

MINUTE ITEM

This Calendar Item No. 25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 2
0 at its 3/2/92
meeting.

CALENDAR ITEM

A 10
S 5

25

02/02/92
W 23677 PRC 7620
Simmons

GENERAL LEASE - COMMERCIAL USE

APPLICANT:

Vollman-Clark Ranch, a general partnership
953 Keith Drive
Roseville, California 95661

AREA, TYPE LAND AND LOCATION:

A 1.139-acre parcel of tide and submerged land in the
Sacramento River, Sacramento County.

LAND USE:

Commercial boat storage marina.

TERMS OF PROPOSED LEASE:

Initial period:
Twenty-five (25) years beginning June 1, 1991.

Surety bond:
\$10,000.

Public liability insurance:
Combined single limit coverage of \$1,000,000.

Special:
Lessee to provide and maintain appropriate waste
receptacles for benefit of lease premises.

CONSIDERATION:

\$2,500 per annum; minimum rent or five percent (5%) of
gross income per annum, whichever is greater, 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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APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES, AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

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

B. Cal. Code Regs.: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

09/29/91

OTHER PERTINENT INFORMATION:

1. A Negative Declaration was prepared and adopted for this project by the County of Sacramento on August 31, 1987. The County determined that the project, as amended, would not have a significant effect on the environment. The State Lands Commission's staff has reviewed such document.
2. The application submitted to the Commission proposes a facility which would include two access ramps, a header float, pilings, and 30 berths, as shown on the marina plan attached hereto as Exhibit "C".
3. The State Department of Fish and Game, in 1985, recommended denial of the marina project on the premise that the project would interfere with established striped bass trolling, and related boat movements, by fishermen in this area. The Applicant subsequently engaged Mr. George Bruns, licensed by Fish and Game as a guide between 1977 and 1985, who concluded, in a written statement, that the subject area has very little to offer to recreational fishermen and who has repeatedly advised anglers that the most popular and productive trolling areas are downstream of this site. Mr. Bruns has served on the Board of Directors of the California Striped Bass Association, helped in the founding of the Executive Council of the California Striped Bass Association, and founded the Lodi Chapter of the California Striped Bass Association.

By Memorandum to Commission staff, dated December 11, 1990, the Department reiterated its opposition to the project, again on the grounds that the marina and the boat traffic associated with it would significantly interfere with recreational striped bass fishing at the subject location.

4. The United States Army Corps of Engineers (Corps) has permitting authority over the proposed project. On January 20, 1987, the Corps issued permit no. 9407, which gave Corps approval to the proposed marina. This permit expired on November 15, 1989; however, the Applicant received a renewal until June 30, 1992. "An environmental assessment prepared by the Corps noted concerns by the Department of Fish and Game, but concluded that impact on the fishing area would be minimal and would be outweighed by the public's need for additional berthing." (EIS Initial Study, 85-UP-830)
5. In Calendar Item 25, which was heard by the Commission on April 2, 1991, staff discussed the potential competition between public trust interests at this location, specifically, recreational fishing vs. the berthing of pleasure craft. The Commission has the discretion to determine whether its lands will be left in an undeveloped state or to allow development subject to appropriate conditions. Accordingly, it may preclude or modify any development which might negatively affect a known public trust use or uses, either now or in the future. During the consideration of Calendar Item 25, the Commission heard extensive testimony from representatives of the Department and the applicants and their representatives on the potential of the proposed facility or its use to interfere with trolling associated with striped bass fishing in the Sacramento River. At the conclusion of the hearing, the applicants indicated their willingness to withdraw their application for immediate resubmittal. Staff was directed to work toward a resolution of the concerns of the Department, to investigate further the compatibility of the project with land use planning regulations and guidelines, to further investigate means by which

conflicts between public trust uses might be reduced or eliminated and to bring the matter back to the Commission at its meeting of May 1, 1991. At its meeting of May 1, the matter was briefly discussed and staff was given additional time to negotiate with the affected parties.

Issues

Land Use

As provided in Chapter 35, Article 8 of the Zoning Code (Code) of the County of Sacramento, "The DW Delta Waterways Land Use Zone is designed to regulate property in the unincorporated area of the County along the Sacramento River and along the Waterways in the area commonly known as the 'Delta area'." The Sacramento River at the location of the proposed project is designated DW-R under the Code, R denoting "Restricted Area". Restricted areas are defined as:

"..those portions of waterways which are restricted for through navigation by existing docks, marinas, or other development, or are located adjacent to the Delta urban communities; but are located such that expansion of such facilities or additions of similar water-orientated facilities will be compatible with the purpose and standards of this zone.."

Within this zone, "boat harbors, marinas, and incidental accessory uses" are allowed. The upland portion of the project would be located in an area zoned "commercial". While it is the position of the staff of the Commission that the use of State lands under the Commission's jurisdiction is not governed by local land use designations of such land, such designations are the result of public processes at the local level. The County's regulations also embody the land use "guidelines" contained within the Delta Master Recreation Plan (1976) prepared under the auspices of the Resources Agency of the State of California.

Staff also, within the context of the existing land use designations and ownerships of littoral parcels, examined other potential locations for the project. Although the DW-R designation is assigned to the

Sacramento River within the vicinity of the community of Walnut Grove, the upland zoning within the same area would not allow the developments which are ancillary to the proposed project, e.g. required parking, and the applicant's ownership of upland parcels is limited to the area adjacent to proposed location of the facility.

Demand For And Economic Viability Of Proposed Project

The stated purpose of applicant's proposed marina is to provide a moorage or storage facility for vessels of 30 and 40 foot length. As indicated at page 10 of the "Sacramento River Marina Carrying Capacity Study" prepared for the Commission (August, 1986), "Vessels over 26 feet are not easily trailered, and are largely dependent on moorage." The Study, at page 11, subsequently concludes:

"..that present marina capacity in Sacramento and Yolo counties for boats in the 40 foot category is significantly less than the 2-county vessel registration--and that existing space is fully described. Registration of vessels between 26 feet and 39 feet also considerably exceeds capacity; but that capacity is presently underused in the off peak period. On this basis, it is our conclusion that if the factors affecting usership do not change radically, a sufficient market exists, or will shortly exist, to support further expansion in marina capacity to handle larger size classes of boats." (emphasis added)

This conclusion appears to be borne out by comments received by staff contacts to existing marina facilities in the vicinity of the proposed project and by financial information and projections submitted by the applicant in response to staff requests. From this latter information, a marina of the size and function proposed for this location appears to be economically viable.

Area Trust Uses And Needs

Staff has examined the trust needs and uses of the affected area and believes that the project will be, on balance, compatible with such needs and uses if it is modified as discussed below. The modifications described have been agreed to by the applicants.

