

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES September 14, 1976

The Board convened in regular meeting. Present: Supervisors William V. D. Johnson, W. P. Walker, Lloyd R. Kutter, and Thomas L. Stewart. Absent: Supervisor Franklin K. Lane. Ann R. Macy, Board of Supervisors Clerk was also present. In the absence of Chairman Lane, First Vice Chairman Johnson presided.

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The Invocation was offered by Reverend John Sharp, Seventh Day Adventist Church.

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The Pledge of Allegiance to the Flag was led by Amelia McAnnally, Auditor/Controller.

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The Agenda was adopted on motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present.

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The New Business Agenda was adopted on motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present.

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The Minutes of September 7, 1976, were approved as submitted, on motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present.

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GENERAL ORDERS

Assistant to the Board submitted the County department heads comments on the 1975-76 Grand Jury Report.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board accepted the responses, and instructed the Assistant to the Board to transmit copies to the outgoing, as well as the incoming, Grand Juries, and extend to them an invitation to meet with the Board regarding said responses, if they so desire.

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On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Chairman was authorized to sign Agreement for Engineering Services for Aerial Topographic Mapping with Genge Aerial Surveys, Inc. for the road construction project (County Government Center Access Road) and the college site (Upper County Fairgrounds).

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board approved, and the Chairman was authorized to sign, Change Order No. 8 to Contract B, El Dorado County Government Center, Placerville, increasing the contract amount by \$4,323.00.

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511 On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, Warrant Register Claims for El Dorado County and Community Action Council Claims were approved and allowed for payment.

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104
127 The Board considered personnel matters, and on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board instructed that the salary increase requested by the Deputy Director, Office of Emergency Services, be acted upon at the time the other department head's salaries are considered.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board tabled the request to establish the position of Fireman-Emergency Medical Technician I until after the November election. (Matter of establishing a County Service area for ambulance services will be decided by voters in the November election.)

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board instructed that a 10-member Blue Ribbon Committee be appointed to review and make recommendations regarding the level of all department head salaries; appointments thereto to be made by the Board on September 21, 1976, with the Committee to be instructed to finalize and submit their report back to the Board or before November 30, 1976, for final adjustments to be made by the Board on December 21, 1976, to be effective the first pay period of 1977; also, the Board directed that the Committee shall receive \$10.00 per meeting, with expenses as set forth in the Travel Ordinance; and further, the Board directed the Assistant to the Board to set the date of the first meeting after the Blue Ribbon Committee has been formed.

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581 Bouldin Development Corporation; Lake Country Estates, Inc., and Country Club Estates submitted a Claim against the California Tahoe Regional Planning Agency, County of El Dorado, and the State of California in the amount of \$26,500,000.00 for just compensation and damages for taking of Private Property for Public Use.

At the recommendation of County Counsel, on motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Claim was denied for the following reasons: (1) The County cannot be responsible for acts of the appointed governing body of the California Tahoe Regional Planning Agency; (2) The County did file a lawsuit in an attempt to declare the Agency unconstitutional on behalf of the people who have been damaged by the unconstitutional taking of their property by California Tahoe Regional Planning Agency's ordinances, rules and regulations; and (3) El Dorado County has not adopted any of the Agency's rules, regulations and ordinances.

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At the recommendation of County Counsel, on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Claim submitted by Attorney Robert C. Tronvig, Jr. on behalf of Carl R. Addington in the amount of \$15,000.00 for personal injuries, was denied.

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At the recommendation of County Counsel, on motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Claim submitted by Max Hoff, Manager of Glen Ridge Water Company, in the amount of \$491.12 for damages to a fire hydrant, was denied and rejected as a Late Claim.

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On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present, the Agricultural Commissioner's report on landowner interest in, and the cost of, reseeding the property involved in the recent Quarry fire, was continued to September 21, 1976.

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Assistant Director of Public Works submitted a letter requesting the Chairman be authorized to sign Supplement No. 3 to the Agreement for the Federal Aid Safety Improvement Projects, to proceed with the installation of railroad-highway crossing protection gates on Latrobe Road, as authorized on July 15, 1975, at a cost to the County of \$4,000.00.

On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present, the following resolution was adopted:

RESOLUTION NO. 241-76

AUTHORIZING CHAIRMAN TO SIGN SUPPLEMENT TO AGREEMENT
FOR INSTALLATION OF PROTECTION GATES ON LATROBE ROAD

(For contents, see original resolution)

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Director of Public Works submitted letter requesting the Board to abandon that portion of County Road No. 50, Spanish Dry Diggins Road, which has been superseded by reconstruction.

