

## CHAPTER 4: SPECIAL AND COMBINING ZONING DISTRICTS

### 4.1. GENERAL

#### 4.1.1. Purposes

The Special and Combining Zoning Districts established in this Chapter are designed to promote and protect the public health, safety, and general welfare and are adopted for the following purposes:

- To provide for the orderly development and beneficial use of lands involving exceptional environmental characteristics.
- To preserve and enhance certain resources of the County from incompatible land uses.
- To preserve and protect areas of the County with special and unique social, architectural, or environmental characteristics that require special considerations not otherwise adequately provided by regular zoning districts.
- To provide greater flexibility in design than is otherwise provided under the regular zoning districts, 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.

#### 4.1.2. Table of Special and Combining Zoning Districts

The special and combining zoning districts listed in Table 4.0 are established in this Chapter.

<b>Section</b>	<b>Special or Combining Zoning District Name</b>	<b>Abbreviation</b>
<b>Combining Zoning Districts</b>		
4.2	Flood Combining Zoning District	F
4.3	Food Processing Combining Zoning District	FP
4.4	Mobile Home Park Combining Zoning District	MHP
4.5	Natural Streams Combining Zoning District	NS
4.6	Neighborhood Preservation Area Combining Zoning District	NPA
4.7	Parkway Corridor Combining Zoning District	PC
4.8	Surface Mining Combining Zoning District	SM
<b>Special Zoning Districts</b>		
4.9	Delta Waterways Zoning District	DW
4.10	Special Planning Area Zoning District	SPA

#### 4.1.3. Relationship to Base Zoning Districts

Special zoning districts permit establishment of different uses and standards from the base zoning district. In the case of a combining zoning district, the regulations of the base zoning district generally apply; however, additional standards and rules of the combining zoning district may either add to or modify those regulations.

## **4.2. FLOOD (F) COMBINING ZONING DISTRICT AND TRIBUTARY STANDARDS**

### **4.2.1. Purpose**

The Board of Supervisors in adopting the regulations of the Flood (F) combining zoning district recognizes that:

- The promotion of the orderly development and beneficial use of lands subject to recurrent flooding is necessary if the potential property damage that results from improper development is to be minimized.
- There is a need to protect current and future occupants of land subject to flooding from the physical damage of flooding.
- The health, general welfare, and safety of the public of the County as a whole require that lands subject to flooding be strictly regulated as to the uses permitted on the land and the amount of open space that separates buildings and structures.
- Inundation frequently causes extensive property damage.
- 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 zoning districts.

#### **4.2.1.A. Applicability**

The (F) combining zoning district is intended to comprise all land covered by rivers, creeks, and streams and land subject to flooding within the unincorporated area of the County.

### **4.2.2. [DELETED]**

### **4.2.3. Definitions [AMENDED 01-12-2017]**

#### **4.2.3.A. Designated Tributary**

"Designated Tributary" means a specifically identified stream which has a defined bed and channel which serves to give direction to continuously or periodically flowing water into a larger stream or lake. The approximate locations of designated tributaries are indicated on the Comprehensive Zoning Plan.

#### **4.2.3.B. 100-Year Floodplain**

The area adjoining a river, stream, or watercourse which is subject to inundation by the 100-year flood.

#### **4.2.3.C. 100-Year Floodway**

The channel of stream or body of water, and those portions of the floodplain which are reasonably required to carry and discharge the 100-year floodwater or flood flow.

#### **4.2.3.D. 100-Year Floodway Fringe**

The area of the 100-year floodplain which is not within the 100-year floodway.

**4.2.3.E. 200-Year Floodplain**

The area adjoining a river, stream, or water course which is subject to inundation by the 200-year flood.

**4.2.4. Flood Combining Zoning District Standards****4.2.4.A. Lot Area**

Each lot or parcel shall have a minimum lot area as required by the underlying zoning district, except that 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 acre.

**4.2.4.B. Water Agency Regulations**

Every property, structure, or use in the (F) combining zoning district shall comply with all applicable provisions of the Drainage Ordinance, Floodplain Management Ordinance, and other applicable Water Agency regulations.

**4.2.5. Development Standards for Property Adjacent to Designated Tributaries [AMENDED 01-12-2017]**

No building or structure shall be erected or maintained within the 100-year floodplain, or within the 200-year floodplain in areas subject to the Urban Level of Flood Protection, of designated tributaries, as defined in Section 4.2.3, and no lot shall be created unless the standards and requirements set forth in this Section are complied with and maintained. The locations of “designated tributaries indicated on the Comprehensive Zoning Plan are approximate. Therefore, in order to ensure compliance with the provisions of this Section, the proponent of any application for entitlement on any property located within 200 feet of the center line of a designated tributary must demonstrate the applicability of development standards set forth in this Section.

**4.2.5.A. Development Standards**

The following development standards shall apply to the placement of structures within floodplains of designated tributaries.

1. All construction except fences shall be located either:
  - a. Outside the 100-year floodplain of the tributary, or
  - b. At least 25 feet from the center line of the designated tributary and outside the floodway.
2. All construction shall maintain a habitable finished floor elevation at least 1.5 feet above the water surface elevation of the 100-year floodplain, or at or above the 200-year floodplain in areas subject to the Urban Level of Flood Protection.
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 Sacramento County Department of Water Resources so as to prevent an obstruction or diversion of flood and drainage flow and to minimize adverse effects to natural riparian vegetation.
4. Tributary channels shall remain in their natural state and shall not be altered (i.e., piped or channelized) unless the proposal is heard and approved by the appropriate authority in conjunction with any application for Rezone, Use Permit, Special Development Permit, Variance or other similar application. If no such application has been filed, the

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proponent of such alteration shall apply for a site development plan approval to be heard by the Planning Commission.

5. All proposed projects within designated tributary floodplains shall meet the requirements and regulations set forth in the Tree Ordinance of the SCC, Title 19, Chapter 19.04.
6. No fill shall be permitted within the 100-year floodplain of designated tributaries unless:
  - a. The 100-year flood depth prior to the fill is less than two feet, and
  - b. 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
  - c. There are no trees nine inches in diameter or larger which cannot be successfully transplanted or otherwise protected from the impact of the fill, and
  - d. The toe of the fill will not encroach within 25 feet of the center line of the designated tributary, and
  - e. The fill will not result in adverse hydrologic impacts on the stream, as determined by the Water Resources Division.
7. Any new lot which is proposed to be created adjacent to a designated tributary, as defined in Section 4.2.3, must provide either:
  - a. A buildable area outside the 100-year floodplain of that tributary, or
  - b. A buildable area which is located at least 25 feet from the center line of the tributary and which provides for construction with a minimum habitable floor elevation that is at least 1.5 feet above the water surface elevation of the 100-year floodplain, or at or above the 200-year floodplain in areas subject to the Urban Level of Flood Protection, and is outside the floodway.

**4.3. FOOD PROCESSING (FP) COMBINING ZONING DISTRICT****4.3.1. Purpose**

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

**4.3.1.A. Applicability**

The FP zoning district may be combined with the AG-160, AG-80, AG-40, AG-20, and UR zones.

**4.3.2. Allowed Uses**

**4.3.2.A.** Any permitted or conditional use in the underlying zoning district and subject to the regulations of the underlying zoning district, except as otherwise provided in this Section.

**4.3.2.B.** Food processing industries as defined in Section 7.3, "Use Definitions," subject to approval of a Conditional Use Permit approved by the Board of Supervisors after receipt of a recommendation on such use by the Planning Commission.

**4.3.2.C.** Irrigation disposal of liquid waste material onto land, subject to approval of a Conditional Use Permit approved by the Board of Supervisors after receipt of a recommendation on such use by the Planning Commission. The Board of Supervisors may issue a single Use Permit where an application is made for both a food processing facility and irrigation disposal of wastewater.

**4.3.3. Development Standards**

A food processing use shall be developed using the following standards:

**4.3.3.A. Setbacks**

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.

**4.3.3.B. 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:

1. A screening and landscaping plan, consisting of a combination of fencing, berms, and plantings.
2. The elevations of buildings and structures demonstrating to the maximum extent possible the concealment of all process piping and equipment from adjacent properties.
3. Location, size, height, and elevation drawings of any proposed signs.

**4.3.3.C. On-site Signs**

On-site signs and permitted advertising devices may be erected subject to the development standards of Section 5.10, "Sign Regulations." In addition, the Use Permit for food processing use may establish specific conditions for signs that are less or more restrictive than the generally applicable sign standards.

**4.3.3.D. 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.

**4.3.4. Procedures**

For every use in the FP combining zoning district, a Use Permit is required. Substantial method of operation, nature of use, or expansion of a permitted food processing use is subject to an amendment to the Use Permit in force.

**4.3.4.A. Considerations**

When deciding a Use Permit permit application, the appropriate authority should consider the following:

**1. Parking**

The location and design of off-street vehicular parking facilities for visitors and employees and projected peak employee data.

**2. Truck Traffic**

The location and design of docking and waiting areas for trucks handling raw materials and processed products, ingress and egress from public roads, anticipated public street truck routes to freeways and major arterials, and the estimated peak number of trucks arriving and departing hourly and daily from the food processing plant.

**3. Soil Engineering**

A soil engineering analysis with recommendations, if necessary, to prevent structural damage as a result of the expansion and contraction of underlying soils, settling, subsidence, or other action.

**4. Type of Food Processing Operation**

The raw food crops that will be processed, their origins, previously processed bulk agricultural products used in the production process, the food products that will be produced, and the duration of the processing season.

**5. Water Consumption**

- 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 that 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.
- h. Comments by the Sacramento County Environmental Management Department and Department of Water Resources regarding the proposed water supply system for the plant.

#### **6. Air Pollution Control**

Refer to the Air Quality Management District (AQMD) permit for requirements.

#### **7. Grading and Irrigation**

- a. 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 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.
- h. The comments by the Sacramento County Environmental Management Department, Department of Water Resources, the Sacramento Yolo Mosquito Abatement District, and Central Valley Regional Water Quality Control Board on the program to grade and irrigate the property.

#### **8. Agricultural Management**

- a. The proposed agricultural use of the land and existing agricultural use on and in the vicinity of the site.
- b. The types of crops to be grown, 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.
- c. The distribution of soil types, soil profile descriptions (including depth to hardpan), soil chemical analysis, permeability data, and other relevant soil information that relate to the disposal site.

#### **9. 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 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 solids content of wastewater; and other information necessary to project sewage changes for municipal treatment shall be considered.

#### **10. Domestic Sewage Disposal**

- a. 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.
- b. The proposed method of treatment and disposal of domestic sewage.
- c. Conformance with the requirements of the Environment Management Department and the Regional Water Quality Control Board.

#### **11. Solid Waste Management**

Disposal of solid waste as defined in Chapter 7, Definitions, generated at the food processing facility shall be disposed of at a permitted solid waste facility.

#### **4.3.4.B. Use Permit**

##### **1. Conditions**

The Planning Commission may recommend, and the Board of Supervisors may require the Use Permit be subject to reasonable conditions. The Board of Supervisors has accepted the report "Agricultural Industries: Prospects, Perspectives, Planning", prepared by a technical advisory committee appointed by the Board of Supervisors. 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 Planning Commission or the Board of Supervisors, or both, in recommending and approving an application.

##### **a. 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.

##### **b. 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:

- i. Maximum seasonal Biochemical Oxygen Demand loading rates to the land.
- ii. Monitoring of groundwater levels.
- iii. On-site liquid waste storage facilities sufficient to meet emergency storage requirements resulting from unseasonable wet weather during operating periods.

##### **c. Soil Analysis**



Each Conditional Use Permit shall include, as a condition, that an ongoing monitoring program be established to ensure 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 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 the State Regional Water Quality Control Board 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 the State Regional Water Quality Control Board 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.

## **2. 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.

## **3. Term**

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

### **4.3.4.C. Bond [AMENDED 12-01-2017]**

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 Director of Planning and Environmental Review and shall be deposited with the Clerk of the Board of Supervisors. The Director of Planning and Environmental Review 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:

1. Certificates of deposit payable to the County issued by banks doing business in this state and insured by the Federal Deposit Insurance Corporation.
2. 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.
3. Bearer bonds issued by the Federal or state government; or cash deposited with the County.

4. Other forms of security acceptable to the County Counsel.

#### **4.3.4.D. 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 that may be necessary to ensure ongoing compliance with the conditions of the Use Permit.

#### **4.3.4.E. Action by the Board of Supervisors**

In addition to any other findings required as a matter of law, the Board of Supervisors shall not grant a Conditional Use Permit for a food processing industry until it finds that:

1. The required plans and reports adequately describe the proposed operation.
2. The proposed use is consistent with the definition of food processing industries as provided in this Code.
3. The required plans and reports incorporate all reasonable measures to mitigate probable significant adverse environmental effects of the proposed operation.
4. The required data establish a clear and compelling economic benefit to land disposal of process wastewater.
5. The proposed use benefits agriculture.

## **4.4. MOBILE HOME PARK (MHP) COMBINING ZONING DISTRICT**

### **4.4.1. Purpose**

The Mobile Home Park (MHP) combining zoning district, as shown on the Comprehensive Zoning Plan, is designed to provide for the development of mobile home parks, as defined in Section 7.3, "Use Definitions," of this Code. When combined with the underlying zoning district, it will provide opportunity for a variety of mobile home park environments that are compatible with the communities in which they are placed. In adopting these regulations, the Board of Supervisors recognizes that:

- There is a need to afford present and future County residents with increased options for residential living environments.
- Mobile home parks are a potential means for affordable housing.
- Mobile home park densities should be consistent with densities in surrounding areas.
- There should be opportunities for design flexibility to permit mobile home park developments to be responsive to different site conditions, community plan considerations, potential markets, and sizes of mobile homes.

