

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES _____ March 25 _____ 1980 _____

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

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The Invocation was offered by Pastor Craig Hatcher, Rescue Baptist 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 asopted, on motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried by those present.

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The Minutes of March 18 and March 24, 1980, were approved as submitted, on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present.

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

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

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Budget Transfer No. 47 was approved for the Sheriff, transferring \$1,695.00 from Fixed Assets (92-3370) to the Jail Budget (2300) Fixed Assets (92-3370) for a clothes dryer to replace the one which caught fire and burned.

Budget Transfer No. 49 was approved for the Buildings and Grounds Division of the Department of Public Works, transferring \$300 from Household Expense (92-2090) to Structures and Improvements (92-3360) to cover the increase in cost of carpeting for the Probation Department.

Budget Transfer No. 50 was approved for the Public Works Department, transferring \$150,000 from Regular Employees (92-1010) to Special Departmental Expense (92-2230) to cover costs for the remainder of the 1979-80 Fiscal Year.

Budget Transfer No. 51 was approved for the Treasurer-Tax Collector, transferring \$733.21 from Fixed Assets (92-3370) to Fixed Assets, 3 Monroe Calculators, (92-3370) to purchase said calculators with money saved on other purchases.

Budget Transfer No. 52 was approved for the Welfare Department, transferring \$101 from Fixed Assets (92-3370) to Fixed Assets, 2 Tables, (92-3370) to use money saved by not purchasing a budgeted pickup truck to purchase the two tables for Food Stamp Terminals at Placerville and South Lake Tahoe.

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247
The Chairman was authorized to execute a Release 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:

Name	Volume	and Page
Deborah Alexander	1606	410

* * * *

250
RESOLUTION NO. 110-80 was adopted Discharging Unpaid County Welfare Accounts.

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250
RESOLUTION NO. 111-80 was adopted, Discharging Unpaid County Hospital Accounts.

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141
The Board approved for payment, a statement, in the amount of \$202.02, submitted by Attorneys Kronick, Moskovitz, Tiedemann & Girard for services rendered.

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151-13
RESOLUTIONS NOS. 112-80 and 113-80 were adopted Authorizing an Action for the Recovery of County Funds Paid Out for Western Slope Ambulance (County Service Area No. 7); Welfare, Public Defender, and Mental Health Departments.

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175-1
The Board directed that a Proclamation of the Governor of the State of California, declaring a statewide primary election will be held on June 3, 1980, pursuant to Section 2533 of the Elections Code, be posted and placed on file.

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212
RESOLUTION NO. 114-80 was adopted, approving the request of the San Juan Young Men's Christian Association of Sacramento (YMCA) to close Saratoga Way in El Dorado Hills, from 12:00 Noon to 4:00 p.m., on Sunday, March 30, 1980, to conduct a soap box derby.

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212
The Board approved the request of the Mother Lode Ministerial Association to use the site at the end of Monitor Road, in El Dorado, to conduct Easter Sunrise Services on April 6, 1980, at 5:30 a.m.

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423
Gold Country Rural Subdivision Unit No. 1
The Board approved a reduction, in the amount of \$38,839.30, from the total amount of money held for construction of improvements within Gold Country Rural Subdivision Unit No. 1, reducing same from \$144,541.00 to \$105,701.70, as requested by the project engineer, Mr. Gene E. Thorne.

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227 At the recommendation of the Director of Health Services, the Chairman was authorized to sign an Addendum to the Contract with Eskaton American River Health Care Center for Fiscal Year 1978-79, increasing the contract amount from \$19,950.00 to \$38,367.00; and approved Budget Transfer No. 48, in the amount of \$18,417.00, to accommodate same.

* * * *

214 At the recommendation of the Chief Probation Officer, the Chairman was authorized to sign a Shelter Care and Crisis Resolution Home Agreement with Michael and Joy Maulucci for child placement services for the Western Slope at a cost of \$50.00 per bed for three beds, and \$10.00 per day per child for care rendered.

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215 RESOLUTION NO. 115-80 was adopted, at the request of the Director of Community Programs, authorizing the Chairman to sign the revised budget for Title III-B Social Services, Area Agency on Aging, in the amount of \$63,994.00, which include one-time only start-up funds in the amount of \$5,546.00, as approved by the Board on January 29, 1980, for the period January 1, 1980 through September 30, 1980.

