

STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES

April 20

19 82

The Board convened in regular meeting. 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 Walker presided.

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127 The Invocation was offered by Pastor Norman Parker, Cameron Park Community Church.

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

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The Agenda was adopted, on motion of Supervisor Flynn, seconded by Supervisor Lowe, and unanimously carried, with the addition of two items; County Surveyor's request in the matter of sale of Southern Pacific Land Company land in Shingle Springs; and Public Guardian's request for a budget transfer in the amount of \$8,155.50.

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The Minutes of April 13, 1982, were approved as submitted, on motion of Supervisor Lowe, seconded by Supervisor Walker, and unanimously carried.

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On motion of Supervisor Lowe, seconded by Supervisor Flynn, 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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29.14 The Board approved Assessment Roll Changes numbered 1530 and 1533.

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

<u>Name</u>	<u>Volume and Page</u>	
Margaret Hoffman	2001	710
Dennis Foster	2055	498
Ronald Peeters	2062	710

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At the recommendation of County Counsel, the Board denied the claim for damages, in the amount of \$500,000.00, filed by Mr. Jack E. Fairchild.

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At the recommendation of County Counsel, the Board denied the claim for property damage, in the amount of \$1,633.00, filed by Pat Holzhauser.

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22-74
355
At the request of the South Lake Tahoe Health Council, the following members of said Council were removed due to their absenteeism, and the Clerk was directed to forward Certificates of Appreciation to same: Kay Keller, Terry Price, Fred George, D.C., Frank Hembrow, Ron Newton, and Kerry Kearns.

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At the request of the County Commission on the Status of Women, the Board proclaimed the week of April 26 - May 2, 1982, as "National Volunteer Week" in El Dorado County.

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122-14
RESOLUTION NO. 107-82 was adopted setting a public hearing for May 11, 1982, at 2:30 p.m., regarding the formation of the Marble Mountain Homeowners Community Services District.

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341
The Agriculture Department submitted the 1981 El Dorado County Crop Report, pursuant to Section 2279 of the California Agricultural Code; and the Board accepted said Report and directed it be placed on file.

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50-8
RESOLUTION NO. 108-82 was adopted, at the recommendation of Community Programs, authorizing the Chairman to sign Amendment No. 2 to the Agreement (No. 8200-0402) with the California State Office of Economic Opportunity, Employment Development Department, extending the termination date for the energy conservation program from March 31, 1982, to June, 1982.

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50-3
RESOLUTION NO. 109-82 was adopted, at the request of Community Programs, authorizing the Chairman to sign an Agreement with the California State Office of Economic Opportunity, in the amount of \$16,129.00, for operation of the low income weatherization program in El Dorado County for the period April 1, 1982, through December 31, 1982.

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473
At the recommendation of the Public Works Department, the Board approved release of the 10% retention of the following, which guaranteed workmanship and materials for a period of one year:

- 473
Ridgeview Village #10
Springwood Subdivision
St. Andrews Village #6
- Letter of Credit, in the amount of \$17,400 for Ridgeview Village Unit No. 10 Subdivision;
 - Performance Bond, in the amount of \$24,421.61 for Springwood Subdivision;
 - Performance Bond, in the amount of \$17,150 for St. Andrews Village Unit No. 6 Subdivision.

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124-4
225-17
(216-11 do Shingle Rd.)
At the recommendation of the Public Works Department, the Chairman was authorized to sign an Agreement with the Latrobe School District for construction of street improvements on South Shingle Road west of Latrobe Road in front of the new school site.

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246-4
Narrow
flat
Rd

3-4
196-4
Narrow
flat
Rd

246-4
Narrow
flat
Rd

246-4
Narrow
flat
Rd

(115)
4:6-2

58

74-80

RESOLUTION NO. 110-82 was adopted, at the recommendation of the Public Works Department, authorizing the Chairman to sign an Agreement with the State Department of Transportation for installation and maintenance of traffic control signal systems and safety lighting at the intersections of the on and off ramps with Missouri Flat Road and Mother Lode Drive, at a cost of \$56,500.00.