Recreational Fishing

At present, the project's configuration would have the larger 40 foot vessels located in that portion of the facility nearest the confluence of the Sacramento River and Georgiana Slough. It is from this area, as indicated in the previous testimony of the Department of Fish and Game, that trollers originate. Such trolling would be less constrained if the available width of the river area available for maneuvering is increased to the maximum extent feasible. To accomplish this, the marina configuration will be changed to place the smaller 30 foot berths in the downstream portion of the facility. This change will provide an additional 10 feet to the unconstrained width of the River at this critical area. Using the information provided in the Commission's meeting of April 2, approximately 430 feet of 480 feet will be subsequently be available for maneuvering.

Additional opportunities for recreational fishing by the general public, particularly those which do not own or have access to a boat, will be provided at the facility. These opportunities do not presently exist. Specifically, the applicants have agreed to add a public fishing platform to the upstream end of the marina, i.e. that portion nearest the bridge. This platform will be designed to provide both near shore and mid-stream recreational fishing opportunities to the general public, including the handicapped for which access is anticipated by the current design of the access ramp at the upstream end of the marina. To maintain such access and security for that portion of the proposed marina which will not be open to the general public, i.e. the berths themselves, the addition of the fishing platform and another public access facility described below, the marina will extend further downstream than at present. Such extension will not, however, affect the designated

CALENDAR ITEM NO. 25 (CONT'D)

emergency access at the downstream end of the facility and will therefore not affect the riparian habitat which must be preserved as a condition of the project. Further, such modification should not further adversely affect the Available width of the River as it continues to widen in the affected area. Further, staff will ensure, through its review and approval of the final, amended design of the facility, that the downstream extension will be the minimum necessary.

Public Access

Public access and services not now available to the general public will also be made available as a result of project modifications. The only public accommodation dock presently available for transitory use is across the River from the location of the proposed facility and available primarily to individuals patronizing the businesses located on the east side of the River. An additional public accommodation berth for transitory use will be added adjacent to the public fishing platform. This berth will be available free of charge and will enable the general boating public to patronize a general purpose market on the adjacent upland. This berthing area can also provide a safe haven in the event of a boating emergency in the vicinity.

Public Health And Safety

As indicated above, the new public accommodation berth could contribute to the health and safety of the general boating public. Additional public health and safety measures have been incorporated into the proposed project. State Highway 160 lies between the proposed facility and its associated parking lot. The highway curves sharply at the downstream end of the facility and visibility is restricted both to motorists and those who would be crossing the highway from the parking lot. Although the access point at the downstream end of the proposed marina is meant to function only as an emergency exit, those having vessels at the facility may try to access the facility at this point, thus jeopardizing their safety. The applicant will: 1) ensure that a one way gate, exit only, is installed at this location; 2) post a sign to this effect at the gate that will be visible on the

landward side of the highway; 3) seek the approval of Caltrans to paint a prominent crosswalk at the upstream access to the facility and to post a sign which will alert motorists to that crosswalk at an appropriate distance before same; and 4) post a sign at the parking lot which will direct people to the appropriate crossing.

Environmental Considerations

One of the existing conditions under which the facility was approved by the County of Sacramento is that "The existing riparian vegetation along the Sacramento River shall be preserved." This is a point also of primary concern to staff. As previously indicated, none of the modifications to the proposed facility will cause a violation of this condition. In furtherance of the condition, the applicant will enter into an agreement to reimburse staff expenses which would result from staff's monitoring of that portion of the construction activities which could effect the existing riparian vegetation. Staff is also concerned that lighting associated with security and public health and safety considerations and/or facility operations, e.g. activities occurring on vessels berthed at the facility could indirectly affect wildlife which may use or reside in such habitat. This latter point was a stated concern of the Department of Fish and Game at the Commission's April 2, 1991 meeting. In these regards, the staff will review and approve both the final design of the facility, which will address lighting requirements, and the plan of operations for the facility.

6. Staff believes, on the basis of the information available to the Commission as to need for and economic viability of the proposed facility and the modifications made thereto and as described herein, that, on balance, the facility, as modified, is consistent with and in furtherance of the public interest and the public trust needs of the area.

APPROVALS OBTAINED:

County of Sacramento, State Reclamation Board, and United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Marina Plan (SLC)
- D. Notice of Determination with accompanying Negative Declaration.
- E. Use Permit, County of Sacramento.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT A NEGATIVE DECLARATION (SCH NO. 87061514) 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. REQUIRE VOLLMAN-CLARK RANCH TO EXECUTE A REIMBURSEMENT AGREEMENT TO COVER STAFF COSTS ASSOCIATED WITH MONITORING ANY CONSTRUCTION ACTIVITY WHICH COULD AFFECT, EITHER DIRECTLY OR INDIRECTLY, THE RIPARIAN VEGETATION ON SITE.
3. APPROVE A 25-YEAR GENERAL LEASE - COMMERCIAL USE FOR VOLLMAN-CLARK RANCH, A GENERAL PARTNERSHIP, BEGINNING JUNE 1, 1991 OR UPON RECEIPT OF THE SIGNED REIMBURSEMENT AGREEMENT REQUIRED IN NO. 2 ABOVE, WHICHEVER IS LATER; IN CONSIDERATION OF A BASE ANNUAL RENT IN THE AMOUNT OF \$2,500 OR FIVE PERCENT OF GROSS INCOME PER ANNUM, WHICHEVER IS GREATER, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; PROVISION OF A \$10,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$1,000,000; FOR A 30-BERTH MARINA, WITH MODIFICATIONS, AS DESCRIBED HEREIN AND IN EXHIBIT "E", ALL ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF CONTINGENT ON THE SUBMITTAL TO STAFF FOR REVIEW AND APPROVAL, OF FINAL DESIGN PLANS WHICH INCORPORATE ALL MODIFICATIONS DISCUSSED HEREIN AND A PLAN OF OPERATION FOR SUCH FACILITY.
4. AUTHORIZE THE EXECUTIVE OFFICER TO TAKE ALL STEPS NECESSARY TO IMPLEMENT ITS ACTION.

EXHIBIT "A"

LAND DESCRIPTION

W 23677

A parcel of tide and submerged land in the bed of the Sacramento River, Walnut Grove, Sacramento County, California, said parcel lying immediately beneath a dock TOGETHER WITH a necessary use area extending 10 feet from the extremities of said dock, said dock, being adjacent to the land described in the document recorded April 17, 1957, in Book 3283, page 563, of Official Records said County.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Sacramento River.

END OF DESCRIPTION

PREPARED AUGUST 24, 1989 BY BIU 1.

