

MINUTE ITEM

20

A 8

S 6

02/27/96
W 25062
D. Jones

DELTA WINDSURF COMPANY (APPLICANT):

PULLED PRIOR TO COMMISSION MEETING

Item attached

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**CALENDAR ITEM
C20**

A 8
S 6

02/27/96
W 25062
D. Jones

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Delta Windsurf Company
113 Main Street
Rio Vista, California 94571

AREA, TYPE LAND AND LOCATION:

A .033 acre parcel of tide and submerged land at Horseshoe Bend, Sacramento River, Sacramento County.

LAND USE:

An existing pier and construction of a boat dock, along with construction of a gangway and platform.

PROPOSED LEASE TERMS:

Lease period:

Ten (10) years beginning December 1, 1995.

Public liability insurance:

Combined single limit coverage of \$500,000.

CONSIDERATION:

\$180 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the Lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

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CALENDAR ITEM NO. C20 (CONT'D)

APPLICANT STATUS:

Applicant is Lessee of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Minimum Expense Deposit and Filing Fee have been received.

STATUTORY AND OTHER REFERENCES:

- A. Public Resources Code Section: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

03/29/96.

OTHER PERTINENT INFORMATION:

1. 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.
2. A member of the public wrote to the County of Sacramento expressing concerns over the project. One of the concerns expressed was that *Lilaeopsis masonii*, a State-listed rare species, existed on the site. At staff's direction, the applicant hired a botanist who surveyed the site and found no endangered species.

EXHIBITS:

- A. Site Map
- B. Location Map
- C. County of Sacramento Use Permit

CALENDAR ITEM NO. **C20** (CONT'D)

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION, SCH 94022007, WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF SACRAMENTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.
3. AUTHORIZE ISSUANCE TO DELTA WINDSURF COMPANY OF A 10-YEAR GENERAL LEASE - RECREATIONAL USE, BEGINNING DECEMBER 1, 1995; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$180.00, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$500,000; FOR AN EXISTING 25 FOOT X 40 FOOT PIER, CONSTRUCTION OF A NEW 4 FOOT X 35 FOOT GANGWAY, A 5 FOOT X 10 FOOT LANDING, AND A 10 FOOT X 30 FOOT BOAT DOCK; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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SACRAMENTO RIVER

DECKER ISLAND

W. SHERMAN ISLAND ROAD

HORSESHOE BEND

PROJECT LOCATION

HIGHWAY 160

SHERMAN ISLAND

HORSESHOE BEND

EXIST PIER 25' x 40'

VICINITY MAP

EXIST 12" Ø WD PILE - INSTALL ADDITION PILE IF REQUIRED

PROPOSED 10' x 30' DOCK WITH 4 FT x 35 FT GANGWAY

EXIST CONG. SIDEWALK & DEADMAN

MLLW @ 0.00'

MHW @ +3.7'

TOE OF LEVEE

EXIST FENCE & GATE

EXIST WINDSURF STORE

EXIST CARETAKER TRAILER

SHERMAN ISLAND ROAD

PARKING

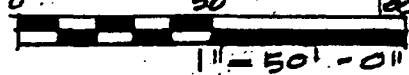
TOP OF LEVEE

SITE PLAN

PROPOSE: RELOCATION OF GUEST DOCK
DATUM = MLW

ADJACENT PROPERTY OWNERS:
1) CELLI, GINO
2) UPHAM, CHARLES
STATE OF CALIF.

