CHAPTER 35: SPECIAL AND COMBINING LAND USE ZONES

ARTICLE 1: PURPOSES

235-01. Purposes

The Special and Combining Zones established in this Chapter are designed to promote and protect the public health, safety, and general welfare. The Board of Supervisors in establishing these zones finds that these zones, with the uses and regulations provided in this Code, are consistent and compatible with the objectives, policies, general land uses and programs specified in the Sacramento County General Plan, and are adopted for the following purposes:

(a) To provide for the orderly development and beneficial use of lands involving exceptional environmental characteristics.

(b) To preserve and enhance certain resources of the County from incompatible land uses.

(c) To preserve and protect areas of the County with special and unique social, architectural, or environmental characteristics which require special considerations not otherwise adequately provided by regular zones.

(d) To provide greater flexibility in design than is otherwise provided under the regular zones, to permit and encourage a more efficient development and utilization of areas with unique characteristics, resources, environmental factors and conditions; while preserving and protecting the public interest, health, safety, welfare, and property values.
ARTICLE 2:  (F) FLOOD (COMBINING LAND USE ZONE)

235-10. Purposes

The (F) Combining Zone as shown on the Comprehensive Zoning Plans is intended to comprise all land covered by rivers, creeks, and streams and land subject to flooding within the unincorporated area of the County. The Board of Supervisors in adopting the regulations in this Article recognizes that:

(a) The promotion of the orderly development and beneficial use of lands subject to recurrent flooding is necessary if the potential property damage which results from improper development is to be minimized.

(b) There is a need to protect current and future occupants of land subject to flooding from the physical damage of flooding.

(c) The health, general welfare and safety of the public of the County as a whole requires that lands subject to flooding be strictly regulated as to the uses permitted on the land and the amount of open space which separate buildings and structures.

(d) Inundation frequently causes extensive property damage.

(e) Strict regulation of flood lands is necessary to protect prospective buyers of land from deception as to the utility of the land within the flood zones.

235-11. Prohibition

No building, structure, vehicle, sign, or area in any zone with which the (F) Combining Zone is combined shall be used, nor shall any building, structure, sign, or vehicle be erected, altered, moved, enlarged, or stored in any zone with which the (F) Combining Zone is combined, except as hereinafter specifically provided in this Chapter or elsewhere in this Code; nor shall any area, building, structure, vehicle, or sign be used in any manner so as to create problems inimical to the public health, safety, or general welfare, or so as to constitute a public nuisance. Any building, structure, vehicle, sign, or lot, or the use of any building, structure, vehicle, or lot in any zone with which the (F) Combining Zone is combined shall be regulated and governed by the provisions of this Article, the regulations and provisions applicable to the zone with which the (F) Combining Zone is combined, and the regulations and conditions for each use in Title III of this Code. To the extent of any conflict between the provisions of the zone with which the (F) Combining Zone is combined the provisions of this Article shall prevail.

235-12. Elevations

No building or structure designed for human habitation shall hereafter be erected, altered, moved or enlarged with a first floor elevation lower than required by the Sacramento County Water Agency Drainage Ordinance, and regulations adopted pursuant thereto.
235-13. **Area**

Each lot or parcel shall have a minimum lot area as required by the basic zone. If neither a public water supply nor a public sewerage facility is in use, the net lot area for each lot or parcel shall be not less than one (1) acre.

235-14. **Lot Width**

Each lot or parcel shall have a minimum lot width as required by the basic zone.
ARTICLE 3: (PC) PARKWAY CORRIDOR COMBINING ZONE

235-30. Purpose

The Parkway Corridor (PC) Combining Zone as shown on the Comprehensive Zoning Plans shall be used to regulate property along the American River within the unincorporated area of the County. The goals promoted by establishment of this zone include:

(a) Preserve and enhance the American River and its immediate environment consistent with the goals and policies of the American River Parkway Plan, an element of the Sacramento County General Plan.

(b) Ensure, to the extent possible, the compatibility of land uses within the American River Parkway and land adjacent to the Parkway for their mutual benefit.

(c) Ensure that development with access within and adjacent to the American River Parkway is designed to reduce as much as possible visible intrusion into the Parkway and to complement the naturalistic amenities of the Parkway.

(d) Provide flexibility in development requirements such as setback, height, bulk and landscaping applicable to parcels of property subject to the regulations of the (PC) Parkway Corridor zone.

(e) Minimize risks to public health, safety and welfare in areas which are potentially threatened by erosional processes.

(f) Ensure that bluff development, including related storm runoff, foot traffic, site preparation, construction activity, irrigation and other activities and facilities accompanying such development, does not create or contribute significantly to problems of erosion or geologic instability on the site or on surrounding areas.

(g) Ensure that bluff development is sited and designed to assure stability and structural integrity for its expected economic lifespan while minimizing alteration of natural landform features.

(h) Ensure that development within the American River Parkway Corridor zone occurs in a manner which maintains a safe environment for homes and other improvements, and protects the aesthetic and environmental quality of the Parkway.
235-31. **Applicability of (PC) Combining Zone Designation**

(a) The (PC) appearing after a zone abbreviation on the Comprehensive Zoning Plans indicates that the property so classified is subject to the provisions of this Article in addition to those of the underlying zone, except as otherwise specified in this Article.

(b) The (PC) Combining Zone may be applied to the unincorporated area of the County adjacent to or near the American River for which the Board determines that land development may affect the stability of bluffs or terraces or have an impact on the preservation or enhancement of scenic, recreational, fishery, or wildlife values along or near the American River.

(c) The (PC) Combining Zone contains erosion zones based on geologic hazards resulting from erosional processes. Erosion zones have been defined with development setbacks which identify areas potentially subject to erosion within the next 100 years. Property owners and developers must address the erosion problems associated with the erosion zones prior to development in the applicable erosion zone.

235-31.5. **Definitions**

The following definitions apply to this Article. The Planning Director or a designee shall resolve disputes with regard to a determination made establishing a bluff or terrace, the edge of a bluff or terrace, toe of a bluff or terrace, 100-year floodplain, designated floodway or other significant topographic or geologic feature. Any person dissatisfied with the determination made by the Director or a designee may appeal such determination as set forth in Section 115-34 of this Code.

(a) **Bluff.** A bluff is an escarpment or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding, or excavation of a landmass. A bluff may be planar or have a curved surface, or it may be steplike in section. As used in this zone, "bluff" is limited to those features having a vertical relief of ten feet or more whose toe is subject to river erosion (See Figure 1).

![FIGURE 1](image-url)
(b) **Bluff Edge.** The bluff edge is the upper termination of a bluff. The bluff edge can be defined in the following manner:

1. When the top of the bluff is rounded away from the face of the bluff, the edge shall be defined as that point nearest the bluff at which the slope of the land surface becomes more or less continuous with the general slope of the surrounding land area going away from the river (See Figure 2).

**FIGURE 2**

**BLUFF EDGE**

![Bluff Edge Diagram](image1)

2. When there is a steplike feature at the top of the bluff face, the landward edge of the topmost riser shall be defined as the bluff edge (See Figure 3).

**FIGURE 3**

**BLUFF EDGE**

![Bluff Edge Diagram](image2)
(c) **Bluff Face.** The bluff face shall be defined as that portion of the bluff's land surface which extends in a downward gradient from the bluff edge to the toe (See Figure 4).

![FIGURE 4]

**BLUFF FACE**

(d) **Terrace.** A terrace shall be defined as an elevated portion of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding, or excavation of a landmass. A terrace may have a curved surface or it may be steplike in section. As used in this zone, a "terrace" is limited to those features having a vertical relief of ten feet or more whose toe is not presently subject to river erosion (See Figure 5).

![FIGURE 5]

**TERRACE**

235-32. **Use of County Owned Property**

County owned or controlled property which is subject to the (PC) Zone, shall require prior approval of the Board for any use of the property. The Board shall not approve any use of such property which is inconsistent with the American River Parkway Plan, or any other element of the Sacramento County General Plan.
235-33. **Authorized Uses**

(a) The following use is permitted in an Erosion Zone as described on Exhibits A through D and within the total setback distance as shown on Table I of Section 235-36 upon submission of geotechnical data as set forth in Section 235-38.1 and approval of a conditional use permit by the appropriate authority as prescribed in Section 110-32 of this Code.

(1) Construction, enlargement or modification of any building or structure for which a building permit is required.

(b) Construction, erection or installation of any structure, wall, abutment, or similar device intended to reinforce, stabilize, or otherwise protect any bluff or terrace from erosion, mass wasting or similar land movement is permitted subject to the submission of geotechnical data as set forth in Section 235-38.1 and approval of a conditional use permit by the appropriate authority as prescribed in Section 110-32 of this Code.

(c) Notwithstanding other provisions of this Article, the following uses, buildings, and structures, either located outside an Erosion Zone or within an Erosion Zones as described in Exhibit A through D, but outside the total setback distance as shown in Table I of Section 235-36, are authorized without the grant of a conditional use permit upon compliance with the provisions of Section 235-37, and provided the buildings or structures meet the development standards specified in Section 235-36; otherwise such uses, buildings or structures shall not be erected or maintained without first obtaining a conditional use permit as set forth in Section 235-33(d).

(1) One single-family detached dwelling, including mobilehome, on each lot.

(2) One two-family dwelling, including mobilehome on each lot.

(3) Accessory uses, buildings and structures (including swimming pools and appurtenant equipment) customarily incidental to and subordinate to single-family detached and two-family dwellings.

(d) Unless otherwise provided in this Article, all uses designated as either permitted or conditional uses in the underlying zone shall be authorized in the (PC) Combining Zone provided a conditional use permit is obtained for any such use as provided in Title I, Chapter 10, Article 3 of this Code.
235-33.2. Findings

In addition to the findings required by Title I, Chapter 10, Article 3, when development is proposed within an erosion zone as described on Exhibits A through D and within the total setback distance as shown on Table I of Section 235-36, the appropriate authority shall not grant a conditional use permit pursuant to Section 235-33 unless it finds and records in writing that:

(a) Development will be sited and designed to assure stability and structural integrity for its expected economic lifespan while minimizing alteration of natural landform features;

(b) Development will not create or contribute to significant problems of erosion or geologic instability on the site or on surrounding areas;

(c) Development will maintain a safe environment for homes and other improvements and protect the aesthetics and environmental quality of the American River Parkway;

(d) Development does not preclude or foreclose future recreation or open space potential in the American River Parkway; and

(e) There are adequate provisions included in the development proposal for maintenance and revegetation of the project area.

235-34. Authority of Hearing Body

Generally, development requirements of property including lot area, lot width or public street frontage applicable to property located in the underlying zone shall apply to the uses authorized by Section 235-33. However, the appropriate authority in granting the conditional use permit may impose any or all of the development requirements specified in this Section if, in the judgment of the appropriate authority, the special requirements specified in this section are necessary to carry out the intent of this Article.

The granting authority may:

(a) Require a reasonable additional building setback or yard area particularly in high terrace and bluff areas which overlook the American River.

(b) Require the screening of any portion or all of the structure, building or use through the use of walls or fences, the planting of locally native trees or shrubbery, or combinations thereof.

(c) Require the modification of exterior features of structures where necessary to minimize physical or visual intrusion into the Parkway.

(d) Establish a limitation on the size or bulk of a building or structure.

(e) Regulate the design and location of access drives and other features.

(f) Regulate the location, design and capacity of utilities.
(g) Require the use of specific colors, lighting and landscaping features as otherwise required by this Article.

(h) Regulate the design, as well as require the maintenance of grounds, landscaping or an irrigation or drainage system.

(i) Regulate noise, vibration, odors and other similar concerns within certain performance standards.