#### **4.4.1.A. Applicability**

The "MHP" appearing after a zoning district abbreviation in the Comprehensive Zoning Plan indicates that the property so classified is subject to the provisions of this Section in addition to those of the underlying zoning district, except as otherwise specified in this Code. The MHP combining zoning district may be combined with any residential underlying zoning district. The MHP combining zoning district shall be applicable to all new mobile home park projects proposed after August 22, 2015.

### **4.4.2. Permitted Uses**

The uses permitted in the MHP combining zoning district shall be those uses specified in the Table 3.1, Allowed Uses for Agricultural, Agricultural-Residential, Residential, and Recreation Zoning Districts, subject to the provisions of this Section.

### **4.4.3. Site Planning Guidelines and Principles**

#### **4.4.3.A. Site Development Plans**

No mobile home park shall be constructed in the MHP combining zoning district and no permits issued for any construction unless a site development plan is prepared and approved pursuant to the provisions of Section 6.4, "Site Development Plans" and utilizes the guidelines set out in this Section.

The site 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 mobile homes. Site planning should utilize terrain, existing trees, shrubs, and rock formations and should reflect the following recommendations:

##### **1. Amenities**

Include provision for facilities and amenities appropriate to the needs of the occupants.

##### **2. Arrangement of Structures and Facilities**

The site, including mobile home 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 livability.

### **3. Adaptation to Site Assets**

The mobile home 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.

### **4. 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.

### **5. Site Plan**

The site plan shall provide for a desirable residential environment for mobile homes that is an asset to the community in which it is located. Innovation and imaginative design shall be encouraged; monotony avoided.

### **6. Suitability of Site Improvements**

All site improvements shall be appropriate to the type of development, and durable under the use, and maintenance contemplated.

## **4.4.4. Mobile Home Park Design Standards**

No building or structure shall hereafter be erected or located, nor shall any mobile home park be constructed within the MHP combining zoning district unless the following requirements are provided and maintained.

### **4.4.4.A. Park Area**

Each park shall have a minimum net area of not less than five acres.

### **4.4.4.B. Density**

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

### **4.4.4.C. Perimeter Yards**

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

### **4.4.4.D. Public Street Frontage**

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

For rights-of-way with PUPFs, each park shall have not less than 66 feet of frontage on a public street, except as authorized by the appropriate authority.

**4.4.4.E. Mobile Home Lots**

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

**4.4.4.F. Separation of Mobile Homes**

1. The occupied area of a mobile home lot shall not exceed 75 percent of the lot area.
2. The minimum distance required for the separation of a mobile home or accessory structure from a building shall be 10 feet. The minimum distance required for the separation of a mobile home or accessory structure from any other mobile home or accessory structure shall be 10 feet from side to side, eight feet from side to rear, and six feet from rear to rear or front to front or front to rear; provided, however, that each mobile home or accessory structure shall not be located closer than three feet from the rear or side lot line or any lot line abutting a property line or another mobile home lot.
3. When a mobile home has projections, including eave overhangs, the projections may intrude into the distance required for separation of setback, provided that a minimum of six feet separation is maintained between the edge of the projections and an adjacent mobile home, building, accessory structure, or its projection. A minimum of three feet shall be maintained from the mobile home projection and the adjacent lot line or property line.
4. The minimum setback from an interior access roadway shall be five feet.
5. Whenever the mobile home 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 4.4.4.C.

**4.4.4.G. Outdoor Living Area**

Private outdoor living and service space shall be provided on each lot for each mobile home 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.

**4.4.4.H. Recreation Area**

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

**4.4.4.I. Storage Area**

One or more storage areas shall be provided for the storage of boats, campers, camping trailers, utility trailers, and extra vehicles. 100 square feet of vehicle storage areas shall be provided per mobile home space. Each vehicle storage area shall be completely enclosed within a chain link or comparable fence six 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 4.4.4.C. Whenever any such storage area is adjacent to an interior yard, and the adjacent property is within a residential or agricultural zoning district, the interior yard shall be planted with fast growing screening trees selected from the

approved list of Plant Materials for Parking Lot Landscaping.

**4.4.4.J. Water Supply and Sanitation Facilities**

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

**4.4.4.K. Fire Protection**

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

**4.4.4.L. Entrance Roadways**

1. Entrance roadways shall not be located closer than 150 feet from any intersection of public streets.
2. Entrance roadways shall have a minimum width of 40 feet, except where said entrance roadway is divided by a median planting strip; in such case, the minimum width shall be 50 feet and each side shall then be one way.

**4.4.4.M. Interior Access Roadways**

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

1. The minimum width of pavement on any roadway shall be 25 feet. Roadways on which parking is permitted on one side shall have a paved width of not less than 32 feet. Roadways on which parking is permitted on both sides shall have a paved width of not less than 40 feet.
2. Any roadway that does not provide for continuous circulation shall not exceed 600 feet in length from the nearest intersection of another roadway or a street. Any roadway that does not provide for through circulation shall terminate with a turnaround design acceptable to the Sacramento County Engineering Division.
3. All roadways shall be surfaced with a minimum of two inches of asphaltic concrete over four inches of compacted aggregate base or an equivalent structural Section.

**4.4.4.N. Parking**

Parking spaces in mobile home parks shall be provided pursuant to Section 5.10, "Off-street Parking Requirements."

## **4.5. NATURAL STREAMS (NS) COMBINING ZONING DISTRICT**

### **4.5.1. Purpose**

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

- Protect current and future occupants of land subject to flooding from the physical damage of flooding.
- Protect property from flood losses and prevent incompatible development in floodprone areas.
- Protect and preserve the natural character and amenities of the Natural Streams.
- Minimize the placement of fill in floodplain areas of the Natural Streams.
- Protect and enhance the quality of water entering and flowing within the Natural Streams.
- Preserve the recreation potential of the Natural Streams.

#### **4.5.1.A. Applicability**

1. The NS appearing after a zoning district abbreviation on the Comprehensive Zoning Plan indicates that the property so classified is subject to the provisions of this Section in addition to those of the underlying zoning district, except as otherwise specified in this Section.
2. The NS combining zoning district may be applied to the unincorporated area of the County adjacent to or near the designated Natural Streams unless the Board of Supervisors 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.
3. For purposes of this Section, the following streams or portions of streams are designated as Natural Streams:
  - a. Arcade Creek from Fair Oaks Boulevard (near Sundance Drive) to Greenback Lane (east of Almond Avenue).
  - b. Arcade Creek South Branch from Fair Oaks Boulevard (near Greenback Lane) to approximately 1,100 feet east of Kenneth Avenue.
  - c. Brooktree Creek from the confluence with Arcade Creek to Auburn Boulevard.
  - d. Carmichael Creek from Ancil Hoffman Park to Walnut Road.
  - e. Chicken Ranch Slough from Cottage Way to approximately 350 feet west of Garfield Avenue.
  - f. Coyle Creek from approximately 400 feet south of the confluence with Brooktree Creek to Madison Avenue. Note: some portions of Coyle Creek are located inside the boundary of the City of Citrus Heights; however, the Natural Stream buffer impacts parcels in unincorporated Sacramento County.
  - g. Cripple Creek from Kenneth Avenue (near Oak Avenue) to approximately 400 feet

north of Central Avenue.

- h. Kohler Creek from the confluence with Arcade Creek to Madison Avenue.
- i. Linda Creek from the Placer County line near Old Auburn Road to the Placer County line near Mountain Avenue.
- j. Minnesota Creek from the American River Parkway to approximately 550 feet north of Olive Street.
- k. [DELETED]
- l. Strong Ranch Slough from Arden Way to approximately 800 feet east of Walnut Avenue.
- m. Verde Cruz Creek from the confluence with Arcade Creek to approximately 1,800 feet west of Dewey Drive.

#### **4.5.2. Supplemental Use Regulations**

##### **4.5.2.A. Permitted Uses**

Except as provided in Sections 4.5.2.B and 4.5.2.C, all uses designated as either permitted or conditional uses in the underlying zoning district shall be conditional uses in the NS combining zoning district subject to obtaining a Conditional Use Permit approved by the appropriate authority and further subject to satisfactorily meeting the development guidelines established in Section 4.5.4.

##### **4.5.2.B. Activities and Uses Permitted Without a Conditional Use Permit**

1. Notwithstanding Section 4.5.2.A, the following uses, buildings, improvements, and structures are permitted uses without a Conditional Use Permit upon approval of the Planning Director or his designee per Section 4.5.2.E, and provided they meet the development standards described in 4.5.3.
  - 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 the Sacramento County Department of Water Resources 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.
2. In an NS combining zoning district, any application for a building permit or other entitlement of use, building, or structure authorized without a Conditional Use Permit by this Section shall be reviewed by the Planning Director for compliance with the provisions of this Section. The Planning Director shall require a site plan to make any determination. If, in the opinion of the Planning Director, the proposed development will not meet the development requirements provided in this Section, he shall inform the applicant that the building permit or other entitlement of use is disapproved. The Planning Director's decision is not subject to an appeal. The applicant's sole recourse to the Planning



Director's decision is to apply for approval of the proposed development by Conditional Use Permit.

#### **4.5.2.C. Uses with Prior Approval**

A use or development that received prior approval from an appropriate authority, including review by the Natural Streams Task Force, between March 1, 1979, and August 22, 2015, shall be exempt from the provisions of Section 4.5.3, "Development Standards," provided that any use to be developed operated and is maintained in a manner consistent with the conditions of the issued approval.

#### **4.5.2.D. Use of County-owned Property**

County owned or controlled real property in an NS zoning district shall require prior approval of the Board of Supervisors for any use of the property. The Board of Supervisors shall not approve any use of such property that is inconsistent with the General Plan.

#### **4.5.2.E. Appropriate Authority for Granting of Use Permits**

The appropriate authority to hear Use Permits required under this Section shall be as prescribed in Section 6.4.3, "Conditional Use Permits," except that the Planning Director shall be the appropriate authority to hear Use Permits for the following uses:

1. One new single-family detached dwelling on each lot.
2. One new two-family dwelling on each lot.
3. 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.

### **4.5.3. Development Standards [AMENDED 01-12-2017]**

#### **4.5.3.A. General Standards**

1. Generally, development requirements of property including lot area, lot width, or public street frontage applicable to property located in the underlying zoning district, shall apply to uses authorized by Sections 4.5.3.A and 4.5.3.B.
2. Every property, structure, or use in the NS zoning district that is located within flood hazard area shall comply with the Floodplain Management Ordinance, and applicable provisions of all other Water Agency regulations.
3. In addition, the appropriate authority, in consideration of any Use Permits application filed pursuant to this Chapter, shall utilize the following development guidelines as the basis for approving or denying the application. Any project that deviates from these development guidelines described may be approved only if there are no reasonable alternatives to the project that would meet the development guidelines and the project is consistent with the purposes of the NS combining zoning district.

#### **4.5.3.B. 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 1.5 feet above the water surface elevation of the 100-year floodplain, or at or above the 200-year floodplain in areas subject to the Urban Level of Flood Protection.

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, or the 200-year floodplain in areas subject to the Urban Level of Flood Protection.
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 Sacramento County Department of Water Resources.

#### **4.5.3.C. 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 that 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 that 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.

#### **4.5.3.D. 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 two feet, and
2. The fill is for the minimum area to accommodate a structure and allow for a five foot border area that 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 that cannot be successfully transplanted or otherwise protected from the impact of the fill.
4. Exceptions to the standards herein 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:
  - a. If the fill area is a swale or depression that is not a designated tributary and that

- lacks trees or shrubs, rock outcroppings, or other distinctive natural features, or
- b.** If the fill is necessary for resolving a health or safety hazard.

## **4.6. NEIGHBORHOOD PRESERVATION AREA (NPA) COMBINING ZONING DISTRICT**

Some areas of the County, due to unique social, architectural, environmental, or other characteristics, require special regulations not found in the basic Zoning Districts, in order to protect and preserve existing neighborhood characteristics.

### **4.6.1. Purpose**

It is the intent of a Neighborhood Preservation Area (NPA) Combining Zoning District to provide a means by which regulations may be provided to supplement or modify the provisions in the basic zoning districts as necessary to preserve existing unique characteristics. An NPA zoning district may be combined with any other zoning classification.

### **4.6.2. Establishment**

An NPA zoning district shall be established by ordinance that shall specify and describe the area to be subjected to the regulations of the ordinance. An NPA ordinance may specify yard areas, lot area, lot width, public street frontage requirements, height limitations, sign standards, or other development standards to be applied within the district in lieu of the requirements contained in the underlying zoning district(s).

#### **4.6.2.A. Criteria**

The following criteria shall be applicable to the establishment to any NPA zoning district, and the ordinance establishing said zoning district shall contain findings relative to such criteria:

1. The neighborhood described in and subject to the NPA ordinance has unique social, architectural, environmental, or other characteristics that will be preserved by the regulations and standards contained in the NPA ordinance.
2. The NPA zoning district is of sufficient size to constitute an identifiable neighborhood.
3. The NPA zoning district does not unduly restrict reasonable uses of the land nor cause undue hardship on property owners within this zoning district.

#### **4.6.2.B. Limitations**

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

#### **4.6.2.C. Designation**

The abbreviation "NPA" appearing on a comprehensive zoning district plan incorporated in this Code indicates that the property so classified is subject to the provisions of this Section and any ordinance adopted pursuant to this Section.

