

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES November 20 19 79

The Board convened in regular meeting. Present: Supervisors Arliene Todd, W. P. Walker, Joseph V. Flynn, and Thomas L. Stewart. Supervisor Johnson was absent. Dixie L. Foote, Assistant Board of Supervisors Clerk was also present. Chairman Walker presided.

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117 The Invocation was offered by Supervisor Walker.

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The Pledge of Allegiance to the Flag was led by Supervisor Arliene Todd.

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The Agenda was adopted with the addition of one item regarding the clarification of the Board's action of January 30, 1979, when it appointed Mr. Noble Sprunger, County Counsel, to the El Dorado County Law Library Board of Trustees; adoption of agenda on motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried by those present.

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The Minutes of November 6, 1979, were approved as submitted, on motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried by those present.

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On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, the Consent Calendar matters were considered and acted upon as follows:

117 The Community Action Council Claims were approved and allowed for payment.

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Budget Transfer No. 14 was approved for the Health Department, Animal Control Division, transferring \$400 from Maintenance of Equipment to Fixed Assets for purchase of an electric winch used for removal of large animals.

Budget Transfer No. 16 was approved for the Department of Public Works, Buildings and Grounds, transferring \$275 from the Agricultural Account to Fixed Assets, to be combined with \$600 in Fixed Assets for a sickle bar mower attachment, for purchase of a 5 to 7 HP rototiller with aerator bar at a cost of approximately \$850.00.

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117 The Board approved 134 Assignments to Northwest Creditors Service from the Collection Department for Claims against those persons named on the Assignments dated November 20, 1979; copies of which are on file in the Board of Supervisors Office, beginning with the name of Robert B. Beaudoux and ending with the name of Jacque Jones.

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151-13
RESOLUTIONS NOS. 284-79, 285-79, and 286-79 were adopted Authorizing an Action for the Recovery of County Funds Paid Out for Lake Tahoe Ambulance, Western Slope Ambulance (County Service Area No. 7), Public Defender, Probation, Library, Welfare, and Mental Health Departments.

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151
RESOLUTION NO. 287-79 was adopted Discharging Unpaid County Welfare Accounts.

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212-2
The Board approved Assessment Roll Changes numbered: 2210, 2211, 7784, 7788, 7798, 7800, 7801, 7782, 7804, 7790, and 7792.

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34-7
The Chairman was authorized to execute Releases of Lien, discharging all property encumbered by the Agreements to Reimburse the County for Public Assistance, as recorded in the Official Records of El Dorado County as follows:

<u>Name</u>	<u>Volume and Page</u>	
Richard G. & Judy Fletcher	1103	365
Christine L. Tofanelli	1315	271
Joan Vince	957	555
James McCullough	871	576
Louis Toscano	1066	597
Lou Toscano	1742	107
Michael E. Timmons	906	446
Anthony Thompson	1013	498

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31-13
At the recommendation of the Airports Director, the Chairman was authorized to sign a five-year Land Use Lease Agreement with Robert J. Lieurance to erect a portable hangar at the Placerville Airport.

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31-13
At the recommendation of the Airports Director, the Chairman was authorized to sign an Addendum to the five-year Land Use Lease with Algimantas Balciunas, M.D., to erect a portable hangar at the Placerville Airport, said Addendum to extend said Lease to November 6, 1984.

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34-1
At the recommendation of the Director of Public Works, RESOLUTION NO. 288-79 was adopted notifying the California Department of Transportation that this County claims its apportionment of funds under the Federal-Aid Secondary Highway Act, in accordance with the provisions of Section 2208 and 2210 of the Streets and Highways Code, said apportionment being \$217,570.00 of Federal Aid Secondary Funds, and \$100,000.00 of State Highway Fund Money for Matching; and the County agrees to provide any County matching funds required as may be necessary after first considering the sum made available under Streets and Highways Code Section 2210.

