

## Chapter 18.48: River/Creek Corridor Development

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### 18.48.010 Purpose

River and creek corridor habitats support a great diversity of plants and animals, recharge aquifers, and filter some pollutants. These corridors are valuable as open-space areas and are of recreational and scenic interest. The purpose of this chapter is to provide adequate buffer areas between creek corridors and adjacent development to protect this valuable community resource as a natural, scenic, and recreational amenity.

### 18.48.020 Applicability

The provisions of this chapter apply to any property adjoining or including any of the waterways identified for protection in the General Plan, except those properties previously developed in accordance with applicable codes and those "RE" and "RS" zoned parcels created prior to the adoption of this chapter. These waterways and their corresponding *average* buffer widths (setbacks) are shown in Schedule 18.48.020-A.

#### Schedule 18.48.020-A: Waterway Corridor Setback Requirements

Waterway	Average Corridor Buffer <sup>1</sup>
Boulder Creek	25 feet riparian; 50 feet top of bank
Buckeye Creek	25 feet riparian; 50 feet top of bank
Canyon Hollow Creek	25 feet riparian; 50 feet top of bank
Churn Creek	50 feet riparian; 100 feet top of bank
Clear Creek	50 feet riparian; 100 feet top of bank
Clover Creek	25 feet riparian; 50 feet top of bank
Jenny Creek	25 feet riparian; 50 feet top of bank
Middle Creek	25 feet riparian; 50 feet top of bank
Newtown Creek	25 feet riparian; 50 feet top of bank
Olney Creek	50 feet riparian; 100 feet top of bank <sup>2</sup>
Oregon Gulch	25 feet riparian; 50 feet top of bank
Sacramento River <sup>3</sup>	75 feet riparian; 150 feet top of bank
Salt Creek (north)	25 feet riparian; 50 feet top of bank
Salt Creek (west)	25 feet riparian; 50 feet top of bank
Stillwater Creek	50 feet riparian; 100 feet top of bank
Sulphur Creek	50 feet riparian; 100 feet top of bank <sup>2</sup>
Tadpole Creek	25 feet riparian; 50 feet top of bank

#### Notes:

- <sup>1</sup> Average buffer required adjacent to the development. When the top-of-bank setback is greater than the setback from riparian vegetation, the greater setback shall be utilized. In no case shall the top-of-bank setback be less than 25 feet for creeks or 75 feet for the Sacramento River provided that an exception is granted in accordance with 18.48.040.
- <sup>2</sup> Lower reaches of the creek as illustrated in Figure 3-3 of the General Plan Natural Resources Element. Upper reaches are 25 feet from riparian vegetation and 50 feet from the bank, whichever is greater.
- <sup>3</sup> Reduced setbacks are appropriate for water-oriented/commercial activities and for bluff areas for that section of the river between the North Market Street bridge and the alignment of the future Parkview Bridge.

### **18.48.030 Development Standards**

The following requirements pertain to all new developments along the waterways identified in Schedule 18.48.020-A, except as specifically provided in Sections 18.48.020 and 18.48.040.

- A. Setbacks, easements, or in-fee dedications are required for the stream corridor and buffer areas as follows:
  1. Ministerial projects (building permit; zoning clearance): development setbacks only. At the request of the property owner, the City may accept an offer of dedication and accept fee title to the buffer area.
  2. Discretionary land use entitlements (site development permits; use permits): dedicated to the City as an open-space easement.
  3. Subdivision maps: dedicated to the City as an open-space easement or dedicated "in fee" to the City.
- B. The average buffer widths depicted in Schedule 18.20.020-A may be increased by the approving authority if necessary to protect environmental resources as determined through the project environmental impact determination process.
- C. Where Chapter 18.51, "FP" Floodplain Overlay District, requires greater setbacks or dedications than shown in Schedule 18.20.020-A, the greater setbacks or dedications shall prevail.
- D. No structure, parking access, parking space, paved area, fence, swimming pool, structure, or other improvements shall be constructed within a buffer area except the installation of approved public facility infrastructure.
- E. It is intended that buffer areas be maintained in a natural state and not be landscaped. Removal of vegetation as may be required by the Fire Marshal or by authorized public improvements is acceptable subject to review of environmental impacts and identification of any necessary mitigation measures.
- F. Where constructed drainage devices and improvements are required, they shall be placed in the least visible locations and naturalized through the use of river rock, earth-tone concrete and/or native plant materials.

## 18.48.040 Reduced Setback

Existing Parcels. The Director or—in the case of site development permits or use permits—the Board of Administrative Review and Planning Commission, respectively, may reduce the buffer area required by this chapter for nonexempt parcels created prior to adoption of this code. The reduction shall not be more than one-half the distance indicated on Schedule 18.48.020A. Submission of a biological report prepared in accordance with this section and making the findings enumerated below is required.

New Parcels. A variance must be approved in accordance with the procedures established in Chapter 18.16, Variances, for reduced buffer areas on parcels created after adoption of this code.

A. **Biological Report.** The Director shall require the applicant to submit a biological report prior to development review prepared by a qualified biologist for projects proposed within the buffer areas for the streams identified in Schedule 18.48.020-A.

1. **Exceptions.** The Director finds that significant alteration of naturally occurring vegetation within the affected corridor area has resulted from any of the following actions:

- a. The stream adjacent to the proposed development has been channelized.
- b. A levee has been constructed to contain flood flows.
- c. Significant fill material has been placed within the buffer area.
- d. Development has already occurred that alters the characteristics of the required buffer areas.

2. **Report Contents.** The report shall describe and map (as appropriate) the flora and fauna located within the area proposed for development that is also within a required buffer, including any rare or endangered species found at the site. Appropriate mitigation measures shall be proposed as necessary.

B. **Required Findings.** To approve a reduced setback, the approving authority shall make the following findings:

1. The reduced setback avoids, to the extent feasible, riparian vegetation.
2. Any impacts to State or Federally listed plant or animal species will be fully mitigated.
3. The reduced setback will not pose a threat to streambank stability or increase sediment in the stream.

4. The ability to provide public access is not compromised if the Master Trail Plan, or similar document, delineates the creek corridor for trail construction.
- C. Appeals.** Appeals of setback determinations shall be conducted in accordance with the provisions of Section 18.11.090, Appeals.