On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried by those present, the following resolution was adopted:

RESOLUTION NO. 242-76

ABANDONING PORTION OF COUNTY ROAD NO. 50, SPANISH DRY DIGGINS ROAD

(For contents, see original resolution)

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50-1 Executive Director, Community Action Council, Inc., submitted letter requesting approval of a five percent overall cost-of-living increase for Council employees, retroactive to July 16, 1976.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Johnson, Walker, and Stewart; No: Supervisor Kutter; Absent: Supervisor Lane, the request was approved, pending action of the Executive Committee of the Community Action Council in favor of said increase.

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72-3 County Surveyor submitted letter recommending release of Monument Bond in the amount of \$1,000.000 for Sierra Springs Unit No. 25 Subdivision, inasmuch as the survey monuments have been set.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the bond was released as recommended.

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212-2 Supervisor Kutter submitted a request from the 4-H Council, El Dorado County, to allow the 4-H Club to display the new County Flag on September 18, 1976, at their annual fund raising event.

On motion of Supervisor Stewart, seconded by Supervisor Kutter, and unanimously carried by those present, the Board directed that the El Dorado 4-H Council and the Boy Scouts of America Troop 140, Coloma, be notified that the Board intends to fly the new County Flag for the first time at the dedication of the new County Government Center, and that both groups will be invited to participate in the ceremonies at that time.

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51-1 On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Annual Audit Report on certain grants administered by the El Dorado County Community Action Council for the year ended February 29, 1976, was placed on file, and the Director of the Community Action Council was requested to submit his response to the Board at the time he submits his response to Region IX, Community Services Administration.

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(24-1)
124-4 Director of Public Works submitted results of bid opening held on September 2, 1976, for Painting of Centerline and Edge Stripes on Various County Roads; bids having been submitted by Dimond & Pensotti, Inc., Oakland; J. F. Hourigan, Co., Belmont; Consley & Montigny, El Monte. (Original bids are on file in the Board of Supervisors Office)

At the recommendation of the Director of Public Works, on motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present, the award was made to low bidder, Dimond & Pensotti, Inc., Oakland, in the amount of \$8,921.60.

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310-4
1227
The ordinance pertaining to the salaries of the Chief Probation Officer and the Planning Director having been introduced and read on September 7, 1976, and continued for adoption to this date, the Board, on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, adopted the following ordinance increasing the monthly salaries of the aforementioned appointive officers to \$1,833.00, effective September 7, 1976:

ORDINANCE NO. 1687

AMENDING THE SALARY ORDINANCE PERTAINING TO THE
SALARIES OF THE CHIEF PROBATION OFFICER AND THE PLANNING DIRECTOR

(See original ordinance, for contents)

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220
On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present, the following resolution was adopted:

RESOLUTION NO. 243-76

DISCHARGING UNPAID COUNTY HOSPITAL ACCOUNTS
(Barri - Sweeney)

(For contents, see original resolution)

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315-3
Communication was received from the Sierra Planning Organization requesting comments on the Affiliated Seniors of El Dorado County's application for grant for enlargement of the senior center (Sunrise Garden Senior Center) to accomodate all seniors of the Placerville, Diamond Springs, Pollock Pines, and Camino area.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board approved the application to the extent, however, that the renovation of the El Dorado County Community Center project receive first priority.

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308-3
Communication was received from Sierra Planning Organization requesting comment on the El Dorado County Community Programs' application for grant for the renovation of its Community Center.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board declared its favorable comment; giving this grant first priority over the Sunrise Garden Senior Center (See item immediately above).

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14/2 Communication was received from the Georgetown Divide Resource Conservation District submitting for approval, Conflict of Interest Code as adopted by the District on August 25, 1976.

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the matter was referred to County Counsel for comment.

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14/1
12/4 Communication was received from the Diamond Springs Fire Protection District requesting waiver of \$20.00 Public Works encroachment fee for the extension of the cement driveway at Fire Station #2 on Missouri Flat Road.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the request was approved.

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11/7 On motion of Supervisor Stewart, seconded by Supervisor Kutter, and unanimously carried by those present, the following Fund Transfers were approved:

Fund Transfer No. 19

| | | | |
|-----------------------|-----------------|----------------|-------------------------------------|
| Advance from Treasury | to #001 General | \$1,000,000.00 | A loan until tax money is available |
|-----------------------|-----------------|----------------|-------------------------------------|

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Fund Transfer No. 20

| | | | |
|-----------------------|------------------------------|-------------|-------------------------------------|
| Advance from Treasury | to County Service Area No. 2 | \$ 1,800.00 | A loan until tax money is available |
|-----------------------|------------------------------|-------------|-------------------------------------|

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15/2 Welfare Director submitted a letter requesting authorization to place a child in Stanford Homes, Sacramento, for psychiatric treatment at a monthly rate of \$1,563.00; thereby waiving the \$800.00 per month limit on institutional care.