* * * *

At the request of the Public Works Department, the Board took the following actions relating to the Pleasant Valley Road Project (SS-28):

- a. Authorized the Chairman to sign an Agreement with Leone L. Jensen for purchase of real property, at a cost of \$1,100.00;
- b. Authorized the Chairman to sign Certificate of Acceptance of Quitclaim Deed for same;
- c. Approved the Preliminary Report and Escrow Statement, in the amount of \$892.89;
- d. Authorized the Chairman to sign claim, in the amount of \$892.89 for same.

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At the recommendation of County Counsel, the Board took the following action relating to the Latrobe Road FAS Project:

- a. Authorized the Chairman to sign a settlement agreement, releasing and settling all claims by Brown and Sons, dba Delta Construction, in the amount of \$25,000.00;
- b. Authorized the Public Works Director to make appropriate application for funds to the State of California and take such actions to effect payment of the claim in accordance with the settlement agreement.

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The Board authorized the refilling of the extra-help Clerk I position at the El Dorado Justice Court.

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At the recommendation of the Risk Manager, the Board directed that Jefferson Insurance Company be reimbursed, in the amount of \$1,497.99, from Budget Unit 1-911 (Insurance, Direct Damages Account), for expenses incurred relating to the settlement of the Kurt Luis MacCary claim.

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Nopp, Zeiner, Atchinson & Associates, Inc., architects, requested the Chairman be authorized to sign a Letter Amendment to the Agreement with same, authorizing the project architect to proceed with Phase IV of the South Lake Tahoe Library, at a cost of \$1,000.00, plus 7½% of the cost of furnishings. On motion of Supervisor Dorr, seconded by Supervisor Walker, and unanimously carried, staff was directed to discuss the "flat fee" approach with the architect, and make a recommendation to the Board on April 27, 1982.

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Legislative Matters

326 At the request of the El Dorado Builders Exchange, and on motion of Supervisor Flynn, seconded by Supervisor Stewart, and unanimously carried, the Board voted to support Assembly Bill 2869 (Hallett) and Assembly Concurrent Resolution 80 (Hallett), relating to residential conservation energy standards.

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326 On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried, the Board voted to oppose Assembly Bill 2577 (Vicencia, Rosenthal, Bane, and Costa) which would legalize off-track betting on horse races in California.

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325 At the recommendation of the Agriculture Department, and on motion of Supervisor Walker, seconded by Supervisor Dorr, and unanimously carried, the Chairman was authorized to sign a letter, to be sent to Congressman Norm Shumway and U. S. Senators Alan Cranston and S. I. Hayakawa, requesting they support legislation that would provide technical and financial assistance to the Resource Conservation and Development programs.

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326 At the request of the Mariposa County Board of Supervisors, and on motion of Supervisor Flynn, seconded by Supervisor Dorr, and unanimously carried, RESOLUTION NO. 111-82 was adopted supporting Senate Bill 1958, which clarifies the requirements of public notice for appropriating unbudgeted County revenues by a 4/5 vote of the Board of Supervisors.

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326 At the recommendation of the Chief Administrative Officer, and on motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried, the Board endorsed Assembly Bill 3211 (Cortese) regarding local agency investments.

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12-14 On motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried, the Board set the following Policy Review Sessions for May 5, 1982:

- (74-82)
(27-6
Parks Agency
(213)
(109)
- a. 9:15 a.m., regarding the disposition of the existing South Lake Tahoe Library building;
 - b. 10:00 a.m., with TJKM Consultants regarding the Transportation Study for the Cameron Park Plan Area prepared by same;
 - c. 1:00 p.m., with all County department heads to discuss the 1982-83 County budget;
 - d. 2:30 p.m., regarding recent State report dealing with the Cameron Park Airport.

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21-5 The matter of the Airports Department and County Counsel submitting 20-year Lease Agreements with Oasis Petroleum Corporation and Executive Aero Systems, Inc., for servicing operations at the Lake Tahoe Airport, was continued to April 27, 1982, on motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried.

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110
(113)
At the request of the Superior Court, and on motion of Supervisor Walker, seconded by Supervisor Flynn, and carried by the following vote: Ayes: Supervisors Lowe, Flynn, Stewart, and Walker; No: Supervisor Dorr, the Chairman was authorized to sign an Agreement with Mary T. Muse, the Court's Legal Research Assistant, in the amount of \$15.45 per hour, not to exceed 30 hours per week, for period February 1, 1982, to June 30, 1982.