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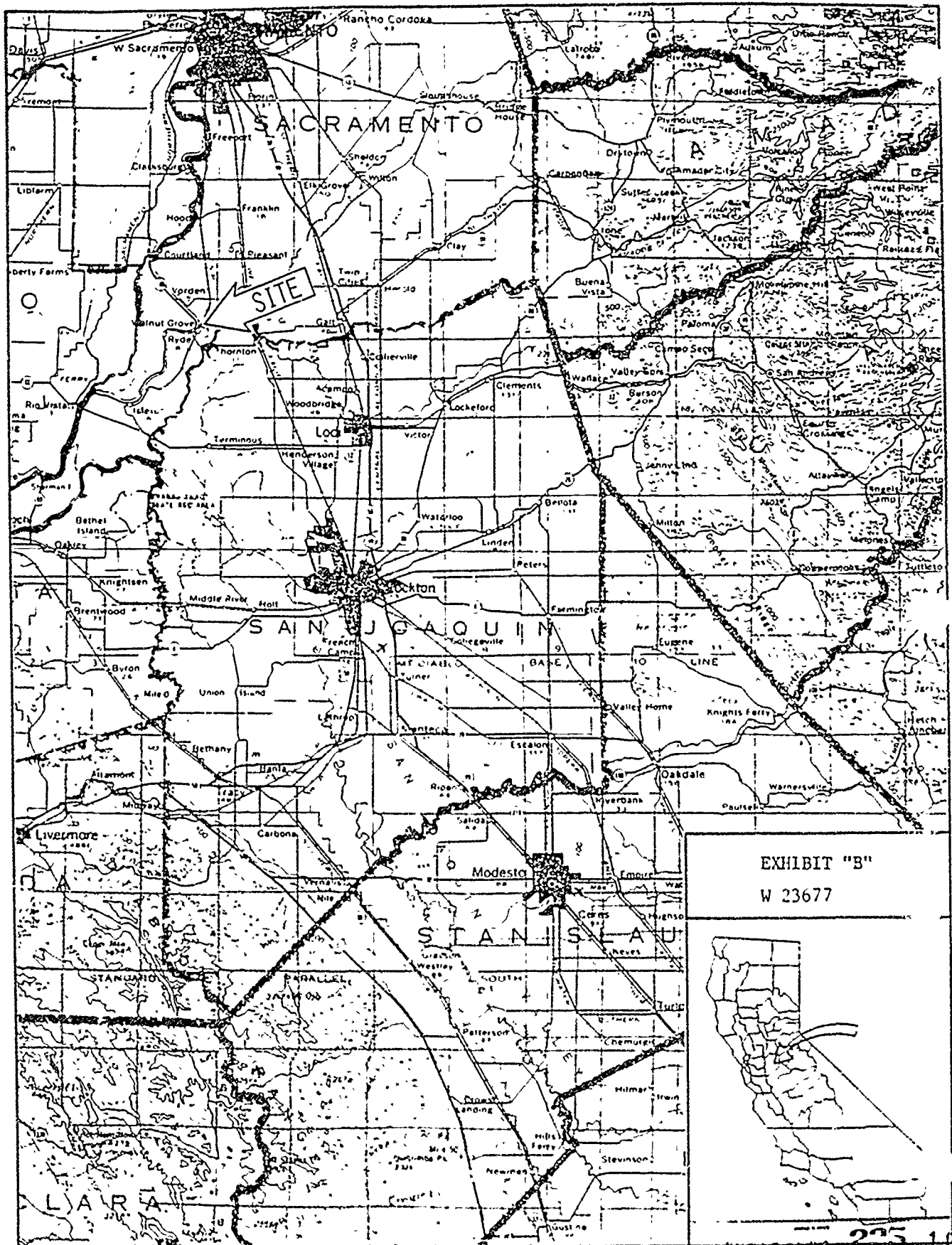


EXHIBIT "B"

W 23677



235 10

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EXHIBIT "D"
NOTICE OF DETERMINATION

TO: State of California
OFFICE OF PLANNING AND RESEARCH FROM: Environmental Impact Section
1400 Tenth Street County of Sacramento
Sacramento, CA 95814 827 - 7th Street, Rm. 101
Sacramento, CA 95814

County Clerk
County of Sacramento
720 - 9th Street, Rm. 103
Sacramento, CA 95814

SUBJECT: Filing of Notice of Determination in compliance with Section 21103 or 21152 of the Public Resources Code.

Project Title: VOLLMAN CLARK RANCH USE PERMIT		Control No.: 85-UP-830
State Clearinghouse No.: (if submitted) 87061514	Contact Person Alcides Freitas	Phone No.: 440-7914
Project Location: The project is located on the west and east sides of State Highway 160, just south of the Walnut Grove Bridge, in Walnut Grove.		
Assessor's Parcel No.: 142-0070-028 & 029		
Project Description: The proposed project consists of a request for a use permit to allow a 30 berth marina in the DW-R zone. Parking would occur on the landside of the levee road (State Highway 160) within the GC zone.		

This is to advise that the County of Sacramento has made the following determination regarding the above described project:

- The project has been approved by: Project Planning Commission
 disapproved on: August 31, 1987
(date)
- The project will* *(Findings of overriding considerations attached.)
will not have a significant effect on the environment.
- An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
 A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
- Mitigation measures were made a condition of the approval
 were not of the project.

Date Received for Filing
ENDORSED
SEP 10 1987
JOYCE RUSSELL SMITH, CLERK
L. ANDREWS, Deputy

Environmental Coordinator of
Sacramento County, State of
California

By Robert J. DeMaio
for Alcides Freitas
Environmental Coordinator

225 .12
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NEGATIVE DECLARATION

Pursuant to Division 6, Title 14, Chapter 3, Article 6, Sections 15070 and 15071 of the California Administrative Code and pursuant to the Procedures for Preparation and Processing of Environmental Impact Reports adopted by the County of Sacramento pursuant to Sacramento County Ordinance No. SCC-116, the Environmental Coordinator of Sacramento County, State of California, does prepare, make, declare, publish, and cause to be filed with the County Clerk of Sacramento County, State of California, this Negative Declaration re: The Project described as follows:

1. Title and Short Description of Project:
VOLLMAN CLARK RANCH USE PERMIT
The proposed project consists of a request for a Use Permit to allow a 30 berth marina in the DW-R zone. Parking would occur on the landside of the levee road (State Highway 160) within the GC zone.
2. Location of Project and Assessor's Parcel Number:
The project is located on the west and east sides of State Highway 160 just south of the Walnut Grove Bridge in Walnut Grove.

APN: 142-0070-028 and 142-0070-029
3. Project Proponent: Gilbert Labrie
4. Said project will not have a significant effect on the environment for the following reasons:
 - a) It will not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
 - b) It will not have the potential to achieve short-term, to the disadvantage of long-term, environmental goals.
 - c) It will not have impacts which are individually limited, but cumulatively considerable.
 - d) It will not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.
5. As a result thereof, the preparation of an environmental impact report pursuant to the Environmental Quality Act (Division 13 of the Public Resources Code of the State of California) is not required.
6. The attached Initial Study has been performed by the Sacramento County Environmental Impact Section in support of this Negative Declaration. Further information may be obtained by contacting the Section at 827 Seventh Street, Room 101, Sacramento, California, 95814, or phone (916) 440-7914.

