

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 from 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 permit 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 one and one-half (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 (1) 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 (1) foot below the water surface elevation of the 100-year floodplain. The appropriate authority may approve parking lots on an elevation lower than one (1) 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 (1) 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 (2) feet, and
2. The fill is for the minimum area to accommodate a structure and allow for a five (5) 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 (9) 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.