

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES April 15 19 80

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 Todd presided.

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27 The Invocation was offered by Reverend Jim Upshaw of the Federated 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 Johnson, seconded by Supervisor Flynn, and unanimously carried, with the addition of a written request from El Dorado Irrigation District for services of a County Planning Department employee.

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The Minutes of April 8, 1980, were approved as submitted, on motion of Supervisor Flynn, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Johnson, Walker, Flynn, and Todd; Abstain: Supervisor Stewart.

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On motion of Supervisor Johnson, seconded by Supervisor Walker, 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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117 Budget Transfer No. 61 was approved for the District Attorney, transferring \$650 from Overtime (1030) to Fixed Assets Camera (3370) to replace a camera damaged during recent flooding in the District Attorney's Office.

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151-13 RESOLUTION NO. 131-80 was adopted Authorizing an Action for the Recovery of County Funds Paid Out for Lake Tahoe Ambulance; Library and Welfare Departments.

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547 The Chairman was authorized to execute a Release of Lien, discharging all property encumbered by the Agreement 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>	
Kathleen Ann Stinson	1739	588

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58
As recommended by County Counsel, the Board approved for payment, a claim in the amount of \$1,447.96, submitted by Attorney Melvin Laub, on behalf of Kamran Parsee, Sue Parsee and Esson Afaghi.

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17-21
The Board approved and authorized the Chairman to sign, the "Argument FOR the SOFAR Bond Proposal", as approved by the El Dorado County Water Agency and the El Dorado Irrigation District, to be submitted to the County Clerk for inclusion with the sample ballots for the June 3, 1980 Primary Election.

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21-22
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At the request of Mr. Gene E. Thorne, subdivision engineer for Gold Country Unit No. 1 Rural Subdivision, the Board approved a reduction in the Letter of Credit for construction of improvements in said subdivision, in the amount of \$32,323.81, leaving a balance of \$73,377.89.

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21-22
At the recommendation of the Airports Director, the Chairman was authorized to sign a one-year Lease Agreement with the Tahoe Sands - Vagabond Hotel, in the amount of \$1,200 for advertising space at the Lake Tahoe Airport.

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21-22
At the recommendation of the Airports Director, the Chairman was authorized to sign a one-year Lease Agreement with Americana Inn, in the amount of \$880 for advertising space at the Lake Tahoe Airport.

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At the recommendation of the County Treasurer/Tax Collector, the Chairman was authorized to sign an Agreement with Bartig, Basler & Ray, Certified Public Accountants, to conduct an audit of 1911 Bonds and Accounts pertinent thereto currently in the Treasurer's control, for period May 1, 1979 to April 30, 1980.

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214
At the recommendation of the Chief Probation Officer, the Chairman was authorized to sign the Grant Application for additional funds, in the amount of \$8,025.00, available through the State Solid Waste Management Board for the County's Juvenile Community Services Work Program for Fiscal Year 1979-80, and RESOLUTION NO. 132-80 was adopted accordingly.

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At the recommendation of the Community Programs Director, the Chairman was authorized to sign the El Dorado County Community Action Council's annual Program Progress Review Report, for period March 1, 1979 through February 29, 1980, for submittal to the Community Services Administration.

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Bid Results:

116 7 Bid No. 088 - carpeting for the Community Center on Springs Street, was awarded to the lowest bidder, North American Contract Interiors (Pat's Carpets), of El Dorado, in the amount of \$5,756.64, with foyer included, or \$4,957.64 without the foyer.

114-6 Bid No. 090 - four-wheel drive vehicle for the Sheriff's Forest Patrol, was awarded to the lowest bidder meeting specifications, Shehadi Motors of South Lake Tahoe, in the amount of \$7,950.00.

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114
(114) The Purchasing Agent was authorized to purchase three Monroe calculators for the Treasurer/Tax Collectors Office from Monroe Calculator Company of Sacramento, the sole authorized dealer of same in this area.