### **4.6.3. Strict Interpretation**

An NPA zoning district shall be interpreted strictly to modify only the standards or requirements as specified in the applicable NPA ordinance. All standards and requirements of this Code that are not inconsistent with the stated provisions of the NPA ordinance shall apply.

## **4.7. PARKWAY CORRIDOR (PC) COMBINING ZONING DISTRICT**

### **4.7.1. Purpose**

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

- 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.
- 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.
- 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.
- Provide flexibility in development requirements such as setback, height, bulk, and landscaping applicable to parcels of property subject to the regulations of the PC zoning district.
- Minimize risks to public health, safety, and welfare in areas that are potentially threatened by erosional processes.
- 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.
- 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.
- Ensure that development within the American River Parkway Corridor zoning district occurs in a manner that maintains a safe environment for homes and other improvements, and protects the aesthetic and environmental quality of the Parkway.

#### **4.7.1.A. Applicability**

1. The PC appearing after a zoning district abbreviation on the Comprehensive Zoning Plan indicates that the property so classified is subject to the provisions of this Section in addition to those of the underlying zoning district, except as otherwise specified in this Section.
2. The PC combining zoning district may be applied to the unincorporated area of the County adjacent to or near the American River for which the Board of Supervisors 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.
3. The PC combining zoning district is comprised of four erosion zoning districts based on geologic hazards resulting from erosional processes. Erosion zoning districts have been

defined with development setbacks that identify areas potentially subject to erosion within the next 100 years. Property owners and developers must address the erosion problems associated with the erosion zoning districts prior to development in the applicable erosion zone.

4. County owned or controlled property in the PC combining zoning district shall require prior approval of the Board of Supervisors for any use of the property. The Board of Supervisors shall not approve any use of such property that is inconsistent with the American River Parkway Plan or any other element of the General Plan.

#### 4.7.2. Erosion Zones [AMENDED 01-12-2017]

##### 4.7.2.A. Erosion Zones Established

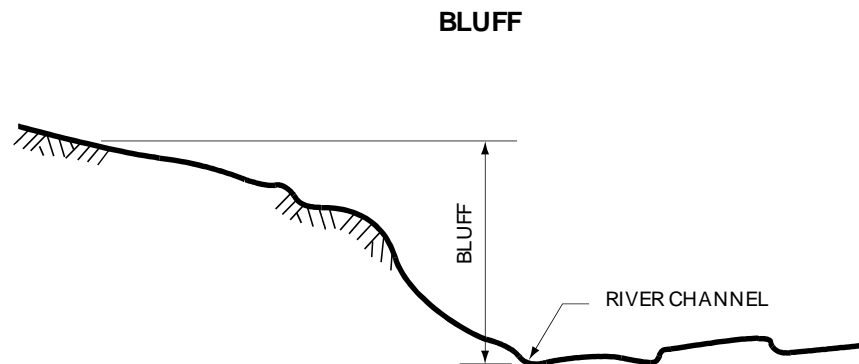
The Erosion Zones shall be established as depicted in Erosion Zone Exhibits A through D of Section 4.7.4.E.

##### 4.7.2.B. Definitions

The following definitions apply to this Section.

###### 1. 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 step-like in section. As used in this zone, "bluff" is limited to those features having a vertical relief of 10 feet or more whose toe is subject to river erosion (See Figure 4-1).

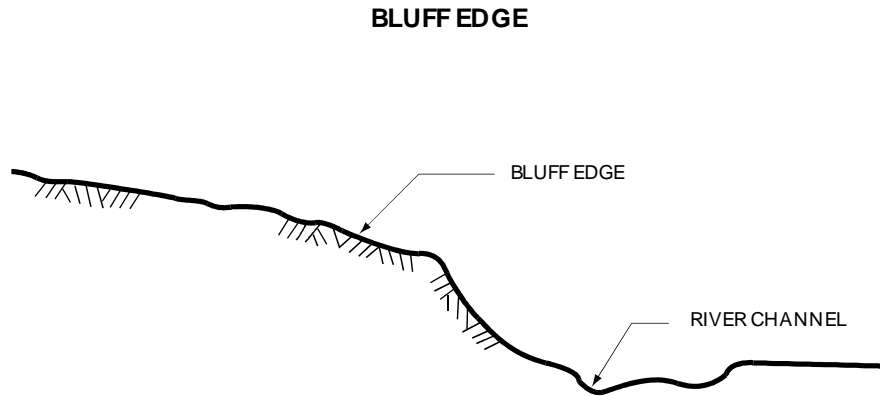


**Figure 4-1**

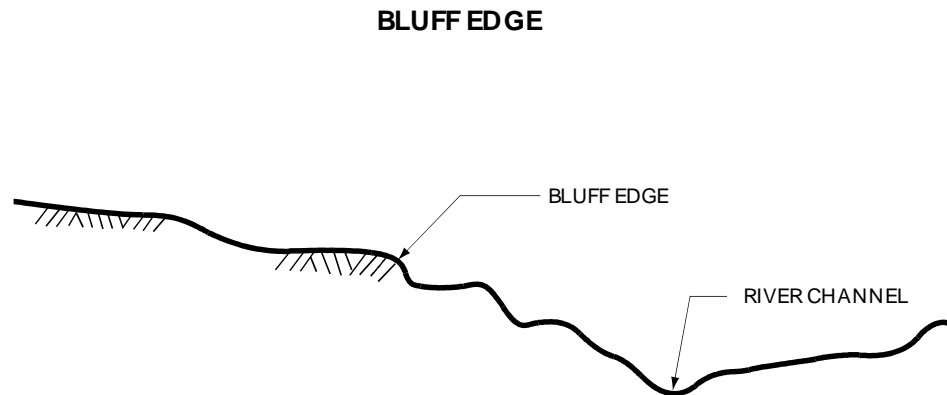
## 2. Bluff Edge

The bluff edge is the upper termination of a bluff. The bluff edge can be defined in the following manner:

- a. 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 4-2).

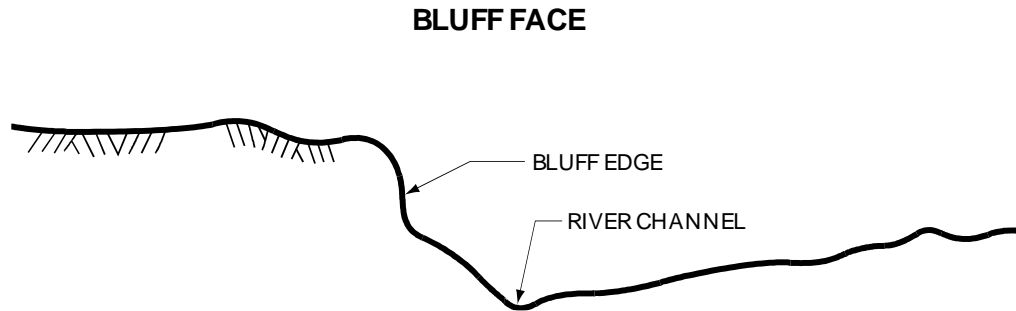


- b. When there is a step like feature at the top of the bluff face, the landward edge of the topmost riser shall be defined as the bluff edge (See Figure 4-3).



**3. Bluff Face**

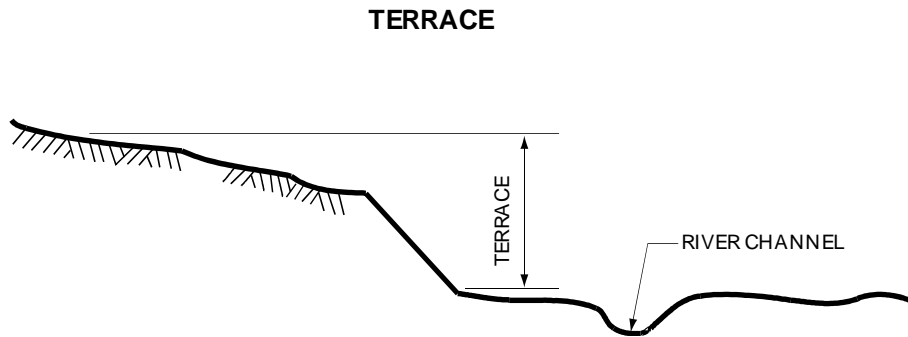
The bluff face shall be defined as that portion of the bluff's land surface that extends in a downward gradient from the bluff edge to the toe (See Figure 4-4).



**Figure 4-4**

**4. 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 step like in section. As used in this zone, a "terrace" is limited to those features having a vertical relief of 10 feet or more whose toe is not presently subject to river erosion (See Figure 4-5).



**Figure 4-5**

**4.7.2.C. Resolution of Disputes**

The Planning Director 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, 200-year floodplain, designated floodway, or other significant topographic or geologic feature. Any person dissatisfied with the determination made by the Planning Director may appeal such determination, pursuant to Section 6.1.3, "Appeal."

**4.7.3. Development Standards**

**4.7.3.A. Standards on Lots Protected by Levees**



Development standards for uses, buildings, or structures on lots protected by levees maintained by a public agency shall be as follows:

**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 35 feet; but in no event greater than the height limitations of the underlying zone.

**2. Setback**

No building or structure other than an accessory building is located closer than 35 feet, and no accessory building is located closer than 25 feet to the landward toe of the levee.

**4.7.3.B. Standards on Lots Not Protected by Levees**

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 zoning district as described on the Erosion Zone Exhibits A through D, shall be as follows:

**1. Height of Accessory Buildings**

Accessory buildings shall not exceed 12 feet in height.

**2. Screening**

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. Finish Color**

Dwellings and structures shall be finished in earthtones as defined in this Chapter Seven of this Code.

**4.7.3.C. Standards on Lots Located Within and Erosion Zoning District**

Development standards for uses, buildings, or structures on lots that are located within an erosion zoning district, as described on Exhibits A through D, and within the total setback distance for that zoning district as shown on Table 4.1.

**1. Height of Accessory Buildings**

Accessory buildings shall not exceed 12 feet in height.

**2. Screening**

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. Finish Color**

Dwellings and structures shall be finished in earthtones as defined in this Code.

**4. Setbacks from Bluffs**

a. 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.

- b. Construction, erection, or installation of any fence, wall, abutment, or similar device shall not be located closer than:
  - i. 20 feet from the edge of a bluff or terrace when proposed in Erosion Zone 1 or 2; and
  - ii. 10 feet from the edge of a bluff or terrace when proposed in Erosion Zone 3 or 4.
- c. No form of trenching, grading, earth filling, or similar disturbance of residual or transported soils shall occur within:
  - i. 20 feet from the edge of a bluff or terrace when proposed in Erosion Zone 1 or 2; and
  - ii. 10 feet from the edge of a bluff or terrace when proposed in Erosion Zone 3 or 4.

**TABLE 4.1 DEVELOPMENT SETBACKS FOR THE PC DISTRICT**

Erosion Zone	Potential Long-Term Recession Due to Channel Migration [1]	Potential Short-Term Erosion Due to Slope Erosion [2]	Buffer Zone [3]	Total Setback [4]
1	0	20 ft.	20 ft.	40 ft.
2	30 ft.	20 ft.	20 ft.	70 ft.
3	30 ft.	10 ft.	20 ft.	60 ft.
4	30 ft.	10 ft.	20 ft.	60 ft.
5	*	*	*	*

[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 that 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 whichever is closer to the river.  
 \*The entire area within Zone 5 is potentially subject to erosion within a 100-year period.

**4.7.4. Procedures**

**4.7.4.A. Conditional Use Permit Required**

1. Unless otherwise provided in this Section, all uses designated as either permitted or conditional uses in the underlying zoning district shall be authorized in the PC combining zoning district provided a Conditional Use Permit is obtained for any such use as provided in Section 6.4.3, "Conditional Use Permits" of this Code.
2. The following uses and activities are permitted in an Erosion Zone as defined in Section 4.7.3.B and within the total setback distance as shown in Table 4.1, Development Setbacks for the PC District, upon submission of required geotechnical data and approval of a Conditional Use Permit approved by the Planning Commission as prescribed in Section 6.4.3, "Conditional Use Permits," of this Code.
  - a. 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 for which a building permit is required that is intended to reinforce, stabilize, or otherwise protect any bluff or terrace from erosion, mass wasting, or similar land movement.

#### **4.7.4.B. Administrative Approvals**

1. Notwithstanding Section 4.7.4.A, the following uses, buildings, and structures, either located outside an Erosion Zone or within an Erosion Zone as defined in Section 4.7.3, but outside the total setback distance as shown in Table 4.1, Development Setbacks for the PC District, are authorized without the grant of a Conditional Use Permit and provided the buildings or structures meet the development standards specified in Section 4.7.4; otherwise such uses, buildings, or structures shall not be erected or maintained without first obtaining a Conditional Use Permit as in Section A, above.
  - a. One single-family detached dwelling, including mobile home, on each lot.
  - b. One two-family dwelling, including mobile home on each lot.
  - c. Accessory uses, buildings, and structures (including swimming pools and appurtenant equipment) customarily incidental to and subordinate to single-family detached and two-family dwellings.
2. In a PC combining zoning district, any application for a building permit or other entitlement of use, building, or structure authorized without a Conditional Use Permit per Section 4.7.4.B.1 shall be reviewed by the Planning Director for compliance with the provisions of this Section. The Planning Director may require an application for Design Review for any use, building or structure that is visible from the American River or an adjacent location within the Parkway to make this determination. If, in the opinion of the Planning Director, the proposed development will not meet the development requirements provided in this Section, the Planning Director shall inform the applicant that the building permit or Design Review for the use is disapproved. The Planning Director's decision is not subject to an appeal. The applicant's sole recourse to the Planning Director's decision is to apply for approval of the proposed development under the Conditional Use Permit process per Section 4.7.4.A.

