MINUTE ITEM
This Calendar Item No. 93
was approved as Minute Item
No. 93 by the State Lands
Commission by a vote of 3
to Ø at its 08/21/96
meeting.

CALENDAR ITEM
93

A 8

S 6

PRC 7905

08/21/96
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 0.28-acre parcel, more or less, 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, as illustrated on Exhibit "A" attached.

PROPOSED LEASE TERMS:

Lease period:

Ten-years beginning December 1, 1995.

Public liability insurance:

Combined single limit coverage of $500,000.

CONSIDERATION:

$150 per annum, with the State reserving the right to fix a different rent on each fifth anniversary of the Lease.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is permitee 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:

10/28/96.

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. The proposed project involves the continued use of an existing pier and the construction and maintenance of a new gangway and boat dock. The existing pier has been in the subject location for many years; it was originally used in conjunction with agricultural uses on surrounding uplands. For approximately four years, the applicants have operated a windsurf business on the adjoining uplands. They have indicated that it is their intent to use the existing pier and the proposed gangway and boat dock for personal purposes, as an access to their place of business, and not for any commercial purpose.

   Members of the public have written to express their objections to the project. Copies of their letters are attached as Exhibit "D". Staff met with each individual who expressed concerns. Their three primary concerns are traffic safety, violations of county regulations, and an illegal septic system. These issues are all within the purview of Sacramento County. The County has issued a Use Permit for the upland business, the existing pier, and the proposed dock and gangway. The Use Permit is conditioned to address these issues, as set forth in more detail below.

   Traffic safety

   Concerned parties have indicated that the levee road which fronts the applicant's upland business (East Sherman Island Road) is narrow, winding, already unsafe, and cannot accommodate the additional vehicular and pedestrian traffic that the upland business will generate. They also assert that parking and other activities related to the business will add to the risk of accidents with the potential for serious injury or death to pedestrians and/or vehicular travelers.

Commission staff met with the staffs from the County Transportation Division and the County Planning Department. The County's Use Permit requires the applicant to widen the road and to provide twelve parking spaces at the site. County Transportation staff are currently reviewing the applicant's proposed plans to realign the road and design the parking so as to safely accommodate both vehicles and pedestrians. They have concluded that the plan is conceptually adequate to address stated concerns. Attached, as Exhibit "E", is correspondence between Commission and County staff confirming the County's position with regard to the project.

The applicant's road realignment/parking proposal involves widening the road for about 600 feet to a minimum width of 32 feet in some areas (the levee road which fronts the upland business is 20' to 30' in some areas) and providing twelve parking spaces on the waterside of the levee. County staff believe this proposal will not only provide parking for twelve vehicles, but will provide an area for pedestrian traffic and a straightening of the road, reducing the blinding effect of the curve at the site.

County Transportation staff have also concluded that the windsurf business will not generate a significant increase in traffic volumes on the levee road. They advised there is already significant traffic on the road related primarily to windsurf, fishing and other recreational activities easterly of the applicant's upland business (a traffic survey done on July 30, 1990, a Monday, tallied 400 - 500 vehicle trips).

In addition, because the proposed pier and docking facility to be located on the State's lands are to be used for the personal use of the operators of the business on the adjacent uplands, and not for commercial purposes, approval of this facility should not contribute to additional traffic in the area.

The County Planning staff also indicated they explored the possibility of locating the parking on the landward side of the levee road which is currently zoned agricultural. However, this alternative would require a General Plan Amendment and which would involve substantial costs to the applicant. This location would also generate more pedestrian traffic crossing the road to access the windsurf business.

Violations of County regulations
It is indicated that the applicants have operated their upland business without complying with County permitting requirements.

Applicants did in fact operate their upland business for some time without the necessary County use Permit. However, as indicated above, they have now obtained the Use Permit, issued by the County on February 27, 1995.

Septic System:
Concerns have been raised as to the condition of the septic system which services the upland facilities.

The County inspected the septic system and confirmed that it was not up to code. As a condition of the Use Permit, the County required the applicant to complete immediate repairs so that the exiting system may continue to be used on an interim basis. The applicant has indicated that such repairs have been completed. The County will require the replacement of the septic system if uses of the uplands are changed so as to increase the burden on the system.