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11-23
From the
Minutes
At the recommendation of the Department of Public Works, the completion date for improvements in the Royal Heights Townhouses, Unit No. 2, Subdivision was extended to June 30, 1980, as requested by Dick Smith and Associates.

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11-23
Community
Programs
At the recommendation of the Planning Commission, RESOLUTION NO. 289-79 was adopted setting a Hearing on December 11, 1979, at 2:00 p.m., to consider abandonment of the public utility easement between Lots 195 and 196 in Cameron Park North, Unit No. 3, as requested by Mr. Thomas Dickerman, owner of the property.

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50-1
At the recommendation of the Community Programs Executive Director, the Chairman was authorized to sign Contract Amendment No. 2 with the State Office of Economic Opportunity for the U.S. Community Services Administration Energy Conservation Program, extending the termination date of said Contract to June 30, 1980.

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50-2
At the recommendation of the Community Programs Executive Director, the Chairman was authorized to sign Contract Amendment No. 1 with the State Office of Economic Opportunity for the U.S. Department of Energy Low Income Weatherization Assistance Program, extending the termination date of said Contract to December 31, 1979.

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11-4
At the recommendation of the Purchasing Agent, and the Director of Data Processing, the Board authorized purchase of six Disk Packs for the new Univac Computer, from Data Systems, at a cost of \$2,992.50.

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11-4
At the recommendation of the Purchasing Agent, the Board authorized the purchase of three used automobiles from Hertz Rent-A-Car in Sacramento for the District Attorney's Office; two 1979 used medium sized automobiles, at a cost not to exceed \$5,700.00 each, and one older used vehicle for undercover work, at a cost not to exceed \$4,100.00.

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Bid Results:

11-4
Bid No. 063 - Furnish and install 104 feet of partition walls for Public Works Department, Engineering Section, awarded to lowest bidder meeting specifications, Partition Specialties, Inc., of Sacramento, in the amount of \$5,028.00; and Budget Transfer No. 15, in the amount of \$1,020.00, was approved to cover installation and sales tax.

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11/14-4
Bid No. 064 - Six-wheel drive grader with hydrostatic controls for Public Works Department, awarded to sole bidder, Weaver Equipment Company of Sacramento, in the amount of \$75,000.00; and Budget Transfer No. 15, in the amount of \$4,500.00, was approved.

11/14-7
Bid No. 066 - Milk and dairy products for Jail and Juvenile Hall, based on estimated six-month usage with volume discount applied, awarded to low bidder, Strauss & Sons Distributors (Crystal), of Placerville, in the amount of \$6,272.23.

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11/14-10
At the recommendation of the Purchasing Agent, and on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, the Board authorized waiver of formal bidding procedures to allow for the purchase of 700 grader blades for the Public Works Department, from Industrial Parts Depot of Sacramento, at a cost of \$21,997.00.

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12-14
At the request of the Director of Welfare, and on motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried by those present, the Board set a Policy Review Session with the Welfare Department, on November 26, 1979, at 11:00 a.m., regarding the State's proposed new centralized payment system.

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12-14
At the request of the Director of Planning, and on motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried by those present, the Board set a Policy Review Session with the Planning Department, on November 26, 1979, at 10:30 a.m., regarding the Bayley House.

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(12-14)
83
At the request of the Director of Planning, and on motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried by those present, the Board set a Policy Review Session with the Planning Department, on December 3, 1979, after 2:00 p.m., regarding a Long Range Policies Plan.

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11-14
At the request of the Executive Director of Community Programs, and on motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried by those present, the Board set a Policy Review Session with Community Programs, on December 10, 1979, at 2:00 p.m., regarding relocating to the Pioneer facility.

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65
(12-14)
Pursuant to an invitation from the El Dorado County Historical Museum Commission, and on motion of Supervisor Stewart, seconded by Supervisor Todd, and unanimously carried by those present, the Board accepted the invitation from said Commission to have lunch at the Museum, and set the date for December 11, 1979, at 12:00 noon.

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Continued next page.

