

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES January 18, 1977

The Board convened in regular meeting. Present: Supervisors Arliene Todd, William V. D. Johnson, W. P. Walker, Lloyd R. Kutter, and Thomas L. Stewart. Also present: Ann R. Macy, Board of Supervisors Clerk. Chairman Johnson presided

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

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The Board members recognized the following employees retiring from County Service, and the Chairman presented each with a plaque: Alberta E. Cribbs, General Clerk III, Welfare Department; W. Clay Logan, Supervising Animal Control Officer, Health Department; and Robert McCollum, Traffic Dispatcher, Public Works Department.

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On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Agenda was adopted with one addition, and one deletion.

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The Minutes of January 4, January 11, and January 17, 1977, were approved as submitted, on motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried.

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The following matters, together with recommended action thereon, were submitted for Board consideration under "Consent Calendar":

- 48
50-1 1. Warrant Register Claims for El Dorado County, and Community Action Council Claims.
Recommended Action - Approve
- 58 2. Attorney Eric D. Carlyle submitting Claim on behalf of Jacalyn Martin, in the amount of \$1,000,000.00, for personal injuries.
Recommended Action - Deny
- 58-1 3. Mr. Reed Jenkins, Shingle Springs, submitting Claim in the amount of \$1,640.00 for unauthorized removal of trees from his property.
Recommended Action: Deny
- 247 4. Release of Lien discharging all property encumbered by the Agreement to reimburse County for Public Assistance rendered David W. McGinnis, as recorded in Volume 1340, Page 117, of official records of El Dorado County.
Recommended Action - Approve, and authorize Chairman to sign

(Continued)

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- 117 5. Budget Transfer No. 49 - Welfare Department, in the amount of \$3,050.00 to cover expenditures for remainder of fiscal year.
Recommended Action - Approve
- 212 6. Northern California March of Dimes requesting adoption of a Proclamation declaring the month of January as March of Dimes Birth Defects Prevention Month".
Recommended Action - Approve
- 276-4
Mede
ed
7. Department of Public Works, Right-of-Way Division, requesting Chairman be authorized to sign Certificate of Acceptance of Grant Deed, and Escrow Instructions for Acquisition of Land from Dorado Estates, Louis and Grace M. Cassaglia, for the Meder Road Project, and authorize a Claim in the amount of \$90.00 covering Escrow costs.
Recommended Action - Chairman to be authorized to sign Certificate of Acceptance of Deed of Easement, and Claim for \$90.00
- 46
#217 8. Hearing to be set to consider establishment of Agricultural Preserve No. 217 in the Camino area, Parcel Nos. 48-080-07, -19, -20, and -18 (-18 excluding 16 acres m/1 east of Iowa Ditch), 48-140-16 and -21 (-21 excluding 30 acres m/1) and 48-130-08, petitioned by Carl B. and Ruth B. Visman, and consisting of 219.84 acres.
Recommended Action - Set Hearing for January 25, 1977, at 2:00 p.m.
- 46
#216 9. Hearing to be set to consider establishment of Agricultural Preserve No. 216, in the Gold Hill area, consisting of 59.67 acres, Parcel No. 5-220-06, petitioned by Robert H. and Mary B. Wells, Myra J. Jackson, and Lynda J. Maita.
Recommended Action - Set Hearing for January 25, 1977, at 2:00 p.m.

On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried, the Consent Calendar matters were approved as recommended, excepting that the Budget Transfer No. 48 (not shown above, but submitted) pertaining to County Service Area No. VII was removed and held over until the Board considered Item 15 on the Agenda regarding the establishment of said Service Area, and the Budget Transfer was to be considered at that time.

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On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried, the Board approved Specifications and authorized advertising for bid opening on February 10, 1977 for the Welfare Department Remodel Project at the South Lake Tahoe Government Center.

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, Board directed that a copy of the letter from the Architect regarding requirements for the Physically Handicapped as it pertains to the County Government Center, Placerville, facility be forwarded to the State Department of Rehabilitation in response to State Rehabilitation Counselor's letter dated December 30, 1976.

(Continued)

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74-36
On motion of Supervisor Walker, seconded by Supervisor Todd, and unanimously carried, the Board approved the Architect's proposal for space requirements for the Third Superior Court at South Lake Tahoe; the Board having deleted the portion of the proposal pertaining to Mental Health Department needs, and having reduced the mileage rate from 19¢ per mile to 16¢ per mile.