On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present, the request was approved.

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222-8-76 Supervisor Kutter submitted a proposed letter for the Chairman's signature to the State Department of Housing and Community Development regarding the occupancy of mobilehomes in the Coloma Resort; said occupancy being in conflict with the Board's action of May 25, 1976, which directed that no occupancy at the project was to take place until after it has received final inspection approval.

On motion of Supervisor Kutter, seconded by Supervisor Stewart, and (Continued)

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unanimously carried by those present, the Chairman was authorized to sign the letter.

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SPECIAL ORDERS

PLANNING MATTERS

255-112-76
390-90
Hearing was held as duly advertised on the rezoning of lands in the Somerset area from Unclassified to Commercial, consisting of 2 acres, petitioned by Gloyd D. Zeller. The Planning Commission recommended approval and the Planning Director enumerated the findings of the Commission as follows:

1. The existing General Plan designation is Commercial;
2. The public necessity, convenience, and the health, safety and general welfare would be benefited by the approval.

There were no protests and the Hearing was closed.

On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present, the Board concurred in the Planning Commission's findings, the rezoning was approved, and the following ordinance was adopted:

✓
ORDINANCE NO. 1688

AMENDING THE EL DORADO COUNTY ZONING ORDINANCE
(Zeller - Somerset area)

(For contents, see original ordinance)

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54
310-4
Hearing was held as duly advertised to consider the establishment of a professional and business office zone, to be known as Professional Office Commercial Zone District (CPO); the enabling ordinance sets forth criteria for the establishment and administration of professional office use areas within the unincorporated area of the County of El Dorado. Planning Commission recommended approval.

There were no protests, and the Hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the following ordinance was adopted:

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ORDINANCE NO. 1689

ESTABLISHING THE PROFESSIONAL OFFICE COMMERCIAL ZONE DISTRICT
(Adding regulations to Land Use Zoning Ordinance)

(For contents, see original ordinance)

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4/24
At the recommendation of the Planning Commission, on motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present, the Board approved a one year extension to expire on September 18, 1977, of the Tentative Subdivision Map for Cameron Oaks Adult Community, as requested by the subdivider.

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2-2-11-76
Board considered the request of Mr. and Mrs. Robert L. McCain for authorization to place a two bedroom mobilehome which is less than the minimum square footage required by ordinance, on 14 acres of land zoned Agricultural, in the El Dorado area.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board waived the ordinance requirements in this instance, and authorized the placement of a mobilehome of not less than 600 square feet on the property.

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4/24
At the recommendation of the Planning Director, on motion of Supervisor Stewart, seconded by Supervisor Kutter, and unanimously carried by those present, the following resolution was adopted revising Resolution No. 116-76 to eliminate the fee for rezoning to Exclusive Agriculture when an Agricultural Preserve is established:

RESOLUTION NO. 244-76

SETTING FORTH CRITERIA FOR ESTABLISHMENT OF AGRICULTURAL PRESERVES
(Revising Resolution No. 116-76 to delete rezoning fee)

(For contents, see original resolution)

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4-25-11-76
Hearing was held as duly advertised to consider rezoning of lands in the American Flat/Spanish Flat/Bear Creek area, consisting of approximately 4,475 acres, to comply with the adopted Land Use Plan for said area: said rezoning to be from Unclassified and Agricultural to RE-10. Planning Commission recommended the zoning as proposed.

Mr. Clay Dieckman was present and in favor of the zoning.
Mr. James Green was present and opposed to the RE-10 zoning, stating that it was discriminatory and unfair to mobilehome owners. Mr. Green had submitted earlier to the Board a letter signed by 10 residents of the area in opposition to the RE-10 zoning.

Others present and in opposition to the rezoning were: Charles Wilkinson and Jay Fogal.

There were no other protests and the hearing was closed.

(Continued)

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On motion of Supervisor Stewart, seconded by Supervisor Kutter, and unannouncedly carried by those present, the Board altered the ordinance to rezone the lands from Unclassified to Agricultural (rather than from Unclassified and Agricultural to RE-10), and continued its adoption to September 21, 1976.

Supervisor Stewart then moved to continue the Hearing to consider the possibility of rezoning lands from Agricultural to RE-10, to the second Tuesday of January 1977: January 11, 1977. Supervisor Kutter seconded the motion, and it was unanimously carried by those present.

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28 11-96
Hearing was held as duly advertised on the Appeal filed by Ruth Manning on the Planning Commission's denial of a one-year extension to Parcel Map P75-183, consisting of 40 acres, in the Bass Lake area.

