of Grant Development	The proposed project should be denied, as it is inconstant with the General Plan, and traffic impacts have not been adequately analyzed.	See detailed staff responses in Attachment F.
January 30, 2012	Dunnigan Advisory Committee	The Advisory Committee recommends denial of the proposed project, because it is inconsistent with the General Plan, creates safety hazards, and is not consistent with future development plans for the community.	See detailed staff responses in Attachment F.
February 1, 2012	Pierce Joint Unified School District	The Dunnigan Specific Plan proposes the area west of I-5 and north of Road 6 as the future site of the first	There currently is no school officially planned for Dunnigan. There are proposals in

		<p>elementary school. The area south of Road is proposed as the site of the first middle school. Allowing a truck stop in close proximity to schools seems short sighted. The southern end of Dunnigan seems more suitable for this type of development. The Pierce Joint Unified School District opposes the proposed project.</p>	<p>the draft Dunnigan Specific Plan for an elementary school that would be located 1,600 feet west of the project site, as well as a middle school that would be located 1,800 feet southwest of the project site. However, the draft Dunnigan Specific Plan has not undergone environmental review or public review and has not been adopted by the County Board of Supervisors. Nor has a facilities plan for any new Dunnigan schools been approved by the Pierce Joint Unified School District</p>
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ATTACHMENTS

- A: Site Plan
- B: Location Map
- C: Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan
- D: Findings
- E: Ordinance Amending the Planned Development No. 51 (PD-51) overlay zone
- F: Detailed Staff Responses to Correspondence
- G: Correspondence (on file with Planning and Public Works)