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On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, personnel matters were acted upon as follows:

The Memorandum of Understanding between the County of El Dorado and the El Dorado County Sheriff's Association for 1977 calendar year was approved.

1-25-77
(115)
170-1
165-2
Board approved the Pay Range Schedule for all law enforcement personnel of the County for 1977, effective January 1, 1977, and the following implementing resolutions were adopted:

RESOLUTION NO. 15-77

AMENDING CLASSIFICATION SCHEDULE RELATING TO EL DORADO COUNTY SHERIFF'S DEPARTMENT PERSONNEL

(For contents, see original resolution)

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RESOLUTION NO. 16-77

AMENDING CLASSIFICATION SCHEDULE RELATING TO THE COUNTY DISTRICT ATTORNEY AND PUBLIC DEFENDER PERSONNEL

(For contents, see original resolution)

1157
233-9
Board continued to January 25, 1977, at 8:30 a.m. their consideration of the County-wide reclassification requests, and the Comprehensive Reclassification Study of clerical positions in the Sheriff's Department.

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21-84
At the recommendation of the Airports Director, on motion of Supervisor Stewart, seconded by Supervisor Johnson, and unanimously carried, the Chairman was authorized to sign an Advertising Space Lease with Harvey's Wagon Wheel, Inc., at a monthly rental of \$250.00 for space in the Lake Tahoe Airport Terminal Building.

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Director of Health Services submitted letter requesting consideration of construction of a 6000 square foot facility on County Hospital property to house the Mental Health Department.

(Continued)

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LHR 250 On motion of Supervisor Walker, seconded by Supervisor Stewart, and
LHR 22-7 unanimously carried, the matter was referred to the Assistant to the Board
to obtain drawings for the space utilization, and the Mental Health staff
was requested to appear before the Board on February 1, 1977, on this
matter.

LHR 250 On motion of Supervisor Walker, seconded by Supervisor Stewart, and
unanimously carried, the County Surveyor was instructed to survey the
County Hospital area in two parcels, and to record a map. (This action does
not relate to the action above.)

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LHR 50-1 Executive Director, Community Action Council, submitted a letter requesting
approval of a one-half cent per mile increase for mileage reimbursement for
employees of the Community Services Administration and low-income representa-
tives of the Community Action Council.

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

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(21)
317
At the recommendation of County Counsel, on motion of Supervisor Kutter,
seconded by Supervisor Walker, and unanimously carried, the Board accepted
the compromise settlement in the amount of \$3,406.48 as proposed by the
attorney for W. Norman Billing and Adrienne M. Billing on the liens for
unsecured property taxes: said settlement constitutes full payment of
the taxes and one-half of the accrued penalty and interest. (Letter
containing the taxable entity, assessment numbers; lien numbers, tax years,
etc. in this regard from Attorney Melvin Beverly to the Board of Supervisors,
dated September 30, 1976, is filed in the Board of Supervisors files.)

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Acting Director, County Training Programs, submitted letter requesting
the Chairman be authorized to sign Modification to Title II Program for
Fiscal Year 1976-77 increasing allocation by \$344,903.00.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and
unanimously carried, the Chairman was authorized to sign.

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(21)
27
At the recommendation of the Assistant to the Board, on motion of Supervisor
Walker, seconded by Supervisor Stewart, and unanimously carried, the
following actions were taken by the Board to implement County Service Area
No. 7 (Ambulance service for the Western Slope):

Board approved the General Policy Statement to govern said Service Area,
and ratified the appointments to the Ambulance Advisory Committee, as
submitted by the Assistant to the Board as Attachments 1 and 2 to his letter
to the Board on this subject, dated December 22, 1976.

(Continued)

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Approved the Staffing patterns (Attachment 3) and Program Manager for the Service Area at a flat monthly salary of \$1426.00, and the following resolution was adopted accordingly:

RESOLUTION NO. 17-77

AMENDING THE AUTHORIZED PERSONNEL RESOLUTION AND THE CLASSIFICATION SCHEDULE BY THE ADDITION OF THE AMBULANCE SERVICE AREA STAFF

(For contents, see original resolution)

Approved the Service Area Budget for January through June 1977, and authorized a Budget Transfer in the amount of \$62,500.00 from the County General Fund.

Granted authorization to commence contract negotiations with the Pollock Pines and Diamond Springs Fire Districts for the housing of employees and equipment for the Service Area.

Board directed that the Board of Directors for County Service Area No. 7 shall meet monthly on the second Wednesday at 11:30 a.m.

