

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES December 4 19 79

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

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127 The Invocation was offered by Reverend Brock, representing the First Assembly of God Church.

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

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The Agenda was adopted, on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried.

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The Minutes of November 20 and 27, 1979, were approved as submitted on motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried. (Supervisor Johnson, noted that he was not present at the meeting of November 20, 1979.)

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On motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Consent Calendar matters were considered and acted upon as follows:

50-1 The Community Action Council Claims were approved and allowed for payment.

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58-3 The Board approved 8 Assignments to the Northwest Creditors Service from the Collection Department for Claims against those persons named on the Assignments dated December 4, 1979; copies of which are on file in the Board of Supervisors Office, beginning with the name of Kathleen Kirk and ending with the name of Phyliss Summerson.

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298-2 The Board approved Assessment Roll Change numbered 2212.

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151-13 RESOLUTION NO. 297-79 was adopted Authorizing an Action for the Recovery of County Funds Paid Out for Western Slope Ambulance (County Service Area No. 7); Lake Tahoe Ambulance; Public Defender; Library; Probation; and Welfare Departments.

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296-4
Resolution
Adopted
Kendall

RESOLUTION NO. 298-79 adopted setting a Hearing for January 2, 1979, at 11:30 a.m. to consider adoption of a Resolution of Necessity to Acquire Property by Eminent Domain for Pleasant Valley Road, Project SS-28.

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423
Marina Village
Unit No. 2
\$265,441.05
\$813,971.45

At the recommendation of the Director of Public Works, the Board approved a Request for Reduction of Subdivision Improvement Letter of Credit for Marina Village Unit No. 2, in the amount of \$265,441.05, leaving a balance of \$813,971.45.

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233-4

At the recommendation of the Sheriff, the Chairman was authorized to sign an application to the State Department of Boating and Waterways for financial aid for Fiscal Year 1980-81, in the amount of \$138,984.00, for boating and safety enforcement programs, and RESOLUTION NO. 299-79 was adopted accordingly.

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(232-4)
101

At the recommendation of the Sheriff, the Chairman was authorized to sign a Contract with the U.S. Forest Service for the Sheriff to provide law enforcement services within the Eldorado National Forest, at a cost not to exceed \$25,176.00, including equipment procurement and installation costs.

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114

At the recommendation of the Purchasing Agent, the Board authorized the purchase of two, low-mileage, intermediate size automobiles from Hertz Incorporated, at a total cost not to exceed \$11,000.00, for Welfare Department.

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22-7

At the recommendation of the Director of Health Services, and on motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Chairman was authorized to sign an Agreement with Walworth Slenger, M.D., for psychiatric services for period December 10, 1979 through June 30, 1980, at a cost not to exceed \$10,000.00.

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214-1

A recommendation of the Chief Probation Officer, that the Chairman be authorized to sign an Agreement with Gene and Joan LaSage for Shelter Care and Crisis Resolution Home child placement services for the Tahoe Basin, was continued to December 11, 1979, for further research by County Counsel, on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried.

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187
22
151
The Board voted to support a Resolution adopted by the Los Angeles County Board of Supervisors on November 6, 1979, urging the County Supervisors Association of California to adopt as official policy, the enactment of a comprehensive health and welfare financing plan, on motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried.

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12 14
On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board set a Policy Review Session with County Counsel, the County Schools Superintendent, the Recreation Commission, and Mother Lode Rehabilitation Enterprises (M.O.R.E.) to January 7, 1980, at 2:00 p.m., regarding Douglas Milton's offer to give the County a piece of property for the development of a recreation area for handicapped children and their families.

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22-2
At the recommendation of the Director of Health Services, and on motion of Supervisor Stewart, seconded by Supervisor Todd, and unanimously carried, the Chairman was authorized to sign the Health Department Services Plan and Budget for Fiscal Year 1979-80, in accordance with Assembly Bill No. 8, whereby the County will receive \$661,981.00 in State and per capita grant funds for public health services.