(j) Require the phasing of development.

(k) Require a bond or deposit of money to assure completion of development as authorized by the permit.

(l) Require the use of non-combustible roofing and siding materials to minimize structural loss in areas with limited accessibility and which are potentially threatened by the occurrence of fire originating from the Parkway.

(m) Require a fire resistant buffer between the open areas of the parkway and structures adjacent to it, or require locally native plant varieties which are drought and fire resistant. A list of locally native plant varieties is maintained by the Parks and Recreation Department.

(n) Require that disruption to natural riparian vegetation be minimized, and no trees which are native to the area and which are six inches in diameter or larger shall be damaged or removed unless in imminent danger of collapse from erosion.

(o) Require that the area disrupted by the project be revegetated in accordance with a revegetation program utilizing an approved combination of locally native riparian trees, shrubs, and groundcover. If gabion, rip-rap or other structural measures are used, require that they be screened from public view with locally native vegetation.

(p) Require that the slope and appearance of the project area be compatible with the natural character of nearby slopes or riverbanks.

(q) Require that, where feasible, vegetation be used to prevent further erosion. Gabions, rock and wire mattresses, or wire mesh over stone, may be used where vegetative measures alone are insufficient, but the erosion control program shall include measures to minimize damage to riparian vegetation and wildlife. Rip-rap shall not be used unless slope, stream current, and existing native vegetation are favorable to providing substantial vegetative screening of the rip-rap. Rubble, gunite, cement or sandbags, bulkheads, fences, used tires, and similar materials or structures are prohibited.

(r) Require the review of development at a specified time to ensure compliance with all conditions of approval, zoning agreements, ordinances, statutes, regulations, and procedures applicable at the time of development.

If the granting authority imposes any of the development requirements specified above, the granting authority shall find and record in writing as required by Section 110-30 the circumstances which it determined necessary to require the imposition of any special development requirement.
235-36. Development Standards

(a) Development standards for uses, buildings or structures on lots protected by levees maintained by a public agency.

(1) **Height:** The maximum height of a building or structure shall not exceed the difference between the elevation of the finished grade of the building site and the elevation of that portion of the levee crown closest to the building site, plus five feet, plus one foot for each five feet by which the distance from the building structure to the landward toe of levee exceeds thirty-five (35) feet; but in no event greater than the height limitations set forth in the underlying zone.

(2) **Setback:** No building or structure other than an accessory building is located closer than thirty-five (35) feet, and no accessory building is located closer than twenty-five (25) feet to the landward toe of the levee.

(b) Development standards for uses, buildings, or structures on lots not protected by levees maintained by a public agency, and also not within the total setback distance in an erosion zone as described on Exhibits A through D.

(1) Accessory buildings shall not exceed 12 feet in height.

(2) Dwellings and other structures shall be screened by live plantings of locally native trees and shrubs to minimize the visual impact of the dwelling or structure from the parkway.

(3) Dwellings and structures shall be finished in earthtones as defined in Section 130-64.

(c) Development standards for uses, buildings or structures on lots which are located within an erosion zone as described on Exhibits A through D and within the total setback distance for that zone as shown on Table I of this section below.

(1) Accessory buildings shall not exceed 12 feet in height.

(2) Dwellings and other structures shall be screened by live plantings of locally native trees and shrubs to minimize the visual impact of the dwelling or structure from the parkway.

(3) Dwellings and structures shall be finished in earthtones as defined in Section 130-64.

(4) Accessory uses, buildings and structures (including swimming pools and appurtenant equipment) customarily incidental to and subordinate to single family detached and two-family dwellings shall not be located closer than 20 feet from the edge of a bluff or terrace.

(5) Construction, erection, or installation of any fence, wall, abutment, or similar device shall not be located closer than:
(a) Twenty (20) feet from the edge of a bluff or terrace when proposed in Erosion Zone 1 or 2; and

(b) Ten (10) feet from the edge of a bluff or terrace when proposed in Erosion Zone 3 or 4.

(6) No form of trenching, grading, earth-filling or similar disturbance of residual or transported soils shall occur within:

(a) Twenty (20) feet from the edge of a bluff or terrace when proposed in Erosion Zone 1 or 2; and

(b) Ten (10) feet from the edge of a bluff or terrace when proposed in Erosion Zone 3 or 4.

### TABLE I

<table>
<thead>
<tr>
<th>Erosion Zone</th>
<th>Potential Recession Due to Long-Term Channel Migration (1)</th>
<th>Distance of Potential Short-Term Erosion Due to Slope Erosion (2)</th>
<th>Buffer Zone (3)</th>
<th>Total Setback (4)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>0</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>40 ft.</td>
</tr>
<tr>
<td>2</td>
<td>30 ft.</td>
<td>20 ft.</td>
<td>20 ft.</td>
<td>70 ft.</td>
</tr>
<tr>
<td>3</td>
<td>30 ft.</td>
<td>10 ft.</td>
<td>20 ft.</td>
<td>60 ft.</td>
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<tr>
<td>4</td>
<td>30 ft.</td>
<td>10 ft.</td>
<td>20 ft.</td>
<td>60 ft.</td>
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<tr>
<td>5</td>
<td>*</td>
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(1) Long-term bluff recession is based on estimated channel migration rate and a 100-year time period.

(2) Distance measured from edge of bluff which is potentially subject to erosion within 10 years.

(3) Buffer zone added to allow for property remaining at end of 100-year period.

(4) The total setback distance is measured from the edge of a bluff or terrace which ever is closer to the river.

*The entire area within Zone 5 is potentially subject to erosion within a 100-year period.

Any reference to Erosion Zones in this Article shall be shown on Exhibits A through D, which are hereby incorporated by this reference into this Article.
235-37. **Submittal of Plans**

Any application for a building permit or other entitlement of use, building or structure subject to the (PC) Combining Zone authorized without a conditional use permit by Section 235-33(c) shall be reviewed by the Director for compliance with the provisions of this Article. The Director may require a site plan as provided in Section 235-38 to make any determination. If, in the opinion of the Director, the proposed development will not meet the development requirements provided in this Article, the Director shall inform the applicant that the building permit or other entitlement of use is disapproved. The Director's decision is not subject to an appeal. The applicant's sole recourse to the Director's decision is to apply for approval of the proposed development as provided in Section 235-33(d).

235-38. **Application Requirements**

In addition to other data required pursuant to Title I, Chapter 10 for conditional use permits, the following information shall be required for any application of a conditional use permit in the (PC) Zone.

(a) Site plan showing:

(1) Location of existing and proposed structures, buildings and signs.

(2) Location of existing trees and shrubs. For trees, the species and dbh (i.e. diameter breast height) shall be indicated.

(3) Location of any proposed off-street parking and loading.

(4) Location of adjacent public rights-of-way and private easements for ingress and egress, if any.

(5) Location of proposed vehicle entrances and internal circulation patterns.

(6) Location of any proposed walls and fences; the height and construction materials thereof.

(7) Proposed exterior lighting, if any.

(8) Finished grade of the site at the building.

(9) Location of an irrigation system, subterranean water lines, drainage facilities and other appurtenant equipment.

(b) Preliminary landscaping plans.

(c) Color, materials and texture of proposed buildings and structures.

(d) Location, materials, size and copy of any signs, and illumination thereof, if any.

(e) Elevation drawing of all improvements.

(f) Other data or materials deemed necessary by the Director.
235-38.1. Geotechnical Requirements

In addition to other data required pursuant to Section 235-38 for a conditional use permit, the following information shall be required when development is proposed within an Erosion Zone as described on Exhibits A through D and within the total setback distance as shown in Table I of Section 235-36.

(a) A geotechnical investigation and report shall be filed by the applicant. The report shall be prepared by a registered geologist or professional civil engineer with expertise in soils or foundation engineering, surface and groundwater hydrology, river hydraulics, and erosion control. The report shall evaluate the topographic and geologic conditions of the site and the effect of the development. The report shall be based on an on-site investigation in addition to a review of the general character of the area.

The report shall consider, describe and analyze the following:

(1) bluff and site topography, extending the surveying work beyond the site as needed to depict geomorphic conditions that might affect the site;

(2) geologic conditions, including soil, sediment and rock types and characteristics, in addition to structural features, such as bedding, joints and faults;

(3) hydrologic conditions, including surface water drainage, groundwater, and American River 100-year floodplain and designated floodway locations and elevations;

(4) historic, current and foreseeable bluff erosion, including investigation of recorded land surveys and tax assessment records in addition to the use of historic maps and photographs where available, and possible changes in channel configuration and sediment transport;

(5) the potential effects of the development on both on-site and off-site erosion;

(6) the impact of the proposed construction activity on both on-site and off-site erosion;

(7) the effect of foreseeable erosion on the development and potential mitigation measures, including maintenance requirements;

(8) potential effects of seismic forces resulting from a maximum credible earthquake;

(9) any other factors which may affect slope stability and erosion.

(b) The report shall contain a diagram establishing the location of the bluff edge, the toe of the bluff, other significant geologic features and the 100-year floodplain and designated floodway locations. Distances to each feature shall be identified, with measurements taken from a fixed location.

(c) The report shall detail mitigation measures for any potential impacts and shall outline alternative solutions. The report shall express a professional opinion as to whether the project can be designed so that it will neither be subject to nor contribute to significant geologic instability throughout the economic lifespan of the project.
(d) The report shall use a currently acceptable engineering stability analysis method and shall also describe the degree of uncertainty of analytical results due to assumptions and unknowns. The degree of analysis required shall be appropriate to the degree of potential risk presented by the site and the proposed project.

(e) An engineered design for the development and/or erosion protection measures shall be filed by the applicant. The design shall be of sufficient detail to ensure compliance with the American River Parkway Plan and to allow for appropriate consideration of all potential erosion problems affected by and affecting the proposed development and its associated construction activity.

235-39. Exemption

When the procedures set forth in this Article differ from procedures for review of development set forth in any County or privately initiated planned development, special development permit, or zoning agreement, then the procedures set forth in the planned development ordinance, special development permit, or the zoning agreement shall prevail. Notwithstanding the preceding sentence, when this Article prescribes a procedure for review and issuance for permits within an Erosion Zone as described on Exhibits A through D and within the total setback distance as shown in Table I of Section 235-36, the procedures set forth in this Article shall prevail.
ARTICLE 4: (SM) SURFACE MINING (COMBINING LAND USE ZONE)

235-40. Purpose

The (SM) Surface Mining Combining Zone is designed to protect the mineral resources of Sacramento County from incompatible land use; to manage the mineral resources; to assure the County of an adequate supply of these resources with due consideration for the environment; and to provide for the restoration of mined lands for future use. The goals to be pursued by establishment of this zone include:

(a) That mineral resource areas be protected from preclusive and incompatible land uses.

(b) That surface mining be controlled to provide for protection of the environment.

(c) That surface mining be controlled to protect the public health, safety, welfare, and property values of residents living near surface mining operations.

(d) That provisions be made for the reclamation of mined lands.

235-41. Prohibition

No buildings, structure, vehicle, sign or area in the (SM) Combining Land Use Zone shall be used, nor shall any building, structure, sign or vehicle be altered, moved, enlarged, or stored in any zone with which the (SM) Combining Land Use Zone is combined except as hereinafter specifically provided in this Article or in the underlying zone which is combined with the (SM) Surface Mining Land Use Zone. No property subject to the (SM) Combining Land Use Zone shall be used in any manner so as to create problems inimical to the public health, safety or general welfare or so as to constitute a public nuisance.

The (SM) zone may be combined with: AG-160, AG-80, AG-40, AG-20, A-80, A-20, A-10, UR, IR, M-1, M-2, O, C-O, and (F) zoning districts.

