

CUP-A25-0002

File Number: CUP24-00011

Receipt No.: R63209

Date Received: 10/3/25

Amount: \$450.00

**APPEAL FORM**

(For more information, see Section 130.52.090 of the Zoning Ordinance)

Appeals must be submitted to the Planning Department with appropriate appeal fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Michael Kuhl

ADDRESS 155 Ridgwood Dr., San Rafael, CA 94901

DAYTIME TELEPHONE 415-233-1230

A letter from the Appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT Nathaniel Willson

ADDRESS 3080 Cedar Ravine, Placerville, CA 95667

DAYTIME TELEPHONE 530-626-4300

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e., approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

Findings of Denial on September 25, 2025 by the El Dorado County Planning Commission. Specifically the finding that the proposed use is inconsistent with General Plan Policy 8.4.2.1 (A), negative findings under 130.52.021, and seeking approval for Conditional use Permit CUP24-0001. 0011

**RECEIVED**

OCT - 3 2025

EL DORADO COUNTY  
PLANNING AND BUILDING DEPARTMENT

DATE OF ACTION BEING APPEALED September 25, 2025

  
Signature

10/3/25  
Date

### Reasons for Appeal:

The commission did not properly consider the facts in this particular case but instead considered general concerns regarding the ability of a house to be placed on timber preserve land and how a house would be inconsistent with the harvesting of timber. That matter was settled as a possibility with the conditional use permit process allowing residential housing on TPZ land with a conditional use permit.

### Facts not considered by the commission but were raised to them are:

1. The proposed house being placed in a location that is tree free and is not growing much if any harvestable timber. The house is being constructed into unsuitable fill with no trees growing.
2. The footprint of the house being 5,544 square feet and the septic area being 9,544 square feet and the pad being 5,242 square feet. The solar array is located in the meadow where no trees have historically grown for the maximum sun exposure. This represents 0.47 acres of area that on the aerial view could be said to be inside the "treed" area being only 1% of the 45.58 acres of APN 011-030-058 and 0.7% of the entire property (65.78 acres).
3. Appellant believes that the commission relied upon mischaracterizations made by LeeAnne Mila (Agricultural Commissioner) regarding the inconsistent findings of the Agricultural Commission stating that there is a difference between harvesting and growing timber.
4. Appellant believes that the Planning Commission failed to properly consider that there is plenty of space around the structures for modern timber operations. In any case even if timber harvests were affected on the property, the effect will naturally be minimal as it is such a small portion of the property.
5. Appellant believes that the Planning Commission failed to take into account Government Code 51104 (h) "Compatible use" is any use which does not significantly detract from the use of the property for, or inhibit, growing and harvesting timber...". Here there is no way to find significant impact to the growing or harvesting of timber. The house is located in an area that requires no removal of trees, is less than a percent of the entire area of the property in use for timber harvest, is correcting a timber harvest error in creating an unsuitable fill/landing area and replacing it with a suitable, compacted landing area for staging, will not hamper harvest from neighboring property as it is located 200 feet from all property boundaries, will not hamper growth activities on the property by occupying an area with minimal tree growth, and will not hamper modern harvesting activities as there is plenty of space for harvesting to occur even around the structures should a tree be nearby. In either case NONE of the impacts can be said to

- rise to the level of significant and are all accounted for in the project location and modern practices.
6. The Planning Commission improperly found that the project was inconsistent with General Plan Policy 8.4.2.1 (a). Registered professional forester Fred Buhlert provided an opinion that the proposed project will not detract from the lands ability to produce timber. Furthermore, for all of the reasons listed above there is very minimal impact on the timber production of the property.
  7. The Planning Commission improperly found that the project was inconsistent with zoning ordinance 130.40.350 (g)(1). For all of the reasons listed above timber harvest and production will not be impaired in any significant manner.