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22-7
At the recommendation of the Director of Health Services, RESOLUTION NO. 300-79 was adopted authorizing the Chairman to sign the Amended Final Mental Health Plan and Budget for Fiscal Year 1979-80, on motion of Supervisor Stewart, seconded by Supervisor Todd, and carried by the following vote: Ayes: Supervisors Todd, Flynn, Stewart, and Walker; No: Supervisor Johnson.

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147
On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Board approved the County Recorder's request to cancel the present Lease Agreement with Xerox Corporation for a Reader Printer copying machine, at a cost of \$120 per month, and authorized a Lease Agreement with Sacramento Graphic Systems for a 3-M Microfiche Reader-Printer, Series "800", at a cost of \$85.33 per month.

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162
ORDINANCE NO. 2041 was adopted, on motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried, amending the County Disaster Ordinance reflecting changes regarding membership, duties, and powers, as recommended by the County Disaster Council and Supervisor Flynn. Supervisor Stewart and his appointee to the Local Disaster Council, Chief Bronson, stated their concerns about a need for a separate Council for the Tahoe Basin, or at least a separate disaster plan, because of the different needs and problems in that area. The Board agreed that the Council should be encouraged, by the Board of Supervisors, to develop two separate disaster plans, one for the Tahoe Basin and one for the Western Slope. (Ordinance was introduced November 20, 1979)

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(321-11)
141
At the request of the Rescue Union School District, and on motion of Supervisor Todd, seconded by Supervisor Flynn, and unanimously carried, the Board adopted RESOLUTION NO. 301-79 to increase the fee applicable to the issuance of building permits to temporarily alleviate the impact of the School District, based on the findings of the School District that the District is overcrowded and has made all reasonable efforts to mitigate the conditions; said fee being increased to \$500.00 per dwelling unit or mobilehome pad, and said increase subject to the approval of the voters in said District.

During the discussion of the aforementioned action, Supervisor Johnson requested County Counsel to prepare a written, legal opinion on whether elections regarding the increase of impact fees for various school districts are district-wide or County-wide elections, as there has been some differences of opinion on this within County Counsel's Office in the past.

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277A
Hearing was held, as requested by Darrell E. and Mary Lou Bell, to appeal the Assessor's cancellation of a Homeowners Tax Exemption on their property in the Gold Trail Park Subdivision (Assessment Parcel No. 005-714-031). The Board was in receipt of a letter from Mr. Bell, dated December 3, 1979, in which he stated he had consulted further with the Assessor's Office, had a better understanding of its action, and no longer wished to appear before the Board of Supervisors this date. On motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Board upheld the action of the Assessor's Office and approved the cancellation of the Homeowners Tax Exemption.

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33-1
The Board reviewed a written offer by Mr. & Mrs. Cecil D. Cook to sell 22 acres of land to the County, at a cost of \$195,000.00, for use as a County Park; said land being located between Forni Road and U.S. Highway 50 bordering Weber Creek. Mrs. Cook was present to reiterate the offer. On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Board stated it would take the matter under consideration, place the letter on file, and, if funds become available, the Cooks would be contacted to see if the property is still available.

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(42-3)
141
Mr. Andre Capella addressed the Board regarding a problem of a drainage pipe running across his property (Lot 18 in the Cameron Park East Shopping Center) rather than along the boundary line between Lots 17 and 18 as shown on the map. Mr. Capella believes this problem is the County's fault, as County inspectors did not note the pipe was placed at a location other than that noted on the map; therefore, he feels the County should bear the expense of relocating the pipe. A motion by Supervisor Stewart, and seconded by Supervisor Todd, that the matter be referred to the Building Department to determine if there is any difficulty in building over the line, and what standards would have to be met to do so, did not carry by the following vote: Ayes: Supervisors Todd and Stewart; Noes: Supervisors Johnson, Flynn, and Walker.

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On motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Board referred the matter to County Counsel for further research of the status of the County's rights in same, and how the dedication did in fact take place, with County Counsel to bring the matter back to the Board.

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57-110
3909

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board adopted ORDINANCE NO. 2042 (introduced October 30, 1979, and adoption continued from November 20, 1979) to establish a Mineral Resource (MR) District for the orderly development and protection of lands containing mineral resources, as recommended by the Planning Commission.