235-42. Uses

(a) Any permitted or conditional use in the zone with which the (SM) Surface Mining Zone is combined subject to the regulations of the basic zone, except as otherwise provided in this Article.

(b) Mining Uses. The following uses are permitted subject to approval of a conditional use permit by the Board after receipt of a recommendation on such use by the Project Planning Commission:

(1) Sand and Aggregate Mining: Subject to the regulations set forth in this Article.

(2) Clay, Lignite and Related Minerals Mining: Subject to the regulations set forth in this Article.

(3) Borrow Sites or Pits, except as otherwise provided in Section 201-02, 225-11, and 230-11.
235-43. **Application Data, Sand and Aggregate Mining**

In addition to the application data for conditional use permits set forth in Section 110-01, the applicant for a conditional use permit for sand and aggregate mining shall submit as part of the application the data required by Section 235-44 through 235-51.

235-44. **Mining Plan**

The applicant shall submit a mining plan which shall:

(a) Show the progression of all operations of the facility.

(b) Show the location of equipment, stockpiles, settling ponds, interim drainage, deposit locations.

(c) Indicate the progression of stripping and excavating through the use of cross sections or elevations.

(d) Indicate the time lag between mining and reclamation, and between original equipment siting and relocations.

(e) Show the proposed plan for concurrent excavation and reclamation if applicable.

235-45. **Reclamation Plan**

The applicant shall submit a reclamation plan which shall:

(a) Show alternative land uses for which the reclaimed site is adaptable.

(b) Show present and future land use, topography, and general environment of surrounding property, and the coordination of such matters with the proposed reclaimed mining site, including topographic contour maps of the existing terrain and the proposed terrain following reclamation.

(c) Indicate anticipated operation, design and location of berms, landscaping, erosion control seeding, filling of low pit areas, shaping of pit floors, management of mined and unminable portions of deposit, original, interim and final (rough) slopes and grades.

(d) Describe the nature and sequence of reclamation measures.

(e) Show inspection intervals consistent with work staging.

(f) Show the grade of interim and reclaimed slopes, which shall be no closer to horizontal than 2 horizontal to 1 vertical. If sufficient justification is offered, slopes of 1-1/2 to 1 may be approved.
235-46. Soil, Geologic and Hydrologic Data

The applicant shall provide the following data:

(a) An estimate of the total quantity of constituent materials (sand and gravel, overburden, other) available at the site.

(b) Anticipated dimensions of the excavation area, i.e., areal extent and average depth of overburden and resource materials.

(c) An estimate of the ton per hour plant capacity and the anticipated annual production rates.

(d) Description of the equipment and methods used in the resource recovery for the total operation and for each constituent resource (sand and gravel, gold, other).

(e) Soil; geologic, especially lithologic; surface and ground water samplings if required by either Public Works or the Planning Department and any sand and aggregate studies of the site prepared for project proponent. Any previous sand and aggregate studies of the project site or adjacent sites of which project proponent may be aware.

(f) Fate of overburden following removal, i.e., disposal, sale, storage for later use, other.

(g) Description of drainage course alterations and diversions.

(h) Identification numbers of existing wells on the project site and the location of proposed wells.

(i) Source of water, purpose and rate of water use, and description of disposal methods or treatment of such water.

(j) Source and nature of fill, if any, for reclamation.

(k) Identification of all sewage disposal systems on the proposed site.

(l) Information regarding mitigation measures proposed to reduce potential nuisances, hazards or environmental impacts if required by Public Works or the Planning and Community Development Department.

235-47. Traffic and Parking Plan

Applicant shall submit an off-street parking plan for customers, employees and equipment as provided in Section 330-60(c). The application shall also show the anticipated street truck routes from the site to freeway and major arterials, and site ingress and egress points. The parking plan shall be reviewed by the Administrator of Public Works or his designee before the application is heard by the Project Planning Commission.
235-48. **Air Pollution Control Plan**

Applicant shall give proof of submission of an air pollution control plan to the Air Pollution Control District (APCD). The plan shall provide at least for dust control measure proposed for:

(a) Moving aggregate from mine area(s) to processing plant(s) on the subject property.

(b) Roads and other graded surfaces on the subject property.

(c) Removal of aggregate from off-site public streets or roads used by trucks for a distance of 1500 feet along the public right-of-way from the point of ingress and egress to the subject property.

The plan must be approved by the APCD before a work authorization is issued as provided in Section 235-75.

235-49. **Noise Data**

Applicants shall submit a plan indicating the anticipated noise level contours on the mining site and adjacent properties and the measures proposed to control the noise.

235-50. **Waste Data**

Applicant shall submit a plan showing the kind, amounts and method of removal of solid and liquid wastes anticipated to occur at the site. The plan shall indicate the quantity of given water wastes which will be discharged into settling or percolation ponds or discharged directly to water courses.

235-51. **Drainage Plan**

Applicant shall submit a drainage plan for approval to the Water Resources Division of Public Works. Approval of the Division is required before a work authorization permit will be issued as provided in Section 235-75.

235-52. **Standards for Sand and Gravel Mines**

All sand and aggregate mines shall be subject to the requirements set forth in Section 235-53 through Section 235-61. These Sections are not intended to replace or otherwise limit in any manner other County regulations or to preclude the imposition of reasonable use permit conditions as authorized in Section 110-34.
235-53. Operating Hours

Unless otherwise provided as a condition of use permit the hours of operation of mining, processing and related activities shall be:

(a) Monday through Friday: 6:00 A.M. until 10:00 P.M.
(b) Saturday: 6:00 A.M. through 3:00 P.M.
(c) Sunday and labor union holidays: no mining or processing.

The Zoning Administrator may permit different operating hours on an interim basis from the specified operating hours if he finds that the public benefit outweighs the community hardship and/or the work requires a continuous pour of concrete.

235-54. Fences

Unless otherwise provided by condition of the use permit, the following fence requirements shall apply:

(a) Fences shall be chain-link.
(b) The fence shall be not less than six feet in height above the grade of the property outside the fenced area.
(c) Gates shall be installed to fence height at all entrances.
(d) Fences shall be kept in good repair.
(e) Fences shall conform to the ground to preclude opening of more than four (4) inches between the ground and the fence.

235-55. Warning Signs

The applicant shall provide warning and trespass signs advising of the mining operation on the fences at intervals of not less than 500 feet. Signs shall be kept legible and in good repair.

235-56. Visual Screen

The Board may as a condition of the use permit require a visual screen when the mining site is adjacent to a public street or other public uses such as schools, parks, or golf courses. Visual screening may be accomplished by use of berms, screen fences, landscaping, setbacks or combinations thereof.
235-57. **Bonds**

The Board shall require that the applicants furnish a performance bond or other security to ensure timely and proper reclamation of mined areas. The performance bonds should be coordinated with the inspection intervals of the reclamation plan to avoid excessive penal sums. The bond shall be in a form to be approved by the County Counsel and in an amount to be approved by the Administrator of Public Works and shall be deposited with the Clerk of the Board of Supervisors. Generally, the following will satisfy the bond or security requirement:

(a) Certificates of deposit payable to the County issued by banks doing business in this State and insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or share accounts assigned to the County and issued by a savings and loan association doing business in this State and insured by the Federal Savings and Loan Insurance Corporation.

(c) Bearer bonds issued by the United States government or by this State.

(d) Cash deposited with the County.

(e) Other forms of security acceptable to the County Counsel. The Administrator of Public Works is authorized to release the bond or security on completion of the reclamation plan.

235-58. **Inspections and Reports**

Sand and aggregate mines shall be inspected and reports made of their reclamation activities as follows:

(a) Operators shall notify Public Works at least thirty days before the conclusion of each stage of reclamation. The notice shall include a written report which specifies how the reclamation of the site conforms or deviates from the reclamation plan.

(b) The Administrator of Public Works shall inspect the site within thirty days of receipt of the written report from the operator, and shall issue a written notice of conformance with or deviation from the reclamation plan to the operator.

(c) Failure to inspect within sixty days of receipt of the written report from the operator shall be deemed acceptance of the report and compliance with the reclamation plan.
235-59. Mining Setbacks

Unless otherwise provided as a condition to the use permit, mining areas shall be set back from property lines, public streets and sewage disposal systems as follows:

(a) **Periphery Of The Mining Site.** A twenty-five foot minimum setback from the property line, the first five feet of which shall consist of undisturbed land.

(b) **Mining Sites Adjoining Public Streets.** A twenty-five foot minimum setback from all public streets consisting entirely of unmined land.

(c) Setback areas consisting of mined land shall be reclaimed to original grade within one year or less of completion of mining.

(d) The mining plan shall also show all individual sewage disposal systems within three hundred feet of the proposed mining area. In the event there are individual sewage disposal systems near or within the mining site, the mining setbacks shall conform to the provisions of the Sacramento County Code, Chapter 6.32 SANITARY SEWAGE SYSTEMS, and the rules and regulations adopted pursuant thereto, and shall be subject to the approval of the Sacramento County Health Agency and the Regional Water Quality Control Board. Approval of these agencies must be obtained on the minimum mining setback before a work authorization permit can be obtained. The Project Planning Commission and the Board may consider the setback information on plates 1 and 2 which are part of the Article and other relevant information in establishing setbacks from the mined areas. If setbacks are established which exceed the setbacks prescribed in this Section, the Board shall specify in writing the reasons for requiring the additional setback and the setbacks shall become conditions of the use permit.

235-60. Noise Standards

Unless otherwise provided by ordinance, the sound level created by the mining use at the boundary line of the authorized mining area shall not exceed 70 dBA except along a boundary contiguous to another area authorized to mine for sand or aggregates. A violation of the noise standard will occur if the noise level at the property line exceeds:

(a) The noise limit for a cumulative period of more than thirty minutes in any hour, or;

(b) The noise limit plus 5 dBA for a cumulative period of more than one minute in any hour, or the noise limit plus 20 dBA for any period of time.

235-61. Site Standards

All sites shall be maintained with safe, stable waste piles and slopes. No steep-sided pits or holes shall be permitted to remain on the site. The site shall be kept free of derelict machinery, waste materials, and scrap. Reclaimed areas shall be revegetated for soil stabilization, and maintained free of drainage accumulations.
235-62. **Application Data, Lignite, Borrow Sites and Related Mineral Mining**

In addition to the application data for conditional use permits set forth in Section 110-01, the applicant for a conditional use permit for clay, lignite, borrow sites and related minerals mining when the mining site is located in Permanent Agricultural or Industrial Extensive land use categories on the Sacramento County General Plan shall submit as part of the application the data required by Section 235-63 through 235-66. When the mining site is located in any land use category on the General Plan other than the Permanent Agricultural or Industrial Extensive, the applicant shall submit as part of the application the data required by Sections 235-63 through 235-66, and Sections 235-47 through 235-50 and including 235-67.

235-63. **Mining Plan**

The applicant shall submit a mining plan which shall:

(a) Show the proposed area of excavation.

(b) Show the anticipated phased progression of mining.

(c) Show the location of inventory piles and overburden piles.

(d) Show the fate of overburden following removal-disposal, sale, storage for other use or other disposition.

(e) Show the estimated surface areas disturbed annually and days of annual production.

(f) Show the anticipated pit side slopes and end slopes.

235-64. **Reclamation Plan**

The applicant shall submit a reclamation plan which shall:

(a) Show land uses for which the site, after reclamation, is adaptable. If storage of water is indicated, the pit shall be justified as a water storage site only if it is demonstrated to be a collector of substantial runoff and the ultimate use of stored water is demonstrated.

(b) Show present and future topography of site after reclamation, showing degree of slopes of remaining excavations, contours, and disposal of drainage.