Summary:
As indicated above, staff met with each of the members of the public who have written and expressed concerns. They have raised concerns which relate to the impact of the operation of the windsurf business on privately owned uplands, which are within the jurisdiction of Sacramento County. The County has examined all of these issues and has conditioned their Use Permit to address them. The County has concluded that the project, as conditioned, will not significantly impact traffic or pedestrian safety in the area. It has required the repair of the faulty septic system.

The Commission is being asked to approve a lease for a pier and docking facility for the private use of the owners and operators of a business located on adjoining uplands. It is the stated intent of the applicants to use the facility to access their place of business by boat and not to use the facility for commercial purposes. Therefore, Commission approval of the proposed project should not contribute to increased traffic or parking problems on the uplands.

EXHIBITS:

A. Site Map
B. Location Map
C. County of Sacramento Use Permit
D. Letters from the Public
E. Letters from Commission and County Staff

IT IS RECOMMENDED THAT THE COMMISSION:

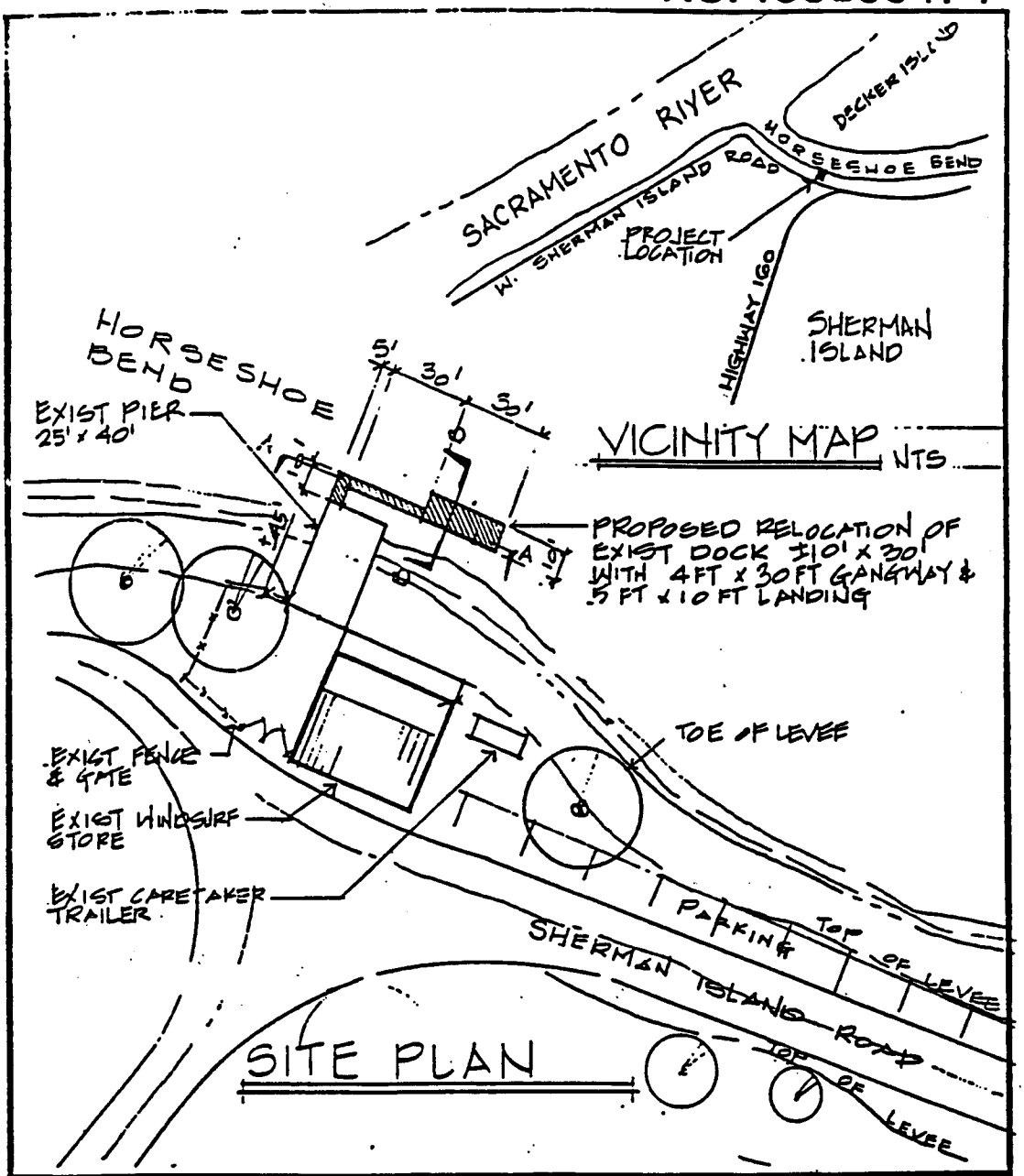
1. FIND THAT A NEGATIVE DECLARATION, SCH 94022007, WAS PREPARED AND ADOPTED FOR THIS PROJECT BY THE COUNTY OF SACRAMENTO AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.

