

# STATE OF CALIFORNIA, COUNTY OF EL DORADO

BOARD OF SUPERVISORS MINUTES June 12 19 84

The Board convened in regular meeting. Present: Supervisors Robert E. Dorr, Patricia R. Lowe, Joseph V. Flynn, and Thomas L. Stewart. Absent: Supervisor W. P. "Dub" Walker. Chairman Lowe presided.

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The Invocation was offered by Pastor Larry George, Foothills United Methodist Church.

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

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The Agenda was adopted, on motion of Supervisor Flynn, seconded by Supervisor Dorr, and unanimously carried by those present, with the addition of one capital outlay matter and one legislative matter.

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The Minutes of June 5, 1984, were approved as submitted, on motion of Supervisor Lowe, seconded by Supervisor Dorr, and carried by the following vote: Ayes: Supervisors Dorr, Stewart, and Lowe; Abstention: Supervisor Flynn; Absent: Supervisor Walker.

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

117 Budget Transfer No. 226 was approved, transferring \$221.00 from Data Processing (1-915), Professional and Specialized Services, to Administration (1-102), Professional and Specialized Services (Data Processing).

\* \* \* \*

298a The Board approved Assessment Roll Changes numbers 1709 and 1711.

\* \* \* \*

247 The Chairman was authorized to execute Releases of Liens, 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>	
Barbara Johnson	2258	601
George F. Wright	2290	360
Dwayne Huot	2214	205

\* \* \* \*

58 As recommended by County Counsel, the Board denied the claim for personal injuries, in the amount of \$500,000.00, submitted by Attorney Fred N. Dawson on behalf of Gary Willis, Jr., by and through his guardian ad litem, Kimberly Willis.

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As recommended by County Counsel, the Board denied the claim for personal injuries, in the amount of \$50,000.00, submitted by Attorney Richard H. Travis, Jr., on behalf of Michael J. Silveira.

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As recommended by County Counsel, the Board denied the claim for personal injuries, in an undetermined amount, submitted by Attorney Michael V. Ubaldi on behalf of Wilson and Mary Brown.

\* \* \* \*

As recommended by County Counsel, the Board denied the claim for comparative indemnity, in an undetermined amount, and property damage, in an amount not to exceed \$7,500.00, submitted by Attorney John R. Toy on behalf of Bonnie Allen, relating to the matter of Wilson and Mary Brown vs. same.

\* \* \* \*

RESOLUTION NO. 189-84 was adopted, at the recommendation of Public Works, authorizing the Chairman to sign an Agreement with Craig Thurston for appraisal services for right-of-way acquisition for the Lotus Road Bridge at Weber Creek (Project No. 3026), at a cost not to exceed \$7,250.00, to be funded by the Federal Government.

\* \* \* \*

RESOLUTION NO. 190-84 was adopted, at the recommendation of the Health Department, authorizing the Chairman to sign an Agreement (No. 84-83549) with the State Department of Health Services for funds, in the amount of \$85,509.00, for Family Planning Program services provided by said Department for Fiscal Year 1984-85.

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At the recommendation of the Health Department, the Chairman was authorized to sign revision to El Dorado County's Report of Actual County Health Services Financial Data for Fiscal Year 1981-82, to be submitted to the State Department of Health Services.

\* \* \* \*

At the recommendation of the Deputy Purchasing Agent, the Chairman was authorized to sign an Agreement with Michael Sebastian Lengyel, for lease of the Georgetown Branch Library premises, for period May 1, 1984, through April 30, 1987, at a cost of \$160.00 per month; plus \$60.00 per month to Mary Helen Murphy for janitorial services.

\* \* \* \*

RESOLUTIONS NOS. 192-84 and 193-84 were adopted providing property tax revenues to the El Dorado Irrigation District for annexation of the Lorena R. Tripp (EID 84-05) and American Savings & Loan (EID 84-06) properties in accordance with AB 8 negotiations.

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(18-22)

At the recommendation of the General Services Division, and on motion of Supervisor Dorr, seconded by Supervisor Stewart, and unanimously carried by those present, the Board approved the conversion of the refueling operation at the Georgetown Airport from the Fixed-Based Operator to the General Services Division, Airports Unit, effective June 6, 1984; and the Board conceptually approved an advance of \$3,500.00 from the County Contingency Fund to Budget Unit 9400, Account No. 82-2230, to purchase 2,000 gallons of aviation fuel for said Airport. (Appropriate budget transfer to be itemized on future agenda for Board approval.)

