



SUSTAINABILITY & RESILIENCE DEPARTMENT

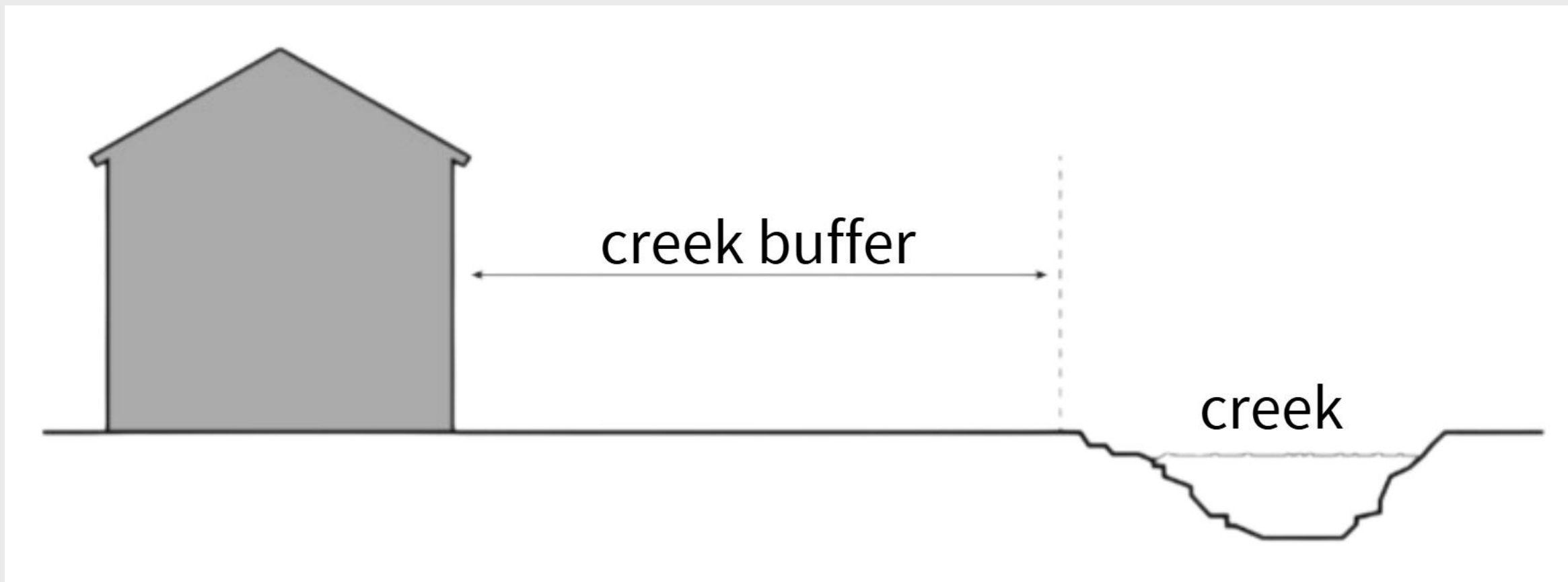
CREEK BUFFER ORDINANCE

February 19, 2025

Benefits of Creek Buffers

- Reduce public safety risks from erosion and flooding
- Limit channelization and other alterations of creeks
- Enhance water quality
- Protect riparian and aquatic habitats
- Preserve scenic beauty





Process

- Community and stakeholder outreach (January 14 - March 10, 2025)
 - *Creekside property mailer; noticing to interested parties*
 - *Stakeholder meetings*
 - *Public open house February 5, 2025 (Faulkner Gallery 4:30-6:30pm)*
- Draft ordinance and LCP Amendment review:
 - *First review: Sustainability Committee (Feb.); Creeks Committee (Feb.)*
 - *Recommendation: Creeks Committee (April.); Sustainability Committee (April); Planning Commission (May); and Ordinance Committee (May)*
- Approval by City Council (May)
- Certification of LCP Amendment by California Coastal Commission