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 TEN-YEAR GENERAL LEASE - RECREATIONAL USE, BEGINNING DECEMBER 1, 1995; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $150.00, 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, AND A 10 FOOT X 30 FOOT BOAT DOCK; ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Area to be leased lies directly beneath dock and walkway, plus a necessary use area 10 feet in width around the entire dock and walkway. Excepting therefrom any portion lying above the ordinary high water mark.

NO. 199300474



PROPOSE: RELOCATION OF GUEST DOCK
DATUM = MLW

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

SITE PLAN
0 50 100
1" = 50' - 0"

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: DJM DESIGN & CONSULTING GROUP

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.

EXHIBIT "A"
CALENDAR PAGE 842
MINUTE PAGE 002327
WO-25062

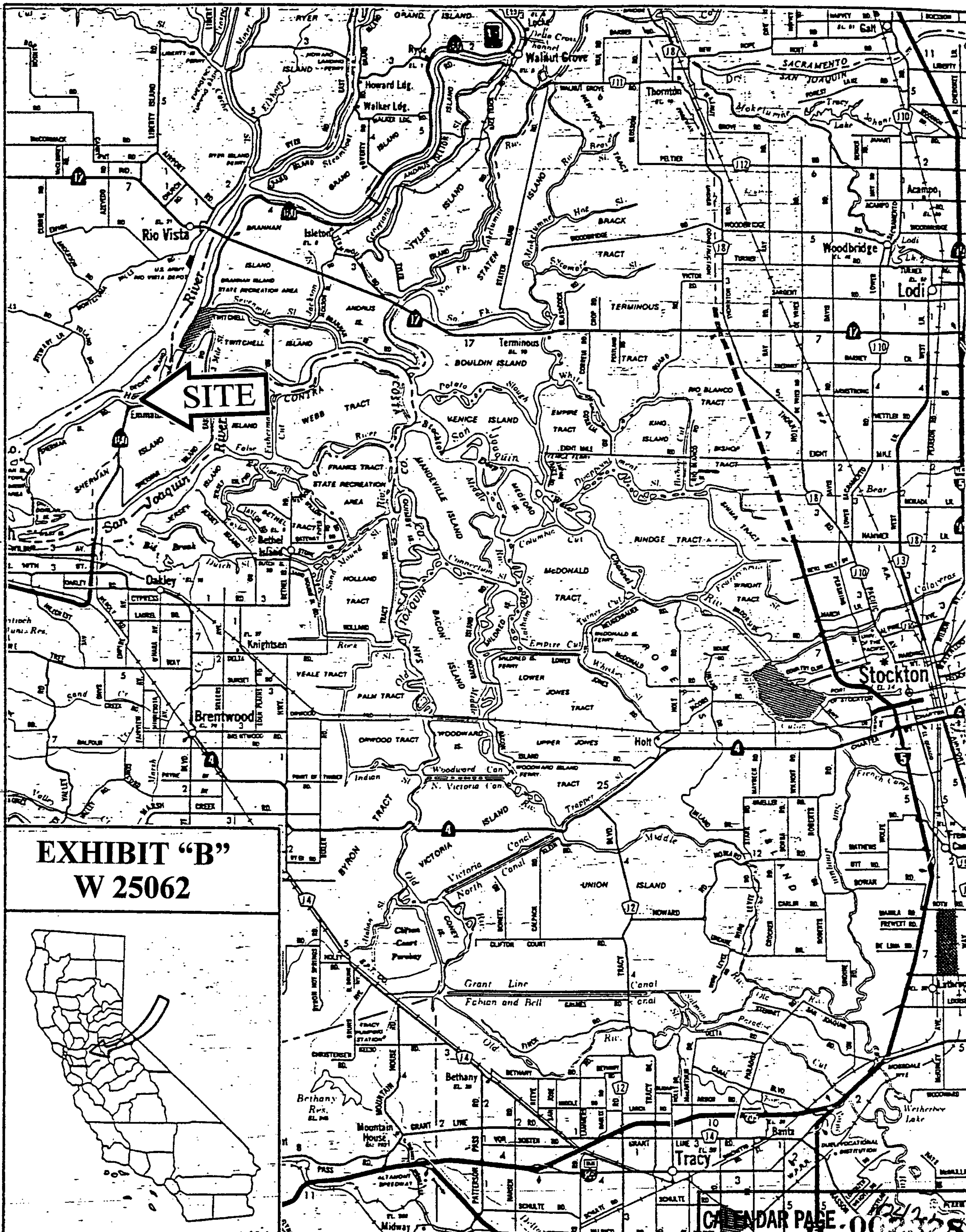


EXHIBIT "B"
W 25062

CALENDAR PAGE 002328
MINUTE PAGE

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.

EXHIBIT "C"

CALENDAR PAGE 842.2
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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

CALENDAR PAGE 842.3
MINUTE PAGE 002330

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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MINUTE PAGE 002331

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:

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:

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.

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
KATHLEEN ROGERS, Secretary

CALENDAR PAGE 842.9
MINUTE PAGE 002336

Sue de Witt
21 Amador Circle
Rio Vista, CA 94571
(916) 322-6975 (day)

February 26, 1996

The Honorable Kathleen Connell, Chair
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825
FAX 916-574-1810

Dear Chairwoman Connell:

SUBJ: February 27 Meeting, Item C-20,
Application of Delta Windsurf Company

I am writing to ask that you deny Delta Windsurf Company's application for a lease because it will cause serious public safety problems.

I have worked with your staff to share information with them on the problems created by the operation of this retail business on a narrow levee road with heavy traffic use. I have discussed with them the illegal septic system on the property and the owner's setting new piers without permission. I was surprised to see the item placed on your consent calendar.