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120 The Board approved a Property Transfer Request submitted by the Chief Administrative Officer, to transfer two pickup trucks from the Animal Control Department to the Public Works Department; said trucks being a 1973 Chevrolet pickup and a 1974 Ford pickup.

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74-82 At the recommendation of Mr. Jack D. Nopp, architect for the Superior Court facilities at South Lake Tahoe, and on motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried, the Board authorized release of Dwight Hall Painting of Santa Rosa, lowest bidder for painting contract for said project, and substituted Harris & Ruth, Painting Contractors, second lowest bidder, to perform the work, due to the failure of Dwight Hall Painting to sign the required contract with John F. Otto, Inc., General Contractor for said project.

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(72-14) 57 The Board set a Policy Review Session with the Planning Director, at his request, for Thursday, May 1, 1980, at 9:00 a.m., regarding long-range goals and policies, on motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried.

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115 At the recommendation of the Personnel Office, and on motion of Supervisor Johnson, seconded by Supervisor Walker, and unanimously carried, the Board adopted the following Resolutions, amending Authorized Personnel Resolution No. 88-80 to reflect personnel reclassifications approved by the Board on April 8, 1980:

RESOLUTION NO. 133-80 for the reclassification of a Planning Drafter to Supervising Drafter in the Planning Department; and
RESOLUTION NO. 134-80 for the reclassification of an Accounting Technician to Accounting Supervisor II in the Public Works Department.

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At the recommendation of the Airports Director, and on motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried, RESOLUTION NO. 136-80 was adopted, authorizing the Chairman to sign an Amendment of Solicitation/Modification of Contract with the Federal Aviation Agency, to increase the plot of land for the VOR/DME electronic navigational aid facility at the Placerville Airport, which is fully funded and maintained by said Agency, from 0.23 acre to 2.48 acres.

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431-1
Mr. Art Cort, Director of Public Works, submitted the request of Mr. Tim Taylor for a variance to the County Encroachment Ordinance to allow a 15% grade for a second access to an apple orchard off Cable Road, instead of the 10% grade required. On motion of Supervisor Johnson, seconded by Supervisor Flynn, and unanimously carried, the Board approved the request with the stipulation that a binder be applied to the aggregate base to stabilize the access, as recommended by the Director of Public Works.

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151
At the recommendation of the Welfare Director, and on motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried, RESOLUTION NO. 135-80 was adopted, authorizing the Chairman to sign a Contract with the California Department of Social Services for funds in the amount of \$32,773.00, to provide State required licensing of community care facilities in El Dorado County.

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326
(124)
At the recommendation of the Assistant Director of Public Works, the Chairman was authorized to sign a letter directed to the Senate Finance Committee and the Senate Transportation Committee, in support of Senate Bill 1505, which will authorize counties to raise the gas tax up to 3¢ per gallon with a 2/3rd majority approval of the electorate, to provide additional funds for the continued maintenance of County roads.

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(50-12)
In accordance with the newly adopted by-laws for the Community Action Council, Inc., the Board appointed the following five elected officials to same: Mr. James McIntire, Mayor of Placerville; Mr. John Cefalu, Mayor of the City of South Lake Tahoe; Supervisor Arliene Todd; Supervisor Joseph V. Flynn; and Supervisor Thomas L. Stewart; also, Mr. Paul Berman, County Welfare Director, was designated as Supervisor Todd's representative to the Council to serve in her absence; Mr. John F. "Bill" Cody, County Public Guardian, was designated as Supervisor Flynn's representative to the Council to serve in his absence; and Dr. Curtiss Weidmer, County Director of Health Services, was designated as Supervisor Stewart's representative to the Council to serve in his absence; on motion of Supervisor Walker, seconded by Supervisor Johnson, and unanimously carried.

