

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES March 1, 19 77

The Board convened in regular meeting. Present: Supervisors Arliene Todd, William V. D. Johnson, W. P. Walker, Lloyd R. Kutter, and Thomas L. Stewart. (Supervisor Todd arrived at 10:05 a.m.) Also present: Ann R. Macy, Board of Supervisors Clerk. Chairman Johnson presided.

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12-7 The Invocation was offered by Reverend Harrold McFarland, First Christian Church.

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

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The Agenda was adopted after amendment to continue to March 8, 1977, Items 25 and 28, on motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present.

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The Minutes of February 22, 1977, were approved as submitted, on motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried by those present.

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On motion of Supervisor Walker, seconded by Supervisor Kutter, and carried by the following vote: Ayes: Supervisors Walker, Kutter, Stewart, and Johnson; Abstain: Supervisor Todd (who arrived as the vote was being taken), the following "Consent Calendar" matters were considered and acted upon as follows:

Warrant Register Claims for El Dorado County and for the Community Action Council were approved and allowed for payment.

Budget Transfers were approved as follows:

<u>DECREASE</u>	<u>INCREASE</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
<u>Budget Transfer No. 68 - Sheriff's Department</u>			
92-1010 Reg. Employees		(\$37,300.00)	Monies needed for remainder of Fiscal Yr.
92-1020 Extra Help		9,500.00	
92-2120 Maint. Equip.		20,000.00	
92-2140 Medical Supplies		300.00	
92-2236 Abandoned Vehicle		7,500.00	
92-2200 Rents & Leases ^{Eqmt.}	92-2210 Rents & Leases S&G	700.00	
92-3370 Civil Def. Items	92-2050 Clothing & Personal	144.00	
	92-2230 Spl.Dept.Exp.	106.00	
<u>2-202 Spl. Law Enfrmnt</u>	<u>2-202 Spl. Law Enfrmnt.</u>		
92-2200 Rents & Leases ^{Eqmt.}	92-2210 Rents & Leases S&G	600.00	
<u>2-300 Jail Operations</u>	<u>2-300 Jail Operations</u>		
92-1010 Reg. Employees		(\$36,566.00)	
92-1020 Extra Help		10,566.00	
92-1030 Overtime		7,000.00	
92-2050 Clothing & Personal		1,000.00	
92-2080 Food		18,000.00	

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<u>DECREASE</u>	<u>INCREASE</u>	<u>AMOUNT</u>	<u>PURPOSE</u>
<u>Budget Transfer No. 69 - Mental Health Department</u>			
92-2180 Prof. Serv.	92-2189 Prof. Services applicable to prior years	\$6,141.84	To provide funds for expenditures: \$3,200.00 Awakening Peace, and \$2,941.84 Sacto. Med. Center
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<u>Budget Transfer No. 70 - County Clerk</u>			
92-2170 Office Expense	92-2250 Trans. & Travel	\$ 650.00	For increased mileage to new Govt. Center
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<u>Budget Transfer No. 71 - Health Department</u>			
92-2180 Prof. Serv.	92-2170 Office Expense	\$1,500.00	Printing of Solid Waste Mgmt. Plan
* * * *			
<u>Budget Transfer No. 72 - County Counsel</u>			
92-2180 Prof. Services	92-2120 Maint. of Eqmt.	\$ 200.00	To cover expenses to end of Fis. Yr.
* * * *			
<u>Budget Transfer No. 73 - Public Works Department</u>			
	92-3370 Vibratory Compactor	(\$860.66)	Savings on Compactor that can be used to cover added expense of Distance Measuring Device P.O.#04133
	92-3370 Distance Measuring Device & Theodolite	654.00	
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247 The Chairman was authorized to sign Release of Lien discharging all property encumbered by the Agreement to Reimburse the County for Public Assistance rendered Taylor H. Spangle, as recorded in Volume 1203, at Page 746, of Official Records of El Dorado County.

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58 At the recommendation of County Counsel, the Board denied the Claim submitted by Attorney Charles Jameson on behalf of Henrietta M. Torres, for personal damages in the amount of \$15,000.00.

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423
Beck
Hickman At the recommendation of the County Surveyor, the Board released cash bond in the amount of \$1,500.00, inasmuch as the monuments have been set in Deer Hills Unit No. 2 Subdivision.