If the Lands Commission approves this lease the traffic around this building will likely increase and increase the likelihood of serious accidents. The road is not wide enough to accomodate any mishaps and the road has no shoulder as it is on the top of a narrow levee. It is merely 30 feet wide at best and the building is located inches from the road. There is no visibility as a result of the curve in the road and the location of the building. The pedestrian traffic created because parking is located across the road from the building causes even more hazards that drivers cannot anticipate.

Last summer there was an incident involving the local school bus and a package delivery truck, where the truck driver had partially blocked the road and a car pulled around it to pass, only to find an oncoming school bus. Luckily, this incident did not end up on the cover of the newspaper, and only nerves were damaged. But there is no doubt that with disruption in the flow of traffic caused by the hazards associated with this business, there will be a serious accident.

I live in the Delta and frequently drive this road (almost daily in the summer). I have had enough heart palpitations over trying to quickly maneuver my truck to avoid pedestrians who cannot see or hear the traffic around them. I am sure many other people have had their moments as well and wondered why anyone would allow such a dangerous situation.

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EXHIBIT "D"

The owners have taken over four years to apply for the permits to operate this business. They have continued to operate their business and taken every advantage of their noncompliance. They have not corrected known health hazards, such as the illegal septic system, even though they have been told to remove it.

Please, deny this permit fFor public safety.

I know that a review of the record at the County Planning Commission will show that I am not alone in my opposition to this project. There are many other people who have taken the time to share their views. We need your help to keep the Delta a safe and fun place to live and visit.

Thank you for your consideration and please call on me if you have any questions or need further information. Unfortunately, I work during the day and will not be able to attend the February 27th hearing.