#### **4.7.4.C. Exemption**

When the procedures of this Section differ from procedures for review of development in any County or privately initiated Planned Development, Special Development Permit, or Zoning Agreement, then the procedures of the Planned Development Ordinance, Special Development Permit, or the Zoning Agreement shall prevail. Notwithstanding the preceding sentence, when this Section prescribes a procedure for review and issuance for permits within an Erosion Zone as depicted on Erosion Zone Exhibits A through D and within the total setback distance as shown Table 4.1, "Development Setbacks for the PC District," the procedures of this Section shall prevail.

#### **4.7.4.D. Findings**

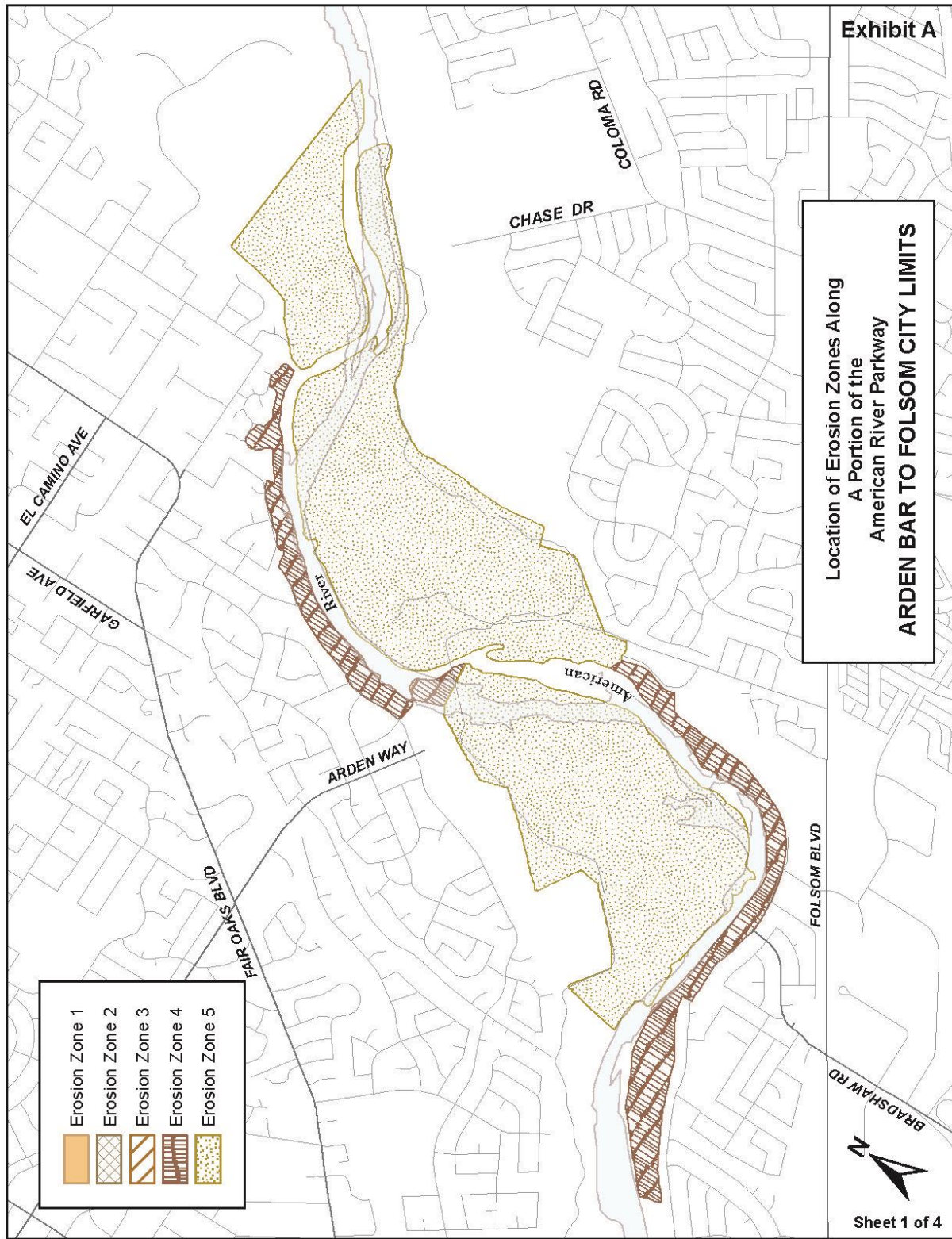
In addition to the findings required by Section 6.4.3, "Conditional Use Permits," when development is proposed within an erosion zoning district as described on Exhibits A through D and within the total setback distance as shown in Table 4.1, "Development Setbacks for the PC District," the appropriate authority shall not grant a Conditional Use Permit unless it finds and records in writing that:

1. Development will be sited and designed to assure stability and structural integrity for its expected economic lifespan while minimizing alteration of natural landform features;
2. Development will not create or contribute to significant problems of erosion or geologic instability on the site or on surrounding areas;
3. Development will maintain a safe environment for homes and other improvements and protect the aesthetics and environmental quality of the American River Parkway;
4. Development does not preclude or foreclose future recreation or open space potential in the American River Parkway; and
5. There are adequate provisions included in the development proposal for maintenance and revegetation of the project area.

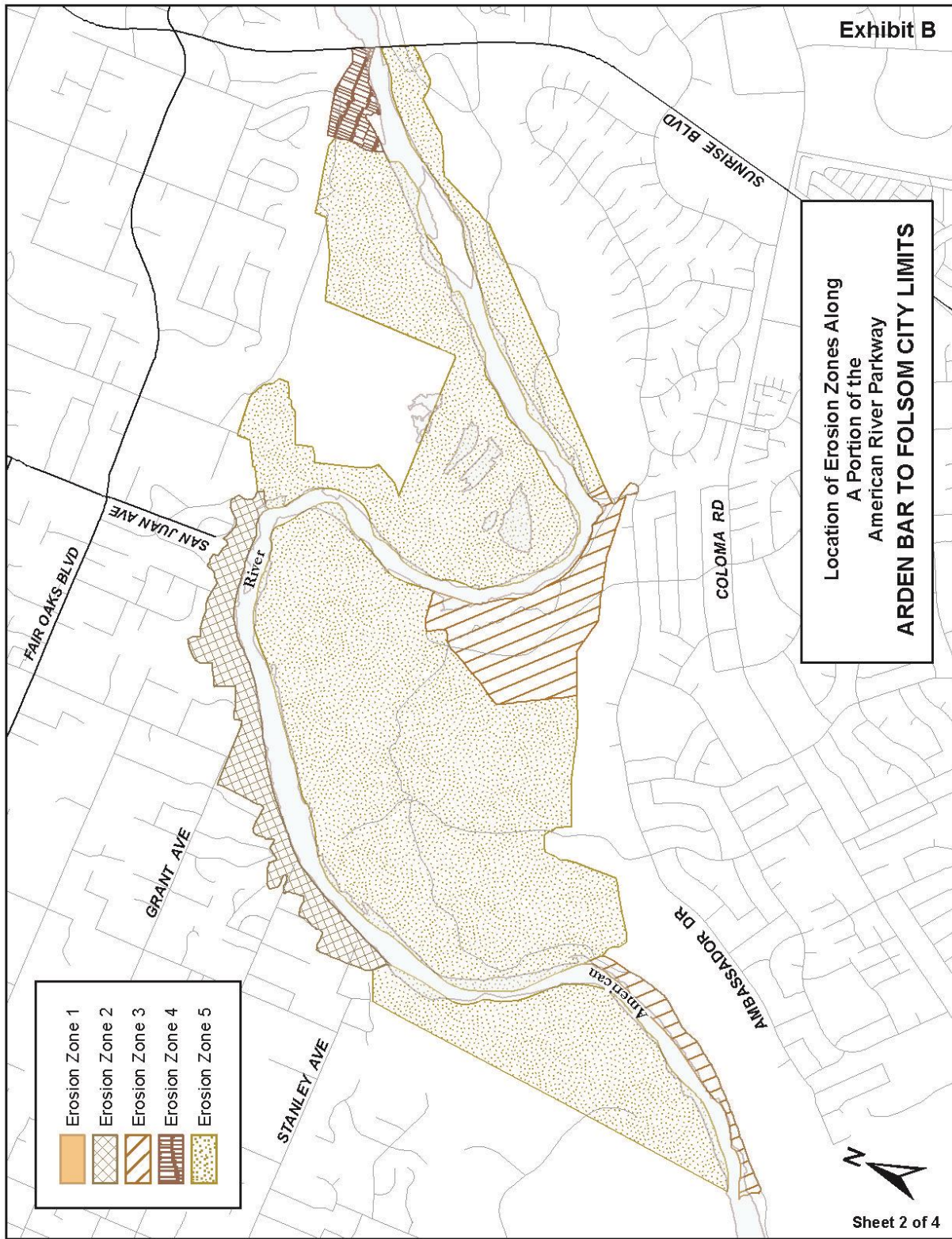
#### **4.7.4.E. Authority of Hearing Body**

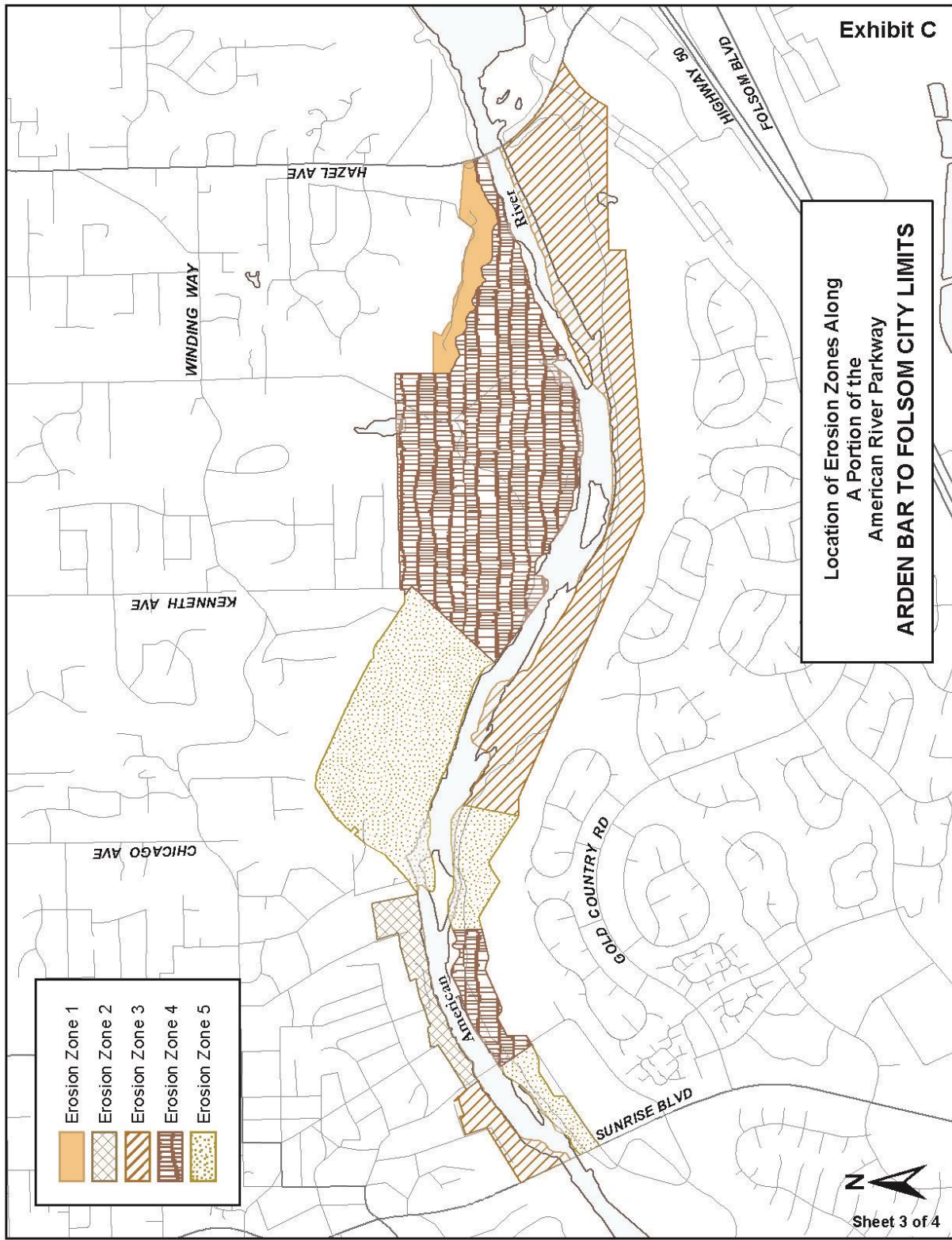
1. Generally, development requirements of property including lot area, lot width, or public street frontage applicable to property located in the underlying zoning district shall apply to the uses authorized by Section 4.7.4.A. However, the appropriate authority in granting the Conditional Use Permit may impose any or all of the development requirements specified in Section 4.7.4.E.2 if, in the judgment of the appropriate authority, the special requirements specified herein are necessary to carry out the intent herein.
2. The granting authority may:
  - a. Require a reasonable additional building setback or yard area particularly in high terrace and bluff areas that 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 Section.
  - 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 that 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 that 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 that are native to the area and that 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.
3. If the granting authority imposes any of the development requirements specified in Section 4.7.4.E.2, the granting authority shall find and record in writing the circumstances that it determined necessary to require the imposition of any special development requirement.

