



**COUNTY OF EL DORADO  
PLANNING AND BUILDING DEPARTMENT  
PLANNING COMMISSION  
STAFF REPORT**

**Agenda of:** May 22, 2025  
**Staff:** Timothy Pitt

**CONDITIONAL USE PERMIT**

**FILE NUMBER:** S18-0002/Abou EL Kheir Private Cemetery

**APPLICANT/AGENT:** Hadi Abou El Kheir

**OWNER:** Hadi Abou El Kheir

**REQUEST:** A Conditional Use Permit request for the proposed establishment of a private family cemetery. The proposed cemetery would be 40 feet by 15 feet (600 square feet) and would be large enough to accommodate eight (8) burial plots exclusively for family use.

**LOCATION:** The east side of Petersen Lane, at the intersection with Jacobs Creek Road, in the Lotus area (Exhibit A).

**SUPERVISOR DISTRICT:** 4

**APN:** 105-100-023 (Exhibit C)

**ACREAGE:** 42.97 acres

**GENERAL PLAN LAND USE DESIGNATION:** Rural Residential (RR) (Exhibit D)

**ZONING DESIGNATION:** Rural Lands – 40-Acre Minimum Parcel Size (RL-40) (Exhibit E)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15304 of the California Environmental Quality Act (CEQA) Guidelines (Minor Alterations to Land)

**RECOMMENDATION:** Staff recommends the Planning Commission forward a

recommendation to the Board of Supervisors to take the following actions:

1. Find S18-0002 exempt pursuant to Section 15304 (Minor Alterations to Land) of the CEQA Guidelines; and
2. Approve S18-0002, based on the Findings and subject to the Conditions of Approval as presented.

## EXISTING CONDITIONS/SITE CHARACTERISTICS

The subject parcel is a 42.97-acre parcel located at an elevation of approximately 800 feet above mean sea level. Topography of the parcel is sloped from 880 feet above mean sea level on the southern edge of the parcel to 680 feet above mean sea level in the north towards the South Fork of the American River on the northeast boundary of the parcel. The project site is located over 600 feet from the riverbank and would have no potential impact on the watercourse or any potential habitat located nearby. Vegetation on the parcel consists of annual grasses, brush, and oak trees. The project site shows evidence of previous grading activity, and no oak trees are proposed to be removed for the project. The project is surrounded by agricultural and rural residential uses (Table 1).

<b>Table 1</b>			
	<b>Zoning</b>	<b>General Plan</b>	<b>Improvements</b>
<b>Site</b>	Rural Lands – 40-acre Minimum (RL-40)	Rural Residential (RR)	Undeveloped
<b>North</b>	Limited Agricultural – 40-acre Minimum (LA-40)	Rural Residential (RR)	Agricultural Operation (north of Carson Road)
<b>East</b>	Agricultural Grazing – 40-acre Minimum (AG-40)/Limited Agricultural – 40-acre Minimum (LA-40)	Tourist Recreational (TR)/Rural Residential (RR)	American River South Fork/Single Family Residence
<b>South</b>	Rural Lands – 10-acre Minimum (RL-10)	Rural Residential (RR)	Two Parcels, Both Single Family Residences
<b>West</b>	Planned Agriculture – 20-acre Minimum (PA-20)/Rural Lands – 40-acre Minimum (RL-40)	Rural Residential (RR)	Two Parcels, Single Family Residence and Accessory Dwelling Unit/Undeveloped

## PROJECT DESCRIPTION

**Project Description:** The project applicant is proposing to establish a small family cemetery consisting of eight (8) plots located within a 40-foot by 15-foot area of a 42.97 parcel for the purpose of burial of family members at their time of death. The proposed cemetery would be surveyed and platted according to all County and State requirements. The plats will be filed with the County Recorder's Office as required by the El Dorado County Cemetery Ordinance. A written declaration dedicating the area within the boundaries of the project site exclusively to cemetery use as required by State Health and Safety Code §8551-8559 will also be filed with the County Recorder's Office, and a trust will be established and dedicated to the ongoing, continuous maintenance of the cemetery in compliance with County Code (8.20.030). The entirety of the project site would be dedicated exclusively for cemetery purposes in perpetuity. The proposed project would be accessed via private driveway with an existing encroachment from Petersen Lane.

**Agency Review:** The project was distributed for agency review including, but not limited to, El Dorado County Surveyor's Office, El Dorado County Environmental Management Department (EMD), El Dorado County Department of Transportation (DOT), El Dorado County Cemetery Administration, El Dorado County Sheriff's Department, and El Dorado County Air Quality Management District (AQMD). Comments received were incorporated as Conditions of Approval.

## **STAFF ANALYSIS**

**General Plan Consistency:** The project is located within the Lotus Rural Center with the General Plan designating the project site as RR. As proposed, the project would be consistent with the standards established by the RR land use designation. Staff has determined the proposed project is consistent with the applicable policies and requirements of the El Dorado County General Plan, such as discussed below in Section 2.0 of the Findings.

**Zoning Ordinance Consistency:** The project site is zoned RL-40. Section 130.21.020 of the Zoning Ordinance establishes that a cemetery is an allowed use with the approval of a Conditional Use Permit. Section 8.20.110 of the El Dorado County Cemetery Ordinance requires that an applicant shall obtain from the Board of Supervisors a permit authorizing the establishment of a cemetery, and a permit shall not be issued until a preliminary review and report has been made by the County's Director of Planning and Building. As proposed, staff finds the project would be consistent with the standards of the RL-40 zone district. Staff has determined the proposed project is consistent with the applicable policies and requirements of the Zoning Ordinance as discussed below in Section 3.0 of the Findings.

**Staff Analysis and Conclusion:** The proposed project is designed to be consistent with all applicable requirements for the establishment of a cemetery in the RL-40 zone as discussed in the analysis above, and as contained in the Findings and Conditions of Approval in this Staff Report.

## **PUBLIC OUTREACH**

No formal public outreach was conducted by the County, and a public outreach plan was not required for this project pursuant to the Zoning Ordinance. The project was duly noticed with a public notification range of 1,000 feet, and a legal advertisement was published in applicable local newspapers. No physical sign posting is required for a Conditional Use Permit application.

## **ENVIRONMENTAL REVIEW**

This project involves limited physical changes to the environment. Staff has reviewed the project and found it exempt from CEQA pursuant to Section 15304(f), Minor Alterations to Land, which allows for the minor trenching and backfilling where the surface is restored. Filing of a Notice of Exemption (NOE) 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.

## **SUPPORT INFORMATION**

### **Attachments to Staff Report**

Findings  
Conditions of Approval

Exhibit A.....Location Map  
Exhibit B .....Aerial Map  
Exhibit C .....Assessor's Parcel Map  
Exhibit D.....General Plan Land Use Map  
Exhibit E .....Zoning Map  
Exhibit F.....Site Plan  
Exhibit G.....Burial Plot Site Plan  
Exhibit H.....Project Description

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