SITE PLAN



DELTA WINDSURF CO.
3729 W. SHERMAN ISLAND RD.
RIO VISTA, CA 94571

PARCEL # 150-040-019

PROPOSED RELOCATION OF DOCK & RAMP W/ NEW CONSTRUCTION OF LANDING

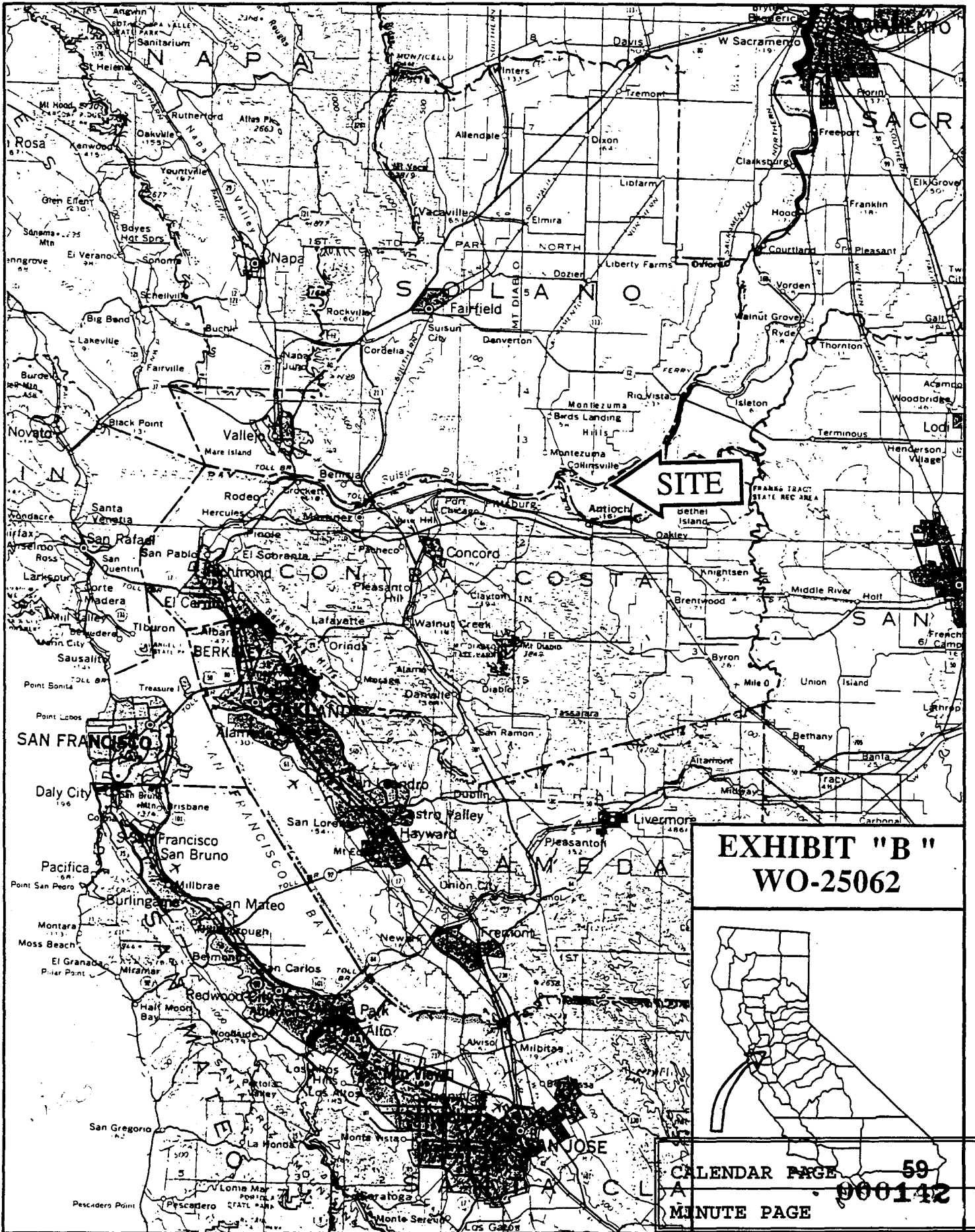
IN: HORSESHOE BEND
OFF SACRAMENTO RIVER
COUNTY OF: SACRAMENTO

APPLICATION BY:
CALIFORNIA BOAT CONSTRUCTION GROUP
0000111

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EXHIBIT

This exhibit is solely for 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.