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119
43 At the recommendation of the Assistant to the Board, on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the following resolutions were adopted updating the Authorized Personnel (Continued)

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Personnel Resolution and the Position Classification Schedule Resolution in their entirety: RESOLUTION NO. 42-77 amending the Authorized Personnel Resolution, and RESOLUTION NO. 43-77 amending the Position Classification Schedule.

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21
21-15) Airports Director submitted a letter requesting authorization to retain Bob Mason, Architect, to design the north and south terminal wings for the South Lake Tahoe Airport.

After consideration, on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Airports Director, in conjunction with the Purchasing Agent, was authorized to advertise for architectural proposals for a master plan for present and future needs of the South Lake Tahoe Airport, to be brought back to the Board for award.

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21-25 On motion of Supervisor Stewart, seconded by Supervisor Kutter, and unanimously carried, the Board approved the Airports Director's request to make application for a Caltrans loan in the amount of \$61,663.00, for the purchase and installation of 10 Porta-Port hangars at the Lake Tahoe Airport.

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30-2 On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, consideration of the two proposals for the Fixed Base Operation at the Placerville Airport was continued to March 15, 1977.

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21-47 At the recommendation of the Airports Director, on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Chairman was authorized to sign an Advertising Space Lease with Heavenly Valley for space in the Lake Tahoe Airport Terminal Building, at a monthly rental of \$150.00 the first year; \$200.00 the second year; and \$250.00 the third year, commencing March 1, 1977.

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21-6 On motion of Supervisor Stewart, seconded by Supervisor Todd, and unanimously carried, the Agreement with Scenic Airlines for use of the Lake Tahoe Airport, was referred to County Counsel.

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30-7 At the request of the Director, Community Programs, on motion of Supervisor Walker, seconded by Supervisor Todd, and unanimously carried, the Board adopted RESOLUTION NO. 44-77 indicating the County's intent to become a single County Area Agency on Aging.

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21-5 At the recommendation of the Airports Director and County Counsel, on (Continued)

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motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried, County Counsel was authorized to prepare a Notice of Default and the Chairman was authorized to sign it, to be served on the Fixed Base Operator at the Lake Tahoe Airport due to his failure to provide fuel.

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121 At the recommendation of the Airports Director and County Counsel, on motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried, the Board on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, pursuant to Government Code, authorized the publication of a Notice that the Board of Supervisors will be considering a revised Maintenance Agreement for Bennett Park on March 22, 1977, at 11:30 a.m.

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236-4
3/20/77
7/2/77
3/20
Assistant Director of Public Works submitted a Financial Report for the Salmon Falls Road reconstruction project, and recommended that it be forwarded to the Local Transportation Commission for consideration.

On motion of Supervisor Walker, seconded by Supervisor Todd, and unanimously carried, the Board approved the Report for transmittal to the Local Transportation Commission.

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151-4
Communication was received from the Welfare Director requesting that the Chairman be authorized to sign Agreement with the State Department of Benefit Payments to implement Public Law 94-365, whereby the Social Security Administration will directly reimburse the County for General Assistance granted to Supplemental Security Income (SSI) applicants.

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

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59
Secretary-Manager, El Dorado County Fair Association, submitted for approval, the year-end budget transfers prior to their transmittal to the State Department of Fairs and Expositions.

On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried, the Chairman was authorized to sign the Transfer of Budget Allotment.

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3/1/77
M.O.
K.M.
(17)
7/1-11
At the request of the County Assessor, on motion of Supervisor Walker, seconded by Supervisor Todd, and unanimously carried, the Chairman was authorized to sign the Addendum to the Agreement with the State Board of Equalization in the amount of \$200.00 for an additional audit by the State of the business property statement of Certainteed in New Jersey.

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501 Executive Director, Community Action Council, Inc., submitted a letter requesting that the Chairman be authorized to sign CSA Grant in the amount of \$100,000.00 for the operation of the Community Services Administration Program from March 1, 1977, through February 28, 1978.

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

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507 Project Director, Senior Nutrition Program, submitted a letter requesting authorization to make application to the State Department on Aging for \$11,863.00 to be used for structural improvements of kitchen facilities at the Community Services Building, additional equipment, and increased food costs, and advising that this will supersede previous application for \$2,700.00 as approved by the Board on January 4, 1977.

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

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113 (872) Assistant to the Board submitted the requests from the Employee's Association to install vending machines in the County Government Center, Placerville, and that the current County policy be waived to allow them to use the County Xerox machines at the reduced County rates.