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341 RESOLUTION NO. 116-80 was adopted, at the recommendation of the Agricultural Commissioner, authorizing the Chairman to sign a Contract with the California Department of Food and Agriculture for funds, in an amount not to exceed \$581.00, to provide Egg and Poultry Quality Control for Fiscal Year 1980-81.

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114-2 At the recommendation of the Purchasing Agent, the Board approved waiver of formal bidding procedures and awarded the bid for radios and accessory equipment for the Sheriff's Department to Motorola Communications and Electronics, Inc., in order to maintain compatibility with the existing equipment, in the total amount of \$19,587.45.

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347 At the recommendation of County Counsel, the Board approved an order that excess proceeds from property tax sale No. 61 be distributed to Lawrence L. and Maria Prescott as requested.

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420 The Board approved three Endorsements to the current medical plan of the County, as required by recent changes in Federal law and the regulations of the Internal Revenue Service, said Endorsements being: (1) Maternity benefits required by Federal law; (2) Extending the age of dependent children to twenty-five per the Internal Revenue Services definition; and (3) Extension of benefits for up to twelve months for the totally disabled after termination of employment or withdrawal from the medical program.
(Blair Chas)

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12
(WIA 24)
On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried by those present, the Board directed that \$75,000 be transferred from the Contingency Fund to the Board of Supervisors' Budget, Contributions to Other Agencies Account (82-4280), which will then be transferred to the El Dorado County Water Agency for two Task Orders approved by the Water Agency this date, said Task Orders authorizing Bechtel, Inc., and EDAW, Inc., to provide additional consulting services in connection with the SOFAR Upper Mountain Project.

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3-2-80
151
A letter from State Senator John Garamendi, dated March 13, 1980, wherein he requests support for Senate Bill 1476, a welfare reform bill which he has introduced, was referred to the County Welfare Director to review and bring back to the Board with his comments, on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present.

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12-1-80
At the request of the Auditor-Controller, the Board set a Policy Review Session for Wednesday, April 2, 1980, at 9:00 a.m., regarding the County inventory of fixed assets, on motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried by those present.

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57-4
A request of the Planning Director, that the Board reconsider his request for reclassification of a Planning Draftsman to Supervising Draftsman, was continued to April 1, 1980, on motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried by those present, as the Planning Director was unable to attend the meeting due to illness.

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21-9
At the recommendation of the Airports Director, and on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board authorized the Chairman to sign Addendums to the Airport Concession Agreements with Avis Rent-A-Car System, Inc.; Nevada Car Rentals, Inc. and Neva-Cal Car Rentals, Inc. dba Hertz Systems Licensee; National Car Rental System, Inc.; and Sierra Executive Rent-A-Car, Inc., to operate rent-a-car services at the Lake Tahoe Airport; said Addendums to extend the Agreements to December 31, 1980.

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45-1-1
The Board reviewed the request of Mr. Otto A. Koys, as submitted by the Director of Public Works, for a variance to the County Encroachment Ordinance, to allow gravel surfacing on an access driveway for a recreational vehicle pad at his residence on Hillsborough Road in Cameron Park, instead of providing asphaltic concrete surfacing. On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board continued the matter to April 1, 1980, at which time the Director of Public Works will be submitting a report regarding the expenses involved in encroachments and possible amendments to the County Encroachment Ordinance.

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120 On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried by those present, the Board approved the transfer of the Bookmobile, which was declared surplus on June 12, 1979, to the Sheriff's Department to replace the present communications van.

130 On motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried by those present, the Board approved the transfer of one used vehicle from the Sheriff's Department to the County Senior Nutrition Program in Georgetown to replace an existing 10-year old vehicle with high mileage.

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428 The matter of recommended use of AB90 funds, in the amount of \$253,000.00, which will be available to the County for Fiscal Year 1980-81, was continued to April 1, 1980, at 11:00 a.m., when a public hearing is scheduled to consider same, on motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried by those present.

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70 On motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried by those present, the Board ratified Supervisor Stewart's proposed changes to the State of Nevada Assembly Bill 503; said Bill proposing the re-organization of the Tahoe Regional Planning Agency.

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60 On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board adopted, in concept the proposed California Tahoe Regional Planning Agency (CTRPA)/Local Entities settlement relating to litigation jurisdiction, and related matters.

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57-11-A On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried by those present, an Ordinance to amend Ordinances Nos. 2042 and 2044, which were previously adopted by the Board and had been misnumbered, was introduced, the reading thereof waived, and it was continued to April 1, 1980 for adoption.

