

CHAPTER 15B DEVELOPMENT ALONG WATERCOURSES

Sec. 15B-1. Legislative intent.

The purpose of this chapter is to provide controls on development adjacent to watercourses in the unincorporated areas of the County of Santa Barbara. The controls are necessary to:

- (a) Prevent undue damage or destruction of development by flood waters;
- (b) Prevent development on one parcel from causing undue detrimental impact on adjacent or downstream properties in the event of flood waters;
- (c) Protect the public health, safety and welfare. (Ord. No. 3095, § 1)

Sec. 15B-2. Definitions.

Whenever in this chapter the following words or phrases are used, they shall have the following meanings:

"Area of special flood hazard" means the land in the flood plain within a community subject to the one percent or greater chance of flooding in any given year.

"Board of building appeals" or "board" means the board of building appeals referred to in section 10-17 of the Santa Barbara County Code.

"Building official" means the Director of Public Works of the County of Santa Barbara and the duly authorized deputies, assistants, and inspectors of said building official.

"Development" means any man-made change to improved or unimproved real property, including but not limited to buildings or structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary -- floodway map, and the water surface elevation of the flood which has a one percent chance of being equalled or exceeded in any given year.

"Four rivers" means the Santa Ynez River, the Santa Maria River, the Sisquoc River and the Cuyama River.

"Person" means and includes a natural person, a corporation, a partnership, or any other legal entity.

"Substantial improvement" means "substantial improvement" as that term is defined in subparagraph (19) of section 15A-4 of chapter 15A of the Santa Barbara County Code.

"Toe of the bank" means the line formed by the intersection of the general plane of the sloping side of a watercourse with the general plane of the bed of the watercourse.

"Top of the bank" means the line formed by the intersection of the general plane of the sloping side of the watercourse with the general plane of the upper generally level ground along the watercourse; or, if the existing sloping side of the watercourse is steeper than the angle of repose (critical slope) of the soil or geologic structure involved, "top of the bank" shall mean the intersection of a plane beginning at the toe of the bank and sloping at the angle of repose with the generally level ground along the watercourse. The angle of repose is assumed to be 1.5 (horizontal): 1 (vertical) unless otherwise specified by a geologist or soils engineer with knowledge of the soil or geologic structure involved.

"Watercourse" means and includes rivers, streams, creeks, arroyos, gulches, washes, and drainage channels, and the beds thereof, whether containing water or dry, and whether natural and man-made; provided, however, that for the purpose of this chapter the term "watercourse" means and includes only those parts of a watercourse which are included within the areas of special flood hazard shown in the flood insurance rate maps and to those parts of a watercourse which lie between areas of special flood hazard on the same watercourse. (Ord. No. 3095, § 1)

Sec. 15B-3. Limitation on development.

No person may construct, build, or place a development within fifty feet of the top of the bank of any watercourse, or within two hundred feet from the top of the bank of any of the four rivers, unless said development has been previously approved as provided in section 15B-4 of this chapter and the necessary permits have been obtained for such development. (Ord. No. 3095, § 1)

Sec. 15B-4. Approval required.

Prior to constructing, building or placing a development within fifty feet of the top of the bank of a watercourse, or within two hundred feet from the top of the bank of any of the four rivers, the developer shall obtain approvals as follows:

- (a) Any development subject to the requirement for a building permit or grading permit shall be reviewed and approved or denied by the building official in accordance with and subject to the provisions of this chapter and other applicable county and state laws and regulations governing the issuance of such permits.
- (b) Any development not requiring a building permit or grading permit shall be reviewed and approved or denied by the building official as provided in this chapter. A description of the proposed development shall be submitted showing the proposed use of the intended development, its location, size, and manner of construction. (Ord. No. 3095, § 1)

Sec. 15B-5. Development standards.

(a) No development within fifty feet from the top of the bank of a watercourse, or within two hundred feet from the top of the bank of any of the four rivers, shall be approved unless it is found that it will be consistent with the purposes set forth in section 15B-1 of this chapter.

(b) The building official shall give consideration to the following conditions and shall not approve a development within fifty feet from the top of the bank of a

watercourse, or within two hundred feet from the top of the bank of any of the four rivers, unless he finds:

(1) That the proposed new development will not significantly reduce the capacity of existing watercourse, realign stream beds or otherwise adversely affect any other properties by increasing stream velocities or depths, or diverting the flow, and that the proposed new development will be reasonably safe from flow-related erosion and will not cause flow-related erosion hazards or otherwise aggravate existing flow-related erosion hazards.

(2) That proposed additions, alterations or substantial improvements comply with subsection (b)(1) above.