On motion of Supervisor Johnson, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Todd, Walker, Stewart, and Johnson; No: Supervisor Kutter, both requests were denied.

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303 Supervisor Walker submitted a letter from Mr. Harold Roberts regarding the drilling of wells near his property by new home owners, and requesting to know if the County, during this drought period and in those areas where water isn't abundant at any time, can assist in any way.

On motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried, the Board stated they would take no action at this time inasmuch as a meeting on the water situation in the County is being held on March 8, 1977, with El Dorado Irrigation District and the Planning Department, and if a decision is reached at that time it will be placed back on the Agenda.

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74-79 Purchasing Agent submitted results of bid opening held on February 21, 1977, for Bid No. 779A - Lease of Cafeteria at the County Government Center; bids having been received from: George and Betty Franklin; John and Juanita Crowell; and Kay F. Smith.

(Continued)

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On motion of Supervisor Walker, seconded by Supervisor Todd, and unanimously carried, County Counsel was instructed to draft a contract with George and Betty Franklin for Board approval on March 15, 1977. (The original bids that were received are on file in the Board of Supervisors' files)

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30.4 On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried, the resignation of Marion MacAdams from the El Dorado County Alcoholism Advisory Board was accepted, and the Clerk was requested to send a Certificate of Appreciation to Miss MacAdams.

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Acting Director, County Training Programs, submitted the resignations of Messrs. Ken Oliver and Harry Armstrong from the Manpower Planning Council, as well as recommendations for their replacements.

50.4 On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried, the resignations were accepted, and the Clerk was requested to forward Certificates of Appreciation to Messrs. Oliver and Armstrong.

On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried, the Board appointed John Stubbs (Organized Labor category) and Vince Rucobo (Education and Training Agencies category) to fill the vacancies created by resignations of Messrs. Oliver and Armstrong.

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22.7 On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried, Nancy Sorensen was appointed to the Area III Board for Development Disabilities, as replacement for Georgia L. Horn, who resigned.

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20.4 Communication was received from the Chairman, Alcoholism Advisory Board, requesting the Board advise appropriate legislators of their opposition to cutbacks in all National Institute of Alcoholism and Alcoholic Abuse grant project. This item was continued to March 8, 1977, when the Agenda was adopted (Item 25), as requested by the Chairman, Alcoholism Advisory Board.

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12 Communication was received from the State Department of General Services, Real Estate Services Division, advising of surplus real property to be disposed of in El Dorado County, and requesting notification if County is interested in acquiring said property.

On motion of Supervisor Johnson, seconded by Supervisor Todd, and carried by the following vote: Ayes: Supervisors Todd, Walker, Stewart, and Johnson; No: Supervisor Kutter, the Board directed that a response (Continued)

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be sent to the State to the effect that the Board reviewed this matter, and the County is not interested in said surplus property.

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336
Board considered Assembly Bill 402, the California Transportation Reform Act of 1977; said Bill proposes some drastic measures insofar as transportation in California is concerned, and which could seriously affect El Dorado County.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Todd, Walker, Stewart, and Johnson; Abstain: Supervisor Kutter, the Board declared their opposition to Assembly Bill 402, as written.

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(83-5(b))
28
When the Agenda was adopted, the Board continued to March 8, 1977, at 11:30 a.m. the request submitted by the City of South Lake Tahoe for modification to the deed restrictions contained in the Grant Deed conveying certain campground acreage from the County to the City, in order to allow construction of a commercial ice rink. (Item 28 on March 1, 1977, Agenda).

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298a
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 Stewart, seconded by Supervisor Walker, and unanimously carried, the following assessment roll changes were approved as presented:

Ernest Flissinger, No. 6355

Edward Voorhees, No. 6359

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SPECIAL ORDERS

Supervisor Walker arrived late for the Planning Matters

PLANNING MATTERS

57-6
Hearing was held as duly advertised to consider an amendment to the County General Plan in the Georgetown area from Medium Density Residential (1 to 5 dwelling units per acre) to Rural Estates-Agricultural (1 dwelling unit per 5 to 20 acres), consisting of 69.97 acres, petitioned by Rudolph H. Niegel, Jr. Planning Commission recommended denial without prejudice, based upon the following findings as enumerated by the Executive Secretary:

1. The proposal would convert approximately 70 acres to residential use without the benefit of any of the needed considerations of design control and proper circulation that would result from the normal subdivision process; and,
 2. The property has areas of poor drainage and areas of very steep slopes.
- (Continued)

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The Executive Secretary advised that the Planning Commission was not in opposition to the reduction in density under the General Plan; however, the Commission was opposed to the rezoning at this time -- therefore, their action which was taken by one motion, was to deny the General Plan without prejudice.