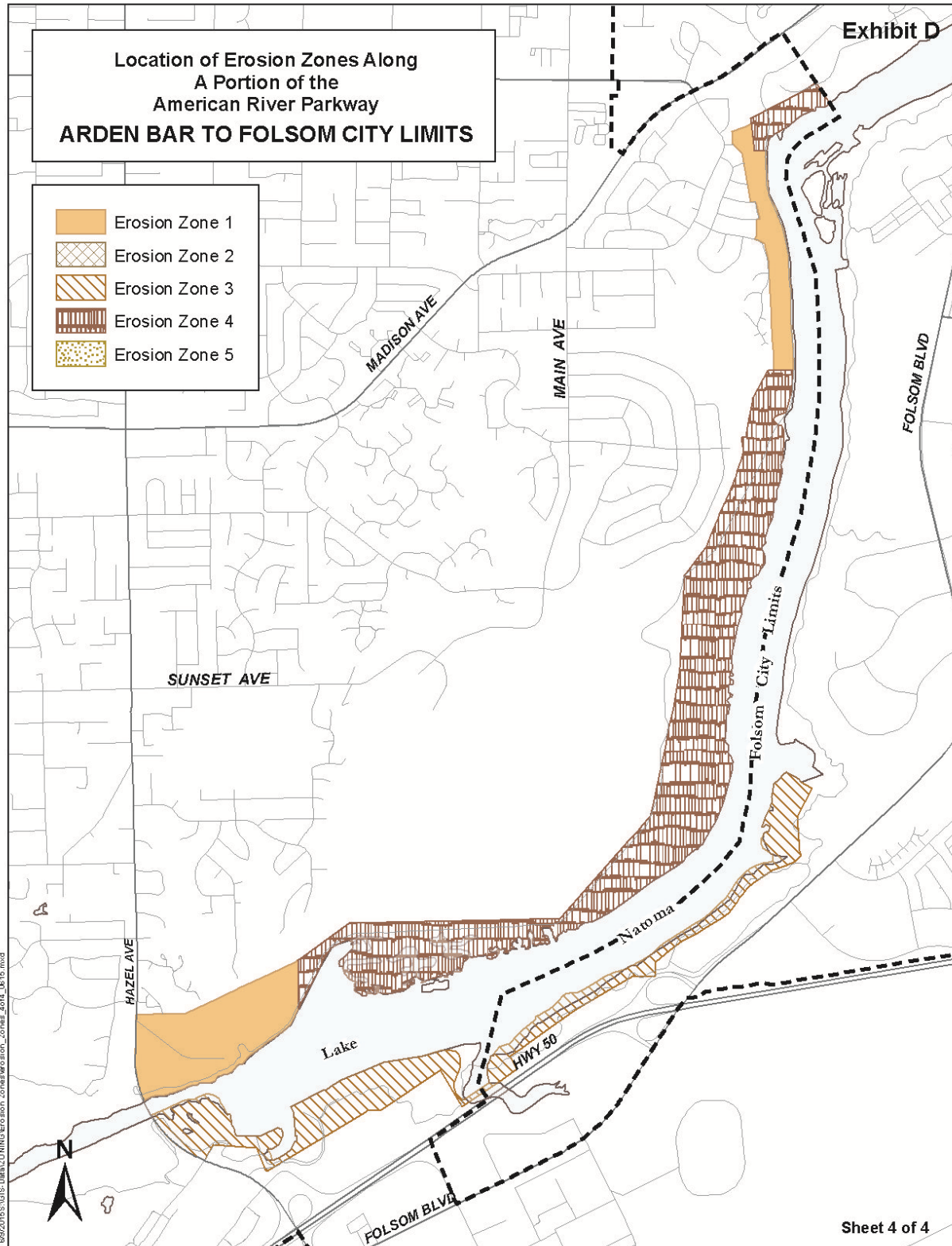












## 4.8. SURFACE MINING (SM) COMBINING ZONING DISTRICT

### 4.8.1. Purpose

The Surface Mining (SM) Combining Zoning District is designed to protect the mineral resources of the 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 zoning district include that:

- Mineral resource areas be protected from preclusive and incompatible land uses.
- Surface mining be controlled to provide for protection of the environment.
- Surface mining be controlled to protect the public health, safety, welfare, and property values of residents living near surface mining operations.
- Provisions be made for the reclamation of mined lands in compliance with SCC, Chapter 20.04, Surface Mining and Reclamation.

#### 4.8.1.A. Applicability

The SM combining zoning district may be combined with the following zones: 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).

### 4.8.2. Definitions [AMENDED 12-01-2017]

- 4.8.2.A.** "Aggregate" means sand, gravel, crushed rock, cobble, and quarried stone.
- 4.8.2.B.** "Board" means the Board of Supervisors, County of Sacramento, State of California.
- 4.8.2.C.** "Department" means the Sacramento County Planning and Environmental Review.
- 4.8.2.D.** "Habitable Structure" means a building used for normal residential activities such as living, sleeping, eating and cooking.
- 4.8.2.E.** "Mined Lands" includes the surface, subsurface and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such areas in which structures, facilities, equipment, machines, tools or other materials or property which result from, or are used in surface mining operations, are located.
- 4.8.2.F.** "Mining Operations" includes all types of surface mining uses including primary uses, ancillary uses and accessory uses.
- 4.8.2.G.** "Operator" means any person who is engaged in surface mining operations himself, or who contracts with others to conduct operations on his behalf, except a person who is engaged in surface mining operations as an employee with wages as his sole compensation.
- 4.8.2.H.** "Permit," for the purposes of this chapter, means a Conditional Use Permit to conduct surface mining operations granted by the Board of Supervisors.
- 4.8.2.I.** "Person" means any natural person, firm, association, joint venture, joint stock company, partnership, club, company, corporation, business trust, or organization of any kind as well as a city, county, district, or the state or any department or agency thereof.
- 4.8.2.J.** "Potentially Incompatible Uses" means those uses which, when proximate to surface mining uses, would be potentially detrimental to public health, safety or welfare. Such uses include

but are not limited to schools, residences, offices, places of worship, day care centers, parks, or golf courses.

**4.8.2.K.** “Primary Aggregate Uses” means the removal of aggregate pursuant to this Section.

**4.8.2.L.** “Reclamation” means the combined process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitat, flooding, erosion and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, re-soiling, re-vegetation, soil compaction stabilization or other measures.

**4.8.2.M.** “Residential Properties” means any land use zone which allows one or more habitable structures, as listed in Section 3.2 of this Code.

**4.8.3.** [DELETED]

**4.8.4. Uses**

**4.8.4.A. Surface Mining Operations**

The following types of mining operations are permitted in the Surface Mining Combining Zone, subject to approval of a Conditional Use Permit by the Board of Supervisors, and upon approval of a reclamation plan and financial assurances pursuant to SCC, Chapter 20.04, Surface Mining and Reclamation.

**1. Aggregate Mining Uses**

- a. Primary Aggregate Uses** including sand, gravel or cobble mining, hard rock quarrying for crushed rock or dimension stone, and the mining of existing dredger tailings.
- b. Ancillary Uses** are production of Ready-mix concrete and asphaltic concrete using materials mined on-site, and recycling of aggregate-based construction materials, if all the following are satisfied:
  - i.** The Board of Supervisors finds that the environmental impacts have been considered and that there are regional benefits in permitting the ancillary uses.
  - ii.** The Board of Supervisors imposes in a Conditional Use Permit the following conditions:
    - 1.** Except for recycling of aggregate-based construction materials, only material mined under the approved use permit can be used to supply the primary aggregate needs of the ancillary uses. Minor quantities of other mined material not available on-site (e.g. natural sands) may be imported as required for ancillary uses.
    - 2.** All ancillary uses shall cease when mining is complete. Their removal shall be provided for in the Reclamation Plan.

**2. Clay, Lignite and Related Minerals Mining**

Subject to the regulations set forth in this Section.

**3. Borrow Sites or Pits**

Subject to the regulations set forth in this Section, except as otherwise provided in Section 3.2.

**4. Mining Accessory Uses**

- a. Dimension stone facilities, on-site conveyor systems, crushing, sorting, the use of sedimentation ponds, processing facilities and stockpiles, all subject to the regulations set forth in this Section.
- b. Offices, shops, equipment and truck storage yards, scales and weighing equipment.

**4.8.5. Work Authorization Permit****4.8.5.A. Issuance**

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 Planning Director. This permit shall not be issued until the Director is satisfied that all conditions of the Use Permit, and provisions of this Section have been met. In addition, prior to issuance of the Work Authorization Permit the Planning Director must receive the items listed in Sections 4.8.5.A.1 through 4.8.5.A.4. Additional items specific to a project may be required prior to issuance of a Work Authorization Permit.

1. Proof of a financial assurance in the amount and form approved by the Planning Director and made payable to the County of Sacramento and the Director, Department of Conservation.
2. Approval by the Sacramento County Environmental Management Department of the setbacks for sewage systems on or near the site, as described in Section 4.8.12.F.
3. A final drainage plan pursuant to Section 4.8.11.H and approved by the Sacramento County Water Resources Department.
4. A final lighting plan as described in Section 4.8.11.K approved by the Department.

**4.8.5.B. Revocation**

The Planning Director may revoke or suspend the Work Authorization Permit if the operator of the mining site fails to comply with the provisions of this Section 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.

**4.8.5.C. Procedures**

The procedure for suspension or revocation of a Work Authorization Permit is as follows:

1. The Planning Director 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.
2. The operator may request an informal hearing with the Planning Director or his or her designee to be held within seven days of delivery of the notice. The purpose of the meeting is to allow the Director and the operator to present their respective views regarding the alleged violations.
3. At the conclusion of the hearing, or the failure of the operator to ask for an informal hearing, the Planning Director shall determine in writing if the permit should continue in

force, be suspended, or be revoked. A copy of the decision shall be delivered to the operator.

4. Decisions of the Planning Director may be appealed to the Board by giving notice and paying applicable fees to the Clerk of the Board not later than 10 days from the date of decision of the Director. 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.

#### **4.8.6. Findings for Approval**

In addition to any other findings required as a matter of law, the Board of Supervisors shall not grant a Conditional Use Permit, unless it finds:

- 4.8.6.A. That the plans and reports, submitted pursuant to Section 4.8.11 or Section 4.8.15, adequately describe the proposed operation.
- 4.8.6.B. That the plans and reports, submitted pursuant to Section 4.8.11 or Section 4.8.15, incorporate all reasonable measures to mitigate significant adverse environmental effects of the proposed operation.
- 4.8.6.C. That the plans and reports, submitted pursuant to Section 4.8.11 or Section 4.8.15, incorporate adequate measures to restore the site to a usable condition compatible with adjacent areas.
- 4.8.6.D. That the uses proposed are not likely to adversely affect the public health or safety; and
- 4.8.6.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.

#### **4.8.7. Minor Deviations from Approved Use Permit Conditions**

##### **4.8.7.A. Approval Authority**

The Planning Director may approve requests for minor deviations from approved Use Permits, when necessitated by extraordinary circumstances.

##### **4.8.7.B. Approval Criteria**

The Planning Director, when considering a request for a minor deviation, shall consider the following criteria, in addition to others that may be relevant to the request.

1. Whether the request is in substantial compliance with the intent of the Use Permit and its conditions.
2. The proximity of the site to sensitive land uses.
3. For fencing and landscaping, including berms:
  - a. Maintenance of visual openness and the preservation of rural character.
  - b. In rural areas, the protection of watering systems and/or landscaping from theft.
  - c. Consistency with surrounding landscaping patterns.

##### **4.8.7.C. Noticing**

Notice of the decision of the Planning Director shall be mailed to neighboring property owners in accordance with the Code. The decision of the Planning Director may be appealed to the Board of Supervisors. Appeals must be submitted in writing, with appropriate fees,

to the Clerk of the Board within 10 days of the date of the determination.

#### **4.8.8. Recordation**

No Conditional Use Permit shall be effective until it has been executed by the Chair of Board of Supervisors and recorded in the official records of the County Recorder of Sacramento County.

#### **4.8.9. Fees**

The County shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Section and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the County, at the time of filing of the Conditional Use Permit application, Reclamation Plan application, and at such other times as are determined by the County to be appropriate in order to ensure that all reasonable costs of implementing this Section are borne by the mining operator.

#### **4.8.10. Severability**

If any subsection, sentence, clause or phrase of this Section is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Section.

#### **4.8.11. Application Data for Aggregate Mining Operations**

In addition to the application data for Conditional Use Permits set forth in Section 6.4.3, an application for a Conditional Use Permit under this Section shall include the following information:

##### **4.8.11.A. Mining Plan**

The application shall include a mining plan, which shall:

1. Show the progression of all operations of the facility.
2. Show the location of equipment, stockpiles, settling ponds, interim drainage, and deposit locations.
3. Indicate the progression of stripping and excavating through the use of cross sections or elevations.
4. Indicate the time lag between mining and reclamation, and between original equipment siting and relocations.
5. Show the proposed plan for concurrent excavation and reclamation, if applicable.
6. Show the location and type of all fencing that will be erected for safety and security purposes. Also, indicate the approximate timing (construction and dismantling) of site fencing.

##### **4.8.11.B. Reclamation Plan**

The applicant shall submit a reclamation plan that complies with SCC, Chapter 20.04, "Surface Mining and Reclamation."