WO-25062



SITE

EXHIBIT "B"
WO-25062




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EXHIBIT "C"
W25062

**COUNTY OF SACRAMENTO
INTER-OFFICE CORRESPONDENCE**

March 7, 1995

TO: PLANNING DEPARTMENT

FROM: KATHY ROGERS, Secretary 
PROJECT PLANNING COMMISSION

SUBJECT: **ZONING BOUNDARY ADJUSTMENT, USE PERMITS AND VARIANCE
93-ZBP-UPP-VAZ-PWE-0134 - UPHAM RANCH - Applicant: Delta
Windsurf Company - Engineer: DJM Design & Consulting Group - Assessor's
Parcel No. 158-0040-019, located on the north side of Sherman Island Road, west
of State Highway 160, in the Delta community.**

The Project Planning Commission, meeting in regular session on February 27, 1995, voted unanimously to **approve** the following requests:

Zoning Boundary Adjustment

A Zoning Boundary Adjustment to allow for parking to be located in the DW land use zone, subject to findings and conditions set forth on the Use Permit.

Use Permits

A Use Permit for water recreation equipment rental and sales in the DW zone pursuant to Zoning Code Section 235-143(b), subject to findings and conditions amended as follows:

Amend Condition No. 4 to read:

For any change in use, a new septic system shall be installed on the land side of the levee. The design and location of this system shall be to the satisfaction of the County Environmental Health Division of the Environmental Management Department.

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Add Condition No. 12 to read:

Obtain a valid lease from the State Lands Commission within 6 months and prior to relocation of the floating dock and any building permits necessary for the building and/or issuance of a business license.

A Use Permit for a snack bar incidental to a water-oriented use pursuant to Zoning Code Section 235-143(c), subject to findings and conditions as amended above.

A Use Permit to legalize an existing commercial pier and to allow the relocation of an existing floating dock pursuant to Zoning Code Section 235-143(l), subject to findings and conditions as amended above.

A Use Permit to allow a sign program consisting of (2) on-site pole signs each 8 feet in height and 32 square feet in area, and a wall sign of 16 square feet in area, on a parcel zoned DW and located within a Special Sign Corridor pursuant to Zoning Code Section 335-33, subject to findings and conditions as amended above.

Variance

A Variance to deviate from the minimum front yard setback of 10 feet measured from the toe of the levee for the existing structure as required by Zoning Code Section 235-150(a.), subject to findings and conditions as amended and set forth on the Use Permits.

The Commission accepted the Negative Declaration as adequate and complete; and adopted the Mitigation Monitoring and Reporting Program.

NOTE: This project includes a minor reconstruction of Sherman Island Road to allow for parking accommodations on the levee side of the road.

cc: In house
Owner/applicant

Handwritten notes:
F...
M...
J...
4405206
5206

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**USE PERMIT
SACRAMENTO COUNTY**

Control Number

93-ZBP-UPP-VAZ-PWE-0134

Hearing Date: February 27, 1995

Assessor's Parcel No.

158-0040-019

OWNER:

APPLICANT:

ENGINEER:

Upham Ranch
113 Main Street
Rio Vista, CA 94571

Delta Windsurf Company
3729 West Sherman Island Road
Rio Vista, CA 94571

DJM Design & Consulting
9320 Los Lagos Cr. South
Loomis, CA 95650

PERMISSION IS GRANTED TO USE THE SUBJECT PREMISES FOR THE FOLLOWING DESCRIBED USE: A Zoning Boundary Adjustment to allow for parking to be located in the DW land use zone. A Use Permit for water recreation equipment rental and sales in the DW zone pursuant to Zoning Code Section 235-143(b). A Use Permit for a snack bar incidental to a water-oriented use pursuant to Zoning Code Section 235-143(c). A Use Permit to legalize an existing commercial pier and to allow the relocation of an existing floating dock pursuant to Zoning Code Section 235-143(l). A Use Permit to allow a sign program consisting of (2) on-site pole signs each 8 feet in height and 32 square feet in area, and a wall sign of 16 square feet in area, on a parcel zoned DW and located within a Special Sign Corridor pursuant to Zoning Code Section 335-33. A Variance to deviate from the minimum front yard setback of 10 feet measured from the toe of the levee for the existing structure as required by Zoning Code Section 235-150(a).

DESCRIPTION OF PREMISES: The property is located on the north side of Sherman Island Road, west of State Highway 160, in the Delta community.