There were no protests, and the Hearing was closed.

After consideration, the Board, on motion of Supervisor Kutter, seconded by Supervisor Todd, and unanimously carried by those present, approved the Petitioner's request; made the finding that it was necessary to amend the El Dorado County General Plan to allow for the orderly growth of the Georgetown area; and thereupon continued the matter for amendment to the General Plan accordingly.

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576
Hearing was held as duly advertised to consider an amendment to the County General Plan in the Greenwood area from Agricultural-Estate Residential (1 dwelling unit per 5 to 20 acres) to Low Density Residential (1 dwelling unit per 1 to 5 acres) consisting of 40 acres, petitioned by John A. Miller. Planning Commission recommended denial, and the Executive Secretary enumerated the following findings of the Commission:

1. The Plan was formulated by the Greenwood Civic Organization through many community meetings, some of which Mr. Miller attended;
2. The allowance of low density land uses (1 to 5 acre parcel sizes) in the area would be introducing a more intensive land usage than is now existing in the area (predominately five acre and over parcels existing in the area);
3. If the amendment were approved, development of the parcels to the limits allowed, would increase traffic over Spanish Dry Diggins Road, which is now experiencing severe traffic and dust control problems;
4. From the Soil Conservation Service Soil Index, predominant soil types at the parcel where the amendment is proposed are: the Boomer - very rocky loams (3 - 30%) slight to moderate erosion hazard, severe septic system limitations; the Sites clay loams 9 to 70% slopes, moderate to high erosion hazard, severe septic limitations; the Maymen - very rocky loams, 15 to 70% slopes, high erosion hazard, severe septic system limitations; and,
5. The Commission further felt that the applicant and his attorney had sufficient time to submit any new evidence obtained since the June 10th meeting. At the June 10th meeting, both Mr. Miller and his attorney, Mr. Gene McCabe, requested a continuance until July 15th in order to meet and confer with County Counsel and resolve certain problems.

Mr. Jack Sweeney, Land Surveyor, was present and stated that Mr. Miller recently sold the property and that he (Mr. Sweeney) represented the new owner, and it was their intention to rework the plan for the acreage and come back before the Board at a later date with a truly good plan. He also
(Continued)

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stated that the Greenwood Civic Organization had agreed with their intent.

There were no protests, and the Hearing was closed.

On motion of Supervisor Kutter, seconded by Supervisor Todd, and unanimously carried by those present, the Board concurred in the Planning Commission's findings; however, due to the recent sale of the property and a proposed revision of the plan for the acreage, the request for a General Plan Amendment was denied, without prejudice.

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Hearing was held as duly advertised to consider an amendment to the County General Plan in the Pollock Pines area from Medium Density Residential (1 to 5 dwelling units per acre) to Multiple Residential (5 to 20 dwelling units per acre), consisting of 1.221 acres, petitioned by Tom Dawson.

Planning Commission recommended denial, and the Executive Secretary enumerated the following findings of the Commission:

1. Both the Camino-Pollock Pines General Plan and the County General Plan designates the project area by a single family use district;
2. The proposal could allow approximately 45 units on 1¼ acres with no provision for a public sewer system now or in the foreseeable future;
3. It would be spot zoning; and,
4. The proposal would over-burden the road easement access to the property.

One letter in favor of the amendment was received from Laurence S. Rice, Jr. Two letters in opposition to the amendment were received from: Lena B. and James R. Milton, and Mr. and Mrs. John Mee.

Harold Cobb was present and opposed .

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

On motion of Supervisor Kutter, seconded by Supervisor Stewart, and unanimously carried by those present, the Board concurred with the Planning Commission's findings, and the General Plan Amendment was denied, without prejudice.