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25
21.8
On motion of Supervisor Stewart, seconded by Supervisor Todd, and unani-
mously carried by those present, the Board set January 21, 1980, 11:00 a.m.,
to host a meeting of the Tahoe Basin Association of Governments (TBAG) in
the Conference Room of Building "A" in the Government Center at Placerville.

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81
11.8
On motion of Supervisor Todd, seconded by Supervisor Flynn, and unani-
mously carried, the Board set January 7, 1980, at 12:00 noon, for the
opening of the Community Center. (New facility for Community Programs
Dept.)

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43
On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unani-
mously carried by those present, the Chairman was authorized to sign a
letter to Governor Edmund G. Brown, Jr., requesting that his Executive Order
relating to the "odd-even" gas plan be amended to provide the Board the
option of instituting the restrictions as they appear necessary.

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On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unani-
mously carried by those present, the Board approved the recommendations of
the Personnel Officer as set forth in his letter of November 15, 1979, and
took the following action:

- 115
12-14
22-2
1. Authorized the Chairman to sign an Addendum to the Memorandum of Agree-
ment with the Management Unit of the County to allow Management employees
of the Welfare Department to participate in standby and call-back duty
to fully implement the 24-hour Children's Protective Services as required
by Federal and State regulations;
 2. Appointed Charles Eubanks as Clinical Psychiatrist in the Health Depart-
ment at the top step of the salary range;
 3. Authorized County payment of medical insurance for the last category
of dependents of department heads effective January, 1980; for insurance
purposes, this authorization will align the department heads with all the
rest of the County employees, and affects fourteen department heads at a
cost to the County of \$448 per month.

113
Also, on motion of Supervisor Stewart, seconded by Supervisor Todd, and
unanimously carried by those present, the Chief Administrative Officer was
authorized to purchase management/efficiency posters from Action Posters,
for display in the County Offices.

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123-2
Mr. Noble Sprunger, County Counsel, requested the Board to clarify its
action of January 30, 1979, when it appointed him to the Board of Trustees
of the El Dorado County Law Library. As Mr. Sprunger has resigned his
position as County Counsel, effective December 1, 1979, he wondered if he
was still to serve as a Trustee of the Law Library or if the Board intended
that his successor as County Counsel, Mr. Dave Whittington would also
succeed him on said Board. On motion of Supervisor Flynn, seconded by
Supervisor Todd, and unanimously carried, the Board stated its intent to
have the office of County Counsel appointed to the Board of Trustees of
the Law Library, not the individual.

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24-1
The Board reconsidered its action of October 30, 1979, whereby it authorized the Chairman to sign a Contract with Michael and Daryl Radney for Shelter Care and Crisis Resolution Home child placement services for the Western Slope, as the Board has since learned that the Radneys are not yet licensed by the State to provide said service. On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board directed County Counsel to amend Section 3(b) of said contract to read, "Contractor shall possess a current license for boarding children issued by the County Welfare Department, or have pending application for such a license."; and have both parties to the contract initial same.

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22-11A
The Board again considered Mitchell L. DeGregorio's claim for costs in the amount of \$750.00, arising from revisions to his special design septic system that were required by the Environmental Health Department. (Continued from November 6, 1979) On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried, the Board denied the claim, without prejudice, and referred same to the County Insurance Claims Administrator.

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17-3
The Board considered for adoption, an Ordinance to amend the Salary Ordinance to increase the salaries of the Board of Supervisors by 10%, from \$1286 to \$1414 per month; percentage amount of increase being same as was authorized for County employees in July, 1979. (Introduced November 6, 1979) On motion of Supervisor Stewart, seconded by Supervisor Todd, and unanimously carried by those present, the Board referred the matter to a committee to be known as the Board of Supervisors Salary Adjustment Committee, to be comprised of ten County residents appointed by the Board -- two members from each Supervisorial District (one representing white-collar interests and one representing blue-collar interests), with said appointments to be made by 5:00 p.m. on November 30, 1979, and Mr. John Fitzpatrick to serve as Chairperson of same; and said Committee to report back to the Board on or before January 15, 1980 with a recommendation for an adequate salary.

On motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried by those present, the Board directed that the proposed Ordinance be revised to include only the latter portion relating to members of the Board of Supervisors being entitled but not required to receive, the same benefits provided by the County to County employees, including but not limited to, retirement and medical and dental plans; and that Ordinance was introduced, reading thereof waived, and it was continued to November 27, 1979 for adoption.

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12-17
The Board reviewed a report submitted by the Chief Administrative Officer and Auditor-Controller concerning attempts to audit El Dorado Landfill, Inc. as provided for in the contract between the County and said Corporation. The Corporation was found to be unauditible and in default of the contract in three areas.

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The Chief Administrative Officer advised the Board that, as of this date, necessary corrections have been made so the contract is now being fulfilled; and, on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, the Board directed that the report be placed on file.

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27-11-8
Hearing was held as requested by Kenneth N. and Evelyn Sawyer to consider their appeal of the cancellation of the Homeowners Tax Exemption for Assessment Parcel No. 61-720-27. Mrs. Amelia McAnnally, County Auditor-Controller, advised the Board that the Sawyers were at the Assessor's Office and now understood, and are in agreement with, the Assessor's action. There were no further comments, and the Hearing was closed. On motion of Supervisor Stewart, seconded by Supervisor Todd, and unanimously carried by those present, the Board upheld the Assessor and approved cancellation of the Homeowners Tax Exemption, and waived the penalties.

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27-11-8
An Ordinance to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations was introduced, reading thereof waived, and it was continued to December 4, 1979, at 11:30 a.m., for adoption, on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present.

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27-11-8
An Ordinance to establish a Mineral Resource (MR) District for the orderly development and protection of lands containing mineral resources was introduced, reading thereof waived, and it was continued to December 4, 1979, at 11:30 a.m., for adoption, on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present.

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22
At the recommendation of the Chief Administrative Officer, and on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, the Board approved implementation of an employee deferred compensation savings plan offered by Sacramento Savings and Loan Association, and adopted RESOLUTION NO. 289A-79 accordingly.

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11
The Greenwood Civic Organization's recommendation for construction of a helicopter pad and fire retardant storage and loading facility at the Georgetown Airport was referred to the County Airports Director for his recommendation, on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present.

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22-1
250
On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unani-
mously carried by those present, the Board determined that the Sierra
Family Medical Clinic would remain in compliance with its contract with
the County if it were to allow the Sacramento Area Chapter of the American
Red Cross to use the two-room basement area of the Clinic, as well as assign
a parking space to the Red Cross office worker. Also, Mr. Fitzpatrick,
Chief Administrative Officer for the County, advised the Board that repre-
sentatives of the Red Cross are making arrangements with the County's
Director of Community Programs for occasional use of the Senior Nutrition
Center for Red Cross classes.

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SPECIAL ORDERS

PLANNING MATTERS

250-1-77
Hearing was held as duly advertised to consider an Appeal filed by Mr. Don L.
Kuist on the Planning Commission's decision to grant Special Use Permit 79-104
to Richard and Valner Silva for a mobilehome to be placed on their 10 acres
zoned Agricultural in the Cool area.

Mr. Kuist was present and stated that the Special Use Permit allows a
mobilehome which is in violation of the Covenants, Codes and Restrictions
(CC&R's) in their Subdivision.

Mr. Robert A. Laurie, Assistant County Counsel, advised the Board that,
although it should consider the deed restrictions as one piece of evidence,
it should not make a decision solely on the basis of those restrictions,
because that would make the County a party to that agreement which it is not.
Also, Mr. Laurie advised the Board that, pursuant to Section 9445 of the
County Ordinance Code, the County does not have the authority to deny a
discretionary permit (such as a Special Use Permit) based on non-compliance
with CC&R's.