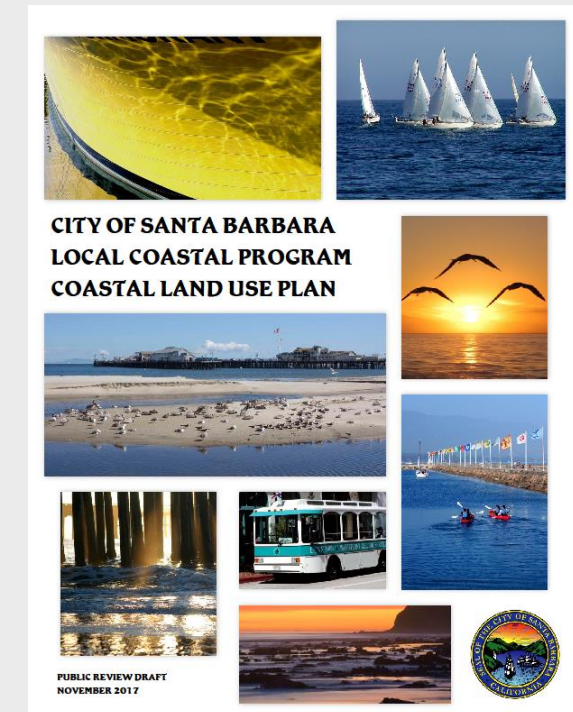


Existing Buffer Policies and Regulations

- **General Plan:** Directs establishment of minimum creek buffer regulations.
- **Municipal Code 14.56; 22.24; 28.87; 30.140:** Regulate grading, structures, discharges allowed within creeks and require 25' setback from Mission Creek.
- **CEQA Compliance:** Buffers are determined on a case-by-case basis based on technical reports
- **Housing Element:** Directs creation of objective hazard and environmental protection standards to provide assurance and clarity to housing projects.

2019 Coastal Land Use Plan

- Applies in Coastal Zone
- Applies only to projects requiring full coastal development permits
- Includes buffers from:
 - *Top of bank of creeks (35-50')*
 - *Environmentally sensitive habitat areas*
- Includes process to reduce buffers on severely constrained lots

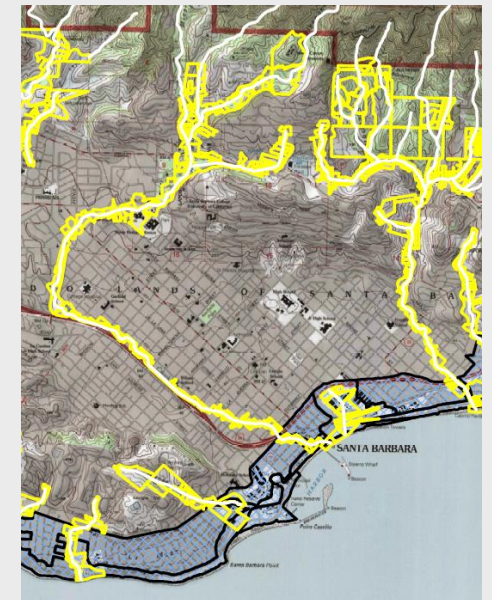


Goals of Proposed Ordinance

- Citywide (except airport)
- Mirror 2019 Coastal LUP creek buffers
- Objective standards applied ministerially
- Straightforward regulations that streamline permitting
- Maximize protections while avoiding takings
- Encourage redevelopment to reduce safety risks
- Ensure housing mandates are fulfilled
- Buffer distances that can be achieved at most parcels
- A modification process for when buffers can't be met

Development of Minimum Buffer Distances

- Creek Inventory & Assessment Study, URS, 2000
- Creek Development Standards, Questa, 2003
- Erosion rates and bordering habitat areas
- Configurations of existing parcels and development
- Ability to meet buffers when parcels redeveloped
- Reviewed other jurisdictions:
 - *Santa Barbara County 50' urban and 100' rural*
 - *City of Goleta 100'*
 - *City of Carpinteria 50'*