##### **4.8.11.C. Soil, Geologic, and Hydrologic Data**

The applicant shall provide the following data:

1. An estimate of the total quantity of constituent materials (extracted materials, overburden, other) available at the site.
2. Anticipated dimensions of the excavation area, i.e., areal extent and average depth of overburden and resource materials.
3. An estimate of the ton per hour plant capacity and the anticipated annual production rates.
4. Description of the equipment and methods used in the resource recovery for the total operation and for each constituent resource or extracted material.
5. Soil; geologic, especially lithologic; surface and ground water samplings if required by the Municipal Services Agency; 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 should also be provided.
6. Fate of overburden following removal, i.e., disposal, sale, storage for later use, other.
7. Description of drainage course alterations and diversions.
8. Identification numbers of existing wells on the project site and the location of proposed wells.
9. Source of water, purpose and rate of water use, and description of disposal methods or treatment of such water.
10. Source and nature of fill, if any, for reclamation and an engineering stability analysis of final slopes based on the physical characteristics of the slope material, its probable maximum water content, landscaping requirements and other factors.
11. Identification of all sewage disposal systems within 300 feet of the proposed mining area.
12. Information regarding mitigation measures proposed to reduce potential nuisances, hazards or environmental impacts if required by the Department.

#### **4.8.11.D. Traffic, Truck Management, and Parking Plan**

The application shall include an off-street parking plan for customers, employees and equipment as provided in Section 5.9. The plan shall demonstrate that the site provides adequate space for parking, queuing and loading of trucks, as well as parking of employee vehicles to minimize traffic problems to residents on neighboring streets. The application shall also show the anticipated street truck routes from the site to freeway and major arterials, site ingress and egress points, and address the potential benefit of using feasible alternatives to trucks, including conveyor belt systems, as part of a Truck Management Plan.

#### **4.8.11.E. Air Pollution Control Measures**

The application shall include dust control measures designed to comply with any relevant rules of the Sacramento Metropolitan Air Quality Management District (SMAQMD), including Rules 402 and 403. The air pollution control measures shall include signage and other notification that provides neighbors with information needed for reporting nuisance dust concerns to the operator and to SMAQMD. Such signage shall be placed at intervals of not more than 500 feet.

#### **4.8.11.F. Noise Data [AMENDED 12-01-2017]**

The application must include a plan indicating the anticipated noise contour levels on the mining site and adjacent properties along with the measures proposed to control the noise. When mining, processing, and related activities are planned to occur within 500 feet of a habitable structure and/or potentially incompatible use, the mining operator shall provide to the County a noise monitoring program prepared by a qualified acoustical consultant (chosen from a list provided by Planning and Environmental Review). The study area radius of the noise monitoring program shall be increased to 1,000 feet if habitable structures and/or potentially incompatible uses are on land with either Agricultural or Agricultural-Residential zoning. The program will be used to evaluate the effectiveness of mitigation measures in reducing noise levels to comply with applicable noise ordinances. A qualified consultant shall test noise levels during the removal of overburden, the extraction of aggregates and the backfill of overburden as they occur at abutting residential boundaries. The owners of habitable structures and/or potentially incompatible uses included in the study area shall be notified when testing is to occur. Further testing may not be required if the consultant determines the mitigation measures are successful in achieving the required noise reduction. If testing indicates that noise standards are exceeded, the testing results shall be reported to the County and additional mitigation measures will be required.

#### **4.8.11.G. Waste Data**

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

#### **4.8.11.H. Drainage Plan**

The application shall include a draft drainage plan. Approval of a final drainage plan is required before a Work Authorization Permit will be issued as provided in Section 4.8.5.

#### **4.8.11.I. Hazardous Materials**

The applicant shall identify any hazardous materials to be used in the aggregate mining operations and measures proposed for the handling, storage and disposal of those materials.

#### **4.8.11.J. Landscape Plan**

The applicant shall submit a landscape plan to the Department which shall include the location, description and timing of plantings, fences, sound walls, and berms. The description of fencing or sound walls, including temporary noise barriers, shall include color and materials, when appropriate. The landscaping plan shall be designed to be generally compatible with the surrounding uses and existing landscaping patterns, to the satisfaction of the Senior Landscape Architect, Department of Transportation. In rural areas the following shall be considered when approving the landscape plan:

1. Maintenance of visual openness and the preservation of rural character through design that may include clustering of plant species.
2. Protection of watering systems and/or landscaping from theft.
3. Requests from owners of residential properties located within 500 feet of the parcel or parcels that are being mined.

#### **4.8.11.K. Lighting Plan**



The applicant shall submit a lighting plan that outlines performance criteria and demonstrates that neither public rights-of-way nor adjacent properties will be significantly illuminated during aggregate mining operations. The lighting plan shall describe site-specific standards including a requirement that a minimum of 90 percent of the light shall be projected downward and within the mining site boundaries. Shielding will be used, as needed, to minimize glare and to minimize light projection into the sky. Approval of the lighting plan is required before a Work Authorization Permit will be issued as provided in Section 4.8.5.

#### 4.8.11.L. Regional Analysis of Ancillary Uses

The applicant shall provide a detailed analysis of regional benefits created by locating the ancillary uses on or abutting the mine site as compared to locating the uses on available sites with industrial zoning. The analysis shall include an evaluation of the potential regional benefits to air quality and traffic.

### 4.8.12. Operating Standards for Aggregate Mining Operations

Standards for aggregate mining operations, including sand and gravel mines, hard rock quarries and dredger tailing mining operations allowed in the SM combining zoning district shall comply with the minimum standards of this Section.

#### 4.8.12.A. Operating Hours

Unless otherwise provided as a condition of Use Permit the hours of operation of mining, processing, maintenance, and related activities shall be as set forth in Sections 4.8.12.A.1 and 4.8.12.A.2.

1. When mining, processing, and related activities occur within 1,000 feet of a habitable structure and/or potentially incompatible use on land zoned Agricultural or Agricultural-Residential, or within 500 feet from a habitable structure and/or potentially incompatible uses in all other zones, or are otherwise provided as a condition of Use Permit, then the hours of operation of mining, processing and related activities, including haul out, shall be:
  - a. **Monday through Friday, inclusive:** 6:00 a.m. until 9:00 p.m.; maintenance operations beyond mining hours to occur from 9:00 p.m. to midnight.
  - b. **Saturday:** 7:00 a.m. through 3:00 p.m.; maintenance operations beyond mining hours to occur from 3:00 p.m. to 4:00 p.m.
  - c. **Sunday and any Federal/State holidays:** no mining, processing, hauling or maintenance permitted.
2. For all parcels not subject to Section 4.8.12.A.1, the hours of operation of mining, processing, maintenance, and related activities, including haul out, shall be:
  - a. **Monday through Friday, inclusive:** 6:00 a.m. until 10:00 p.m.; maintenance operations beyond mining hours to occur from 10:00 p.m. to 6:00 a.m.
  - b. **Saturday:** 6:00 a.m. through 3:00 p.m.; maintenance operations beyond mining hours to occur from 3:00 p.m. to 10:00 p.m.
  - c. **Sunday and any Federal/State holidays:** no mining, processing, hauling or maintenance permitted.
3. **Extensions of Operating and Haul Out Hours.** The Use Permit may specify hours of

operation and haul out exceeding the hours set forth in Sections 4.8.12.A.1 and 4.8.12.A.2 for specified activities including haul out, basic uses, and ancillary uses, but not including mining. Any extension of hours through the Use Permit shall specify the use(s) and the hours, and may specify the circumstances required for using the extended hours and/or the number of days annually that the extended hours may be used.

4. **Exceptions for Operating and Haul out Hours.** The Zoning Administrator may permit, on an interim basis, operating or haul out hours different from those allowed under the Use Permit if he or she finds that the public benefit outweighs the community hardship, and/or public projects are being served by the site and require extended periods of continuous operation, and/or the work requires a continuous pour of concrete. Applicants for exceptions must submit an application and fees for a Zoning Administrator's Action (ZAZ) and a letter stating the specific reason for the exception, the duration of the exception (with approximate dates), haul route, the extension of hours requested, and the specific uses to be allowed under the exception. The application should be filed at the least 30 days in advance of the proposed operating or haul out event in order to meet the appeal deadlines herein. Notice of the decision of the Zoning Administrator shall be mailed to neighboring property owners in accordance with this Code. Decisions by the Zoning Administrator may be appealed to the Board of Supervisors. Appeals must be submitted in writing, with appropriate fees, to the County Clerk within 10 days of the date of the decision.

#### 4.8.12.B. Fences

Unless otherwise provided by condition of the Use Permit, the following fence requirements shall apply:

1. Fences erected for safety purposes shall be chain link.
2. The fence shall be not less than six feet in height above the grade of the property outside the fenced area.
3. Gates shall be installed to fence height at all entrances.
4. Fences shall be kept in good repair.
5. Fences shall conform to the ground to preclude opening of more than four inches between the ground and the fence.
6. Fences shall be placed around mining site and processing site boundaries as necessary to ensure public safety and security.

#### 4.8.12.C. Warning and Compliant Information Signs

1. The operator 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.
2. The operator shall provide signs containing information necessary for reporting complaints to the mine operator, and also for reporting fugitive dust to the Sacramento Metropolitan Air Quality Management District. Signs shall be placed to be easily visible by the public.

#### 4.8.12.D. Visual Screen

The Board of Supervisors may, as a condition of the Use Permit, require a visual screen when the mining site is adjacent to a public street and/or potentially incompatible uses. Visual

screening shall be designed to “soften” views into the pit to create aesthetically pleasing landscaping. Landscaping plans shall locate trees and shrubs, if required, in a natural looking distribution. Berms, if required, should be designed to meander to create a natural-looking effect. Complete blockage of the view into the pit is discouraged. Visual screening may be accomplished by use of berms, fences, landscaping, setbacks or combinations thereof.

#### **4.8.12.E. Noise**

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:

1. The noise limit for a cumulative period of more than 30 minutes in any hour, or;
2. The noise limit plus 5dBA for a cumulative period of more than one minute in any hour, or the noise limit plus 20dBA for any period of time.

#### **4.8.12.F. 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:

##### **1. Periphery of Mining Site**

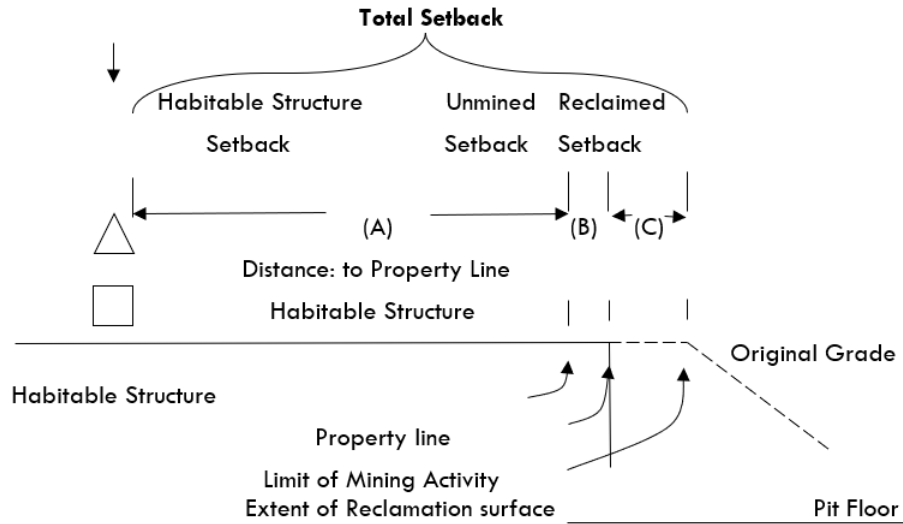
A 25-foot minimum setback from the property line is required, the first five feet of which shall consist of undisturbed land.

##### **2. Periphery of Mining Site Adjacent to Habitable Structures and/or Potentially Incompatible Uses**

A 25-foot minimum setback from the property line is required, the first 10 feet of which shall consist of undisturbed land. For habitable structures existing at the time of mining Use Permit issuance (including habitable structures primarily used as a residence on a non-residentially zoned property) a minimum of 50 feet of unmined land between the structure and mining activity is required. The distance from habitable structures is to be measured from the edge of a primary residence or residential accessory dwelling, whichever is closer to the property line. The distance is not to be measured from ancillary structures such as pools, decks, and patios.

Setbacks, as applied to this subsection only, are defined as follows:

- **Total Setback** – This distance from the residence to edge of the pit at reclamation. Typically, the total setback will include both residential and mining land.
- **Unmined Setback** – The distance on mining property that is to remain unmined. The minimum unmined setback is 10 feet and the maximum required setback is 50 feet.
- **Reclaimed Setback** – The distance on mining property that may be mined, but must be returned to the original grade at reclamation. It may range from zero up to 15 feet.



**Diagrammatic Definition of Setback Components**

- a. If the habitable structure is 80 feet or greater from the mining property line, then the unmined setback at reclamation shall be no less than 10 feet on the mining property, and the reclaimed setback shall be no less than 15 feet on mining property (see Section 4.8.12.F, subsection 2).
- b. If the habitable structure is between 80 feet and 40 feet from the mining property, then the setback standards of Table 4.2 shall apply. In no case will the total setback be less than 90 feet.

