

ASSEMBLY BILL

No. 889

Introduced by Assembly Member Jones

February 26, 2009

An act to amend Sections 5832, 5833, 5834, 5841, 5841.5, and 5842 of, to add Section 5836 to, and to repeal Section 5842.5 of, the Public Resources Code, relating to open-space preservation, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 889, as introduced, Jones. Open-space preservation: Bushy Lake and Urban American River Parkway.

(1) The Bushy Lake Preservation Act declares that the County of Sacramento and the City of Sacramento have developed the American River Parkway, a 23-mile open-space greenbelt in the lower American River flood plain.

This bill would declare instead that the County of Sacramento and the City of Sacramento have adopted by resolutions, and the City of Rancho Cordova has endorsed by resolution, the American River Parkway Plan, a 29-mile open-space greenbelt in the American River flood plain.

(2) The Bushy Lake Preservation Act requires the California Exposition and State Fair Board of Directors to preserve, for public day use and enjoyment, the California Exposition flood plain in a manner consistent with the definition of a state park. The act requires the California Exposition and State Fair Board of Directors to preserve the Bushy Lake area consistent with the features of a natural preserve.

This bill would also require the California Exposition and State Fair Board of Directors to preserve the California Exposition flood plain in

accordance with the American River Parkway Plan as an element of the County of Sacramento’s General Plan. The bill would additionally require the California Exposition and State Fair Board of Directors to manage, or provide, pursuant to an agreement with the appropriate managing entity of the American River Parkway, for the management of, the Bushy Lake area in accordance with land use designations and policies of the American River Parkway Plan.

This bill would also make legislative findings and declarations regarding parking on the American River Parkway.

(3) The Urban American River Parkway Preservation Act defines the American River Parkway Plan as the revised, updated management plans for the lower American River adopted by resolutions of the City of Sacramento and the County of Sacramento. The act declares that the American River Parkway and its environs contribute to the quality of life within the City of Sacramento.

This bill would revise the definition of the American River Parkway Plan to include revised and updated plans adopted by the City of Sacramento and the County of Sacramento, including an endorsement by the City of Rancho Cordova adopted by resolution. This bill would declare that the American River Parkway and its environs also contribute to the quality of life within the City of Rancho Cordova.

(4) The Urban American River Parkway Preservation Act permits in-line skating on the American River Parkway on a trial basis until January 1, 2001, and if the board of supervisors and the city council determine that the trial was successful, in-line skating may be added to the list of permitted recreational uses for the parkway on a permanent basis upon approval of the board of supervisors and city council.

This bill would delete this provision.

(5) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5832 of the Public Resources Code is
- 2 amended to read:
- 3 5832. The Legislature finds and declares that:
- 4 (a) The lower American River is in the California Wild and
- 5 Scenic Rivers System as designated in subdivision (e) of Section

1 5093.54, and has thus been determined by the Legislature as
2 possessing extraordinary scenic, recreational, fishery, and wildlife
3 values.

4 (b) The County of Sacramento *on September 10, 2008, by*
5 *Resolution No. 2008-0946*, and the City of Sacramento *on*
6 *November 6, 2008, by Resolution No. 2008-731*, ~~have developed~~
7 ~~the adopted~~, and the City of Rancho Cordova *on September 15,*
8 *2008, by Resolution No. 110-2008*, *has endorsed, the 2008*
9 *American River Parkway Plan with promulgated land use*
10 *regulations to prevent urban and other incompatible encroachment*
11 *into the parkway, a 23-mile 29-mile open-space greenbelt in the*
12 *lower American River flood plain, and have promulgated land use*
13 *regulations to prevent urban and other incompatible encroachment*
14 *into the parkway.*

15 (c) The California Exposition flood plain contains an unprotected
16 block of significant riparian habitat remaining in the lower
17 American River flood plain, and the United States Fish and
18 Wildlife Service has determined that this riparian habitat is of vital
19 importance and an integral part of the American River.

