

## **FINDINGS (in process)**

### **Conditional Use Permit CUP24-0011/Kuhl Planning Commission/September 25, 2025**

#### **1.0 CEQA FINDINGS**

- 1.1 CUP24-0001 could be found categorically exempt pursuant to Section 15303 (a) (New Construction), Class 3 of the California Environmental Quality Act (CEQA) Guidelines for projects involving “One single-family residence residential structure.” As proposed, the project is consistent with this exemption classification under CEQA. Furthermore, the project must 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.

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.

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.

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).

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.

- 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 requires consistency with General Plan Policy 2.2.1.2.**

General Plan Policy 2.2.1.2 identifies that the purpose of the Natural Resources (NR) land use designation is to identify areas that contain economically viable natural resources and to protect the economic viability of those resources and those engaged in harvesting/processing of those resources including water resources development from interests that are in opposition to the managed conservation and economic, beneficial use of those resources. The important natural resources of the County include forested areas, mineral resources, important watershed, lakes and ponds, river corridors, grazing lands, and areas where the encroachment of development would compromise these natural resource values. Land under both public and private ownership that contain these resources, including wilderness areas and other lands managed for resource values and multiple use, are included in this category. This designation shall be applied to those lands which are 40 acres or larger in size and contain one or more important natural resources. Compatible uses on private land may include agriculture, rangeland, forestry, wildlife management, recreation, water resources development, and support single-family dwellings. The maximum allowable density for this designation is one (1) dwelling unit per 160 acres or larger outside the National Forest Service lands and within “timber production” areas and one dwelling unit per 40 acres within river canyons outside of the “timber production” areas. This designation is considered appropriate only in the rural regions. Isolated parcels outside the National Forest Service lands and below 3,000 feet elevation may be exempt from the one (1) dwelling unit per 160-acre parcel size. If it is determined that such lands are unsuitable for “timber production,” one (1) dwelling unit per 40 acres maximum density can be considered. Any modifications of this land use designation shall require one of the following findings: (1) No important natural resource exists on the property; or (2) If a project is proposed, it will significantly enhance the long-term production and preservation of the on-site resources through the application of development strategies such as fuels management plans, timber management plans, self-imposed setbacks buffers, and open space.

**2.2 The project requires consistency with General Plan Policy 2.2.5.2.**

This policy requires that all applications for discretionary projects or permits shall be reviewed to determine consistency with the policies of the General Plan.

**2.3 The project requires consistency with General Plan Policy 2.2.5.14.**

This policy requires that buffers shall be established around future water supplies and other public facilities to protect them from incompatible land uses. Such buffer lands should be contained on-site where possible.

**2.4 The project requires consistency 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.

**2.5 The project requires consistency with General Plan Policy 5.1.2.1**

General Plan Policy 5.1.2.1 requires a determination of the adequacy of the public services and utilities to be impacted by that development.

**2.6 The project requires consistency with General Plan Policy 5.1.2.2**

General Plan Policy 5.1.2.2 requires provision of public services to new discretionary development shall not result in a reduction of service below minimum established standards to current users, pursuant to Table 5-1.

**2.7 The project requires consistency with General Plan Policy 5.2.1.2.**

General Plan Policy 5.2.1.2 requires that adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.

**2.8 The project requires consistency with General Plan Policy 5.2.3.4.**

General Plan Policy 5.2.3.4 requires that all applications for divisions of land and other discretionary or ministerial land uses which rely on groundwater for domestic use, or any other type of use, shall demonstrate that groundwater is adequate as part of the review and approval process. The County shall not approve any discretionary or ministerial projects unless the County finds, based on evidence provided by the applicant, or other evidence that may be provided, that the groundwater supply for the project in question is adequate to meet the highest demand associated with the approval in question.

**2.9 The project requires consistency with General Plan Policy 5.3.2.1.**

General Plan Policy 5.3.2.1 promotes and supports programs to educate homeowners on the care and maintenance of individual sewage disposal systems.

**2.10 The project requires consistency with General Plan Policy 5.4.1.2.**

General Plan Policy 5.4.1.2 requires that discretionary development shall protect natural drainage patterns, minimize erosion, and ensure existing facilities are not adversely impacted while retaining the aesthetic qualities of the drainage way.

**2.11 The project requires consistency with General Plan Policy 5.7.1.1.**

General Plan Policy 5.7.1.1 requires that prior to approval of new development, the applicant will be required to demonstrate that adequate emergency water supply, storage, conveyance facilities, and access for fire protection either are or will be provided concurrent with development.

**2.12 The project requires consistency with General Plan Policy 5.7.2.1.**

General Plan Policy 5.7.2.1 requires that prior to approval of new development, the responsible fire protection district shall be requested to review all applications to determine the ability of the district to provide protection services. The ability to provide fire protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as Conditions of Approval.

**2.13 The project requires consistency with General Plan Policy 5.7.3.1.**

General Plan Policy 5.7.3.1 requires that prior to approval of new development, the Sheriff's Department shall be requested to review all applications to determine the ability of the Sheriff's Department to provide protection services. The ability to provide protection to existing development shall not be reduced below acceptable levels as a consequence of new development. Recommendations such as the need for additional equipment, facilities, and adequate access may be incorporated as Conditions of Approval.

**2.14 The project requires consistency with General Plan Policy 6.2.2.2, 6.2.3.1, 6.2.3.2.**

General Plan Policy 6.2.2.2 requires that the County shall preclude development in areas of high and very high wildland fire hazard or in areas identified as wildland-urban interface (WUI) communities within the vicinity of Federal lands that are a high risk for wildfire, as listed in the Federal Register Executive Order 13728 of May 18, 2016, unless such

development can be adequately protected from wildland fire hazard, as demonstrated in a WUI Fire Safe Plan prepared by a qualified professional as approved by the El Dorado County Fire Prevention Officers Association. The WUI Fire Safe Plan shall be approved by the local Fire Protection District having jurisdiction and/or California Department of Forestry and Fire Protection. (Resolution 124- 2019, August 6, 2019).

