

MINUTE ITEM

This Calendar Item No. C04
was approved as Minute Item
No. 04 by the State Lands
Commission by a vote of 3
to 0 at its 4-28-93
meeting.

CALENDAR ITEM

C04

A 8
S 4, 5

04/28/93
W 24841
Fong
PRC 7680

GENERAL PERMIT - RECREATIONAL USE

APPLICANT:

John Edward Polk and Carole Lee Polk,
Stephen Campo and Kathleen S. Campo,
John A. McCray and Christy A. McCray,
Robert Eugene Allison and Judith K. Quint Allison, and
Alexander E. Krotik and Doris E. Krotik

c/o John Polk
46 Chestnut Place
Danville, CA 94506

AREA, TYPE LAND AND LOCATION:

A 0.24-acre parcel of tide and submerged land located in
Georgiana Slough near the town of Isleton, Sacramento
County.

LAND USE:

Installation, use and maintenance of a covered floating
five-berth recreational dock.

TERMS OF PROPOSED PERMIT:

Initial period:

Ten years beginning May 1, 1993.

Public liability insurance:

Combined single limit coverage of \$500,000.

Special:

1. No commercial use shall be made of the proposed facilities and use shall be limited to the five boats owned by the applicants.
2. Applicant will be required to plant native trees and shrubs on the berm adjacent to the waterward toe of the levee in accordance with the vegetation planting plan on file in the office of the State Lands Commission.

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CONSIDERATION:

\$720 per annum; with the State reserving the right to fix a different rental on each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicants are owners of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee and application processing expense deposit have been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

06/05/93

OTHER PERTINENT INFORMATION:

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.
2. A Negative Declaration was prepared and adopted for this project by the County of Sacramento. The State Lands Commission's staff has reviewed such document.
3. Five families ("Applicant") have purchased the upland lot adjacent to the subject parcel in Georgiana Slough. Applicant proposes to construct a five-berth covered floating boat dock to accommodate recreational boats. The adjacent upland lot is 2.5 acres in size with a frontage of 422 feet along Georgiana Slough. The proposed recreational docking facility will occupy about one-third of the slough frontage. The owners will site their facility with sufficient side setback to provide adequate clearance for the proposed docking

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facility of their next door neighbor. The applicant has recorded with Sacramento County a declaration of conditions, covenants and restrictions to their non-commercial deed which limits the use of the facility to the recreational use of the five owners.

The Sacramento County Planning Commission approved this project and adopted a Negative Declaration for it on December 7, 1992. Staff submitted comments to the County during the circulation of the draft Negative Declaration and met with County staff to discuss various issues raised by the project. The approval of this project and adoption of the Negative Declaration by the Planning Commission was appealed by Commission staff to the Board of Supervisors because of concerns as to the adequacy of the document and because the Commission was not provided notice of the Planning Commission meeting. Commission staff has since met with the Applicant and consulted with the County's planning and environmental review staff regarding this project, and has concluded that all the concerns raised by staff can be addressed by conditions which have been incorporated into the proposed lease. Commission staff then withdrew its appeal to the County. The County Board of Supervisors approved the proposed project as conditioned on April 14, 1993.

The concerns that were raised by Commission staff were: 1) the potential of navigational obstruction, 2) the impact of the additional boat traffic, and 3) potential of a precedent established by having multi-owner, multi-berthed facilities along waterways. These concerns were addressed as follows:

1) Consultation with the Corps of Engineers and with a local barge operator indicates that no navigational impediment is posed by this project.

2) The five boats added by this proposed project will be of a minimal impact as this stretch of Georgiana Slough currently serves as the outlet to the 424 berth Ox Bow Marina located approximately a mile upstream. The proposed project is located on the west bank of Georgiana which is developed with residences and boat docks. The opposite bank is in agriculture production. Much of the riparian vegetation along this stretch of

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Georgiana Slough has been lost due to development as well as the maintenance practices of the levee maintenance district. Staff has identified a berm area between the levee and the slough which is susceptible to planting. The Applicant has agreed to a planting plan which will reestablish riparian vegetation along the Applicant's frontage to Georgiana Slough, which is approximately 423 feet. This planting is detailed in a vegetation planting plan approved by Commission staff which provides for the planting of 7 cottonwood trees, 12 buttonbrush shrubs, and 11 white alders.

