

FINDINGS

Conditional Use Permit S18-0002/Abou EL Kheir Private Cemetery Planning Commission/May 22, 2025

1.0 CEQA FINDINGS

- 1.1 S18-0002 has been found categorically exempt pursuant to Section 15304(f) (Minor Alterations to Land), Class 4, of the California Environmental Quality Act (CEQA) Guidelines for projects involving minor trenching and backfilling of land where the surface is restored. As proposed, the project is consistent with this exemption classification under CEQA. Furthermore, the project does not qualify for any of the exceptions to the categorical exemptions to exemptions found in CEQA Guidelines Section 15300.2.

Exception (a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located – a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies. The project location is not environmentally sensitive; therefore, this exception does not apply.

Exception (b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. The proposed project does not anticipate further development. Therefore, this exception does not apply.

Exception (c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances at the location of this proposed project; therefore, this exception does not apply.

Exception (d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified Environmental Impact Report (EIR). The proposed project is not within a scenic highway corridor; therefore, this exception does not apply.

Exception (f) Historical Resources. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource. The location of the proposed project on the subject site does not include historical resources. Therefore, this exception does not apply.

- 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 establishes an appropriate range of land use types and densities within the County. The Rural Residential (RR) land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This designation is considered appropriate only in the Rural Regions.

Rationale: The project is consistent with the RR land use designation of the subject site as defined by General Plan Policy 2.2.1.2. The project proposes to establish a 600-square-foot family cemetery for the purpose of burying family members in a private location at the time of their death. This use is consistent with the RR designation as it is a low intensity use and allows the land to remain for the most part in its natural state.

2.2 The project is consistent with General Plan Policy 2.2.5.2.

All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use 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. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. As conditioned, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

2.3 The project is consistent with General Plan Policy 2.2.5.9.

General Plan Policy 2.2.5.9 recognizes the need to allow for certain types of extended family support services and institutional uses in areas where residential uses are allowed on the General Plan land use map. While allowing for the establishment of such services, this Policy will protect the residential areas by only allowing the establishment of such support services with a special use permit. This requires a finding that the establishment of the uses will have no significant adverse effect on surrounding property or the permitted uses thereof.

Rationale: The proposed use of a portion of the subject parcel as a private family cemetery is a use recognized in this policy as one that provides a direct service to the family and/or community. The use is allowed as a conditional use in the RR land use designation.

2.4 The project is consistent with General Plan Policy 2.2.5.10.

General Plan Policy 2.2.5.10 recognizes that there are large Rural Regions within the County wherein agriculture is pursued, and these areas need certain support uses that are unique to agriculture and its related uses. While allowing for the establishment of such agricultural support services, this policy protects the permitted uses of such agricultural areas by only allowing the establishment of such support uses through the Zoning Ordinance.

Rationale: The proposed use of a portion of the subject parcel as a private family cemetery is a use recognized in this policy as one that is considered to be consistent.

2.5 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 that are permitted by the policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

Rationale: The proposed use would be compatible with the surrounding land uses and would be an appropriate use within an area planned for low intensity uses and low density. The subject parcel is surrounded by large lot residential and light agricultural parcels. The proposed use would encompass 600 square feet of a 42.97-acre parcel and would be maintained in an appropriate manner to be consistent with the rural character of the surrounding vicinity.

2.6 The project is consistent with General Plan Policy 5.1.2.1.

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, 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 Capital Improvement Plan (CIP) project is funded and authorized which will increase service capacity.

Rationale: The project was distributed for agency review, including El Dorado County Fire Protection District (EDCFPD), El Dorado County Environmental Management Department (EMD), El Dorado County

Sheriff's Department, El Dorado County Cemetery Administration, and El Dorado County Department of Transportation (DOT) for impacts to public services and utilities. No reviewing agencies or departments indicated that the project would exceed service capacity.

2.7 The project is consistent with General Plan Policy 5.2.1.2.

An adequate quantity and quality of water for all uses, including fire protection, shall be provided for with discretionary development.

Rationale: The project was reviewed by EMD and EDCFPD for adequate water supply for all uses. The cemetery does not require water service; therefore, the project does not propose to connect to water.

2.8 The project is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2, Adequate Access for Emergencies, requires that 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: EDCFPD reviewed the application materials and did not require modifications to the existing site access or improvements to the existing roads. The project is consistent with this policy.

2.9 The project is consistent with General Plan Policy 8.1.3.5.

General Plan Policy 8.1.3.5 states that on any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

Rationale: The proposed use is recognized in General Plan Policy 2.2.5.9 as an institutional use that provides a direct service to the family/community and is allowed in the zone and the land use designation with the approval of a Conditional Use Permit. The subject parcel has no existing agricultural operation, and the current use is primarily residential in nature.

2.10 The project is consistent with General Plan Policy 8.1.4.1.

General Plan Policy 8.1.4.1 states the County Agricultural Commission shall review all discretionary applications and the location of proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority.

Rationale: The proposed use is recognized in General Plan Policies 2.2.5.9 and 2.2.5.10 as an institutional use that provides a direct service to the family/community and is allowed in the zone and land use designation with the approval of a Conditional Use Permit. The proposed use is one that is allowed as a support use in the large, rural regions of the County wherein agriculture is pursued and is not considered to be incompatible with agricultural uses.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.

The Rural Lands (RL) zone is intended to identify those lands that are suitable for limited residential development based on topography, access, groundwater or septic capability, and other infrastructural requirements. The RL zone is not considered to be an agricultural zone or timber zone.

Rationale: The parcel is zoned RL-40. The Agricultural, Rural, and Resource Zone Matrix of Allowed Uses (130.21.020) establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the RL zone district. The matrix includes Civic Uses including a cemetery as a use requiring the approval of a Conditional Use Permit .

The project has been analyzed in accordance with Zoning Ordinance Section 130.21.030 (Development Standards) for minimum lot size, dimensions, height, and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project would comply with building setbacks and other applicable standards. The proposed use is an allowed use in the zone as a conditional use. The project is consistent with this policy.

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 proposal 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 proposed use will not conflict with adjacent residential uses. As proposed and conditioned, the project will be compatible with the rural residential character of the surrounding parcels and has been planned to minimize any potential conflicts with adjacent land uses. As proposed and

conditioned, the project is not anticipated to be detrimental to the public health, safety and welfare, or be injurious to the neighborhood.

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

Rationale: The proposed use is specifically listed as a use allowed in the Agricultural, Rural, and Resource Zones Use Matrix (Section 130.21.020) by issuance of a Conditional Use Permit.