(c) Show management of mined and unminable portions of deposit.

(d) Show an annual (unless greater period is necessary) inspection schedule and a report schedule in five year intervals. The report shall show five year increments in: changes to original grade, existing grade, and final topography expected with reclamation details to date of report. Each five year report shall indicate progress made and deviations required in reclamation of the property that has occurred since filing of the previous report.
235-65. **Soil, Geologic and Hydrologic Data**

The applicant shall provide the following data:

(a) A topographic contour map with at least ten foot intervals of the existing terrain and the terrain following reclamation.

(b) Anticipated dimensions of the disturbed area and average depth of both overburden and the resource materials.

(c) A summary of sampling data on soil, geologic and hydrologic characteristics and other preexisting studies of the site prepared for the project proponent or other relevant reports which the proponent may be aware. Environmental Coordinator may require full report if necessary to prepare an environmental impact report.

(d) A description of drainage course alterations and or diversions.

(e) If applicable, source of water, purpose and rate of water use, and description of disposal methods or treatment of any water to be used. If groundwater is to be used, the proponent shall provide identification numbers of any wells on the project site.

(f) **Runoff and Flood Control.** Applicants shall submit with the permit application a drainage design for approval to the Water Resources Division of Public Works.

(g) The location of all individual sewage disposal systems within 300 feet of the proposed mining area.

235-66. **Fencing and Posting**

The applicant shall show the locations of all fences and signs warning of the mining operations. Trespass signs shall be posted at reasonable access points. Signs shall be kept in good repair.

235-67. **Air Pollution Control**

The application shall describe methods to be used in:

(a) Dust control on roads and other graded surfaces on the subject property.

(b) Removal of dust and spillage from off-site public streets or roads used by trucks from the subject property.

(c) Control of dust emanating from mined areas and inventory piles.

235-68. **Standards for Clay, Lignite, Borrow Sites and Related Materials Mining**

All clay, lignite, borrow sites, and related materials mining shall be subject to the requirements set forth in Sections 235-69 through 235-71 and Section 235-56. These sections are not intended to replace or otherwise limit in any manner other County regulations or to preclude the imposition of reasonable use permit conditions as authorized in Section 110-34.
235-69. **Mining Setbacks**

Mining setbacks of the minable area from property lines shall be as follows:

(a) Mining may take place no closer than five feet of a property line not adjacent to a public street right-of-way. The Board may waive this requirement if:

1. Evidence is provided by the applicant that the setback can be reduced by engineering design, or;
2. That the neighboring property owners consent to the request.

(b) Mining shall be setback 50 feet from all public street rights-of-way. The setback may be reduced if evidence is provided by the applicant to the Board of Supervisors to the effect that the setback is not necessary.

235-70. **Fences**

Unless otherwise provided by condition of the permit the applicant shall:

(a) Conform fences to the ground so as to prevent any opening between the fence and ground surface from exceeding four (4) inches.

(b) Maintain gates to fence height at all vehicular and pedestrian entrances.

(c) Keep fences in good repair.

(d) Post trespass signs on the fences at reasonable access points. Signs shall be kept in good repair.

235-71. **Reclaimed Site**

All clay, lignite, and related materials mining sites shall be reclaimed after completion of mining operations consistent with the approved reclamation plan. The site shall be left with safe slopes no steeper than 1 horizontal to 1 vertical. Slopes closer to horizontal may be required as a condition of the use permit. The slopes shall be revegetated where necessary for soil stabilization. The site shall be free of derelict machinery, scrap, and nonnatural waste materials.

235-72. **Term of Conditional Use Permit**

Any conditional use permit granted for clay, lignite and related material mining shall have a term of not less than ten years. Said permit shall thereafter be renewed for three successive five-year periods upon showing to the satisfaction of the Planning Commission and the Board of Supervisors that the mining operation is being conducted in conformance with the provisions of the conditional use permit and applicable Federal, State and County Regulations.
235-73. **Registration of Mines under Ordinance 1163**

Clay, lignite and other mines registered pursuant to Ordinance No. 1163 of the County of Sacramento are deemed to have a vested right to continue operation of the registered mines. The registration under Ordinance No. 1163 does not exempt the mine nor the operator thereof from the requirements of the Surface Mining and Reclamation Act of 1975, Division 2, Chapter 9 of the Public Resources Code of the State of California.

235-74. **Recordation**

No conditional use permit shall be effective until it has been executed by the Chairman of the Board and recorded in the Official records of the County Recorder of Sacramento County. The applicant for the use permit shall provide a legal description for all parcels affected by the use permit sufficient to meet the requirements for recordation.

235-75. **Work Authorization Permit**

Prior to commencement of any construction or mining activities pursuant to the conditional use permit, the applicant shall obtain a work authorization permit from the Administrator of Public Works. This permit shall not be issued until the Administrator is satisfied that all pertinent conditions of the use permit, and provisions of this Article have been met.

In addition to any other remedies provided at law, the Administrator may revoke or suspend the work authorization permit as provided in Section 235-76 if the operator of the mining site fails to comply with the provisions of this Article or the conditions of the use permit. Continued operation of a mine after revocation or suspension of the work authorization permit is deemed a violation of this Code.

235-76. **Procedure for Suspension or Revocation of Work Authorization Permit**

(a) The Administrator of Public Works shall notify the operator in writing of the alleged violation. Notice shall be hand delivered to the operator's local office or deposited as certified or registered mail in the U.S. mails.

(b) The operator shall request an informal hearing with the Administrator of Public Works or his designee to be held within seven (7) days of delivery of the notice. The purpose of the meeting is to allow the Administrator and the operator to present their respective views regarding the alleged violations.

(c) At the conclusion of the hearing, or the failure of the operator to ask for an informal hearing, the Administrator of Public Works shall determine if the permit should continue in force, be suspended, or be revoked. A copy of the decision shall be delivered to the operator.

(d) The decision of the Administrator of Public Works may be appealed to the Board by giving notice thereof to the Clerk of the Board not later than five working days from the date of decision of the Administrator. The Clerk shall schedule the appeal to be heard by the Board not later than the third regular meeting of the Board following receipt of notice of the appeal. The Board shall hear the appeal de novo.
235-77. **Action by the Board**

In addition to any other findings required as a matter of law, the Board shall not grant a conditional use permit until it finds:

(a) That the plans and reports submitted pursuant to Section 235-43 or 235-62 adequately describe the proposed operation.

(b) That the plans and reports submitted pursuant to Section 235-43 or 235-62 incorporate all reasonable measures to mitigate probable significant adverse environmental effect of the proposed operation.

(c) That the plans and reports submitted pursuant to Section 235-43 or 235-62 incorporate adequate measures to restore the site in a diligent manner to a usable condition compatible with adjacent areas.

(d) That the uses proposed are not likely to cause serious public health and safety problems; and

(e) That the uses proposed would not be incompatible with the objectives, policies, and general land uses and programs specified in the Sacramento County General Plan.

If an application is recommended for denial by the Project Planning Commission and is denied by the Board, the reasons for the denial shall be specified in writing.
ARTICLE 5: (NPA) NEIGHBORHOOD PRESERVATION AREA
(COMBINING LAND USE ZONE)

235-80. Purpose

It is recognized that some areas of the County, due to their unique social, architectural, environmental or other characteristics, require special regulations not found in the basic Land Use Zones, in order to protect and preserve existing neighborhood characteristics. It is the intent of this Article to provide a means by which regulations may be provided to supplement or modify the provisions in the basic Land Use Zones as necessary to preserve existing unique characteristics. An (NPA) zone may be combined with any other zoning classification.

235-81. Permitted Uses

All uses are permitted as specified in the basic land use zone with which the (NPA) Zone is combined.

235-82. Establishment

An (NPA) Zone shall be established by ordinance, which shall specify and describe the area to be subjected to the regulations contained therein. Said ordinance may specify yard areas, lot area, lot width, public street frontage requirements, height limitations, or other development standards to be applied within the district in lieu of the requirements contained in the zone or zones with which the (NPA) Zone is combined, or contained in Title III of this Code. To the extent that such standards are not specified in said ordinance, or to the extent that such requirements and standards are not inconsistent with those contained in the zone or zones with which the (NPA) Zone is combined or contained elsewhere in the Code, the standards and requirements contained in the underlying zone or zones and elsewhere this Code shall apply.

The (NPA) ordinance adopted pursuant to this Section shall not limit or add to the uses permitted in the underlying zone or zones, nor shall such ordinance permit a greater density of land use than permitted in the underlying zone or zones.

235-83. Criteria

The following criteria shall be applicable to the establishment to any (NPA) Zone, and the ordinance establishing said zone shall contain findings relative to such criteria:

(a) The neighborhood described in and subject to the (NPA) ordinance has unique social, architectural, environmental, or other characteristics which will be preserved by the regulations and standards contained in the (NPA) ordinance.

(b) The (NPA) Zone is of sufficient size to constitute an identifiable neighborhood.

(c) The (NPA) Zone does not unduly restrict reasonable uses of the land nor cause undue hardship on property owners within this zone.
235-84. **Designation**

The abbreviation (NPA) appearing on a comprehensive zone plan incorporated in Title I, Chapter 1, Article 4 of this Code, indicates that the property so classified is subject to the provisions of this Article and any ordinance adopted pursuant to this Article.

235-85. **Signs**

Signs and permitted advertising devices may be erected in the Neighborhood Preservation Area subject to the development standards of Title III, Chapter 35. Where specific conditions of the NPA are more restrictive than the development standards, the conditions shall apply.
ARTICLE 6: (SPA) SPECIAL PLANNING AREA LAND USE ZONE

235-90. Purpose

The purpose of this Article is to establish a procedure whereby the Board or the Commission may initiate proceedings to regulate property in areas throughout the County area that have unique environmental, historic, architectural, or other features which require special conditions not provided through the application of standard zone regulations. It is recognized that in certain circumstances it may be desirable to provide for a greater range or mixture of uses in an area than would be permitted in the standard land use zones of this Code. It is the purpose of this Article to provide the method for the County to guide the development of such areas so as to preserve such unique characteristics or provide for a broader mixture of land uses when appropriate.

235-91. Designation

The abbreviation SPA appearing on a comprehensive zone plan incorporated in Title I, Chapter 1, Article 4 of this Code indicates that the property so classified is subject to the provisions of this Article and an ordinance adopted pursuant to this Article.

235-92. Initiation of Zone

Only the Board or the Commission may initiate by resolution the proceedings to place parcels within the SPA Land Use Zone. Said resolution shall include reasons for initiating the SPA Land Use Zone.

235-93. Mandatory Contents of SPA Ordinance

An SPA Zone shall be established by ordinance, and provisions shall be included in each SPA Ordinance for the following matters:

(a) A list of permitted uses.

(b) Performance and development requirements relating to yards, lot area, intensity of development on each lot, parking, landscaping, and signs.

(c) Other design standards appropriate for the specific site and development.

(d) Legal description of property covered by the ordinance.

(e) Reasons for establishment of an SPA Land Use Zone on the particular property.
235-94. Additional Permissive Contents of SPA Ordinance

The following provisions are permissive and are not intended to be an exclusive list of the provisions which may be included in an SPA Ordinance.

(a) Procedure for review of proposed development. The procedures may include:

   (1) Types of projects that require review.
   (2) Documents required from developers.
   (3) Hearing procedures, if any.

(b) Regulations relating to nonconforming lots, uses, structures, and signs.

(c) Time phasing and sequence of development of projects.

235-95. Findings

An SPA Ordinance shall not be adopted unless the following findings are made:

(a) The area included within the SPA Zone has one or more unusual environmental, historical, architectural, or other specified significant features which justify the adoption of the SPA Zone.