Proposed Minimum Buffers

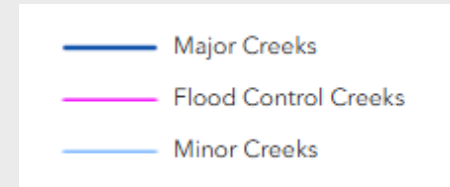
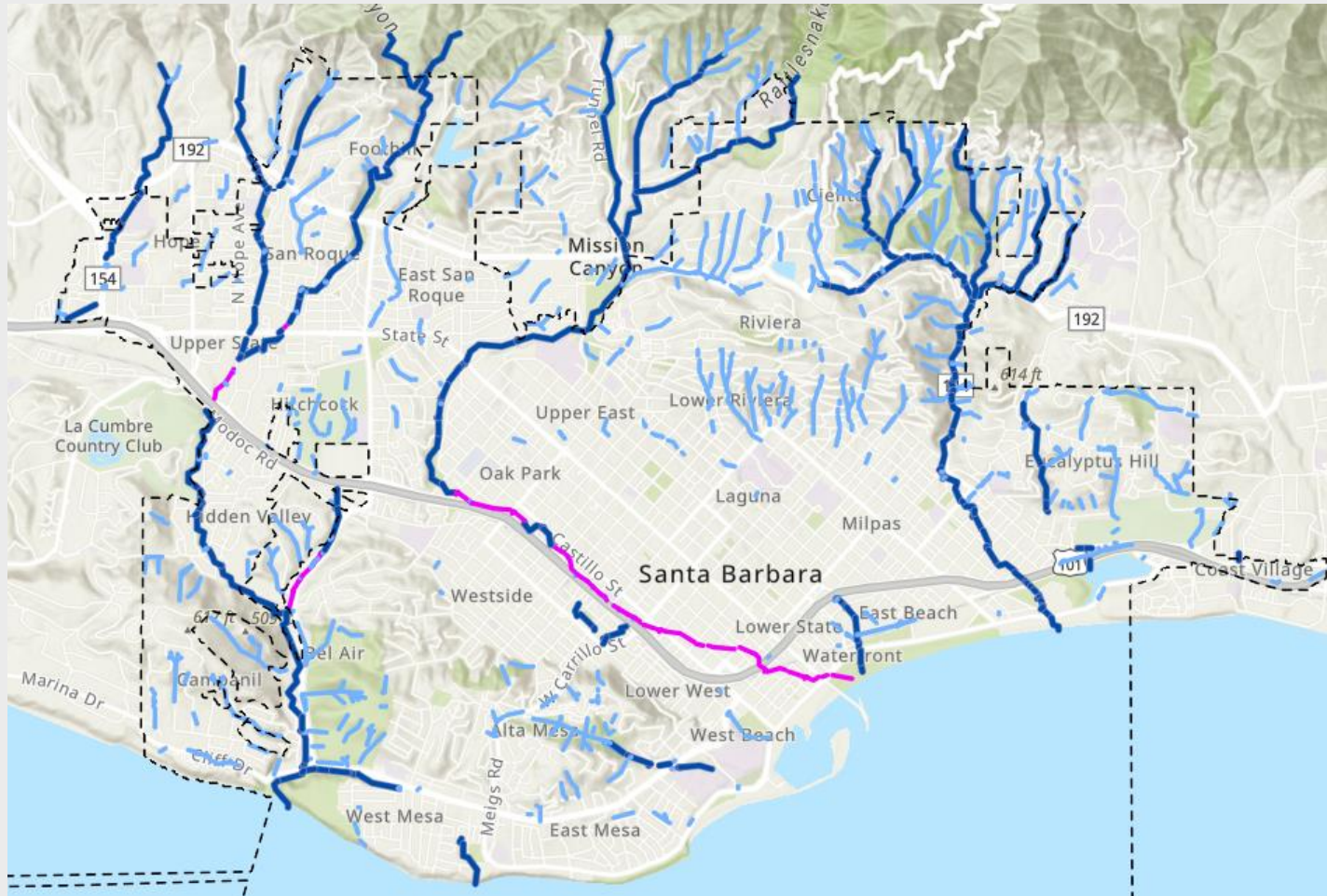
Creek Types	Creek Buffer Area
Major Creeks	50' from top of bank
Flood Control Project Reach	35' from top of bank
Minor Creeks	15' from top of bank

Major Creeks: Arroyo Burro; Arroyo Honda; Chelham Creek; Cieneguitas Creek; Coyote Creek; Laguna Creek; Las Positas Creek; Lighthouse Creek; Mesa Creek; Mission Creek; Old Mission Creek; Rattlesnake Creek; San Roque Creek; Sycamore Creek (East, Middle, and West forks); Toyon; and Westmont Creek.