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The request of Mr. and Mrs. Clarence E. Nichols, that the Board consider selling to them, 0.74 acre of County-owned land in Lotus which is occasionally used by the Public Works Department for equipment storage, was continued to April 22, 1980, to afford Supervisor Flynn an opportunity to meet with Mr. and Mrs. Nichols, on motion of Supervisor Flynn, seconded by Supervisor Johnson, and unanimously carried.

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(303)
202-2
296-4
Planning

Mr. Noble Sprunger, attorney representing the El Dorado Irrigation District, was present to address the Board regarding said District's concerns over entering an Agreement with the County whereby said District will absorb an undetermined obligation relative to the relocation of Sanitation District No. 2 lines along the Pleasant Valley Road alignment. Mr. Sprunger advised the Board that E.I.D. does not have the funds to finance this project, however, he suggested the County might finance same by way of a "contribution to another agency". Mr. Sprunger felt the County should look into the possibility of this alternative means of funding. On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board continued the matter to April 29, 1980, so that Mr. Sprunger and the County Director of Public Works can research further to answer the questions which have arisen.

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SPECIAL ORDERS

PLANNING MATTERS

Hearing was held as duly advertised to consider rezoning of lands in the Cool area from Agricultural zone to Estate Residential Five Acre zone, consisting of 28.7 acres, petitioned by John Dalton. Planning Commission recommended approval, and the Planning Director enumerated the following findings of the Commission:

285-21-80
390-92

1. The request is consistent with the General Plan;
2. Wells are an acceptable source of domestic water, based on the opinion of well driller, Dave Rambeau. The applicant's engineer, William Rothaus, indicates the area is acceptable for septic tanks;
3. The property has frontage on Highway 49;
4. The Cool/Pilot Hill Advisory Committee recommends this area for five-acre land use designation.

Mr. John "Bill" Dalton, applicant, was present and spoke on his own behalf.

Mr. Michael Amatulli, co-owner of the property, was also present to request approval of the rezoning.

Mr. Jim Batten, licensed land surveyor, was present and spoke in support of the rezoning.

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Supervisor Flynn read into the record, a letter from Mr. Jack W. Corbett, a resident of Lafayette, Louisiana who owns two parcels adjoining the property in question, one parcel 80 acres in size, and the other 30 acres in size. Mr. Corbett is very much opposed to the rezoning as he is concerned about uncontrolled growth causing the elimination of agricultural land in the area. Mr. Corbett stated he plans to begin producing agricultural products on his property in 1980, and is against any land splitting that will cause his property taxes to increase.

The Board also received a letter from Mr. David E. Hopkins of Cool Investments, on April 10, 1980, wherein Mr. Hopkins stated he is in favor of the proposed rezoning.

Supervisor Flynn also read into the record, a letter from Mrs. Shively, Chairperson of the Cool/Pilot Hill Advisory Committee, dated March 14, 1979, wherein she stated said Committee recommended approval of the proposed rezoning. Supervisor Flynn stated he contacted a member of the Committee this date, and was informed that the Committee has not changed its recommendation in this matter.

Supervisor Johnson read the minutes of the Board of Supervisors hearing on this matter, held on August 15, 1978, at which time the Board denied the request for rezoning to Estate Residential Five Acre zone, based on the fact that the public necessity, convenience and welfare does not require the change in zoning as requested.

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

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board concurred in the Planning Commission's findings; the rezoning was found to be in conformity with the General Plan; the Negative Declaration was accepted; and the rezoning was approved and adopted by ORDINANCE NO. 2078 which amends the County Zoning Ordinance accordingly.

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*M.P.
46-180*
Hearing was held as duly advertised to consider the request of Melvin and Vernace Gott, to cancel a 4.34 acre portion of Agricultural Preserve No. 183, consisting of 63.225 acres, in the Greenwood area. Both the Agricultural Commission and Planning Commission recommend denial based on the opinion that cancellation of a preserve, or portions of a preserve, not be approved except in extreme situations; the primary reason being that the Williamson Act Contract has served to partially stabilize the agricultural industry of the County, and cancellations of preserves, or parts of preserves, would tend to weaken this contract to the point where it would be ineffective.