3) In our consultation with the County planning and environmental staff, they stated that the proposed facility/project is consistent with current zoning guidelines. Addressing the precedent setting potential of this project for future multi-owner, multi-berth facilities, County staff stated that these projects would be evaluated on a case-by-case basis and that they did not believe that this approval constituted a precedent. To address these concerns, the Applicant has recorded conditions to its lease which restrict the use of the proposed facility to the five boats owned by the applicants for non-commercial recreational use only. Additionally, the Applicants have entered into a partnership agreement among themselves to limit the ownership of the upland parcel to only 5 parties at one time. Staff has included conditions in its lease reflecting these restrictions.

APPROVALS OBTAINED:

County of Sacramento, Corps of Engineers, Department of Fish and Game Streambed Alteration Agreement.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

- A. Land Description
- B. Location Map
- C. Notice of Completion

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF SACRAMENTO AND THAT THE

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COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

2. AUTHORIZE ISSUANCE TO JOHN POLK ET AL. OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING MAY 1, 1993; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$720 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; PROVISION OF THE VEGETATION PLANTING PLAN ON FILE IN THE OFFICE OF THE COMMISSION; FOR THE INSTALLATION, USE AND MAINTENANCE OF A COVERED, FLOATING, RECREATIONAL DOCK ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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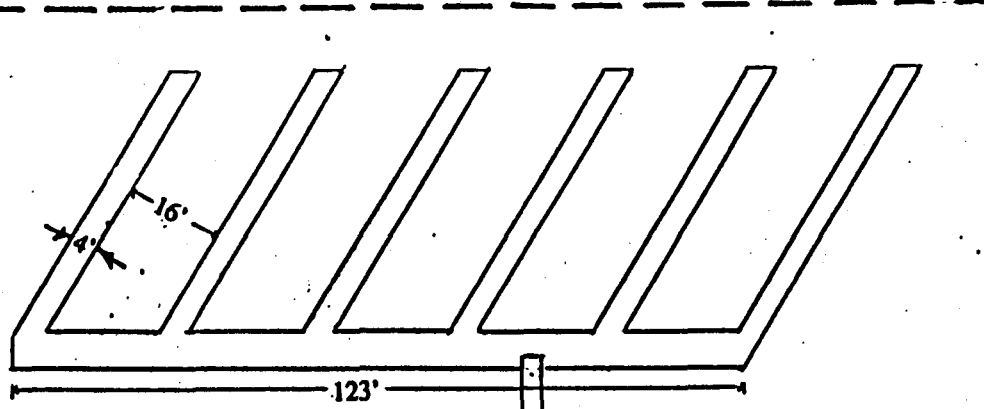
W24841

EXHIBIT 'A'