The Planning Director was requested to inform the Board of the grounds on which the Commission based its decision, and he advised that the motion of the Commission was to the effect that the Map was inappropriate originally due to the lack of fire protection, water, roads, etc. Mr. Manning was present and stated that the 40 acres would be divided into one 20-acre parcel and two 10-acre parcels, and that his property bordered Cameron Park where EID water and fire protection were both available.

There were no protests and the Hearing was closed.

After consideration, on motion of Supervisor Stewart, seconded by Supervisor Kutter, and unanimously carried by those present, the Planning Commission's decision was overruled, and the Board allowed the one year extension to Parcel Map P75-183.

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2980
Proper notices having been sent, hearings were held on escaped assessments as listed below. No protests were presented and the hearings were closed.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the following assessment roll changes were approved as presented, for placement on the assessment rolls:

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|-------------------------------------|---------------------------------|
| David L. Chambers, No. 5920 | First City Leasing Association, |
| Eugene A. Chappie, Nos. 5940; 5941; | No. 6805 |
| and 5942 | Blanche Freye, No. 6806 |

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280-105-76
On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Board introduced the ordinance to rezone lands in the Greenwood area, consisting of approximately 13,000 acres, to comply with the adopted Land Use Plan for said area; waived the reading thereof, and set the Hearing for September 21, 1976, at 2:00 p.m.

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229 64 76
On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those present, the Board introduced the ordinance to consider an eight month extension of the Emergency Interim Zoning of lands in the Oak Hill area from Unclassified to Agricultural, consisting of 1,650 acres, petitioned by Clare Dusek; waived the reading thereof; and set the Hearing for September 21, 1976, at 2:00 p.m.

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46 30
Hearing was continued from September 7, 1976, on the request of Mrs. Marjorie Kurtz for cancellation of her Williamson Act Contract due to hardship. The Assessor's Office and the Agricultural Commissioner both reported, as requested by the Board, on whether or not a possible partial release would meet the Agricultural Preserve criteria, and their responses were as follows:

County Assessor - A partial release or cancellation would not meet three of the four criteria set forth in Resolution No. 116-76.

Agricultural Commissioner - The Agriculture Commission found that 120 acres of dry land pasture would not meet 3 of the 4 criteria as established by the Board of Supervisors. The Commission further stated that it was their opinion that the removal of a portion of the preserve is contrary to the California Land Conservation Act.

Upon questioning from the Board, Mr. Joseph Flynn, Planning Commission member who was present, stated that he did not think the Planning Commission when they heard this matter, had all the information available to them that has been presented to the Board of Supervisors.

A Mrs. Silva was present and stated her opposition to release of the Preserve. There were no other protests, and the Hearing was closed.

Supervisor Stewart then made the following motion:

We agree to the request of the landowner for cancellation of her agricultural preserve contract, on the condition that payment of the cancellation fee determined by the County Assessor is made as required by Section 51283 of the California Government Code. In connection with this action, we make the following findings:

1. That cancellation is not inconsistent with the provisions of the Williamson Act, as set forth in Section 51220 of the Government Code in that the land in question is suitable only for grazing a limited number of animal units per acre, and thus, makes little or no contribution to preservation of agricultural resources and future food protection; that the conversion of the land to residential use would have little effect on the level of community services required for the area in general; and that the land is not particularly valuable as open space since the adjacent and nearby lands are not rapidly urbanizing.
 2. Cancellation is in the public interest in that the retention of the
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land in an agricultural preserve is not necessary to implement the legislative intent found in Section 51220, and therefore, the public would be benefited by the conversion of the land to other than agricultural uses.

3. The land is presently not compatible with surrounding lands as there are no other Agricultural Preserves within one mile.

Supervisor Walker stated he would second the motion provided it could be added that the land is not suited for agriculture, nor is it financially feasible to operate said property as an agricultural pursuit. Supervisor Stewart agreed to the addition to the motion, and the Chairman called for the question, and the motion was carried by the following vote: Ayes: Supervisors Johnson, Walker, and Stewart; No: Supervisor Kutter; Absent: Supervisor Lane.

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On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Director of Public Works was instructed to contact Messrs. Henningsen, Oetting, and Architect Jack Nopp concerning drainage on the Henningsen - Oetting property from the Government Center site, and report back to the Board on September 28, 1976.

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On motion of Supervisor Stewart, seconded by Supervisor Kutter, and unanimously carried by those present, the Board authorized the repair of two gasoline pumps at the Placerville Airport.

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The Board adjourned to Monday, September 20, 1976, at 9:00 a.m. for a Hearing to consider adoption of a Timber Preserve Zone.

ATTEST: Carl A. Kelly,
County Clerk and
ex-officio Clerk
of the Board

APPROVED: William D. Johnson
Chairman Pro Tem

By: Ann R. May
Deputy