Mr. Jim Nusman, the realtor who sold Mr. and Mrs. Silva the property in
question, was present and spoke on behalf of the Silvas. Mr. Nusman sub-
mitted a letter from Frances D. and Lyle A. Hoppmann, who own property
adjacent to the Silvas', stating they have no objection to the placement
of a mobilehome on the property.

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

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unani-
mously carried by those present, the Board accepted and adopted the Nega-
tive Declaration; and, based on testimony heard this date, as well as
records of testimony heard by the Planning Commission, found no evidence
to indicate that granting of the Special Use Permit would be detrimental
to public health, safety and welfare, nor injurious to the neighborhood;
thereby upholding the action of the Planning Commission.

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GENERAL ORDERS

16-4
On motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried by those present, an Ordinance amending the County Disaster Ordinance, reflecting amendments recommended by the County Disaster Council and Supervisor Flynn, was introduced (with additional changes), reading thereof waived, and it was continued to December 4, 1979, for adoption.

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57
On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, an Ordinance waiving minimum parcel size for conveyance to governmental agencies, public entities, or public utilities, was introduced, reading thereof waived, and it was continued to December 11, 1979, for adoption.

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59-4
Supervisor William V. D. Johnson was appointed to the Board of Directors of the Sacramento-Mother Lode Regional Association of County Supervisors, on motion of Supervisor Todd, seconded by Supervisor Stewart, and unanimously carried by those present.

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60-7
22-1
After reviewing nominees submitted by the Director of Health Services, the Board appointed Mr. Ted Ostrowski to fill a vacancy on the Alta California Regional Center Board of Directors, on motion of Supervisor Todd, seconded by Supervisor Stewart, and unanimously carried by those present.

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51-1
Dairyland Insurance Company submitted a claim, in the amount of \$750.00, for storage charges incurred as a result of the theft of a 1978 Yamaha motorcycle from its insured, Tony Harrison. At the recommendation of the District Attorney, and on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board authorized the District Attorney to work out a compromise settlement with Dairyland Insurance Company, with the understanding that any compromise settlement be paid with funds from the District Attorney's budget.

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22-11A
After being advised by the Chairman of the California Water Commission that a report relating to Bureau of Reclamation's feasibility investigation of the Cosumnes River has been approved, said report recommending that Amador and El Dorado Counties adopt a program for management of limited ground water supplies available, the Board referred the matter to the Cosumnes River Association for its recommendation, on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present.

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22
On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board accepted the termination of the contract between Patricia Ellington-Smith and El Dorado County, for Ms. Smith to provide group counseling services for the Mental Health Department; said termination effective November 21, 1979.

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34
A request by the National Joint Heavy and Highway Construction Committee, for information regarding highway projects in the County which have been put off to some future time under the 5-to-10 year plans established by the State Department of Transportation Division of Highways, was referred back to the Department of Public Works of El Dorado County for a more detailed listing of the projects, on motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried by those present.

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SPECIAL ORDERS

PLANNING MATTERS

57-4
El Dorado
Plan
Hearing was held as duly advertised to consider adoption of the proposed El Dorado/Diamond Springs Area Land Use Plan, consisting of approximately 24,000 acres, as recommended by the Planning Commission. Ms. Christal Waters, Project Planner, again reviewed the Plan for the Board and persons present. (Hearing continued from November 6, 1979)

At the recommendation of the Planning Commission, and on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, the Board approved the following proposed addition to General Policy No. 2 of the El Dorado/Diamond Springs Area Plan:
"Commercial and Industrial Planned Unit Developments may be permitted on an interim basis where one or more services (water and sewer) are missing as long as it would not be detrimental to the health, safety and welfare of the area." In order to be consistent, this Policy should be added to other policy statements:

1. Industrial Development Policies, No. 1, page 18;
2. Commercial Development Policies, No. 1, page 19; and
3. General Policy No. A2 should be revised to read: "Annexation to a county fire district is a prerequisite for all new zoning applications except those within Rural Agricultural or Agricultural Exclusive designations. Adequate public water is a prerequisite for medium density residential development. Adequate public water and sewer are prerequisites for high density and multi-family residential zoning. With the exception of planned unit developments, public water and sewer are prerequisites for industrial and commercial zoning."