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On motion of Supervisor Stewart, seconded by Supervisor Todd, and unanimously carried, the proposal from the City of South Lake Tahoe requesting modification to the deed restrictions contained in the Grant Deed which conveyed certain campground acreage from the County to the City, to allow construction of a commercial ice rink, was continued to February 7, 1977, for discussion when the Board meets with the City of South Lake Tahoe and the Douglas County Commissioners at South Lake Tahoe.

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On motion of Supervisor Walker, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Todd, Johnson, Walker, and Stewart; No: Supervisor Kutter, the Board introduced the Ordinances changing the time requirement for filing matters for Board of Supervisors' Agenda, and changing the hour that the Board meeting commences; waived the reading thereof; and continued them for adoption to January 25, 1977.

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On motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the matter of appointments from District II to the Alcoholism Advisory Board and the Drug Abuse Advisory Board was continued to February 22, 1977.

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LHR 22-9a On motion of Supervisor Stewart, seconded by Supervisor Todd, and
* 74 unanimously carried, the Bylaws for the new Sub Area Council of the
Comprehensive Health Planning Council were continued to January 25, 1977.

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On motion of Supervisor Stewart, seconded by Supervisor Kutter, and
unanimously carried, the Chairman was authorized to sign the Agreement
with Dorado Industrial Development Corporation for the purpose of promoting
sponsoring, and sanctioning movements within El Dorado County for the
development of desirable commercial and industrial enterprises in order to
stimulate a balanced economic growth in the County.

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Hearing was held as duly advertised to consider rezoning of lands to TPZ from
Agricultural, Exclusive Agricultural, and Unclassified, pursuant to State
law: Assembly Bill AB-1258, Forest Taxation Reform Act. Said law requires
the implementation of the Timberland Preserve Zone (TPZ) which changes the
existing system of taxing both timber and the land on which timber is grow-
ing. On October 12, 1976, the Board adopted the Timberland Preserve Zone
Ordinance which replaces the use of agricultural preserves (Williamson Act
Contracts) on timberland.

The Planning Commission recommended placing approximately 138,000 acres
(shown on List A) into the TPZ zone, and advised that all uncontested
parcels included on List A shall be zoned TPZ unless the owner can demon-
strate to the Board's satisfaction that at least one of the following
conditions exists: (1) That the parcel(s) are not capable of growing an
average volume of wood fibre of at least 15 cubic feet per acre; or (2)
that the current use of the parcel(s) has changed subsequent to March 1,
1976, and that such use is no longer the growing and harvesting of timber,
and is not compatible with the growing and harvesting of timber. The
Commission also advised that parcels on List A that are contested will be
zoned as TPZ unless the owner can demonstrate to the Board's satisfaction
that it would not be in the public interest for such parcel(s) to be zoned
TPZ.

Board received a letter from Erickson Lumber Company, Marysville, requesting
that their property; parcels 10-060-26, 10-060-27, 10-080-22, 10-080-23, and
10-080-36 be left in the 20-acre minimum lot size zoning, and protesting the
adoption of the TPZ zoning for their property.

Mr. Omar McGee was present and spoke at length regarding his dissatisfaction
with the law which offers no protection of the market value under Eminent
Domain proceedings, as the Williamson Act currently does.

Mr. Ed Bacchi was also present, and he too voiced agreement with Mr. McGee
regarding the lack of protection of the market value under Eminent Domain
proceedings.

There were no other protests, and the Hearing was closed.

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The Planning Director advised that since Erickson Lumber Company's letter was not submitted prior to the October 1, 1976, lien date it is considered an uncontested parcel(s) and, therefore, the Board must make one of the two findings mentioned heretofore in order to exclude the property from the TPZ. The Planning Director stated that since said Lumber Company has not changed the use of their property, then the Board would have to determine that the parcel(s) are not capable of growing an average volume of wood fibre of at least 15 cubic feet per acre,

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Board authorized the following exclusions from the list (List A) of properties being placed in the Timberland Preserve Zone for the reasons as stated:

Pacific Gas & Electric Company for the following three parcels:

Parcel No. 135-9-34c #2 - Forebay area, for the following reasons: (1) It is not in the best interest of the public; (2) It is a contested parcel; and (3) It is under control of the Federal Power Commission.

Parcel No. 135-9-2b- #2 - Mosquito area, for the following reasons: (1) It is not in the best interest of the public; and, (2) It is a contested parcel.