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Supervisor Walker returned

At the recommendation of the Planning Commission, on motion of Supervisor Todd, seconded by Supervisor Stewart, and unanimously carried, the Tentative Map of Ridgeview Village Unit No. 3 Standard Subdivision; Subdivider: Pacific States Development Corporation; 12.8 acres -- 33 lots in the El Dorado Hills area, was approved subject to the following conditions:

(Continued)

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1. Approval of construction drawings and specifications by Director of Public Works prior to any subdivision work;
2. Completion of road improvements, lot accesses, drainage systems and water system, sewage system and setting of final monuments in accordance with requirements of the Department of Public Works, Health Department, County Surveyor and the El Dorado County Subdivision Ordinance;
3. Subject to agreement between the Subdivider and the El Dorado Hills Community Service District in which the developer will donate a minimum of 2.2 acres of land for park and recreational purposes as stipulated in the approval of Ridgeview Village Unit #2 on December 4, 1973;
4. Subject to the requirements contained in the Resource Conservation District letter of January 7, 1977, regarding erosion control and land slide hazards;
5. Planning Staff to write a letter to the State Division of Real Estate indicating each individual lot of Ridgeview Village No. 3 (Standard Subdivision) to have a height restriction placed upon it according to analysis submitted;
6. Height restrictions to be inserted in the CC&R's;
7. Lots 14 and 15 be expanded to the 100' frontage as noted on copy of the Tentative Map;
8. Building sites to be as indicated on the Tentative Map; and
9. Zoning to R1, Single Family Residential zone from A, Agricultural zone, to become effective at the time of filing the final map.

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*425
2/25/77
Walker*
At the recommendation of the Planning Director, on motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried, the Agreement with Joseph Reade to make Rural Subdivision improvements in Arrowbee Woods Subdivision was approved and the Chairman was authorized to sign; a documentation of security of sufficient funds for the completion of the projects was received, being an Assignment of certain Certificates of Deposits in the World Savings & Loan in the total amount of \$19,323.00, in accordance with said Agreement, the Final Map of Arrowbee Woods Subdivision was approved and the Clerk authorized to endorse such approval on said Final Map.

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GENERAL ORDERS

*(225)
53
2/24/77*
On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Board directed that a letter of appreciation be sent to the Interstate Commerce Commission, as well as to Congressman McFall, for their efforts in securing a reduction in the interstate motor carrier rates into the Placerville community.

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249-3
On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried by those voting: Supervisors Todd, Walker, and Kutter. (Supervisor Johnson did not vote because he stated he held a Deed of Trust on the property, and Supervisor Stewart declined to vote since he stated he had not attended the litigation session on the subject) (Continued)

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County Counsel was authorized to work with the Happy Homestead Cemetery District pertaining to appraisal and necessary preliminary work for condemnation of land for cemetery purposes adjacent to said Cemetery.

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443
4-11-77
2-12-77
On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, County Counsel was authorized to negotiate a settlement pertaining to the lawsuit, Water's Edge Condominium Association vs. El Dorado County, etal.

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(58-1)
21-12-77
On motion of Supervisor Stewart, seconded by Supervisor Kutter, and unanimously carried, the Board directed that the County Auditor/Controller be instructed to draw a warrant to cover the amount of \$1,002.36, and 7% interest from February 6, 1975, pursuant to the Judgment in the lawsuit, Somermeier vs. El Dorado County.

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104-12
On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, the County Surveyor was directed to assist the American River Canyon Fire Protection District in establishing the corners and to prepare a description of the land which has been offered them as a life estate, which is adjacent to their existing firehouse.

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The Board adjourned to a continued meeting at 10:00 a.m., March 2, 1977.

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

APPROVED: William M. Johnson
Chairman

By: Ann R. May
Deputy

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The Board convened at 7:00 p.m. in continued adjourned meeting. Present: Supervisors Arliene Todd, William V. D. Johnson, W. P. Walker, Lloyd R. Kutter and Thomas L. Stewart. Also present: Jean Klotz, Deputy County Counsel and Connie A. Peterson, Assistant Board of Supervisors Clerk. Chairman Johnson presided.