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Mr. James Ingram, Agent, was present and spoke on behalf of LADELCO, Inc. which is owner of record of 73.370 acres (Assessment Parcel No. 460:12:30 & 41). It is the request of LADELCO, Inc., to have said property changed from Multi-Family and Low Density Residential to Commercial, Multi-Family and High Density Residential. The Planning Staff and Planning Commission recommended denial based on the following findings:

1. There is adequate provision for Commercial and Multi-Family development in Diamond Springs on the proposed plan;
2. Property is outside the core of Diamond Springs and would increase the sprawl of high intensity uses;
3. Additional Commercial and Multi-Family developments would increase circulation problems in Diamond Springs;
4. The subject area is along Weber Creek immediately below the proposed Texas Hill Dam and might be affected in case of dam failure.

Mr. Ingram reviewed LADELCO's plans for the property and its disagreement with the findings of the Planning Commission. Mr. Gene Thorne, Engineer, spoke regarding sewer availability for LADELCO's proposed project.

Mr. Wendall Inman, President of LADELCO, stated that he felt the Planning Commission acted without information he could have produced had he been aware they were going to act on his request that date. Mr. Inman then reviewed that information for the Board.

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Board denied the request of LADELCO, Inc., to change its 73.370 acres from Multi-Family and Low Density Residential to Commercial, Multi-Family and High Density Residential, based on the following findings:

1. There is adequate provision for Commercial, Industrial, and Multi-Family development in the Plan as presently proposed;
2. Property is outside the core of Diamond Springs and would increase the sprawl of high intensity uses;
3. Additional Commercial, Industrial, and Multi-Family developments would increase circulation problems in Diamond Springs;
4. Potential problems will result from impact upon sewage capacities.

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Mr. Chris Fusano was present to request that his 2 acres on the northeast corner of Missouri Flat Road and Forni Road (Assessment Parcels Nos. 327:21:12 & 13) be changed from High Density Residential to Commercial. Mr. Fusano reviewed his disagreement with the findings on which the Planning Staff and Planning Commission recommended denial. Those findings are as follows:

1. Topography limits development and future road changes;
2. Additional traffic would add to an already significant environmental issue;
3. Area not served by sewer;
4. Proposed Plan provides adequate commercial lands;
5. Public Works Department's response (memo to Planning, dated 10/30/79).

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Mr. Marvin Tappen owns property adjacent to Mr. Fusano's, and stated he supports Mr. Fusano's request. Mr. Tappen stated that he feels his own property has commercial potential also, and hopes to have it so designated in the near future.

Mr. Tom Snider was present and stated that he does not feel that sewer availability is the problem in these cases. He feels it is simply a matter of whether the people want residential or commercial use of the properties in question. The property is presently designated High Density Residential, and a change to Commercial would not alter the sewer situation in his opinion.

On motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried by those present, the Board denied the request of Mr. Chris Fusano to change his 2 acres from High Density Residential to Commercial, based on the following findings:

1. Additional traffic would add to an already over-used connector road;
2. Area not served by sewer;
3. Proposed Plan provides adequate commercial lands.

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57.6 Mr. Bob Campbell was present to request that his 13 acres on Missouri Flat Road, near the Forni Road intersection, (Assessment Parcels Nos. 327:210:17, 18, 19, 20 & 21) be changed from High Density Residential to Commercial. The Planning Staff and Planning Commission recommended denial based on the same findings in the case of Mr. Fusano's request. Mr. Campbell stated, as Mr. Fusano and Mr. Snider did, that the property owners along Missouri Flat Road who are request^{ing} Commercial designation are willing to donate land to the County for the purpose of widening Missouri Flat Road to accomodate increased traffic.