Parcel No. 135-9-1c - #4 - Silverlake Area, for the following reasons: (1) It is not in the best interest of the public; (2) It is a contested parcel; and (3) It is under control of the Federal Power Commission.

Mr. Bliss Harper's property: Parcels 93-110-2 and 93-110-03, for the following reasons: (1) While the land is not Exclusive Agricultural, it was inappropriately so classified and in the long range, this land is not suitable for timber production, and (2) The exclusion is not in conflict with the General Plan, and further (3) Applicant stopped cultivating and irrigating the trees after March 1, 1976, thereby changing the use of the parcel so that it no longer meets the definition of timberland.

Mr. Ed Bacchi property: Parcel 63-080-57, pursuant to State requirement that meadowland be removed from TPZ; and said parcel being meadowland.

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On motion of Supervisor Stewart, seconded by Supervisor Kutter, and unanimously carried, the Board approved List A, to implement the Timberland Preserve Zone (TPZ) District, and the following ordinances were adopted; the Board having found said List to be in conformity with the County General Plan:

ORDINANCE NO. 1748

RELATING TO TIMBER PRESERVE ZONE
REZONING LANDS FROM AGRICULTURAL EXCLUSIVE TO TIMBERLAND
PRESERVE ZONE

(For contents, see original ordinance)

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ORDINANCE NO. 1749

RELATING TO TIMBER PRESERVE ZONE
REZONING LANDS FROM UNCLASSIFIED TO TIMBER PRESERVE ZONE

(For contents, see original ordinance)

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ORDINANCE NO. 1750

RELATING TO TIMBER PRESERVE ZONE
REZONING LANDS FROM AGRICULTURAL TO TIMBER PRESERVE ZONE

(For contents, see original ordinance)

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On motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried, the Board declared their intent to value land at the current market value whenever it is under threat of being acquired by a public agency under Eminent Domain proceedings, rather than at the restricted TPZ zone.

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On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried, the Board directed a letter be sent to Assemblymen Warren and Waters and Senator Garamendi requesting them to pursue legislation to correct the inequity pertaining to the condemnation of private land in this respect.

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Hearing was held as duly advertised to consider adoption of an Ordinance revising the Estate Residential 10-acre zone to include allowance of a permanent mobilehome by Special Use Permit; and to consider an Ordinance to retitle the Estate Residential to Estate Residential 5 Acre, with the same provisions as the RE-10, except for the mobilehome provision.

Mr. Ralph Gerkin was present and stated he would like to have mobilehomes on RE-10 zoned lands.

Mr. Louis Goldman was present and stated his opposition to mobilehomes and the alleged tax inequity related thereto: he submitted a letter to the Board on the subject.

Mrs. Juanita Grimm was present and in favor of mobilehomes in the RE-10 zone.

There were no further protests, and the Hearing was closed.

The Planning Director advised the Board that the Commission had also requested the Board to consider the establishment of a combining mobilehome district,
(Continued)

LHR 285-7-77

LHR 390-9a

285-7-77
310-9a

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which could be added on to any size zone district and would also allow for mobilehome subdivisions.

After considerable discussion, the Board, on motion of Supervisor Walker, seconded by Supervisor Todd, and unanimously carried, approved the amendment to the Estate Residential Zone, and the following ordinance was adopted:

ORDINANCE NO. 1751

AMENDING THE ESTATE RESIDENTIAL ZONE AND RETITLING IT ESTATE RESIDENTIAL -5 ACRE ZONE DISTRICT

(For contents, see original ordinance)

* * * *

The motion of Supervisor Kutter, seconded by Supervisor Stewart, to adopt the RE-10 zone amendment, with the inclusion of a mobilehome by Special Use Permit, was superseded by a motion of Supervisor Walker, seconded by Supervisor Todd, and unanimously carried, to continue this matter to January 25, 1977.

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Hearing was held as duly advertised on the appeal filed by Dwight Crum on the Planning Commission's denial of a Special Use Permit for placement of a mobilehome on lands zoned Exclusive Agricultural, owned by Howard Nielson, in the Cedar Grove area.

Planning Director advised that pursuant to County Ordinance, Section 9415.5 one or more mobilehomes is allowed for not more than four agricultural employees and their immediate families, provided the Agricultural Commission advises that the need is consistent with agricultural pursuits on the premises -- and this the Agricultural Commission did not do, since they stated that the property meets 2 of the 4 criteria only for forming an agricultural preserve.

