

ATTACHMENT 1

FINDINGS FOR DENIAL

File Number P04-0010 – Daniel and Lynn Wojcik
May 16, 2007 Zoning Administrator Hearing

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the following findings can not be made:

FINDINGS FOR DENIAL

1.0 CEQA Finding

- 1.1 This project is found to be Statutorily Exempt from the requirements of CEQA pursuant to Section 15270(b) of the CEQA Guidelines where the agency can determine that the project cannot be approved.

2.0 Parcel Map Findings

- 2.1 **The proposed parcel map conforms to the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.**

The proposed parcels meet the minimum ten acre parcel size, width and frontage noted in the development standards as required by the Estate Residential Ten-acre (RE-10) Zone District. The proposed parcels do not, however, meet the minimum standard for appropriate circulation and access from a County maintained road as defined under the policies of both the El Dorado County Design and Improvement Standards Manual and California SRA State Fire Safe Regulations, as described in the staff report.

- 2.2 **The site is physically suitable for the proposed type and density of development.**

The project site has been determined suitable for residential development with regards to water supply and sewage disposal by the Environmental Management Department. However, based on the analysis of site plans, insufficient access and circulation exist to support additional parcels along Beaver Pond Road. Therefore, the project cannot be supported by staff.

- 2.3 **The proposed use is consistent with the policies in the El Dorado County 2004 General Plan, adopted July 19, 2004.**

The project has been designed in compliance with the Rural Residential Land Use Designation requiring minimum ten (10) acre parcel sizes. County regulations, addressing aesthetics, environmental issues and health and safety concerns, have been analyzed, as required by the 2004 General Plan and referenced in the General Plan discussion in the staff

report. However, design standards require two points of access and the offsite improvements that would be required would create inconsistency with General Plan Policies 6.2.3.2, 7.1.2.1, and 7.4.4.4. Therefore, the project cannot be supported by staff.

3.0 Findings for Denial of Design Waiver Request

Request to allow creation of two (2) ten acre parcels with access from Beaver Pond Road, which is a dead end road exceeding 2,640 feet in length and serves more than 24 parcels.

3.1 There are special conditions or circumstances particular to the property proposed to be subdivided which would justify the adjustment or waiver.

There are no special circumstances applying to the proposed parcels. The project is located over two miles from a County maintained road and does not meet County standards.

3.2 The adjustment or waiver would not be injurious to adjacent properties or detrimental to the health, safety, convenience and welfare of the public.

The proposed parcels could be detrimental to the health, safety, convenience, and welfare of the public by exacerbating access for emergency services and safety of adjacent property owners in the event of an emergency.

3.3 The waiver would not have the effect of nullifying the objectives of Article II of Chapter 16 of the County Code or any other ordinance applicable to the division.

Waiving the requirement for the dead-end road length would not be consistent with County Code and could have the effect of nullifying objectives of Article II.