ENDORSED

JUN 13 1987

JOYCE RUSSELL SMITH, CLERK
By V. ANDREWS, Deputy

Environmental Coordinator of
Sacramento County, State of
California

By 
Alcides Freitas
Environmental Coordinator

AF/12/12/S/83

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ENVIRONMENTAL IMPACT SECTION
INITIAL STUDY

NAME: VOLIMAN - CLARK RANCH USE PERMIT

ASSESSOR'S PARCEL NUMBER: 142-0070-028 and 142-0070-029

CONTROL NUMBER: 85-UP-830

LOCATION: On the west and east sides of State Highway 160, just south of the Walnut Grove Bridge, in Walnut Grove.

OWNER:

Vollman - Clark Ranch
P.O. Box 161086
Sacramento, CA 95816

APPLICANT:

Gilbert Labrie
P.O. Box 183
Walnut Grove, CA 95690

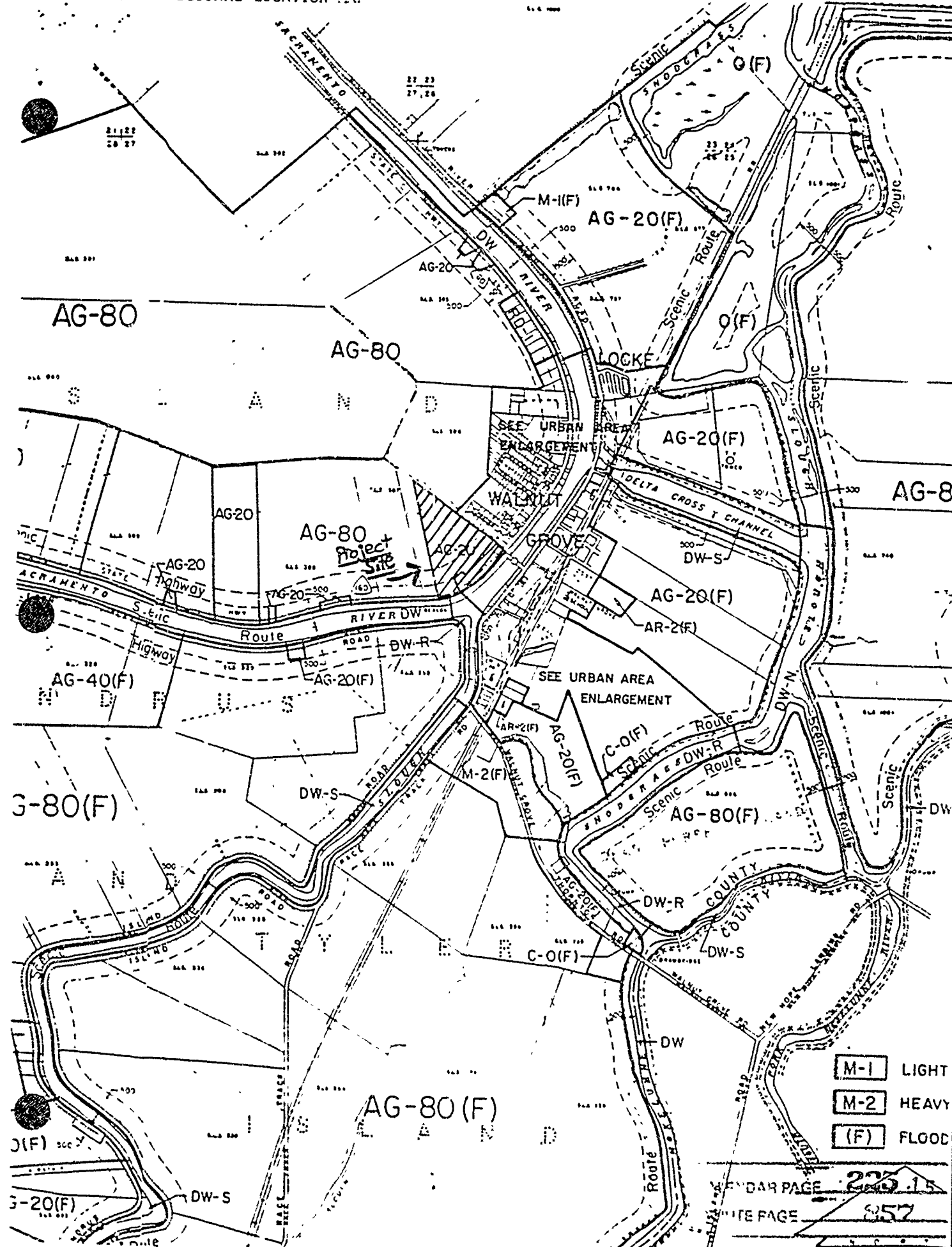
I. PROJECT DESCRIPTION:

The proposed project consists of a request for a Use Permit to allow a 30 berth marina in the DW-R zone. Parking would occur on the landside of the levee road (State Highway 160) within the GC zone.