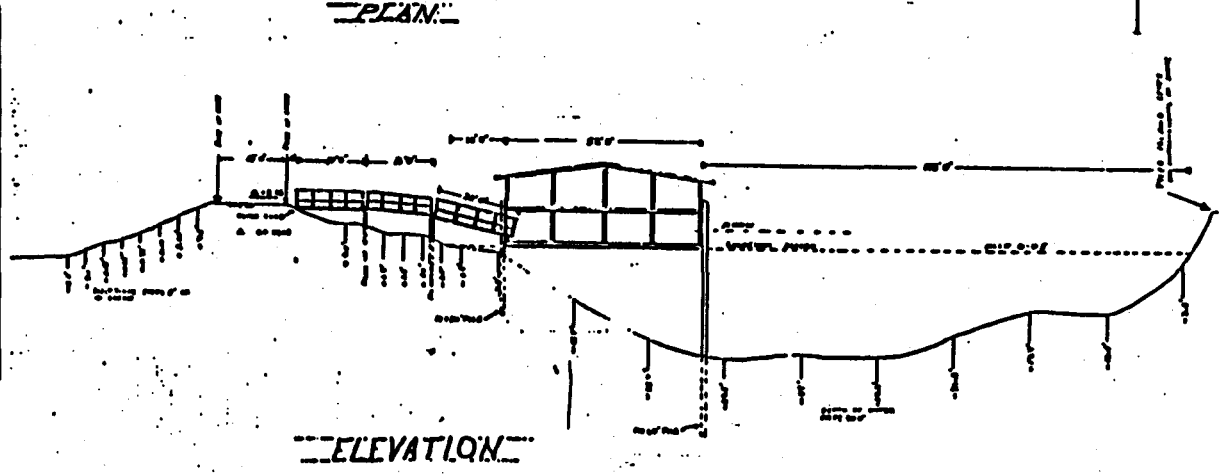
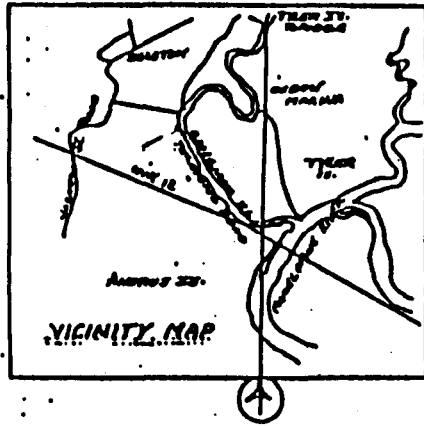
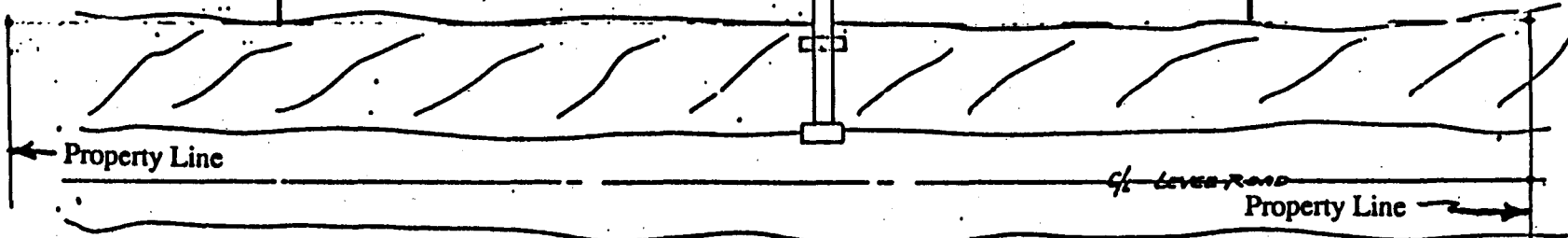
flood ← ebb

Georgiana

LEASE BOUNDARY



Slough



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This land description is solely for the purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

