

FINAL FINDINGS

Conditional Use Permit S18-0002/Abou EL Kheir Private Cemetery As approved by the Board of Supervisors on July 29, 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.

CONDITIONS OF APPROVAL

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

Planning Division

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 F.....Site Plan

Exhibit G.....Burial Plot 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 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-acre parcel for the purpose of burial of family members at their time of death.

2. **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 the County harmless from any legal fees or costs the 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.

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

3. **Archaeological Resources:** In the event archeological resources are discovered during burial 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 archeological resource,” contingency funding, and a time allotment sufficient to allow recovering an archeological 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 (PRC).

If the find is determined to be a “unique archeological resource”, the archeologist shall determine the proper method(s) for handling the resource or item in accordance with PRC Section 21083.2(b-k). Any additional costs as a result of complying with this section

shall be borne by the project applicant. Burial activities may resume after appropriate measures are taken or the site is determined a “non-unique archeological resource.”

4. **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 archeological 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 PRC Section 5097.98(b-h). Any additional costs as a result of complying with this section shall be borne by the project applicant. Burial activities may resume after appropriate measures are taken.

5. **Permit Implementation:** Pursuant to Zoning Ordinance Section 130.54.060, implementation of the project must occur within 24 months of approval of this Conditional Use Permit, otherwise 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.

El Dorado County Surveyor's Office

6. **Addressing:** Applicant will be required to coordinate with the El Dorado County Surveyor's Office to ensure that all buildings on the subject parcel are addressed in compliance with County Code, Chapter 110.04. Compliance is required within 30 days of finaling of any building permits.
7. **Boundary Monuments:** 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).

Environmental Management Department

8. **Construction and Demolition (C&D) Debris Recycling:** A minimum of 65% of the waste materials generated from construction and demolition projects must be diverted from being landfilled by being recycled or reused on site. Compliance with this Condition shall be further verified during review and prior to issuance of the building permit.
9. **AB 341 - Mandatory Commercial Recycling (Non-Residential):** All non-residential buildings that generate at least two (2) cubic yards of solid waste per week shall have a recycling program for common recyclable materials such as bottles, cans, and paper.
10. **AB 1826 - Mandatory Commercial Organics Recycling (Non-Residential):** All non-residential buildings that generate at least two (2) cubic yards of solid waste per week shall have an organics recycling program for the following types of organic wastes: green waste, landscape and pruning waste, non-hazardous wood waste, food waste, and food-soiled paper.
11. **Environmental Health:** Prior to issuance of any building permits, the proposed building locations will be reviewed at the time of building permit application to confirm that they meet setbacks from the existing onsite leach field and the 300% repair area for future septic system expansion. The current sewage ordinance requires an eight-foot setback from both the existing leach field and the 300% expansion area.

Cemetery Operations

12. Have the proposed available interment space properly surveyed and platted and the plat filed with the County Recorder's Office (El Dorado County [EDC] Cemetery Ordinance 8.20.030).
13. Keep access to the cemetery grounds in good repair and maintained so as to provide safe, unobstructed access to the grave sites. Keep vegetation and shrubbery trimmed and in orderly condition (EDC Cemetery Ordinance 8.20.030).
14. File both the California Application and Permit for Disposition of Human Remains and the County of El Dorado Interment Permit and Order for each burial (EDC Cemetery Ordinance 8.20.060).
15. Ensure that graves shall be dug to such a depth as will allow at least 18 inches of fill on top of the casket or urn (EDC Cemetery Ordinance 8.20.080).
16. Keep a record of every interment showing the date of interment, the name of the deceased, and the plot in which the interment was made (EDC Cemetery Ordinance 8.20.062 and California Health and Safety Code §8331).
17. File, in the El Dorado County Recorder's Office, a written declaration of dedication of the property delineated on the plat or map, dedicating the area of the cemetery

exclusively to cemetery purposes (California Health and Safety Code §8551-8553 and 8558).

18. Understand that after the property is dedicated to cemetery purposes it shall not be used for any other purpose (California Health and Safety Code §8559).