II. ENVIRONMENTAL SETTING:

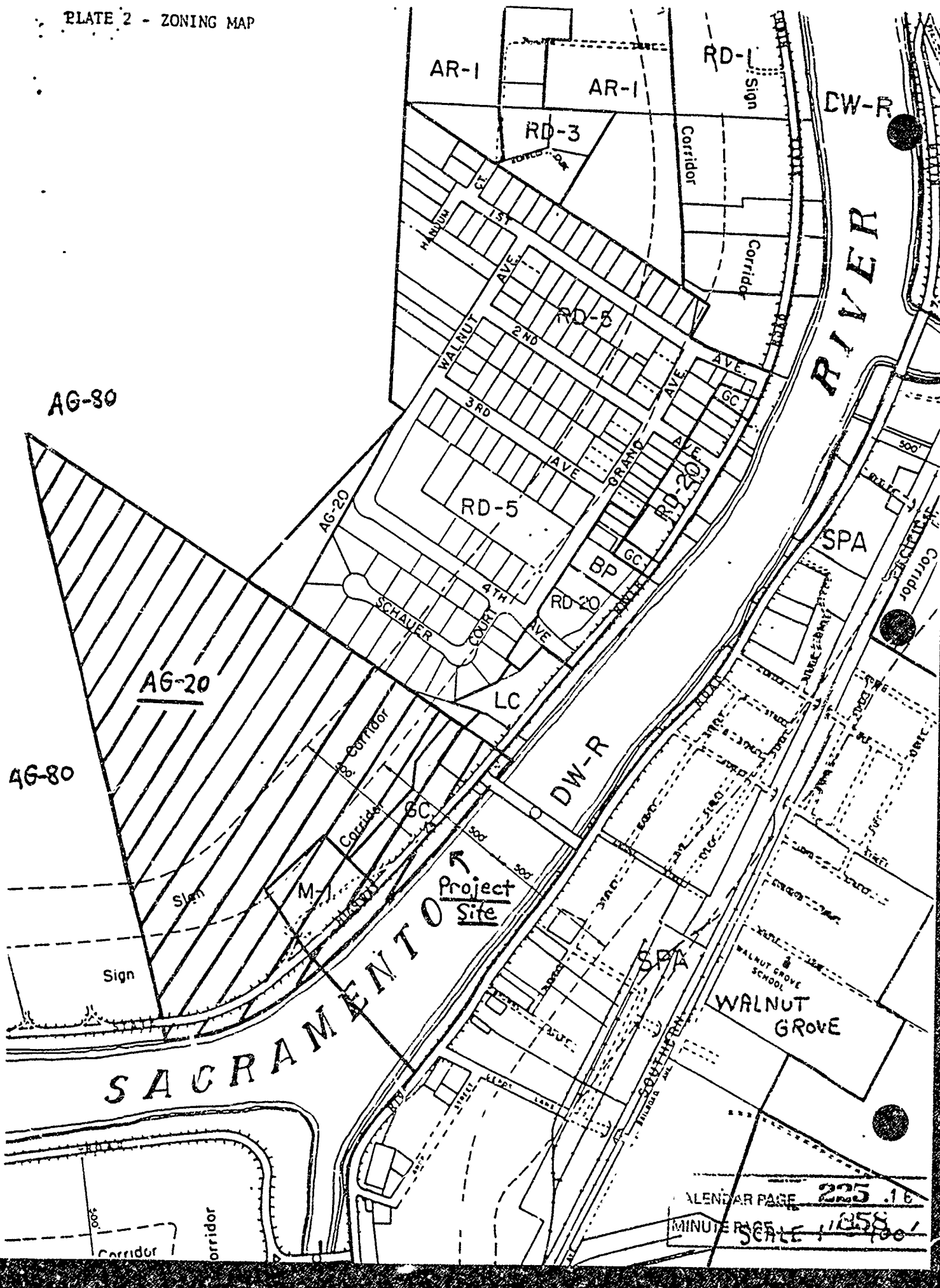
The project site is located on the west side (right bank) of the Sacramento River, south of the Walnut Grove Bridge, on the southeast portion of Grand Island in the Delta area. State Highway 160 (a levee road) separates the easterly waterward portion of the site (approximately 1.1 acres zoned DW-R) from the westerly landward side of the site (39+ acres). Development on the waterside of the levee consists of a irrigation pump station and an abandoned wooden platform. Vegetation on the waterside of the levee consists of a dense growth of riparian vegetation which includes numerous alders, willow and oak trees along the waterline; berry vines, wild anise and common grasses cover the waterside slope. The landside of the levee is developed with a pear orchard (zoned AG-20) except for commercial and industrial uses adjacent to the levee road. These uses include a grocery store and auto repair business in the GC zone, and an agricultural related industrial use (Wilcox Agricultural Products) in the M-1 zone. Surrounding land uses are agricultural uses (pear orchards) to the west and south, residential and commercial uses to the north, and commercial uses to the east (across the Sacramento

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M-1	LIGHT
M-2	HEAVY
(F)	FLOOD

PLATE 2 - ZONING MAP



CALENDAR PAGE 225.16
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River). Plates 1 and 2 indicates the site's regional location and zoning within the Delta area.

Background: The project was originally submitted to the County for processing in July, 1985. On August 29, 1985, a determination was made that the project would require an Environmental Impact Report (EIR). Subsequently, the applicant revised the project (April, 1987) to address potentially significant impacts identified by the County. Based on a review of the revised plans a determination has been made that an EIR is not required.

The original development plan included 45 boat berths, a southerly access ramp to the dock, and parking (portion) within the AG-20 zone. Revised plans show 30 boat berths, emergency only access at the southerly portion of the dock and all parking restricted to the GC zone. The project, as revised, would have less impact on riparian vegetation and the waterway and would focus parking uses and pedestrian traffic to a commercial area away from a concerned neighbor farmer to the south.

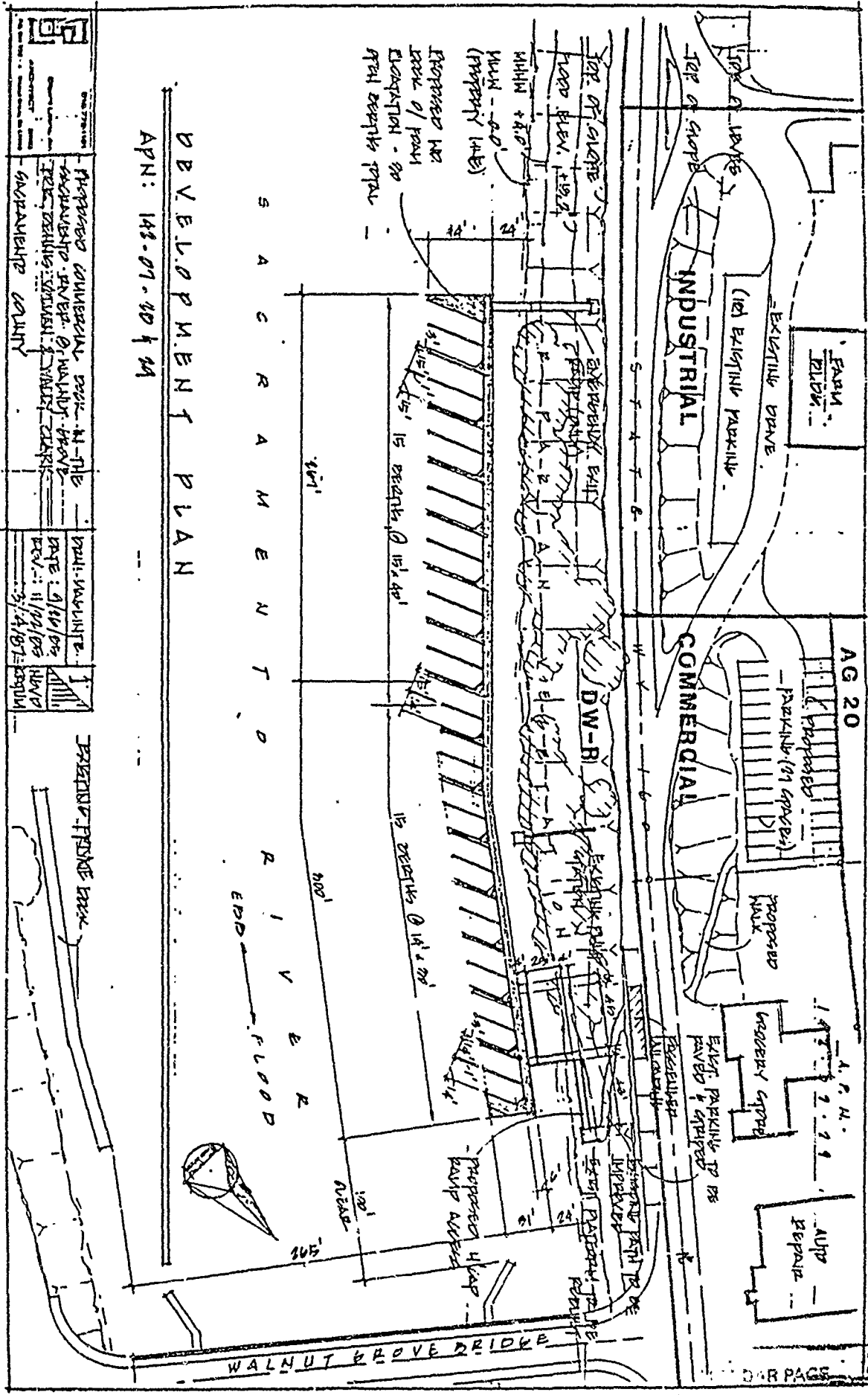
III. ENVIRONMENTAL EFFECTS:

See Initial Study Checklist attached to the Negative Declaration and the following discussion.

Land Use: The specific features of the proposed marina include a 367 foot long wooden dock with fifteen 14 foot by 30 foot open berths and fifteen 15 foot by 40 foot open berths (Plate 3). The dock mounted on form floatation will be secured to 12 inch diameter butt end wooden piles spaced 40 feet apart. Access to the dock will be from the upstream end by rebuilding an existing wooden platform and construction of a dirt path. The landing will connect to the dock by a metal handicap accessible ramp with railing. A emergency exit ramp will be constructed at the downstream end of the dock. Parking will be provided on the landside of the levee and along the levee road (see "Parking" discussion).

The proposed marina is located within the DW-R zone. This zone is defined in the County Zoning Code as follows:

235-140.5 (c). RESTRICTED AREAS. As used in this zoned, "Restricted Areas" are those portions of waterways which are restricted for through navigation by existing docks, marinas, or other development, or are located adjacent to the Delta urban communities; but are located such that expansion of such facilities or additions or similar water-oriented facilities will be compatible with the purpose and standards of this zone. Restricted areas shall be indicated on the comprehensive zoning plans as "DW-R".



DEVELOPMENT PLAN
 APN: 148-07-00 & 24

<p>PROPOSED COMMERCIAL DEVELOPMENT EXISTING INDUSTRIAL DEVELOPMENT EXISTING RESIDENTIAL DEVELOPMENT EXISTING COUNTY</p>	<p>PROPOSED INDUSTRIAL DEVELOPMENT EXISTING INDUSTRIAL DEVELOPMENT EXISTING RESIDENTIAL DEVELOPMENT EXISTING COUNTY</p>
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In the subject case the following restriction would apply:

235-147. LOCATION OF STRUCTURES. Structures may be located within RESTRICTED AREAS as indicated on the zoning maps when extensions into the waterways do not exceed on third of the horizontal distance across the waterway and an unrestricted navigation channel of not less than one hundred feet is maintained.

The proposed boat berths would extend about 55-70 feet (upstream-downstream) into the river leaving a clear channel of about 265 feet between the proposed dock and an existing dock on the opposite bank. The river width at the downstream end of the dock is about 470 feet.

Several agencies have jurisdiction and permitting authority or an interest in the proposed project. These agencies include but may not be limited to the State Reclamation Board, State Lands Commission, State Department of Fish and Game, Army Corps of Engineers, Reclamation District Number 3, and Caltrans. The applicant is required to obtain all of the necessary permits and secure appropriate agreements from those agencies having jurisdiction over the proposed project.

The State Reclamation Board is interested in any action that may affect the levee. The applicant has submitted a permit application to the Board for the proposed marina (No. 14492). It also appears that the applicant will be required to obtain a permit from the State Lands Commission. This agency generally holds title to the beds of navigable waterways up to the high tide line in the Delta area. Final action will be taken on these permits subsequent to environmental review by Sacramento County (lead agency).

The State Department of Fish and Game would have discretionary approval power (i.e. become a responsible agency) over the project if substantial alteration of a streambed becomes necessary to construct the project. As proposed, the project would not include dredging of the river. In any case, the Department of Fish and Game has expressed an interest in the project because of its proximity to a recreational fishing area. The area south of the Walnut Grove Bridge downstream to Georgiana Slough is heavily used for striped bass fishing. Boat fishing occurs predominantly in the center two thirds of the river. The Department (Mensch) has stated that although the dock structure itself would not significantly affect fishing, the boat traffic associated with the marina would effectively eliminate striped bass fishing in the immediate vicinity of the dock. Based on this concern the Department has indicated their opposition to the proposed project.

The Army Corps of Engineers (ACOE), the agency with the responsibility of maintaining the navigability of inland waterways, has permitting authority over the proposed project. On January 20, 1987 the ACOE issued Permit No. 9407 which gave ACOE approval to the proposed marina. This permit expires on November 15, 1989. An environmental assessment prepared by the ACOE noted concerns by the Department of Fish and Game, but concluded that impact on the fishing area would be minimal and would be outweighed by the public's need for additional berthing.

Reclamation District No. 3 which is responsible for local levee maintenance has expressed concern that the proposed facilities might not be properly maintained and that the walkway would be constructed below the floodplain. These concerns have been addressed by the ACOE permit approval. The permit conditions require that the applicant provide proper maintenance of facilities and that the walkway to the dock shall be constructed so as to rise above the floodplain during periods of high water. Personnel of the ACOE regularly inspect structures in the waterway to ensure proper maintenance.

Vegetation: Dense riparian vegetation occurs along much of the waterside of the levee. Vegetation includes numerous willows, alders, oaks, berry vines and common grasses. Riparian vegetation provides essential habitat for a wide variety of wildlife in the Delta. Much of the riparian vegetation along Delta waterways has been removed. That which remains provides an extremely important niche for many fish and wildlife species. The proposed project would require minor removal of vegetation. As proposed, it appears that one or more alder trees (not shown on the development plans) would require removal to accommodate the exit ramp at the southerly end of the dock. If feasible, this exit ramp should be relocated about 30-40 feet to the south to preclude removal of any riparian vegetation. It should be noted that one of the conditions of the Army Corps of Engineers permit is that "existing riparian vegetation be left undisturbed except where absolutely necessary for construction."