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129 3/10 7:10 AM ORDINANCE NO. 2073 was adopted, on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, to amend the El Dorado County Sign Ordinance establishing fee requirements for revokable permits issued by the Director of Public Works, pertaining to location of signs; and providing for appointment of one or more local committees to advise and make recommendations to the Director of Public Works and the Board of Supervisors regarding the issuance of such permits. (Sponsor: Supervisor Flynn, and introduced March 18, 1980)

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132 3/10 8:10 AM (3/11/80) ORDINANCE NO. 2074 was adopted, on motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, to establish procedures for approval of sewer permit allocations within commercial and subsidized housing projects at South Lake Tahoe; said Ordinance being an Urgency Ordinance to become effective immediately.

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32-18
At the recommendation of the South Lake Tahoe Health Council, and on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board appointed Dr. Fred George to fill a provider vacancy on said Council for a term ending December of 1980; said vacancy created by the resignation of Mr. Al Agnew.

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341-4
At the recommendation of the Agricultural Commission, and on motion of Supervisor Flynn, seconded by Supervisor Todd, and unanimously carried by those present, the Board re-appointed Larry Hyder and Greg Boeger to said Commission for terms to expire January 17, 1984.

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164-7
164-7a
The Deputy Director of the Office of Emergency Services, Mr. Vern Peterson, was present to review his funding report for the coordinated communications center, including start-up funding and proposed methodology for charges to the user; and recommended the Board initiate steps necessary to implement the center as outlined in his letter of March 18, 1980. On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, the Board appointed a Communications Advisory Committee to consist of the following: Sheriff or his alternate, Placerville Police Chief or his alternate, Chief of Field Operations for County Service Area No. 7 (Ambulance Service) or his alternate, and a Fire Chief appointed by the County Fire Chief's Association; and the Board directed that said Committee meet with the Chief Administrative Office, Mr. John Fitzpatrick, and come back to the Board on April 1, 1980.

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424-1000
(211)
At the recommendation of the Director of Health Services, and on motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried by those present, the Board voted to submit the names of Ted Ostrowski and Jeffery Kitchen to the Alta California Regional Center's Nominating Committee as potential members to its Board of Directors.

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(349)
429
On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, the Board accepted the responses of the County Assessor and County Treasurer/Tax Collector to the El Dorado County Taxpayers Association's request that said offices investigate tax payments to the County by the Sacramento Municipal Utility District, with consideration to a relevant State constitutional amendment in effect since 1974; and Board directed that said responses be forwarded to the Taxpayers Association in answer to its request.

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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 Gold Hill area from Residential Agricultural Twenty-Acre land use designation to Residential Agricultural Ten-Acre land use designation, consisting of 32.82 acres, petitioned by Robert Klein (original petitioner, Dennis Nickson). Planning Commission recommends approval, and the Planning Director enumerated the following findings of the Commission:

1. This Amendment is consistent with the County General Plan and Policies;
2. The 10 acre zoning adjacent to an active agricultural preserve will not be detrimental to the preserve.

Mr. Jack Sweeney, Agent, was present and spoke on behalf of the applicant.

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

On motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried by those present, the Board declared its intent to adopt the findings and recommendations of the Planning Commission and approve the Amendment to the County General Plan; and accepted the Negative Declaration. (See Page 128, for Resolution No. 117-80 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 Shingle Springs area from Residential Agricultural Ten-Acre land use designation to Single Family Residential, Low Density, consisting of 42.5 acres, petitioned by Louis Cassaglia. Planning Commission recommends approval, and the Planning Director enumerated the following findings of the Commission:

- 57-6
1. The surrounding land use designations are as follows: north, east, and south - Medium Density Residential, 1 to 5 dwellings per acre (1969 General Plan); west - Single Family, Low Density Residential, 1 dwelling unit per 5 to 9.9 acres;
 2. The forty acres under consideration is surrounded by much smaller land use designations; the property is served by the Cameron Park Fire Department, and the proposed water source is identified as E.I.D.;
 3. The proposed change from Rural Residential Agricultural to Low Density Residential, complies with the Goals and Policies of the County General Plan.

The Applicant was not present.

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

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried by those present, the Board declared its intent to adopt the findings and recommendations of the Planning Commission and approve this Amendment to the County General Plan; and accepted the Negative Declaration. (See Page 128, for Resolution No. 117-80 amending the County General Plan accordingly.)