<b>TABLE 4.2 SETBACK STANDARDS, HABITABLE STRUCTURES BETWEEN 80 FEET AND 40 FEET FROM PROPERTY LINE</b>			
<b>Distance: Habitable Structure to Property Line (A)</b>		<b>Minimum Setbacks on Mining Property</b>	
<b>Less Than (feet)</b>	<b>Equal to or More Than (feet)</b>	<b>(B) Unmined Setback (feet)</b>	<b>(C) Reclaimed Setback (feet)</b>
80	75	15	10
75	70	20	5
70	65	25	0
65	60	30	0
60	55	35	0
55	50	40	0
50	45	45	0
45	40	50	0

- c. If the habitable structure is less than 40 feet from the mining property line, then the unmined setback at reclamation shall be no less than 50 feet on the mining property. The reclaimed setback may be zero.

**3. Mining Sites Adjoining Public Streets**

A 25-foot minimum setback from all public streets consisting entirely of unmined land is

required.

For right of ways with PUPFs, there shall be a 31-foot minimum setback from all public streets consisting entirely of unmined land.

#### **4. Mined Setback Areas**

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

#### **5. Setbacks from Individual Sewage Disposal Systems**

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 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 Environmental Management Department 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 Planning Commission or the Board of Supervisors may consider the setback information on plates one and two that are part of the Section and other relevant information in establishing setbacks from the mined areas. If setbacks are established that exceed the setbacks prescribed in this Section, the Board of Supervisors shall specify in writing the reasons for requiring the additional setback and the setbacks shall become conditions of the Use Permit.

### **4.8.12.G. Standards for Backfilling, Regrading, Slope Stability and Recontouring**

#### **1. Slope Stability**

Final reclaimed fill slopes, including permanent piles or dumps of mine waste rock and overburden, shall not exceed 2:1 (horizontal to vertical) for the purpose of maintaining slope stability, except when site specific geologic and engineering analysis demonstrate that the proposed final slope will have a minimum slope stability factor of safety that is suitable for the proposed end use, and when the proposed final slope can be successfully revegetated.

#### **2. Slope Compatibility**

At closure, all fill slopes, including permanent piles of mine waste and overburden, shall conform to the surrounding topography and/or approved end use.

#### **3. Final Use**

Cut slopes, including final highwalls and quarry faces, shall have a minimum slope stability factor of safety that is suitable for the proposed end use and conform to the surrounding topography and/or approved end use.

### **4.8.12.H. Road Repairs**

The operator shall repair any damage caused by its hauling operations to structural paving material along the project site roadway segments upon which loaded trucks are routed.

### **4.8.13. Additional Operating Standards for Hard Rock Mining Operations**

In addition to the regulations set forth in Section 4.8.11, applicants seeking approval for hardrock mining operations must also satisfy the following:

#### **4.8.13.A. Cal OSHA Compliance**

Demonstrate that measures are in place to achieve compliance with California Office of Safety Hazard Administration (Cal OSHA) regulations as well as other applicable State regulations regarding the handling and reporting requirements for use of explosives during mining operations.

#### **4.8.13.B. Setbacks**

Demonstrate the adequacy of mining setbacks and/or mitigation measures to address noise, fly rock, vibration, and aesthetic concerns for the mine site. The operator is required to make a showing that sufficient buffer lands and/or other mitigation measures have been incorporated into the project to address these matters.

### **4.8.14. Development Guidelines for Aggregate Mining Operations**

The Development Guidelines provide guidance intended to achieve goals to minimize mining impacts to sensitive uses in specific circumstances. The guidelines provide a basis for formation of Use Permit conditions or for directing the approval process.

Not all guidelines will apply to all projects. Each set is defined by a specific circumstance which is followed by a goal statement. The guidelines offer options which may be selected by decision-makers for achieving that goal. In some circumstances a goal may be better achieved through other approaches tailored to the specific situation.

#### **4.8.14.A. Guidelines for Mining Sites Adjacent to Habitable Structures and/or Potentially Incompatible Uses**

**Goal:** Provide improved protection for sensitive uses from the impacts of nearby mining operations and accommodate potential future urbanization where appropriate.

##### **1. Slopes**

Where mining and residential property are adjacent, or in mine locations inside the County Urban Service Boundary, the reclaimed slope should be no steeper than 3:1.

##### **2. Haul Roads**

Haul roads should be at least 25 feet away from residential property lines.

##### **3. Stockpiles**

No stockpiled soil or material should be placed closer than 25 feet from a property boundary or other required setback, unless the property boundary abuts a mining use. This shall be measured from the toe of the stockpile.

##### **4. Facilities and Stationary Equipment**

No stationary aggregate processing equipment or facilities, such as grizzlies and pit feeders but excepting conveyors, should be located within 200 feet of any habitable structure.

##### **5. Noise Barriers**

The operators should provide noise barriers consisting of eight-foot high earthen berms or temporary portable barriers installed and moved along property boundaries as mining progresses. The noise barriers should be maintained in place at least until sufficient pit excavation has occurred to block the line of site between nearby residences and mining activities.

##### **6. Scenic and Visual Presentation**

Use a temporary sound wall for noise and chain link fence for safety, instead of perimeter planting. Once sites are reclaimed, provide residents the option to remove and replace chain link fencing with lighter cattle fencing at the aggregate producer's expense.

#### **7. Loading Points**

Loading points should be located to minimize noise and ground vibration. Loading points should not be located closer than 50 feet to any residential property line, unless otherwise conditionally permitted.

#### **8. Good Neighbor Policy/Notification of Mining Activities**

In a good faith effort to facilitate communication between aggregate producers and nearby properties containing habitable structures, the mining operator should notify residential property owners located within 800 feet of anticipated mining activities. Notification should be given three months prior to the anticipated, initial start-up of mining activities. The aggregate producer should thereafter keep residents informed of all major operational changes.

#### **4.8.14.B. Guidelines for Mining Operations Abutting County Roads**

**Goal:** Minimize the impacts to County roads from the impacts of abutting aggregate mining operations.

##### **1. Limitations on Truck Routes**

Coordinate with Sacramento County Department of Transportation on appropriate signage for prohibiting truck traffic when a collector is not to be used for truck traffic.

##### **2. Minimization of Dirt/Gravel from Trucks onto Roadways**

A paved surface, gravel surface or mud trap (series of metal bars or grating with space underneath to accumulate material) may be required at distances of not less than 100 feet from a right-of-way line without PUPFs into the area of operation in order to minimize the deposit of dirt and gravel from trucks onto the public highway. During hauling operations, any spillage of materials onto public roads should be promptly and completely removed by the operator.

#### **4.8.14.C. Guideline for Two-Lane Street with Mining on One Side and a Residence on the Other**

**Goal:** Minimize visual impacts to residential uses across a two-lane street from aggregate mining operations.

The operator should maintain a 25-foot landscaped setback from the ultimate right-of-way line without PUPFs and a 31-foot landscaped setback for the ultimate right-of-way line with PUPFs. The aggregate producer should install and maintain landscaping throughout the permitted operation. Ultimately, once the mining site is reclaimed, the owner of the land should be responsible for maintenance of the landscaped setback. Alternatively, if the landscaping is acceptable, upon completion of mining, the landscape strip may be dedicated to a Lighting and Landscape District.

#### **4.8.14.D. Guidelines for Processing Plants in the Proximity of Residential Properties**

**Goal:** Minimize visual and noise impacts to residential uses in the proximity of aggregate processing plants.

1. Processing Plants abutting residentially zoned properties should only be considered

after finding that there is no other feasible alternative location or method of transporting the materials to other plants.

## **2. Soundwalls for Processing Plants**

The operator should construct an earthen berm or soundwall or combination berm/soundwall of not less than 8 feet in height early in the stripping phase along adjacent residential/mining property lines within 1,200 feet of the processing plant to break the line of site of loaders and crushers at the processing plant from any sensitive off-site receptor.

## **3. Plant Elevations**

The operator should consider lowering processing plant elevations to not less than 15 feet below existing grade if natural topography does not mitigate visual impacts sufficiently and when alternative methods for mitigating visual impacts are not feasible, or when noise impacts cannot meet Code standards.

## **4. Noise Conformance**

After processing plant start-up, the operator should conduct a noise investigation of the plant to determine what adjustments, if any, must be made to comply with Section 4.8.11.F. If noise readings taken during initial plant start-up indicate that processing activities exceed noise standards, additional noise measures or plant adjustments shall be made to ensure that noise standards are met.

### **4.8.14.E. Guidelines for Fencing and Landscaping in Rural Areas**

**Goal:** Allow flexibility in landscaping and fencing standards, as appropriate, in rural areas.

In remote areas, it is not always necessary to construct fencing or landscaping. Alternative fencing, e.g. three-strand barbed wire fencing, may be appropriate in some cases. In rural areas, landscaping should be installed exterior to berms or chain link fencing to provide the least “industrial” appearance and the highest compatibility with neighboring uses. Chain link fencing may be placed in front of landscaping and berms to protect landscaping and watering systems from theft. However, the types of shrubbery chosen must be capable of eventually obscuring the fencing by growing through and around it.

### **4.8.14.F. Planting Guidelines**

**Goal:** Successfully establish effective and timely visual barriers when required.

#### **1. Planting Schedule**

To maximize its effectiveness during mining phases, required landscaping should be planted as soon as possible after final project approval, to the extent allowed by the approved mining plan. To provide a reasonable means of securing the use and enjoyment of nearby properties and roadways, plantings along all areas adjacent to neighboring properties or roadways should occur at one time.

#### **2. Fencing with Slats**

Fencing with slats should only be used when complete blockage of the view into the site is needed and if there is no other reasonable alternative such as vegetation or other solid fencing types.

#### **3. Planting Intervals**

Trees and shrubs should be placed to mimic a natural distribution and spaced to allow



partial viewing of the pit.

#### **4. Planning Types**

Native plantings are encouraged; however, non-native plants that are preferred by nearby residents may be used.

#### **5. Irrigation**

Plantings should be irrigated with trenching or with individual bubblers on an automatic irrigation system.

#### **6. Inspections**

Plantings should be inspected yearly for the first five years after installation to ensure compliance with the Landscape Maintenance Plan. After the first five years, inspections should take place every other year.

#### **4.8.14.G. Guidelines for Berms**

**Goal:** Create visually pleasing berms, when berms are required.

To the extent possible, earthen berms should meander and be contoured to reflect a more natural pattern with variations in width, height, and direction.

#### **4.8.14.H. Guidelines for Suppressing Dust**

**Goal:** Minimize impacts of dust to surrounding residential and agricultural uses.

##### **1. Overburden Stockpiles**

- a. Should be treated with appropriate dust suppressants, watered regularly, or otherwise treated to minimize wind erosion.
- b. Every effort should be made to remove overburden during the period of the year when surface soils are moist. If overburden is removed when surface soils are dry, water-spraying equipment should be used to cut dust emission. Water-spraying equipment should likewise be used, as needed, when removing aggregate.
- c. Seeding of stockpiled overburden and exposed soils is required at the next appropriate planting time unless the site is excavated within six months of overburden removal, or if site has been partially excavated, but is to remain dormant for a period of more than one year. Saleable aggregate products produced by the processing plant are exempt from this provision.

##### **2. Unpaved Haul Roads**

Unpaved haul roads should be regularly treated with appropriate dust suppressants (e.g. water or chemical dust palliatives). The frequency of application should vary according to the weather and moisture level of the soils on the site, but should be frequent enough to avoid visible dust plumes.

#### **4.8.14.I. Guidelines for Development of Ancillary Uses**

**Goal:** Minimize the impacts of ancillary uses by providing appropriate regulation as needed.

Consider application of the Industrial Development Standards (Section 5.6) when evaluating proposed ancillary uses.

**4.8.15. Application Data for Clay, Lignite, Borrow Sites and Related Mineral Mining Operations**

In addition to the application data for Conditional Use Permits set forth in Section 6.4.3, 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 4.8.15A through 4.8.15.E. 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 4.8.11.D, E, F and G and Sections 4.8.15.A through 4.8.15.E.

**4.8.15.A. Mining Plan**

The applicant shall submit a mining plan which shall:

1. Show the proposed area of excavation.
2. Show the anticipated phased progression of mining.
3. Show the location of inventory piles and overburden piles.
4. Show the fate of overburden following removal, such as disposal, sale, storage for other use or other disposition.
5. Show the estimated surface areas disturbed annually and days of annual production. Show the anticipated pit side slopes and end slopes.

**4.8.15.B. Reclamation Plan**

The applicant shall submit a reclamation plan which shall:

1. 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.
2. Show present and future topography of site after reclamation, showing degree of slopes of remaining excavations, contours, and disposal of drainage.
3. Show management of mined and unminable portions of deposit.
4. Show at least an annual 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.

**4.8.15.C. Soil, Geologic, and Hydrologic Data**

The applicant shall provide the following data:

1. A topographic contour map with at least 10-foot intervals of the existing terrain and the terrain following reclamation.
2. Anticipated dimensions of the disturbed area and average depth of both overburden and the resource materials.
3. 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. The Environmental Coordinator may require a full report if necessary to prepare an environmental document.

4. A description of drainage course alterations and or diversions.
5. 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.
6. A drainage design for runoff and flood control for approval by the Water Resources Department.
7. The location of all individual sewage disposal systems within 300 feet of the proposed mining area.

#### **4.8.15.D. Fencing and Posting**

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

#### **4.8.15.E. Air Pollution Control**

The application shall describe methods to be used in:

1. Dust control on roads and other graded surfaces on the subject property.
2. Removal of dust and spillage from off-site public streets or roads used by trucks from the subject property.
3. Control of dust emanating from mined areas and inventory piles.

### **4.8.16. Operating Standards for Clay, Lignite, Borrow Sites and Related Mineral Mining Operations**

All clay, lignite, borrow sites, and related materials mining shall be subject to the requirements set forth in this Section. This Section is 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 6.4.3.