20 SEC. 2. Section 5833 of the Public Resources Code is amended
21 to read:

22 5833. The California Exposition and State Fair Board of
23 Directors shall preserve, for public day use and enjoyment, the
24 California Exposition flood plain in a manner consistent with the
25 definition of a state park in accordance with the provisions of
26 Section 5019.53, ~~except and consistent with the American River~~
27 ~~Parkway Plan, an element of the County of Sacramento.~~ *Except*
28 *that the parking of public and private vehicles may be permitted*
29 *only during the State Fair and only on the flood plain land abutting*
30 *the riverside toe of the levee as it exists on January 1, 1977,*
31 *beginning at least 400 feet east of the Bushy Lake area and*
32 *extending not more than 1,500 feet along the toe of such levee*
33 *eastward of the Bushy Lake area and extending not more than a*
34 *distance of 300 feet riverward from such levee.*

35 SEC. 3. Section 5834 of the Public Resources Code is amended
36 to read:

37 5834. The California Exposition and State Fair Board of
38 Directors shall *preserve and manage, or provide, pursuant to an*
39 *agreement with the appropriate managing entity of the American*
40 *River Parkway, for the management of, the Bushy Lake area in*

1 accordance with ~~the provisions of~~ Section 5019.71; *and the land*
2 *use designations and policies of the American River Parkway Plan,*
3 except that it may allow group picnics and vehicles found essential
4 for the picnics in an area designated by it on the north side of Bushy
5 Lake, commonly known as “picnic island.”

6 SEC. 4. Section 5836 is added to the Public Resources Code,
7 to read:

8 5836. The Legislature finds and declares all of the following:

9 (a) The Bushy Lake Preservation Act allows the California
10 Exposition to permit parking of private and public vehicles on an
11 area pursuant to Section 5833 of the Public Resources Code.

12 (b) Pursuant to the American River Parkway Plan, the area has
13 been designated limited recreation, and has been shifted to the east
14 to provide a buffer between parking and the proposed treatment
15 of wetland to the west.

16 (c) The plan allows the California Exposition exhibitor parking
17 related to agricultural and equestrian events taking place outside
18 the parkway as this group benefits from the close proximity to the
19 California Exposition livestock pavilion and equestrian area.

20 (d) Pursuant to the plan, parkway user access and parking,
21 including equestrian staging, may occur within one acre of the 11
22 acres if the California Exposition’s exclusive use for parking on
23 the entire 11 acres during specified equestrian and agricultural
24 events is not impeded.

25 (e) Pursuant to the plan, the coordination and management of
26 parkway user access and parking and the California Exposition’s
27 periodic exclusive use of the 11 acre area will be addressed in a
28 management agreement between the parkway manager and the
29 California Exposition.

30 (f) Pursuant to the plan, equestrian uses are required to be
31 consistent with the plan.

32 SEC. 5. Section 5841 of the Public Resources Code is amended
33 to read:

34 5841. (a) “American River Parkway Plan” means the revised,
35 updated management plans for the lower American River adopted
36 by the County of Sacramento on ~~December 11, 1985~~ *September*
37 *10, 2008*, by Resolution No. 85-1870, as amended by the County
38 of Sacramento on December 20, 1995, by Resolution No. 95-1507,
39 and by the City of Sacramento on March 25, 1986, by Resolution
40 No. 86-225 2008-0946 and by the City of Sacramento on November

1 6, 2008, by Resolution No. 2008-731, and endorsed by the City of
2 Rancho Cordova on September 15, 2008, by Resolution No.
3 110-2008.

4 (b) “Lower American River” means that portion of the American
5 River between Nimbus Dam and the confluence of the American
6 River with the Sacramento River and the adjacent lands as
7 described in the American River Parkway Plan.

8 (c) “American River Parkway” means the area described in the
9 American River Parkway Plan.

10 SEC. 6. Section 5841.5 of the Public Resources Code is
11 amended to read:

12 5841.5. (a) The American River Parkway and its environs
13 contribute to the quality of life within the City of Sacramento, *the*
14 *City of Rancho Cordova*, and the County of Sacramento, enhance
15 the image of the ~~city~~ *cities* and the county as desirable places to
16 live, provide for the public safety and welfare of the community,
17 and thereby contribute to the economic well-being of the
18 community.

19 (b) The lower American River serves as a floodway channel,
20 protecting the community from runoff, rainfall, and snowmelt.

21 (c) The lower American River sustains a myriad of fish
22 populations, including steelhead, king salmon, striped bass, shad,
23 and other fish and wildlife populations, which in turn annually
24 support millions of recreation user-days and commercial, scientific,
25 and educational uses and benefits.