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57-6
Hearing was held as duly advertised to consider an amendment to the County General Plan in the El Dorado Area, from Medium Density Residential to Industrial, for a portion of County Assessment Parcel No. 331-301-03, consisting of 9.1 acres, petitioned by Harold Farnsworth. Planning Commission recommended denial, and the Executive Secretary enumerated the following findings of the Commission:

1. An Environmental Impact Report having been prepared, identifies environmental impacts which cannot be suitably mitigated for industrial uses located in a residential neighborhood, even by conditions applied to a Special Use Permit;
2. The E.I.R. impacts relate to excessive noise and its duration; air pollution (dust, sawdust and smoke); traffic (logging and lumber trucks arriving and leaving cause concern especially with school buses operation); erosion (controls have been recommended by the Resource Conservation District and should be implemented if the General Plan Amendment and subsequent rezoning are approved); and, fire danger;
3. Aesthetic impacts, i.e., type of buildings and storage areas and mitigation features for noise, are unacceptable in a residential neighborhood; and,
4. If the Amendment and subsequent rezoning are approved, it would be a spot zoning incompatible with residential uses.

Mr. Doug Noble, Senior Planner, Planning Department, was present and said a complaint that Mr. Farnsworth was exceeding his non-conforming right on the subject property had been filed with the District Attorney's office; several meetings were held and the suggested change was that he apply for a rezoning; the requested amendment to the General Plan and subsequent rezoning was for allowance of continued operation of the mill.

The Chairman read into the record a letter dated February 24, 1977, from Mr. Daryl J. McKinstry, Attorney for Mr. Farnsworth, requesting the Board authorize the Planning staff and County Counsel to work with him to come up with a proposed form of agreement for a plan of operation for Mr. Farnsworth.

Supervisor Walker stated there were two issues before the Board; one, the amendment to the General Plan, and the other, Mr. McKinstry's proposal, and he requested to know if the Board could consider Mr. McKinstry's proposal.
(continued)

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Deputy County Counsel said she did not think the Board would be within its rights to consider this proposal and could not agree to the compromise set before it as there is a pending lawsuit, brought by the District Attorney's office.

Mr. Ron Temmerman, District Attorney's office was present and said that if the Board should make any agreement in relation to what was proposed, the agreement would not bind the District Attorney's office in the lawsuit that was brought on behalf of the people.

Mr. John Driscoll, Attorney, appearing in place of Mr. McKinstry said there is really only one issue before you tonight which is the amendment to the County General Plan; all that Mr. McKinstry is asking is that the Planning staff be authorized to sit down and negotiate with him and the District Attorney's office to arrive at some decision.

Chairman Johnson then stated that they would proceed with the Hearing on the proposed amendment to the General Plan.

Six letters were received in opposition to the proposed amendment.

The following persons were present and spoke against the amendment and gave the listed reasons:

Mr. Al Dimmick, William Fietz, Mrs. L. Miller, Mrs. Van Horn, Wm. Klopp, Jean Robinson, Mr. and Mrs. Jim Heyne: Noise; dust; smoke; fire hazard; trucks create too much traffic; sawmill had been built without permit; industrial zone in a residential neighborhood. Mrs. Phyllis Fox read a letter into the record, dated February 26, 1977, from Environmental Planning and Information Council against the General Plan Amendment.

The Chairman then closed the public hearing.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the General Plan amendment was denied as recommended, based on the findings of the Planning Commission.

Discussion was then held on the letter received from Mr. McKinstry, and the Board did not take any formal action.

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There being no further business, the Board adjourned to a continued meeting on March 2, 1977 at 10:00 a.m.

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

By Connie A. Peterson
Deputy

APPROVED

William V. D. Johnson
William V. D. Johnson, Chairman

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Mr. William Brown said that they do not wish to have any commercial in the area.

In rebuttal, Mr. Dunning stated that he wished to utilize the commercial property in order to make a living and help pay the taxes on the property.

No further protests were presented, and the Hearing was closed.

Supervisor Todd moved to amend the General Plan to conform to the existing zoning which has been in effect for several years, this motion failed for lack of a second.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Johnson, Walker, Kutter, and Stewart; Noes: Supervisor Todd, the General Plan amendment was denied based on the following findings:

1. The property is still in litigation, and any action taken to change the present General Plan could affect the litigation;
2. The zoning is premature from the standpoint of the need for such; and,
3. Unsure of the capabilities of the facilities available to serve this area at this time.