(b) The said unusual features cannot adequately be protected by the adoption of any other land use zone.

235-96. Application for Amendment to the Spa Land Use Zone

The procedures amending an SPA Land Use Zone adopted pursuant to this Article shall be the same as for any amendment to the Zoning Code, as set forth in Title I, Chapter 15, Article 2 including an application therefore pursuant to the provisions of Section 115-12.

235-97. Signs

Signs and permitted advertising devices may be erected in the Special Planning Area subject to the development standards of Title III, Chapter 35. Where specific conditions of the SPA are less or more restrictive than the development standards, the conditions shall apply.
ARTICLE 7: (FP) FOOD PROCESSING COMBINING LAND USE ZONE

235-100. Purpose

The (FP) Food Processing Combining Land Use Zone provides for the location in agricultural areas of food processing industries which are dependent upon land extensive wastewater disposal in a manner which minimizes adverse environmental impacts and protects and enhances agricultural productivity.

235-100.5. Prohibition

No building, structure, vehicle, sign or area in the (FP) Combining Land Use Zone shall be used, nor shall any building, structure, sign or vehicle be altered, moved, enlarged, or stored in any zone with which the (FP) Combining Land Use Zone is combined except as hereinafter specifically provided in this Article or in the underlying zone which is combined with the (FP) Combining Land Use Zone. No property subject to the (FP) Combining Land Use Zone shall be used in any manner so as to create problems inimical to the public health, safety or general welfare or so as to constitute a public nuisance.

235-101. Application

The (FP) Zone may be combined with the AG-160, AG-80, AG-40, AG-20 and UR zoning districts.

235-102. Uses

(a) Any permitted or conditional use in the zone with which the (FP) Food Processing Zone is combined subject to the regulations of the basic zone, except as otherwise provided in this Article.

(b) Food Processing industries as defined in Section 130-72.5, subject to approval of a conditional use permit by the Board after receipt of a recommendation on such use by the Project Planning Commission.

(c) Irrigation disposal of liquid waste material onto land, subject to approval of a conditional use permit by the Board after receipt of a recommendation on such use by the Project Planning Commission. The Board may issue a single use permit where an application is made for both a food processing facility and irrigation disposal of wastewater.

(d) Substantial change of ownership, method of operation, nature of use, or expansion of a permitted food processing use, subject to an amendment to the appropriate use permit in force.

235-103. Application Requirements for Food Processing Industry

In addition to the application data for conditional use permits set forth in Section 110-01, the applicant for a conditional use permit for a food processing industry shall submit as part of the application the data required by Section 235-105 through 235-122 inclusive.
235-104. Application Requirements for Irrigation Disposal Facilities

In addition to the application data for conditional use permits set forth in Section 110-01, the applicant for a conditional use permit for an irrigation disposal facility shall submit as part of the application the data required by Section 235-106 and 235-117 through 235-122.

235-105. Site Development Plan

The applicant shall submit a site development plan including but not necessarily limited to: a site map showing building setbacks and provisions for parking and truck traffic; a landscaping and sign plan; a grading plan; and a soils engineering report.

235-106. Site Map

The applicant shall submit a map, drawn to scale, showing the configuration of all areas within the disposal site, including, but not limited to:

- Buildings and other appurtenant structures.
- Unenclosed processing equipment.
- Storage tanks.
- Unenclosed storage areas.
- Areas to be utilized for land disposal of wastewater.
- Wastewater lagoons or holding ponds.
- Waste disposal equipment.
- Roads, parking, and other paved areas.
- Landscaped areas.
- Areas reserved for future expansion.

235-107. Setback

The site map shall show the setbacks of plant facilities from property lines. The building setbacks should correspond proportionately to the height of proposed structures. Plant facilities should be set well back from public streets, other public uses and residential uses.
235-108. **Landscaping, Signing, and Screening**

Plant facilities shall be designed and landscaped to minimize their visual impact upon adjoining uses. The site development plan shall include:

(a) A screening and landscaping plan, consisting of a combination of fencing, berms, and plantings.

(b) The elevations of buildings and structures demonstrating to the maximum extent possible the concealment of all process piping and equipment from adjacent properties.

(c) Location, size, height, and elevation drawings of any proposed signs.

235-109. **Parking**

The site development plan shall show the location and design of off-street vehicular parking facilities for visitors and employees consistent with the provisions of the Zoning Code, including specifically Sections 330-56 and 330-60(c). The plan shall include projected peak employee data used to determine parking requirements.

235-110. **Truck Traffic**

The site development plan shall show the location and design of docking and waiting areas for trucks handling raw materials and processed products. Ingress and egress from public roads shall be indicated, along with anticipated public street truck routes to freeways and major arterials. The plan shall include the estimated peak number of trucks arriving and departing hourly and daily from the food processing plant.

235-111. **Grading Plan**

The site development plan shall include a grading plan in conformance with the Sacramento County Code. The grading plan shall show the location, and the existing and finished topography of any off-site borrow areas and shall conform to County flood-proofing requirements. The plan shall be approved by Public Works prior to the grant of the use permit.

235-112. **Soil Engineering Report**

A soil engineering report prepared by a qualified soil engineer shall accompany the use permit application. The report shall include recommendations to prevent structural damage as a result of the expansion and contraction of underlying soils, settling, subsidence, or other action.

235-113. **Operation Plan**

The applicant shall submit a plan describing the proposed operation of the food processing facility, including but not limited to: a description of the food processing operation, water consumption, and air pollution control measures.
235-114. **Description of Food Processing Operation**

The Operation Plan shall identify the raw food crops which will be processed, their origins, the food products which will be produced, and the duration of the processing season. Any previously processed bulk agricultural products which are used in the production process shall also be identified.

235-115. **Water Consumption**

The Operation Plan of the use permit application shall also identify or provide:

(a) The source of water to be used in plant operation.

(b) The proposed location of wells and estimated drilling depth, if groundwater is to be used.

(c) The location and identification number of existing wells on the property and on adjoining property.

(d) An analysis of groundwater samplings from wells on the property or, if none exist, groundwater quality data which may be available for adjoining wells.

(e) The average and peak daily water requirements, in gallons per day.

(f) The total annual process water requirements and supplemental water requirements for irrigation in acre feet per year.

(g) The existing annual water use at the site, including the area proposed to accommodate the waste disposal system.

The water supply system proposed for the plant shall be reviewed and approved by the Health Agency and Public Works before the grant of the use permit.

235-116. **Air Pollution Control**

The applicant as required by law shall submit a plan for the control of air emissions to the Air Pollution Control District. Specific provisions of the plan shall also be identified in the Operation Plan, including, but not limited to, measures to:

(a) Control sulfur, nitrous oxide, and hydrocarbon emissions from fuel oil boilers.

(b) Control hydrocarbon emissions from can manufacturing equipment incorporated in the plant design.

(c) Limit odors resulting from the food processing operation.
235-117. Waste Management Plan

The applicant shall submit a Waste Management Plan describing the proposed method for disposal of liquid and solid waste generated at the plant site or delivered to the wastewater disposal site. The Plan shall include, but not be limited to: a grading and irrigation plan; the proposed method of agricultural management; the economic data supporting the need for land disposal; and the proposed method of domestic sewage disposal.

235-118. Grading and Irrigation

The Waste Management Plan of the use permit application shall show the proposed method to grade and irrigate the land disposal area, and shall include:

(a) A map showing location and acreage of the disposal area and the existing and graded topography at two-foot contour intervals (with spot elevations for flat land) with all surface drainage courses shown.

(b) Specific measures, if any, to improve soil permeability, such as ripping of hardpan or installation of underdrains.

(c) The design slope and length of run for surface irrigated fields.

(d) The layout of the irrigation system and irrigation return and/or discharge system.

(e) A description of the irrigation cycle, application rate, and infiltration rates of wastewater during periods of peak irrigation, and the equipment or methods used to regulate application.

(f) The surface disposal systems, provisions for storm drainage, surface runoff drainage, and discharge of effluent, if any.

(g) Provisions for on-site liquid waste storage facilities capable of meeting emergency storage needs resulting from unreasonable weather or equipment failure.

The program to grade and irrigate the property shall be reviewed by Public Works, the Health Agency, the Sacramento Yolo Mosquito Abatement District, and Central Valley Regional Water Quality Control Board prior to approval as provided herein.

235-119. Agricultural Management

The Waste Management Plan of the use permit application shall identify the proposed agricultural use of the land and relate that use to the existing agricultural use on and in the vicinity of the site. The types of crops to be grown and the management program (rotation, etc.) to be employed and specific measures to minimize the concentration of rodents on and the attraction of birds to the disposal site shall be identified. The application shall also describe the distribution of soil types, soil profile descriptions (including depth to hardpan), soil chemical analysis, permeability data, and other relevant soil information which relate to the disposal site.
235-120. **Economic Data**

Because a clear and compelling economic need for land extensive wastewater disposal systems is the principal justification for rural industries and rural land disposal systems, the Waste Management Plan of the use permit application shall quantitatively identify the economic advantages of land disposal over conventional municipal treatment. Information necessary to make such a determination, include, but not limited to: the costs of land acquisition; land preparation: conveyance systems, pumps, and other capital improvements; projected maintenance and operation requirements and costs; average and peak volume, organic loading, and suspended soils content of wastewater; and other information necessary to project sewage changes for municipal treatment shall be included in the application.

235-121. **Domestic Sewage Disposal**

An estimate of the average and peak daily sanitary sewage flow during the processing season and during the off-season shall be included within the Waste Management Plan of the use permit application. The proposed method of treatment and disposal of domestic sewage shall also be described. Domestic sewage disposal shall meet the requirements of the Health Agency and the Regional Water Quality Control Board.

235-122. **Solid Waste Management**

The Waste Management Plan of the use permit application shall also include a description of the proposed program for reclamation and disposal of solid waste as defined in Section 130-171.1, generated at the disposal site, including:

(a) The type and quantity of solid waste.

(b) Reclamation and reprocessing procedures to be instituted.

(c) Disposal techniques, including on-site storage, transportation, and the ultimate location of off-site disposal.

(d) The location of and procedures for disposing of any solid waste at the site.

(e) Specific operating procedures designed to prevent conditions which might attract birds to the disposal area.

Solid waste generated at the disposal site shall be disposed of in accordance with the Health Agency's regulations governing the disposal of organic cannery wastes in Sacramento County.

235-123. **Conditions of the Use Permit**

The Project Planning Commission may recommend and the Board may require the use permit be subject to reasonable conditions. The Board of Supervisors has recently accepted the report "Agricultural Industries: Prospects, Perspectives, Planning", prepared by a technical advisory committee appointed by the Board. Guidelines and criteria in Chapter 7 of the report coupled with mitigation measures recommended in any environmental analysis of an application shall be duly considered by the Project Planning Commission, or the Board, or both, in recommending and approving an application.
235-124. Waste Discharge Requirements

The use permit shall be expressly conditioned upon compliance with waste discharge requirements of the Regional Water Quality Control Board. The use permit shall also specify that if the State suspends or revokes its approval of the waste discharge program then the conditional use permit may also be suspended or revoked. The County shall encourage the Regional Water Quality Control Board to include the following provisions in their waste discharge requirements:

(a) Maximum seasonal BOD loading rates to the land.

(b) Monitoring of groundwater levels.

(c) On-site liquid waste storage facilities sufficient to meet emergency storage requirements resulting from unseasonable wet weather during operating periods.