Mr. Wendall Inman again spoke to state that he lives on Missouri Flat Road and feels it definitely needs widening right now. Mr. Gloyd D. Zeller stated he owns four different properties in this area, and would like to see final action on this plan postponed for further study. Mr. Campbell, too, requested postponement of final action by the Board.

On motion of Supervisor Stewart, seconded by Supervisor Todd, and unanimously carried by those present, the Board denied the request of Mr. Bob Campbell to change his 13 acres from High Density Residential to Commercial, based on the following findings:

1. Additional traffic would add to an already significant environmental issue;
2. Area not served by sewer;
3. Proposed Plan provides adequate commercial lands;
4. Public Works Department's response (memo to Planning, dated 10/30/79).

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The Board considered the written request of Quinton and Lorelle McGee that their 3.7 acres (Assessment Parcel No. 327:210:22) be changed from High Density Residential to Commercial. The Planning Staff and Planning Commission recommended denial based on the same findings in the case of Mr. Fusano's request. Also, the Board considered the written request of Marie DeBord that her 7 acres (Assessment Parcel No. 327:210:03) be changed from High Density Residential to Commercial. Again, the Planning Staff and Planning Commission recommended denial based on the same findings in the case of Mr. Fusano's request.

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, the Board denied the requests of Quinton and Lorelle McGee and Marie DeBord, based on the following findings:

1. Additional traffic would add to an already significant environmental issue;
2. Area not served by sewer;
3. Proposed Plan provides adequate commercial lands;
4. Public Works Department's response (memo to Planning, dated 10/30/79).

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Mr. Gloyd Zeller, Jr. was present and spoke regarding his request that his 5 acres (Assessment Parcel No. 97:03:12) be changed from Medium Density Residential to Commercial and Industrial. Mr. Zeller stated his disagreement with the findings on which the Planning Staff and Planning Commission recommended denial. Those findings are as follows:

1. Changing this parcel to Commercial and Industrial would be "spot zoning"; and this Plan attempts to consolidate commercial and industrial uses;
2. Parcel is not within or adjacent to Sanitation District No. 2;
3. Mr. Zeller may continue his existing use by right.

Christal Waters, Project Planner, stated that Mr. Zeller's request is against the Policy for Industrial zoning as outlined on Page 18, Section 3(a) of the text of the El Dorado/Diamond Springs Area Land Use Plan which states, "Areas appropriate for industrial zoning are the lands along Missouri Flat Road north of Diamond Springs up to the railroad tracks and the lands around the El Dorado Wye. Industrial Plan Amendments are to be approved only if all of the following conditions exist: a. the lands proposed industrial are contiguous to existing Industrial Zoned or General Plan Designated lands;".

On motion of Supervisor Todd, seconded by Supervisor Stewart, and unanimously carried by those present, the Board denied Mr. Zeller's request to change his 5 acres from Medium Density Residential to Commercial and Industrial, based on the following findings:

1. Changing this parcel to commercial and Industrial would be "spot zoning". This Plan attempts to consolidate commercial and industrial uses;
2. Parcel is not within or adjacent to Sanitation District No. 2;

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3. Mr. Zeller may continue his existing use by right;
4. Approval would be inconsistent with the stated Policy of allowing only new industrial uses contiguous to existing Industrial Zoned or General Plan Designated lands.

* * * *

Christal Waters, Project Planner, advised the Board of the Planning Commission's recommendation that all lands designated Multi-Family Residential be limited to 20 dwelling units per acre rather than 43 dwelling units per acre. The proposed map reflects this recommendation, however, the text of the Plan would have to be amended so as to be consistent with the map relative to this matter.

There were no verbal or written protests.

On motion of Supervisor Todd, seconded by Supervisor Stewart, and unanimously carried by those present, the Board amended any reference in the text of the Plan, where it refers to Multi-Family Residential, changing the upper limit from 43 dwelling units per acre down to 20 dwelling units per acre, so as to be consistent with the map.

* * * *

There being no further comments from the audience, the Hearing was closed.