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Hearing was held as duly advertised to consider an amendment to the County General Plan, in the Shingle Springs area, from Medium Density Residential (1 to 5 dwelling units per acre) to Limited Multi-Family Residential (7.5 acres) and Generalized Commercial (12.06 acres), for a portion of County Assessment Parcel No. 57-67-03, consisting of 19.56 acres, petitioned by John C. Pine, Roger C. Cromwell, and Frederick B. Pierson. Planning Commission recommended denial, and the Executive Secretary enumerated the following findings of the Commission:

1. The El Dorado County Health Department strongly recommends that no commercial expansion be considered in the Shingle Springs area until the proposed public sewer is a physical reality;
2. The Soil Conservation Service of the Department of Agriculture rates the soil type on the property as severe for septic tank sewage disposal and the local Health Department's experience with septic tanks in this area is that the failure rate is quite high;
3. Although the existing County General Plan adopted in 1969, shows the area designated, in part, for future commercial zoning, the Shingle Springs Community Plan in progress, has a set of goals and policies recommended by the citizens of the area which recommend against commercial expansion north of State Highway 50.

Mr. Michael S. Pecherer, Attorney, spoke in behalf of the petitioners and stated that Mr. Harry Dunlop of the El Dorado Irrigation District had assured them that this piece of property would be included in the proposed sewage service area. He also felt that the location of the property adjacent to Highway 50 would be most suitable for commercial use and not for single family residences, as it is now zoned.

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The Board convened in continued adjourned meeting. Present: Supervisors Arliene Todd, William V. D. Johnson, W. P. Walker, Lloyd R. Kutter, and Thomas L. Stewart. Also present: Jean Klotz, Deputy County Counsel, and Sally A. Traub, Deputy Clerk. Chairman Johnson presided.

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51.6 Hearing was held as duly advertised to consider an amendment to the County General Plan, in the Rescue area, from High Density Residential (1 to 4 dwelling units per acre) to Commercial, for a portion of County Assessment Parcel No. 69-100-05, consisting of approximately 6 acres, initiated by the Planning Commission for lands owned by Guy Dunning. Planning Commission recommended approval, and the Executive Secretary enumerated the following findings of the Commission:

1. Rapid population growth in the area is demanding additional services which could be provided by the allowance of this proposal;
2. The amendment is necessary and convenient to provide for the orderly growth of the Rescue Plan area; and,
3. The location of the proposed amendment is geographically sound, i.e., gentle topography, public water, adequate sight distance to County-maintained road, ample parking area, and centralized plan area location.

Mr. Guy Dunning was present and stated that there had been some misunderstandings, and wanted to stress that this is only an Amendment to the General Plan to conform with the zoning of Commercial granted to him in 1972.

Supervisor Walker read a letter into the record from Mr. James Hayes expressing his opposition to the amendment, as he considered it to be spot zoning.

Mrs. Inez Freeman submitted a letter from Mr. & Mrs. Raymond Perkins, adjoining property owners, in opposition. She also spoke in opposition to the application, as she considered it to be spot zoning; unneeded; and because of the lack of sewer services, and the water shortage. She also submitted a petition in opposition containing 88 signatures.

Mrs. Marjorie Kass read a statement in opposition to the proposal as it would destroy the rural atmosphere, that there are enough commercial services available to the residents within a short distance, and that it would increase traffic in the area.

Mr. Rodney Turner expressed concern for the safety of the children in the area because of the increased traffic flow that the commercial designation would create.

Mr. Francis Leighton stated he was opposed to the plan, and had been since 1972 when the commercial zoning was originally granted.

Ms. Ruth Loeffelbein spoke on behalf of the Environmental Planning and Information Council (E.P.I.C.) and stated that they were opposed to this as spot zoning.

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Mrs. Daphne Sheradowski stated that she felt it would be very suitable for single family residences, and was in opposition to the change to Commercial. She also stated that she felt it would not be suitable at this time to change because of the acute water shortage, and the traffic problems this would create. She also submitted a letter signed by seven property owners in opposition to the proposal.

Ms. Gloria Babich stated that there is presently no commercial property on the north side of the freeway, and would like it to remain this way.

Ms. Glenda Eslinger spoke on behalf of the Environmental Planning and Information Council (E.P.I.C.) and stated that all objections brought up against the General Plan amendment for Guy Dunning (see previous hearing this date) also applied to this proposal, and felt that it was premature.

Mr. Harry Perdue stated that a petition was submitted at the Planning Commission Hearing containing 29 signatures stating that they had no objection to the commercial designation. He expressed that he was in favor of the proposal.

Mrs. Fran Neuenschwander spoke in opposition to this as spot zoning, and does not want commercial on the north side of the Highway.