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

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

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On motion of Supervisor Flynn, seconded by Supervisor Walker, and carried by the following vote: Ayes: Supervisors Walker, Flynn, Stewart, and Todd; No: Supervisor Johnson, the Board approved the cancellation of a 4.34 acre portion of Agricultural Preserve No. 183, to become effective upon payment of the cancellation fee determined by the Assessor to be \$2,167.50, based on the following findings:

1. It would be in the public interest to exclude from an agricultural preserve, lands which are not now and were not at the time the preserve was created, of proper agricultural use;
2. The use of the proposed cancelled parcel, as a residential use, is the most proper use for that parcel; and
3. In light of findings one and two, the cancellation is consistent with the intent and purposes of the Williamson Act.

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Hearing was held as duly advertised to consider adoption of the proposed zoning for approximately 7,630 acres in the Kelsey area, as recommended by the Planning Commission, to comply with the Kelsey Area Land Use Plan adopted by the Board on December 5, 1979.

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

On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board accepted the Negative Declaration filed on this project, and adopted the zoning for the Kelsey area as designated on the document entitled, "Kelsey Area Plan-Proposed Zoning", based on the finding that the zoning is consistent with the General Plan, and ORDINANCE NO. 2079 was adopted accordingly.

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Hearing was held as duly advertised to consider adoption of an Ordinance amending the Major and Minor Land Division Ordinances and the local rules implementing the California Environmental Quality Act, setting forth a Policy to mitigate cumulative impacts on public services as a result of development activities. The proposed Ordinance was introduced on March 11, 1980, and the hearing to consider adoption was continued from April 1, 1980.

Mr. George Peabody, of Hanks Exchange, was present and stated that, previously, he requested that a representative from any ad hoc committee which helped formulate the land use plan for any area affected by a major subdivision, should be invited to have a voice in whether or not a Negative Declaration should be made before it is decided there is no other impact except the two major services, i.e., schools and fire protection. Mr. Peabody has altered that request, and asks instead, that a member of said ad hoc committee be invited to the technical review meetings held in the Planning Department, which would be much earlier in the establishment of this determination and simplify the proceedings of the review regarding impact mitigation. Also, Mr. Peabody requests that, in fairness to all contractors within affected areas, formulas for setting fees be developed by each district agency that would provide public services, and those formulas be on file for public review, perhaps at the Planning Department.

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Mrs. Phoebe Erwin was present, representing the Latrobe School District, and stated she is in favor of the Ordinance. She feels that the Board need not worry about growth being forced in the areas where the fees are the least, because land use plans will limit growth where it needs to be limited.

Supervisor Walker stated he is not totally satisfied with the proposed Ordinance as it now reads and, if adopted, would like to see it adopted on an interim basis so it can be reviewed at a given time to see if it is working. Supervisor Walker stated he can agree with Mr. Peabody regarding a representative from an ad hoc committee being invited to technical review meetings, as long as there is only one representative from each plan area.

Supervisors Flynn and Stewart also voiced concerns about the proposed Ordinance, and Supervisor Stewart suggested the Board continue the consideration of adoption of the Ordinance so it can be clarified and not have to be reviewed after adopted.

Mr. Jack Sweeney was present and voiced his concerns about the proposed Ordinance. As a member of the Mother Lode School District Board of Directors, Mr. Sweeney is acutely aware of the impact of development on the schools. As a developer/land surveyor, he dislikes this method of mitigation, but he feels it is the best solution developed thus far. However, Mr. Sweeney objects to "road" fees incorporated in the Ordinance as developers are already paying road improvement fees as required by a previous Ordinance adopted by the Board of Supervisors (Ordinance No. 2009 adopted by the Board on June 26, 1979). Also, Mr. Sweeney is concerned about districts taking large sums of monies (fees) and developing services they cannot maintain when development ceases, i.e., fee monies should be confined to capital improvements since it is not an on-going income. Supervisor Johnson agreed with Mr. Sweeney regarding road fees, but asked if the same theory would not apply to fees for mitigation of impact on schools when developers are already paying a "bedroom tax" pursuant to SB201. Mr. Sweeney stated that the Mother Lode School District Board has already decided that, if a person pays a "bedroom tax", that amount will be subtracted from mitigation fees collected pursuant to the proposed Ordinance.