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12-14  
(311-25)  
(57)  
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On motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried by those present, the Chief Administrative Officer was requested to schedule two policy review sessions on July 11, 1984: one regarding Section 6.16.015 of the Animal Control Ordinance, regarding vaccination reports; and one for Planning Department staff to advise the Board, and receive its comments, regarding the Tahoe Regional Planning Agency Plan Statements (Area Plan).

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(326)  
233

On motion of Supervisor Dorr, seconded by Supervisor Flynn, and unanimously carried by those present, the Chief Administrative Officer was authorized to advise State Senators Doolittle and Johnson, by telephone this date, that this Board supports Assembly Bill 2357 (Sher), which will allocate Proposition 16 County Jail Bond Funds in a manner whereby El Dorado County will receive an appropriation of approximately \$10 million.

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50-8

RESOLUTION NO. 191-84 was adopted, at the recommendation of Community Programs, and on motion of Supervisor Lowe, seconded by Supervisor Dorr, and unanimously carried by those present, authorizing the Chairman to sign an Agreement (No. 84-852-614) with the State Office of Economic Opportunity for funds, in the amount of \$20,000.00, for continuation of the low income home weatherization services for the period June 1 through September 30, 1984.

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22-24  
Tahoe Road

On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board denied the request of D. R. Beasley's request that resident parking permits be issued to owners of homes directly served by Echo Lake Road; and directed staff to pursue investigation of potential funding sources for development of a winter parking facility in the vicinity of Echo Lake Road, perhaps on National Forest Service lands, as recommended in the American River Canyon Area Plan.

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(114-3)  
124

After hearing responses from the Public Works Department and General Services Division on the complaints of Loren Brunius and Tom Metzger regarding the County's bid process for 20,000 tons of crushed aggregate chips for the Public Works Department; the Board referred the matter of possible revisions in the bid process, which would include implementation of the "stock-piling concept" for aggregate chips, to the Chief Administrative Officer for consideration during hearings on the County's 1984-85 budget; on motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried by those present.

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At the recommendation of the Building Department, and on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board adopted the following:

- 150  
(132)  
390-10  
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- a. ORDINANCE NO. 3456 establishing a procedure for building permit allocations in the West Shore/Fallen Leaf Lake Area of Lake Tahoe Basin, as an urgency measure to become effective immediately;
  - b. RESOLUTION NO. 194-84 approving the form entitled "West Shore/Fallen Leaf Lake Building Allocation Application" for use in the application procedure; and establishing a filing fee of \$50.00 to cover costs of processing same.
- Available Board  
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(147)  
57  
423  
4/23/80

At the request of the County Recorder, and on motion of Supervisor Stewart, seconded by Supervisor Dorr, and unanimously carried by those present, the Board introduced an Ordinance amending Section 16.28.030 of the County Ordinance Code to allow acceptance of final maps on linen or polyester drafting film, not thicker than 4 millimeters, and the use of black India drawing ink; the reading thereof was waived; and it was continued to June 19, 1984, for adoption.

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74-15

At the request of Cullen Development Company, and on motion of Supervisor Stewart, seconded by Supervisor Flynn, and unanimously carried by those present, the Board agreed that, if a hearing before the Board becomes necessary in the matter of a subcontractor dispute in connection with the construction of the Ponderosa Justice Court, the Board will conduct said hearing on Monday, June 25, 1984, at 10:00 a.m.

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(23)  
104-4  
16/2/80

At the request of the City of South Lake Tahoe, and on motion of Supervisor Lowe, seconded by Supervisor Stewart, and unanimously carried by those present, the Chairman was authorized to sign a Joint Powers Agreement with the City and the Lake Valley Fire Protection District for formation and operation of a coordinated emergency communications dispatching and 911 system, with two modifications to said Agreement as recommended by the County Communications Director in his memorandum to the Board dated May 30, 1984.

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22-9

On motion of Supervisor Dorr, seconded by Supervisor Stewart, and unanimously carried by those present, the Board approved the Golden Empire Health Systems Agency's proposed Bylaws revision which would repeal Article V, Section 5, line 3, of same which states that "no Governing Body member shall serve more than three consecutive two-year terms, exclusive of the time previously served to fill an unexpired term".

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124  
On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unani-  
mously carried by those present, Supervisor Dorr was authorized to take the  
lead in organizing a committee comprised of representatives of El Dorado  
County, Sacramento County, and the City of Folsom, to coordinate related  
planned road improvements in said entities.

