

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES November 30 1981

The Board convened in a continued meeting, from November 24, 1981. Present: Supervisors Robert E. Dorr, Patricia R. Lowe, W. P. "Dub" Walker, Joseph V. Flynn, and Thomas L. Stewart. Dixie L. Foote, Assistant Board of Supervisors Clerk, was also present. Chairman Flynn presided. (Supervisor Walker was absent during a portion of the hearing on the Kirkwood Master Plan.)

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Hearing was held as duly advertised to consider the following:

1. Kirkwood Master Plan, which is a tri-County development for the Kirkwood Ski Resort involving lands consisting of approximately 700 acres in the Counties of Amador, Alpine, and El Dorado;
2. El Dorado County's portion of the Master Plan as an Area Plan for Kirkwood;
3. Rezoning of said lands from Agricultural and Planned Commercial Zones to Residential, Design Sierra, and Commercial, Design Sierra, Zones to comply with the Kirkwood Area Master Plan.

The Planning Commission recommended the following action by the Board:

1. Find the previous Environmental Impact Report (E.I.R.) prepared for the Kirkwood Meadows Ski Development adequate for the proposed rezoning and adoption of the Kirkwood Area Plan, based on the following finding: Alpine County, on December 17, 1974, certified the E.I.R. for the Kirkwood Meadows Ski Development. The proposed development, as presented in the Kirkwood Master Plan, has not significantly changed as identified in the 1974 E.I.R. El Dorado County is acting in the capacity of the Responsible Agency, as per Section 15085.5 of the California Environmental Quality Act Guidelines. Based upon the public hearings of September 10 and October 8, 1981, the Planning Commission found the previous E.I.R. prepared for the Kirkwood Meadows Ski Development adequate for the proposed rezoning and adoption of the Kirkwood Master Plan.
2. Find the Kirkwood Master Plan in Compliance with the current land use designations of the General Plan and adopt the Kirkwood Master Plan as the Kirkwood Area Plan, based on the following findings: (1) The adoption of the Kirkwood Area Plan is in compliance with the 1969 Land Use Element; and (2) The proposed Kirkwood Master Plan reduces the density of approximately 410 dwelling units and 8 acres of commercial to approximately 152 dwelling units and 3 acres of commercial.
3. Rezone the area identified as Exhibit "A" of the Plan from A, Agricultural, and CP, Planned Commercial, to R-DS, Residential-Design Sierra, and C-DS, Commercial-Design Sierra, based on the following finding: The change in zoning from A, Agricultural, and CP, Planned Commercial, to R-DS, Residential-Design Sierra, and C-DS, Commercial-Design Sierra, is in compliance with the proposed Kirkwood Master Plan and the 1969 Land Use Element.

The following persons were present and spoke in favor of the proposed Plan: Mr. Fred Jones, President of Lake Kirkwood Association; Mr. Glen Gottschall, District Ranger, Amador County Area, U.S. Forest Service; Mr. Mike Keene, hydrologist for U.S. Forest Service; and Mr. Leonard Turnbull, representing Alpine County.

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Supervisor Walker entered the meeting room.

Mr. J. Allen Isen, attorney representing the Lake Kirkwood Homeowners Association, and Mr. Dario de Ghetaldi, President of said Association, were present and spoke on behalf of same, citing the members' concern for water quality. They fear pollution and contamination of Lake Kirkwood by increased day use, especially in the summer months. Attorney Isen outlined the proposal of the Homeowners Association that the Kirkwood Master Plan be amended so as to: (1) prohibit any development north of Highway 88; (2) make Caples Lake the principle source of water to Kirkwood Meadow, and prohibit use of ground water for any development; and (3) condition any further development on full treatment of waste water in Kirkwood Meadow before it is discharged into the leachfields. Mr. Isen submitted petitions in support of said proposal, signed by 108 summer residents and visitors to Lake Kirkwood.

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

Mr. Ken Milam, Planning Director, requested the Board continue its decision in this matter to December 1, 1981, to allow Planning staff to respond, in writing, to the major points identified by the Lake Kirkwood Homeowners Association this date.

On motion of Supervisor Lowe, seconded by Supervisor Dorr, and carried by the following vote: Ayes: Supervisors Dorr, Lowe, Stewart, and Flynn; Abstain: Supervisor Walker, the decision of the Board was continued to Tuesday, December 1, 1981, at 11:00 a.m. or as soon thereafter as the Agenda items of that date are completed.