Traffic and Access: According to ITE (Institute of Traffic Engineers) data about 90 vehicle trip ends (VTE) per day could be expected from the proposed project. The vehicle trip generation figure is based on the assumption that 3 vehicle trips/day will be generated for each boat berth. On weekends, the traffic generation rate may be slightly higher (i.e., 3.2 vehicle trips/day/boat berth) and a total of 96 vehicle trip ends per day could be expected to be generated. State Highway 160 and River Road are primary access routes to the marina. Existing traffic volumes on these roads are within the acceptable range of traffic level of service. The County Highways and Bridges Division (Hutland) indicates that these roads would still be within the acceptable range with traffic generation from this project. However, the accident potential associated with the increased traffic

may be considered important as these roads are narrow, winding and constructed on levees. The use of warning signs should be considered along these roadways within 1/4 mile of the site to warn motorists that pedestrians and vehicles towing boat trailers may be crossing the roadway ahead.

The access drives to the proposed lower parking area are rather steeply sloped and visibility is limited until the top of the driveway is reached. Another potential hazard involves a left turn in or right turn out of the northerly access drive. This movement would be extremely tight for large vehicles and would require a slow and deliberate turning movement even for a more compact vehicle, which could impede the flow of traffic and increase the accident potential. For this reason it may be necessary to modify the alignment of this drive and/or convert to one way access. The Highways and Bridges Division recommends that all access drives comply with Section 4-27-I of the County Improvement Standards pertaining to allowable grade.

Consultation with the State Department of Transportation (Caltrans) indicates that the proposed project will require an encroachment permit because work is being proposed within the State Highway right-of-way. Upon receipt of the application for the encroachment permit, Caltrans will review the proposal from the standpoint of safety and engineering.

Parking: Proposed parking includes seven (7) parking spaces along the east side of the levee across from the existing grocery store and twenty seven (27) parking spaces located south of the grocery store within an existing pear orchard. The levee side parking would consist of two passenger loading spaces for the marina and five spaces to be used by both the marina and the existing grocery stores. It should be noted that the parking adjacent to the levee would increase the potential for vehicular and pedestrian conflicts. Further, this parking except for passenger loading spaces is not needed to meet Zoning Code requirements. The applicant is proposing 27 parking spaces for 30 boat berths. Parking requirements are set forth in Section 330-45 of the Zoning Code as follows:

330-45. MARINAS. For marinas, an off-street parking area is required to accommodate one (1) vehicle for every two (2) berths with one third of this area to be improved with a paved surface and the remainder to be turf area with an automatic sprinkler system. In addition, at least two (2) ten by twenty foot (10' x 20') passenger loading spaces are to be provided convenient to the marina entrances. The spaces are to be paved and signed as loading spaces. These spaces may be located on-street, if approved by the Public Works Department.

Sewage Disposal/Water Quality: The proposed project does not include installation of sewage disposal facilities such as restrooms and boat pumpout facilities which are often located at marinas. Staff of the County Health Department (Peters) states there are no local regulations requiring these types of facilities. However, consultation with the State Water Resources Control Board (Hodges) indicates that marinas may be required to provide boat pumpout facilities. In September, 1986, Senate Bill 2062 amended the Harbors and Navigations Code (Title 23, Subchapter 20) to require marinas to be equipped with pumpout facilities in accordance with the requirements of the California Regional Water Quality Control Board. Section 776 of the Code reads as follows:

776 (a). Every vessel terminal shall as required by the regional board for the protection of the quality of the waters of this state, be equipped with vessel pumpout facilities for the transfer and disposal of sewage from marine sanitation devices in imposing this requirement, the regional board shall take into account the number and type of vessels that use or are berthed at the vessel terminal and whether there exists at other locations pumpout facilities that have a total capacity sufficient for and are convenient and accessible to vessels that use or are berthed at the vessel terminal. In addition, the regional board may require any vessel pumpout facility to be equipped with a meter for the purpose of measuring use of the facility. All pumpout facilities installed after the operative date of the statute adding this section shall be equipped with a meter.

(b). This section does not apply to the following:

- (1) small craft launching facilities;
- (2) dockage adjacent to and serving private residences in areas where vessel pumpout facilities are conveniently available to vessels so docked.
- (3) other types of facilities designated by the regional board after consulting with the department.

The applicant should consult with the California Regional Water Quality Control Board to determine if a boat pumpout facilities will be required for the project site. Any required facilities would be subject to State Water Resources Control Board standards for the construction, operation and maintenance of pumpout facilities.

Discharge from boats is regulated by the Environmental Protection Agency and the U.S. Coast Guard standards pursuant to Section 312 of the Federal Clean Water Act (Public Law 92-500). The Central Valley Regional Water Quality Control Board has recommended adoption of a State wide policy which includes a prohibition of discharge from all boats using waterways in the Central Valley Basin which are designated for municipal water supply and recreation beneficiary uses (Central Valley Regional Water Quality Control Board, 1976).

Agricultural Spraying: The contiguous property owner to the south (Giovannoni) of the project site has expressed concern that the proposed development could be detrimental to his agricultural operations (pear orchard) since the prevailing Delta breezes could cause pesticide spray to drift over the proposed marina development. The State Legislature, in 1981, attempted to deal with the problem of agricultural uses being encroached upon by non agricultural uses. They adopted Section 3482.5 of the Civil Code which generally provides that no agricultural activity maintained for commercial purposes shall become a nuisance due to any changed condition in or about the locality if the agricultural operation has been in operation for more than three years.

The proposed marina development could be subject to drifting spray from the pear orchard operation on the project site (i.e. Vollman-Clark Ranch), although precautions to minimize potential impact to adjacent properties is required by law. Pear orchards require periodic applications of pesticides, some more toxic than others. The most toxic sprays require permits and approval to spray from the Agricultural Commissioner. As a part of the permit procedure, the Commissioner instructs the farmers in the method of application to preclude drifting to adjacent lands. A representative of the Commissioner's office is generally at the site when spraying commences to make certain that the farmer follows the instructions and conditions of the permit.

Floodplain: As indicated on the National Flood Insurance Maps, the project site and much of the surrounding Delta has been designated as having a flood potential. Staff of the Water Resources Division (Coppola) has indicated no specific concerns about site flooding since no residential, office or other permanent structure is being proposed.

IV. MITIGATION MEASURES:

- A. If feasible, the proposed emergency ramp should be relocated about 30-40 feet to the south to preclude removal of any riparian vegetation.
- B. Comply with Section 4-27-I of the County Improvement Standards pertaining to allowable grade for access driveways.

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- C. Consult with the California Regional Water Quality Control Board to determine if boat sewage pumpout facilities will be required.
- D. The parking area off the private drive shall be located entirely within the GC zone. The parking area shall comply with all pertinent development standards outlined in the Zoning Code.