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246
At the request of the Public Guardian, and on motion of Supervisor Lowe, seconded by Supervisor Flynn, and unanimously carried, the Chairman was authorized to sign Budget Transfer No. 91, transferring \$8,155.50 from the Contingency Fund to the Veterans' Services Professional Services Account (92-2180), to insure that said department's budget does not become depleted due to payments for board and care fees for mentally disordered persons who have been waiting for SSI/SSP payments; and the Public Guardian was requested to draft two letters to our legislators: (1) requesting assistance with the overall problem of delayed SSI/SSP payments; and (2) requesting legislation to allow use of "mental health dollars" to pay board and care home fees.

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22-9-8
At the recommendation of the South Lake Tahoe Health Council, and on motion of Supervisor Lowe, seconded by Supervisor Stewart, and unanimously carried, the Board appointed Dave Moore and Rosemary Manning as members of said Council for terms to expire January 1983 and January 1984 respectively; with notation that Mr. Moore is appointed as an indirect provider, and Mrs. Manning is appointed as a consumer.

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429
429
429
Alta California Regional Center requested the Board recommend a candidate to be considered by the Nominating Committee for appointment to the A.C.R.C. Board of Directors. On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried, the Board approved the recommendation of the Health Department that Esther M. Aguilar be recommended for consideration.

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104
(104-1)
426
426
426
The Diamond Springs-El Dorado Fire Protection District requested its members be allowed to participate in the County health insurance program, effective the first pay period after July 1, 1982. On motion of Supervisor Flynn, seconded by Supervisor Lowe, and unanimously carried, the Board declared that members of boards of directors of fire districts within El Dorado County are eligible to participate in the County health insurance program.

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124
On motion of Supervisor Dorr, seconded by Supervisor Lowe, and unanimously carried, the Board endorsed Supervisor Dorr's memorandum to the Director of Public Works requesting the following regarding extensive damage to County roads during recent winter storms: (1) comprehensive assessment of the damage; (2) proposed scope of repair; and (3) cost of proposed repair.

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234
At the request of Supervisor Lowe, the Chairman ordered that Supervisors Lowe and Stewart be authorized to meet with representatives of the South Lake Tahoe City Council regarding problems with the Meyers bus service and a possible alternative to same.

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34
On motion of Supervisor Lowe, seconded by Supervisor Stewart, and unanimously carried, the Chairman was authorized to sign a letter to the State Department of Transportation urging same to include in its projected costs for road repairs necessary due to the recent severe winter storms, overlay on Highway 50 from the "Y" at South Lake Tahoe to Stateline, and "Loop Road".

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SPECIAL ORDERS

PLANNING MATTERS

242-9
Hearing was held as duly advertised to consider the Appeal filed by Nancy McCarthy, on behalf of James Mersman and Paul Garber, on the Planning Commission's denial of Parcel Map 81-170, which divides 40 acres, creating four lots in an area zoned Estate Residential Ten-Acre Minimum in Pleasant Valley.

Mr. Paul Garber was present and spoke on his own behalf. Mr. Jim Head, representing Mr. Mersman, was also present to speak in favor of the appeal, and submitted a petition signed by 29 area property owners and residents in favor of the proposed parcel map. The Board also received a letter of support from Cecil H. and E. Serene Stephens, resident property owners in the area.

The following area residents were present and spoke in opposition to the proposed parcel map: David Williams, Lynn Burgett, Del McGinnis, Roger Bartlett, Bob Proctor, and Lillian Walker who also spoke on behalf of her neighbors, Isabel and Dick Dickson. All spoke to the inadequacy of Oak Hill Road. The Board received 31 letters, with a total of 36 signatures, in opposition to the proposed parcel map.

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

On motion of Supervisor Walker, seconded by Supervisor Stewart, and unanimously carried, the Board denied the appeal, based on the finding that the site is not physically suitable for the type of development and proposed density of the development, due to the inadequacy of Oak Hill Road.

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Hearing was held as duly advertised to reconsider the rezoning of lands in the Camino/Fruitridge area from Single Family Residential Two-Acre Zone to Single Family Residential One-Acre Zone, consisting of 13.788 acres, petitioned by Hubert Henderson and Gerald Stacy. On March 23, 1982, the Board voted to re-hear the request which was originally heard, and denied, on January 19, 1982.