Sincerely,

Sue de Witt

Sue de Witt

cc: Gray Davis, Commissioner
Russell Gould, Commissioner

CALENDAR PAGE 842.11
MINUTE PAGE 002338

26 February 1996

Robert L. Fleming
4100 Marseille Court
Elk Grove, California 95758

The Honorable Kathleen Connell, Chairwoman
California State lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, California 95825

SUBJECT: APPLICATION OF DELTA WINDSURF COMPANY
FEBRUARY 27, 1996 MEETING, ITEM C-20

Dear Chairwoman Connell:

I am writing to express my concern and request that you reject Delta Windsurf Company's application for a 10-year General Lease for that parcel of tide and submerged land located in Horseshoe Bend, Sacramento River, Sacramento County.

My family and I are frequent users of the recreational facilities in this area and are continually amazed at the number of potential serious traffic accidents associated with this particular location. The subject business property is located on a narrow levee road (a mere 30 feet wide), without benefit of a "shoulder" to accommodate likely mishaps. Traffic safety is further compromised by restricted visibility due to the curvature of the road and physical location of the building structure. Pedestrian safety is also a problem since parking is limited at best and pedestrians must physically walk "in the street" to access the building.

Should the California lands Commission approve this lease application, you will undoubtedly find increased vehicular and pedestrian traffic and resultant increases in traffic accidents.

As I stated earlier, I am a frequent user of the recreational facilities offered by this portion of Sacramento County. Delta Windsurf Company has continued to operate its business in **non-compliance**. My review of this particular application indicates certain health hazards have gone uncorrected.

I believe a review of the Sacramento County Planning Commission records will demonstrate that I am not alone in my opposition to this application. There are many others who share my view that the Sacramento Delta must remain a safe and enjoyable location to live and visit.
Please reject this application and protect the safety of this area.

Again, Chairwoman Connell, thank you for the opportunity to express my opposition to this application. Should you have and questions, or require additional information, please contact me directly at (916) 444-0974 [business] or (916) 392-4321 [home].

Sincerely,

Robert L. Fleming

CALENDAR PAGE 842.12
MINUTE PAGE 002339

Kimberly A. Morgan
2007 Shelby Circle
El Dorado Hills, CA 95762

February 26, 1996

The Honorable Kathleen Connell
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825

Re: Order of Business, open session (Public Meeting) February 27, 2996, item C 20

Dear Ms. Connell:

Please review the Order of Business identified above, scheduled for discussion on Tuesday February 27, 1996. I am requesting your assistance with resolution of a safety issue, which will result from the approval of a land use permit and variance submitted by the Delta Windsurf Company located at 3729 West Sherman Island Road, Rio Vista, California.

I have appealed to many of the County Supervisors and have yet to receive any response aside from a letter from Supervisor Cox informing me that he would be forwarding my concerns to Supervisor Natoli. I did not receive any acknowledgment from Supervisor Natoli. Possibly because I do not reside in his county; therefore, he must not have been concerned about receiving my vote. Although I do not live in the county, I enjoy the many recreational opportunities (sailing, fishing) it provides.

My concern about the use permit began several years ago when Delta Windsurf Company opened. Almost immediately, I notices an increase in the congestion on the levy road. The clearance from the building to the road is close to zero. Many times as I drive by I have to nearly come to a stop because of the pedestrians maneuvering large sailboards, masts and other equipment or just trying to cross the road. This is an extremely dangerous situation. I understand there have already been several "near misses" with autos and pedestrians. The company's request to add new parking as well as the proposed addition of a recreational pier will increase the traffic and increase the safety issues.

Based on the reports I have read, related to this location and the requested use permits, the company has been in violation with permit requirements. Additionally, the company was to address the safety concerns identified. To my knowledge, the issues in the reports

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related to safety concerns have not been addressed, and the company continues to operate in violation of the permit codes. I would also question whether a conflict of interest exists between the property owner and Arch/Eng: DCC Engineering, which perhaps explains how the company continues to operate in violation of safety codes.

Although I also have concerns about the environmental impacts associated with modifications to the land, my main concern is that of the safety hazards that are being ignored. I do not want to be responsible for accidentally injuring someone, nor do I want to witness an injury.

I hope that you will demonstrate that the public does have a voice in decisions that impact their safety, and that you will review this matter and deny the requested permit pending review of the safety concerns described above.

Thank you in advance for your support.