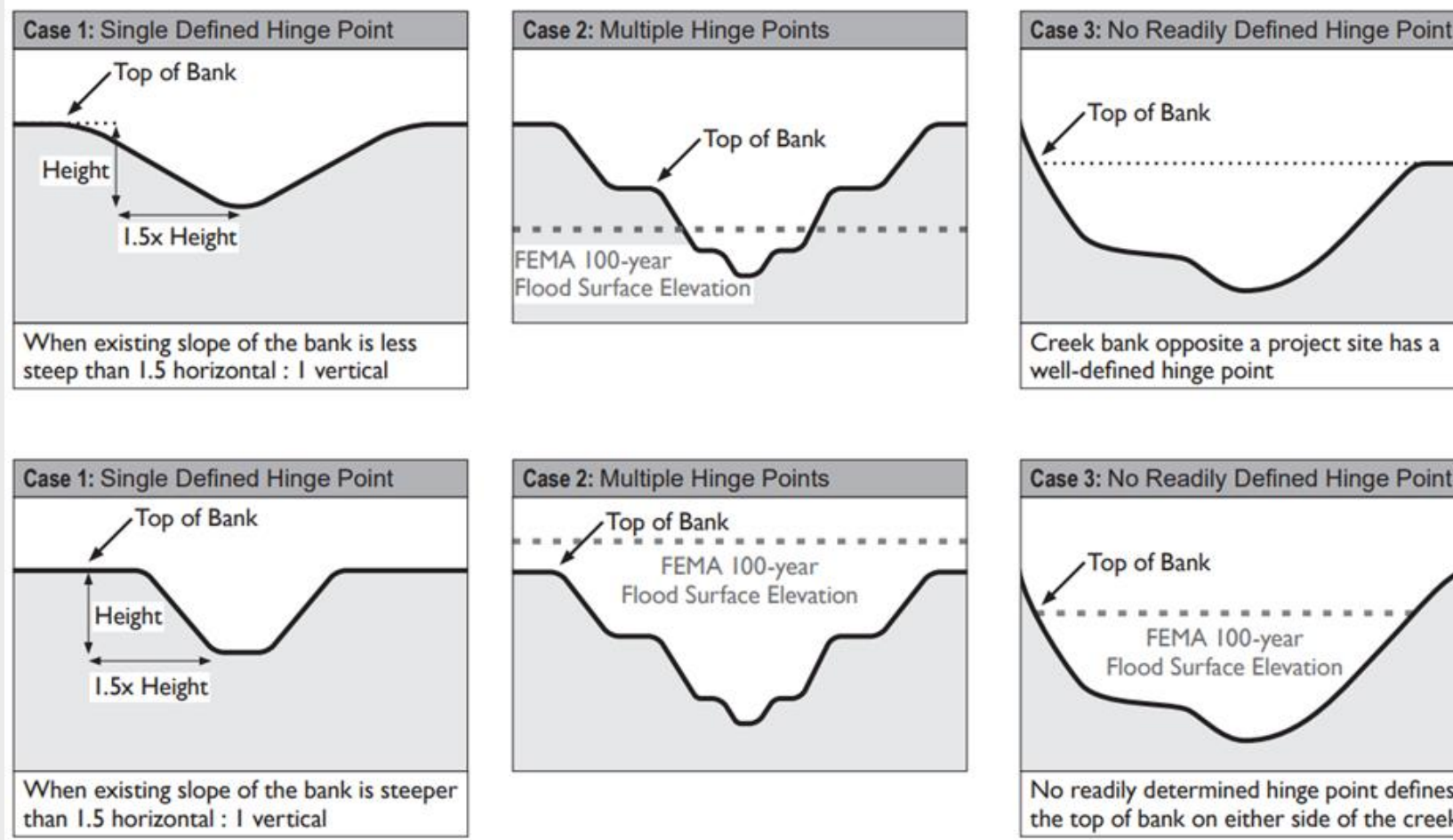
Flood Control Project Reach: Arroyo Burro (reach between Hope Ave. and Hwy. 101); Las Positas Creek (reach between Las Positas Place and Veronica Springs Road); and Mission Creek – Caltrans Channels (approximately Los Olivos Street to Mission Street and Arrellaga Street to Canon Perdido) and the concrete lined and walled portions of the Lower Mission Creek Flood Control Project.