235-125. Soils Analysis

Each conditional use permit shall include, as a condition, that an ongoing monitoring program be established to insure that the long-term productivity of soils irrigated with wastewater is maintained. A soils analysis shall be performed biannually (immediately prior to the processing season and immediately following the processing season). The County Cooperative Agricultural Extension Office or other qualified experts shall review such data to determine the level of buildup of sodium based salts. If it is determined that soil salt levels are detrimentally affecting the agricultural productivity of the wastewater disposal site, this shall be reported to Public Works and the operator, along with recommended measures to reverse the salt buildup. Such measures may include changes in the types of crops planted, rotational cropping techniques, the use of soil amendments, alteration of production process to reduce chemical concentration in the wastewater, modified application practices, or other changes in the waste disposal program. Within 30 days of receiving such written measures Public Works shall establish, in consultation with the operator of the wastewater disposal site, a written schedule for implementing necessary measures. The operator shall implement all necessary measures no later than one year following establishment of the schedule, or within any lesser period as may be provided in the schedule.

235-125.1 Bird and Rodent Nuisances

No use shall be conducted or operated in such a manner as to cause a concentration of rodents, birds, or other animals in such numbers that may directly or indirectly interfere with the safe operation of general aviation craft within or above the disposal area, or in any other way constitute a threat to the public health or safety.

235-126. Enforceable Restrictions

The conditional use permit may be conditioned upon the owner of the land used for wastewater discharge executing a Land Conservation Act agreement or an open space easement.
235-126.1. Bond

The Board of Supervisors may require that the applicant post a bond or other security to ensure compliance with any conditions of the use permit. The bond shall be in a form to be approved by the County Counsel and in an amount to be approved by the Health Department Director and shall be deposited with the Clerk of the Board of Supervisors. The Health Department Director is authorized to release the bond or security upon satisfaction of the conditions or expiration of the use permit. In lieu of the bond, the following will satisfy the bond or security requirement:

(a) Certificates of deposit payable to the County issued by banks doing business in this State and insured by the Federal Deposit Insurance Corporation.

(b) Investment certificates or share accounts assigned to the County and issued by a savings and loan association doing business in this State and insured by the Federal Savings and Loan Insurance Corporation.

(c) Bearer bonds issued by the United States government or by this State; or

(d) Cash deposited with the County.

(e) Other forms of security acceptable to the County Counsel.

235-127. Responsibility

The operator of the processing plant shall be responsible to the County for the operation of the disposal site even though the disposal site is owned or operated by another person or entity. If there is separate ownership or operating management, the County may condition the use permit by requiring an agreement between the land disposal operator and the plant operator relating to the management of the disposal site. Any agreement shall be approved by the County Counsel prior to the grant of the use permit.

235-128. Term

The term of the permit shall be consistent with the operative life of the food processing industry involved. A term of thirty (30) years is considered reasonable.

235-128.1 Advisory Committee

The Board of Supervisors may establish a committee to advise the County in technical matters relating to the establishment of appropriate conditions of approval for the use permit, the periodic review of uses permitted under the provisions of this ordinance, or the recommendation of measures which may be necessary to ensure ongoing compliance with the conditions of the use permit.
235-129. **Action by the Board**

In addition to any other findings required as a matter of law, the Board shall not grant a conditional use permit for a food processing industry until it finds that:

(a) The plans and reports submitted pursuant to Sections 235-105 through 235-122 adequately describe the proposed operation.

(b) The proposed use is consistent with the definition of food processing industries as provided in Section 130-72.5.

(c) The plans and reports submitted pursuant to Sections 235-105 through 235-122 incorporate all reasonable measures to mitigate probable significant adverse environmental effects of the proposed operation.

(d) The data submitted pursuant to Section 235-120 establish a clear and compelling economic benefit to land disposal of process wastewater.

(e) The proposed use benefits agriculture.

235-130. **On-site Signs**

On-site signs and permitted advertising devices may be erected subject to the development standards of Title III, Chapter 35. Where specific conditions of the use permit are less or more restrictive than the development standards, the condition shall apply.
ARTICLE 8: (DW) DELTA WATERWAYS LAND USE ZONE

235-140. Purpose

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":

(a) To preserve and enhance the waterways and their immediate environment consistent with the County's General Plan.

(b) To ensure the compatibility of land uses along the river and waterways and land adjacent to the river and waterways.

(c) To provide a process to promote and ensure the compatibility of development by examination of individual development proposals.

235-140.5 Definitions

The following definitions apply to the provisions contained in this Article:

(a) Natural Areas. As used in this zone, "Natural Areas" are those waterways or portions of waterways exhibiting significant scenic, ecological, historical or natural values that should be preserved to protect wildlife habitat, existing vegetation and remnants of the waterways history. Such areas shall be indicated on the comprehensive zoning plan as "DW-N."

(b) Scenic Areas. As used in this zone, "Scenic Areas" are those waterways or portions of waterways, which are of a lesser ecological or natural value than "Natural Areas" or have the potential for enhancement of such values, but which can support a wider range of active recreational activities without adverse environmental impact. Such areas shall be indicated on the comprehensive zoning plan as "DW-S."

(c) Restricted Areas. As used in this zone, "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 of similar water-oriented facilities will be compatible with the purpose and standards of this zone. Restricted areas shall be indicated on the comprehensive zoning plan as "DW-R."

(d) MLLW. MLLW as used in this Article, shall mean "Mean Lower Low Water."

235-141. Boundaries

These regulations shall apply to those waterways of the Delta and the waterside berm and levee area extending to the top of the waterside of the levee or to the water's edge at mean lower low water or as otherwise indicated by a DW on the comprehensive zoning plans of Sacramento County.
235-142. **Prohibited Uses**

The following uses and activities are expressly prohibited:

(a) Permanent moorage or anchorage of a houseboat or other vessel used for human habitation, except within an approved marina. Existing houseboat owners may apply for a conditional use permit as provided in this Code to qualify an existing houseboat anchorage as a lawful nonconforming use.

(b) The mooring or anchoring of a houseboat for a period exceeding one day within two (2) miles of the intake for a domestic water supply.

(c) The establishment of any project such as marinas, commercial piers and docks, boat sheds and other commercial facilities such as restaurants in any area shown on the comprehensive zoning plan as a "NATURAL AREA".

(d) The release of any polluting material, debris, junk, abandoned vehicles and similar materials into any waterway.

(e) The location of any industrial and non water oriented commercial facilities within any area shown on a comprehensive zoning plan as a "SCENIC AREA".

(f) The storage of hazardous materials including, but not limited to, herbicides, pesticides, explosives, and similar materials in an area not protected from flooding.

(g) Storage of a recreational vehicles(s) for a period exceeding 180 days in any one-year period.

(h) Private multiple docks accommodating more than three (3) boats are prohibited in all zones except where adjacent to commercial zones.

(i) Private docks are prohibited on parcels created after March 1, 1994 if rezoning is required to create the new parcels.
235-143. **Permitted Uses and Activities**

The following uses shall be permitted in the DW zone:

(a) Legally established buildings, structures or uses which have become nonconforming by placement of the property in the DW zone may remain nonconforming and may be repaired, restored or replaced. Pursuant to Section 120-31, any expansion of such buildings or structures shall be in conformance with the provisions in effect at the time of such expansion. (Amended 11/90)

(b) Agricultural uses and minor accessory structures for facilities, including but not limited to pumps, drains, and fences. This does not include agricultural-related industry.

(c) Floating structures for permanent human habitation when moored in an approved marina.

(d) Removal of grass, brush, dead or downed trees.

(e) Removal of vegetation determined as noxious weeds by the County Agricultural Commission.

(f) Removal of junk, debris, or obstructions.

(g) Any action required to eliminate an immediate safety hazard or to insure the safety of persons or property.

(h) Camping, group use, and certain other uses allowed within public park facilities will be subject only to permits issued by the operating agency.

(i) Property owners' personal recreational uses, excluding docks which are regulated in Section 235-146, 235-147 (h) of this Article.

(j) Private boat docks, swim floats and fishing piers when the requirements of Sections 235-146 and 235-147 (h), are met.

(k) Single family dwellings, including mobilehomes and accessory buildings and structures.
235-145. **Conditional Uses**

Notwithstanding any other Section or Table of this Code, the following water dependent uses are permitted upon issuance of a conditional use permit by the appropriate authority.

(a) Boat launches

(b) Water recreation equipment rentals and sales.

(c) Snack bar outside existing marinas incidental to a park, boat launch or other water-oriented use.

(d) Tackle Shops.

(e) Parks, including boat launching, overnight camping and picnicking, travel trailer and recreation vehicles.

(f) Boat rentals and sales outside an existing marina.

(g) Industrial facilities for the shipping and receiving of raw or processed materials by water.

(h) Restaurants.

(i) Existing structures for human habitation when moored or anchored permanently in the waterway.

(j) Marine supplies.

(k) Boat harbors, marinas, and incidental accessory uses.

(l) Commercial docks and piers.

(m) Other similar water dependent uses.

(n) Expansion of existing marinas.

(o) Commercial boat docks, swim floats, fishing piers.

(p) Gas and boat service at existing marinas and docks.

(q) Mobilehome parks in existence as of July 26, 1978 which held a validly issued Use Permit. If said Use Permit has expired, application to renew the Use Permit may be filed and the use may be continued upon approval. (Amended 11/91)

(r) Private boat docks, swim floats and fishing piers that do not meet the requirements of Section 235-146, and 235-147(h). Private multiple docks accommodating more than three (3) boats are only allowed adjacent to commercial zones.

(s) Guest homes, residential accessory dwellings.

(t) Gas and oil wells subject to obtaining permits from the State of California. (Amended 4/17/02)
235-146. Location of Structures in Waterways

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

Structures located in all other areas of the waterways must maintain an unrestricted navigation channel of not less than 100 feet and adhere to the most restrictive of the following standards:

(a) Extensions shall not exceed more than 200 feet at mean lower low water (MLLW) for commercial and public facilities.

(b) Extensions shall not exceed more than 100 feet at MLLW or to the line of existing adjacent structure in areas of intensive shoreline development, for private facilities.

(c) Extensions shall not exceed more than one-third of the horizontal distance across the waterway.

(d) Three hundred (300) feet of clearance between the project and the undeveloped opposite bank, assuming the opposite bank is not to be developed.

(e) Five hundred (500) feet of clearance between the project and any development along the opposite bank.

(f) Seven hundred (700) feet of clearance between the project and the undeveloped opposite bank, when development of the opposite bank is physically possible and is zoned for development.

LOCATION OF STRUCTURES IN WATERWAYS

(d)

![Diagram showing 300 feet minimum clearance at MLLW]

(e)

![Diagram showing 500 feet minimum clearance]

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235-147. Development Standards

All projects shall meet the following development standards, unless deviations are permitted by a Use Permit:

(a) **Lot Area.** Each lot in the DW zone shall have a net lot area of not less than 20,000 square feet. If neither a public water supply nor a public sewerage facility is in use, the net lot area for each lot shall be not less than one (1) acre.

(b) **Lot Width.** Each lot in the DW zone shall have a minimum width of seventy-five (75) feet.

(c) **Setbacks.**
   
   (1) **Front.** The minimum setback from the levee to any structure shall be ten (10) feet measured towards the waterway from the toe of the levee.

   (2) **Side Yard.** There shall be a side yard in the DW zone on each side of all buildings or structures of not less than twenty (20) feet.

(d) **Building Pad Requirements.**

   (1) The type of fill for the pad is to be approved by the County Health Agency.

   (2) Trees exceeding 9 inches in diameter may not be removed except when located in an area needed for the building pad.

(e) **Elevation And Floodproofing Requirements.** All structures and improvements, if within the floodway or the 100-year floodplain, shall comply with elevation requirements pursuant to the Sacramento County Water Agency Floodplain Management Ordinance and regulations adopted pursuant thereto.