Sincerely,

Kimberly A. Morgan

Kimberly A. Morgan

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MINUTE PAGE UC2341

EXHIBIT E

DOUGLAS M. FRALEIGH, Administrator
TERRY T. TICE, Director of County Engineering

COUNTY OF SACRAMENTO
PUBLIC WORKS AGENCY

TRANSPORTATION DIVISION ..... Thomas J. Zlotkowski, Chief
906 G STREET, SUITE 510
SACRAMENTO, CALIFORNIA 95814
(916) 440-6281/5966 • Fax No. (916) 440-7831

April 16, 1996

Mrs. Diane Jones
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825-8202

RE: DELTA WINDSURF COMPANY
USE PERMIT AND VARIANCE
CONTROL NO. 93-ZBP-UPP-VAZ-PWE-0314

Dear Ms. Jones:

This correspondence is to confirm the information in your letter of March 15, 1996, regarding issues associated with traffic conditions on Sherman Island Road near the Delta Windsurf property.

To the best of my knowledge, you have correctly related the factual information as discussed in our meeting of March 13, 1995.

If you have any questions or need additional information, please call me at 440-5966.

Sincerely,

Steven R. Hetland

Steven R. Hetland
Senior Civil Engineer

KH:car

khl

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STATE OF CALIFORNIA

PETE WILSON, *Governor*

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Contact Phone: 916-574-1843
Contact FAX: 916-574-1955

March 15, 1996

File Ref: W 25062

Mr. Steven R. Hetland, P.E.
Senior Civil Engineer
County of Sacramento
Public Works Agency
Transportation Division
906 G Street, Suite 510
Sacramento, California 95814

Subject: Delta Windsurf Company Use Permit and Variance 93-ZBP-UPP-VAZ-PWE-0134

Dear Mr. Hetland:

Jane Sekelsky and I want to thank you and Karen Parker of the County Planning Department for taking the time to meet with us concerning the proposed Delta Windsurf Company project at Horseshoe Bend, Sacramento River, at Sherman Island, Sacramento County. The purpose of this letter is to confirm our discussions at that meeting.

It is our understanding that the County of Sacramento did not acquire ownership of East Sherman Island Levee Road and several other similar Delta roads through its normal acquisition process, but acquired them through prescriptive rights; therefore, the County does not have set standards in regulating them (e.g. road width, etc.).

In addition, the County has a general threshold it utilizes before it requires a detailed transportation analysis in considering a project proposal. To meet the threshold, the project would have to generate more than 100 vehicle tripends during peak hour conditions. The project did not meet this threshold; therefore, a detailed analysis was not required. Nevertheless, the County did perform analyses of the amount of additional traffic this project would generate compared to the existing traffic at this location, and the number of accidents which have occurred at or in the immediate vicinity of the project site.

You have concluded that there is already significant traffic on East Sherman Island Road (a traffic survey done on July 30, 1990, a Monday, tallied 400 - 500 vehicle trips), and that the Delta Windsurf business will not result in a significant increase in that level of traffic. You further acknowledged that the existing road is winding and that curves at the site and elsewhere

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have a blinding effect. The County has signed the road in several locations to indicate its winding nature. Karen also explained that parking cannot be placed on the landward side of the road without revising the existing agricultural zoning.

Based on the above, it was determined by County staff that the road needed to be widened and that up to twelve parking spaces were required to be located on the site. In response to these requirements, the applicant has agreed to widen the road to a minimum width of 32 feet in some areas and provide twelve parking spaces on the waterside of the levee, expending approximately $60,000 to $70,000. The entire length of road improvements will be 600 feet. We understand that these improvements will result in off road parking for twelve vehicles, an area for pedestrian traffic, and a straightening of the road, reducing the blinding effect of the curve at the site.

Karen Parker confirmed that the Use Permit for the the retail sales building was not contingent on connection to the waterside facilities, that it does not appear other County permits are required for this project, and that the Use Permit issued by the County does not contain an expiration date.

Thank you again for taking the time to meet with us and explain the issues as they relate to the County. If you have any questions, or if we have misunderstood any of the information you have provided, please call me at 916-74-1843.

Sincerely,

Diane Jones

DIANE JONES
Public Land Management Specialist

cc: Karen Parker
Planner
County of Sacramento

Jane Sekelsky
Chief, Division of Land Management

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