At the recommendation of the Planning Director and County Counsel, the Chairman directed Staff to include within the final Environmental Impact Report (E.I.R.) those changes made by the Planning Commission (numbers one through eleven on the Planning Commission's memo to the Board under the date of November 6, 1979) and changes made by the Board of Supervisors (number twelve: Board approval of the request of the First Assembly of God Church to designate its 5.33 acre parcel of land as Multi-Family Residential; and number thirteen: Board approval of the change in the General Policy No. 2 of the Area Plan text.); as well as the written response of the environmental significance of said changes as addressed in the Planning Commission's memo to the Board under the date of November 6, 1979.

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, the Board certified that the final E.I.R. has been completed in compliance with California Environmental Quality Act (C.E.Q.A.) and State guidelines, and that this Board has reviewed and considered the information contained in the E.I.R. prior to its consideration of the Diamond Springs/El Dorado Area Plan.

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, the Board declared its intent to adopt the Diamond Springs/El Dorado Area Plan as that Plan is presented in the document entitled "County of El Dorado, Diamond Springs/El Dorado Area Plan and Environmental Impact Report", as well as the Area Plan Map which is identified as the Diamond Springs/El Dorado Area Plan; and adopted the following findings:

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1. Changes have been incorporated into the Plan which mitigate all of the significant effects identified in the final E.I.R. except for the impact on schools and air quality, such mitigation measures also shall be those as referenced in the E.I.R. previously certified which are hereby incorporated into these findings.
2. As to the impact on schools and air quality, which impacts cannot be fully mitigated, the Board makes the following findings of mitigation and overriding consideration as required by Sections 15088 and 15089 of the C.E.Q.A. guidelines:

On Schools:

- a. Under Section 15088 (a)(1) of the CEQA Guidelines, the County finds that the Plan mitigates a portion of the significant impact by reserving lands owned by the El Dorado High School District and placing them in a Public Facilities designation, and by locating most of the Multi-Family and High Density Residential uses around existing schools or school sites in order to provide the opportunity for maintaining or reducing bus transportation costs;
- b. Under Section 15088 (a)(2), the County finds that mitigation of the impact on schools by the provision of adequate funding for education since Proposition 13 and the Serrano-Priest decision is a responsibility of the State;
- c. Under Section 15088 (a)(3), the County finds that the need for moderate income housing, identified in the Housing Element, as provided for by the Multi-Family and High Density Residential designations, that the availability in the Plan Area and not in others of the public services of water and sewer necessary for the Multi-Family and High Density Residential developments, and the desires of the community to provide for planned future growth within the County, make the Low Intensity Land Use Alternative identified in the Environmental Impact Report infeasible.

On Air Quality:

- a. Under Section 15088 (a)(1), the County finds that the Plan mitigates the significant impact on air quality by stationary sources through its policies governing industrial land uses;
- b. Under Section 15088 (a)(2), the Board finds that mitigation of the impact on air quality caused by vehicular emissions is a responsibility of the State;
- c. Under Section 15088 (a)(3), the Board finds that the need for additional commercial opportunities and housing within the County to provide for projected County growth makes the Resource Conservation Alternative infeasible.

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Although the Environmental Impact Report identifies unmitigated significant impacts on air quality and on schools, the County believes that the need for adequate housing and commercial opportunities to serve the future population, combined with State jurisdiction for mitigating the impacts on air quality and, to a certain extent the impacts on schools, are reasons for overriding the significant impact findings of the Environmental Impact Report and approving the Diamond Springs/El Dorado Area Plan.

3. This Board further finds that this Area Plan is consistent with the General Plan and all of the elements thereof.
(See Minutes for December 5, 1979, Page 519, for Resolution No. 302-79 amending the County General Plan accordingly.)

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There being no further business, the Board adjourned to Tuesday, November 27, 1979, at 10:00 a.m.

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APPROVED:

W. P. Walker

W. P. WALKER, Chairman

ATTEST:

DOLORIS BREDESON, County Clerk
and ex officio Clerk of the Board

By

Daniel L. Foote

Deputy Clerk