

Ski club sues to keep use of private island

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GOLDEN ISLE - A group of Delta water-ski enthusiasts is suing Contra Costa County for the right to keep their vacation homes on a private island resort.

The Board of Supervisors in August ended the skiers' 40-year-old Delta dream when it voted to force a venerable water ski club to all but abandon Golden Isle. The board voted unanimously to deny the Golden Gate Water Ski Club's request to keep 28 cabins and travel trailers and an equal number of docks on the five-acre island in east Contra Costa.

The 90-plus-member club has owned the island since 1966. The county says the buildings are a public nuisance that its members put up without permits and in violation of county zoning regulations.

The club, which filed the suit Wednesday in Contra Costa Superior Court, says the county gave de facto approval to the tidy little development years ago and should not be allowed to change its mind now.

Over the years, the club took advantage of the county's benign neglect to build attractive one and two-story cabins, many with well-built decks. The island boasts a park-like atmosphere, complete with barbecue pits and well-manicured camping spaces.

"The county has been notified of these activities for the past 35, 40 years," said Richard Frankhuizen, 46, a club member who started coming to the island as a boy with his parents.

The suit says that the county committed fraud during negotiations over how the club could comply with zoning regulations and still retain use of the island.

In 1970, county planners told ski club members they were violating county rules and asked them to apply for a zoning change and a land-use permit. By 1979, the conflict remained unsettled and the club agreed to a county suggestion that it withdraw a rezoning request and form a committee to work out a compromise.

The suit alleges that the county had no intention of forming a committee and purposely misled the club into withdrawing its application. Had the club kept the application on file, state law would have mandated that it be approved automatically because of the length of time it was ignored by the county.

It was not until 2003 that building inspectors rediscovered Golden Isle while investigating nearby Salisbury Island, where dozens of illegally built homes were demolished on the county's orders.

Earlier this year, the county ordered Golden Isle's cabins and docks destroyed at the owners' expense. The club members appealed the order to the Board of Supervisors, which voted against them.

"The club has been more than willing over the past 40 years to work with Contra Costa County, and we have done everything they've asked of us, short of demolishing the entire island," Frankhuizen said. "Now we're saying no."

The suit says that the county is breaking state law by declaring the island a 'nuisance based only on the club's lack of building permits and "absent a finding of endangerment to life, limb, health, property, safety or welfare of the public."

It also says that the club's use of the island, which is seasonal and recreational, is in compliance with the area's zoning. The island is zoned general agriculture, which allows one home per five acres, but also allows community buildings and clubs as long as they're not operated for profit.

County supervisors, however, are unswayed by the club's arguments.

Even if the island is well-run and diligently maintained, that does not change the fact that it was built up illegally, and the county cannot afford to choose who should comply with zoning and building rules, said Supervisor Mark DeSaulnier.

The county has been busy for the past few years trying to clean up other Delta waterways and has ordered people living on nearby islands to tear down dozens of homes built without permits and in violation of zoning rules.

If the county made an exception for Golden Isle, it would likely open itself up to similar requests from the other island dwellers.

"The law is the law," DeSaulnier said. "I think we did what we we're required to do. From my perspective, that's the end of the story. If a court sees otherwise, then more power to them, but I don't see the logic in it."

Supervisor Federal Glover also stands by the board's vote and praised the county's larger drive to clean up the Delta by more aggressively enforcing zoning and other health and safety regulations.

"I'm not surprised that they filed (the lawsuit), and I think that all the other islands that we're having problems with are going to file also. But in terms of the board's decision, it was a good decision," Glover said.

The case will be heard by a judge, not a jury, and a hearing is not likely until next spring, said club lawyer Kevin Koons of The Zumbrun Law Firm. If the judge rules in favor of the county, the suit asks that club members be paid for the loss, Koons said.