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

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the General Plan Amendment was denied as being premature regardless of whether or not it is annexed to the proposed sewer district, and the Board concurred in the Planning Commission's findings and recommendations, with particular emphasis on finding no. 1.

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Hearing was held as duly advertised to consider an amendment to the County General Plan, in the Diamond Springs area, from Medium Density Residential to Generalized Commercial, and Industrial, for a portion of County Assessment Parcel Nos. 54-321-40 and 54-321-52, consisting of 22.82 acres, petitioned by Leo Levy, et al. Planning Commission recommended approval, and the Executive Secretary enumerated the following findings of the Commission:

1. This proposal would provide the best transition between the existing industrial and residential uses according to the site and use review provisions which could be applied by the CPO zone allowed under the General Commercial Plan designation; and,
2. The property is adjacent to both the water and sewer districts. Water is available from an 18" water main along China Garden Road and sewer appears to be feasible for a portion of the property. Fire protection is provided by Diamond Springs Fire Protection District.

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No protests were presented, and the Hearing was closed.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Board concurred in the Planning Commission's findings and recommendation for amendment to the El Dorado County General Plan. (See Page 94 for Resolution No. 45-77 amending the County General Plan.)

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Hearing was held as duly advertised to consider an amendment to the County General Plan (Recreation and Land Use Elements), in the Pilot Hill area (Bayley House), from Low Density Residential to Parks and Organized Recreation, for a portion of County Assessment Parcel No. 71-05-09, consisting of 10 acres, requested by the El Dorado County Recreation Commission. Planning Commission recommended approval, and the Acting Executive Secretary enumerated the following findings of the Commission:

1. The County recently acquired as a gift, the Bayley House and ten acres of land from Alexander and Baldwin, Inc., of Honolulu;
2. The Board of Supervisors directed the Recreation Commission to determine suitable uses for the Bayley House and the 10 acres of land. The Recreation Commission therefore requested the General Plan be amended to show the ten acres as a recreational facility in order that the County might utilize some of the 1976 Park, Recreation, and Historical Bond monies on the Bayley House Project;
3. The proposal will benefit the public at large; and,
4. All interested agencies have recommended approval.

No protests were presented, and the Hearing was closed.

On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried, the Board concurred in the Planning Commission's findings and recommendation for amendment to the El Dorado County General Plan. (See Page 94 for Resolution No. 45-77 amending the County General Plan.)

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Hearing was held as duly advertised to consider an amendment to the County General Plan, in the Coloma area, from Tourist Residential to Generalized Commercial, for a portion of County Assessment Nos. 6-34-49 and -50, consisting of approximately 4 acres, petitioned by John B. Hassler and Howard Lindgren. Planning Commission recommended approval, and the Executive Secretary enumerated the following findings of the Commission:

1. The property is within an area of growing commercial development, adjacent to the Coloma State Park, and is directly across State Highway 49 from existing commercial;
2. The 1969 County General Plan designated the area for Tourist Residential (existing zoning) and the change to Generalized Commercial is only a slightly more intensive land use designation; and,
3. The property can be served with public water, public roads, and is within the service area of a fire department offering structural protection.

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No protests were presented, and the Hearing was closed.

On motion of Supervisor Kutter, seconded by Supervisor Walker, and unanimously carried, the Board concurred in the Planning Commission's findings and recommendation for amendment to the El Dorado County General Plan. (See Page 94 for Resolution No. 45-77 amending the County General Plan.)

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57-60 On motion of Supervisor Walker, seconded by Supervisor Kutter, and unanimously carried (with the exception of Supervisor Stewart who abstained for the Hearings held February 28, 1977, due to his absence -- See Minute Book 18, page 73), Resolution No. 45-77 was adopted, amending the El Dorado County General Plan, comprising Board actions from Hearings held on February 28, March 1, and 2, 1977.

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The motion of Supervisor Stewart, seconded by Supervisor Kutter, that the rezoning of Mr. Guy Dunning's property (see page 90) be referred to the Planning Commission to bring the zoning into conformance with the General Plan, failed by reason of the following vote: Ayes: Supervisors Kutter and Stewart; Noes: Supervisors Todd, Johnson, and Walker.

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There being no further business, the Board adjourned to Tuesday, March 8, 1977, at 10:00 a.m.

APPROVED

William D. Johnson
Chairman

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

BY *Sally C. Traub*
Deputy