CONDITIONS OF APPROVAL:

1. The development approved by this action shall be in substantial compliance with Exhibit "P".
2. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations and procedures. Any required subsequent procedural actions shall take place within 36 months of the date on which the permit became effective or this action shall automatically be null and void.

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3. Final road construction plans shall be to the satisfaction of the Director of County Engineering.
4. For any change in use, a new septic system shall be installed on the land side of the levee. The design and location of this system shall be to the satisfaction of the County Environmental Health Division of the Environmental Management Department.
5. Obtain all necessary State and Federal Permits and comply with all requirements of those permits.
6. To minimize impacts to the Winter Run Chinook Salmon and the Delta Smelt, two special status species known to occur in the vicinity of the project site, all in-water work (pile driving and any associated activities) ~~shall be limited to the month of September.~~
7. To protect habitat value at the site, all trees shall be retained and all plants located along the waterside berm of the levee shall be retained.
8. To minimize impacts to water quality and concomitant impacts to plants and animals, an Erosion Control Plan shall be implemented for the area of proposed parking at the top of the levee. This plan shall include, at a minimum, the following:
 - a. Methods to avoid soil spillage on the waterside of the levee.
 - b. Adequate compaction of soils to prevent future erosional activity.
 - c. Revegetation (with native species) of any exposed soils after grading activities have been completed.
9. Trash receptacles shall be placed in convenient locations to encourage their use by patrons of the project.
10. Provide speed limit signs with "5 MILES PER HOUR ZONE" and "NO WAKE ZONE" painted in black and red on a white background so that they are visible to boaters going either direction on the river as well as within the confines of the pier and dock area.
11. Comply with the **Mitigation Monitoring and Reporting Program (MMRP)** for this project as follows:

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- a. The project proponent shall comply with the MMRP for this project, including the payment of 100% of the Department of Environmental Review and Assessment staff costs, and the costs of any technical consultant services incurred during implementation of the MMRP. The initial estimate of these costs is \$1,200. If the initial estimate of these costs exceeds the actual monitoring costs, the balance shall be refunded to the proponent; and if the actual monitoring costs exceed the initial estimate, the proponent shall be responsible for paying the additional amount.
 - b. Until the MMRP has been recorded and the estimated MMRP fee has been paid, no final parcel map or final subdivision map for the subject property shall be approved; and no encroachment, grading, building, sewer connection, water connection or occupancy permit from Sacramento County shall be approved.
12. ~~Obtain a valid lease from the State Lands Commission within 6 months and~~ prior to relocation of the floating dock and any building permits necessary for the building and/or issuance of a business license.

FINDINGS:

1. The request is consistent with the County General Plan and Text policies for development within the Delta community in that no policy conflicts have been identified.
2. Identified environmental effects and suggested mitigation measures have been taken into consideration in the recommended actions and conditions of approval.
3. Staff has identified no effects from the proposal which would result in a significant detrimental impact on adjoining or neighboring properties if the conditions, as recommended by staff, are adopted.
4. The granting of the use permit will not, under the circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort, or general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County, in that:

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- a. The property has an existing building that has historically and continues to be used as a commercial water related facility. The building is located above the 100 year floodplain.
 - b. The business conforms with the Delta Waterways Zone under conditional uses for water related equipment rentals and sales.
 - c. The business provides a place to buy and rent equipment for the numerous amounts of windsurfers for this area that has become one of the best windsurfing locations in the nation.
 - d. Ample parking will be provided on-site and in a safe manner.
5. The grant of the variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone, in which the subject property is situated. The requested variance is justified in that the structure is existing.
6. The project is consistent with the Delta Protection Act in that the required findings can be made in the affirmative with the implementation of the recommended conditions and mitigation measures. The following are the findings as required by the Act:
- a. The development will not result in wetland or riparian loss in that no wetland vegetation has been identified on site, and no riparian habitat will be removed.
 - b. The development will not result in degradation of water quality in that erosion control measures will be in place; in water construction (pilings) will be limited to the period when the delta fish species are non-vulnerable.
 - c. The development will not result in increased non-point source pollution or soil erosion, including subsidence or sedimentation in that erosion control measures will be in place during construction, trash receptacles will be provided and sewage from the commercial business will be connected to the on-shore septic disposal.
 - d. The development will not result in the degradation or reduction of the Pacific Flyway habitat in that the project does not propose to reclaim tide marsh land. In addition, to insure that there is no loss of habitat value at the site, all trees on the site and all plants located on the water side berm of the levee must be retained.