219  
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The Board continued with the hearing (continued from May 29, 1984) to  
determine whether eight abandoned vehicles and miscellaneous automotive  
parts located at 1260 Jurgens Road in Rescue should be removed and the  
costs of removal charged against the landowner, Billy Ray Massey, pursuant  
to Chapter 10.16 of the El Dorado County Ordinance Code.

Officer C. W. Ball of the Sheriff's Department and Mr. Ron Duncan, Director  
of the Environmental Health Division, were present and advised that Mr.  
Massey has taken steps to abate the nuisance, and recommended the matter  
be closed.

Mr. Massey was present to respond to any questions of the Board.

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

On motion of Supervisor Dorr, seconded by Supervisor Stewart, and unani-  
mously carried by those present, the matter was closed and no action taken.

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## PLANNING MATTERS

51  
Board consideration of the Planning Commission's recommended definitions  
and criteria for bed and breakfast inns in El Dorado County, and amendment  
to the County Ordinance Code to reflect same, was continued to July 3, 1984,  
on motion of Supervisor Dorr, seconded by Supervisor Stewart, and unani-  
mously carried by those present.

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A public hearing was advertised for this time to consider the Appeal of  
Edward A. Thomas, Stephen Tonarelli, Dave Culver, and William Becker on the  
Planning Commission's granting of Special Use Permit No. 83-97 to Dennis L.  
Fowler to allow a mining and milling operation on 39.29 acres zoned Residen-  
tial Agricultural Twenty-Acre in the Diamond Springs/El Dorado area.

70-4-84  
In a letter to the Board dated June 11, 1984, Mr. Fowler withdrew his appli-  
cation for Special Use Permit No. 83-97; and Mr. Fowler was not present this  
date.

Mr. Edward A. Thomas, appellant, was present and spoke on behalf of himself  
as well as the other appellants, stating they object to any delays in  
hearing the appeal, as they all took time off their jobs to be present  
today. They also object to the matter simply being "dropped", since they  
felt Mr. Thomas will re-apply and being the hearing process over again,  
which would be additional inconvenience to those opposed to the permit.

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

On motion of Supervisor Stewart, seconded by Supervisor Flynn, and unani-  
mously carried by those present, the Board approved Dennis L. Fowler's  
withdrawal of his application for Special Use Permit No. 83-97, to allow  
a mining and milling operation on his 39.29 acres in the Diamond Springs/  
El Dorado area, declaring said special use permit null and void; and granted  
the Appeal, without prejudice, thereby allowing Mr. Fowler to re-apply for  
such a permit at any time.

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282-5-94  
Hearing was held as duly advertised to consider the Appeal of John C. Riley on the Planning Commission's granting of Special Use Permit No. 83-92 to Lionel and Anne Richards to allow a wine making and processing facility and an agricultural employee residence on 20.8 acres zoned Planned Agricultural in the Somerset/Fairplay/Mt. Aukum area.

Attorney Daryl McKinstry was present and spoke on behalf of the appellant, advising he also represents the following area residents who are opposed to the permit: Mr. and Mrs. Ken Carlisle, Mr. and Mrs. Don Sovereign, Mr. and Mrs. Jim Holmes, Mr. and Mrs. Joe Malcolm, Mr. and Mrs. Bill Thompson, Mr. and Mrs. Thomas McClain, Mr. and Mrs. Steve McBride, Mr. and Mrs. Tom Self, Mr. and Mrs. Michael Marsh, Mr. and Mrs. Oliver Smith, Mr. Herbert Rautenbarger, and Mr. and Mrs. Harvey Meintz. Mr. McKinstry advised that his clients oppose the issuance of the permit to allow a wine making and processing facility, which also includes a tasting room and on-site retail sales, citing three specific points: (1) They feel the wine industry in El Dorado County, as it is growing, needs some specific regulations; (2) It appeared to them that, at the end of the Planning Commission's hearing on the application, the Planning Department staff amended the application from being one just for a winery, to being one for a winery and tasting room and on-site retail sales; and (3) They believe there are many distinct differences between agricultural and commercial pursuits, and the commercial aspect of the proposed use of the property needs to be considered. Mr. McKinstry summarized by requesting that, if the permit is granted, that it be for the agricultural use (growing grapes and making wine) only, with no tasting room or on-site retail sales.

Mrs. Marion Sovereign also spoke to address the appellants' concerns of noise, odor, and increased traffic in the area if the permit is granted.

