



MEMORANDUM

DATE: June 28, 2018

TO: Chair Rabinowitsh and Members of the Waterways Advisory Committee

FROM: Jessica Jones, Supervising Planner

SUBJECT: Creek Setbacks, Role of the Waterways Advisory Committee, and Resources

The following provides a summary of the creek setback requirements outlined in Zoning Code Section 20-30.040, Creekside Development, the role of the Waterways Advisory Committee (WAC), and a list of City resources for review of creekside development.

CREEK SETBACKS

1. Creekside Development Setbacks – Purpose and Applicability

The purpose of the creek setback regulations is to define minimum setbacks for new structures and provide protection from stream bank failure and flooding, while allowing owners of property near waterways reasonable use and improvement of property.

Generally, a setback is the distance from which a structure must be separated from a property line. In the case of creeks, the setback is the distance from which a structure must be separated from the top of the creek bank, when it is defined. Zoning Code Section 20-30.040(D)(2) includes a method for determining the setback line where there is no defined bank.

Structures are not allowed within the creek setback. Structures are generally any building, swimming pool, driveway, street, parking area, patio/deck, fence, tank, fill, rubble, or retaining wall.

The setback requirement does not apply to storm drainage, erosion control and bank stability projects that have been approved as required by law by governmental agencies with jurisdiction over them, nor does it apply to paved or unpaved trails/pathways.

2. 50-Foot Creek Setback Requirement

Natural and Modified Natural Waterways

The required creek setback is 50 feet for natural and modified natural waterways, with or without a defined bank.

A natural waterway is relatively unaltered with riparian vegetation, and serves as fish and wildlife habitat. A modified natural waterway has been altered by widening, realignment or channelizing, but has riparian vegetation and fish or wildlife habitat.

Channelized Waterway

Where a fully channelized waterway exists, and is owned or under the control of the Sonoma County Water Agency, structures may be closer to the top of the bank than 50 feet, provided the encroachment would not:

- a. Obstruct or impair the channel's hydraulic functions;
- b. Impede Water Agency access or maintenance; or
- c. Impair the stability of the slope, bank, or maintenance of the channel.

Determination and approval by the Planning and Economic Development Department, the Transportation and Public Works Department, and the Sonoma County Water Agency is required.

A channelized waterway is any natural waterway that has been constructed into a vertical wall or trapezoidal sectioned concrete, riprap, or earthen channel for the purpose of providing flood control and/or improving bank stability.

3. 30-Foot Setback Exception

The Zoning Code allows for a 30-foot creek setback under the following circumstances:

- a. Where a property was developed in compliance with setbacks in effect prior to September 3, 2004; or
- b. For new development that is surrounded by existing development that was built in compliance with setback requirements in effect prior to September 3, 2004.

September 3, 2004 is the date that the current Zoning Code went into effect, changing the required setback from 30 feet to 50 feet.

4. Encroachment into the Creek Setback

Encroachment into the required creek setback can be requested through a Variance application. Specific findings must be made for approval of a Variance, which are outlined in Zoning Code Section 20-52.060(G), Findings and Decision.

The review authority for Variances is the Zoning Administrator or the Planning Commission, depending on the scope of the request.

WATERWAYS ADVISORY COMMITTEE ROLE

The role of the WAC is to review development projects adjacent to creeks within the City for consistency with the General Plan, Zoning Code, Santa Rosa Design Guidelines and Citywide Creek Master Plan, and provide advisory comments to the decision making body regarding compliance with these documents.

RESOURCES

- Santa Rosa General Plan 2035, Open Space and Conservation Element
<https://srcity.org/392/General-Plan>
- Citywide Creek Master Plan
<https://srcity.org/1172/Planning-Documents>
- Santa Rosa Zoning Code, Section 20-30.040, Creekside Development
http://qcode.us/codes/santarosa/view.php?topic=20-3-20_30-20_30_040&frames=on
- Santa Rosa Design Guidelines, Section 4.4, Creeks, Riparian Corridors and Storm Drainage
<https://srcity.org/368/Design-Guidelines>