   The project shall meet the requirements of the Sacramento County Floodplain Management Program.

(f) **Parking.** Parking will be as required in Title III, Chapter 30 of the Zoning Code.

(g) **Signs.** Signs and permitted advertising devices may be erected subject to the development standards of Title III, Chapter 35. Where specific conditions of the use permit are less or more restrictive than the development standards, the condition shall apply.

(h) **For Private Boat Docks, Swim Floats And Fishing Piers:**

   (1) Maximum length along the shoreline shall not exceed one-half the width of the lot or 60 feet, whichever is less.

   (2) Swimming floats will be permitted that are capable of being removed from the floodway during the flood season.
(3) Docks shall be side tie and/or one berth, and shall accommodate no more than three boats at any one time of any size.

(4) Docks shall be limited to one per parcel which was in existence prior to March 1, 1994. Private docks may be considered by Use Permit for new parcels created after March 1, 1994 when the new parcels are consistent with existing zoning. The purpose of the Use Permit is to review the cumulative impacts of docks on through navigation, levee stability, riparian habitat and to consider evolving policies on waterways use from the state and local studies.

(5) Boat docks, swim floats and fishing piers shall not extend more than 40 feet into the river at MLLW.

(i) Sewage. Any development shall comply with the regulations of the County Environmental Management Department, as provided in the Sacramento County Code and regulations adopted pursuant thereto.
235-148. Special Considerations

The appropriate authority in the consideration of a use permit filed pursuant to Section 235-145 shall, in addition to any requirements imposed by law, give due consideration to the following in the analysis of any application:

(a) For commercial or industrial uses.

   (1) The adequacy of parking, landscaping and vehicular access.
   
   (2) The convenience of off-street parking, and the lighting thereof.
   
   (3) Health Department acceptance of pump-out facilities, holding tanks and other sewage facilities. Septic tank systems are not permitted for commercial uses.
   
   (4) Availability of potable water as required by the Health Agency.
   
   (5) Public access to the waterway(s).
   
   (6) Flood hazards.
   
   (7) The measures proposed to reduce the impact of any loss of vegetation and fowl or animal habitats.

(b) For recreational facilities or uses.

   (1) Whether the proposed use is available to the general public.
   
   (2) The compatibility with the waterway environs.
   
   (3) The mitigation measures such as fences and screen planting to mutually protect recreation uses and residential uses from each other.
   
   (4) Any recreational use other than commercial recreational use shall not be approved until the same has been approved by the Director of the Parks and Recreation Department.
   
   (5) Flood hazards.

(c) For all uses.

   (1) The location and anchorage of any private docks, piers, floats, and swimming.
   
   (2) The location, size and lighting of any signs.
   
   (3) Flood hazards.
   
   (4) The adequacy of flood warning and evacuation plans.
(d) Private docks permitted with a Use Permit shall be subject to the following additional considerations:

(1) The impacts relative to on-site parking, concentration of boating activities, noise and the relationship to adjoining residential and agricultural uses.

(2) The potential for on-street and off-street parking problems, vehicle traffic and pedestrian safety.

(3) The size of the boating facility relative to the width and size of the lot, the width of the river and basic compatibility with other docks in the area.

235-149. Conditions

In addition to the provisions of Section 110-34 of the Sacramento Zoning Code, the granting authority may require and specify the following conditions:

(a) Removal of debris, abandoned structures, other hazards.

(b) Installation of boating regulation signs.

(c) Compatibility of the project with existing structures and natural features.

235-150. Written Findings

No conditional use permit application shall be approved until the granting authority shall find that the use, structure or facility will not significantly:

(a) Limit the diversity of public uses appropriate in the waterway.

(b) Result in a substantial adverse environmental impact to natural habitats.

(c) Impede the natural flow of the channel.

(d) Adversely affect the stability of the levee or lands adjacent to the waterway or formation of sandbars or shoals.

(e) Create a safety or navigation hazard.

(f) Cause increased flood heights.

(g) Cause additional threats to public safety.

(h) Reduce the ecological or scenic values of an existing or approved State or local ecological preserve or wildlife management area.

(i) Cause excessive disturbance, dredging, filling or bulkheading to the shoreline, and be incompatible with the existing natural and man-made features.
235-151. **Findings on Appeals**

When a granting authority is considering an appeal, the following findings must be made in addition to the findings outlined above:

(a) That a public need is demonstrated. In determining public needs, the services provided the boating public and the residents of the adjacent community as well as providing access to points of historical significance shall be given primary consideration.

(b) That no feasible alternative location exists.

(c) That an environmental document has been accepted as adequate and adequate mitigation of any identified adverse impact is provided.
ARTICLE 9:  (NS) NATURAL STREAMS (COMBINING LAND USE ZONE)

235-160.  Purpose

The Natural Streams (NS) Combining Zone as shown on the Comprehensive Zoning Plans shall be used to regulate property along the designated Natural Streams within the unincorporated area of the County to:

(a) Protect current and future occupants of land subject to flooding from the physical damage of flooding.

(b) Protect property from flood losses and prevent noncompatible development in floodprone areas.

(c) Protect and preserve the natural character and amenities of the Natural Streams.

(d) Minimize the placement of fill in floodplain areas of the Natural Streams.

(e) Protect and enhance the quality of water entering and flowing within the Natural Streams.

(f) Preserve the recreation potential of the Natural Streams.
235-161. **Applicability of (NS) Combining Zone Designation**

(a) The (NS) appearing after a zone abbreviation on the Comprehensive Zoning Plans indicates that the property so classified is subject to the provisions of this Article in addition to those of the underlying zone, except as otherwise specified in this Article.

(b) The (NS) Combining Zone may be applied to the unincorporated area of the County adjacent to or near the designated Natural Streams for which the Board determines that land development may have an impact on the preservation or enhancement of scenic, recreational, hydrological, or related values along or near the Natural Streams.

(c) For purposes of this Article the following streams or portions of streams are herein designated as Natural Streams:

1. Arcade Creek - from Auburn Boulevard (near Winding Way) to Greenback Lane (east of Almond Avenue).
2. Arcade Creek - South Branch - from the confluence with Arcade Creek to approximately 1100 feet east of Kenneth Avenue.
3. Brooktree Creek - from the confluence with Arcade Creek to San Juan Avenue.
4. Carmichael Creek - from Ancil Hoffman Park to Walnut Road.
5. Chicken Ranch Slough - from Cottage Way to approximately 350 feet west of Garfield Avenue.
6. Coyle Creek - from the confluence with Brooktree Creek to Madison Avenue.
7. Cripple Creek - from the confluence with Arcade Creek to approximately 400 feet north of Central Avenue.
8. Kohler Creek - from the confluence with Arcade Creek to Madison Avenue.
9. Linda Creek - from the Placer County line near Old Auburn Road to the Placer County line near Mountain Avenue.
10. Minnesota Creek - from the American River Parkway to approximately 550 feet north of Olive Street.
11. San Juan Creek - from the confluence with Arcade Creek to Greenback Lane.
12. Strong Ranch Slough - from Arden Way to approximately 800 feet east of Walnut Avenue.
13. Verde Cruz Creek - from the confluence with Arcade Creek to approximately 1800 feet west of Dewey Drive.
235-162. Use of County Owned Property

County owned or controlled real property, subject to the (NS) Zone, shall require prior approval of the Board for any use of the property. The Board shall not approve any use of such property which is inconsistent with the County General Plan.

235-163. Permitted Uses

Except as provided in Section 235-165 and Section 235-165.1, all uses designated as either permitted or conditional uses in the underlying zone shall be conditional uses in the Natural Streams zone subject to obtaining a conditional use permit from the appropriate authority and further subject to satisfactorily meeting the development guidelines established in Section 235-166.

235-164. Appropriate Authority

The appropriate authority to hear use permits required under Section 235-163 shall be as prescribed in Section 110-32, except that the Zoning Administrator shall be the appropriate authority to hear use permits for the following uses:

(a) One new single-family detached dwelling on each lot.

(b) One new two-family dwelling on each lot.

(c) Accessory uses, building, and structures (including swimming pools and appurtenant equipment) customarily incidental to and subordinate to single family detached and two-family dwellings when constructed at the same time as any new single family detached or two family dwelling.

235-165. Uses Permitted Without a Conditional Use Permit

Notwithstanding Section 235-163, the following uses, buildings, improvements, and structures are permitted uses without a conditional use permit upon approval of the Planning Director or his designee as prescribed in Section 235-167, and provided they meet the development guidelines described in Section 235-166.

(a) Modification or alteration to an existing single-family detached dwelling on each lot.

(b) Modification or alteration to an existing two-family dwelling on each lot.

(c) Accessory uses, building, and structures (including swimming pools and appurtenant equipment) customarily incidental to and subordinate to single-family detached and two-family dwellings when constructed in conjunction with an existing single family or two-family dwelling.

(d) Erosion control improvements with Public Works approval in conjunction with existing residential uses, and "low flow" bridges in conjunction with recreation and open space uses operated by a public park district. (Amended 3/24/99)
235-165.1. Uses with Prior Approval

Notwithstanding the provisions of Section 235-163, any use or development which received prior approval from an appropriate authority, including review by the Natural Streams Task Force, between March 1, 1979, and the effective date of this Section, based on consideration of the purposes of this Article as set forth in Section 235-160, shall be exempt from the provisions of Section 235-163, provided that any use to be developed shall operate in a manner consistent with the conditions of the prior approval.

235-166. Development Guidelines

Generally, development requirements of property including lot area, lot width, or public street frontage applicable to property located in the underlying zone, shall apply to uses authorized by Section 235-163. In addition, the appropriate authority, in consideration of any use permit application filed pursuant to this chapter, shall utilize the development guidelines specified in this section as the basis for approving or denying the application. Any project which deviates from the development guidelines described herein shall be approved only if there are no reasonable alternatives to the project which would meet the development guidelines and the findings prescribed in Section 235-169 can be made in the positive.

(a) Guidelines for placement of structures in floodplain areas.

(1) All new construction or substantial improvements shall have the lowest habitable floor including basements floodproofed or elevated at least one foot above the water surface elevation of the 100-year floodplain.

(2) No encroachment, fill, alteration or use shall result in diminution of the freeboard of an existing dwelling's lowest habitable floor below one foot above the water surface elevation of the 100-year floodplain.

(3) Single family and duplex garages, swimming pools, and other similar structures shall be constructed at an elevation equal to or greater than the water surface elevation of the 100-year floodplain.

(4) Parking lots and driveways shall not be constructed lower than one foot below the water surface elevation of the 100-year floodplain. The appropriate authority may approve parking lots on an elevation lower than one foot below the water surface elevation of the 100-year floodplain in instances where the use of the parking lot is infrequent, where the property owner has entered into a hold harmless agreement with the County, and where appropriate warning signs are erected to advise vehicle operators of the flood hazard potential.

(5) Utility and sanitary facilities shall be elevated at least one foot above the 100-year floodplain water surface elevation, or buried at least 30 inches below grade using watertight construction. Inspection and maintenance accesses shall be flood proofed and located outside the 100-year floodway fringe. Exceptions may be granted by the Public Works Administrator.
(b) Guidelines for floodway areas.

(1) Within the 100-year floodway, no project, public or private, shall result in the alteration of the 100-year floodway except when the project will correct conditions which are hazardous to the public health and safety.

(2) No fill, storage, encroachment, new construction, or substantial improvement of existing habitable dwellings or accessory structures shall be allowed.

