

ORDINANCE NO. 96-024

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF MAY 14 1996

AN ORDINANCE AMENDING PARAGRAPHS 24.04, 24.05, 24.23, AND 24.25 OF THE COMPREHENSIVE ZONING ORDINANCE (ORDINANCE NO. 2550, FOURTH SERIES, AS AMENDED) TO AUTHORIZE LIMITED BORROW/RESTORATION ACTIVITIES ON GOVERNMENT OR PUBLIC UTILITY-OWNED LAND WITHIN THE FLOODWAY OF THE AMERICAN RIVER PARKWAY AND DECLARING THE ORDINANCE AN EMERGENCY MEASURE TO TAKE EFFECT IMMEDIATELY (M95-038)

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1.

Paragraph 24.04 of Section 24 of the Comprehensive Zoning ordinance (Ordinance No. 2550, Fourth Series as amended) is amended to read:

Paragraph 24.04 Special Permit Use:

In addition to the uses permitted within the ARP-F Zone pursuant to paragraph 24.02, the following uses may be permitted subject to the issuance of a special permit:

- A. **Group Camping Facilities.** For purposes of this paragraph, "group camping facilities" shall mean temporary use and improvements such as sanitary facilities, fire pits, tents, and accessory uses. The provisions of this paragraph shall not be construed to permit recreational vehicles, mobile homes, campers, trailers, and permanent accessory improvements.
- B. **Borrow/Restoration Activities on City, County or Other Government-Owned Properties.** Subject to the restrictions set forth below, a special permit may be approved for borrow/restoration activities conducted on properties in the floodway owned by the City, the County or other governmental agency or public utility.

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For purposes of this paragraph, "borrow/restoration activities" shall mean an operation which involves: i) the excavation of accumulated soil material, excluding sands or gravels, and the removal of such materials from the floodway; and ii) the reclamation of the disturbed areas to a condition suitable for the establishment of seasonal wetland and riparian habitat and/or open space for the use and enjoyment of the public. Such activities shall be conducted in accordance with an area plan approved by the City Council and the County Board of Supervisors pursuant to the American River Parkway Plan. The requirements of Section 2-E-46 shall be satisfied for any application for a special permit for borrow/restoration activities filed pursuant to this provision. In addition to the findings required by Section 2-E-46 and Section 15, no special permit for borrow/restoration activities shall be approved unless the Planning Commission finds that the proposed operation and reclamation plan meets the requirements of this paragraph.

SECTION 2.

Subparagraph B of Paragraph 24.05 of Section 24 of the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series as amended) is amended to read:

- B. Except as permitted in paragraph 24.04, no person shall remove top soil for any purpose other than ordinary and necessary agricultural soil treatment or management such as disking, plowing, irrigation and erosion prevention.

SECTION 3.

Subparagraph P of Paragraph 24.23 of Section 24 of the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series as amended) is amended to read:

- P. Borrow/restoration activities as specified in Paragraph 24.04.

SECTION 4.

Subparagraph R of Paragraph 24.25 of Section 24 of the Comprehensive Zoning Ordinance (Ordinance No. 2550, Fourth Series as amended) is amended to read:

- R. Sand or Gravel Pit or Plant, Borrow Pit, Stripping of Top Soil, except as permitted in paragraphs 24.04 and 24.23 of this section.

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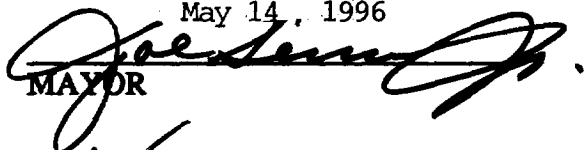
SECTION 5:

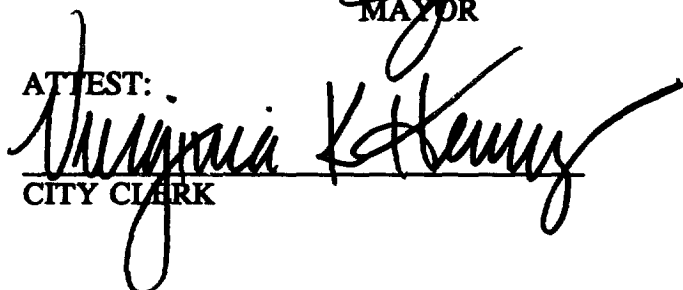
This Ordinance is declared to be an emergency ordinance to be effective immediately pursuant to Section 32(g)(2) of the City Charter. The facts constituting the emergency are as follows: The Sacramento Area Flood Control Agency is proceeding with completion of a project for flood control in the Sacramento region ("Local Project"), and desires to complete the project this year. To complete the Local Project, SAFCA will require substantial amounts of fill material. SAFCA and the County have proposed to conduct an operation consisting of borrow/restoration activities as authorized by Sections 1 through 4 of this Ordinance on lands owned by the County or Pacific Gas & Electric within the American River Parkway, and the materials produced by this operation, if approved, would satisfy a considerable portion of the requirements for the Local Project. To wait thirty days for this Ordinance to take effect before considering the application for the borrow/restoration operation would eliminate or jeopardize the possibility that this SAFCA-County borrow/restoration operation could be used to provide the fill material necessary to complete the Local Project, which in turn would mean that the restoration activity proposed for the American River Parkway would not occur. It is therefore necessary that this Ordinance take effect immediately so that the application for a special permit may be properly noticed and heard before the Planning Commission at the earliest opportunity, and if the application is approved, so that SAFCA and the County may commence operations thereafter in a timely manner, so as to allow the borrow materials from the SAFCA-County operation to be used to complete the Local Project this construction season and to proceed with the restoration of the American River Parkway. Nothing in this Ordinance is intended to interfere with or restrict the discretion of the Planning Commission in considering the application of SAFCA for a special permit to conduct borrow/restoration within the American River Parkway.

PASSED FOR PUBLICATION: May 7, 1996

PASSED: May 14, 1996

EFFECTIVE: May 14, 1996


MAYOR

ATTEST:

CITY CLERK

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