

OFFICIAL ZONING CODE INTERPRETATION (No. 17) **(Zoning Code Section 20-30.040)**

ZONING CODE PROVISION INTERPRETED:
Section 20-30.040, Creekside Development

At issue is whether or not the following elements can be located within a required creekside setback: (1) a pathway, either public or private, with a paved or unpaved surface; (2) an overhanging/cantilevered portion of a structure; (3) a second story addition to a single-story, single-family residence that is located within the required setback.

Zoning Code Section 20-30.040(B), Applicability, states the following: “No structure, including buildings of any type, swimming pools, including prefabricated swimming pools, driveways, streets, parking areas, patios, platforms, decks, fences, liquid storage tanks, mobile homes, broken concrete rubble, earth fill or other structural debris fill, or retaining walls, shall be placed within the creekside setbacks required by this Section.”

Citywide Creek Master Plan Section 1.3, Creeks in Santa Rosa, refers to access roads that occur along most of the approximately 35 miles of creeks, many of which are open to the public and serve as pathways for pedestrians and bicyclists. Figures 3-3 (Modified Natural Channel) and 3-4 (Modified Channel) in Chapter 3, Plan Concepts, also illustrate both paved and unpaved access road/trails within the creekside setback.

The following goals, policies and objectives of the Santa Rosa General Plan, Citywide Creek Master Plan and Design Guidelines speak to pathways along creeks:

General Plan:

- OSC-B-3 Require that new subdivisions, multifamily, and non-residential development abutting creek corridors are appropriately designed with respect to the creek. Development may orient toward the creek as an amenity, but adequate setbacks shall be used to ensure riparian habitat is protected.

- OSC-D-9 Ensure that construction adjacent to creek channels is sensitive to the natural environment. Ensure that natural topography and vegetation is preserved along the creek, and that construction activities do not disrupt or pollute the waterway.

- OSC-D-10 Orient development and buildings toward creeks, while providing privacy, security, and an open transition between public and private open spaces.

- OSC-D-11 New development along channelized waterways should allow for an ecological buffer zone between the waterway and development. This buffer zone should also provide opportunities for multi-use trails and recreation.

- OSC-D-12 New development should maintain an adequate setback from channelized waterways to recognize the 100-year flood elevation, and allow for stream corridor restoration. Setbacks identified in the Zoning Code should serve as minimum setbacks. Larger setbacks are encouraged in accordance with Restoration Concept Plans to meet restoration and enhancement goals.

- OSC-F Construct trail corridors and other recreational opportunities along local waterways.
- OSC-F-1 Accommodate connections to regional trail systems that enhance or support the creek trail systems network.
- OSC-F-2 Cooperate with various public and private entities to create new public access trails along creeks to parks and open spaces within the Urban Growth Boundary, as well as connections to regional trail systems.

Citywide Creek Master Plan:

- HA-1-2 Meet or exceed the required creek setback distance to provide ecological buffers, recognize the 100 year floodplain, and allow for stream corridor restoration. Development shall locate outside the creek setback, as defined within the Santa Rosa Zoning Code.
- EC-1 Implement policies for development adjacent to waterways as stated in the City’s General Plan, Zoning Code, Design Guidelines, Santa Rosa Creek Design Guidelines Manual, and the Citywide Creek Master Plan.

Required improvements by developers of public pathways and related amenities shall be considered by the Waterways Advisory Committee and decision-making bodies. The proportionate share of the cost of such improvements may reflect the benefit to the development of immediate access to the creek trail system, the number of dwelling units in a residential project or the size of an industrial or commercial project, regardless of the length of property frontage along the creek.
- EC-1-3 The design of new development adjacent to the creek shall, to the extent possible, allow for future public improvements consistent with the Master Plan.
- RT-1 Develop multi-use paths.

“Soft” and “hard” refer to the surface of the path, suitable for different intended users. While new pathways must comply with Americans with Disabilities Act (ADA requirements for accessibility, which typically involves a hard paved surface, soft paths adjacent to or near ADA-compliant paths provide an additional amenity favored by equestrians, all-terrain bicyclists, and pedestrians.

Design Guidelines:

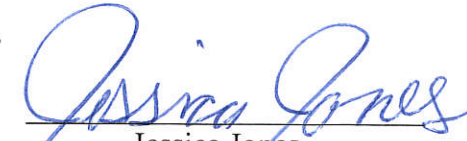
- 4.4.I.H. To coordinate development with approved creek plans and provide pedestrian and bike paths along creeks when called for in approved plans.
- 4.4.I.I. To incorporate pedestrian/bike paths as an ancillary use on existing vehicle service roads along creeks.

Although Zoning Code Section 20-30.040(B) could be interpreted to include trails in the list of items that must comply with the creekside setback, the goals, policies and objectives of the General Plan, Citywide Creek Master Plan and Design Guidelines speak to allowing trails within the creek setback. Therefore, it is determined that trails, both public and private, paved or unpaved, are allowed within the creekside setback.

Zoning Code Section 20-30.040(B) clearly states that all private development shall comply with the creekside setbacks required by this Section. Therefore, it is determined that overhangs/cantilevered portions of structures and second story additions to single-story, single-family structures that are located within the required setback shall also comply with the creekside setbacks.

This determination is consistent with the General Plan.

Date: 6-7-17



Jessica Jones
Zoning Administrator