Mr. Art Cate, Superintendent of the El Dorado Union High School District, was present and further detailed the financial problems facing impacted schools, and the problems with the various legislated methods for obtaining funds for construction purposes.

Mr. Homer Banks was present and stated he is opposed to another "tax" that hurts individuals who cannot be expected to bear these costs. He feels this proposed Ordinance will serve as an aid to confiscating "small" individuals' pieces of land. Mr. Sweeney stated the Ordinance could be amended so that persons attempting to sell a piece of their property to raise money would not have to pay mitigation fees on the remaining property or "remainders" of land.

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

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Since the previous hearing on this matter, April 1, 1980, the Board has received a letter from Mr. Robert L. Edwards, Superintendent of the Mother Lode Union School District, wherein he states his support of the proposed Ordinance, as a school administrator, but, as an individual, he finds the measure inflationary and morally questionable.

Supervisor Arliene Todd reiterated the desire of the Board to have a clear definition of "public services" in the Ordinance. Chief Assistant County Counsel, Mr. Robert A. Laurie, emphasized that districts cannot just state they are impacted, they must submit evidence to that fact.

Supervisor Stewart suggested the Board adopt a policy for 30, 60, 90, or 120 days so the proposed Ordinance can be studied further. Supervisor Walker stated he would have no objection to an interim policy as Supervisor Stewart suggested.

On motion of Supervisor Johnson, seconded by Supervisor Stewart, and unanimously carried, the Board requested County Counsel re-draft the Ordinance with amendments requested this date, with the amended Ordinance to be re-introduced by the Board on April 29, 1980; and the Board adopted a "Policy" to mitigate cumulative impacts on public services resulting from development activities, with said Policy to be effective immediately and to terminate on June 15, 1980, unless further extended by the Board of Supervisors.

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After a brief recess, all Board members returned to the meeting room with the exception of Supervisor Johnson, who was absent for the duration of the meeting.

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At the request of Mr. Richard Smith, the Board reconsidered its action of March 4, 1980, wherein it denied the request of local developers that tentative subdivision maps not be "continued" or "denied" due to lack of a "will-serve" letter for public water, but instead, approve same subject to the condition that a "will-serve" letter be provided prior to filing of the final map.

Mr. Ken Milam, Planning Director, stated that, even though the Planning Commission recommended approval of the request, he could not concur in that recommendation.

Mr. Smith was present to speak on his own behalf, as he was not on March 4th.

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried by those present, the Board reaffirmed the policy for approval of tentative subdivision maps, and upheld its action of March 4, 1980, denying the request of local developers that tentative subdivision maps not be "continued" or "denied" due to lack of a "will-serve" letter for public water.

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GENERAL ORDERS

In response to a letter to the Board of Supervisors, from the Board of Directors of the El Dorado Irrigation District (E.I.D.), dated April 9, 1980, wherein the District requests the County allow Ms. Chrystal Waters, an employee of the County Planning Department, to assist E.I.D. staff in preparing responses to comments received regarding the Draft Environmental Impact Report on the SOFAR Project; the Board, on motion of Supervisor Flynn, seconded by Supervisor Walker, and unanimously carried by those present, directed that the Chairman be authorized to sign a letter to E.I.D. stating the Board has no objection to Ms. Waters assisting the E.I.D. staff, on her own time, so long as her work on this project does not otherwise interfere with her regular County employment. (This matter was referred to the Board of Supervisors by the El Dorado County Water Agency Board of Directors on April 14, 1980.)

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There being no further business, the Board adjourned to Tuesday, April 22, 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