Attorney Robert A. Laurie was present and spoke on behalf of the applicants, Lionel and Anne Richards. Mr. Laurie introduced the following persons to speak on behalf of the applicants: Mr. Earl McGuire, project engineer, who spoke to the engineering aspect; Mr. Dan Hindrichs of Culp/Wesner/Culp, who spoke to the matter of waste treatment and disposal; and, finally, Dr. Richards who spoke to his plans for the property. When asked by the Chairman, Ron Duncan, Director of the County Environmental Health Division, advised he believes Dan Hinrich's report outlining waste treatment and disposal for the winery is an adequate treatment program. Mr. Laurie summarized by stating that the issue of environmental impact was resolved at the Planning Commission where it was found there is no environmental impact; therefore the issue before the Board this date is policy, to which he stated he believes that the winery is compatible in an agricultural zone.

The following persons were present and spoke in support of the special use permit: Vernon Gerwer, who also read a letter of support from the El Dorado County Winery Association; Robert C. Lamb, who spoke to property rights; John McCrady, owner of Sierra Vista Winery; Al Boissevain, Chairman of the El Dorado Wine Grape Growers Association; Joe Harrelson, grape grower; Gary Martin, area resident; Les Russell, owner of Granite Springs Winery; General Manager (name unclear) of Diamond R Properties which surrounds the subject property; Vern Sayles, President of the County Chamber of Commerce; and Frank Herbert, grape grower.

Mr. McKinstry, attorney representing the appellants, spoke again to rebutt testimony in support of the special use permit.

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

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On motion of Supervisor Flynn, seconded by Supervisor Stewart, and unani-  
mously carried by those present, the Board approved the Negative Declaration;  
denied the Appeal; and upheld the Planning Commission's granting of Special  
Use Permit No. 83-92 subject to the eight conditions proposed by the Planning  
Commission, with condition number 2 amended to include the requirement of a  
waste disposal plan approved by the Division of Environmental Health, and  
condition number 7 amended to reflect that the site plan will include a soil  
conservation plan approved by the Soil Conservation Service; based on the  
following findings:

1. The request to establish a wine-making and processing facility, in addition to wine tasting and sales, in a PA, Planned Agricultural, Zone District is authorized by Section 17.36.140(A) of the El Dorado County Ordinance Code;
2. The establishment of a wine-making and processing facility is not considered to be detrimental to the public health, safety and welfare, or injurious to the neighborhood;
3. The Public Works Department states the access is adequate and the use would not have a significant impact on the County road system;
4. Expert testimony has supported the fact that a properly designed waste disposal system, approved by Environmental Health, would protect the public health of the area;
5. It has not been fairly argues, based upon substantial evidence in the record, that the use may have a significant impact on the environment;
6. The agricultural use of the property, and of the parcels contiguous to it, will not be diminished or impaired by the granting of the Special Use Permit; and
7. The agricultural employee housing is authorized by Section 17.36.140(M) of the El Dorado County Ordinance Code.

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The request of Mrs. Verda Horney, that the Board waive the \$225 fee, or allow her to make time payments on same, for a special use permit to allow her to permanently reside in a travel trailer on property at 5470 Marshall Grade Road in Garden Valley where her disabled son and his two children live in a newly constructed home, was continued to June 26, 1984, on motion of Supervisor Flynn, seconded by Supervisor Dorr, and unanimously carried by those present.

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(57-91)

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On motion of Supervisor Flynn, seconded by Supervisor Dorr, and unanimously carried by those present, the Board respectfully declined to sponsor a recreation map for distribution through the Chamber of Commerce, Planning Department, and other public agencies, at no cost to the County; as the Recreation Commission recommended the Chairman be authorized to sign a Letter of Agreement with South Bay Engineering for 30,000 copies of said map.

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On motion of Supervisor Dorr, seconded by Supervisor Flynn, and unanimously carried by those present, the Board authorized the Community Development Director to solicit bids for the printing of 5,000 non-commercial boater registration tags for the South Fork of the American River for the 1984 season.

(95)  
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There being no further business to come before the Board of Supervisors this date, the Board adjourned to Tuesday, June 19, 1984, at 10:00 a.m.

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APPROVED:

  
Patricia R. Lowe  
PATRICIA R. LOWE, Chairman

ATTEST:  
BILLIE MITCHELL, County Clerk  
and ex officio Clerk of the Board

By Billie Mitchell

25% COTTON FIBER