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57-111A

The Board again introduced an Ordinance to create and maintain an effective and comprehensive surface mining and reclamation policy with regulation of surface mining operations, due to changes in the proposed Ordinance made by Supervisor Flynn and Mr. Fred DeBerry, County Surveyor, since it was first introduced on October 30, 1979, and the hearing for adoption was continued from November 20, 1979; and the reading thereof was waived, and a hearing to consider adoption was set for December 11, 1979, at 11:30 a.m., on motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried.

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SPECIAL ORDERS

PLANNING MATTERS

57-6

Hearing was held as duly advertised to consider an Amendment to the County General Plan in the Fairplay area from Rural Estates-Agricultural to High Density Residential, consisting of 17.876 acres, petitioned by Robert A. Tovar (Crystal Caves Mobilehome Park). The Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

1. The proposal is compatible with surrounding land uses;
2. There is no conflict with the Goals and Policies of the Area Plan; and
3. Adequate services can be provided as follows: Water - private wells, Sewage Disposal - septic tanks, and Fire Protection - Pioneer Fire District.

Mr. Ken Purcell, Civil Engineer, was present and spoke on behalf of the applicant.

The following property owners in the area were present and spoke in favor of the request: Dean Bruining, Steve Avila, Robert C. Lamb, and Fred Madison. All agreed that the development would be an improvement in the area, and that Mr. Tovar (applicant) has worked very hard to improve what has been an eyesore.

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Mr. Ken Milam, Planning Director, read into the record, a letter to the Planning Commission from Mr. William Kramer, Superintendent of the Pioneer School District, stating a concern over possible impact on the school as a result of the proposed project. Mr. Milam stated that this letter was received after the Planning Commission hearing on the General Plan Amendment request but prior to the subsequent hearing on the rezoning.

Supervisor Johnson read into the record, a letter from Mr. Steve Ginsburg, resident of the area, stating his opposition to the requested amendment to the General Plan.

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

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board concurred with the Planning Commission's findings and recommendation for an amendment to the County General Plan, and accepted the Negative Declaration. (See Minutes for December 5, 1979, Page 519 for Resolution No. 302-79, amending the County General Plan accordingly.)

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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 to Commercial, consisting of 0.38 acre, petitioned by Mark A. Thiessen. Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

1. This is a logical extension of Commercial, as the project site is adjacent to Commercial zoning on the east and south;
2. It is consistent with the policies in the General Plan;
3. Fire protection and domestic water is available; and
4. Services can be provided as follows: Water - E.I.D., Sewage Disposal - septic system, Fire Protection - Pollock Pines Fire Protection District.

Mr. Thiessen was present to answer any questions the Board might have.

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

On motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried, the Board concurred with the Planning Commission's findings and recommendation for an amendment to the County General Plan, and accepted the Negative Declaration. (See Minutes for December 5, 1979, Page 519 for Resolution No. 302-79, amending the County General Plan accordingly.)

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Hearing was held as duly advertised to consider an Amendment to the County General Plan in the Camino/Fruitridge area from Rural Residential Agricultural to Single Family Residential Medium Density, consisting of 37.8 acres, petitioned by John W. Neider. Planning Commission recommended approval, with the following statement on the impact of schools: "The school impactation fee collected at the time the building permit is issued is being collected by the school district, and that is sufficient mitigation for any impact coupled with the fact that the present enrollment averages 29 students per classroom which is within the maximum requirement." Also, the Planning Director enumerated the following finding of the Commission:

1. This action is consistent with the Residential Policy No. 1 included in the Camino Plan text.

Mr. Neider was present and spoke on his own behalf.

The following persons were present and spoke in opposition to the request: Mr. Al Burlingame, Mr. Eric Heinzman, and Mrs. Katy Peek. Their concerns are increased traffic on the roads in the area, the steep terrain, and impact on the schools, respectively.

Mr. Tom Howdyshell, resident in the area, stated he has no objection to development, as long as it is not at the expense of the present residents. He feels the proposed development should not have access by Mt. Danaher Road because it would disturb the lifestyle now enjoyed by the residents on that road.