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- e. The development will not result in reduced public access, provided that access does not infringe upon private property rights in that the project is a commercial use.
 - f. The development will not expose the public to increased flood hazards in that no new structures are proposed on land.
 - g. The development will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on private or public lands in that the project is existing and is entirely located in the DW zone.
 - h. The development will not result in the degradation or impairment of levee integrity in that no structural construction is being proposed on the levee.
 - i. The development will not adversely impact navigation in that the addition of the floating dock to the existing pier is a minimal encroachment into the channel (15 feet) and does not appear to affect the navigation of waterway traffic. Signs will be posted to control speed and wakes.
 - j. The development will not result in any increased requirements or restriction upon agricultural practices in the primary zone in that this project is a commercial-recreational; water-oriented use.
7. Pursuant to Section 235-156 of the Zoning Code, the development will not significantly:
- a. Limit the diversity of public uses in the waterway in that the project is a commercial use.
 - b. Result in a substantial adverse environmental impact to natural habitat in that in-water construction shall be limited to the period when the delta fish species are non-vulnerable and the project does not propose removal of riparian habitat.
 - c. Impede the natural flow of the channels in that the commercial pier is existing and the additional guest dock will be floating.
 - d. Adversely affect the stability of the levee or lands adjacent to the water way or formation of sandbars or shoal in that the project does not propose any new structures on the levee.

- e. Cause increased flood heights in that no construction is proposed on the levee.
- f. Cause safety or navigation hazards in that adequate maneuvering room is provided.
- g. Reduce the ecological or scenic value of an existing or approved State or local ecological preserve or wildlife management area in that a portion of the project is contained on the water, and the structure located on the levee is existing.
- h. Cause excessive, dredging, filling or bulkheading to the shore line, and be incompatible with the existing natural and man-made features in that no such type of activity is proposed.

ENVIRONMENTAL DOCUMENT: Negative Declaration

CAUTION: THIS USE PERMIT IS OF NO FORCE AND EFFECT UNTIL THE EXPIRATION OF A 10-DAY APPEAL PERIOD FROM AND AFTER THE DATE OF THE HEARING ON THE USE PERMIT.

THIS ACTION DOES NOT RELIEVE THE APPLICANT OF THE OBLIGATION TO COMPLY WITH ALL ORDINANCES, STATUTES, REGULATIONS AND PROCEDURES. ALL COSTS INCURRED BY THE COUNTY TO ENFORCE THE CONDITIONS LISTED IN THIS PERMIT SHALL BE THE RESPONSIBILITY OF THE PERMIT HOLDER AND/OR PROPERTY OWNER. THE ABOVE USE WILL NOT BE CONDUCTED TO CONSTITUTE EITHER A PUBLIC OR PRIVATE NUISANCE. VIOLATION OF ANY OF THE FOREGOING CONDITIONS WILL CONSTITUTE GROUNDS FOR REVOCATION OF THIS PERMIT. BUILDING PERMITS ARE REQUIRED IN THE EVENT ANY BUILDING IS PLANNED. A CONDITIONAL USE PERMIT, IF NOT USED FOR THE PURPOSE FOR WHICH IT WAS GRANTED, SHALL LAPSE AND SHALL BECOME VOID THREE YEARS FOLLOWING THE DATE ON WHICH THE PERMIT BECAME EFFECTIVE, UNLESS BY CONDITION OF THE PERMIT A GREATER TIME IS ALLOWED, OR UPON THE EXPIRATION DATE OF A VALID BUILDING PERMIT OBTAINED AFTER THE GRANT OF THE CONDITIONAL USE PERMIT, WHICHEVER DATE IS LAST TO OCCUR.

SACRAMENTO COUNTY PROJECT PLANNING COMMISSION

BY: 
KATHLEEN ROGERS, Secretary

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