#### **4.8.16.A. Mining Setbacks**

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

1. Mining may take place no closer than five feet from a property line not adjacent to a public street right-of-way. The Board may waive this requirement if:
  - a. Evidence is provided by the applicant that the setback can be reduced by engineering design, or;
  - b. The neighboring property owners consent to the request.
2. 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 Planning Commission to the effect that the setback is not necessary.

#### **4.8.16.B. Fences**

Unless otherwise provided by condition of the Use Permit or a deviation is approved, the applicant shall:

1. Contain fences to the ground so as to prevent any opening between the fence and ground surface from exceeding four inches.
2. Maintain gates to fence height at all vehicular and pedestrian entrances.
3. Keep fences in good repair.
4. Post trespass signs on the fences at reasonable access points. Signs shall be kept in good repair.

**4.8.16.C. 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 1:1. 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 unnatural waste materials.

**4.8.16.D. 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 10 years. Permits may thereafter be renewed for up to three successive five-year periods by the Board of Supervisors if the mining operation is being conducted in conformance with the provisions of the Conditional Use Permit and applicable Federal, State and County regulations.

**4.8.16.E. 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 or the operator thereof from the requirements of the Surface Mining and Reclamation Act of 1975, Division 2, Chapter 9 of the CA PRC.

## **4.9. DELTA WATERWAYS (DW) ZONING DISTRICT**

### **4.9.1. Purpose**

The Delta Waterways (DW) zoning district is designed to regulate property in the unincorporated area of the County along the Sacramento River and along the waterways in the area commonly known as the "Delta area." The purposes of the DW zoning district are to:

- Preserve and enhance the waterways and their immediate environment consistent with the General Plan.
- Ensure the compatibility of land uses along the river and waterways and land adjacent to the river and waterways.
- Provide a process to promote and ensure the compatibility of development by examination of individual development proposals.

#### **4.9.1.A. Applicability**

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 Plan.

### **4.9.2. Definitions**

The following definitions apply to the specified terms as used in this Section:

#### **4.9.2.A. Natural Areas**

As used in this zoning district, "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."

#### **4.9.2.B. Scenic Areas**

As used in this zoning district, "Scenic Areas" are those waterways or portions of waterways that are of a lesser ecological or natural value than "Natural Areas" or have the potential for enhancement of such values, but that 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."

#### **4.9.2.C. Restricted Areas**

As used in this zoning district, "Restricted Areas" are those portions of waterways that 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 zoning district. Restricted areas shall be indicated on the Comprehensive Zoning Plan as "DW-R."

#### **4.9.2.D. MLLW**

MLLW as used in this Section shall mean "Mean Lower Low Water" Uses.

**4.9.2.E. Prohibited Uses**

The following uses and activities are expressly prohibited:

1. 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.
2. The mooring or anchoring of a houseboat for a period exceeding one day within two miles of the intake for a domestic water supply.
3. 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."
4. The release of any polluting material, debris, junk, abandoned vehicles, and similar materials into any waterway.
5. The location of any industrial and non-water-oriented commercial facilities within any area shown on a Comprehensive Zoning Plan as a "Scenic Area."
6. The storage of hazardous materials including, but not limited to, herbicides, pesticides, explosives, and similar materials in an area not protected from flooding.
7. Storage of recreational vehicle(s) for a period exceeding 180 days in any one-year period.
8. Private multiple docks accommodating more than three boats are prohibited in all zoning districts except where adjacent to commercial zoning districts.
9. Private docks are prohibited on parcels created after March 1, 1994, if rezoning is required to create the new parcels.

**4.9.2.F. Permitted Uses and Activities**

The following uses and activities shall be permitted by-right in the DW zone:

1. Legally established buildings, structures, or uses that have become nonconforming by placement of the property in the DW zoning district may remain nonconforming and may be repaired, restored, or replaced. Any expansion of such buildings or structures shall be in conformance with the provisions in effect at the time of such expansion.
2. Agricultural uses and minor accessory structures for facilities, including but not limited to pumps, drains, and fences. This does not include agricultural-related industry.
3. Floating structures for permanent human habitation when moored in an approved marina.
4. Removal of grass, brush, or dead or downed trees.
5. Removal of vegetation determined as noxious weeds by the Agricultural Commission.
6. Removal of junk, debris, or obstructions.
7. Any action required to eliminate an immediate safety hazard or to ensure the safety of persons or property.
8. Camping, group use, and certain other uses allowed within public park facilities will be subject only to permits issued by the operating agency.

9. Property owners' personal recreational uses, excluding docks that are regulated in subsection 4.9.3.B, "Location of Structures in Waterways."
10. Private boat docks, swim floats, and fishing piers when the requirements of Section 4.9.3.C, "Development Standards," are met.
11. Single-family dwellings, including mobile homes and accessory buildings and structures.

#### **4.9.2.G. Conditional Uses**

Notwithstanding any other Section or Table of this Code, the following water-dependent uses are permitted in the DW zone upon issuance of a Conditional Use Permit approved by the appropriate authority.

1. Boat Launches
2. Water recreation equipment rentals and sales.
3. Snack bar outside existing marinas incidental to a park, boat launch, or other water-oriented use.
4. Tackle Shops.
5. Parks, including facilities for boat launching, overnight camping, picnicking, and travel trailer and recreation vehicles.
6. Boat rentals and sales outside an existing marina.
7. Industrial facilities for the shipping and receiving of raw or processed materials by water.
8. Restaurants.
9. Existing structures for human habitation when moored or anchored permanently in the waterway.
10. Marine supplies.
11. Boat harbors, marinas, and incidental accessory uses.
12. Commercial docks and piers.
13. Other similar water dependent uses.
14. Expansion of existing marinas.
15. Commercial boat docks, swim floats, fishing piers.
16. Gas and boat service at existing marinas and docks.
17. Mobile home parks in existence as of July 26, 1978, that held a validly issued Use Permit. If such Use Permit has expired, application to renew the Use Permit may be filed and, if approved, the use may be continued.
18. Private boat docks, swim floats, and fishing piers that do not meet the requirements of Section 4.9.3, "Development Standards". Private multiple docks accommodating more than three boats are allowed only adjacent to commercial zoning districts.
19. Guest homes, residential accessory dwellings.
20. Gas and oil wells subject to obtaining permits from the State.

**4.9.3. Development Standards**

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

**4.9.3.A. Dimensional Standards****1. Lot Area**

Each lot in the DW zoning district 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 acre.

**2. Lot Width**

Each lot in the DW zoning district shall have a minimum width of 75 feet.

**3. Setbacks****a. Front**

The minimum setback from the levee to any structure shall be 10 feet measured towards the waterway from the toe of the levee.

**b. Side Yard**

There shall be a side yard in the DW zone on each side of all buildings or structures of not less than 20 feet.

**4.9.3.B. Location of Structures in Waterways**

1. 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 100 feet is maintained.
2. 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 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. 300 feet of clearance between the project and the undeveloped opposite bank, assuming the opposite bank is not to be developed.
  - e. 500 feet of clearance between the project and any development along the opposite bank.
  - f. 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.



**4.9.3.C. Standards 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 or one berth and shall accommodate no more than three boats of any size at any one time.
4. Docks shall be limited to one per parcel that 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, and 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.

**4.9.3.D. Building Pad Requirements**

1. The type of fill for the pad is to be approved by the Department of Water Resources.
2. Trees exceeding nine inches in diameter may not be removed except when located in an area needed for the building pad.

**4.9.3.E. Elevation and Floodproofing Requirements**

1. All structures and improvements, if within the floodway or the 100-year floodplain, shall comply with elevation requirements pursuant to the Department of Water Resources Floodplain Management Ordinance and regulations adopted pursuant thereto.

**4.9.3.F. Parking**

Parking will be as required in Section 5.9, "Off-Street Parking Requirements."

**4.9.3.G. Signs**

Signs and permitted advertising devices may be erected subject to Section 5.10, "Sign Regulations." Where specific conditions of the Use Permit are less or more restrictive than the development standards, the condition shall apply.

**4.9.3.H. Private Septic Services**

Any development shall comply with the sewage regulations of the Environmental Management Department as provided in the SCC and regulations adopted pursuant thereto.

**4.9.4. Procedures****4.9.4.A. Special Considerations**

The appropriate authority in the consideration of a Use Permit filed pursuant to Section 6.4.3, "Conditional Use Permits," shall, in addition to any requirements imposed by law, give due consideration to the following in the analysis of any application:

1. **Consideration for All Uses**

- a. The location and anchorage of any private docks, piers, floats, and swimming.
- b. The location, size, and lighting of any signs.
- c. Flood hazards.
- d. The adequacy of flood warning and evacuation plans.

## **2. Special Considerations for Commercial and Industrial Uses**

- a. The adequacy of parking, landscaping, and vehicular access.
- b. The convenience of off-street parking and lighting of the off-street parking.
- c. Health Agency acceptance of pump out facilities, holding tanks, and other sewage facilities.
- d. Availability of a public water system as required by the Health Agency. Otherwise, potable water as regulated by the Building Code.
- e. Public access to the waterway(s).
- f. Flood hazards.
- g. The measures proposed to reduce the impact of any loss of vegetation and fowl or animal habitats.

## **3. Special Considerations for Recreational Facilities or Uses**

- a. Whether the proposed use is available to the general public.
- b. The compatibility with the waterway environs.
- c. The mitigation measures such as fences and screen planting to mutually protect recreation uses and residential uses from each other.
- d. Any recreational use other than commercial recreational use shall not be approved until the same has been approved by the Director of the Regional Parks Department.
- e. Flood hazards.

## **4. Special Considerations for Private Docks**

- a. The impacts relative to on-site parking, concentration of boating activities, noise, and the relationship to adjoining residential and agricultural uses.
- b. The potential for on-street and off-street parking problems, vehicle traffic, and pedestrian safety.
- c. 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.

### **4.9.4.B. Conditions of Approval**

In addition to the general conditions for approval of a Conditional Use Permit in Section 6.4.3, the granting authority may require and specify the following conditions:

- 1. Removal of debris, abandoned structures, other hazards.
- 2. Installation of boating regulation signs.
- 3. Compatibility of the project with existing structures and natural features.

### **4.9.4.C. 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:

1. Limit the diversity of public uses appropriate in the waterway.
2. Result in a substantial adverse environmental impact to natural habitats.
3. Impede the natural flow of the channel.
4. Adversely affect the stability of the levee or lands adjacent to the waterway or formation of sandbars or shoals.
5. Create a safety or navigation hazard.
6. Cause increased flood heights.
7. Cause additional threats to public safety.
8. Reduce the ecological or scenic values of an existing or approved state or local ecological preserve or wildlife management area.
9. Cause excessive disturbance, dredging, filling, or bulkheading to the shoreline, and be incompatible with the existing natural and manmade features.

#### **4.9.4.D. Finding on Appeals**

On appeal, the findings in Sections 4.9.4.D.1 through 4.9.4.D.3 must be made in addition to the findings outlined in Section 4.9.4.C.

1. 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.
2. That no feasible alternative location exists.
3. That an environmental document has been accepted as adequate and adequate mitigation of any identified adverse impact is provided, or has been overridden.

## **4.10. SPECIAL PLANNING AREA (SPA) ZONING DISTRICT**

### **4.10.1. Purpose**

The purpose of this Section is to establish a procedure whereby the Board of Supervisors or the Planning Commission may initiate proceedings to regulate property in areas throughout the County area that have unique environmental, historic, architectural, or other features that require special conditions not provided through the application of standard zoning district 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 zoning districts of this Code. It is the purpose of this Section 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.

### **4.10.2. Establishment**

#### **4.10.2.A. Initiation of Zoning District**

Only the Board of Supervisors or the Planning Commission may initiate by resolution the proceedings to place parcels within an SPA zoning district. The resolution shall include reasons for initiating the SPA zoning district.

#### **4.10.2.B. Findings**

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

1. The area included within the SPA zoning district contains or will contain unusual or unique environmental, historical, architectural, economic development or other specified significant characteristics that justify the adoption of the SPA zoning district.
2. The unusual features cannot adequately be protected by the adoption of any other land use zone.

#### **4.10.2.C. Designation**

The abbreviation "SPA" appearing on a comprehensive zone plan indicates that the property so classified is subject to the provisions of this Section and an ordinance adopted pursuant to this Section.

#### **4.10.2.D. Amendment**

The procedures amending an SPA zoning district adopted pursuant to this Section shall be the same as for any map amendment to this Code, per Section 6.2, "Zoning Amendments."

#### **4.10.2.E. Mandatory Contents**

An SPA zoning district shall be established by ordinance and provisions shall be included in each SPA ordinance for the following matters:

1. Legal description of property covered by the ordinance.
2. Reasons for establishment of an SPA zoning district on the particular property.
3. A list of permitted uses.
4. Performance and development requirements relating to yards, lot area, intensity of development on each lot, parking, landscaping, and signs.
5. Other design standards appropriate for the specific site and development.

**4.10.2.F. Additional Permissive Contents of SPA Ordinance**

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

1. Procedure for review of proposed development. The procedures may include:
  - a. Types of projects that require review.
  - b. Documents required from developers.
  - c. Hearing procedures, if any.
2. Regulations relating to nonconforming lots, uses, structures, and signs.
3. Time phasing and sequence of development of projects.

**4.10.3. Strict Interpretation**

An SPA zoning district shall be interpreted to strictly modify only the standards or requirements as specified in the applicable SPA ordinance. All standards and requirements of this Code that are not inconsistent with the stated provisions of the SPA ordinance shall apply.