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The Board again considered the following: (Continued from November 13, 1981, at which time the hearing was closed.)

- 57-6
285-5911
370-90
1. Amendment to the County General Plan in the Camino/Fruitridge area, from Multi-Family Residential to Commercial, consisting of 1.854 acres, petitioned by Don L. Stover; and
 2. Rezoning of said lands from Mobilehome Park Zone to Commercial Zone.

The matter was first considered by the Board on November 10, 1981, at which time the Board was advised that the Planning Commission recommended denial of the request. (Refer to minutes of November 10, 1981, page 492 - 493 for the findings of the Planning Commission.) The public hearing was continued to November 13, 1981, at which time Board members expressed concern with zoning the property for commercial use, and it was suggested that perhaps they could compromise with a more appropriate zone. The public hearing was closed that date and the matter continued to November 30, 1981, to allow Planning staff and the applicant an opportunity to reassess the land capabilities.

Mr. Noble Sprunger, attorney for the applicant, was present and stated they had consulted with Mr. George Wheldon and determined that, if the land is not zoned Commercial, the next best zone is R2, Limited Multi-Family Residential Zone, which allows 20 units per acre maximum, depending on the site. Mr. Sprunger advised that this 1.854 could handle 30 units maximum, which averages out to 15 units per acre.

Mr. Ken Milam, Planning Director, advised that he too recommends R2 Zone for this property, and that rezoning to R2 does not require an amendment to the General Plan.

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On motion of Supervisor Flynn, seconded by Supervisor Lowe, and unanimously carried, the Board denied the request of Don L. Stover for an amendment to the County General Plan in the Camino/Fruitridge area for his 1.854 acres; accepted the Negative Declaration; and approved rezoning said property to R2, Limited Multi-Family Residential Zone, by adoption of ORDINANCE NO. 3201 which amends the County Zoning Ordinance accordingly, based on the finding it is consistent with the General Plan.

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Mr. Ken Milam, Planning Director, advised that the Board, on November 23, 1981, directed that the draft Cameron Park Area Land Use Plan Map be amended to rezone parcel number 82-443-02 from RT, Tourist Residential, to Open Space, at the recommendation of the Planning Director, due to the narrow shape and low areas, as well as its proximity to the freeway. Mr. Milam and County Counsel now believe the Board should reconsider that action, as they now recommend the property be rezoned to R1A, Single Family Residential, One Acre Minimum.

On motion of Supervisor Dorr, seconded by Supervisor Lowe, and unanimously carried, the Board directed the Cameron Park Area Land Use Plan and Zoning Maps be amended to reflect a land use designation of Single Family Residential High Density, and zoning of R1, Single Family Residential (3 dwelling units per acre).

Supervisor Dorr made a motion, seconded by Supervisor Lowe, to instruct the Building Department to either revoke the building permits or issue them if they comply with the newly adopted Plan and Policies, and Zoning. After discussion, Supervisor Dorr withdrew the motion.

On motion of Supervisor Stewart, seconded by Supervisor Walker, and unanimously carried, the Board rescinded the aforementioned action to amend the Cameron Park Area Land Use Plan and Zoning Maps; and reaffirmed its action of November 23, 1981, designating the property Open Space.

Supervisor Stewart made a motion, seconded by Supervisor Walker, to direct staff to "red tag" all permits that may have been issued, based upon the fact that the zoning that was relied upon is, according to the Board's information, not the correct zoning; and, based upon that fact, the County is initiating a zoning study to determine what the present zoning should be.

Supervisor Lowe made a motion, seconded by Supervisor Walker, to amend Supervisor Stewart's motion to add the words "and investigation" after the words "zoning study". The Chairman called for the vote on Supervisor Lowe's motion which carried by a unanimous vote.

The Chairman then called for the vote on Supervisor Stewart's motion to "red tag" all permits that may have been issued, and that motion carried by a unanimous vote.

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Pursuant to its action of November 23, 1981, the Board now considered the adoption of an Airport Approach Overlay Zone, and Interim Zoning of same for lands in the Area of Influence of the Cameron Park Airport.