After discussion, Supervisor Steward moved to deny the applicant his appeal. Supervisor Walker seconded the motion, but it failed to carry by reason of the following vote: Ayes: Supervisors Todd and Stewart; Noes: Supervisors Johnson, Walker, and Kutter.

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Hearing was held as duly noticed on the appeal filed by Beverly Price on the Planning Commission's denial of a Special Use Permit for a private kennel for eight show dogs in the El Dorado area.

Five letters in opposition to the Special Use Permit were received from the following: Delores and Stanley Kelly; Albert and Lynda Hall; Terry P. Beavers; Anne K. Miller; and EHUD and Verna Brenneise -- all residents in the area.

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Mrs. Price was represented by her attorney, Michael Stambaugh, who presented a map depicting many near-by residents who did not object to the number of dogs Mrs. Price has on her property. He also stated that they would build the run, and the housing for the dogs in an area quite separated from adjoining neighbors, if the neighbors so desired that location rather than the area where the dogs are presently located.

Attorney Mark Nielsen was present on behalf of Mr. and Mrs. Cecil Stidham, adjoining property owners. Mr. Nielsen challenged Mr. Stambaugh's on the number of adjoining and near-by property owners who Mr. Stambaugh stated were not opposed to the eight dogs. Mr. Nielsen stated that all the objections were because of the noise from the barking dogs; the stench; and an abundance of flies.

Those present and opposed to the allowance of a special use permit were: Linda Hall; Knox Borden and Mrs. Borden; Bertha Kobel; June Karen; Gladys Minter; Leslie Martin; Mr. & Mrs. Bosenlof; Preston Beck; and Mr. Stidham.

There was no other opposition, and the hearing was closed.

On motion of Supervisor Stewart, seconded by Supervisor Todd, and unanimously carried, the Board upheld the Planning Commission's decision and denied the Special Use Permit.

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Board considered the comments of the Agricultural Commission on the Request for Non-Renewal as submitted by Austin William Wing for a 108-acre parcel under the Williamson Act Contract; being a portion of Agricultural Preserve No. 37. The Agricultural Commission recommended approval of the Non-Renewal Request, stating that the remainder of the property will meet 3 of the 4 criteria for an agricultural preserve. (APN 69-010-06 is the 108 parcel approved for non-renewal.)

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, the Board instructed that the Notice of Non-Renewal be placed on file.

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Board considered the comments of the Agricultural Commission on the Request for Non-Renewal submitted by Claude B. and Virginia B. Hudspeth Robert E. and Marsha A. Lang; Edward S. and Ellen J. Graves; and Albert E. and Carolyn A. Baze, for 158.8 acres (APN 46-07-12, and portions of 46-07-21 and 46-07-28); being a portion of Agricultural Preserve No. 143. The Agricultural Commission recommended approval of the Request, since the remainder of the property meets 4 of the 4 criteria for an agricultural preserve.

On motion of Supervisor Stewart, seconded by Supervisor Kutter, and unanimously carried, the Board directed that the Notice of Non-Renewal be placed on file. (SEE MINUTES FOR NOVEMBER 1, 1977, MINUTE BOOK 18, PAGE 431 CORRECTING AMOUNT OF ACREAGE FROM 158.8 ACRES TO 701.82 ACRES)

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423 Meadow Oaks
At the recommendation of the Planning Commission, on motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, the Board approved a variance (V76-23) to the Tentative Map of Meadow Oaks Rural Subdivision, petitioned by Frank and Virginia Palmer, as follows:

To allow a variance to the required five acres on Lot 1 for 4.5 acres; on Lot 3 for 4.7 acres; and Lot 4 for 4.5 acres.

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> At the recommendation of the Planning Director, on motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, the Chairman was authorized to sign an Agreement in the amount of \$1,455.00 with Charles Goudey for Aerial Interpretive Mapping for the Camino/Fruitridge Land Use Plan.

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6 On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, the Board continued to February 1, 1977, the El Dorado Hills Residents Association request for a control to be implemented whereby they may be included in the initial phases of any proposed development in their area.

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141-3 On motion of Supervisor Walker, seconded by Supervisor Todd, and unanimously carried, the Board authorized travel expenses for County Counsel to travel to San Francisco, January 19, 1977, on County business.

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There being no further business, the Board adjourned to Tuesday, January 25, 1977, at 9:30 a.m.

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

APPROVED: William D. Johnson
Chairman

By: Ann L. Macy
Deputy