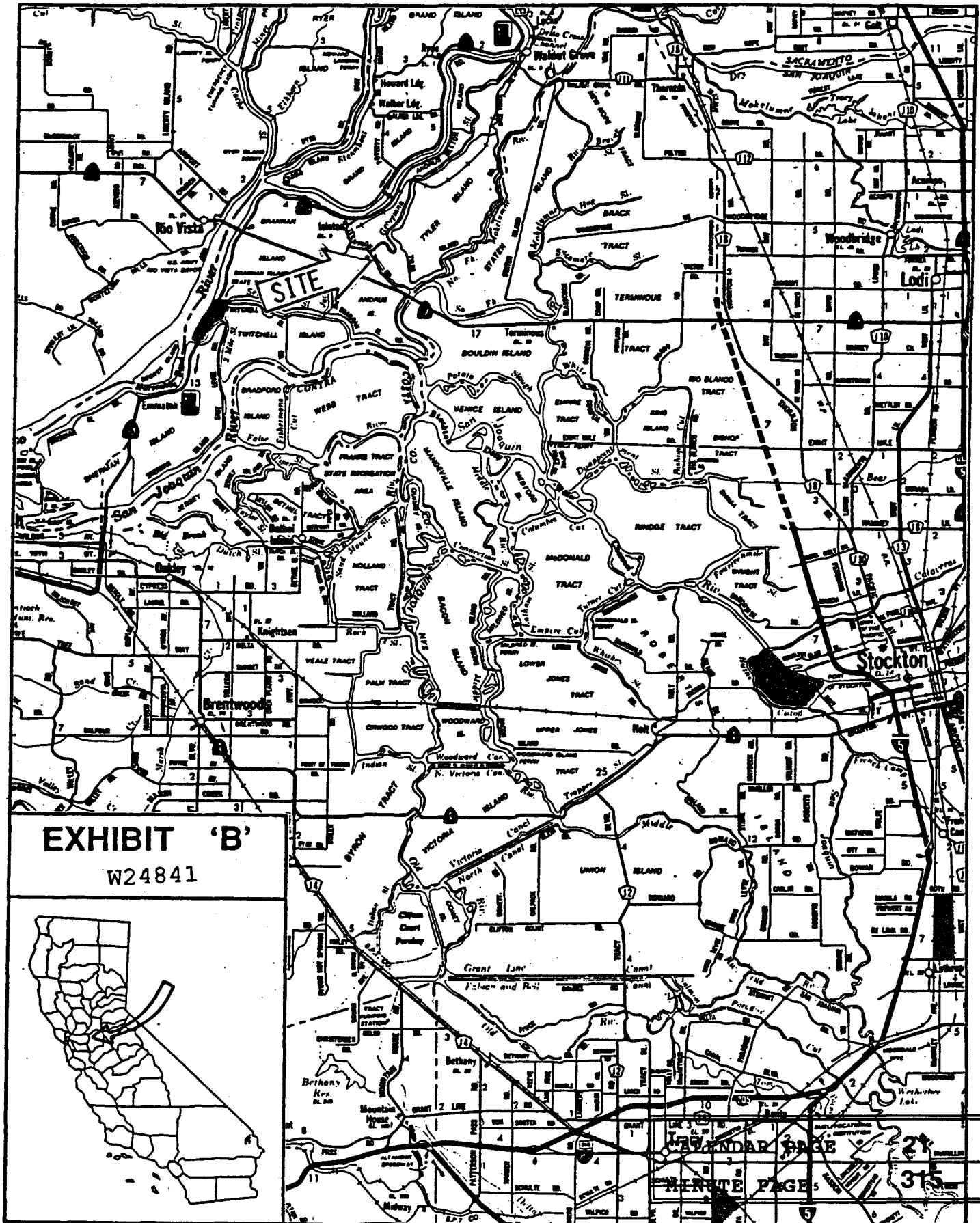


EXHIBIT 'B'
W24841



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County
Inn Perm

NOTICE OF DETERMINATION

TO: X State of California
Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: County of Sacramento, Department of
Environmental Review and Assessment
827 Seventh Street, Room 220
Sacramento, CA 95814

TO: X County Clerk, County of Sacramento
600 8th Street, Room 101, Sacramento, CA 95814

SUBJECT: FILING OF NOTICE OF DETERMINATION IN COMPLIANCE WITH SECTION 21108 OR 21152 OF THE
PUBLIC RESOURCES CODE

PROJECT TITLE: JOHN E. POLK ET AL USE PERMIT		CONTROL NUMBER(S): 92-UPP-0391
STATE CLEARINGHOUSE NUMBER (IF SUBMITTED): 92072075	CONTACT PERSON: Alcides Freitas	PHONE NUMBER: (916) 440-7914
PROJECT LOCATION: The project site is located on Brannan Island between Terminous Road and Georgiana Slough, approximately 1,400 feet south of Cxbow Drive, in the Delta community.		
ASSESSOR'S PARCEL NUMBER(S): 157-0100-077		
PROJECT DESCRIPTION: The proposed project consists of a Use Permit to construct a private five-slip boat dock in Georgiana Slough in the AR-2(F) and DW-S zones.		

This is to advise that the County of Sacramento (X Lead Agency Responsible Agency) has approved the above described project on December 7, 1992 and has made the following determinations concerning the above described project:

1. The project [will X will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
X A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
3. Mitigation measures [were X were not] made a condition of the approval of the project.
4. A mitigation monitoring and reporting program [was X was not] adopted.
5. A statement of Overriding Considerations [was X was not] adopted for this project.
6. Findings [were X were not] made pursuant to the provisions of CEQA.
7. California State Department of Fish and Game Fees (AB 3158)
 - a. [] The project has been found to be de minimis thus not subject to the provisions of AB 3158.
 - b. [X] The project is not de minimis and is, therefore, subject to the following fees:
 - [X] \$1,250 for review of a Negative Declaration
 - [] \$ 850 for review of an Environmental Impact Report
 - [X] \$ 25 for County Fish and Game program processing fees.

This is to certify that the environmental document and record of project approval is available to the General Public at: 827 7th Street, Room 220, Sacramento, CA 95814.

DATE RECEIVED FOR FILING

ENDORSED:

Filed _____

DEC 9 1992

JOHN E. POLK, CLERK - RECORDER

Environmental Coordinator of
Sacramento County, State of
California

BY: Alcides Freitas
for Alcides Freitas
Environmental Coordinator

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