Mr. Richard M. Mora, manager of the Cameron Park Airport, was again present to reiterate his concern that the Airport Approach Overlay Zone, as written, is inappropriate for the Cameron Park Airport as the required 20-to-1 slope cannot be achieved at said Airport due to the mountainous terrain. He again requested the Board not take action on this matter until an appropriate Ordinance can be prepared.

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390-72
526
(67)
290-92
109
On motion of Supervisor Dorr, seconded by Supervisor Lowe, and unanimously carried, ORDINANCE NO. 3202 was adopted, adopting an Airport Approach Overlay Zone, as an urgency measure to become effective immediately, with the following language added to the end of Section 9416.1(c): "This section may be waived by the Planning Director. Such waiver will not create a navigation hazard."

215-71-21
390-92
On motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried, ORDINANCE NO. 3203 was adopted, adopting the Cameron Park Area Land Use Plan Zoning Map, to become effective 30 days following the effective date of the Amendment to the County General Plan adopting the Cameron Park Area Land Use Plan Map.

285-72-31
390-92
On motion of Supervisor Walker, seconded by Supervisor Lowe, and unanimously carried, ORDINANCE NO. 3204 was adopted, adopting "Cameron Park-Airport Approach, Interim Zoning", as an urgency measure, to become effective immediately.

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Hearing was held as duly advertised to consider the deletion of the Planned Development Overlay requirement from the following Area Plans: Georgetown, Lotus/Coloma, Diamond Springs/El Dorado, and Barnett Ranch.

57-6
There was no one present to speak to the deletion of the Planned Development Overlay requirement from the Georgetown, Lotus/Coloma, and Diamond Springs/El Dorado Area Plans.

At the recommendation of the Planning Commission, and on motion of Supervisor Lowe, seconded by Supervisor Flynn, and unanimously carried, the matter of deletion of the Planned Development Overlay requirement from the Georgetown, Lotus/Coloma, and Diamond Springs/El Dorado Area Land Use Plans was continued off calendar pending a more in-depth study by the Planning Department staff.

57-6
Mr. Jake Raper, of the Planning Department, was present and discussed the proposal to delete the Planned Development Overlay requirement from the Barnett Ranch Area Land Use Plan. The Planning Commission recommended the Board approved the deletion of said requirement, and replace same with the Design Control District, based on the following findings:

1. The existing process creates delays to the private sector in processing developments;
2. The Planned Development Overlay was utilized to resolve specific design problems, while in fact, existing County ordinances would resolve those design problems; and
3. The Commission will not approve applications for rezonings in the Barnett Ranch Area Plan until the Design Control District Ordinance and/or Policies are finalized.

Mr. Dan Weinberg and Mr. Fred Simon were present and spoke on behalf of the Fernwood/Cothrin Association, which is made up of property owners in the Barnett Ranch Plan area. Mr. Weinberg outlined, as follows, the Association's 4 requests for additions or changes to the Design Control District, to assure sound and rewarding development of their surrounding properties when the Planned Development Overlay requirement is deleted:

1. Change the word "may" to "will" in Section 9395.6 of the Design Control Ordinance, and further definition of the Design Review Committee and representation of land owners on same;
2. Changes to be reviewed by the Design Review Committee for compatibility of use for contiguous zoning;
3. That all commercial/industrial development come under the Design Control Ordinance; and
4. That commercial/industrial street circulation systems must include any impact upon contiguous existing road.

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57-6(A)
to amend
Barnett
Ranch

Mr. Ed Murray was present and emphasized the need for the deletion of the Planned Development Overlay requirement because of its adverse effect on future industrial development.

Individual Board members expressed concerns with the concept of staff notifying citizen committees of all applications to develop properties in their areas. It could become a time-consuming and costly task.

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Board approved the Negative Declaration and declared its intent to delete the Planned Development Overlay requirement and zoning and replace the requirement with the Design Control District in the Barnett Ranch Area Plan (see Minutes of December 1, 1981, for Resolution No. 403-81 amending the County General Plan accordingly); further, the Board directed the Planning Department to notify those organizations in the Plan area, that request notification, of the developments as the applications for same are submitted to the Planning Department.

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There being no further business to come before the Board this date, the Board adjourned to Tuesday, December 1, 1981, at 10:00 a.m.

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APPROVED:

Joseph V. Flynn

JOSEPH V. FLYNN, Chairman

ATTEST:

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

By *Dorrie L. Foote*
Deputy Clerk

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EXCELEBRAGE