286-1-72
370-9w
Mr. Stacy was present and submitted a letter from Mr. Henderson, dated April 17, 1982, wherein he withdrew his request for rezoning of his 9+ acres; therefore, the Board had only to consider the rezoning of Mr. Stacy's 4.76 acres. Mr. Stacy submitted petitions in favor of his request, signed by those who spoke in opposition to the request on January 19, 1982, but now do not object to the rezoning of Mr. Stacy's 4.76 acres only.

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

On motion of Supervisor Flynn, seconded by Supervisor Lowe, and carried by the following vote: Ayes: Supervisors Dorr, Lowe, Flynn, and Walker; Abstain: Supervisor Stewart, the Board accepted the Negative Declaration, and approved the rezoning of Gerald Stacy's 4.76 acres in the Camino/Fruitridge area from Single Family Residential Two-Acre Zone to Single Family Residential One-Acre Zone, and ORDINANCE NO. 3258 was adopted amending the County Zoning Ordinance accordingly.

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Hearing was held as duly advertised to consider rezoning of lands in the El Dorado Hills area from Agriculture Zone to Estate Residential Five-Acre Zone, consisting of 145 acres, petitioned by George Carasco and Associates for Barlow Estates Subdivision. The Planning Commission recommended approval, based on the following findings:

1. The zoning is consistent with the El Dorado County General Plan;
2. Adequate services exist to serve the project site;
3. The project area is suitable for the density proposed;
4. The rezoning shall be effective upon the filing of the final map.

Also submitted by the Planning Commission for the Board's consideration, the Tentative Map for Barlow Estates Subdivision in the El Dorado Hills area, consisting of 145 acres, comprising 29 lots; subdivider: George Carasco and Associates. The Planning Commission recommended approval, with conditions, based on the following findings:

1. The Tentative Map is in compliance with the El Dorado Hills Area Plan;
2. The site is physically suited for the type of development proposed;
3. The design of the subdivision and the proposed improvements will not cause substantial environmental damage;
4. Adequate access to the project has been provided.

Mr. Gene Thorne, Agent, was present and spoke on behalf of the applicant.

Chief Bob Cima, El Dorado Hills Fire Department, was present and stated the roads proposed for the subdivision will not provide for adequate fire protection. He also feels the number of fire hydrants proposed is not sufficient.

Supervisor Dorr advised that he received a telephone call from Mr. Bill McCabe, Manager of the El Dorado Hills Community Services District, who stated he is opposed to the subdivision, citing concerns of contamination of water by septic systems and opposition to the reservoir dam being under control of the proposed subdivision homeowners association.

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

On motion of Supervisor Dorr, seconded by Supervisor Flynn, and carried by the following vote: Ayes: Supervisors Dorr, Flynn, Stewart, and Walker; No: Supervisor Lowe, the Board concurred in the Planning Commission's findings; accepted the Negative Declaration; and approved the rezoning by adoption of ORDINANCE NO. 3259 which amends the County Zoning Ordinance accordingly.

On motion of Supervisor Dorr, seconded by Supervisor Flynn, and carried by the following vote: Ayes: Supervisors Dorr, Flynn, Stewart, and Walker; No: Supervisor Lowe, the Board approved the Tentative Map for Barlow Estates Subdivision, subject to conditions set forth by the Planning Commission as amended by the Board this date: Condition number 5 amended by the addition of the following: "After development of Unit 3, the developer will place a fire hydrant on the east side of the project."; and Condition number 11 amended by the addition of the following: "All roads within the project to be chip and seal."

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Supervisor Stewart exited the meeting room.

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Hearing was held as duly advertised to consider the Appeal submitted by Attorney J. Mark Nielsen, on behalf of Wild Water Whitewater Trips (Jay M. Bryan, owner), on the Planning Commission's denial of an increase from 800 user days to 1800 user days for River Use Permit No. 82-27 for river rafting on the South Fork of the American River.