V. EXISTING PLANS AND ZONING:

- A. General Plan: The County General Plan Land Use Map indicates the property for Agricultural Cropland, Commercial and Offices and Recreational.
- B. Community Plan: The Delta Community Plan Land Use Map indicates the property for DW-R, AG-20, GC and M-1.
- C. Zoning: The subject property is presently zoned DW-R, AG-20, GC and M-1.

VI. This Initial Study has been prepared by Alcides Freitas, Lowell Young, Dan Meier and Lisa Licon of the Sacramento County Environmental Impact Section staff. (CD - 5-27-87).

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INITIAL STUDY CHECKLIST

SACRAMENTO COUNTY
ENVIRONMENTAL IMPACT SECTION

CONTROL NO. 85-UP-830

Could/Would the project:

	YES	MAYBE	NO	
1) significantly effect Regional air quality?			X	
2) significantly affect local air quality?			X	Incremental increase in local vehicular emissions.
3) contribute to the removal of significant amount of prime agricultural land from agricultural production?			X	
4) create the potential for property damage following completion of the project due to existing or altered soil and/or slope conditions?			X	
5) be adversely affected by other geologic or seismic hazards?			X	Minor ground subsidence occurs in the area.
6) cause erosion or siltation resulting in severe water quality impacts or damage to adjacent properties?			X	A minor potential for erosion and siltation would exist during installation of the boat dock and associated facilities. No dredging is being proposed.
7) have substantial effect on the supply or consumption of a mineral resource?			X	
8) significantly affect ground or surface water supply or quality?			X	No sewage disposal system is proposed. Potential for gas and oil in the water around the docks.
9) substantial affect, or be affected by flooding?			X	The site is within the 100 year floodplain of the Delta.
10) adversely affect populations of unique, rare or endangered plants or animals, or their habitat?			X	
11) significantly affect resident or migratory wildlife or their habitat?			X	
12) affect or result in the removal of critical habitat, such as riparian and wetland plant associations?			X	Development could be accommodated with minor or no removal of riparian vegetation.
13) affect or result in the removal of prominent, heritage, or landmark trees, or otherwise aesthetically important plant forms?			X	See comment no. 12. A portion of an existing pear orchard would require removal to accommodate a parking lot.
14) affect sites of archaeological or historical importance?			X	No known or suspected sites. The subject area has been extensively modified by previous work.

	YES	MAYBE	NO	
15) be in conflict with adopted General, Community, or specific plans of Sacramento County?			X	
16) conflict with adopted plans of agencies or jurisdictions other than Sacramento County?		X		The project would require permits from the State Lands Commission, State Reclamation Board, Army Corps of Engineers and Caltrans.
17) require major modification of, or adversely affect, public facilities?			X	Incremental increase in the need for Fire and Sheriff's Department Services.
18) have a substantial affect upon transportation facilities?		X		Project would increase accident potential associated with increased traffic. Project would require an encroachment permit from Caltrans; access improvements may be required.
19) have a substantial affect on energy demands?			X	
20) substantially affect the quantity of open space in an area, or severely and adversely change the visual character of the project site?			X	Site will take a more developed appearance.
21) generate average or peak noise levels that would seriously affect the health or general well-being of any nearby people?			X	Temporary construction noise. Minor periodic noise associated with boat operations and vehicular traffic.
22) expose future residents or site users to existing or future noise levels that could seriously affect their health or general well-being?			X	
23) cause significant shifts in employment or income characteristics of the community?			X	Possible minor increase in commercial activity within Walnut Grove.
24) have a substantial and demonstrable negative aesthetic affect?			X	Possibly to some observers.
25) breach published national, state, or local standards relating to solid waste or litter control?			X	
26) induce substantial growth or concentration of population?			X	
27) displace a large number of people, or disrupt or divide an established community?			X	
28) involve a risk of an explosion or the release of hazardous substances in the event of an accident or use conditions?			X	
29) involve possible interference with an emergency response plan or an emergency evacuation plan?			X	River navigation is regulated by the Army Corps of Engineers and the Coast Guard.
30) result in creation of any health hazard or potential health hazard, or expose people to potential health hazards?		X		See discussion of "Agricultural Spraying" in the text of the Initial Study.

EXHIBIT "E"
USE PERMIT
SACRAMENTO COUNTY
PROJECT PLANNING COMMISSION

Control Number:
85-UP-0830

Date: September 2, 1987

Assessor's Parcel No.
142-0070-028 (portion)

Hearing Date: August 31, 1987

To: VOLLMAN-CLARK RANCH, P. O. Box 161086, Sacramento, CA 95816
GILBERT LABRIE, AIA, P. O. Box 183, Walnut Grove, CA 95690

PERMISSION IS GRANTED TO USE THE SUBJECT PREMISES FOR THE FOLLOWING DESCRIBED USES: A Use Permit to allow a 30 berth marina in the DW-R zone and associated parking in the adjacent GC zone.

DESCRIPTION OF PREMISES: Located on the northwestern side of River Road (State Highway 160) and the Sacramento River, immediately south of the Walnut Grove Bridge in the Delta area.

CONDITIONS OF APPROVAL: -

1. This action does not relieve the applicant of the obligation to comply with all ordinances, statutes, regulations and procedures applicable at the time of development. 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.
2. Dedicate to the State of California any needed additional right-of-way for State Highway 160.
3. The approval shall be limited to a single boat dock of 567 feet in length containing 30 berths and associated parking areas per Exhibit "C".
4. Camping or use of the premises as a RV park is prohibited.
5. Relocate the proposed "emergency ramp" 30± feet to the south to preclude the removal of riparian vegetation to the satisfaction of the Planning Department.
6. Comply with Section 4-27-I of the County Improvement Standards pertaining to allowable grade for access driveways.
7. Provide sewage pumpout facilities as required by the Harbors and Navigation Code (Title 23, Subchapter 20), in accordance with the requirements of the California Regional Water Quality Control Board.
8. Obtain an encroachment permit from the State Department of Transportation (Caltrans) for any improvements within right-of-way of State Highway 160.
9. Access driveway and at least 1/3 of the parking area (27 spaces) shall be paved to the satisfaction of the Public Works Department. Those 7 spaces adjacent to State Highway 160 shall be paved and signed as loading spaces to the satisfaction of the Public Works Department.
10. Approved permits from the U.S. Army Corps of Engineers, the State Reclamation Board, and any other state and federal agencies, if required for the proposed development, shall be submitted to the Planning Department prior to issuance of any building permits.
11. The existing riparian vegetation along the Sacramento River shall be preserved.
12. Post signs within the parking area adjacent to the pear orchard warning patron that aerial spraying of the orchards are conducted upon an regular basis and may pose a hazard to personal health and/or property.

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