

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES March 1, 19 77

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.

--//--

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)

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES March 1, 19 77

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.

--//--

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

--//--

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

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES March 2, 19 77

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.

--//--

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.

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES March 2, 19 77

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.

--//--

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.

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES

March 2, 1977

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.

--//--

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.

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES

March 2, 1977

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.)

--//--

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.)

--//--

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.

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES

March 2, 1977

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.)

--//--

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.

--//--

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.

--//--

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

APPROVED

William H. Johnson
Chairman

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

BY *Sally C. Traub*
Deputy