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19 80

Hearing was held as duly advertised to consider an Amendment to the County General Plan in the Gold Hill area from Residential Agricultural Ten-Acre land use designation to Residential Three to Five Acre land use designation, consisting of 9.678 acres, petitioned by E. Allan and Nancy Willey. Planning Commission recommended denial, and the Planning Director enumerated the following findings of the Commission:

- 5706
1. The project is directly adjacent to an "AE" Zone currently under a Williamson Contract (Ag Preserve No. 204/Cavender);
 2. The proposed project, change of land use designation, may be considered as premature and not in the best interest of the County.

Mr. E. Allan Willey was present to speak on his own behalf. Mr. Willey stated that he believes the land to be unsuitable for agricultural purposes, and that the slope of the property would lend itself nicely to solar development.

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

On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board upheld the findings and recommendations of the Planning Commission, and denied the request.

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423
Milton
Estates
Rural
Subdiv.

Planning Director submitted the request of Mr. Al Hamilton, subdivider for Milton Estates Rural Subdivision in the Shingle Springs area, for a one-year time extension for completion of subdivision improvements in said subdivision. The Planning Commission recommended approval based on the following findings:

1. The one-year extension will allow for completion of the required improvements; and
2. Section 9334 of the Major Land Division Ordinance allows the Board of Supervisors the authority to grant a one-year time extension.

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, the Board approved the request for the one-year time extension.

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423
Deer Park
Estates
Unit #1

At the recommendation of the Planning Director, on motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried by those present, the Agreement to make subdivision improvements in the Deer Park Estates Unit No. 1 Standard Subdivision in the Diamond Springs area was approved, and the Chairman was authorized to sign; and the Final Map of Deer Park Estates Unit No. 1 Standard Subdivision was approved, and the Clerk authorized to endorse such approval on said Final Map.

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2. It is, by law, the burden of those wishing to amend the General Plan to show why the Plan should be changed; and the Board is indicating that it has found no evidence to support such a change, in that there has been no significant change in the circumstances since the General Plan was originally designed.

Supervisor Flynn seconded Supervisor Johnson's motion.

Supervisor Stewart moved to amend the motion by deleting the statement that the denial is not in any way based on the CC&R's. The motion was seconded by Supervisor Walker. The Chairman called for the vote on Supervisor Stewart's motion to amend Supervisor Johnson's motion; said amendment approved by a unanimous vote.

The Chairman then called for the vote on Supervisor Johnson's motion to deny the request for an Amendment to the General Plan; and the motion carried by a unanimous vote.

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57-2
On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, the Board adopted RESOLUTION NO. 117-80 amending the County General Plan to include those Amendments approved as follows: January 22, 1980, Barnett Ranch Area Plan, and amendments approved March 24 and 25, 1980.

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GENERAL ORDERS

214
At the request of Mr. Ralph Standiford, County Chief Probation Officer, and on motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Board directed that the County will provide a defense to Mr. Standiford relating to the suit entitled Ora Mills vs. County of El Dorado, subject to the County reserving the right to look to Mr. Standiford for the cost of such defense if it is determined that the acts or omissions alleged are not within the scope of his employment.

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212
212
On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board referred to the Georgetown Advisory Committee for its recommendation, a letter from the Georgetown Little League requesting permission to hold a parade on Main Street, in Georgetown, on April 26, 1980.

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165
On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the Board referred a letter from the Assistant District Attorney, regarding a major training conference put on by the Federal Regional Office of Child Support Enforcement in Los Angeles on April 9, 10, and 11, 1980, to the Chief Administrative Officer to make a determination as to which persons this County may wish to send to said conference.

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Mr. Patrick Riley, Attorney, was present and spoke on behalf of the Cameron Park Property Owners Association, which is opposed to the request. Mr. Riley noted for the Board that the Special Use Permit, under which the real estate office is currently operating in the "A-Frame" building, was approved by a three-to-two vote of the Board of Supervisors, and the matter is now before the Superior Court. Mr. Riley stated that, if the Board makes a decision on the matter this date, the decision of the Superior Court would become moot, therefore, he feels the Board should wait for the decision of the court before taking any further action.

Mr. Riley stated that, even though the Board of Supervisors should not enforce CC&R's, it should not disregard them as so many people relied on them to protect their interests when they bought their property.

Mr. Riley noted that residents did not question the "A-Frame" tract sales office originally, as they assumed that it would be removed when the lots were all sold.