Mr. Nielsen was present to speak to the Appeal, as was Mr. Bryan and his employee, Mr. Danforth. Mr. Nielsen also submitted the affidavit of Lidy deBoer, owner of Ponderosa Park Campground, verifying Mr. Bryan's use of said campground on weekends during the 1980 rafting season. Mr. James Kain, owner of Chili Bar Whitewater Tours, corroborated Lidy deBoer's verification of Mr. Bryan's weekend use of the river. The problem stems from confusion over the terms "put ins", used by the rafting owners and employees, and "user days", used by the County Planning Department staff. When applying for Mr. Bryan's 1981 river use permit, Mr. Danforth counted "put ins" and used that figure when stating number of "user days"; however, many "put ins" are for two-day trips which actually constitute two "user days" for each person. Therefore, the figure used was substantially less than the true figure for 1980, which resulted in a permit allowing less than their historical use. The mistake was not discovered by Mr. Bryan until late in the season, and now that his 1982 river use permit is based on the "user days" of his 1981 permit, Mr. Bryan is attempting to correct the error. Mr. Bryan admitted that he did not decrease his use of the river in 1981, since he did not realize the error in computing the "user days" for his permit that year, therefore he actually operated in violation of his allocated "user days"; therefore, to increase his 1982 permit to reflect the true number of "user days" of previous seasons would not result in an actual increased use of the river.

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

Mr. Ken Milam, Planning Director, advised that the Planning Commission had denied the increase as requested, based on Planning staff's recommendation. Mr. Milam explained that staff's recommendation for denial was based largely on the fact that documentation of 1980 user days was provided a full year after the fact, rather than at the time it was requested. Mr. Milam, in response to Mr. Nielsen's inquiry, stated that the documentation was as good as many other companies' when applying for 1981 river use permits, as that was the first year for said permits; and, had the documentation been presented at that time, Wild Water Whitewater Trips would have received the requested 1800 "user days". Planning staff, however, stands by its recommendation for denial of the increase to 1800 "user days" since the documentation was brought forth so late.

Supervisor Dorr made a motion, seconded by Supervisor Lowe, to increase the user days under River Use Permit No. 82-27 to 1200, based on testimony and evidence presented this date.

Mr. Nielsen requested the Board continue the matter one or two weeks to allow Planning staff to review documentation presented this date, and make a final recommendation to the Board.

Supervisor Dorr withdrew his motion.

On motion of Supervisor Dorr, seconded by Supervisor Flynn, and unanimously carried by those present, the matter was referred to the Planning Department to review and make recommendation to the Board on May 4, 1982.

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433
Sunrise Hill
Subdivision

The Planning Commission recommended the Board approve the revised Tentative Map and Development Plan for Sunrise Hill Condominiums Subdivision in the Cameron Park area, consisting of 11.3 acres, comprising 130 units; subdivider: Unicolt Development and Green Valley Oak Ltd.

On motion of Supervisor Dorr, seconded by Supervisor Lowe, and unanimously carried by those present, the Board approved the Tentative Map and Development Plan for Sunrise Hill Condominiums Subdivision, subject to the 16 conditions proposed by the Planning Commission (with condition number 7 amended by the Board this date), based on the following findings:

1. The project is in conformance with the General Plan;
2. Water, sewer and fire protection are to be provided by E.I.D. and the Cameron Park Community Services District;
3. That passive solar opportunities have been provided to the extent possible for Sunrise Hills Condominiums in accordance with Section 66473.1 of the Subdivision Map Act; and
4. That the project engineer has provided open space and recreational areas which meet the requirement for dedication of Parks and Recreational Facilities (Major Land Division Ordinance).

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222-3-82

At the recommendation of the Planning Department, and on motion of Supervisor Flynn, seconded by Supervisor Lowe, and unanimously carried by those present, the Board approved the request of Mr. Pete Cioli for a 90-day postponement of the paving requirements for Winery Plaza located at the corner of Green Valley Road and Cameron Park Drive, due to the recent inclement weather conditions.

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229

On motion of Supervisor Walker, seconded by Supervisor Flynn, and unanimously carried by those present, the Chairman was authorized to sign a letter to Southern Pacific Land Company stating the County does not object to said Company's sale of land in Shingle Springs to Mr. Alex Andres, for the purpose of a boundary line adjustment to Mr. Andres' existing parcel of land.

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There being no further business, the Board adjourned to Tuesday, April 27, 1982, at 10:00 a.m.

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APPROVED:

W.P. Walker
W. P. "DUB" WALKER, Chairman

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

By Digie L. Foote
Deputy Clerk