

**COUNTY OF EL DORADO**

# **AGRICULTURAL COMMISSION**

311 Fair Lane  
Placerville CA 95667

(530) 621-5520 (530) 626-4756 FAX  
[eldcag@edcgov.us](mailto:eldcag@edcgov.us)

*Greg Boeger, Chair – Agricultural Processing Industry*  
*Dave Bolster, Vice-chair – Fruit and Nut Farming Industry*  
*Shamarie Tong – Livestock Industry*  
*Bill Draper – Forestry/Related Industries*  
*Tim Neilsen – Livestock Industry*  
*Lloyd Walker – Other Agricultural Interests*  
*Charles Mansfield – Fruit and Nut Farming Industry*

## **MEMORANDUM**

**DATE:** June 12, 2025

**TO:** Development Services/Planning

**FROM:** Greg Boeger, Chair

**SUBJECT: Revised Request for Review - Conditional Use Permit CUP24-0011 Kuhl SFD on Property Zoned Timber Production Zone (TPZ)**

**Assessor's Parcel Numbers (APNs) 011-030-055 and 011-030-058**

During the Agricultural Commission's regularly scheduled in person and ZOOM meeting held on June 11, 2025, an application was reviewed for a Conditional Use Permit CUP24-0011 Kuhl SFD on Property Zoned Timber Production Zone. The request was for a Conditional Use Permit to allow a 3,300 square foot, single-unit residence on property zoned Timber Production Zone (TPZ)

The subject parcels, APNs 011-030-055 (20.2-acres) and 011-030-058 (45.58-acres) (legal parcels, Admin by tax rate) totaling 65.78-acres, located on the south side of Wolf Creek Road, approximately five (5) miles east of the intersection with Ice House Road in the Pollock Pines area of El Dorado County, Supervisor District 4, zoned Timber Production Zone (TPZ), with a General Plan land use designation of Natural Resources (NR), and not located within an Agricultural District.

### **Parcel Description:**

- Parcel Number and Acreage: 011-030-055 and 011-030-058, totalling 65.78 acres
- Agricultural District: No
- Land Use Designation: NR, Natural Resources
- Zoning: TPZ, Timber Production Zone
- Choice Soils:

A site visit was conducted on February 21, 2025 to review consistency with pertinent ordinances and General Plan policies. Agricultural Commissioner, Bill Draper, representing the timber industry was present at the site visit.

### **General Plan Policies:**

#### **Policy 8.3.1.1**

Lands suitable for timber production which are designated Natural Resource (NR) on the General Plan land use map and zoned Timber Production Zone (TPZ) or Forest

Resource (FR) are to be maintained for the purposes of protecting and encouraging the production of timber and associated activities.

#### **Policy 8.4.2.1**

The County Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated Natural Resource or lands zoned Timberland Production Zone (TPZ) or lands adjacent to the same and shall make recommendations to the approving authority. Prior to granting an approval, the approving authority shall make the following findings: Agriculture and Forestry Element El Dorado County General Plan Page 180 (Amended December 2015) July 2004

A. The proposed use will not be detrimental to that parcel or to adjacent parcels for long-term forest resource production value or conflict with forest resource production in that general area;

B. The proposed use will not intensify existing conflicts or add new conflicts between adjacent proposed uses and timber production and harvesting activities;

C. The proposed use will not create an island effect wherein timber production lands located between the project site and other non-timber production lands are negatively affected;

D. The proposed use will not hinder timber production and harvesting access to water and public roads or otherwise conflict with the continuation or development of timber production harvesting; and

E. The proposed use will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to timber production lands

#### **Policy 8.4.1.2**

A permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated Natural Resource and/or lands zoned Timberland Production Zone (TPZ). These setback areas shall be included in the zoning ordinance and shall be delineated on newly recorded parcel or subdivision maps. The Agricultural Commission may recommend a lesser setback to a minimum of 100 feet. Projects located within a Community Region or Rural Center planning concept area shall maintain a minimum setback of 50 feet. The 50-foot setback shall only apply to incompatible uses including residential structures. All setbacks are measured from the property line.

#### **Zoning Ordinance:**

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone		P A TUP CUP MUP TMA —	Allowed use Administrative permit required (130.52.010) Temporary use permit required (130.52.060) Conditional use permit required(130.52.021) Minor use permit required (130.52.020) Temporary mobile home permit (130.52.050) Use not allowed in zone					EXPAND	
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.		

Dwelling: Single-unit, Detached	P	P	P	P	P	CUP	<a href="#">130.40.350</a>
Temporary During Construction	P	P	P	R	P	TUP	<a href="#">130.40.190</a>
Employee Housing: Agricultural 6 or Fewer Employees	P	P	P	P	P	—	<a href="#">130.40.120</a>
Agricultural up to 36 Beds or 12 Units in Compliance with Standards	MUP	MUP	MUP	MUP	MUP	—	<a href="#">130.40.120</a>
Agricultural Not in Compliance with Standards	CUP	CUP	CUP	CUP	CUP	—	<a href="#">130.40.120</a>
Construction	—	—	TUP	TUP	TUP	—	<a href="#">130.40.190</a>
Seasonal Worker	—	—	A	A	A	—	<a href="#">130.40.120</a>
Seasonal Workers Not in Compliance with Standards	—	—	CUP	CUP	CUP	—	<a href="#">130.40.120</a>
Guest House	P	P	P	P	P	—	<a href="#">130.40.150</a>
Temporary Mobile Home	TMA	TMA	TMA	TMA	TMA	—	<a href="#">130.40.190</a>
Kennel, Private <sup>2</sup>	P	P	P	P	P	—	
Room Rental: One Bedroom, Only	P	P	P	P	P	—	
Accessory Dwelling Unit	P	P	P	P	P	CUP <sup>6</sup>	<a href="#">130.40.060</a> <a href="#">130.40.300</a>

## Sec. 130.40.350 - Timber Production Zone: Criteria, Regulations, and Zone Change Requirements.

G.