When asked by County Counsel what the basis of opposition to the request is, Mr. Riley stated that his client considers approval of the request to be an invasion of commercial area, permanently, into a residential area, creating a "domino" effect.

The following three parties submitted letters to the Board in opposition to the request: Richard L. V. Smith, Lloyd B. Shinn, and Carl Jones.

The following persons were present and spoke in opposition to the request: Bob McClurg, President of the Cameron Park Property Owners Association; Gene Klusman, resident of Unit No. 1; Carl Jones, resident of Unit No. 1; Ben Shinn, resident of Unit No. 1; Gene Doeger, member of the Cameron Park Property Owners Association Planning and Zoning Committee; Wally Wasenack, Vice President of the Cameron Park Property Owners Association; Thomas Drey, resident of Cameron Park; and Terry Dennis, who worked as a sales representative for Sunrise Dunmoor, with two model homes near the property in question.

All those who wrote in and spoke before the Board in opposition to the request cited the CC&R's, and their reliance upon same to protect their interests, and their disapproval of commercial use of land on the north side of Cameron Park, as well as their fear of a resulting "domino" effect.

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

Supervisor Johnson moved to deny the request for an Amendment to the County General Plan, based on the following two findings, with the additional statement that the denial is not in any way based on the CC&R's:

1. Allowing the amendment to a commercial use would be detrimental to the residential use of the neighborhood, in speaking to the three parcels and not just the one that has the Special Use Permit, because of the expansion of commercial use into a primarily residential area;

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The Board reviewed the Planning Director's proposed schedule of Area Land Use Plans to be completed during Fiscal Year 1980-81 as follows:

1. Somerset/Fairplay/Mt. Aukum Area Plan
2. Pilot Hill/Cool Area Plan
3. American River Canyon Plan (would extend from Pollock Pines to Echo Summit)
- 51 4. Placerville Periphery (continued from 1979-80)

The Planning Director advised the Board that it may want to consider one or all of the following Plans in place of those listed above:

5. Pollock Pines Area Plan
6. Salmon Falls Area Plan
7. Finnon Area Plan

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried by those present, the Board acknowledged receipt of the proposed schedule, and expressed its approval of the priorities as outlined in items 1, 2, 3, and 4 above.

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Supervisor Johnson entered the meeting room.

Hearing was held as duly advertised to consider an Amendment to the County General Plan in the Cameron Park area from Medium Density Residential to Commercial land use designation, consisting of 43,000 square feet, petitioned by Cameron Park Investors Company. Planning Commission recommends denial, and the Planning Director enumerated the following findings of the Commission:

1. Hearings for the General Plan on this area will be held in July, 1980, and the property will be zoned appropriately at that time;
2. This Amendment would be injurious to the health, safety and welfare of the neighborhood.

57.6 Mr. Daryl McKinstry, Attorney, was present and spoke on behalf of the applicant. Mr. McKinstry stated that he does not feel the Board of Supervisors should take the subdivision Covenants, Conditions, and Restrictions (CC&R's) into consideration; however, if the Board were to do so, he feels his applicant is operating under an "applied waiver" because of the changed circumstances regarding the property in question. Also, Mr. McKinstry feels the CC&R's would not be enforced by the courts, at this time, because the existing use has been continuing for some time without being challenged on the basis of the CC&R's.

Mr. McKinstry noted that the size and shape of the four lots in question are no longer suitable for residential purposes since the State acquired portions of same for State Highway 50. The noise level is of major consideration also, because of the location adjacent to the freeway and the freeway on-ramp.

Mr. McKinstry stated that he felt the neighbors' concern, that approval of this request would have a "domino" effect, is not persuasive, as there is no other property in the area with the same particular circumstances as this, i.e., existing commercial use in operation for some time, State acquisition of portions of the lots, etc.

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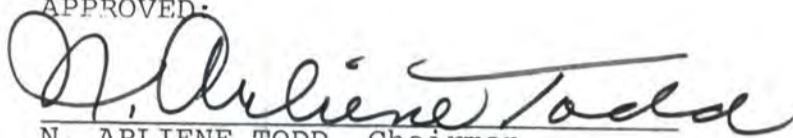
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There being no further business, the Board adjourned to Tuesday, April 1, 1980, at 10:00 a.m.

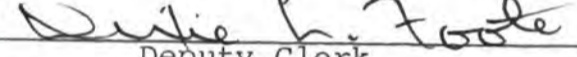
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APPROVED:


N. ARLIENE TODD, Chairman

ATTEST:

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

By 
Deputy Clerk