(3) That proposed reconstruction of structures damaged by fire, flood or other calamities will comply with subsection (b)(1) above, or be less nonconforming than the original structure and will not adversely affect any other properties.

(4) That any development which is within an area of Special Flood Hazard complies with all applicable requirements and standards set forth in chapter 15A of the Santa Barbara County Code and subsection (b)(1) above.

(c) In making the foregoing findings the building official may consider the following factors as mitigating possible hazards which might otherwise result from such development:

(1) That the project is located on a bank of a watercourse which is sufficiently higher than the opposite bank so as to place the project outside the area subject to flooding erosion hazard.

(2) That the watercourse adjacent to the project has sufficient capacity to confine the water within its banks or the creek bank slope is sufficiently gradual that the probability of flood hazard is reduced.

(3) That approved erosion or flood control facilities or devices have been installed in the creek bed adjacent to the project. (Ord. No. 3095, § 1)

Sec. 15B-6. Procedures.

The following procedures shall apply to developments subject to the provisions of this chapter:

(a) All applications shall be referred to the Santa Barbara County Flood Control and Water Conservation District for review and comment and no application shall be approved or permit issued until the district's comments and recommendations have been received or until ten working days have elapsed after such referral, whichever occurs first.

(b) Upon completion of the above review and comments, if any, the proposed development shall be reviewed by the building official as provided in section 15B-4 and section 15B-5 of this chapter.

(c) Each person requesting approval of a development subject to the provisions of this chapter shall have the burden of showing that the proposed development is consistent with and satisfies the development standards and other requirements of this chapter and other applicable laws. If, in the opinion of the building official, additional data is necessary to enable the building official to determine whether a proposed development meets the standards and other requirements of this chapter,

the building official may require the person requesting approval of the development to submit a report by a soils engineer and/or engineering geologist. The engineering geologist's report provided for in this section shall include an adequate description of the geology of the site and shall include conclusions and recommendations regarding the effect of geologic conditions on the proposed development and the effect of the proposed development on the watercourse bank. The report of the soils engineer shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures, and design criteria for corrective measures.

If topographical maps or other sufficient data are not available for the area in which the proposed development is to be located, the building official may require that the applicant provide a topographical survey and maps sufficient to locate the top of the bank of the watercourse along which the development is to be placed or constructed. The topographical survey and map shall be made by a registered civil engineer or a licensed surveyor.

The building official may require such other reports and data from the person proposing the development as may be necessary to enable him to determine whether a proposed development meets the standards and requirements of this chapter.

(d) The decision of the building official shall be final unless appealed to the board of building appeals within ten working days after the decision by the filing of a written appeal with the building official. Applications approved or denied by the board of building appeals shall be final. (Ord. No. 3095, § 1)

Sec. 15B-7. Conditions for extended setback.

This chapter establishes minimum setback requirements for development along watercourses. If, in reviewing an application for a building permit, grading permit or other development permit for development along a watercourse, which development is not within fifty feet from the top of the bank of a watercourse, or within two hundred feet from the top of the bank of any of the four rivers, the building official determines that the proposed development would significantly reduce the capacity of existing watercourses, realign stream beds or otherwise adversely affect other properties by increasing stream velocities or depths, or by diverting the flow; or, if the building official determines that the proposed new development would not be reasonably safe from flow-related erosion or would cause flow-related erosion hazards or otherwise aggravate existing flow-related erosion hazards, or that it would otherwise be inconsistent with the purposes of this chapter, the building official shall process such application in the same manner, and subject to the same requirements, as an application for approval of a development within fifty feet of the top of the bank of a watercourse, or within two hundred feet from the top of the bank of any of the four rivers, and such proposed development shall be subject to all of the standards, provisions and requirements of this chapter. (Ord. No. 3095, § 1)

Sec. 15B-8. Adoption of flood insurance study and maps.

The engineering report prepared by the Federal Insurance Administration entitled "Flood Insurance Study, Santa Barbara County, California, Unincorporated Areas," dated September, 1978, together with accompanying flood insurance rate maps and flood boundary and floodway maps designating and identifying areas of special flood hazard, is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study and accompanying maps are on file with the Office of the County Clerk, 105 East Anapamu Street, Room 407, Santa Barbara,

California, and at the offices of the Santa Barbara County Flood Control District, and the County Building Official, at 123 East Anapamu Street, Santa Barbara, California. (Ord. No. 3095, § 1)

Sec. 15B-9. Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. 3095, § 1)

Sec. 15B-10. Severability.

It is hereby declared to be the intention of the board of supervisors that the sections, paragraphs, sentences, clauses and phrases of this chapter are severable, and if any phrase, sentence, paragraph or section of this chapter shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this chapter. (Ord. No. 3095, § 1)