26 (d) The recreation capacity of the American River Parkway is
27 immense, including such diverse activities as hiking, bicycling,
28 picnicking, birding, horseback riding, canoeing, kayaking, rafting,
29 sailing, and power cruising.

30 (e) It is essential that the function of the lower American River
31 and its environs, as a regional open-space resource within the
32 center of the City of Sacramento, *the City of Rancho Cordova*, and
33 County of Sacramento, be supported and maintained.

34 (f) Actions undertaken by a state agency can drastically affect
35 the American River Parkway and negate planning steps taken by
36 appropriate local agencies.

37 (g) Adoption of the American River Parkway Plan by the State
38 of California provides necessary recognition so that local planning
39 efforts are eligible to receive planning grants through the Land
40 and Water Conservation Fund, technical staff assistance through

1 the National Park Service, and financial assistance through the
2 Soil Conservation Service's Cooperative River Basin Planning
3 Program.

4 SEC. 7. Section 5842 of the Public Resources Code is amended
5 to read:

6 5842. (a) The Legislature hereby adopts the American River
7 Parkway Plan so as to provide coordination with local agencies in
8 the protection and management of the diverse and valuable natural
9 land, water, native wildlife, and vegetation of the American River
10 Parkway.

11 (b) Actions of state and local agencies with regard to land use
12 decisions shall be consistent with the American River Parkway
13 Plan, subject to the following provisions:

14 (1) This chapter ~~shall not be construed to~~ *does not* impair the
15 authority and responsibilities of state or local public agencies in
16 maintaining and operating the flood channel, levees, and pump
17 stations, except that these operations, as nearly as practicable, shall
18 be consistent with the American River Parkway Plan.

19 (2) This chapter ~~shall not be construed to~~ *does not* affect the
20 existing authority of the City of Sacramento to conduct or settle
21 litigation involving the validity or application of the American
22 River Parkway Plan.

23 (3) This chapter ~~shall not be construed to~~ *does not* prohibit the
24 reasonable expansion of the water treatment facility ~~or sanitary~~
25 ~~landfill site~~ operated by the City of Sacramento.

26 (4) This chapter ~~shall not be construed to~~ *does not* impair the
27 authority and responsibilities of state agencies in managing the
28 California Exposition flood plain or Bushy Lake area pursuant to
29 Chapter 9 (commencing with Section 5830).

30 (5) This chapter ~~shall not be construed to~~ *does not* affect the
31 exercise of existing water rights.

32 (c) *Notwithstanding subdivision (a), the Legislature finds and*
33 *declares that Chapter 10, titled Area Plans, of the American River*
34 *Parkway Plan is recognized to be a locally adopted component of*
35 *the plan and will be maintained by, and may be amended by, the*
36 *Sacramento County Board of Supervisors.*

37 SEC. 8. Section 5842.5 of the Public Resources Code is
38 repealed.

39 ~~5842.5. (a) Notwithstanding any other provision of law, the~~
40 ~~American River Parkway Plan adopted by the Legislature pursuant~~

1 to Section 5842 shall be amended to permit in-line skating on the
2 American River Parkway on a trial basis until January 1, 2001,
3 under any terms and conditions that may be established by the
4 Board of Supervisors of the County of Sacramento and the City
5 Council of the City of Sacramento.

6 (b) The Sacramento County Department of Parks and Recreation
7 shall monitor the trial period for in-line skating in the parkway
8 authorized pursuant to subdivision (a) and shall report its findings
9 to the Board of Supervisors of the County of Sacramento and City
10 Council of the City of Sacramento prior to December 1, 2000.

11 (c) If the board of supervisors and the city council determine,
12 on or after December 1, 2000, that the trial period was successful,
13 in-line skating may be added to the list of permitted recreational
14 uses for the parkway on a permanent basis upon the approval of
15 the board of supervisors and the city council.

16 SEC. 9. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or safety within
18 the meaning of Article IV of the Constitution and shall go into
19 immediate effect. The facts constituting the necessity are:

20 In order to receive time-sensitive funds to make timely
21 improvements to the American River Parkway and the surrounding
22 areas, it is necessary that the revisions to the American River
23 Parkway Plan go into effect immediately.