Dr. David Brat, Superintendent of the Camino Union School District, was present to voice his concern that the proposed development would increase the overcrowding conditions at the Camino School, and that State funds are not available for expansion of the facilities to alleviate the problem.

The following persons were present and spoke in favor of Mr. Neider's request: Mr. Grant Gunnel, Mrs. Dorothy Brubaker, Mr. Robert Webb, Mr. Douglas Shepard, and Mr. Floyd Weston. They unanimously agreed that the proposed development would help alleviate problems they have with four-wheel drive vehicles, trespassers, teenage beer parties, etc., on the land in their area.

There being no further verbal comments, the Hearing was closed.

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and carried by the following vote: Ayes: Supervisors Todd, Flynn, Stewart, and Walker; No: Supervisor Johnson, Mr. Neider's request for an amendment to the County General Plan in the Camino/Fruitridge area was denied without prejudice, based on the fact that the Camino/Fruitridge Area Land Use Plan is in litigation at the present time, and it is against Board policy to amend a Plan so recently adopted (Plan adopted August 2, 1979).

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As recommended by the Planning Director, and on motion of Supervisor Johnson, seconded by Supervisor Todd, and unanimously carried, the Board approved the request of Harold S. Prescott, project engineer, for reduction of the Letter of Credit for improvements completed in the Springfield Meadows Unit No. 1 Subdivision, in the amount of \$73,146.60, leaving a balance of \$255,484.40.

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On motion of Supervisor Todd, seconded by Supervisor Johnson, and unanimously carried, the Board approved the request of Mr. Gene E. Thorne, project engineer, for release of a \$35,000 Time Certificate of Deposit being held to cover now completed improvements in the Deer Valley Oaks Unit No. 2 Rural Subdivision; and accepted Mr. Thorne's offer to make a cash deposit of \$2,150.00 to cover the remaining improvements to be completed.

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Hearing was held as duly advertised to consider an Amendment to the County General Plan in the Camino/Fruitridge area from Rural Residential Agricultural to Single Family Residential Low Density, consisting of approximately 100 acres, petitioned by Leonard A. Miller. Planning Commission recommended denial, and the Planning Director enumerated the following finding of the Commission:

- 1. The Environmental Impact Report on this Amendment is incomplete and inadequate.

The Planning Commission made the following recommendation to the Board, regarding that portion of the property in question (Assessment Parcel No. 77-01-41) which is located west of Snows Road and north of Weber Creek: "The Planning Commission agrees that the portion of Assessor's Parcel No. 77-01-41, west of snows road and north of Weber Creek, does fit into the Camino/Fruitridge Area Plan for 5-acre designation."

Mr. Miller was present, along with his project engineer, Jim Ross, and spoke on his own behalf. Mr. Miller explained that, of his approximately 100 acres of land only 20 acres is designated as 5-acre minimum on the Camino/Fruitridge Area Land Use Map, and the other approximate 80 acres is designated as 10-acre minimum. Mr. Miller stated that the 5-acre minimum designation on only 20 acres is an error, and that, in fact, the 5-acre minimum designation was intended for 55 acres of his property. Mr. Miller stated that, if the Board would acknowledge that the 5-acre designation on the Area Land Use Map does, in fact, represent 55 acres, he would withdraw his request for a General Plan Amendment for the entire 100 acres, as his present need would be satisfied.

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On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried, the Board interpreted the Map to indicate that the 5-acre designation is, in fact, 20 acres, and should not include additional acreage up to approximately 55 acres, as requested by the applicant, without going through the General Plan Amendment process.

Mr. Miller stated he is withdrawing his application for an amendment to the County General Plan on his approximately 100 acres within the Camino/Fruitridge Area Land Use Plan.

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There being no further business to be conducted this date, the meeting was continued to Wednesday, December 5, 1979, at 10:00 a.m., to consider additional requests for Amendments to the County General Plan.

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APPROVED:

W. P. Walker

W. P. WALKER, Chairman

ATTEST:

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

By *Winnie L. Foote*
Deputy Clerk