General Plan Policy 6.2.3.1 requires that as a requirement for approving new development, the County must find, based on information provided by the applicant and the responsible fire protection district that, concurrent with development, adequate emergency water flow, fire access, and firefighting personnel and equipment will be available in accordance with applicable State and local fire district standards to support fire suppression efforts.

General Plan Policy 6.2.3.2 requires 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.

**2.15 The project requires consistency with General Plan Policy 7.4.2.8.**

General Plan Policy 7.4.2.8 states a site-specific biological resources technical report will be required to determine the presence of special-status biological resources that may be affected by a proposed discretionary project. Vegetation communities and special-status plants shall be mapped and assessed in accordance with the CDFG 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities and subsequent updates, and the List of Vegetation Alliances and Associations (CDFG 2010) and subsequent updates. Any surveys conducted to evaluate potential presence of special-status wildlife species shall conform to practices recommended by California Department of Fish and Wildlife (CDFW) and/or United States Fish and Wildlife Service (USFWS) at the time of the surveys. The report will include an assessment of direct, indirect and cumulative impacts to biological resources, including vegetation communities, plant and wildlife species and wildlife movement.

**2.16 The project requires consistency with General Plan Policy 7.4.2.9**

General Plan Policy 7.4.2.9 identifies the Important Biological Corridor (-IBC) overlay as applying to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. In order to evaluate project-specific compatibility with the -IBC overlay, applicants for discretionary projects, shall be required to provide to the County a biological resources technical report. The site-specific biological resources technical report will determine the presence of special-status species or habitat for such species that may be affected by a proposed project as well as the presence of wildlife corridors. Mitigation measures may include land use siting and design tools. These

provisions do not apply to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation.

**2.17 The project requires consistency with General Plan Policy 7.5.1.3.**

General Plan Policy 7.5.1.3 requires that cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects.

**2.18 The project requires consistency with General Plan Policy 8.1.3.5**

General Plan Policy 8.1.3.5 requires that for 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 the parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved.

**2.19 The project requires consistency with General Plan Policy 8.1.4.1.**

General Plan Policy 8.1.4.1 requires that the Agricultural Commission shall review all discretionary development 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. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and
- B. Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
- C. Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

**2.20 The project requires consistency with General Plan Policy 8.3.1.1.**

General Plan Policy 8.3.1.1 requires that Lands suitable for timber production which are designated 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.

**2.21 The project requires consistency with General Plan Policy 8.3.3.1.**

General Plan Policy 8.3.3.1 requires that forest lands are reserved for multiple use purposes directly related to timber production, mineral resource extraction, wildlife, grazing, and recreation.

**2.22 The project requires consistency with General Plan Policy 8.4.1.2.**

General Plan Policy 8.4.1.2 requires that a permanent setback of at least 200 feet shall be provided on parcels located adjacent to lands identified as timber production lands designated NR and/or lands zoned TPZ.

**2.23 The project requires consistency with General Plan Policy 8.4.2.1.**

General Plan Policy 8.4.2.1 requires the Agricultural Commission shall evaluate all discretionary development applications involving identified timber production lands which are designated NR or lands zoned 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:

- 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.

**3.0 ZONING FINDINGS**

**3.1 The project requires consistency with Title 130.**

The parcel is within the TPZ. The TPZ is applied to identify and regulate lands subject to the Forest Taxation Reform Act of 1976 (California Government Code Section 51110, et

seq.). Criteria for establishing a TPZ is located in Section 130.40.350, Timber Production Zone: Criteria, Regulations, and Zone Change Requirements, in Article 4, Specific Use Regulations, of this Title.

**3.2 The project requires consistency with Section 130.40.350 (D.) (2.), Required Findings for Forest Management Plan.**

Section 130.40.350 (D.) (2.) requires that A forest management plan for the property shall be submitted that has been prepared or approved by a Registered Professional Forester, as defined in [Article 8](#) (Glossary: see "Qualified Professional: Registered Professional Forester") of this Title. Prior to approval of the zone change application, the forest management plan shall be reviewed and approved by the Ag Commission. The forest management plan shall include, at a minimum, a discussion and recommendation on each of the following:

- a. Commercial harvesting, a history of past operations, and recommendations for the future;
- b. Provisions for legal and physical access to the property so commercial operations can be carried out;
- c. A reasonable attempt to locate the boundaries of the property and attempts to protect the property against trespass;
- d. Disease or insect control work;
- e. Thinning slash disposal, pruning, and other appropriate silvicultural work;
- f. A fire protection plan including a fuels management program;
- g. Erosion control on existing roads and skid trails along with maintenance of existing roads; and
- h. Planting of a significant portion of the understocked areas of the land.

**3.3 The project requires consistency with Section 130.40.350 (G.) (1.), Required Findings to Support Residential, Recreational, and Non-Timber Uses.**

Section 130.40.350 (G.) (1.) requires that certain uses within the TPZ may be compatible with growing and harvesting timber in certain circumstances and may be allowed by CUP. When approving a CUP, 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 Agricultural 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.

#### **4.1 CONDITIONAL USE PERMIT FINDINGS**

- 4.1 **The issuance of the permit must be consistent with the General Plan.**
- 4.2 **The proposed use shall not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.**
- 4.3 **The proposed use is specifically permitted by CUP.**