Daylighted Creeks Subject to Ordinance



Top of Bank Determination

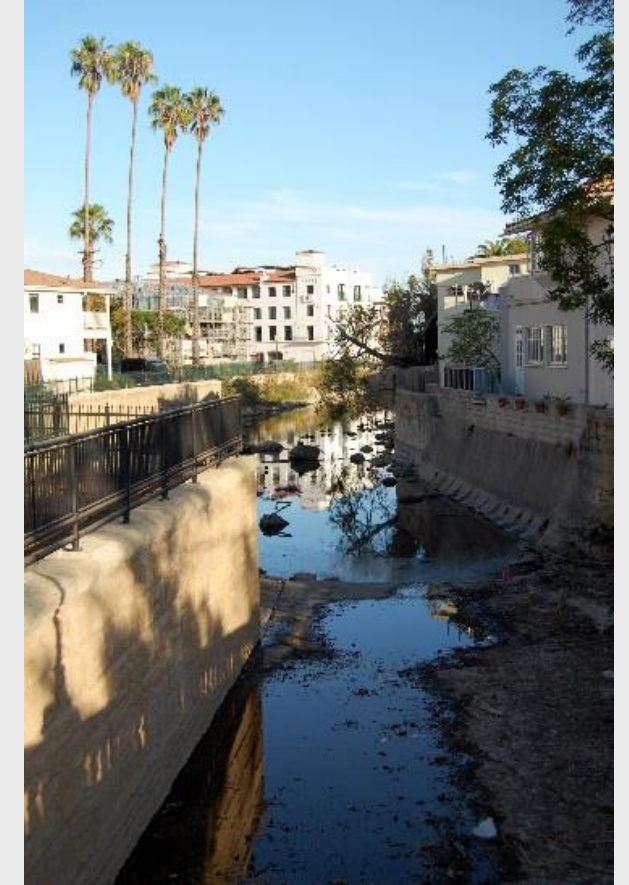


Proposed Ordinance

- In Title 22 Environmental Policy and Construction
- Repeals Mission Creek ordinance (28.87.250, 30.15.040 & 30.140.050)
- Applies to new development and substantial redevelopment
- Includes: minimum buffers, top of bank definition, nonconforming regulations, zoning plan check process, modification process, public project process

Nonconforming Development

- May be repaired and maintained
- Additions allowed if do not increase nonconformity
- Change of use, interior remodels, and minor alterations allowed
- Substantially redeveloped or replaced structures must comply with creek buffers (or apply for modification)





Allowed without Any Advance Approval

- Debris removal by a public agency
- Abatement of emergency conditions by public agency
- Vegetation maintenance
- Fuel modification for existing structures
- Planting of native plants
- Maintenance and repair of existing roads, trails, road right of ways, public utility services and facilities, and parking lots

Allowed in Buffers with Zoning Clearance

- Habitat restoration
- Public accessways, trails, and minor improvements
- Signs
- Lighting
- Fences for safety and restoration
- Removal of hazardous trees
- Stormwater management (bioswales, raingardens, etc.)
- ADA improvements



Public Development Allowed with Authorization from Public Works Director

- Flood control capacity improvements
- Water supply and wastewater projects
- Public services, utilities, and roads needed for public facilities and recreational areas
- Relocation and replacement of public roads, facilities, parking lots
- Creek bank stabilization
- Creek habitat restoration
- Park and recreational facilities

Standards Applicable to All Development

- Substantial alteration of creeks prohibited except where no other feasible less environmentally damaging alternative
- Encroachment into creek buffer minimized
- If bank stabilization needed, bioengineering techniques should be used when feasible
- Development safe and will not worsen flooding or erosion



Modifications

- Approved by Planning Commission
- In following cases on severely constrained lots:
 - *Private property takings would result*
 - *Substantial redevelopment or replacement of same size structure can not be accommodated outside buffer*
 - *State mandated and priority housing*
 - *Private bank stabilization to protect existing legal development*
- Limitations on amount of development allowed
- Require technical reports
- Findings: Safe; will not cause erosion; as far away as possible

Accessory Dwelling Units and Housing

- ADUs allowed outside buffer
- If state mandated ADUs can't fit outside buffer, they are allowed inside buffer with geologist report addressing safety
- Multi-family housing can be built to unit densities currently allowed with geologist report addressing safety

Parcels Affected

- Total parcels in City: 27,065
- Number of citywide parcels within buffers: ~ 2300
- Number of inland parcels within buffers: ~ 2000
 - ~8 % of *City parcels*
 - *Severely constrained lots that would require a modification to replace same size as existing development: ~ 40 parcels*

Public Comments and Questions To Date

- Questions about impacts on existing structures
- Minor creeks:
 - *Support due to previous drainage issues with neighbors*
 - *Concerns that drainages too small to be considered creeks and ordinance will limit accessory structures*
 - *Concerns with determining top of bank on minor creeks*
- Rebuilding after natural disasters
- Question about impacts to flood and fire insurance rates
- Concerns about property values
- Support to reduce hazards
- Support to protect creek habitats
- Complaints about neighbors' activities near or in creeks

Public Comments and Questions To Date

- Requests:
 - More uses in buffers (gardens, patios, all fence types, minor development, additions, reconstruction of accessory structures)
 - Fewer uses within buffers
 - Change the definition of “feasible” to be stricter
 - Larger creek buffers
 - Smaller creek buffers
 - City or County should maintain creeks and install flood control measures

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Website and Contacts

- www.SantaBarbaraCA.gov/CreekBuffers
- Comments or questions?
Email: **CreekBuffers@SantaBarbaraCA.gov**
- Staff contacts:
 - *Melissa Hetrick, Resilience Program Supervisor (805-991-2447)*
 - *Erin Markey, Creeks Division Manager (805-603-1346)*
 - *Allison DeBusk, City Planner (805-564-5564)*



Recommendation

That the Creeks Advisory Committee discuss and provide comments on the proposed ordinance.



QUESTIONS & PUBLIC COMMENT