(3) Fences and other structures such as culverts and bridges which must be constructed within the floodway shall be designed to the requirements of the County so as to prevent an obstruction or diversion of flood and drainage flow, and to minimize adverse effects to natural riparian vegetation and ecosystems.

(4) No structures or parts of structures shall overhang, project, or protrude into the 100-year floodway.

(c) Guidelines for landfill in floodplain areas.

No fill shall be permitted in the 100-year floodplain unless:

(1) The 100-year flood depth prior to the fill is less than 2 feet, and

(2) The fill is for the minimum area to accommodate a structure and allow for a five-foot border area which shall have a side slope of 4:1 or flatter when no landscaping or erosion control is provided by the proponent, and

(3) There are no trees nine inches in diameter or larger which cannot be successfully transplanted or otherwise protected from the impact of the fill.

Exceptions to the above standards may be permitted within the floodplain when special circumstances exist as may be determined by the appropriate authority consistent with the goals and policies of the Natural Streams Plan. Such circumstances include:

(4) If the fill area is a swale or depression which is not a designated tributary and which lacks trees or shrubs, rock outcroppings, or other distinctive natural features, or

(5) If the fill is necessary for resolving a health or safety hazard.

235-167. Submittal of Plans

Any application for a building permit or other entitlement of use, building or structure subject to the (NS) Combining Zone authorized without a conditional use permit by Section 235-165 shall be reviewed by the Director for compliance with the provisions of this Article. The Director shall require a site plan as provided in Section 235-168 to make any determination. If, in the opinion of the Director, the proposed development will not meet the development requirements provided in this Article, he shall inform the applicant that the building permit or other entitlement of use is disapproved. The Director's decision is not subject to an appeal. The applicant's sole recourse to the Director's decision is to apply for approval of the proposed development as provided in Section 235-163.
235-168. Site Plan

In addition to other data required pursuant to Title I, Chapter 10 for conditional use permits, the following information shall be required for any application of a conditional use permit in the (NS) Zone:

(a) Site plan showing:

(1) Existing topography of the site at one-foot intervals.

(2) The location of any existing stream channel.

(3) A depiction of the 100-year floodplain as defined by the HUD Flood Insurance Study.

(4) Location of existing and proposed structures, buildings and signs.

(5) Location, size, and type of existing trees and shrubs.

(6) Location of any proposed off-street parking and loading.

(7) Location of adjacent public rights-of-way and private easements for ingress and egress, if any.

(8) Location of proposed vehicle entrances and internal circulation patterns.

(9) Location of any proposed walls and fences; the height and the construction thereof.

(10) Finished grade of the site at the building pad and parking lot.

(b) Preliminary landscaping plans.

(c) Elevation drawing of all improvements.

(d) Other data or materials deemed necessary by the Director.
235-169.  Findings

In addition to the findings required by Title I, Chapter 10, Article 3, the appropriate authority shall not grant a conditional use permit pursuant to Section 235-163 unless it finds and records in writing that:

(a) The project will not reduce the freeboard of existing structures below one foot above the 100-year water surface elevation.

(b) The project protects and to the extent possible enhances the natural amenities of the watercourse.

(c) The project design does not preclude or foreclose future recreation/open space potential along those streams which have adopted recreation trails or other facilities.

(d) There are adequate provisions for maintenance of the streamside areas.

235-170.  Exemption

If the procedures set forth in this Article differ from procedures for review of development set forth in any County or privately initiated planned developments or zoning agreements, then the procedures set forth in the planned development ordinance or the zoning agreement shall prevail over the procedures in this Article.
ARTICLE 10: (MHP) MOBILEHOME PARK (COMBINING LAND USE ZONE)

235-180. Purpose

The (MHP) combining zone, as shown on the Comprehensive Zoning plans, is designed to provide for the development of mobilehome parks, as defined in Section 130-126 of this Code. When combined with the underlying zone, it will provide opportunity for a variety of mobilehome park environments which are compatible with the communities in which they are placed. In adopting these regulations, the Board of Supervisors recognizes that:

(a) There is a need to afford present and future County residents with increased options for residential living environments.

(b) Mobilehome parks are a potential means for affordable housing.

(c) Mobilehome park densities should be consistent with densities in surrounding areas.

(d) There should be opportunities for design flexibility to permit mobilehome park developments to be responsive to different site conditions, community plan considerations, potential markets, and sizes of mobilehomes.

235-181. Applicability

The (MHP) appearing after a zone abbreviation in the Comprehensive Zoning Plans indicates that the property so classified is subject to the provisions of this Article in addition to those of the underlying zone, except as otherwise specified in this Article. The (MHP) combining zone may be combined with any residential underlying zone. The (MHP) combining zone shall be applicable to all new mobilehome park projects proposed after the effective date of this ordinance.

235-182. Permitted Uses

The uses permitted in the (MHP) combining zone shall be those uses specified in the Residential and Open Space Table, Section 201-02 of this Title, subject to the special conditions set forth in Section 201-04.

235-183. Site Plan Review

No mobilehome park shall be constructed in the (MHP) combining zone and no permits issued for any construction unless a development plan is prepared and approved pursuant to the provisions of Title I, Chapter 10, Article 7 of this Code and utilizes the guidelines set out in Section 235-184.
235-184. Site Planning Guidelines and Principles

The development plan shall show individual site conditions and reflect the type of market to be served, and be adaptable to the trends in design of mobilehomes. Site planning should utilize terrain, existing trees, shrubs and rock formations and ought to reflect the recommendations enumerated in (a) through (f) following:

(a) **Amenities.** Include provision for facilities and amenities appropriate to the needs of the occupants.

(b) **Arrangement Of Structures And Facilities.** The site, including mobilehome stands, patios, structures, and all improvements, should be harmoniously and efficiently organized in relation to topography, the shape of the plot, and the shape, size, and position of structures and common facilities. (Attention should be given to use, appearance, and liveability.)

(c) **Adaption To Site Assets.** The mobilehome unit should be fitted to the terrain with a minimum disturbance of the land. Existing trees, rock formations, and other natural site features should be preserved if practical. Favorable views or outlooks ought to be emphasized by the plan.

(d) **Protection From Adverse Influences.** Adequate protection should be provided against any undesirable off-site views or any adverse influence (such as heavy commercial or industrial use, heavy traffic, or brightly-lighted activities) from adjoining streets and areas.

(e) **Site Plan.** The site plan shall provide for a desirable residential environment for mobilehomes which is an asset to the community in which it is located. Innovation and imaginative design shall be encouraged, monotony avoided.

(f) **Suitability Of Site Improvements.** All site improvements shall be appropriate to the type of development and durable under the use and maintenance contemplated.

235-185. Park Design Standards

No building or structure shall hereafter be erected or located, nor shall any mobilehome park be constructed within the (MHP) combining zone unless the requirements herein specified in Sections 235-186 through 235-200 are provided and maintained.

235-186. Park Area

Each park shall have a minimum net area of not less than five (5) acres.
235-187. **Density**

The gross residential density of a mobilehome park shall not exceed the allowable density of the underlying zone, except that the appropriate authority may permit increased densities up to 50% over the maximum permitted by the underlying zone when it finds that at least 15% of the lots are designed exclusively for the placement of single-wide mobilehomes.

235-188. **Perimeter Yards**

There shall be a landscaped yard of not less than twenty (20) feet adjoining each public street right-of-way, and not less than ten (10) feet adjoining each interior property line.

235-189. **Public Street Frontage**

Each park shall be located on a public street having at least a sixty-foot right-of-way. Each park shall have not less than sixty (60) feet of frontage on a public street, except as authorized by the appropriate authority.

235-190. **Water Supply and Sanitation Facilities**

Public water supply and public sanitary sewerage facilities shall be required.

235-192. **Fire Protection**

On and Off-site fire hydrants and fire protection facilities shall be installed as specified in the development plan and shall be of a type approved by the chief of the local fire protection district.

235-193. **Mobilehome Lots**

Each mobilehome lot shall be designed to be occupied by one mobilehome and uses accessory thereto. Lot sizes shall be appropriate to the anticipated size of mobilehome and be governed by the regulations concerning yards, minimum distances between stands and structures, outdoor living areas, and on-site parking; however, no lots shall be less than 1,100 square feet. All lots shall be numbered, clearly defined and marked at all corners with permanent markers.
235-194. **Separation of Mobilehomes**

(a) The occupied area of a mobilehome lot shall not exceed 75 percent of the lot area.

(b) The minimum distance required for the separation of a mobilehome or accessory structure from a building shall be ten (10) feet. The minimum distance required for the separation of a mobilehome or accessory structure from any other mobilehome or accessory structure shall be ten (10) feet from side-to-side, eight (8) feet from side-to-rear, and six (6) feet from rear-to-rear or front-to-front or front-to-rear; provided, however, that each mobilehome or accessory structure shall not be located closer than three (3) feet from the rear or side lot line or any lot line abutting a property line or another mobilehome lot.

(c) When a mobilehome has projections, including eave overhangs, the projections may intrude into the distance required for separation of setback, provided that a minimum of six (6) feet separation is maintained between the edge of the projections and an adjacent mobilehome, building, accessory structure or its projection. A minimum of three feet shall be maintained from the mobilehome projection and the adjacent lot line or property line.

(d) The minimum setback from an interior access roadway shall be five (5) feet.

(e) Whenever the mobilehome lot adjoins a perimeter street yard or perimeter interior yard, the distances specified here shall be in addition to the perimeter street yard or perimeter interior yard specified in Section 235-188.

235-195. **Outdoor Living Area**

Private outdoor living and service space shall be provided on each lot for each mobilehome and be located for privacy and convenience to the occupant. The minimum area shall be not less than 300 square feet, with a least dimension of 15 feet.

235-196. **Entrance Roadways**

(a) Entrance roadways shall not be located closer than one hundred fifty (150) feet from any intersection of public streets.

(b) Entrance roadways shall have a minimum width of forty (40) feet, except where said entrance roadway is divided by a median planting strip; in such case, the minimum width shall be fifty (50) feet and each side shall then be one way.
235-197. **Interior Access Roadways**

No mobilehome, travel trailer, or recreation vehicle site shall have direct frontage on any public street. The interior roadways within the mobilehome park shall meet the following standards:

(a) The minimum width of pavement on any roadway shall be twenty-five (25) feet. Roadways on which parking is permitted on one side shall have a paved width of not less than thirty-two (32) feet. Roadways on which parking is permitted on both sides shall have a paved width of not less than forty (40) feet.

(b) Any roadway which does not provide for continuous circulation shall not exceed six hundred (600) feet in length from the nearest intersection of another roadway or a street. Any roadway which does not provide for through circulation shall terminate with a turnaround design acceptable to the Administrator of Public Works or the Administrator's designee.

(c) All roadways shall be surfaced with a minimum of two (2) inches of asphaltic concrete over four (4) inches of compacted aggregate base or an equivalent structural section.

235-198. **Parking**

Parking spaces in mobilehome parks shall be provided in accordance with the provisions of Section 330-65 of this Code.

235-199. **Storage Area**

One or more storage areas shall be provided for the storage of boats, campers, camping trailers, utility trailers, and extra vehicles. One hundred (100) square feet of vehicle storage areas shall be provided per mobilehome space. Each vehicle storage area shall be completely enclosed within a chain link or comparable fence six (6) feet in height, and shall be screened from exterior view. Such storage areas shall not be located within any street or interior yard required by Section 235-188. Whenever any such storage area is adjacent to an interior yard, and the adjacent property is within a residential or agricultural zone, the interior yard shall be planted with fast growing screening trees selected from the approved list of Plant Materials for Parking Lot Landscaping.

235-200. **Recreation Area**

Recreation areas provided must be landscaped and maintained in a dust free condition as shown and approved on the development plan.