Required Findings to Support Residential, Recreational and Other Non-Timber Uses. Certain uses within the TPZ may be compatible with growing and harvesting timber in certain circumstances, and may be allowed by Conditional Use Permit. When approving a Conditional Use Permit, as allowed in Table 130.21.020 (Agriculture, Rural Lands and Resource Zone Districts Use Matrix) in [Article 2](#) (Zones, Allowed Uses, and Zoning Standards) of this Title, for compatible, non-timber related uses, the review authority shall consider the recommendations of the Ag Commission and shall make the following findings:

1. The proposed use is compatible with and will not detract from the land's ability to produce timber;
2. Fire protection and public safety concerns have been adequately met, including the ability to provide adequate public access, emergency ingress and egress, and sufficient water supply and sewage disposal facilities;
3. The proposed use will not adversely impact the area's watershed, wildlife, and other natural resources.

### Discussion:

The residential structure construction project on this site involves building a proposed residential structure, septic area, fire hydrant, a turnout, and solar arrays. A site visit was conducted on February 21, 2025 to review consistency with pertinent County Ordinances and General Plan policies. Agricultural Commissioner, Bill Draper, representing the timber industry was present at the site visit. Commissioner Draper is also a Registered Professional Forester.

Mr. Kuhl is in a forest management plan with 2 other parcels. Mr. Kuhl's parcel and the adjacent parcels in the management plan were all walked and visually inspected to

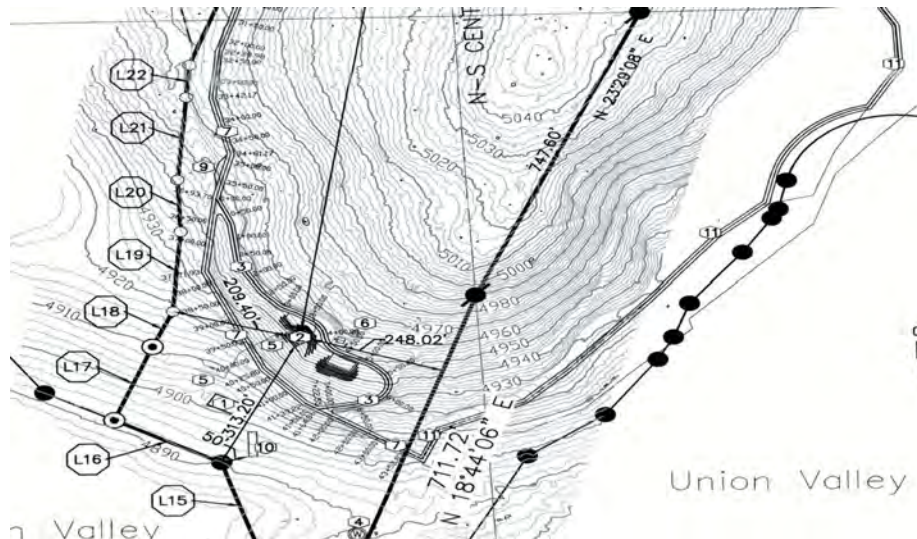
ascertain their adherence to the Forest Management Plan. It appeared at the time of the site visit that Mr. Kuhl is managing his property in accordance with the Forest Management Plan.

- With regards to **General Plan Policy 8.4.2.1** –

**Mr. Kuhl has submitted a memo from Fred Buhlert, Registered Professional Forester that states in which he certifies that this project is in compliance with General Plan Policy 8.4.2.1.**

- With regards to **General Plan Policy 8.4.1.2**

**Setback requirements are being met with the minimum proposed setback at 209.40 ft.**



- With regards to **Zoning Ordinance Sec. 130.40.350, G.1**

**Mr. Kuhl has submitted a memo from Fred Buhlert, Registered Professional Forester stating that the proposed project will not detract from the land's ability to produce timber.**

**Commissioner Draper submitted a public record and read into the record.**

**Chair Boeger brought the item back to the Commission for discussion. Aaron Mount from Planning Department clarified questions of the Commission. The applicant's legal representative addressed questions of the Commission. The applicant addressed the Commission explaining some of the locations of structure and total square footage of the project. Danny Vandekoolwyk, Deputy**

County Counsel gave guidance on the issues before the Commissioners. There were no public comments in the Board Room or on Zoom. Chair Boeger asked for questions or a motion. This was a two-phase motion due to the different elements of the request. For a complete video of this item # 25-0907 discussion please go to the El Dorado County Website at: [County of El Dorado - Calendar \(legistar.com\)](https://legistar.com)

***Phase I:***

***It was moved by Commissioner Draper and seconded by Commissioner Tong to recommend to the Planning Commission denial of the Conditional Use Permit CUP24-0011, due to the findings in the General Plan Policy 8.4.2.1, Part A as the proposed use will be detrimental to the parcel or to adjacent parcels for the long-term forest resource production value or conflict with forest resource production in that general area.***

***Motion passed:***

**AYES:** Tong, Walker, Draper, Boeger

**NOES:** Mansfield, Bolster

**Absent:** Neilsen

***Phase II:***

***It was moved by Commissioner Mansfield and seconded by Commissioner Bolster to recommend that the findings in the Zoning Ordinance, Sec. 130.40.350 Timber Production Zone, G- 1 stating the proposed use is compatible with and will not detract from the land's ability to produce timber; are met.***

***Motion passed:***

**AYES:** Bolster, Mansfield, Walker, Draper, Boeger

**NOES:** Tong

**Absent:** Neilsen